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Town and Country Planning (Scotland) Act 1997 Appeal Decision Notice

Decision by Jane Smith, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-270-2318
- Site address: Drakies House, Culcabock Avenue, Inverness, IV2 3RQ
- Appeal by Scotlog Ltd against the decision by Highland Council to grant planning permission reference 24/04623/FUL dated 29 August 2025 subject to condition 8
- The development proposed: subdivision of house to 2No. houses, conversion of annex to 1No. house
- Date of site visit by Reporter: 21 January 2026

Date of appeal decision: 11 February 2026

Decision

I dismiss the appeal and refuse to vary the terms of the planning permission.

Reasoning

1. The council approved the application subject to the addition of condition 8 (“the condition”) restricting vehicular access to Culcabock Avenue. The condition reads:

‘No development shall commence until details of the proposed works to close the Culcabock Avenue access to the site to vehicular traffic have been submitted to and approved in writing by the planning authority. Thereafter the works shall be carried out in accordance with the approved details prior to the first occupation of the residential units.

Reason: To ensure that the Culcabock Avenue access is used for pedestrian and bicycle use only.’

2. I am required to determine this appeal in accordance with the development plan, unless material considerations indicate otherwise. The development plan comprises the National Planning Framework 4 (NPF4), adopted in 2023, the Highland-Wide Local Development Plan (the HwLDP) adopted in 2012, and the Inner Moray Firth Local Development Plan 2 (the LDP2), adopted in 2024. As Drakies House is a category B-listed building, I am also required to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses, as required by section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (“the Act”).

3. There is nothing in the submitted evidence or what I have seen on site that indicates to me that the principle of the proposal does not remain acceptable and in line with the relevant development plan policies. In addition, I find that the proposed removal of the condition would not impact on the listed building or its setting, in line with section 14(2) of

the Act, NPF4 policy 7 (Historic assets and places) and HwLDP policy 57 (Natural, built and cultural heritage).

4. Having regard to the provisions of the development plan, the main issue in this appeal is therefore whether the condition satisfies the six tests in NPF4 policy 18 (Infrastructure first). I have had regard to further detail on those tests in Circular 4/1998: The Use of Planning Conditions.

Compliance with the six tests for planning conditions

Necessity

5. The appeal seeks to retain vehicular access from both Culcabock Avenue and Culcabock Drive. The submissions indicate that the original driveway onto Old Perth Road was closed due to poor visibility. That former access is now connected to Culcabock Drive and would be reopened as part of the development. Condition 7 requires the driveway to be upgraded, and that requirement is not under appeal.

6. At my site inspection I observed that Culcabock Avenue is a narrow residential street in poor condition, with no road markings other than those at its junction with Old Perth Road. There is a footpath on only one side, and on street parking restricts vehicle movement. Stepping onto the road was necessary to allow other pedestrians to pass. I consider that this issue is likely to worsen on bin-collection days, as highlighted in representations. It is also evident that the wider area has undergone, and continues to undergo, significant change, with new housing to the north and south on former garden ground of Drakies House. The appeal site is now bound by residential development on all sides.

7. The appellant notes that Drakies House has taken vehicular access from Culcabock Avenue since at least 1870 and is the postal address. Reference is made to nearby developments where additional traffic was considered insignificant. The appellant argues that subdividing the original seven-bedroom dwelling into three units would reduce overall occupancy and would not significantly change vehicular use. Local residents, by contrast, argue that three independent households would generate more vehicular movements than a single dwelling, thereby intensifying use of an already constrained residential street.

8. The council's transport planning service strongly recommended that all vehicle access be taken solely from Culcabock Drive, due to its shorter distance to Old Perth Road, better road condition, and reduced conflict with residential properties, and that Culcabock Avenue should be retained for pedestrians and cyclists only. The planning officer considered it unreasonable to prohibit vehicular use of the Culcabock Avenue access and concluded that reopening the Culcabock Drive access would distribute traffic between both entrances and mitigate any modest increase in traffic movements. Members favoured the position of the council's transport planning team to take vehicular access only from Culcabock Drive.

9. I have had regard to the council transport team's advice, residents' concerns, and the constrained form of Culcabock Avenue. I also note that the drawings indicate that the driveway would serve Drakies residents only. However, if both the driveway and the Culcabock Avenue access were open to vehicles, this could function as a through-route, for example for delivery drivers. Taking all of this into account, I find that additional traffic from the development has the potential to adversely affect road safety and residential amenity along Culcabock Avenue, particularly given the availability of a dedicated access linking with Culcabock Drive.

10. Taking all of the above into account, I conclude that restricting vehicular access to Culcabock Drive is necessary to ensure that traffic from the development is managed safely and without unacceptable impact on residential amenity.

Relevance to planning / relevance to the development proposed

11. The condition would regulate the way vehicles would access the site, and I consider that it is relevant to planning and relevant to the development proposed.

Enforceability

12. I find that physical measures, such as bollards, gates, or similar features (to be agreed in advance with the council) could prevent vehicular access at Culcabock Avenue while allowing pedestrian and cycle use. I am satisfied that the condition is enforceable.

Precision

13. The condition specifies what is required and when, the closure of the vehicular access at Culcabock Avenue prior to occupation. I find that the condition is sufficiently precise.

Reasonability

14. The appellant considers there is no justification for removing vehicular access from Culcabock Avenue. While I agree that traffic generated from three dwellings would likely be modest, I find that directing all vehicles to the Culcabock Drive access, while retaining pedestrian and cycle access at Culcabock Avenue, is proportionate and practical, having regard to the constrained nature of Culcabock Avenue and the risk of creating a through-route. In my view, the restriction of vehicular access does not place an undue burden on the developer and is reasonable.

Other issues

15. I have taken account of all representations, including those submitted on the original application, those made directly to DPEA as part of this appeal, and those specifically addressing the proposed access onto Culcabock Avenue. The concerns raised by residents and the community council, particularly regarding the condition of Culcabock Avenue, the impact of increased traffic, and the risk of through-movement, reinforce my assessment of the issues relevant to the disputed condition.

16. Representations also raise issues in relation to construction impacts from the proposal more generally. However, I am satisfied that condition 2, which requires a detailed construction traffic management plan, would provide appropriate measures to mitigate potential effects on both the local road network and residential amenity.

17. On the comments raised in representations about the bin collection point, I am satisfied that closure of the access as required by the condition would not preclude waste servicing from Culcabock Avenue.

18. Neither the council nor the appellant flag concerns around the remainder of the conditions and I am satisfied that they do not raise any issues in relation to the appeal.

Development plan compliance

19. I find that condition 8 meets all six tests for planning conditions and accords with NPF4 policy 18 and Circular 4/1998.

20. I also find that the condition is necessary to ensure that the proposed development as a whole accords with NPF4 policy 14 (Design, quality and place), policy 15 (Local living and 20-minute neighbourhoods), HwLDP policy 29 (Design quality and placemaking), policy 56 (Travel), LDP2 policies 8 (Placemaking) and 14 (Transport) in relation to road safety and residential amenity.

Conclusion

21. I therefore conclude, for the reasons set out above, that condition 8 of planning permission ref 24/04623/FUL is justified and accords with the development plan. I dismiss the appeal and refuse to vary the terms of the planning permission. I have considered all the other matters raised, but there are none which would lead me to alter my conclusions.

Jane Smith

Reporter