

Listed below are the decisions taken by the Planning Review Body at their meeting on 4 November 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 D Millar
Mr P Oldham

In Attendance:

Mr B Strachan, Independent Planning Adviser to the Planning Review Body
Mr I Meredith, Solicitor
Ms B Alexander, 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 A Mackintosh and Mrs M Paterson.

2. Declarations of Interest/Transparency Statement

The Review Body **NOTED** the following Declaration of Interest:-

Item 5.4, 5.5 and 5.6 – Mr B Lobban.

3. Minutes of Previous Meeting

There had been circulated and **APPROVED** the Minutes of Meetings held on 23 September 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: 19 Inverness South

Review Body Ref: 25/00066/RBREF

Applicant: Mr & Mrs Jochen & Fiona Schmerbitz

Location: Ardmachree, Brinckman Terrace, Westhill, Inverness

Nature of Development: Install decking and erection of fence (retrospective), 24/04662/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 reason contained in the report of handling as follows:

1. Due to its excessive height, scale and proximity to the boundary of the application site, the proposal is considered to be contrary to NPF4 Policy 14 (Design Quality and Place) as it is poorly designed and fails to improve the quality of the area; NPF4 Policy 16 (Quality Homes) as it has a detrimental impact on the surrounding area in terms of size and design, physical impact, overshadowing and overlooking; HwLDP Policy 28 (Sustainable Design) as it fails to adequately consider its impact on residential amenity and does not demonstrate sensitive siting and high quality design; and HwLDP Policy 29 (Design Quality & Place-making) as it fails to make a positive net contribution to the architectural and visual quality of the place within it is proposed.

5.2

Ward: 04 East Sutherland And Edderton

Review Body Ref: 25/00067/RBREF

Applicant: Peter Stevens Estates Limited

Location: Torboll Farmhouse, Dornoch, IV25 3JE,

Nature of Development: Demolition of house and erection of house, 24/04987/FUL

Reason for Notice of Review: Review Against Refusal

Decision:-

The Review Body **AGREED** 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. Reasons given in support of upholding the Notice of Review:

The proposed development is suitably designed, sited, and scaled to be in keeping with the character of the surrounding area and is sensitive to the character of the local landscape so complies with Policy 17 of National Planning Framework 4 and HwLDP policies 28 and 29. The applicant has suitably demonstrated that the existing building should be demolished and replaced. The biodiversity of the site can be protected by way of condition.

5.3

Ward: 21 Fort William And Ardnamurchan

Review Body Ref: 25/00069/RBREF

Applicant: DMD Construction Ltd

Location: Land 20M SE Of, 5 Dubh Macdonald Road, Inverlochy, Fort William

Nature of Development: Erection of house, 25/01060/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:

1. The design, mass, scale, form and finishes of the proposed house is not consistent with the six qualities of successful places, is not in keeping with the local character and does not adequately contribute to placemaking; contrary to National Planning Framework 4 policy 14 Design, quality and place; and Highland-wide Local Development Plan 2012 policies 28 Sustainable Design, 29 Design Quality & Place-making, and 34 Settlement Development Areas.
2. The windows at first floor in the side elevations and inclusion of a rear balcony and hot tub, in close proximity to neighbouring properties on either side are considered to adversely impact neighbouring residential amenity to an unacceptable extent; and does not achieve significant and clearly defined additional public benefits; and is therefore contrary to National Planning Framework 4 policies 14 Design, quality and place, and 6 Forestry, woodland and trees; and Highland-wide Local Development Plan 2012 policies 28 Sustainable Design, and 29 Design Quality & Place-making.
3. The proposal does not adequately retain or safeguard existing good quality trees to the rear of the site, comprising a sycamore, a silver birch, and 2 goat willow, contrary to National Planning Framework 4 Policy 6b)ii Forestry, Woodland and Trees; and Highland-wide Local Development Plan 2012 policy 51 Trees and Development, and the associated Supplementary Guidance on Trees, Woodland and Development.
4. The proposals do not provide for any enhancement of biodiversity on site contrary to National Planning Framework 4 policy 3 Biodiversity.

5.4

Declarations of Interest - Mr B Lobban made a Declaration of Interest to allow him to seek advice from the Standards Commission regarding this application and therefore declared an interest and withdrew from consideration of this item, in accordance with paragraph 5.6 of the revised Code of Conduct, he left the meeting for this item.

Ward: 20 Badenoch And Strathspey

Review Body Ref: 25/00070/RBREF

Applicant: Mr & Mrs Peter & Lorna McCall

Location: Balblair, Spey Avenue, Boat Of Garten, PH24 3BE

Nature of Development: Use as short term holiday let, 22/06083/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 reason contained in the report of handling as follows:

1. The proposal is not considered to meet any of the criteria in the Highland Council Non-Statutory Short-Term Let Control Area Planning Policy (2023) that are required for the Planning Authority to support an application for a short-term letting property within the Short Term Let Control Area. The purpose of the Short Term Let Control Area is to ensure that there is an adequate supply of homes for local people and this development is contrary to that aim.

The proposal is also contrary to NPF4 Policy 30 Tourism (e) part (i) as it is considered to have an unacceptable impact on the character of the neighbourhood and on the local amenity of the area.

5.5

Declarations of Interest - Mr B Lobban made a Declaration of Interest to allow him to seek advice from the Standards Commission regarding this application and therefore declared an interest and withdrew from consideration of this item, in accordance with paragraph 5.6 of the revised Code of Conduct, he left the meeting for this item.

Ward: 20 Badenoch And Strathspey

Review Body Ref: 25/00071/RBREF

Applicant: Mr Mearns McCaskie

Location: 130 Dalnabay, Silverglades, Aviemore, PH22 1TD

Nature of Development: Use of property as short term letting unit and dwellinghouse, 24/04014/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 reason contained in the report of handling as follows:

1. The proposal is not considered to meet any of the criteria in the Highland Council's Non-Statutory Short-Term Let Control Area Planning Policy (2023) that are required for the Planning Authority to support an application for a short term letting property within the Short Term Let Control Area. The purpose of the Short Term Let Control Area is to ensure that there is an adequate supply of homes for local people, and this development is contrary to that aim.

5.6

Declarations of Interest - Mr B Lobban made a Declaration of Interest to allow him to seek advice from the Standards Commission regarding this application and therefore declared an interest and withdrew from consideration of this item, in accordance with paragraph 5.6 of the revised Code of Conduct, he left the meeting for this item.

Ward: 20 Badenoch And Strathspey

Review Body Ref: 25/00072/RBREF

Applicant: Ms Bernadette Giefer

Location: Woodford, Deshar Road, Boat Of Garten, PH24 3BN

Nature of Development: Use of property as short term holiday letting unit, 24/04464/FUL

Reason for Notice of Review: Review Against Refusal

Decision:-

The Review Body **AGREED** 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. Reasons given in support of upholding the Notice of Review:

The proposed development is not considered to have an unacceptable impact on the character of the neighbourhood or local amenity of the area and so complies with NPF4 policy 30.

5.7

Ward: 05 Wester Ross, Strathpeffer And Lochalsh

Review Body Ref: 25/00077/RBREF

Applicant: Ms Jane Hickman

Location: Land 145M NE Of, The Lookout, Kishorn,

Nature of Development: Erection of house (Plot 1), 25/00333/PIP

Reason for Notice of Review: Review Against Refusal

Decision:-

The Review Body **AGREED** 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. Reasons given in support of upholding the Notice of Review:

The proposal considered on its own and does not detrimentally impact on mature trees and cannot be considered to be cumulative development not in keeping with the character of the area and so it complies with NPF4 Policy 17 and HwLDP Policy 36. The development would not adversely impact the setting of Courthill Chapel.

The meeting concluded at 15:05