

Appeal Decision Notice

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Decision by Gerry Farrington, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: P/PPA/270/514
- Site address: plot 3, southeast of Brindavan, Ardgay, IV24 3DJ
- Appeal by Gillian Glennie against the decision by Highland Council to refuse permission
- Application for outline planning permission 07/00134/OUTSU dated 29 March 2007 refused by notice dated 8 June 2007
- The development proposed: erection of house, garage, ancillary services and access
- Application drawing: location/site plan - drawing no. 06-087/A2/L01/revision A
- Date of site visit by Reporter: 11 February 2008

Date of appeal decision: 1 April 2008

Decision

I dismiss the appeal and refuse outline planning permission.

Reasoning

1. The key issues in this appeal are: (1) whether the appeal proposal accords with the relevant provisions of the development plan; (2) the impact on visual amenity; (3) flooding and pollution and (4) whether approval or refusal is justified by other material considerations, including recent planning decisions in the area.
2. **The development plan:** In this case, the relevant plans are the approved Highland Structure Plan 2001 (HSP) and the adopted South and East Sutherland Local Plan 2000 (SESLP). In addition, as an emerging plan, the Sutherland Local Plan Deposit Draft 2007 (SLPDD) is a material consideration. SESLP policy ENV2, which favours development unless this would significantly affect important local features, has been superseded by HSP policy H3. HSP policy H3 assesses proposals on the extent to which they are in keeping in terms of scale and location with the existing settlement pattern and demonstrate appropriate siting. HSP policy G2 requires proposals to demonstrate appropriate siting in keeping with local character. SLPDD policy 16 relating to housing in the countryside is consistent with HSP policies H3 and G2. The SLPDD village map for Ardgay indicates that the site lies outside the settlement in the Dornoch Firth National Scenic Area.
3. My visit confirmed the site to be part of an elongated rectangular field bounded to the south by the A836 and to the north by the railway embankment beyond which lies the foreshore of Dornoch Firth. The principal features of the settlement pattern of the area are Ardgay village and the loose cluster of development known generally as Kincardine.



Viewed in the context of Ardgay, by extending development eastwards along the A836, the proposal would further diffuse the identity of the village, which is already attenuated by loose ribboning of development in this direction. In the context of Kincardine it would breach any natural definition to the pattern of settlement provided by Kincardine Burn. I concur with the council that the proposal would not add to or round off any existing cluster of development. Therefore, I judge that the proposed development, either viewed in isolation or in combination with concurrent proposals for dwellings on plots 1 and 2 (council refs: 07/00132/OUTSU and 07/00133/OUTSU), would represent inappropriately sited development contrary to HSP policy H3 and SLPDD policy 16 and would seriously detract from the character of the local area contrary to HSP policy G2. Therefore, I find the proposal contrary to the relevant provisions of the extant and emerging development plan.

4. Visual amenity: Because of its conspicuous foreground location the proposed dwelling would intrude into the sweeping scenic views of Dornoch Firth that are currently available from the A836 travelling in either direction. This would be seriously injurious to the visual amenity of the locality, which is a designated area of national scenic significance. If developed in combination with plots 1 and 2 the proposed dwelling would form part of an unsightly ribbon of development, which would make the visual impact significantly worse.

5. Flooding and pollution: Scottish Planning Policy 7 (SPP7) states that new development should not take place if it would be at significant risk of flooding or would materially increase the probability of flooding elsewhere. Plot 3 is located within an undeveloped area the subject of a 1:200-year medium to high fluvial flood risk. SPP7 indicates that such areas are generally not suitable for residential development. Photographs of the Kincardine Burn in spate show the river close to over-topping its banks. Were the site to flood it is possible that unprocessed effluent from the septic tank could enter the river causing pollution. Construction of flood protection along the top of the bank would remove the floodwater storage capacity of the site, which would be likely to exacerbate flooding elsewhere. Taking these factors into account and the advice in SPP7 that it is Scottish Government policy to err on the side of caution whenever flooding is an issue, I consider that permission should be refused on the grounds that the proposed development has the potential to add to fluvial flooding in the area and cause pollution of the Kincardine Burn.

6. Other material considerations: In my opinion none of the approved developments drawn to my attention, some of which pre-date adoption of the SESLP, are comparable with the appeal proposal. None has such an injuriously erosive impact on the gap between Ardgay and the loose cluster of development at Kincardine and none has such an intrusive impact on panoramic views seaward from the A836.

7. Conclusion: Taking into account the considerations set out above and that legislation requires that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise, I am in no doubt that the application fails this statutory test. Viewed in their totality the appellant's various submissions are of insufficient weight to override my conclusion that the appeal should be dismissed.

This is the version issued to parties on 1 April 2008.

GERRY FARRINGTON
Reporter