

Directorate for Planning and Environmental Appeals

Appeal Decision Notice

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Decision by R F Loughridge, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-270-2089
- Site address: Land 100m southwest of River Coe Lodge, Glencoe
- Appeal by Paul Moores against the decision by The Highland Council
- Application for planning permission in principle 12/04013/PIP dated 17 October 2012 refused by notice dated 29 April 2013
- The development proposed: erection of a house
- Date of site visit by Reporter: 22 August 2013

Date of appeal decision: 9 October 2013

Decision

I dismiss the appeal and refuse planning permission in principle.

Reasoning

1. The determining issues in this appeal are centred on the acceptability or otherwise of a new house within the appeal site, having regard to the terms of the development plan.
2. The Highland-Wide Local Development Plan was adopted on 5 April 2012 and superseded in its entirety the Highland Structure Plan. It also superseded parts of the West Highlands and Islands Local Plan which had been adopted on 9 September 2009, but by virtue of the Town and Country Planning (Continuation in Force of Local Plans) (Highland) (Scotland) Order 2012, certain parts of that Plan remain in force. The net effect of these measures is that the appeal site falls to be regarded as outwith the settlement boundary of Glencoe, as defined by the 2009 local plan, and therefore in an area in which a housing development such as the appeal proposal should only be permitted if it meets the criteria established in policy 36 of the Highland Wide Local Development Plan on development in the wider countryside. Other general policies of the local development plan also apply.
3. In policy 36 there are several elements against which development proposals should be assessed. The key ones for present purposes are that the proposal should be sympathetic to existing patterns of development, and that it should be compatible with landscape character and capacity. Policy 36 provides that development proposals may be supported if they are judged to be not significantly detrimental to the policy criteria.



INVESTOR IN PEOPLE



4. The existing patterns of development comprise the historic configuration of croftland development typified in this locale by the linear pattern on the minor road extending through the village of Glencoe and on the north and east side of the A82. In contrast, the proposal would be located on the south side of the village on the A82 approach to the glen on the side of the A82 which is currently undeveloped. I am clear on this analysis that the appeal proposal does not accord with the characteristic historical pattern of development.

5. I accept that the rather more modern development of Carnach does not itself appear to accord well with the historical pattern; and accordingly it falls to be regarded as a distinct element for the purposes of policy 36. However, in my assessment, the appeal proposal would not appear to be any more sympathetic to Carnach's modern characteristics, primarily because it is on the opposite side of the trunk road and visually separated from it. It would not sit truly on the valley floor with an apparent relationship to the river, as do the properties at Carnach. Moreover, it would be divorced from the internal private road network, which characterises Carnach as a gated community of which the proposed house would never appear to be a constituent part.

6. I accordingly agree with the planning authority that the appeal proposal does not reflect existing patterns of development and that the degree of conflict is of such proportions as to be regarded as significantly detrimental for the purposes of policy 36. This is true whether one focuses on the historical or modern components of the existing patterns of development.

7. The appeal proposal would for much the same reasons intrude unacceptably into the landscape. While it may be true that the topography and road layout in the locale combine to reduce the prominence the appeal proposal might otherwise have, the appeal site is such that the proposal would inevitably appear to encroach on the wilder land which surrounds the settlement and the valley floor. This would be to the significant detriment of the landscape contrary to the terms of policy 36.

8. In this connexion, I also note that the appeal site lies within the Ben Nevis and Glencoe National Scenic Area. I share the planning authority's assessment that the appeal proposal would inevitably detract from the scenic qualities of the wider area, and do not accept that attention should be confined to key views. Thus I find that the appeal proposal would in addition be inconsistent with policy 57 of the Highland Wide Local Development Plan.

9. These provisions of the local development plan are consistent with Scottish Planning Policy which recognises that, while new housing outwith existing settlements may have a part to play in economic regeneration and environmental renewal, nonetheless all new development should respond to the specific local character of the location and fit in the landscape. In my assessment the appeal proposal does not respond to the specific local character of this location nor would it fit in the landscape.

10. My attention was also drawn to policies 28 (Sustainable Design), 42 (Previously Used Land), 51 (Trees and Development) and 61 (Landscape) of the Highland-Wide Local

Development Plan and to four pieces of supplementary planning guidance. I find nothing in any of these that would override my assessment that the appeal proposal does not warrant planning permission by virtue of its conflict with policy 36, and much that reinforces the primary assessment that the appeal proposal is unacceptable.

11. I have considered all the other matters raised in the papers before me, but find nothing which leads me to a different conclusion. The appeal proposal does not meet the requirements of policy 36 in the local development plan and there are no material considerations justifying a departure from the plan's provisions.

RF Loughridge

Reporter