



Directorate for Planning and Environmental Appeals Appeal Decision Notice

Decision by Allison Coard, a Reporter appointed by the Scottish Ministers.

- Planning Appeal reference: P/PPA/270/471.
- Site Address: Land east of Morven, Duncanshill, Weydale, Thurso, KW14 8YN.
- Appeal by Mrs E Fitzgerald against the decision by The Highland Council.
- Application for outline planning permission 07/00033/OUTCA dated 18 January 2007 refused by notice dated 20 April 2007.
- The development proposed is the erection of 2 houses and formation of vehicular access.
- Site visit made by reporter on 6 September 2007.

Date of appeal decision: 27 September 2007.

Decision

I dismiss the appeal and refuse planning permission.

Reasoning

1. The determining issues in this appeal are: (a) whether the proposal is in accordance with Policy H3 of the Highland Region Structure Plan and Primary Policy PP3 of the Landward Chapter of the Caithness Local Plan, and (b) whether there are any other material considerations that warrant determining the appeal other than in accordance with these policies.
2. Structure plan Policy H3 states that new housing will not be permitted in the hinterland of towns (as defined in local plans), unless required for the management of the land and related family purposes or to provide for affordable housing requirements which cannot be met within settlements.
3. Local plan Policy PP3 reflects the structure plan in presuming against housing development outwith the settlement boundary for Dixonfield/Duncanshill. The appeal site is located outwith this boundary. Exceptions to this policy apply where the house is essential for the management of the land or associated family purposes, where social housing is required to meet a demonstrable local need or where the development involves conversion or redevelopment of a ruinous dwelling. The policy also states that adequate services should be provided and the development should be appropriately sited and designed.
4. I note that a number of letters in support of the appeal seek to demonstrate the demand for housing in this area. Whilst Policy PP3 does allow for exceptions for the provision of social housing to meet a demonstrable local need, evidence of market demand alone does not fully demonstrate this. In the absence of any other justification in accordance with the stated exceptions to these policies I conclude that this proposal is contrary to structure plan Policy H3 and local plan Policy PP3.
5. A house to the east of Cruachan, also outwith the settlement boundary, at the end of the access road, has already been granted planning permission. I have no information on this permission before me other than a reference by one of the objectors to a house and stud farm. This site is set back from the furthest house in the

current row of houses within the settlement. Further development extending down towards the public road could not be considered as infilling a gap site or rounding off the settlement edge. Rather it would represent a further intrusion into the countryside beyond the settlement boundary as defined in the local plan. The availability of infrastructure and an adopted road allowing vehicular access would not provide sufficient justification to depart from the development plan. It is normally for the local plan to consider such amendment to settlement boundaries.

6. Consequently having taken all other matters into account I am not persuaded that there are any grounds which would merit a departure from the development plan.

This is the version issued to parties on 27 September 2007.

Allison Coard
Reporter

DPEA as issued to parties