

Appeal Decision Notice

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



Decision by Douglas G Hope, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: P/PPA/270/530
- Site address: Kincardine Lodge, Ardgay, Sutherland IV24 3DJ
- Appeal by Mrs G Hart against the decision by The Highland Council
- Application for outline planning permission ref. no. 07/00383/OUTSU dated 24 September 2007 refused by notice dated 22 October 2007.
- The development proposed: Erection of two houses
- Application drawings: Plan No. 1
- Date of site visit by Reporter: 10 April 2008

Date of appeal decision: 7 May 2008

Decision

I dismiss the appeal and refuse outline planning permission.

Reasoning

1. The determining issues in this appeal are whether the proposed houses are consistent with development plan policy on housing in the countryside and, if not, whether there is any justification for an exception to this policy.
2. I note that policy ENV2 of the adopted local plan, the South and East Sutherland Local Plan 2000 (SESLP), favours development in the Kincardine area unless this would significantly affect important local features. No evidence has been put forward by the council that the proposed development contravenes this policy. The Highland Structure Plan 2001 (HSP), approved subsequent to the adoption of the SESLP, has amended housing in the countryside policy and policy H3 of the HSP indicates that housing in the wider countryside must be of an appropriate location, scale, design and materials. Policy G2 also requires that proposed developments should demonstrate sensitive siting in keeping with local character. The council's Development Plan Policy Guidance on Housing in the Countryside reflects the requirements of policy H3 of the HSP. The replacement local plan, the Deposit Draft Sutherland Local Plan (DDSLP), is being prepared within the context of the approved structure plan and the most recent Government guidance on rural development, housing in the countryside and rural diversification. Policy 3 of the DDSLP indicates that housing proposals in the wider countryside must be consistent with the HSP.



3. From the submitted evidence and my site inspection, it is clearly evident that a number of houses have been built over the past fifteen years within relatively close proximity to the appeal site, including the three houses under construction on the site to the west of the appeal site. Outline planning permission exists for a further two houses at Kincardine and a planning application for a house on the north side of the A836, roughly opposite the appeal site, remains undetermined.
4. I do not consider that any of the previous planning permissions set any kind of precedent for the development of the appeal site. Some of them pre-date the adopted local plan and approved structure plan. More recent developments comprise infill development or could be considered rounding-off of the existing building group. For my part, I am satisfied that each application should be considered on its own merits, against the relevant provisions of the development plan and taking account of all other material considerations. That is the approach I have taken in this instance.
5. In this case, I am not persuaded that the development of two houses on the appeal site would be consistent with the requirements of policy H3 of the HSP. Whilst it would be possible to achieve housing of an appropriate design and materials, the site is prominently located above the A836 with open ground to east and west. Any new housing on this site would not relate to the form of the existing building group centred on the church but would constitute sporadic development along a major road, the approval of which could potentially lead to further ribbon development along this road. In relation to policy G2 of the HSP, I do not consider that housing in such a prominent location outwith the existing building group would demonstrate sensitive siting within the landscape. I conclude that approval of the proposed development would not be consistent with the relevant structure plan policies.
6. 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. For the reasons stated in paragraphs 4 and 5 above, I find that approval of the proposal would not be consistent with the provisions of the development plan. I have therefore considered whether there is any justification for a departure from the development plan. For similar reasons to those expressed above, I do not consider that there is any support for the proposal in the emerging local plan. Whilst policy 3 of the DDSLP indicates that housing development may be acceptable where it helps repopulate communities and strengthens services, this consideration does not override the need to respect the character of the area. In any event, there is no evidence that the proposed development would have any significant effect in terms of retaining population and maintaining services. I have considered all the other matters raised but find that there are no other material considerations that merit an exception to established planning policy.

DOUGLAS G HOPE
Reporter

