

## Appeal Decision Notice

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Decision by Donald Harris, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: P/PPA/270/570
- Site address: Burghfield House, Cnoc-an-Lobht, Dornoch IV25 3HW
- Appeal by North Highland College against the decision by The Highland Council to grant planning permission reference 08/00177/FULSU dated 25 July 2008 subject to conditions.
- The development proposed: Alteration, upgrading and extension of the existing building
- The condition appealed against is:
  3. Prior to the first use of the building as a training and education facility, the developer shall provide a suitable central island and/or crossing point at the Cnoc an Lobht/Poles Road junction. For the avoidance of doubt written and plan details of the central island and/or crossing point shall be submitted for the approval in writing of the Planning Authority in consultation with the Roads Authority.

Reason: In the interests of road safety.

- Date of site visit by Reporter: 10 December 2008

Date of appeal decision: 5 January 2009

### Decision

I ALLOW the appeal and VARY the terms of the planning permission by deleting condition 3.

### Background

1. The development permitted by the council relates to the alteration, upgrading and extension of Burghfield House, which was last used as an hotel. Its change of use to a training and education facility was permitted in 2007. The site lies at the eastern end of the cul-de-sac road, Cnoc-an-Lobht, which also serves about 9 large houses fronting its northern side. The distance from the entrance to Burghfield House to the junction of Cnoc-an-Lobht with Poles Road (Junction A) is about 250 metres; To the south of that junction, Poles Road forms a T-junction with the A949 (Junction B). The two junctions are very close to each other, with no length of straight kerb between them on either side.

## Reasoning

2. The determining issue in this appeal is whether the condition is necessary. This is the first of the six tests for conditions set out in Annex A to Circular 4/1998.
3. The condition clearly refers to Junction A, whereas it is evident that the council are concerned with providing a central island and/or crossing point across Poles Road at Junction B. Although Cnoc-an-Lobht widens considerably at Junction A, there would appear to be no serious problem of pedestrian safety there, particularly as the road is a cul-de-sac serving a limited amount of development, even allowing for the traffic generated by the appeal premises when operating as an educational establishment. On the main issue I therefore conclude that the condition is unnecessary.
4. Under section 48 of the Act, it is open to me to review the whole application (rather than just the condition in dispute) provided I consult the parties first. I have decided not to pursue this course for two reasons. First, I am not persuaded that the present proposal would result in a significant increase in traffic using the two junctions - in which case a condition requiring crossing facilities to be provided at Junction B would not be relevant to the proposed development, nor would it be reasonable. Secondly, it appears to me that it would be difficult to design a satisfactory crossing facility at this point, given the proximity of the two junctions. The problem appears to affect mainly children and their parents going to and from the school to the west on the A949. It has not been demonstrated that the present solution – the attendance of a school crossing patrol at relevant times – is an inferior alternative.

***This is the version issued to parties on 5 January 2009***

DONALD HARRIS  
Reporter