



Directorate for Planning and Environmental Appeals Appeal Decision Notice

Decision by Philip G Hutchinson, a Reporter appointed by the Scottish Ministers

- Appeal Reference: P/PPA/270/476.
- Site Address: Part of garden at Moss Cottage, North Cadboll, Tain, IV20 1TN.
- Planning appeal by Mr & Mrs B Johnstone against the decision by The Highland Council.
- Outline planning application 06/00747/OUTRC dated 8 August 2006, refused by notice dated 19 March 2007 .
- The development proposed is the erection of a bungalow (in outline).
- Site visit by Reporter made on 26 September 2007.

Date of appeal decision: 02 October 2007.

Decision

I dismiss the appeal and refuse to grant outline planning permission.

Reasoning

1. The central issues are (1) whether the development would be consistent with the development plan and (2) if not, whether material considerations justify a departure from the development plan.
2. The most relevant development plan policies are G2 and H8 in the Highland Structure Plan and H2 in the Ross and Cromarty East Local Plan. The first lists 13 criteria which new development should satisfy, including the need for it to be accessible by public transport and by other non-car modes, a preference for the use of brownfield sites and the need for development to respect local character and the historic and natural environments. The second policy requires accesses serving more than 4 houses to be made up to adoptive standards. The third policy allows new housing outwith groups in this locality if it reflects the character of local development and the settlement pattern, and if it can be adequately serviced. The only material consideration is whether some site-specific feature or the surrounding topography warrants particular latitude.
3. The site is a sharply tapering corner of the garden attached to Moss Cottage, and would be separated from the surviving garden by a pond. Inevitably, even a modest bungalow would lie remarkably close to one or more boundaries. Individual houses tend to occupy more spacious plots, or lie in clearly defined groups like North Cadboll House and its associated buildings or the cluster of buildings where the track meets the public road. There is substance in the council's point that the development would be relatively crammed within its plot and at odds with the established settlement pattern in the locality (despite the variety of different building styles and scales). This problem is compounded by the relatively high water table, and by the need to satisfactorily dispose of foul drainage and to accommodate at least 2 parked cars all within the site boundary. It is also clear that the site lies a good 300m (or more) down its narrow and unsurfaced access track from the nearest public road. The proposal is therefore at odds with structure plan policy G2 as well as with local plan policy H2.

4. Since the proposal does not extend to the upgrading of the entire access track to an adoptive standard there is also difficulty in relation to structure plan policy H8. Although such major engineering works would be onerous in the case of a single-house development, the inadequacy of the access track is a fundamental obstacle. There are 4 houses taking access off the track (although one also has an alternative means of access). In addition a derelict house (if renovated) would have to rely on it, as would any other existing buildings which may conceivably be brought into residential use. At present the track is completely unsuited to additional demands, both in respect of its surface, its geometry, its poor eastward junction visibility and its lack of passing places. Even limited improvements to this situation would lie outwith the appellants' control. It is therefore impossible even to go some small way towards reconciling the proposal with structure plan policy H8

5. The surrounding topography is relatively flat and featureless. It would not be easy to see the proposed bungalow from the nearest public roads which are at some distance, and the neighbouring plantations would limit any visual impact. Nevertheless, the success of the appeal in these circumstances would send out an unhelpful signal likely to encourage additional proposals for sporadic piecemeal housing developments served by inadequate accesses. This would also be at odds with the above local plan, adopted only a few months ago. It would render consistent decision making unreasonably more difficult for the planning authority.

6. I conclude that the appeal proposal is at odds with the said development plan policies and that material considerations do not justify a departure from the development plan.

This is the version issued to parties on 02 October 2007

PHILIP G HUTCHINSON
Reporter