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Decision by Chris Norman, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-270-2195
- Site address: Land 120 metres north of Brooklea, Lentrán, Inverness IV3 8RL
- Appeal by Mr. Michael McHardy against the decision by Highland Council.
- Application for planning permission 17/05470/FUL dated 23 November 2017 refused by notice dated 19 March 2018.
- The development proposed: Erect 3 houses with integral garages, installation of drainage and access.
- Date of site visit by Reporter: 23 August 2018

Date of appeal decision: 20 November 2018

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## Decision

I dismiss the appeal and refuse planning permission.

## Reasoning

1. I am required to determine this appeal in accordance with the development plan, the Highland-wide Local Development Plan 2012 (the HwLDP), the Inner Moray Firth Local Development Plan 2015 (the IMFLDP) and the council's supplementary guidance 'Housing in the Countryside and Siting and Design', adopted in 2013 (the 2013 supplementary guidance), unless material considerations indicate otherwise. My decision is primarily based upon policies in the HwLDP and the adopted 2013 supplementary guidance. Having regard to the provisions of the development plan the main issue in this appeal is whether the proposal is acceptable residential development in the Inverness hinterland and is supported by the adopted 2013 supplementary guidance.

2. The appeal site comprises 0.62 hectares of grassland within an area characterised by scattered, low density housing set amidst woodland and small fields. It is bounded by a field to the south and partly felled and restocked woodland to the north. The appeal seeks planning permission for 3 single-storey, rectangular shaped detached houses to be built in a linear form. Incorporating integral garages, the houses would present a simple, modern interpretation of a traditional building style. They would be served from the north by an unsurfaced track which, in turn, leads to the private access from the A862 to the category 'B' listed Lentrán House.



## The development plan

3. The appeal site is in the countryside and is located within the Inverness hinterland and therefore Policy 35 'Housing in the Countryside (Hinterland areas)' of the HwLDP applies. Policy 35 contains a presumption against housing in the countryside unless it comprises 1 of 8 exceptions and complies with the 2013 supplementary guidance.

4. The appeal site is not degraded land despite its former use as a seasonal campsite and the visible remnants of its associated infrastructure. It is generally capable of being brought into active or beneficial use for agricultural, forestry or amenity purposes and it is greenfield land as defined by the HwLDP. I find that, contrary to the views of the appellant, it is not brownfield land and consequently it does not benefit from that exception in policy 35. Neither has it been argued that the appeal site comprises garden ground. Accordingly, to be supported by policy 35, the appeal proposal must meet the council's siting and design criteria for the acceptable expansion of a housing group in the hinterland areas of Highland, as detailed in the 2013 supplementary guidance.

5. To the appellant the appeal proposal is seen as consolidation of a housing group that contains the residential properties known as 'The Bungalow', 'Brooklea', 'The Limit' and 'Lentran Villa' and is compliant with the 2013 supplementary guidance. To the council, and those opposing the development, the proposal does not comply with the 2013 supplementary guidance. I note that the aim of the guidance, when applied to hinterland areas, is to ensure appropriate opportunities for infill and the 'rounding off' of housing groups and section 10 contains siting and design examples. The council argues that the more recently consented residential units in the wider housing group, brought to my attention by the appellant, either comply with the guidance or were approved before it came into force.

6. During my site inspection I observed the scattered pattern of residential development around Lentran. The appeal site, and its surroundings, are clearly illustrated by the aerial photograph contained in the appellant's grounds of appeal. It includes the 'granny-flat' north of 'Brooklea', omitted from the appellant's location plan. I find that when viewed from around the appeal site the design and visual impact of the 'granny-flat' closely resembles that of a dwellinghouse.

7. From my observations I note that the dispersed housing group at Lentran extends westwards from houses around Lentran Home Farm to an identifiable and smaller discrete group centred on Lentran House, the three residential properties to the north of the listed building and the adjacent houses known as 'The Limit' and 'Lentran Villa'. Beyond the appeal site the dispersed group encompasses the assemblage of south-westernmost houses which form a second discrete group comprising 'The Bungalow', 'Brooklea' and its standalone 'granny-flat' and, despite their separate access, 'Lentranlea' and 'Tigh-na-Garaidh'.

8. I find that the pattern of residential development around Lentran readily falls within the category of dispersed housing as described in section 10 of the 2013 supplementary guidance. This pattern of residential development with multiple access points and interspersed with woodland and open grassed areas encompasses a variety of, in the main, modern architectural styles of varying scales. The supporting text to dispersed housing in

section 10 of the guidance is relevant and plays a key part in the determination of the appeal. Specifically dispersed groups of housing, such as that around Lentrán, are not considered to be a single group for the purposes of the council's housing in the countryside policy and guidance. Rather, an assessment must be made of smaller groups of 3 or more houses contained within the dispersed group.

9. As part of the determination of a housing proposal in an area of dispersed housing an assessment must therefore be made of the smaller discrete groups of houses within the larger dispersed group, in line with the 2013 supplementary guidance. The potential for development within these groups must ensure adequate spacing and separation, taking into account topography and landscaping potential. Significantly, the guidance requires that the separation between discrete groups should be retained to preserve the established character of the groups and prevent their coalescence.

10. I note from the appellant's site plan that the plots of the 3 proposed houses extend over the entire width of the undeveloped area, from the unsurfaced north-south access road westwards to the curtilage of 'The Bungalow'. I conclude that the construction of the new east-west access, the 3 houses, their parking and turning areas and garden ground does not provide adequate spacing and separation between the two discrete groups of houses centred on that to the east around Lentrán House and that to the south-west centred around 'Brooklea'. The presently open grassed area is an attractive undeveloped buffer between both of these smaller groups, adding to the low-density character of the wider dispersed housing group, and providing an attractive countryside setting for the existing houses. The proposed houses would be suburban in nature and, despite their design and linear form, they would not respect the more scattered character of the housing around Lentrán. The appeal proposal would result in the coalescence of the two housing groups, contrary to the 2013 supplementary guidance.

11. In the circumstances I conclude that the appeal proposal does not meet the criteria for the acceptable expansion of the dispersed housing group at Lentrán. There is no justification to consider this exception set out in policy 35 'Housing in the Countryside (Hinterland areas)' and therefore there is no need for me to consider whether it accords with the general policies of the HwLDP, including policy 28 and policy 29. Given the importance of policy 35 and the 2013 supplementary guidance to the appeal, my conclusion is that the proposal does not comply with the development plan.

### **Other material considerations**

12. Scottish Planning Policy (SPP) introduces a presumption in favour of development that contributes to sustainable development and is the right development in the right place. It does not allow development at any cost. Bullet point 13 of paragraph 29 of SPP refers to protecting the amenity of existing development. Paragraph 75 requires the pattern of new development in rural areas to be appropriate to the character of the particular rural area. For the reasons stated above, I find the appeal proposal would have an unacceptable impact on the character and appearance of the dispersed housing group at Lentrán that there is no support in SPP for the proposal.

13. Because of its distance and concealment by housing and trees I am satisfied that the appeal proposal would not impact on the setting of the listed Lentrán House. I agree with

the appellant that the 'windfall' proposal would contribute, albeit in a small way, to the supply of housing in Highland. No evidence is before that indicates the proposal would conflict the residential amenity of existing residents in the wider housing group, or future residents of the appeal proposal.

14. The site can be adequately drained. A suspensive condition, respecting the usage of the unsurfaced north-south access as a core path, could require no house to be occupied until it is completed with a final wearing surface. The usage of the access road to Lentrán House would be a matter between the appellant and the owners of that route. However the ability to service the site does not justify the approval of the appeal proposal which is otherwise contrary to the development plan.

15. I therefore conclude that the proposed development does not accord overall with the relevant provisions of the development plan and that there are no material considerations which would still justify granting planning permission. I have considered all the other matters raised, but there are none which would lead me to alter my conclusion.

*Chris Norman*  
Reporter