

**THE HIGHLAND COUNCIL**

**CAITHNESS, SUTHERLAND & EASTER ROSS PLANNING  
APPLICATIONS AND REVIEW COMMITTEE – 19 MAY 2009**

Agenda Item	4.4
Report No	25/09

**09/00042/OUTSU – Erection of house and improvement of existing access, and installation of septic tank and soakaway north-west of Green Acres, Portmahomack**

**Report by Area Planning and Building Standards Manager**

**SUMMARY**

The application seeks outline consent for the erection of a house, improvement of existing access and the installation of a septic tank and soakaway on land north west of Green Acres, Portmahomack.

No letters of representation have been received.

The application is reported to Committee at the unanimous request of the Ward Members as it would otherwise have been refused under delegated powers.

**The Recommendation is to REFUSE outline planning permission.**

Ward Number 8 – Tain & Easter Ross

Applicant – Mr Allan Summers

**1. PROPOSAL**

- 1.1 The proposal seeks outline consent for the erection of a house along with the improvement of the existing access and the installation of a septic tank and soakaway.
- 1.2 The site lies to the north west of Green Acres on the northern side of the Portmahomack to Tarbatness Road. It is a flat, open site and is prominently located adjacent to the main road between Portmahomack and Bindal Farm. The site lies outwith the settlement boundary of Portmahomack as defined in the Ross and Cromarty East Local Plan.

**2. PLANNING HISTORY**

- 2.1 None known

### **3. PUBLIC PARTICIPATION**

- 3.1 The application was advertised as a potential departure from the provisions of the development plan on 10 April 2009. The publicity period expired on 1 May. No letters of representation have been received in relation to this proposal.

### **4. CONSULTATIONS**

#### **4.1 Internal Consultees**

**TEC Services** – no objections. The applicant should be made aware that in order to achieve the required 2.5m x 90 m sightlines, from 1m high in both directions, will require some fence realignment and maybe some earthworks to the nearside bank.

#### **4.2 External Consultees**

**Scottish Water** – no objections

**Tarbat Community Council** - no response

### **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

#### **Ross & Cromarty East Local Plan**

- BP2
- Settlement boundary policy

### **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

- 6.3 This application seeks outline permission for a house and associated access and drainage works. The site lies to the east of Portmahomack and is outside the settlement boundary defined in the Ross and Cromarty East Local Plan.
- 6.4 Highland Structure Plan Policies G2 and H3 are relevant. Policy G2 (Design for Sustainability) requires that all proposals are assessed on the extent to which they “impact on individual and community residential amenity” and “demonstrate sensitive siting and high quality design in keeping with local character”. Policy H3 (Housing in the Countryside) states that “housing development will generally be within existing and planned new settlements” and that elsewhere housing of an appropriate location may be acceptable where it supports communities experiencing difficulty maintaining population and services.
- 6.5 The proposal must also be considered against the policies of the Ross and Cromarty East Local Plan. The Plan’s settlement boundary policy states that “The Council will maintain a strong presumption against sporadic development outwith settlement boundaries in order to protect their landscape setting or avoid adversely affecting their longer-term expansion”.
- 6.6 The proposal is considered contrary to the Highland Structure Plan policies and the Ross and Cromarty East Local Plan policies noted above. The flat, open site is prominently located adjacent to the road. The development is located immediately outwith the defined settlement boundary and is not considered to demonstrate sensitive siting in keeping with local character. The surrounding rural area is characterised by relatively isolated houses and farms. The proposal, if approved, would set an unacceptable precedent for further development outwith the settlement boundary and may encourage a linear, roadside development pattern which is uncharacteristic of this rural area and which would impose additional strain upon the single track road leading to Tarbatness lighthouse. Furthermore, the site is prominently located which would exacerbate the inappropriate nature of the proposed development.

## **7. CONCLUSION**

- 7.1 The proposal is located on a prominent site outwith the settlement boundary. If permitted, the proposal would set a precedent for further development outwith the settlement boundary and may establish a trend for a linear roadside development which is uncharacteristic of the surrounding rural area. Furthermore, the proposal is considered contrary to Highland Structure Plan Policies G2 and H3 and the Ross and Cromarty East Local Plan settlement boundary policy.

## **RECOMMENDATION**

### **Refuse outline planning permission for the following reasons:**

1. The proposal is contrary to Highland Structure Plan Policy G2 as it fails to demonstrate sensitive siting in keeping with local character.

2. The proposal is contrary to Highland Structure Plan Policy H3 as it is outwith an existing settlement and is considered inappropriate in terms of location.
3. The proposal is contrary to the Ross and East Local Plan Settlement Boundary policy which states that the Council will presume against sporadic development outwith settlement boundaries in order to protect their landscape setting or avoid adversely affecting their longer-term expansion.
4. The proposal, if approved, would set a dangerous and unwelcome precedent making it difficult to refuse applications of a similar nature in the future.

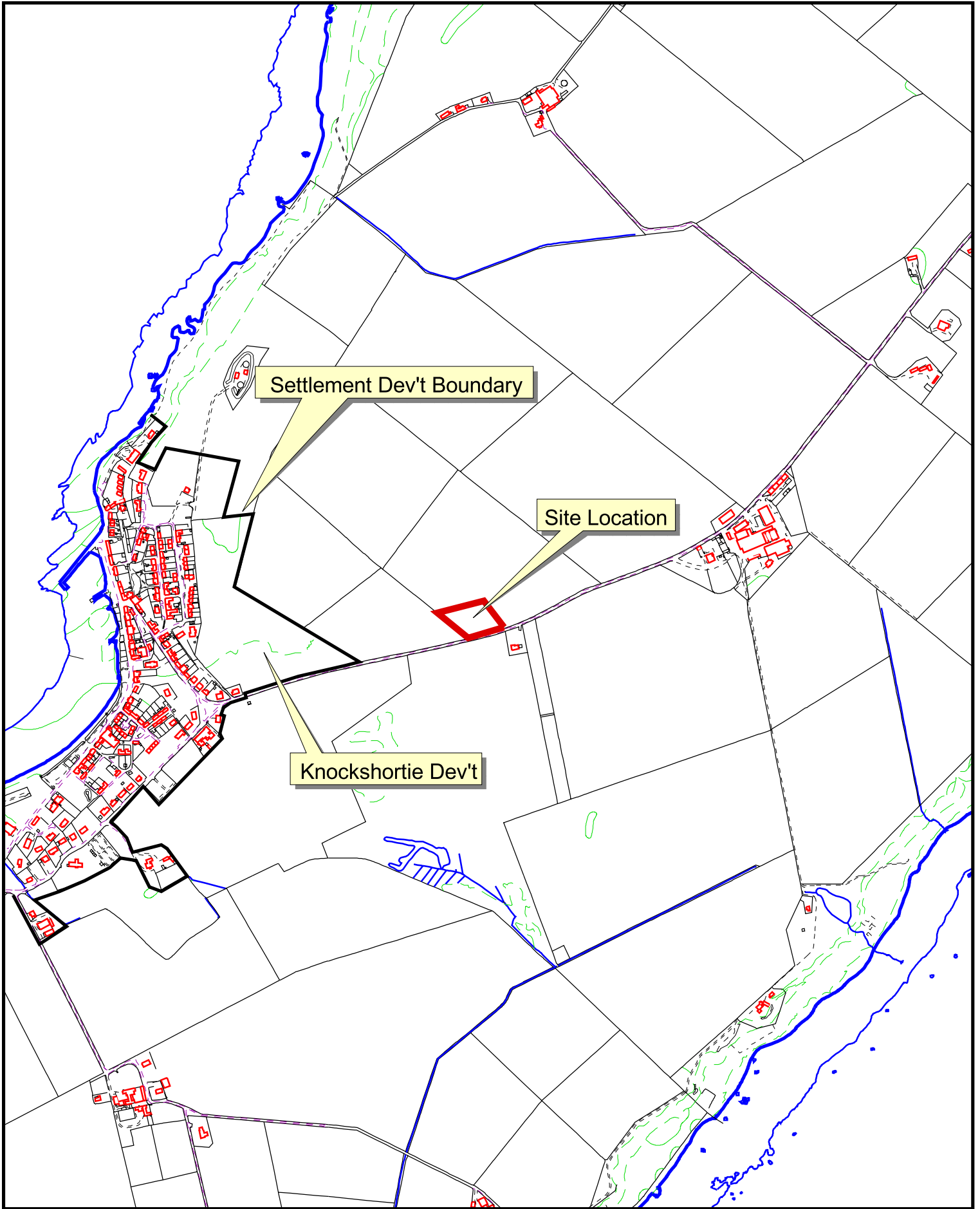
Signature: Allan J Todd

Designation: Area Planning & Building Standards Manager

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Background Papers: As referred to in the report above and case file reference number 09/00042/OUTSU

Date: 8 May 2009



09/00042/OUTSU  
 Erection of house and improvement of existing access.  
 Installation of septic tank and soakaway (Outline) at  
 Land 100m North West Of Green Acres  
 Portmahomack.

Mr A Summers  
 Ballone Cottage  
 Bindal Farm  
 Portmahomack

Date: 08 May 2009

**SUPPLIED BY THE HIGHLAND COUNCIL**

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