



SCOTTISH EXECUTIVE

Directorate for Planning and Environmental Appeals Appeal Decision Notice

Decision by a Reporter appointed by the Scottish Ministers

- Planning Appeal reference: P/PPA/270/467
- Site Address: Land to East of Head Wark, Brough, Thurso, KW14 8YE
- Appeal by Mr William McMenemy against the decision by The Highland Council
- Application for outline planning permission dated 26th January 2007 refused by notice dated 11th May 2007 .
- The development proposed: Erection of House, Installation of Foul Drainage Treatment Plant and Mound Soakaway.
- Date of site visit by Reporter: 9th August 2007

Date of appeal decision: 11th September 2007

Decision

I allow the appeal and grant outline planning permission subject to the eight conditions set out at the end of this notice.

Reasoning

1. The determining issue in this appeal is whether the proposal would adversely affect the amenity and indigenous character of the area bearing in mind the provisions of the development plan (Local plan Policy PP2 6(f) – Landward Chapter).
2. The appeal site comprises of rough grassland or paddock sloping down to the north which is enclosed by an agricultural post and wire fence. Existing site access is via an agricultural access and gate. The nearest house, which belongs to the appellant, lies 30m to the west of the proposed site and there is another house a further 20m to the west.
3. Primary Policy PP2 6(f) describes Brough as a dispersed township and requires a minimum distance of 150m between dwellings which the proposal fails to achieve. The appellant argues that there is a precedent with the existing properties 'Sogno' and 'Head Wark' being only 20m apart; that while it is acceptable to site a new house 150m away from the nearest house, it would involve creating a 150m access track and the development would be out of character and spoil existing views; and that it is worth encouraging 'family groups' within the community of Brough (and other community villages). The proposed house would not set a precedent as the road access is a 'dead end' and the road stops in the grounds of Head Wark. The council essentially argues that the two existing properties and their spacing were taken into consideration; and that it is not uncommon for accesses to be formed to serve new housing with a 150m access track.
4. At the site inspection I observed that, in addition to 'Sogno' and 'Head Wark', there are a number of dwelling houses which breach the 150m constraint; and that it would be practicable to locate a new house, within the appellant's site, towards the cliff top (albeit in a highly visible position) which would comply with policy.

However, I find that such a location would sit uncomfortably with the disposition of Head Wark and its neighbours to the west, these being set out in a straight alignment. A new house in that alternative location would be intrusive and would adversely affect the amenity and indigenous character of the area

5. Two representations were submitted objecting to the proposal because there would not be 150m between houses. Brough has previously been spoiled by houses being built too close together and two existing passing places are used for personal parking and curb stones are required. Two letters of support describe the proposal as unexceptional as nearby houses are in alignment. They make reference to the previous local plan.

6. Having regard to the foregoing, I find that, while the proposal is contrary to the local plan being closer than 150m to its neighbour, and therefore would not, in those terms, conform to the development plan, in the particular circumstances of the site location and the surrounding area, a house could be built in conformity with the development plan which would have a more severe adverse visual impact upon the amenity and indigenous character of the area. I conclude, on balance, that the appeal should be allowed. The council elected not to submit a schedule of conditions which it would wish to see imposed upon any approval that may be given (Circular 1/2000).

Conditions:

1.
 - a) This outline planning permission will expire three years from the date of this permission unless further application(s) for all of the matters reserved under conditions 2 - 8 below have been submitted to the planning authority within that time period;
 - b) Development in respect of this planning permission must be commenced within five years of the date of this permission, or within two years of the final approval of reserved matters (whichever is later of these two dates).

Reason: To accord with the provisions of Section 59 of the Town and Country Planning (Scotland) Act 1997.
2.

Layout: This shall include cross-sections of the site showing a datum point and final floor levels of the dwelling house; position of the dwelling house within the site; provision for car parking and garaging of vehicles within the curtilage of the site; and details of all accesses, fences, walls and hedges and foul and surface water drainage.

Reason: Permission is hereby granted in outline only. Matters of detail are reserved for subsequent approval by the council as planning authority.
3.

Design: This shall include plans, sections and elevations of all buildings and any other structures.

Reason: Permission is hereby granted in outline only. Matters of detail are reserved for subsequent approval by the council as planning authority.
4.

External Appearance: This shall include a specification of the colour and type of all materials to be used on walls, roofs windows, doors, rainwater goods and any other external finishes to the building.

Reason: Permission is hereby granted in outline only. Matters of detail are reserved for subsequent approval by the council as planning authority.
5.

Landscaping: This shall show the treatment of land (other than buildings) forming part of the site, including planting of new trees and shrubs, grassed areas, hedges, retained trees and other retained vegetation, details of level changes (existing and proposed ground levels), hard surfacing, erection of walls, fences or other means of enclosure, formation of banks, terraces or other earthworks and the layout of gardens and other amenity features designed to provide a landscape setting for the development.

Reason: Permission is hereby granted in outline only. Matters of detail are reserved for subsequent approval by the council as planning authority.

6. The dwelling house hereby granted planning permission shall not exceed a single storey in height, although this may include accommodation within the attic or roof space.

Reason: In the interests of visual amenity and the indigenous character of the area.

7. Prior to the commencement of development, details of the drainage works shall be submitted to and, approved by, the Planning Authority.

Reason: Full details have not been submitted.

8. Prior to the commencement of development, details of the sewage disposal works/septic tank shall be submitted to, and approved by, the Planning Authority.

Reason: Full details have not been submitted.

This was the version issued to parties on 11th September 2007.

DGB DUNCAN
Reporter