

Notice of Review Reference: 14/00014/RBREF

Original Planning Reference: 13/04662/PIP

DECISION NOTICE OF THE HIGHLAND COUNCIL PLANNING REVIEW BODY

- Application for review by Mr David Ritchie
- Site address: Land To South West Of Rowan Cottage, Bogallan, North Kessock
- Proposal: Erection of house
- Reason for Notice of Review: Refusal of application by appointed officer
- Related Plans:

Type of Plan	Plan No.	Version	Date Plan Received
Location Plan	2013-08-1593-002	B	08.01.2014
Site Layout Plan	2013-08-1593-001	B	08.01.2014

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 houses which lie to the north east of the site are not a housing group as they do not have a well defined and cohesive character. The development of the site represents an inappropriate intrusion into a previously undeveloped field. The principle of constructing a house on the site is therefore 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.

2. The proposal, if approved, would establish a precedent for developments of a similar nature; this would undermine and weaken approved and proposed Council policy and guidance within the defined hinterland, the aims of which are to prevent the suburbanisation of the countryside.

Variations

2013-08-1593-002 B and 2013-08-1593-001 B submitted on 08.01.2014 supersede 2013-08-1593-002 A and 2013-08-1593-001 A

Dated: 22 August 2014 Clerk to the Planning review Body

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.