

**The Highland Council
Planning Review Body**

**22 April 2025, 2pm
Minutes**

Listed below are the decisions taken by the Planning Review Body at their meeting on 22 April 2025. The webcast of the meeting will be available within 48 hours of broadcast and will remain online for 12 months: <https://highland.public-i.tv/core/portal/home>

Present:

Mrs I Campbell (Remote)
Mr D Fraser
Mr R Gale
Mr B Lobban
Mr A Mackintosh
Mr D Millar
Mr P Oldham
Mrs M Paterson

Non-Members also present:

Ms S Fanet (Remote)

In Attendance:

Mr B Strachan, Independent Planning Adviser to the Planning Review Body
Ms A Gibbs, Principal Solicitor
Mrs G MacPherson, Committee Officer

Preliminaries

The Chair confirmed that the meeting would be webcast and gave a short briefing on the Council's webcasting procedure and protocol.

Business

1. Calling of the Roll and Apologies for Absence

There were no apologies for absence.

2. Declarations of Interest/Transparency Statement

There were no Declarations of Interest or Transparency Statements.

3. Minutes of Previous Meeting

There had been circulated and **APPROVED** the Minutes of Meetings held on 11 March 2025.

4. Criteria for Determination of Notices of Review

The Clerk confirmed that, for all subsequent items on the agenda, Members had contained in their SharePoint all of the information supplied by all parties to the Notice of Review – namely everything submitted at the planning application stage and the Notice of Review stage from the applicant and interested parties together with the case officer's report on handling and the decision notice that had been issued. When new information had been identified and responded to by the case officer, that information had also been included in SharePoint.

Members were reminded that when determining each planning application subject to a Notice of Review, they were to give full consideration of the planning application afresh (also known as the “de novo” approach) in accordance with the advice contained in the letter from the Chief Planner dated 29 July 2011. The Clerk confirmed that this meant that, in each Notice of Review case, the Review Body needed to assess the planning application against the development plan – including the recently adopted National Planning Framework 4 – and decide whether it accorded with or was contrary to the development plan. Following this assessment, the Review Body then required to consider all material considerations relevant to the application and decide whether these added to or outweighed their assessment of the application against the development plan. In carrying out this assessment, all documents lodged by the applicant and interested parties needed to be considered by the Review Body – all material planning considerations required to be taken into account; considerations that were not material planning considerations must not be taken into account.

The Clerk also confirmed that Google Earth and Street view could be used during the meeting in order to inform Members of the site location. Members were reminded of the potential limitations of using these systems in that images may have been captured a number of years ago and may not reflect the current position on the ground. All the Notices of Review were competent.

5. New Notices of Review to be Determined

5.1

Ward: 14 Inverness Central

Review Body Ref: 25/00010/RBREF

Applicant: Mr Hugh Barron

Location: Land 20M East Of Aultnaskiach Park, 9 Culduthel Gardens, Inverness.

Nature of Development: Erection of house, 23/04237/FUL

Reason for Notice of Review: Review Against Refusal by Appointed Officer.

Decision:-

The Review Body **AGREED** to **DISMISS** the Notice of Review and refuse planning permission for the reasons contained in the report of handling as follows:

1. The proposal, if implemented, would result in a significant adverse impact on native trees of high biodiversity value and does not promote significant protection to existing trees on and near the site. As such, the proposal does not accord with Policy 51 of the Highland-wide Local Development Plan, and Policy 6 b) ii National Planning Framework 4.
2. The proposal, if implemented, would result in a demonstrable biodiversity loss within the site, and no measures have been promoted to conserve, restore and enhance biodiversity. Consequently, the proposal does not accord with Policy 3 of Inner Moray Firth Local Development Plan 2, and Policy 3 c) of National Planning Framework 4.

5.2

Ward: 20 Badenoch And Strathspey

Review Body Ref: 25/00011/RBNON

Applicant: Mrs Jacqueline Cochrane

Location: 15 Paterson Road, Aviemore, PH22 1TN.

Nature of Development: Use of property as short term letting unit, 24/03528/FUL

Reason for Notice of Review: Review Body. Against non-determination

Decision:-

The Review Body **AGREED** to **APPROVE** the Notice of Review and grant planning permission subject to conditions to be drafted by the Independent Planning Adviser to the Planning Review Body. Reasons given in support of the Notice of Review:

The Planning Review Body considered the proposal against the relevant policies of the development plan: NPF4 Policy 30 – Tourism; Cairngorms National Park Local Development Plan Policy 2 - Tourism Accommodation and Policy 3 - Sustainable Design; and the Council's non statutory guidance for short term lets. This proposal complies with these policies and criteria. As such, there is no unacceptable loss of local amenity and the loss of residential accommodation is acceptable in this case. The proposed development therefore accords with the relevant provisions of the development plan and guidance and there were no material considerations to justify refusing to grant planning permission.

5.3

Ward: 12 Aird And Loch Ness

Review Body Ref: 25/00012/RBREF

Applicant: Mr Ben Horsfield

Location: Land 300M South East Of Windy Hills, Achlaschoille, Farr, Inverness.

Nature of Development: Erection of house, 24/04907/FUL

Reason for Notice of Review: Review Against Refusal by Appointed Officer

Decision:-

The Review Body **AGREED** to **DISMISS** the Notice of Review and refuse planning permission for the reasons contained in the report of handling as follows:

1. The proposal does not comply with NPF4 Policy 17 (Rural Housing) as it fails to meet any of the 8 development criteria set out in Policy 17(a) and the nature and scale of the house is not compatible, in terms of its siting and placement, with the surrounding area, as it would result in the expansion into, and development of, open agricultural land, and therefore would not be in keeping with the character of the area.
2. The proposal does not meet the criteria for the expansion of housing groups as set out in the Rural Housing Supplementary Guidance (2021) and the proposal therefore does not comply with IMFLDP2's Spatial Strategy for Rural Housing.

5.4

Ward: 04 East Sutherland And Edderton

Review Body Ref: 25/00013/RBREF

Applicant: Cambusmore Ltd

Location: Land 60M NW Of Grieve's Cottage, Skelbo Farm, Skelbo, Dornoch

Nature of Development: Erection of house, 23/01882/FUL

Reason for Notice of Review: Review Against Refusal by Appointed Officer

Decision:-

The Review Body **AGREED** to **DISMISS** the Notice of Review and refuse planning permission for the reasons contained in the report of handling (excluding original reason 2) as follows:

1. The proposal is contrary to the provisions of National Planning Framework 4 Policy 17(a) in that the proposal fails to meet any of the listed requirements for development of housing in the rural area.
2. The proposal is contrary to the provisions of National Planning Framework 4 Policy 17 (c) as the site does not lie within a fragile community.
3. The site lies within the boundaries of the hinterland as identified through the Highland-wide Local Development Plan and the Caithness and Sutherland Local Development Plan. Within the hinterland the Council operates a restrictive policy where there is a presumption against new housing in the open countryside. Adopted supplementary planning guidance allows for a relaxation of the policy in the scenarios listed in the policy. The application does not address any of these exceptions and the principle of constructing a house on the site is therefore considered contrary to Policy 35 of the Highland-wide Local Development Plan and associated Rural Housing SG.
4. The application is contrary to the provisions of National Planning Framework 4 Policy 7c) and Highland-wide Local Development Plan Policy 57 as it would result in a significant adverse impact on the setting of a group of B-Listed steading buildings located directly to the west of the site.
5. The application is contrary to the provisions of National Planning Framework Policy 7 h) and Highland-wide Local Development Plan Policy 57 as it would result in a significantly adverse impact on the integrity of the setting of Skelbo Castle a designated Ancient Monument located around 150m to the northeast of the site without any exceptional circumstances having been demonstrated that would justify such an impact as required by NPF4 policy 7 h) part iii).
6. The application is contrary to the provisions of National Planning Framework 4 Policy 4 part d) Highland-wide Local Development Plan Policy 61 as the proposal would have a significantly detrimental impact on the following identified special quality of the Loch Fleet, Loch Brora and Glen Loth Special Landscape Area: 'Skelbo Castle is a dominant feature on the south-side of Loch Fleet, sitting atop a hill commanding excellent views of the loch'.
7. The application is contrary to the provisions of National Planning Framework 4 Policy 5 part b) as it would result in the loss of land classed as prime agricultural with none of the criteria detailed in the policy being applicable.

The meeting concluded at 15:05