

Planning and Environmental Appeals Division  
Appeal Decision Notice

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Decision by Stuart West, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-270-2233
- Site address: Land 100M Sw Of Swallowfield Arc, Teandalloch, Beauly, IV4 7AA
- Appeal by Mr Jess Christman against the decision by Highland Council
- Application for planning permission 20/01181/FUL dated 12 March 2020 refused by notice dated 24 August 2020
- The development proposed: Erection of house, formation of access
- Date of site visit by Reporter: 28 November 2020

Date of appeal decision: 12 February 2021

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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, unless material considerations indicate otherwise. The development plan consists the adopted Highland-Wide Local Development Plan (2012), the adopted Inner Moray Firth Local Development Plan (2015), and adopted supplementary guidance.

2. Having regards to the provisions of the development plan the main issues in this appeal are:

- The principle of the development
- Siting and design
- Road safety
- Impact on residential amenity

I consider each of these matters in turn below.

### The principle of development

3. The proposed development is situated as an area defined by the Highland-wide Local Development Plan (HWLDP) as a hinterland area. The HWLDP identifies hinterland areas around towns as being where pressure for commuter-based housing development is greatest, necessitating a more managed approach to prevent the suburbanisation of the countryside.

4. HWLDP Policy 35 – Housing in the Countryside (Hinterland Areas) states that the council will presume against housing in the countryside unless one of the detailed exceptions apply. The council found within the first reason for refusal noted within the decision notice that the development fails to meet any of the exceptions. The appellant argues that the proposal meets the council’s criteria for the expansion of an existing housing group as detailed in both the adopted and draft ‘Housing in the Countryside and Siting and Design’ (HITCASAD) supplementary guidance documents.

5. The current HITCASAD supplementary guidance was formally adopted in March 2013. Paragraph 6.5 of the document explains that the guidance sets out a more flexible approach to ensure that appropriate opportunities for further small-scale infill development or the “rounding-off” of housing groups is enabled and supported.

6. The guidance specifies that housing groups are defined by the following criteria:

- there must be at least three houses that are physically detached from one another;
- all of the houses must have a perceptible relationship with one another and share a well-defined, cohesive character; and
- the houses must not comprise part of a 'small settlement' as may be defined in the applicable Local Development Plan.

7. The appellant highlights that there is an existing group of housing to the west of the appeal site at Teandalloch, which has been considered as such within a previous planning application (19/02715/FUL). The appellant argues that the proposed development would constitute the rounding-off of the existing group in accordance with the adopted guidance or would be a suitable infill development if the house at Swallowfield Arc is considered to be part of the group.

8. The appellant has provided examples of previous council planning decisions involving groups of houses in the countryside. The appellant argues that these involved comparable separation distances and characteristics to the development proposed. I have taken cognisance of the examples since they provide an indication of how the policy has been previously applied. However, each application must be considered on its merits and the topography and specific context of the appeal site is critical to the application of the policy.

9. During my site inspection I approached the existing housing group from both the east and the west to appreciate its characteristics and how the proposed development would relate to the existing built form. The group itself is relatively densely packed given its rural setting and that there is a distinct rural feel to the road when approaching from the east. I found that Teandalloch Farm, with the farm building opposite, forms a strong gateway to the housing group with all other built form situated beyond and largely obscured from view. I am satisfied that the buildings beyond Teandalloch Farm share a well-defined, cohesive character and meet the definition of a housing group within the current adopted guidance.

10. When exiting the group on the return to the east there is an immediate sense of openness as Teandalloch Farm is passed, despite the presence of the scattered buildings associated with Swallowfield Arc to the north east. I do not accept that the well-screened dwelling at Swallowfield Arc reads as part of the existing housing group as there is no clear

relationship with the other buildings in the group and it does not share any well-defined, cohesive characteristics with the group.

11. As Swallowfield Arc does not read as part of the existing housing group, I am satisfied that the proposed development would not qualify as an infill development opportunity. It is therefore necessary to consider if the proposal would round-off the existing group.

12. The appellant argues that the position of the appeal site relative to Teandalloch Farmhouse and Luanshya means that the development would effectively round-off the existing group. In approaching the housing group from the east, I found Luanshya to be positioned low in the landscape and screened by trees. It is not until Teandalloch Farmhouse is passed that it becomes clear that the housing group exists. The proposed development would be situated outwith the existing group and would introduce a new element of built form to the landscape.

13. The existing field boundary on the edge of the housing group clearly separates the built form from the adjacent agricultural fields. Given that the predominant characteristic of the houses forming part of the group is to address the road, I do not find that the proposal would serve to round-off the group naturally but rather to extend it further to the north.

14. Furthermore, upon visiting the site, the proposed access track, which would be positioned a substantial distance to the east of Teandalloch Farmhouse and the aforementioned field boundary, was of particular concern. I find the proposed driveway would introduce new development that would significantly extend the existing housing group beyond its present boundary to the east. Given the topography, and the characteristics of the existing housing group, I am satisfied that the proposed development would not accord with the current HITCASAD guidance for either infill or “rounding-off development” and that it does not therefore accord with HWLDP Policy 35.

15. In September 2020 the council approved a revised version of the HITCASAD supplementary guidance for public consultation. Whilst it is at a relatively early stage in the process of updating the guidance that forms part of the development plan, the revised guidance does bear some material weight.

16. The revised guidance proposes to change the existing definition of what constitutes a group for the interpretation of HWLDP Policy 35. The draft guidance removes the need for at least three detached houses with a perceptible relationship to one another, and proposes to replace this with a requirement for there being at least three detached buildings, at least two of which require to be houses.

17. The updated guidance defines a building as:

- a house; or
- a non-residential building (of a scale no smaller than a traditional rural house) granted permission before April 2012 and defined as being above ground, with the majority of the original walls to wallhead height and with a roof or had a roof in the past.

18. The appellant argues that the house at Swallowfield Arc and the firewood construction shed, should be considered as a group with Teandalloch Farmhouse and Luanshya with the proposed development an appropriate infill site. I find that the farmhouse and Luanshya read as part of the existing housing group as described above. They are detached from the buildings at Swallowfield Arc by a considerable distance with open agricultural fields between. I do not accept that Luanshya and Teandalloch Farmhouse read as part of a group with the house and non-residential buildings at Swallowfield Arc and I am therefore satisfied that the proposal would not accord with the updated definition of a group as set out within the revised guidance.

### Siting and design

19. HWLDP Policy 28 (Sustainable Design) establishes a number of criteria which development proposals must satisfy in order to be supported, including the need to demonstrate sensitive siting in keeping with the local character and the historic and natural environment. Similarly, Policy 29 (Design Quality and Placemaking) requires that new development makes a positive contribution to the visual quality of the place in which it is located, demonstrating sensitivity and respect towards the local distinctiveness of the landscape.

20. In its second reason for refusal, the council states that the house plot represents a visual extension of the existing built form, fails to reflect its rural location or the pattern of development found in the surrounding area and thus fails to demonstrate sensitive siting in keeping with the local character and the natural environment.

21. The proposed dwelling would be of a modest scale with a simple rectangular footprint. It is proposed to utilise natural materials, and I am satisfied that the landform would largely obscure the house from public view. I find that the proposed dwelling itself would be sensitively positioned and do not agree that it would be out of keeping with the local character and the natural environment. I find that the house itself would have minimal impacts visually on either the landscape or the surrounding area given its small-scale and the sensitive construction materials proposed.

22. However, the proposed access track would be approximately 190m in length and would bisect an existing undeveloped field to the east of what is read as the gateway to the Teandalloch housing group. I find that the proposed route of the driveway would not be sensitive to the local character of the area and would not make a positive contribution to the visual quality of the place. The extended length of the access would introduce a prominent feature into an undeveloped field within a rural setting. Whilst the appellant proposes to introduce planting to screen the driveway, I do not find that this would be sufficient mitigation for the impact that such an operation would have on the character of the area.

23. I am therefore satisfied that the proposal would be contrary to HWLDP policies 28 and 29.

### Road safety

24. Third party representations have raised concerns regarding the proposed development in terms of additional traffic on the public road and vehicular and pedestrian

safety. During my site inspection I noted that the road from which access would be taken is single track with no dedicated footway and only limited passing places in situ.

25. There is good visibility when approaching the point of access to the proposed development from both directions, but there are some blind summits along the route from either direction in the vicinity. The appellant amended the proposed access point during the planning application process to achieve the visibility splays required by the council's technical standards and the council's Transport Planning Team did not object to the proposal.

26. I agree with the council that the volume of traffic generated by one additional house taking access from the Teandalloch public road will not materially impact the current situation. I therefore find that the proposal accords with the relevant HWLDP policies insofar as it relates to road safety.

### Impact on residential amenity

27. Concerns were raised within third party representations that the proposed development would have an adverse impact on the privacy and amenity of the occupants of Luanshya, the closest residential property to the appeal site. The proposed house would be situated 65m from Luanshya with a small stand of pine trees between the two properties.

28. The proposed development would also be positioned and orientated in such a manner that there would be no direct overlooking between either of the dwellings. I am satisfied that there would be no unacceptable adverse impact on amenity or privacy as a result of the proposed development.

### Conclusions on the development plan

29. For the reasons highlighted above, the principle of the proposed development is not supported by the HWLDP. In particular, I find that the appeal site would not meet any of the criteria that enable the development of housing in the hinterland areas and the route of the proposed access would have an unacceptable adverse impact on the character and appearance of the area. I am therefore satisfied that the proposal would be contrary to the development plan.

### Other material considerations

30. Paragraph 33 of Scottish Planning Policy (SPP) states that proposals that do not accord with the development plan should not be considered acceptable unless material considerations indicate otherwise. SPP advises that where a proposal is for sustainable development, the presumption in favour of sustainable development is a material consideration in favour of the proposal. The appellant argues that sustainability is at the core of the proposal and that the presumption in favour of sustainable development should therefore be a material consideration with the potential for this to outweigh the development plan.

31. Paragraph 29 of SPP lists the principles to be taken into account when determining whether a proposal supports sustainable development. The appellant has argued that the proposal meets all of the criteria. I do not agree. Whilst the proposal represents an

example of sustainable design, I agree with the council that it would not make efficient use of existing capabilities of land.

32. SPP requires spatial strategies within plans to promote a sustainable pattern of development appropriate to the area, with decisions guided by a series of policy principles set out at Paragraph 40 of the document. The HWLDP sets out a spatial strategy for the region. In accordance with the guiding principles set out within SPP, land has been allocated within and adjacent to settlements to provide opportunities for a mix of uses, including housing, to optimise the use of existing resource capacities and to ensure that housing is accessible.

33. I do not find that the proposed single house development meets the SPP definition of sustainable development given its greenfield hinterland location.

### Conclusion

34. 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.

*Stuart West*  
Reporter