

Appeal Decision Notice

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Decision by M J Culshaw, a Reporter appointed by the Scottish Ministers

- Planning Appeal reference: P/PPA/270/480
- Site Address: Land north west of "Kingsway", Heathmount, Tain
- Appeal by Mr and Mrs J Wood against the decision by The Highland Council
- Application for outline planning permission dated 29 January 2007 refused by notice dated 30 March 2007.
- The development proposed: erection of house.
- Date of site visit by Reporter: 23 October 2007

Date of appeal decision: 3 December 2007

Decision

I dismiss the appeal and refuse outline planning permission.

Reasoning

1. The determining issue in this appeal is the impact of the proposal on the appearance of the countryside, having regard to the policies of the development plan.
2. The appeal site lies close to a small number of other dwellings, just off a minor road in countryside which contains a mixture of wooded and open land south of Tain. The site is uncultivated land which at the time of my inspection had been tidied but remained fringed by trees, one or two of which might be affected by the erection of a house and accompanying works such as drainage. However I am satisfied from my inspection that development of a dwelling would be possible without altering the overall impact of the trees which would remain on the appearance of their surroundings. The creation of an access from the road which runs past the site might require the clearance of some obstruction to visibility from hedges within the sight lines, but would be feasible.
3. The Highland Structure Plan was approved in 2001 and has been supplemented by Development Plan Policy Guidelines, which take into account recent government policy in the form of Scottish Planning Policy 3 Land for Housing and Scottish Planning Policy 15 Planning for Rural Development. This indicates a policy approach which differentiates between the more rural areas which are experiencing difficulties in maintaining population and areas around the larger settlements which are experiencing high levels of housing demand. In the former areas the policy is to support development in a wide range of situations in order to maintain the viability of rural communities. However in the Hinterland



of Towns the policy intention is to channel demand to appropriate locations and only exceptionally permit development in open countryside.

4. The Ross and Cromarty East Local Plan identifies the area around the appeal site as lying within the Hinterland surrounding Tain. Policy GSP10 Housing in the Hinterland Areas presumes against housing in the open countryside of the hinterland, subject to a small number of exceptions, none of which apply to the circumstances of this proposal.

5. The development of a house on this site would thus conflict with the recently adopted local plan. Section 25 of the Town and Country Planning (Scotland) Act 1997 requires me to determine this appeal in accordance with the development plan unless material considerations indicate otherwise. I have therefore examined the factors put forward by the appellant and weighed them against the conflict with local plan policy. I note that the Royal Burgh of Tain Community Council raised no objections to the proposal. I acknowledge that a dwelling could be added to the existing group without being unduly prominent, and would bring the number of dwellings in the group back to the five which existed prior to the replacement of a pair of semi-detached houses with a single dwelling to the south of the site. I also recognise the appellants' understandable wish to live close to parents and support nearby schools while continuing his local business. However neither the relative lack of prominence (which could be repeated too often elsewhere) nor these personal circumstances and local connections are sufficient to outweigh recent and established policy.

6. I have noted the appellant's dissatisfaction with the way the application was handled by officers of Highland Council and particularly the lack of discussion before a decision was reached. He has also pointed out what he describes as incorrect statements in the Council's statement. However I have judged the proposal on its planning merits and against the policies of the development plan. I have also taken into account as material considerations the existence of planning permission for a boat shed on the land, the history of previous developments on the site, including a convalescent home and a market garden and the fact that many local families have lived in the locality for some generations. I agree with the appellant that national policy exists in the form of Scottish Planning Policy 3 Land for Housing and Scottish Planning Policy 15 Planning for Rural Development which encourages frameworks to be put in place to accommodate selective and modest growth in small settlements. However I am satisfied that in the circumstances of this case such a framework is satisfactorily provided by the newly adopted local plan, which while identifying a number of settlements and housing groups for development, does not do so in the case of the locality of the appeal site.

7. I have taken all other matters put forward in support of the appeal into account, but none is sufficient to alter my conclusion that the policy of the development plan should prevail and the appeal should be dismissed.



M J Culshaw
Deputy Chief Reporter