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Decision by Keith Bray, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-270-2211
- Site address: Seaforth Inn, Quay Street, Ullapool, IV26 2UE
- Appeal by Richard Drummond against the decision by The Highland Council
- Application for planning permission 19/00243/FUL dated 21 January 2019 refused by notice dated 15 April 2019
- The development proposed: painting of stone boundary wall (part retrospective)
- Application drawings: location plan and existing site plan
- Date of site visit by Reporter: 16 June 2019

Date of appeal decision: 17 July 2019

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## Decision

I allow the appeal and grant planning permission subject to the following condition:

White paintwork shall be applied to the wall as highlighted in red on the 'existing site plan' and shall be maintained as such in perpetuity.

*Reason: in order to define the permission and to safeguard the ongoing character and appearance of the Ullapool Conservation Area.*

Attention is also drawn to the three advisory notes at the end of the notice.

## Reasoning

1. I am required to determine this appeal in accordance with the development plan, unless material considerations indicate otherwise. As the proposal is within a conservation area, I am also required, in terms of section 64(1) of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997, to pay special attention to the desirability of preserving or enhancing the character or appearance of the Ullapool Conservation Area.
2. The development plan consists of the Highland Wide Local Development Plan 2012 and Wester Ross Local Plan 2006, together with adopted supplementary guidance. Having regard to the provisions of the development plan the main issue in this appeal is the impact on the character and appearance of the conservation area.
3. The appeal site is in the Ullapool Settlement Development Area and Ullapool Conservation Area as set out in the Wester Ross Local Plan. I consider that



policies 28, 29, 34 and 57 of the Highland Wide Local Development Plan are relevant policies. Taken together with the Wester Ross Local Development Plan, the Historic Environment Strategy supplementary guidance and Sustainable Design Guide supplementary guidance, I find that the intent of relevant policies is to safeguard the character of the conservation area and to ensure a visually acceptable outcome.

4. The character of the conservation area has been influenced by the 'Telford' grid street pattern of the settlement. I also noted the predominantly white buildings of Shore Street which present a distinct uniformity to the seafront of the village.

5. The appeal site is in a central seafront location at the junction of Shore Street and Quay Street. It is in a prominent corner location, in public view for local residents, those visiting Ullapool and those using the Ullapool to Stornoway ferry. I noted on my site inspection that the regular stone cement pointed wall, although well-constructed, did not appear to be of historic merit. In that regard I agree with the advice of the council's planning and historic environment advisors.

6. I appreciate the Seaforth Inn has an identity in the settlement. Based on the representations made, it is of interest within the local community. However, the building complex as a whole does not appear to me to offer any particular historic or architectural quality which adds to the character of the conservation area. Such a conclusion also reflects advice provided by the planning and historic environment advisors of the council.

7. I do not agree with the council that the existing wall provides beneficial visual relief to the general character of the wider conservation area. I say this because the wall and the Inn complex adds little to the quality of the street and appears out of character as you approach from the east along Shore Street. I find the scale and nature of the wall, if painted white, would have an 'at worst' neutral effect on the character of the conservation area and on Shore Street in particular. A white painted wall would assimilate it within the street, clearly define the western corner of the junction, and would not in my view result in over emphasising the mass of the existing building.

8. The use of white paint is not out of character on Shore Street buildings. The street also includes a small number of some unpainted stone elevations and traditionally constructed sections of wall. Given their apparent historic merit I consider that they do provide an element of beneficial visual relief and contrast.

9. I agree with those who say there is no obvious enhancement to the conservation area from the proposed painting. Nevertheless, my conclusion is that painting the wall is a visually acceptable proposal in the context of the surrounding streets and buildings.

10. I observed no defects on the section of the wall that has been painted. The council's advisors do however support the claims that the surface of the wall may require maintenance. I find that in such circumstances the use of a planning condition, similar to the condition proposed by the council would be proportionate and can ensure the ongoing appearance of the wall.

11. In light of the above, I see no conflict with the development plan. I consider the proposal is in overall accordance with the intent of the relevant development plan policies.

## Material considerations

12. Scottish Planning Policy or the Proposed West Highlands Local Development Plan do not offer a distinctly different policy approach to that contained in The Highland Council development plan for this case.

13. I note the Ullapool Conservation Area does not have a supporting character appraisal or conservation area management plan. Therefore, information on Ullapool's character has been obtained from the development plan, the evidence and my site visit.

14. Sixteen individuals objected to the proposal. Their comments were focused on the key issue that I have identified and considered above.

15. In light of the 1997 Act, in their decision notice the council considered the stone finish to be more appropriate. My focus has been on whether the proposal would preserve or enhance the character and appearance of the conservation area. I find that the proposal would have a neutral effect. As a consequence the character and appearance of the conservation area would be preserved.

## Conclusion

16. I therefore conclude, for the reasons set out above, that the proposed development accords overall with the relevant provisions of the development plan and that there are no material considerations which would still justify refusing to grant planning permission. The proposal also satisfies the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997 as it would preserve the character and appearance of the Ullapool Conservation Area. I have considered all the other matters raised, but there are none which would lead me to alter my conclusions.

*Keith Bray*

Reporter

## Advisory notes

1. **The length of the permission:** This planning permission will lapse on the expiration of a period of three years from the date of this decision notice, unless the development has been started within that period (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).

2. **Notice of the start of development:** The person carrying out the development must give advance notice in writing to the planning authority of the date when it is intended to start. Failure to do so is a breach of planning control. It could result in the planning authority taking enforcement action (See sections 27A and 123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).

3. **Notice of the completion of the development:** As soon as possible after it is finished, the person who completed the development must write to the planning authority to confirm the position (See section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended)).