

THE HIGHLAND COUNCIL
CAITHNESS, SUTHERLAND & EASTER ROSS PLANNING
APPLICATIONS AND REVIEW COMMITTEE
9 December 2008

Agenda Item	3.11
Report No	66/08

08/00398/OUTSU Erection of house (Outline) and installation of biological treatment plant with outfall to watercourse on land to north-west of Kingsway, Heathmount, Tain

Report by Area Planning and Building Standards Manager

SUMMARY

The application is in outline for the erection of a single house and installation of private foul drainage system.

The application has been advertised as a Departure from policy, with the advert period expiring on 21 November 2008.

The application is reported to Committee at the request of the three Ward Members.

The Recommendation is to REFUSE outline planning permission.

Ward Number 8 - Tain and Easter Ross

Applicant – Mr & Mrs J Wood

1. PROPOSAL

1.1 The application seeks to establish the principle of developing the site for a single house on a gap site between two existing properties at Heathmount, Tain.

2. PLANNING HISTORY

2.1 The Planning History is material to the consideration of the current proposal: 07/00085/OUTRC – Erection of house (Outline). Refused 30.03.2007. This application was subject of an appeal in December 2007 (P/PPA/270/480). The Reporter concluded in his decision notice that “the policy of the development plan should prevail and the appeal should be dismissed”.

3. PUBLIC PARTICIPATION

3.1 No representations have been received.

4. CONSULTATIONS

4.1 **Tain Community Council** – No comments have been received.

4.2 Internal Consultees

TEC Services – No objections. A combined bellmouth and service lay-by must be provided by the applicant and surfaced in bituminous macadam. Visibility splays of 90m are required.

4.3 External Consultees

SEPA – No objection.

Scottish Water – No objection.

5. POLICY

5.1 The following policies are relevant to the assessment of the proposal

Highland Structure Plan:

- G2 Design for Sustainability
- H3 Housing in the Countryside – restricted countryside area defined by the hinterland around Tain where new housing is not permitted unless it meets one of the exceptions to the policy e.g. land management.

Ross and Cromarty East Local Plan

The site lies within the restricted hinterland around Tain (see policy H3 above and policy GSP10 Housing in the Hinterland Areas.)

5.2 The proposal also requires to be assessed against Scottish Planning Policy (SPP1) The Planning System; Scottish Planning Policy 3 Land for Housing; and Scottish Planning Policy 15 Planning for Rural Development.

6. PLANNING APPRAISAL

6.1 **Determining issues** – Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

6.2 The proposal requires to be assessed against the appropriate policies of the Development Plan, supplementary guidance and National Planning Policy and Guidelines as referred to in the Policy section. In particular, the proposal requires detailed assessment of the following fundamental issues:

- whether the principle of development is appropriate in terms of policy
- whether the layout of development is appropriate

- the impact on the amenity of the area and residents
- other material issues raised by the objectors

6.3 Members will note that the **planning history is particularly material to the consideration of the current proposal**. There is a recent history of a refusal on the site, with the consideration of an appeal in December 2007. The appeal was dismissed by the Reporter who concluded in his decision notice that “the policy of the development plan should prevail and the appeal should be dismissed”.

6.4 **The current application is the same as that dismissed by the Reporter. There have been no changes to the development plan policy since the previous refusal, and no changes to the on-site conditions.**

6.5 In dismissing the previous appeal, the Reporter found as follows (my emphasis) –

“The appeal site lies close to a small number of other dwellings, just off a minor road in countryside which contains a mixture of wooded and open land south of Tain. The site is uncultivated land which at the time of my inspection had been tidied but remained fringed by trees, one or two of which might be affected by the erection of a house and accompanying works such as drainage. However I am satisfied from my inspection that development of a dwelling would be possible without altering the overall impact of the trees which would remain on the appearance of their surroundings. The creation of an access from the road which runs past the site might require the clearance of some obstruction to visibility from hedges within the sight lines, but would be feasible.

The Highland Structure Plan was approved in 2001 and has been supplemented by Development Plan Policy Guidelines, which take into account recent government policy in the form of Scottish Planning Policy 3 Land for Housing and Scottish Planning Policy 15 Planning for Rural Development. This indicates a policy approach which differentiates between the more rural areas which are experiencing difficulties in maintaining population and areas around the larger settlements which are experiencing high levels of housing demand. In the former areas the policy is to support development in a wide range of situations in order to maintain the viability of rural communities. However in the Hinterland of Towns the policy intention is to channel demand to appropriate locations and only exceptionally permit development in open countryside.

The Ross and Cromarty East Local Plan identifies the area around the appeal site as lying within the Hinterland surrounding Tain. Policy GSP10 Housing in the Hinterland Areas presumes against housing in the open countryside of the hinterland, subject to a small number of exceptions, none of which apply to the circumstances of this proposal.

The development of a house on this site would thus conflict with the recently adopted local plan. 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. I have therefore examined the factors put forward by the appellant and weighed them against the conflict with local plan policy. I note that the Royal Burgh of Tain Community Council raised no

objections to the proposal. I acknowledge that a dwelling could be added to the existing group without being unduly prominent, and would bring the number of dwellings in the group back to the five which existed prior to the replacement of a pair of semi-detached houses with a single dwelling to the south of the site. I also recognise the appellants' understandable wish to live close to parents and support nearby schools while continuing his local business. However neither the relative lack of prominence (which could be repeated too often elsewhere) nor these personal circumstances and local connections are sufficient to outweigh recent and established policy.

..... I have judged the proposal on its planning merits and against the policies of the development plan. I have also taken into account as material considerations the existence of planning permission for a boat shed on the land, the history of previous developments on the site, including a convalescent home and a market garden and the fact that many local families have lived in the locality for some generations. I agree with the appellant that national policy exists in the form of Scottish Planning Policy 3 Land for Housing and Scottish Planning Policy 15 Planning for Rural Development which encourages frameworks to be put in place to accommodate selective and modest growth in small settlements. However I am satisfied that in the circumstances of this case such a framework is satisfactorily provided by **the newly adopted local plan, which while identifying a number of settlements and housing groups for development, does not do so in the case of the locality of the appeal site.**

I have taken all other matters put forward in support of the appeal into account, but none is sufficient to alter my conclusion that the policy of the development plan should prevail and the appeal should be dismissed."

- 6.6 **Current Proposal:** The applicant has submitted a supporting statement putting forward reasons for departing from the housing policy for the area (Structure Plan policy H3). The statement sets out reasons for the application but does not relate to any of the exceptions to the policy which would then justify a departure from policy e.g. land management. The reasons for application are personal circumstances and local connections. Whilst this is understandable, these do not relate to the planning policy for the site and are not material planning considerations.

7. CONCLUSION

- 7.1 I would advise Members that there have been no changes in either development plan policy or on-the-ground circumstances since the previous refusal and dismissed appeal. Approval would set a dangerous precedent (as noted by the Reporter on the previously dismissed Appeal) making it difficult to refuse applications of a similar nature in the future, and refusal is recommended.

RECOMMENDATION

Refuse outline planning permission for the following reasons:

- 1 The proposal is contrary to Structure Plan Policy H3 Housing in the Countryside and to the Council's adopted Housing in the Countryside Development Plan Policy Guideline since the site lies within the Hinterland Around Towns Area where there is a presumption against housing development and there is no recognised justification for departure from policy.
- 2 The proposal, if approved, would create an undesirable precedent for the approval of additional housing within the Hinterland Around Towns Area where no justification exists, undermining Council policy.

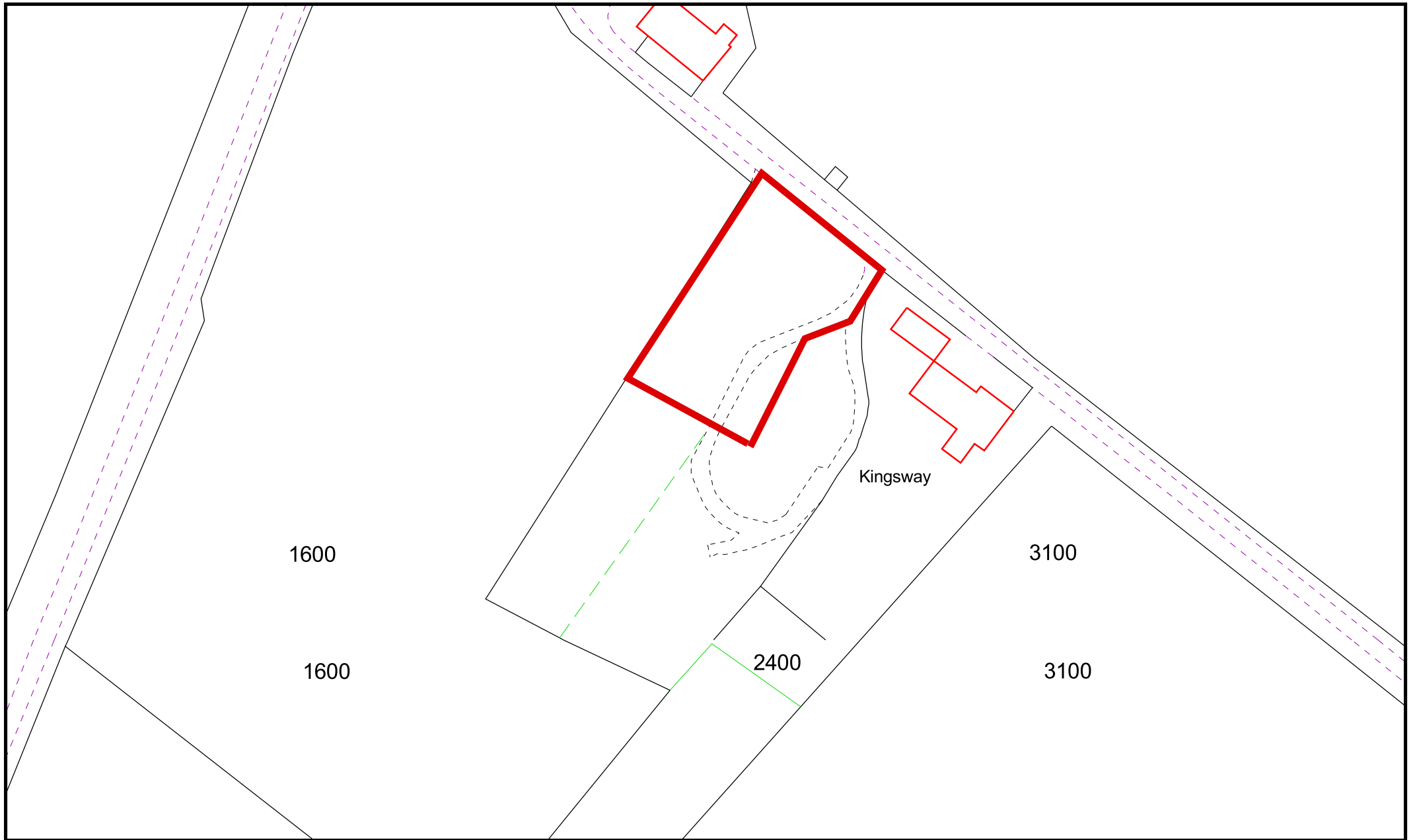
Signature: Allan J Todd

Designation: Area Planning & Building Standards Manager

Author: Bob Robertson 01408 635371

Background Papers: As referred to in the report above and case file reference number 08/00398/OUTSU

Date: 1 December 2008



08/00398/OUTSU Erection of house (Outline). Installation of biological treatment plant with outfall to watercourse at land to north west of Kingsway Heathmount Tain

SUPPLIED BY THE HIGHLAND COUNCIL

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1 December 2008