

Notice of Review Reference: 14/00005/RBREF

Original Planning Reference: 12/04226/PIP

DECISION NOTICE OF THE HIGHLAND COUNCIL PLANNING REVIEW BODY

- Application for review by The Trustees of Realwood Pensions
- Site address: Land North of Munro's Nurseries, Bogallan, North Kessock
- Proposal: Demolition of Office and Garage/Storage Buildings and Erection of Two Dwelling Houses
- Reason for Notice of Review: Refusal of application by appointed officer
- Related Plans:

<u>Type of Plan</u>	<u>Plan No.</u>	<u>Version</u>	<u>Date Plan Received</u>
Site Layout Plan	A42.964		03.12.2012
Location Plan	A42.964A		03.12 2012

This Notice constitutes the formal decision notice of the Planning Review Body as required by the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013

The Planning Review Body **dismissed** the Notice of Review, for the reasons noted below, namely:

1. The site lies within the boundaries of the hinterland as identified through the Highland-wide Local Development Plan; the Ross and Cromarty East Local Plan (as remains in force); and the emerging Inner Moray Firth Local Development Plan. Within the hinterland the Council operates a restrictive policy where there is a presumption against new housing in the open countryside. Adopted supplementary planning guidance allows for a relaxation of the policy when the development is considered to consolidate/round off a housing group in a suitable manner or fall within one of the exceptions identified in the supplementary guidance. The site does not form part of a housing group as defined within the supplementary guidance and none of the other exceptions apply. Specifically, the site does not fall within the definition of brownfield land. The land and buildings have not ceased to be required for their original purpose and the land has not been significantly degraded by a former activity to the point where the land and buildings can no longer be used productively without significant investment and remediation. The principle of constructing houses on the site is considered contrary to Policy 35 of the Highland-

wide Local Development Plan; the Ross and Cromarty East Local Plan (as remains in force); and the emerging Inner Moray Firth Local Development Plan and the Supplementary Guidance: Housing in the Countryside and Siting and Design.

Dated: 9 October 2014

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Clerk to the Planning
Review Body

Notice Under Regulation 22 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013

1. If the applicant is aggrieved by the decision of the planning authority-
 - (a) to refuse permission for the proposed development;
 - (b) to refuse approval, consent or agreement required by a condition imposed on a grant of planning permission; or
 - (c) to grant permission or approval, consent or agreement subject to conditions,the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.