

Appeal Decision Notice

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Decision by Richard Hickman, a Reporter appointed by the Scottish Ministers

- Planning Appeal reference: PPA/270/498 [Council reference : 07/00128/FULCA]
- Site address: Land to the north of Catreff, Newton Row, Wick
- Appeal by Mr A J Palmer against the decision by the Highland Council
- Application for planning permission dated 19 March 2007 refused by notice dated 11 May 2007
- The development proposed: Erection of single storey house, installation of septic tank and soakaway, and formation of new access
- Date of site visit by Reporter: 30 January 2008

Date of appeal decision: 14th February 2008

Decision

I dismiss the appeal and refuse planning permission.

Reasoning

1. Section 25 of the 1997 planning act requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The reason for refusal of this application is that the proposed house is subject to Primary Policy PP3 of the Landward Chapter of the Caithness Local Plan, which presumes against housing development, and no exceptional need as required by the policy has been demonstrated. Thus the determining issue in the appeal is whether the proposal would be in accordance with the local plan policy; and if not, whether the arguments put forward in support of the appeal justify an exception to the policy.

2. Primary Policy PP3 states that there is a presumption against housing development in the hinterland around Wick and Thurso, subject to 3 exceptions. There is no suggestion that the house that is the subject of this appeal is covered by any of the exceptions. It would thus be contrary to this policy.

3. The proposed site forms part of a field, adjacent to the boundary of the settlement of Newtonhill (R47) defined in the local plan. The adjacent land within the settlement boundary is part of another field. Paragraph 14 of Primary Policy PP3 states that in all cases there will be a strong presumption against development on land immediately outwith the defined settlement boundaries, which is the case here. The table of constraints within Primary Policy PP3 (paragraph 13) states that, within the settlement of Newtonhill, development will only be allowed after connection to the Wick drainage system, and road improvements.

4. In support of the appeal, it is stated that the proposed house site is on the edge of the existing hamlet of Newton Row and as such would not be detrimental to the character of the area. There would be no intrusion in the views from existing properties, and the proposed access is acceptable to the Roads Department. The house would have a septic tank and soakaway, as do all other



properties in the area at present. The appellants have family connections with Newton Row, which they wish to maintain.

5. I note that Newton Row (referred to in the local plan as Newtonhill) is a linear settlement, aligned along the top of a hill slope overlooking Wick. The proposed house would be located immediately outwith the northwestern extremity of the defined settlement, where it would extend the ribbon of development further into the farmland. This would increase the landscape impact of the settlement. There are undeveloped sites within the Newtonhill settlement boundary, including the similar farmland adjacent to the appeal site, which appear to be capable of accommodating additional houses without extending the ribbon development and without necessarily impeding the views from other properties. I note that the local plan restriction on new development in Newtonhill in advance of a connection to the Wick drainage system applies within the settlement boundary, but not to the appeal site. However I consider that the opportunity to develop the appeal site on the basis of a septic tank and soakaway is not a sufficient reason to accept a proposal that is in direct contravention of the general policy presumption in Primary Policy PP3 against unplanned development in the hinterland of Wick, and the specific restriction on development adjacent to a settlement boundary contained in paragraph 14 of the policy.

6. I therefore find that the arguments put forward in support of the appeal do not provide an adequate justification for an exception to the local plan policy, as required by section 25 of the Act.

This is the version that was issued to parties on 14th February 2008.

R M HICKMAN
Reporter