

HIGHLAND COUNCIL

Committee: North Planning Applications Committee
Date: 26 November 2025
Report Title: 25/00064/PIP : Mr Norman MacPherson
Land 60M SW Of Totaig House, Colbost, Dunvegan Isle Of Skye
Report By: Area Planning Manager North

Purpose/Executive Summary

Description: Erection of house and formation of access
Ward: 10 - Eilean A' Cheò
Development category: Local
Reason referred to Committee: Local Members Call-In

All relevant matters have been taken into account when appraising this application. It is considered that the proposal does not accord with the principles and policies contained within the Development Plan and is unacceptable in terms of applicable material considerations.

Recommendation

Members are asked to agree the recommendation to **REFUSE** the application as set out in section 11 of the report.

1. PROPOSED DEVELOPMENT

- 1.1 This application seeks Planning Permission in Principle for the erection of a single dwelling house and the formation of an access to link the house site with the B884 public road.
- 1.2 There are no existing services in the vicinity of the proposed development.
- 1.3 Pre Application Consultation: No pre application submission was made.
- 1.4 Supporting Information: None
- 1.5 Variations: None

2. SITE DESCRIPTION

- 2.1 The site consists of an area of open hillside which lies to the east of the former school building now occupied by Skye Silver at Colbost. The hillside drops steeply from the edge of the B884 public road for a distance of approximately 5-6 metres and then levels out onto a natural step before dropping steeply again behind the properties Totaig House, 23 Colbost and Acarsaid Nan Eilean, 23 Colbost. These properties are served off the minor public road leading to Husabost.

3. PLANNING HISTORY

- 3.1 14.02.2017 16/03977/PREAPP Erection of house The gradient of the land together with the existing settlement pattern and policy context does not render this an immediately acceptable development site.
- 3.2 16.10.2018 17/03686/FUL Formation of access and hard standing APPLICATION REFUSED

4. PUBLIC PARTICIPATION

- 4.1 Advertised: Unknown Neighbour
Date Advertised: 28.03.2025
Representation deadline: 11.04.2025

Timeous representations: 1 from 1 household

Late representations: 0
- 4.2 Material considerations raised are summarised as follows:

The previous 17/03686/FUL application was refused on the basis of the new site access requiring significant and intrusive engineering works and on insufficient visibility from the proposed new junction with the public road to the south. This new application fails to address these deficiencies.

- 4.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet www.wam.highland.gov.uk/wam.

5. CONSULTATIONS

- 5.1 **Historic Environment Team:** Although no historic environment sites are recorded within the application boundary, there remains the potential for buried features or finds to be impacted by this development. While the risk of encountering buried deposits is not such as to warrant a full excavation, it is important that the nature and extent of any features is identified and recorded before destruction. As a precaution, site clearance work should be done under archaeological supervision.
- 5.2 **Transport Planning Team:** The applicant's Private Access Checklist incorrectly states that there has been no previous application at this location. In fact, application 17/03686/FUL was refused, partly due to inadequate visibility splays and road safety concerns. The Transport Planning Team objects to this application on the grounds of road safety.
- 5.3 **Scottish Water:** There is currently sufficient capacity in the Glendale Water Treatment Works to service the development. However, further investigations may be required to be carried out once a formal application for a water supply has been submitted to Scottish Water.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

- 6.1 **National Planning Framework 4 (NPF4) (2023)**
Policy 1 - Tackling the Climate and Nature Crises
Policy 2 - Climate Mitigation and Adaptation
Policy 3 - Biodiversity
Policy 4 - Natural Places
Policy 17 - Rural Homes
- 6.2 **Highland-wide Local Development Plan (HwLDP) (2012)**
28 - Sustainable Design
29 - Design Quality & Place-making
31 - Developer Contributions
36 - Development in the Wider Countryside
57 - Natural, Built & Cultural Heritage
61 - Landscape
65 - Waste Water Treatment
66 - Surface Water Drainage
- 6.3 **West Highland and Islands Local Development Plan (WestPlan) (2019)**
- 6.4 The site lies within the North West Skye Special Landscape Area.
No site-specific policies apply.
- 6.5 **Highland Council Supplementary Planning Policy Guidance**

Access to Single Houses and Small Housing Developments (May 2011)
Developer Contributions (March 2013)
Biodiversity Enhancement Planning Guidance (May 2024)
Rural Housing (December 2021)
Standards for Archaeological Work (March 2012)
Special Landscape Area Citations (June 2011)
Sustainable Design Guide (Jan 2013)

7. OTHER MATERIAL CONSIDERATIONS

7.1 None

8. PLANNING APPRAISAL

8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

Determining Issues

8.2 This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

Planning Considerations

8.3 The key considerations in this case are:

- a) compliance with the development plan and other planning policy
- b) siting and landscape impact
- c) access

Development plan/other planning policy

8.4 All planning applications must now be determined in accordance with the provisions of NPF 4 and the existing Local Development Plan, unless material considerations provide justification otherwise. If there is an inconsistency between NPF4 policies and an LDP which was adopted before 13 February 2023, the NPF prevails under Section 24(3) of the 1997 Town and Country Planning (Scotland) Act 1997 (as amended). In this case NPF 4 takes precedence over HwLDP Policy 36.

8.5 NPF4 Policies 1-3 apply to all development proposals throughout Scotland. When considering development proposals, significant weight will be given to the global climate and nature crises. Development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible. Development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible.

- 8.6 NPF Policy 4(d) states that development proposals which affect a site designated as a Landscape Area in the Local Development Plan will only be supported where development will not have significant adverse effects on the integrity of the area or the qualities for which it has been identified.
- 8.7 NPF Policy 17(c) relates to remoter rural areas and supports new homes in these areas where they support and sustain existing fragile communities; supports identified local housing outcomes; and is suitable in terms of location, access and environmental impact. All three of these criteria need to be met.
- 8.8 The site lies within the North West Skye Special Landscape Area as defined by the Highland wide Local Development. Policies 57 and 61 of the HwLDP emphasise that proposed developments must not have an unacceptable impact on the Special Landscape Area, and should be designed to reflect the landscape characteristics and special qualities of the area in which they are proposed.
- 8.9 Development Plan Policy 28 of the HwLDP supports development which promotes and enhances the economic, social and environmental wellbeing of the Highland population and lists the criteria against which proposals shall be assessed. The parts of the policy of particular relevance to this proposal state that proposed developments should be assessed on the extent to which they are compatible with public service provision - which in this instance relates to road safety on the B884 - and are compatible with individual and community residential amenity. Policies 28 and 29 also reinforce the need for development to demonstrate sensitive siting, compatibility with landscape character and capacity, and to make a positive contribution to the place in which it is to be located.
- 8.10 For the reasons set out below it is considered that the proposed development does not comply with NPF Policies 4(d) and 17(c) as well as HwLDP policies 28, 29, 57 and 61.

Siting, design and landscape impact

- 8.11 The proposed house would be sited in an area of open, undeveloped hillside adjacent to a well trafficked public road and as such would be highly prominent and visible. Road users would have uninterrupted views from the B884 when travelling in a westerly direction. The development would also be fully visible from the public road that links the B884 to the Husabost Road above Skye Silver, in addition to a number of points along the Husabost Road. It is considered that any development in this location would be visually prominent due to the open nature of the hillside and would have a significant adverse impact on the visual and landscape quality of the area. The development would be seen in isolation, detached from development on the lower lying land which is accessed from the Husabost Road. Given the prominence of the site, the capacity of the landscape to absorb development is significantly reduced.
- 8.12 There is a steep drop-off from the B884 road verge along its northern side where the site access is to be formed, with a level difference of some 5m. This level difference continues along the side of the road all the way to the notional position of the car parking and turning area shown on the submitted site plan – a distance of

some 85m. The site plan notes that an embankment within the site offers a source of fill that can be used in the formation of the site access road and the house platform. However, given the level difference between the edge of the B884 and ground immediately to the north a very large amount of fill material would be required to construct the access, and the claim that the natural embankment within the site could provide this material is disputed.

- 8.13 The previous (17/03686/FUL) application provided information stating that gabion baskets would be used to overcome this levels difference in order to provide a stable base and edge along the northern side of the access road. The Report to Committee on that previous application noted that the information submitted suggested a section of gabion baskets which would be a minimum of 3.5m in height and 60m in length on top of which of driveway would be formed. Given the change in levels across the slope which is 5-6m or greater and the need to form a driveway with a safe and useable gradient it was considered that the gabion structure would be significantly higher and wider than indicated on the plans. It was also considered that the scale of engineering work required to create the access and hardstanding required was inappropriate for this open and highly visible hillside location, resulting in a significant and detrimental landscape impact. In relation to the subject application, the length of the proposed driveway has increased in order to lengthen the amount of visibility to the east (although the amount of visibility achieved is still deficient). This means that the engineering work required to provide a stable base and edge for this driveway and the level building platform required for the proposed house would result in even greater landscape impact than the proposal which was previously refused permission by the North area Planning Committee. It is considered that this significant adverse landscape impact would be to the detriment of the North West Skye Special Landscape Area. As such, it is considered that the proposal is contrary to NPF Policies 4(d) and 17(c), as well as HwLDP policies 28, 29, 57 and 61.

Access

- 8.14 As noted above, the Transport Planning Team have objected to the subject application of the grounds of road safety. This is consistent with their objection to the previous (17/03686/FUL) application.

Transport Planning advise that the proposed visibility splay of 2.4m x 70m to the east is inadequate for the actual average vehicle speeds of 35mph recorded at this location. Based on the 85th percentile speed of approximately 35mph, minimum visibility splays of 2.4m x 105m are required. This figure has been extrapolated from Table 4.3.1 of the Access to Single Houses and Small Housing Developments Guidance, which specifies visibility requirements of 90m for 30mph and 120m for 40mph.

The previous Transport Planning response for application 17/03686/FUL concluded that visibility splays of 2.4m x 120m were required for an estimated speed of 40mph, and that the applicant could not achieve this to the east of the proposed access.

The proposed access is located near a blind summit, which increases the risk of conflict with vehicles travelling west. This blind summit lies within the required 2.4m x 105m splay to the east of the proposed junction, so safe visibility cannot be

achieved in this direction. On the basis of this advice from Transport Planning it is concluded that the proposed development, which includes the construction of a junction onto the B884 public road, fails to accord with Policy 17(c) of NPF4 and Policy 28 of the HwLDP as the visibility splay available to the east is insufficient for the road conditions and the assessed average speed of traffic on the public road, and if permitted would give rise to significant road safety concerns.

Other material considerations

- 8.15 There are no other material considerations.

Non-material considerations

- 8.16 No non-material considerations have been raised in any third party submission.

9. CONCLUSION

- 9.1 The proposed development would result in a significant adverse impact on local landscape quality, resulting from the extensive land engineering works which would be necessary to form a lengthy access driveway and level building platform on an area of open and prominent hillside. This significant adverse landscape impact would detract from the qualities of the North West Skye Special Landscape Area. As such, it is considered the proposal fails to accord with NPF policies 4(d) and 17(c) and policies 28, 29, 57 and 61 of the HwLDP.
- 9.2 The new access junction with the B884 public road would only achieve visibility to the east of 2.4m x 70m. This is well below the minimum safe distance of 2.4m x 105m which Transport Planning have advised is necessary. NPF Policy 17(c) and HwLDP policy 28 require development proposals to be acceptable in terms of their access arrangements – which this proposal is not.
- 9.3 All relevant matters have been taken into account when appraising this application. It is considered that the proposal does not accord with the principles and policies contained within the Development Plan and is unacceptable in terms of applicable material considerations.

10. IMPLICATIONS

- 10.1 Resource: Not applicable
- 10.2 Legal: Not applicable
- 10.3 Community (Equality, Poverty and Rural): Not applicable
- 10.4 Climate Change/Carbon Clever: Not applicable
- 10.5 Risk: Not applicable
- 10.6 Gaelic: Not applicable

11. RECOMMENDATION

The application is recommended for refusal for the reasons set out below.

Reasons for Refusal

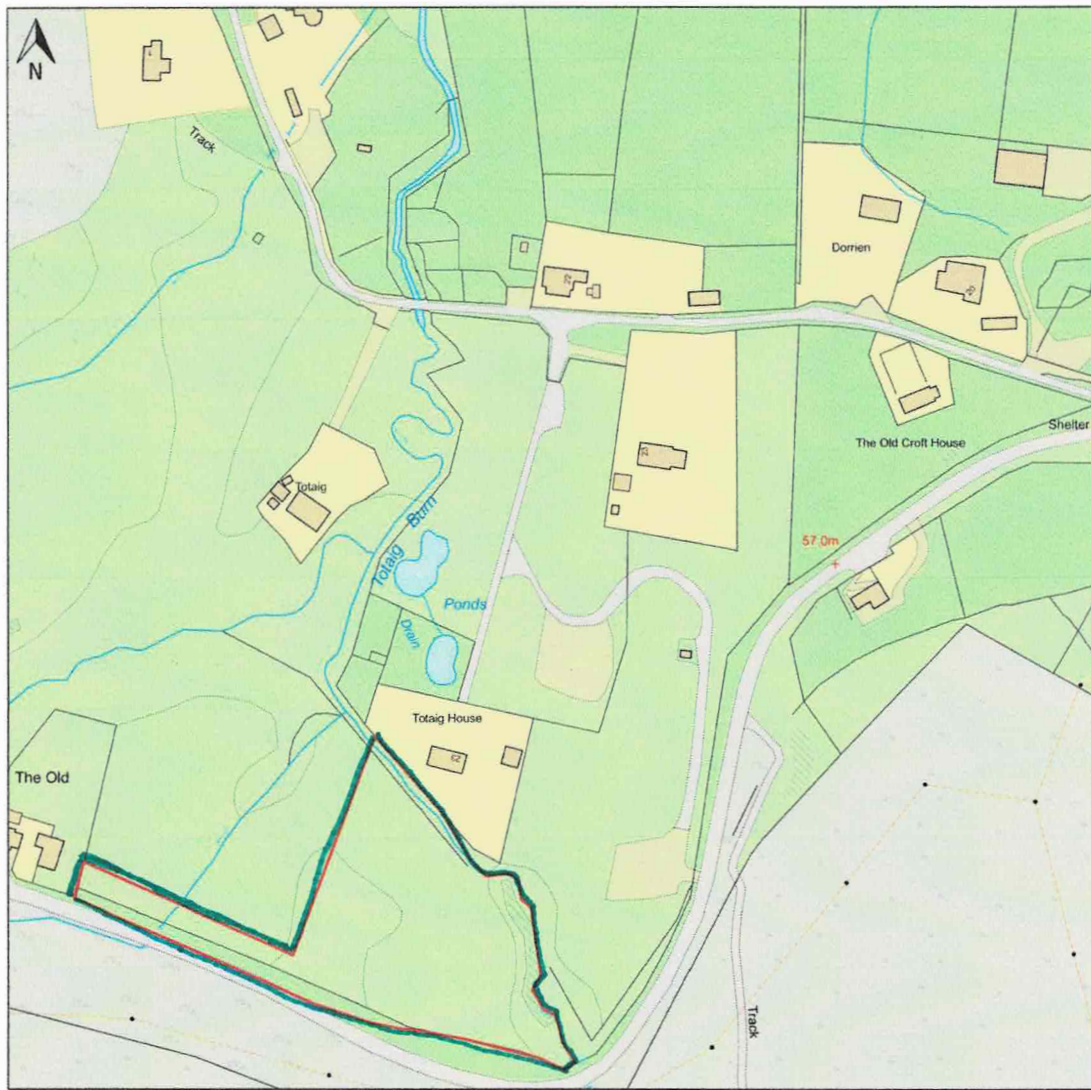
1.	The development is contrary to Policies 4(d) and 17(c) of NPF4 and policies 28, 29, 57 and 61 of the Highland wide Local Development Plan as the proposal fails to demonstrate appropriate siting and design compatible with the surrounding pattern of development, landscape characteristics and capacity. In particular given the scale of the engineering operations involved the development will be visually prominent and of a type which is out of keeping with development in the area.
2.	The development is contrary to Policy 17(c) of NPF4 and Policy 28 of the Highland wide Local Development Plan as the proposal fails to demonstrate appropriate siting which is compatible with road safety. In particular, the minimum safe visibility splay of 2.4m by 105m to the east cannot be achieved.

REASON FOR DECISION

All relevant matters have been taken into account when appraising this application. It is considered that the proposal does not accord with the principles and policies contained within the Development Plan and is unacceptable in terms of applicable material considerations.

Signature: Dafydd Jones
Designation: Area Planning Manager North
Author: Graham Sharp
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 – Committee Location Plan
Plan 2 - 000001 REV A Location Plan
Plan 3 - 00-22/23-COLBOST-IL REV B Site Layout Plan

23, B884 CNOC A BHONNAICH MOR ACCESS ROAD JUNCTION - WEST TOTAIG ROAD JUNCT



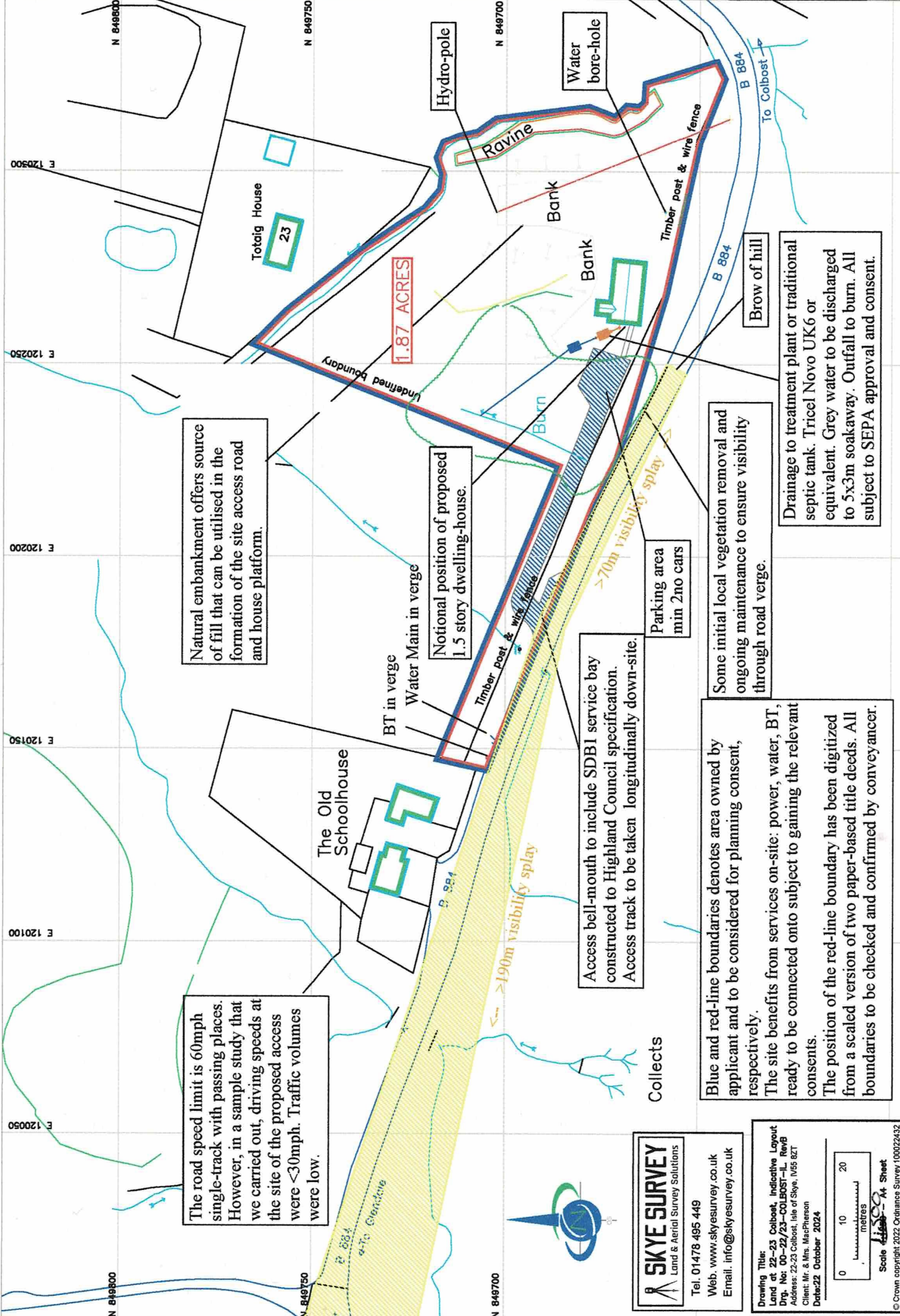
© Crown copyright and database rights, 2024. Ordnance Survey
0100031673 Created using Plans by Emapsite

Scale: 1:2500

Paper Size: A4

Notes:





Scale 1:500