



## 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/270/469.
- Site Address: Land to North West of Brodie, Papigoe, Wick.
- Appeal by Mr and Mrs MacLean against the decision by The Highland Council.
- Application for outline planning permission 07/00135/OUTCA dated 16 March 2007, refused by notice dated 15 May 2007.
- The development proposed is the erection of a house and formation of a vehicle access.
- Site visit by Reporter made on 6 September 2007.

Date of appeal decision: 27 September 2007.

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### Decision

I allow the appeal and grant outline planning permission subject to the 6 conditions listed at the end of this notice.

### 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 in the hinterland of Wick. The appeal site is identified in the local plan as lying within this area. 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. The appellants' stated need to diversify by selling the plot would not accord with the stated exceptions to these policies. The appellants also refer to the provision of an affordable plot. There is however no explanation of how this would provide for social housing and there is no supporting evidence of local need. I therefore conclude that the proposal is contrary to structure plan Policy H3 and local plan Policy PP3.

5. This site is separated from the settlement boundary, as defined in the local plan, by a house plot currently being developed. Another plot, adjacent to this site and opposite the existing house at Fourwinds is also subject to a current appeal. The house under construction already extends development beyond the settlement boundary, into the same field as the two appeal sites.

6. There are no landscape or other features to define the settlement boundary other than a fence line. Directly opposite the appeal site the existing house at Brodie is within the settlement boundary. A further house at Fourwinds, outwith the settlement boundary, further extends the settlement on the opposite side of the road. If the two appeal sites were to be developed this would effectively "round off" the settlement, with development extending to the same point on both sides of the road.

7. The local plan is normally the appropriate vehicle through which to consider adjustment to settlement boundaries. In this instance however there is no visible settlement boundary, development has already extended beyond the defined settlement boundary and there are no particular landscape, setting of settlement or infrastructure provision issues. I therefore consider that a departure from development plan policy is justified, subject to the stated conditions.

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

Allison Coard  
Reporter

1. Before development commences written approval from the planning authority must be obtained for the details of the siting, design and external appearance of any building(s), the means of access and the landscaping (collectively these are termed the "reserved matters").

2. Plans and particulars of the reserved matters referred to in Condition 1 above shall be submitted for consideration by the planning authority and no work shall begin until the written approval of the authority has been given.

3. Application for approval of reserved matters shall be made to the planning authority within three years from the date of this permission.

4. The development hereby permitted shall commence within five years from the date of this permission, or within two years from the date of approval by the planning authority of the last of the reserved matters to be approved.

*Reason for conditions 1-4: To accord with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997.*

5. Prior to the commencement of development a visibility splay of 4.5m X 70m shall be provided in both directions and this will be maintained and kept free from obstruction in perpetuity.

*Reason for condition 5: To enable drivers of vehicles leaving the site to have a clear view over a length of road sufficient to allow safe exit.*

6. Prior to the occupation of the house details of the following shall be provided for the written approval of the planning authority and the development shall be completed in accordance with these details:-

- a). a footway along the frontage of the site, linking with that already existing and providing drop kerbing across the driveway access;
- b). a driveway, of a minimum width of 3.3m constructed to a hard finish for a minimum distance of 6m from the rear of the footpath; and
- c). off street car parking for at least 2 vehicles with a suitable turning area.

*Reason for condition 6: In the interests of pedestrian and road safety.*

DPEA as issued to parties