Planning and Environmental Appeals Division
Hadrian House, Callendar Business Park, Falkirk, FK1 1XR
E: dpea@gov.scot T: 0300 244 6668

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

Decision by Jamie Macvie, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-270-2331
- Site address: land 95 metres south-east of Fionchra, Farr, Inverness, IV2 6XG
- Appeal by Mr David Rennie against the decision by The Highland Council
- Application for planning permission in principle 25/04464/PIP dated 21 November 2025 refused by notice dated 10 April 2026
- The development proposed: erection of dwellinghouse with associated farrowing and storage building
- Date of site visit by Reporter: 26 August 2026

Date of appeal decision: 5 October 2026

Decision

I dismiss the appeal and refuse planning permission in principle.

Preliminary matters

A submitted operational needs assessment is key to consideration of the proposal, in terms of the claimed agricultural need for a house. It includes a plan of the agricultural unit. Submissions with the appeal include a previously unsubmitted 2013 “farm plan” which is the formal land parcel map. It includes some land within a yellow land parcel boundary that is outside the agricultural land outlined in the operational needs assessment. An “updated plan…to clearly show the red line application site boundary and all other land owned” by the appellant has also been submitted. Conversely, that plan excludes land that is included in the operational needs assessment. Whilst all different in terms of extent of agricultural unit, none alter the red outlined application site area within that wider unit, and the variations do not affect my assessment of the key policy matters.

The appellant has also submitted a claim for expenses and my decision on that matter is issued separately.

Reasoning

1. I am required to determine this appeal in accordance with the development plan, unless material considerations indicate otherwise. The development plan for the site comprises the Inner Moray Firth Local Development Plan 2 (2024) (IMFLDP2), National Planning Framework 4 (NPF4) (2023), the council’s Rural Housing Supplementary Guidance (SG) (2021), and the Highland Wide Local Development Plan (2012) (HwLDP). Where incompatibility exists between an element of NPF4 and an LDP, whichever is the later in date prevails. Having regard to the provisions of the development plan the main issues in this appeal are the principle of development of a house and building in the countryside based on agricultural need, and siting and landscape impact.

2. The application site is in the countryside, in the dispersed rural settlement of Achlaschoille, Farr. The proposal is within an agricultural unit comprising two parcels of land. The house would be within the eastern parcel.

Principle of development including operational need

3. NPF4 policy 17 and policy 35 of the HwLDP are the key development plan policies in relation to the principle of proposals for new houses in the countryside.

4. Specifically, NPF4 policy 17 a) supports new homes in rural areas where one of the listed criteria are met. At point v. of the policy, support is provided where it is demonstrated that a house is necessary to support the sustainable management of a viable rural business or croft, and where there is an essential need for a worker to live permanently at or near their place of work.

5. HwLDP policy 35 contains a presumption against housing in the open countryside in 'hinterland' areas but includes an exception where a house is essential for land management or family purposes related to the management of the land. IMFLDP2 confirms that the site is within an area identified as hinterland, and its spatial strategy indicates that new development in the open countryside should be controlled to favour those with good reason to be there. Housing in connection with a business already in a countryside area or a new enterprise particularly suited to a rural area are such exceptions.

6. This policy approach is supported by the Rural Housing SG, which supports housing where it is demonstrated that the house is essential for the direct operational requirement of an existing or new rural business, which is itself appropriate to that rural location, and the house is for a worker predominantly employed in the enterprise and the presence of that worker on-site is essential to the efficient operation of the enterprise.

7. These policy provisions are accompanied by other requirements, including in relation to siting and design. I address these other matters below.

8. In pursuit of the rural business policy provision, the proposal includes an operational needs assessment. This assesses the operational need of a proposed future rather than an existing agricultural activity. In relation to this absence of activity as I observed on site, the appellant advises farming is currently "temporarily mothballed" due to ill health. The operational needs assessment also includes a succession plan of the appellant retiring from an unrelated business to "rebuild the farming enterprise". His submissions also describe relevant context, including that the farm was in active use from 1998 to 2025, and due to personal circumstances, the appellant vacated the former farmhouse in 2017 and has since occupied a residential caravan on the west parcel of ground, adjacent to agricultural buildings. The council does not dispute this account.

9. The appellant confirms an intention to expand beyond previous cattle rearing, to also commence a pig rearing operation, with a building for produced and butchered meat to be stored on site, vegetable polytunnels and outdoor raised beds, and potato and root vegetable production. This proposed future mix of operations across the unit combines to form the calculation in the operational needs assessment of 0.85 labour units required, supplemented by maintenance and administration which uplifts the requirement to 0.98 labour units. When marketing and processing of orders is also added, the "overall potential hours" of the proposed future operation is 1.12 labour units. The appellant states that the proposed operation makes his residence on the farm essential.

10. In relation to the support in NPF4 policy 17 a) v. for a house that is necessary to support the sustainable management of a viable rural business, the appellant highlights that there is no policy requirement for any such business to be active in order to be regarded as viable. I note this in conjunction with provision in the Rural Housing SG for housing to serve an existing or 'new' rural business. If a development is acceptable based on proposed activities, it is a matter for the decision-maker in the circumstances of the case whether those activities should be established before a development can proceed.

11. The Rural Housing SG lists information that must be provided in relation to a proposal involving a new business. From that list, I see limited evidence in submissions regarding detailed financial reporting including predicted profit and loss forecasts for operating the business for five years, or confirmation of how the business would be funded. However, I acknowledge that policy 17 of NPF4 does not include a requirement for these details and is the more recent policy.

12. Taking account of all relevant policy provisions, I agree with the council that the principle of development is acceptable within the agricultural unit, noting that its position is also informed by comments from its independent agricultural consultant. Whilst the application was refused, the refusal is for other reasons 'despite' the operational needs assessment (not a claim by the council that the operational need is not met). In this context, the refusal rests on other matters which I consider below.

Location and siting

13. The council considers that the appellant's operational needs assessment is not determinative in terms of siting and does not address wider matters, including impact on the established pattern of development in the area and other siting considerations. It also does not accept that the specific siting proposed is essential for land management purposes, as claimed by the appellant. This position is summarised in the council's statement that "Even if the Operational Needs Assessment establishes the essential need for a worker, this does not automatically establish that this is the right location for a dwellinghouse."

14. My consideration therefore turns to location and siting. In addition to the above referenced detailed criteria, policy 17 a) of NPF4 requires new homes in rural areas to be suitably scaled, sited and designed to be in keeping with the character of the area. This aligns with the requirements of policy 29 of the HwLDP which refers to design standards and includes a requirement that proposals should have regard to the historic pattern of development and landscape in their locality.

15. In terms of siting considerations in the countryside, the Rural Housing SG also aligns with NPF4 policy 17 a) and requires all proposals to respect local character and be compatible with the existing pattern of development. In relation to housing for new rural businesses specifically, the SG requires a site to be selected in accordance with its Site Selection Sequential Approach which includes that proposals are based on limiting their landscape and visual impact.

16. The council considers that the proposed house location "does not comply with the existing established pattern of development" and therefore fails to comply with NPF4 policy 17 and the Rural Housing SG. It also regards the proposal as failing the policy intent of NPF4 policy 17 for rural homes in "the right locations".

17. The reason for refusal also includes a failure to "support local housing outcomes". That specific phrase is a requirement of policy 17 c) of NPF4 and applies to proposals for

new houses in remote rural areas. The site is not in an area defined as ‘remote rural’ and I therefore agree with the appellant that this specific policy provision is not relevant. The proposal is therefore not contrary to policy 17 c), nor does the policy provision lend support to the development.

18. The proposal is submitted in principle. Some drawings are provided, showing an indicative house location as well as the proposed ‘farrowing and storage building’ adjacent. Other details include possible access and drainage arrangements, a retaining wall, and landscaping and biodiversity enhancement measures, accompanied by site contours and indicative site sections. The council’s draft conditions include detailed design amongst specified matters that would be subject to further application, including some limits to building design albeit not a specified height above original ground level. The appeal site area is relatively large, extending the width of the field. Acknowledging that planning conditions can control matters subject to further application, I assess the potential impact of the proposed development as presented, including the indicative siting and design details.

19. On my site inspection, I noted the slope of the field, including the flatter area where the indicative house is shown and the slope where the retaining wall is indicated. The surroundings are characterised by a row of relatively modern, often closely spaced properties on the opposite side of an access track which runs uphill south-west of the site. Another property is located north-west and above the site, and two further properties to the east. It is stated in representations that these properties are a mix of “houses” and “holiday homes”, however the nature of their occupation does not affect my assessment.

20. Trees and woodland are a key feature of the immediate surroundings and wider landscape. The site is screened from the public road at the track entrance by a small block of relatively new, mainly conifer woodland, and further east the site is open to the road when viewed uphill looking west. Mature conifer woodland provides a backdrop to the field and existing built development, including the properties I refer to above. The track provides a strong, linear edge, and the properties around the field are well integrated with landscape features. I consider that the contrast of the open field contributes to its importance as a feature of the local landscape, making it noteworthy in its context.

21. The indicative siting shows the buildings relatively centrally located within the site, and therefore with potential to impact the key characteristic I identify above of an open field in the landscape. The development would be below the skyline when viewed from the public road and across the valley, and by utilising the flatter area for construction as I refer to above, would minimise need for alteration of the slope. In terms of ability to manage landscape impact, also I acknowledge that the application is in principle only, and the relative quality of future design and landscaping could influence visual impacts, and design matters could be addressed by condition.

22. Nonetheless, based on the application as presented, including for both a house and additional building and the extent of the site, I consider the intrusion into the open, undeveloped field would risk creating the character of a larger group linking together the properties on the currently visually separate three sides of the field. On inspecting from different parts of the surrounding landscape, this impact would also be experienced in longer views from the B851 across the valley to the south-east where the open field is clearly visible as a landscape feature. I therefore do not consider the positive attributes of the proposed development to overcome potential harm, in relation to landscape.

23. In reaching that position, I have also considered the extent to which innovative design solutions or additional landscaping might be able to avoid or mitigate the likely

adverse landscape impacts I have identified, and whether there is potential for planning conditions to satisfactorily address these matters under further application, as referenced above. Given the significance of the open nature of the site in its landscape context, I am not convinced I can safely rely on planning conditions and future siting and design details to ensure an acceptable development would be delivered in accordance with relevant policies.

24. I therefore agree with the council in its reason for refusal, that the development does not comply with NPF4 policy 17 a), on the basis it is not suitably sited to be in keeping with the character of the area. I find the proposal does not fulfil the policy intent of policy 17 of NPF4 for homes in the "right location".

25. Turning to the HwLDP, the appellant argues it is "superseded" by NPF4 due to its age. I described above that it is part of the development plan. In my view the proposal does not demonstrate the required sensitivity towards the local landscape distinctiveness as required by policy 29 of the HwLDP. In terms of the requirement for development to have regard to the historic pattern of development and landscape, I agree with the council that the proposed development would constitute an intrusion into an open field which does not respect the existing settlement pattern of the area. By comprising such development in an elevated and widely visible location, I conclude that the proposal is contrary to policy 29 of the HwLDP.

26. In terms of the Rural Housing SG, I consider the proposal does not respect local character and is not compatible with the existing pattern of development. As a proposed house for a new rural business, in accordance with the Site Selection Sequential Approach set out in the SG, I do not regard the siting proposed as limiting landscape and visual impact.

27. The council also refers to the Pressured Rural Areas Balnafoich Housing Capacity Study (2012). This is a non-statutory document. In its submissions, the council confirms that the study identifies the area within which the proposed development is located as "dispersed in form, with the spacing between dwellings varying considerably, and it contains large expanses of undeveloped fields and fields associated with existing small-holdings". The council also notes that the study seeks to avoid development "into previously undeveloped fields" to help protect "the open nature and landscape character".

28. The appellant argues that the study holds "no material weight". It is also noted by the appellant that the council's Rural Housing Planning Policy Explanatory Note 2024 does not refer to this study. The explanatory note sets out the council's understanding and interpretation of the various policies that are relevant to rural housing.

29. Whilst the Pressured Rural Areas Balnafoich Housing Capacity Study (2012) is non-statutory, it has assisted my assessment of compliance with the relevant development plan policies in terms of siting and impact on landscape character. It reinforces my findings in relation to these relevant policies. In relation to the study, the appellant notes the proposed site is "outwith the boundary of the area where it may be possible to build a dwellinghouse".

30. I find no evidence of any locational requirement for the proposed shed in its own right, separate to the inherent benefits of being adjacent to the proposed house. The relevant requirements of policy 29 of NPF4 are similar with regards to suitable siting to protect the character of the landscape. My assessment above regarding landscape character applies to the development before me, comprising both proposed buildings and uses, and is unchanged by assessment of the shed in relation to policy 29.

Other development plan considerations

31. The appellant submits that the proposal complies with polices 1 and 2 of NPF4, in terms of the climate and nature crises and climate mitigation and adaption. Including based on the indicative landscaping and planting, the appellant also claims the development complies with policy 3 of NPF4 with regards biodiversity. Subject to conditions, I accept that the development would create no conflict with these policies, particularly given its relatively small scale.

32. NPF4 policy 14 is raised by the appellant in terms of design, quality and place. In light of my conclusions above regarding landscape character and place, I consider the proposal also conflicts with policy 14, and would not improve the quality of its rural location. I regard policy 15 in terms of 20 minute neighbourhoods, and policy 16 in terms of quality homes of limited relevance in this case given the rural location and single house proposed.

33. I have also considered compliance with other applicable development plan policies relating to road safety; sustainable design; developer contributions; wastewater treatment; surface water drainage; low and zero carbon development; and nature protection, restoration and enhancement. Subject to conditions I find the proposal would accord with the relevant provisions of these policies.

34. In relation to the access specifically, I note submissions by the appellant relating to road safety at the access track junction with the public road. Upgrading of the access junction is included in conditions proposed by the council, and the safety of the junction is also raised in representations. I have no evidence to suggest the access would be incapable of the improvements required to protect the safety of road users, and as stated above I consider it would therefore meet relevant policy requirements.

35. The appellant suggests that a house could be supported in principle under the provisions of policy 17 a) vi. of NPF4, as a retirement home for the succession of a viable agricultural business, rather than as a house to support the operation of a rural business. That is on the basis agricultural operations were previously carried out at the site, and relies on changes in responsibility between family members. The outcome of this policy approach would be a single house on the agricultural unit, similar to the impacts as I have considered above. Having reached a conclusion that a house on the site would be unacceptable in terms of landscape character, I am satisfied my conclusions on that matter would not be materially different in relation to a house for a slightly different purpose. I therefore do not assess the merits of the retirement succession approach in further detail.

Development plan conclusion

36. I find that the proposal complies with NPF4 policy 17 a) v. and policy 35 of the HwLDP in terms of establishing the principle of a house for a rural business based on a needs case. It is also consistent with the later dated IMFLDP2, which supports controlled new development in open countryside ‘hinterland’ areas for businesses with a genuine, frequent need to manage their rural land use activity. The related matter of limiting commencement in relation to establishment of the proposed agricultural activities could be addressed by a suitably worded condition.

37. However, I conclude above that the development is contrary to other provisions of policy 17 a) on the basis it is not suitably sited to be in keeping with the character of the area. Although the appellant states that other options were addressed and discounted, based on the evidence before me, I am not persuaded that the site proposed is the only

suitable location for a house for an agricultural worker within the unit, or therefore that it must necessarily be regarded as the 'right location' as specified in the NPF4 policy 17 policy intent. Proposals must satisfy both requirements of policy 17 a), of being suitably sited, and meeting one of the specific tests to establish the principle of development, in order to comply with the policy. Notwithstanding my acceptance of the needs case in accordance with policy 17 a) v. specifically, due to my concerns regarding siting, I find the proposal contrary to policy 17 overall. For similar landscape reasons, I also find the development contrary to NPF4 policy 14.

38. As set out above, I conclude the proposal is contrary to policy 29 of the HwLDP in terms of impact on the local landscape distinctiveness. I also conclude the proposal does not accord with the terms of the Rural Housing SG as it does not respect local character, is not compatible with the existing pattern of development, and does not limit landscape and visual impact.

39. Overall, and notwithstanding acceptance of the principle of development in accordance with NPF4 policy 17 a) v. specifically and policy 35 of the HwLDP, I conclude that there are no development plan policies that would provide support for the development to the extent that it would outweigh my finding that that the proposal is contrary to policies 14 and 17 of NPF4 and policy 29 of the HwLDP, and does not accord with the terms of the Rural Housing SG. Those are the most pertinent policies controlling development in the countryside and ensuring its impacts are acceptable. The conflict I have identified with these key policies means the proposal does not accord overall with the development plan.

Other material considerations

40. The appellant cites Chief Planner letters, in particular one dated April 2025 in relation to implementation of NPF4 policies 17 and 29 regarding rural homes and rural development. I take account of its content, as guidance and clarification on the topics included. This includes reinforcement that policies 17 and 29 are supportive and encourage sustainable development in rural areas, in conjunction with confirmation that the wider development plan should be read and applied as a whole. This letter does not alter my conclusions regarding these policies.

41. I have considered the matters raised in consultation responses and representations. No material considerations have been brought to my attention that indicate planning permission should be granted.

Conclusion

42. I therefore conclude, for the reasons set out above, that the proposed development does not accord overall with the relevant provisions of the development plan and that there are no material considerations that would justify granting planning permission. I have considered all the other matters raised, but there are none that would lead me to alter my conclusions.

Jamie Macvie
Reporter