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Decision by Chhaya Patel, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-270-2200
- Site address: Land 65 metres north of Meadowbank, Janetstown, Wick, KW1 5SR
- Appeal by Mr Andy Harrold against the decision by The Highland Council
- Application for planning permission in principle 18/01039/PIP dated 6 March 2018 refused by notice dated 11 June 2018
- The development proposed: erection of house and formation of access
- Date of site visit by Reporter: 25 October 2018

Date of appeal decision: 19 March 2019

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## Decision

I dismiss the appeal and refuse planning permission in principle.

## Reasoning

1. I am required to determine this appeal in accordance with the development plan, unless material considerations indicate otherwise. The development plan consists of the Highland Wide Local Development Plan 2012 (HwLDP), the Caithness and Sutherland Local Development Plan 2018 (CaSPlan) and associated supplementary guidance.
2. Having regard to the provisions of the development plan the main issue in this appeal is whether the principle of development for a single dwelling is acceptable in this countryside location.
3. The appeal site is located at Janetstown, north of the A882 Thurso Road and west of Wick. It forms part of an agricultural field positioned behind two existing houses fronting the A882; Meadowbank to the west and Killara to the east. The field is currently serviced from an existing agricultural access on the A882 located between the two houses. The submitted site plan shows an indicative layout of the proposed plot, house and access arrangements.
4. The relevant policies of the HwLDP include Policy 28 Sustainable Design, Policy 29 Design Quality and Place Making and Policy 36 Development in the Wider Countryside. The Highland Council's supplementary guidance on Housing in the Countryside and Siting and Design 2013, provides further guidance. Policy 34 is not applicable as it deals with proposals within Settlement Development Areas.



5. As the site is located outwith the Settlement Development Area (SDA) of Wick the proposal is considered against Policy 36. The policy lists criteria against which proposals for housing in the wider countryside will be assessed. This includes being acceptable in terms of siting and design, sympathetic to existing patterns of development and compatible with landscape character and capacity, avoiding incremental expansion of one particular type of development and addressing all necessary servicing requirements.
6. The supplementary guidance also applies a sequential approach to opportunities for housing development in the wider countryside. Proposals are supported for the small infill or rounding off of housing groups where opportunities can be demonstrated in suitable locations.
7. The appeal site lies just outside the defined area of the Wick SDA. The settlement boundary at this location extends a short distance from the centre of Wick along Thurso Road and terminates at the two houses; Meadowbank and Killara, fronting the A882; and a single dwelling opposite – Killara, to the south of the A882. As these properties do not lie within the wider countryside, they would not be considered a housing group in the context of the supplementary guidance.
8. The guidance goes on to specify a presumption in favour of the redevelopment of previously used land. The appeal site is an agricultural field. While the land owner has confirmed that the land is largely surplus to requirement of the farm business and underutilised, I do not consider it to be a brownfield site.
9. The sequential approach would also support housing in garden ground in particular circumstances. However, I do not consider that to be relevant here. Overall, I do not consider that the proposal would satisfy the sequential approach.
10. South of the appeal site, the houses form a linear pattern north of the A882. This pattern is broken only by two houses located on the southern carriageway. The linear pattern becomes increasingly dense further east on the approach to the town centre and begins to include groups of houses leading off the main road. The landscape in this area is semi-rural and becomes more sparsely populated west along the A882 away from Wick towards open countryside.
11. The appeal site is located behind the existing houses, at a distance of approximately 44 metres north of the rear boundary of Meadowbank and 55 metres northwest from the rear boundary of Killara which both have frontages to the A882. In views from the road, north and west of the site, the proposed development would appear disconnected from the existing houses and the linear pattern along the A882. The position of the site in the northwest corner of the field would amplify its detachment from the settlement.
12. The development of the appeal site would not continue the linear pattern of development or round off the settlement in this location. Because of the relative distances between the site and existing houses it would not have a perceptible relationship with this part of Janetstown and would be disconnected from the edge of the settlement. I find the proposal for a house in this location would unacceptably expand the settlement into the

wider countryside and would not be sympathetic to the existing pattern of development. Therefore, it would be contrary to Policy 36.

13. Policies 28 and 29 provide support for developments which promote and enhance the social, economic and environmental wellbeing of the people of the Highland and which make a positive contribution to the architectural and visual quality of the place in which it is located. This includes ensuring development can provide the necessary service provision; is accessible by public transport, cycling, walking as well as by car; and demonstrates sensitive siting and high-quality design respecting the local distinctiveness.

14. The existing site is not currently connected to the necessary utilities' infrastructure however, the appellant has demonstrated that the connections are possible. Therefore, I am satisfied that conditions requiring details for approval by the council would be sufficient to comply with this criterion of the policy.

15. Although not cited as a reason for refusal, the council's Transport Planning consultation response raises a road safety objection to the proximity of the proposed residential access relative to those nearby. The appellant disputes the formation of a new access and asserts that the development will improve an existing access which complies with the council's guidelines and can comply with the required visibility splays. The council's guidance encourages the sharing of accesses and any new private access should not normally be within 30 metres of any existing. The council cites distances of one metre from the access for Meadowbank and nine metres from the access for Killara.

16. As the existing access is only for agricultural purposes, its formation for residential use is required to meet road safety guidelines. Given the 'in principle' nature of the proposal, the council considers that details of the access is a matter that would be subject to condition. Notwithstanding, the council report considers that suitable access arrangements, including proposed visibility splays, could be achievable.

17. I acknowledge that the site would be accessible by public transport, cycling and walking, town centre facilities and services would be available, and it is therefore sustainable in this respect. The appellant has drawn my attention to CaSPlan Policy 1 Town Centre First, which seeks to direct development which generates significant footfall such as retail, office and other commercial uses to the town centre. In referencing this policy, the appellant considers that the proposed development would support the continued utilisation of the businesses and facilities in the town centre. As a single house plot, I am not convinced of the relevance or significance of this in the context of the appeal.

18. Although the proposed development would be in accordance with some of the stated criteria, it would not be sensitively sited. Consequently, it would not fully satisfy Policies 28 and 29.

#### *Other matters*

19. The appellant is critical of the consideration of his application at the council committee. This is not a relevant matter for this appeal and I have considered all of the information provided in support of the development proposal.

20. The appellant also disputes the consideration of this site as part of the local development plan examination process and considers that the plan has failed to provide a variety and effective supply of housing land.

21. The council's report and supporting statement demonstrate that further to the call for sites and subsequent examination of the CaSPlan, sufficient land has been considered and allocated within the local development plan to satisfy demand for housing in the Wick area. Of the proposed indicative capacity of 260 units, 93 are yet to be granted planning permission. The council does not consider it necessary to identify further greenfield sites outwith the SDA.

22. Unresolved representations to the local development plan were a matter for the examination and not for this planning appeal. In light of the recent CaSPlan examination and the consideration of sites as part of this process I am satisfied that this site is not required to maintain a supply of effective housing land.

### *Conclusion*

23. I therefore conclude, for the reasons set out above, 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.

24. I have considered all the other matters raised, but there are none which would lead me to alter my conclusions.

*Chhaya Patel*  
Reporter