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Claim for an Award of Expenses
Decision Notice

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

- Appeal reference: PPA-270-2331
- Site address: land 95 metres south-east of Fionchra, Farr, Inverness, IV2 6XG
- Claim for expenses by Mr David Rennie against The Highland Council
- Date of site visit by reporter: 26 August 2026

Date of decision: 5 October 2026

Decision

I find that the council has not acted in an unreasonable manner resulting in liability for expenses and, in exercise of the powers delegated to me, I decline to make any award.

Reasoning

1. Scottish Ministers' policy on expenses in planning appeals is contained in Circular 6/1990: awards and expenses in appeals and other planning proceedings and in compulsory purchase order inquiries. For a claim to be successful it must be made at the appropriate stage in proceedings; the party against whom the claim is made must have acted unreasonably; and that unreasonable conduct must have caused the party making the claim to incur unnecessary expense.

2. In this case the claim was submitted during consideration of the appeal, approximately three weeks after receipt of the council's response, and was therefore made at an appropriate stage of the proceedings.

3. The appellant claims that the council has acted unreasonably, including in terms of the procedure followed at a meeting of the relevant council committee, and in the reasoning provided in the decision to refuse the application.

4. It is claimed the adjournment discussion during the committee meeting led to other matters being included in the refusal for which there is no reasonable basis. The council explains the reason for the adjournment was for members to take advice on the wording of a motion to refuse, based on their discussion, and I consider it reasonable that they sought advice in this way. I see no evidence that this represented unreasonable behaviour.

5. As the appellant states, council officers recommended the application be approved. However, the council's committee reached a different decision and refused the application, as it is entitled to do, provided this is based on relevant development plan policies and other material considerations. Based on the evidence before me, the council accepts the findings of the operational needs assessment in relation to the relevant policy provisions, but considers the development contrary to policies relating to siting and landscape impact. This

includes NPF4 policy 17 a) which requires development to be in keeping with its landscape. Protecting landscape character is also a key requirement of policy 29 of the Highland-wide Local Development Plan (2012) and Rural Housing Supplementary Guidance (2021).

6. On balance, the council considers the development contrary to the development plan, with material considerations not outweighing that conclusion to the extent it considers permission should be granted. I see no evidence the council acted unreasonably in exercising this balanced assessment, notwithstanding the officer recommendation or other pre-application or other discussions referenced by the appellant. It is legitimate for the committee to exercise its own planning judgement, and to determine the weight to attach to different considerations, and it may differ from officers' views in those respects. I agree with the council that this does not constitute unreasonable conduct.

7. Whilst the Pressured Rural Areas Balnafoich Housing Capacity Study (2012) is non-statutory and pre-dates NPF4, as I state in the associated appeal decision it provides detailed, local information and is relevant in supporting policy consideration in relation to landscape impact. I consider it was reasonable of the council to take its guidance into account alongside relevant development plan policies.

8. I do not agree with the appellant's assertion that he is "left having to guess what is unacceptable" in relation to the content of the Pressured Rural Areas Balnafoich Housing Capacity Study (2012) or relevant policies. The council explains that it considers the proposed development fails to "have regard to the historic pattern of development and landscape character of the area" and is therefore contrary to NPF4 policy 17 and the Rural Housing Supplementary Guidance. I consider the council's position, as supported in the course of the appeal, to be sufficiently clear in terms of why it considers the proposal contrary to the relevant development plan policies, in this case regarding landscape impact. In my decision on the appeal, I agree with the council on this matter.

9. The appellant notes that NPF4 policy 17 has no "aim" for rural houses in the right locations, as stated in the reason for refusal. I note this is a 'policy intent' of policy 17. He accepts that the policy requires development to "be in keeping with the character of the area". Regardless of the exact language used, the council's position is that the proposed house is not in the 'right location' and would not be in keeping with landscape character. I do not consider use of the word "aim" indicates it took an irrelevant matter into account.

10. At various points in the expenses claim, the appellant claims there is a lack of precision between the reason for refusal and specific policy wording. I do not agree that the wording used is imprecise or insufficiently linked to development plan policies. The reason for refusal is clear that the council finds the siting unacceptable, in relation to relevant policies. I do not consider that council must repeat extracts from those polices in order for the reason for refusal to be relevant or be sufficiently precise. The council has supported its reason through the appeal process, including with reference to relevant policies, and in my appeal decision I largely agree with its position.

Conclusion

11. I do not find that the council has acted in an unreasonable manner. Consequently, the issue of whether unnecessary expense was caused does not arise. I find that an award of costs is not justified.

Jamie Macvie
Reporter