

## Appeal Decision Notice

T: 01324 696 400  
F: 01324 696 444  
E: [dpea@scotland.gsi.gov.uk](mailto:dpea@scotland.gsi.gov.uk)



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

- Planning appeal reference: PPA/270/508
- Site address: land to west of Dunroamin, Dunnet, Caithness KW14 8YD
- Appeal by Mr Alexander Sutherland against the decision by Highland Council to refuse outline permission
- Application for outline planning permission [council ref: 07/00407/OUTCA] dated 27 July 2007 refused by notice dated 13 September 2007
- The development proposed: erection of two houses and alterations to vehicular access
- Date of site visit by Reporter: 12 February 2008

Date of appeal decision: 11 March 2008

### Decision

I dismiss the appeal and refuse outline planning permission.

### Reasoning

1. The key issues in this appeal are: (1) whether the development accords with the development plan; and (2) whether approval or refusal is justified by other material considerations.

2. Issue (1): In this case, the relevant plans are the approved Highland Structure Plan 2001 (HSP) and the adopted Caithness Local Plan 2002 (CLP). HSP Policy H3 states that housing development will generally be within existing and planned new settlements. The site lies outside the settlement limit designated for Dunnet in the CLP and in an area in which CLP policy PP3 presumes against development in the countryside. No case has been made that the proposal lies within a category of development excepted from the policy presumption. Therefore, I find the proposal contrary to the development plan.

3. Issue (2): The appellant's assertion that the settlement limit is wrong has not been demonstrated in land use planning terms. Moreover, my site visit revealed little by way of physical features and/or development in the vicinity that would justify inclusion of the site within the settlement limit, at least until the possibility of an amended settlement boundary is given consideration in a future review of the local plan. The omission of the sites for two dwellings granted outline permissions that lapsed in 2003 [council refs: 00/00067 and 00/00070] could have been the subject of an objection when the draft CLP was on deposit and it is not possible to speculate what would have been the outcome. No other material consideration has been identified that might justify an exception from the development plan.



4. Therefore, having regard to the statutory requirement in Section 25 of the Town and Country Planning (Scotland) Act 1997 that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise, I conclude, in agreement with the council, that outline planning permission should be refused.

*This is the version issued to parties on 11 March 2008.*

Gerry Farrington  
Reporter

*DPEA as issued to parties*