

Notice of Review Reference: 14/00026/RBREF

Original Planning Reference: 13/04019/FUL

DECISION NOTICE OF THE HIGHLAND COUNCIL PLANNING REVIEW BODY

- Application for review by Ms Eilidh Toal
- Site address: Land 30m SW of Cul a Bhile, 3 Bohuntin, Roy Bridge, PH31 4AH
- Proposal: Erection of Timber Holiday Chalet
- Reason for Notice of Review: Refusal of application by appointed officer.
- Related Plans:

Type of Plan	Plan No.	Version	Date Plan Received
Location Plan	0502/300	B	11.11.2013
Floor Plan	0502/301		25.10.2013
Elevations	0502/302		25.10.2013

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 **upheld** the Notice of Review, subject to the conditions below, namely:

1. Planning permission is hereby granted for a temporary period of 10 years only from the date of this permission and shall cease to have effect on 13 October 2024 (the 'cessation date'). Prior to the cessation date, the application site shall be cleared of all development approved under the terms of this permission (including any subsequent ancillary works, infrastructure, fixtures, fittings and any temporary developments permitted under Classes 14 or 17 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended)) and reinstated in accordance with a scheme approved in writing by the Planning Authority under condition 2 of this permission, unless application is made and granted for renewal.

Reason: In recognition of the temporary nature of the proposed development (the timber chalet falls under the definition of a twin unit caravan which is a temporary habitable structure), and to enable the Planning Authority to reassess the impact of the development after a given period of time and secure either: a) remedial improvements to the condition of the timber chalet; b) full replacement if deemed necessary; or c) the total removal and restoration of the site, all to the reasonable satisfaction of the Planning Authority.

2. Full details of a scheme for restoring the application site to its reasonable condition prior to the temporary development being carried out shall be submitted to, and approved in writing by, the Planning Authority six months prior to the cessation date and in the event that an application for renewal of temporary permission has not been submitted. Thereafter, the site shall be reinstated in accordance with these approved details prior to the cessation of this permission.

Reason: To ensure that any development which has ceased to serve its intended purpose is removed from the site, in the interests of visual amenity.

3. The development shall be used for holiday letting purposes only and shall not be used as a principal private residence or be occupied by any family, group or individual for more than three months (cumulative) in any one calendar year.

Reason: To ensure that the development does not become used for permanent residential occupation in recognition of the temporary residential status of the structure as referred to in Condition 1 above, the lack of private amenity space and in accordance with the use applied for.

REASON FOR DECISION

The Planning Review Body did not consider that the proposed development was contrary to the policies identified by the planning officer and in addition was considered to accord with Policy 44 of the Highland-wide Local Development Plan.

INFORMATIVES

Accordance with Approved Plans & Conditions

You are advised that development must progress in accordance with the plans approved under, and any conditions attached to, this permission. You must not deviate from this permission without consent from the Planning Authority (irrespective of any changes that may separately be requested at the Building Warrant stage or by any other Statutory Authority). Any pre-conditions (those requiring certain works, submissions etc. prior to commencement of development) must be fulfilled prior to work starting on site. Failure to adhere to this permission and meet the requirements of all conditions may invalidate your permission or result in formal enforcement action.

Flood Risk

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. Scottish Planning Policy 2014 at paragraph 259 notes "Developers should take into account flood risk and the ability of future occupiers to insure development before committing themselves to a site or project, as applicants and occupiers have ultimate responsibility for safeguarding their property".

Scottish Water

You are advised that a supply and connection to Scottish Water infrastructure is dependent on sufficient spare capacity at the time of the application for connection to Scottish Water. The granting of planning permission does not guarantee a connection. Any enquiries with regards to sewerage connection and/or water supply should be directed to Scottish Water on 0845 601 8855.

Septic Tanks & Soakaways

Where a private foul drainage solution is proposed, you will require separate consent from the Scottish Environment Protection Agency (SEPA). Planning permission does not guarantee that approval will be given by SEPA and as such you are advised to contact them direct to discuss the matter (01349 862021).

Building Regulations

Please note that Building Regulations and/or a Building Warrant may be applicable to some or all of the works described in this decision notice. You must check with the Council's Building Standards service prior to work commencing to establish what compliance or approval is necessary. If a warrant is required, you must not commence work until one has been applied for and issued. For more information, please contact Building Standards at BuildingStandards@highland.gov.uk or on 01349 886606.

Dated: 14 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.