

Listed below are the decisions taken by the Planning Review Body at their meeting on 10 June 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 R Gale
Mr B Lobban
Mr A Mackintosh
Mr D Millar (Remote)
Mr P Oldham

Non-Members also present:

Mr S Kennedy

In Attendance:

Mr B Strachan, Independent Planning Adviser to the Planning Review Body
Ms A Gibbs, Principal Solicitor
Mrs O Marsh, 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

Apologies for absence were intimated on behalf of Mr D Fraser and Mrs M Paterson

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 22 April 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: 05 Wester Ross, Strathpeffer And Lochalsh

Review Body Ref: 25/00026/RBREF

Applicant: Mr J McEvoy

Location: Land 15M SW Of Anam Cara, Sallachy, Dornie

Nature of Development: Erection of house, 24/02579/FUL

Reason for Notice of Review: Review Against Refusal

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 and subject to the correction of reference to Policy 19 to Policy 29 of the Highland Wide Local Development Plan:

1. The proposal is contrary to the requirements of Policy 17 of NPF4 and Policies 28, 29 and 36 of the HwLDP as it fails to represent sensitive siting in keeping with local character. The layout as proposed would serve to undermine the privacy of the residents of Anam Cara through the associated traffic to and from the property. In particular, the site's narrow configuration and the lack of sufficient private amenity space are not respecting the local distinctiveness of development.

5.2

Ward: 09 Black Isle

Review Body Ref: 25/00046/RBREF

Applicant: Mr & Mrs J Hossack

Location: Land 30M SW Of Fairdale, Lambton, Fortrose

Nature of Development: Erection of house and garage, 24/02768/FUL

Reason for Notice of Review: Review Against Refusal

A variety of views were discussed before the following motion and amendment was proposed and seconded.

Mr B Lobban seconded by Mr P Oldham **MOVED** to **DISMISS** the Notice of Review and refuse planning permission for the reasons contained in the report of handling.

As an Amendment, Mr R Gale seconded by Mr D Millar **MOVED** to **UPHOLD** the Notice of Review and grant planning permission subject to conditions to be drafted by the Independent Planning Adviser to the Planning Review Body and payment of developer contributions. Reasons given in support of upholding the Notice of Review:

The Planning Review Body has considered the proposed development against the policies of the development plan, in particular its location in the Hinterland and its layout, siting and design. On review of the application, the site's planning history, and the review documents, the Planning Review Body finds that the development site forms garden ground and is persuaded by the applicant's submission. The Planning Review Body finds that the proposed development therefore accords with the requirements of Policy 35 of the Highland wide Local Development Plan (HwLDP) and its associated supplementary guidance.

The Planning Review Body is of the view that a pragmatic approach is required to be taken in relation to Policy 17 (b) of National Planning Framework 4 in a Highland context in terms of its contribution to local living and sustainable rural development.

The Planning Review Body is content with the design of the proposed development and that all technical matters have been addressed or can be conditioned.

The Planning Review Body therefore upholds the notice of review and grants full planning permission subject to appropriate conditions and the payment of development contributions as set out in the Report of Handling.

There being no further amendments, the matter was put to the vote with votes being cast as follows:

The **MOTION** received 4 votes, and the **AMENDMENT** received 2 votes, with no abstentions, and the **MOTION** was therefore **CARRIED**, the votes having been cast as follows:

For the Motion:

Mrs I Campbell, Mr B Lobban, Mr A Mackintosh, Mr P Oldham

For the Amendment:

Mr R Gale, Mr D Millar

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 fails to comply with NPF4 Policy 17 (Rural Housing) on multiple fronts. It does not meet any of the criteria outlined in 17(a), fails to contribute to local living or address local housing needs as per 17(b), and is situated within a pressurised

commuter area, thus not conducive to supporting or sustaining a fragile rural community as specified in 17(c).

2. The proposal stands in opposition to the HwLDP Policy 35 as well as the Council's supplementary guidance on rural housing, as it does not meet the exceptions for housing development in the Hinterland. The proposal:
 - does not comprise the infill of a housing group.
 - extends development in the area into an otherwise undeveloped field.
 - does not meet the criteria of establishing formal garden ground ancillary to the neighbouring dwelling of Fairdale.
3. Given the distances from local facilities, road conditions, and the absence of viable active transport connections, the development is likely to foster car-dependent living. This contradicts the requirements laid out in NPF4 Policies 13 and 15, as well as Highland-wide Local Development Plan (HwLDP) Policies 28 and 56, as most essential daily needs cannot be feasibly met within a reasonable distance from the site by walking, cycling, or other sustainable transport methods.

The meeting concluded at 15:05