

Notice of Review Reference: 14/00021/RBREF

Original Planning Reference: 13/04615/FUL

DECISION NOTICE OF THE HIGHLAND COUNCIL PLANNING REVIEW BODY

- Application for review by Mr Alan Ross
- Site address: 60M SE of Badachonacher, Newmore, Invergordon
- Proposal: Erection of house and detached garage
- Reason for Notice of Review: Refusal of application by appointed officer
- Related Plans:

Type of Plan	Plan No.	Version	Date Plan Received
Elevations	000001		06.12.2013
Foundations	000002		06.12.2013
General Plan	000006		06.12.2013
First Floor Plan	000003A		11.02.2014
Ground Floor Plan	000004A		11.02.2014
Site Layout Plan	000005A		11.02.2014
Location Plan	000007		11.02.2014
Location Plan	000008		11.02.2014

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. 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, which aims to prevent the suburbanisation of the countryside.
3. The proposal is considered contrary to Policy 28 of the Highland-wide Local Development Plan, which requires developments to be compatible with public service provision, including roads, and demonstrate sensitive siting and design in keeping with local character and the natural environment. The public road serving the site is at capacity and any additional housing development will exacerbate current road safety and road maintenance issues. Furthermore, the development intrudes upon an undeveloped field and has no cohesive affiliation with an existing group of houses. The proposal is therefore not sensitively sited or designed and shall have a negative impact upon the rural environment.
4. The proposed design fails to comply with Policy 28 of the Highland-wide Local Development Plan, which requires developments to demonstrate sensitive siting and design in keeping with local character and the natural environment. The proposed balcony located on the principal elevation facing towards the public road, the lack of vertical emphasis in the window design, the overly dominant mass of the roof and the broad gable widths fail to provide a design in keeping with local character.

Dated: 9 October 2014

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.