

Appeal Decision Notice

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Decision by G Michael M Thomson, an Inquiry Reporter appointed by the Scottish Ministers

- Planning appeal reference: P/PPA/270/612
- Site address: Land at Elzy Farm, Staxigoe, Wick KW1 4QY
- Appeal by Mr and Mrs Thain against the decision by the Highland Council
- Application for outline planning permission (council reference: 08/00310/OUTCA) dated 25 June 2008 refused by notice dated 26 March 2009
- The development proposed: The reconstruction and restoration of eight houses, the erection of four houses, and the formation of a vehicular access
- Date of site visit by Reporter: 16 June 2009

Date of appeal decision: 24 June 2009

Decision

I dismiss the appeal and refuse outline planning permission.

Reasoning

1. Staxigoe is a village on the northern outskirts of Wick, and the appeal site is an area of agricultural land lying between the public road and the cliffs. It has a former council estate to the north and a further housing development to the south. The fields contain the ruins of three dwelling houses and the remnants of a number of others, but these vary in the extent of their remains between a low wall, or a part thereof, and some stone slabs set in the ground. The proposal is to reconstruct and restore these remains to form eight houses; and to erect four new houses to form a traditional group, restoring historic street patterns around a traditional working water pump. An access would be constructed between the public road and the housing.

2. The main issue to be determined in the appeal is whether the proposals are consistent with the relevant provisions of the development plan; and if not, whether an exception to these provisions is justified by other material considerations. In its reasons for refusing the application, the council has identified Primary Policy PP3 and Policies 9 and 12 of the adopted Caithness Local Plan 2002.

3. The Staxigoe settlement plan shows the site to lie immediately outwith the village boundary; Primary Policy PP3 sets out a policy of restraint, particularly where there is

significant damage to heritage, amenity or public health; Landward Area Policy 9 presumes against housing development in the Hinterland around Wick; and Landward Area Policy 12 presumes against new *ad hoc* clusters of housing. To this extent, the proposals are contrary to policy.

4. There are, however, stated exceptions to the Landward Area policies: to Policy 9 where development involves the redevelopment of a ruinous building; and to Policy 12 where in exceptional cases (underlining as in the original text), there may be limited opportunities to add to such groups where their appearance is enhanced or infrastructural problems remedied.

5. Great care has been taken in the preparation, local consultation and presentation of the appellants' proposals in the form of an unofficial Development Brief, or as they refer to it, a Framework Plan. In addition, at least some of the houses might be considered to fall within the description of 'the redevelopment of a ruinous building', one of the exceptions to policy. While there are also existing buildings which invite addition to form a group, this is the basis of another policy exception. The appellant has supported the proposals at some length, covering these and other issues, such as the avoidance of piecemeal development; landscape character; heritage; and that the proposals comprise an alternative and more appropriate form of development to that indicated by the planning permission already granted for roads and site services in the area. There may therefore after all be some compliance with policy, at least insofar as certain elements of the proposal are concerned.

6. On the other hand, the council sets out how it is undertaking an overall review of its planning policy, first, with the issue of its Policy Guideline on Housing in the Countryside, which is to be followed by the preparation of new development plans. In such circumstances, it would be wholly inappropriate and premature to approve a development such as this, introducing a form of village extension which may fly in the face of the council's proposals for the area, prepared as part of the recognised planning process.

7. For this reason, and despite all the other issues raised, which have been taken into account in reaching this conclusion, the application under appeal should not be approved. However, it is interesting to note the submissions from the council which indicate that negotiations may now be taking place to ensure that the future development of this area will progress in a form which would be mutually acceptable to both parties.

(This is the version issued to parties on 24 June 2009)

G M M Thomson
Inquiry Reporter