

Appeal Decision Notice

T: 01324 696 400
F: 01324 696 444
E: dpea@scotland.gsi.gov.uk



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

- Planning appeal reference: P/PPA/270/516
- Site address: land east of Rowan Cottage, Mey, Caithness (grid ref: 328254 972652)
- Appeal by Mr Thomas Mahaffy against the decision by Highland Council when granting planning permission by notice dated 25 June 2007 to restrict the period of permission to six months
- Application for planning permission no. 07/00153/FULCA dated 28 March 2007
- The development proposed: renewal of permission for the siting of a static caravan
- Application drawings: see schedule on page 2
- Date of site visit by Reporter: 12 February 2008

Date of appeal decision: 28 March 2008

Decision

I allow the appeal and vary the terms of planning permission 07/00153/FULCA by altering condition number 2 to read:

Condition 2 (a) the caravan (i) shall be occupied by a person who is actually constructing the house, (ii) shall remain on the site whilst the house is under construction and (iii) notwithstanding progress in the construction of the house shall be removed permanently from the site no later than 31 March 2009; and (b) prior to its occupation the caravan should be connected to the sewage system of the dwelling house permitted under planning authority ref: 05/00476/FULCA to the satisfaction of the planning authority.

Reason: (a) to protect the amenity of the area and (b) to safeguard public health

Background

Full planning permission (planning authority ref: 05/00476/FULCA) was granted in November 2005 for the erection on the site of a house, installation of a septic tank and soakaway, formation of a vehicular access and the temporary siting of a caravan.

Reasoning

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



Issue 1 the provisions of the development plan

2. 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 Mey in the CLP and in an area in which CLP policy PP3 presumes against development in the countryside. However, an extant planning permission exists for a dwelling on the site and it is not contested that the caravan is required as temporary accommodation to facilitate its construction.
3. My site visit revealed that the landscape surrounding the appeal site is very open and that there is no site boundary vegetation to help to reduce the intrusive impact of the caravan on the visual amenity of the area. Consequently, bearing in mind the particular presumption in CLP policy PP3 against development where there is significant damage to amenity, I can appreciate the council's anxiety to ensure that the caravan is removed at the earliest opportunity. However, given the applicant's recent ill health and the fact that rather than employing a builder he intends to build the dwelling himself, I consider that an extension of temporary permission from six months to twelve months is reasonable.
4. My site visit also revealed the presence of an unoccupied caravan on the site and that the foul sewage system approved under planning authority ref: 05/00476/FULCA has yet to be constructed. Bearing in mind the particular presumption in CLP policy PP3 against development where there is significant damage to public health, I consider it essential that prior to its occupation the caravan should be connected to the sewage system of the dwelling house to the satisfaction of the planning authority.

Issue 2 other material considerations

5. I have taken account of all other matters raised in the submissions but none carries sufficient weight to override my conclusion that condition 2 should be varied so as to extend the temporary permission to 31 March 2009, i.e. effectively to twelve months, and requiring that prior to its occupation the caravan should be connected into the foul sewage system of the permitted dwelling.

This is the version issued to parties on 28 March 2008.

GERRY FARRINGTON
Reporter

SCHEDULE OF APPLICATION DRAWINGS

1. Drawing no. N05/55/02 revision C stamped received by the planning authority 28.3.07
2. Drawing no. N05/55/03 revision A stamped received by the planning authority 28.3.07