

## **The Highland Council**

Minutes of Meeting of the **Planning Review Body** held **remotely** on Tuesday, 24 August at 10.30 am.

### **Present:**

Mr R Balfour (except items 1-4)  
Mr R Bremner (except item 1)  
Mrs I Campbell  
Mr L Fraser (except items 1-4)  
Mr A Henderson  
Mr W Mackay  
Mrs M Paterson  
Mrs T Robertson

### **In Attendance:**

Mrs K Lyons Principal Solicitor/Clerk  
Mr M McLoughlin, Independent Planning Adviser to the Planning Review Body  
Ms A Macrae, Committee Administrator  
Mrs A MacArthur, Administrative Assistant

### **Mr A Henderson in the Chair.**

### **Preliminaries**

The Chair confirmed that the meeting would be webcast and gave a short briefing on the Council's webcasting procedure and protocol.

### **Business**

#### **1. Apologies for Absence**

There were no apologies for absence.

#### **2. Declarations of Interest**

There were no declarations of interest.

#### **3. Minutes of Previous Meeting of 29 June 2021**

The Minutes of the previous Meeting held on 29 June 2021, copies of which had been circulated, were **APPROVED**.

#### **4. Criteria for Determination of Notices of Review**

The Clerk confirmed that, for all subsequent items on the agenda, Members had contained in their SharePoint all of the information supplied by all parties to the Notice of Review – namely everything submitted at the planning application stage and the Notice of Review stage from the applicant and interested parties together with the case officer's report on handling and the decision notice that had been issued. When new information had been identified and responded to by the case officer, that information had also been included in SharePoint.

Members were reminded that when determining each planning application subject to a Notice of Review, they were to give full consideration of the planning application afresh

(also known as the “de novo” approach) in accordance with the advice contained in the letter from the Chief Planner dated 29 July 2011. The Clerk confirmed that this meant that, in each Notice of Review case, the Review Body needed to assess the planning application against the development plan and decide whether it accorded with or was contrary to the development plan. Following this assessment, the Review Body then required to consider all material considerations relevant to the application and decide whether these added to or outweighed their assessment of the application against the development plan. In carrying out this assessment, all documents lodged by the applicant and interested parties needed to be considered by the Review Body – all material planning considerations required to be taken into account; considerations that were not material planning considerations must not be taken into account.

The Clerk also confirmed that Google Earth and Street view could be used during the meeting in order to inform Members of the site location; Members were reminded of the potential limitations of using these systems in that images may have been captured a number of years ago and may not reflect the current position on the ground. All the Notices of Review were competent.

## **5. New Notice of Review to be Determined**

### **5.1 Erection of house, temporary siting of caravan, (Planning Reference: 21/00465/FUL) at Cherry House Caravan, Farr, Inverness for Mr Salas Ali 21/00022/RBREF (RB-14-21)**

**Mr L Fraser was not present for the entirety of this item due to IT difficulties and therefore was not entitled to participate in the determination of the Notice of Review. Mr L Fraser took no part in the discussion and determination of this Notice of Review.**

There had been circulated Notice of Review 21/00022/RBREF for the erection of house, temporary siting of caravan (Planning Reference: 21/00465/FUL) at Cherry House Caravan, Farr, Inverness for Mr Salas Ali

#### **Preliminaries**

Having **NOTED** the Clerk’s confirmation that this was a valid and competent Notice of Review, and her advice with regard to the way the Review should be determined (item 4 above refers), the Review Body discussed whether its requirement for information had been satisfied by the Notice of Review documentation contained in Members’ SharePoint, a site visit, written submissions and a hearing having been requested by the applicant.

Members requested sight of Google Earth and Streetview to inform their understanding of the application site. The Independent Planning Adviser provided this, during which he advised that the following determining issues should apply in relation to the application:-

- whether the proposal convincingly met any of the exceptions set out in policy to justify developing a house in hinterland countryside;
- if not, whether there were any other special planning circumstances/reasons that would outweigh the ‘in principle’ presumption against housing development here; and
- whether in terms of siting and design, the development would also respect and integrate with local landscape character and settlement pattern

In response to questions, the Independent Planning Adviser provided further clarity on the proposed siting of the house and temporary caravan on the site. He explained that the target date for the Reporter's decision on the Enforcement Notice appeal by the applicant was 25 August 2021. He confirmed that the Reporter's decision had not yet been received.

The Clerk responded to a number of questions on the timeline between the Planning Review Body's determination of the Notice of Review, and the Reporter's determination of the enforcement notice appeal. She explained that whichever decision came first would be reported back to the other decision-making body. She confirmed that the Planning Review Body was the final decision-making body in relation to this Notice of Review and any decision to delay its determination would require to be supported by reasons.

Thereafter, the Review Body **AGREED** that its requirement for information had been satisfied by the Notice of Review documentation contained in Members' SharePoint and the Google Earth/Streetview presentation, and were of the view that a site inspection, written submissions and a hearing was not required.

### **Debate**

Having considered the supporting paperwork and the Google Earth presentation, the Planning Review Body discussed the Notice of Review.

Members commented that while there was sympathy for the applicant, the proposal was clearly contrary to policy and it had not been demonstrated there was exceptional or other special planning circumstances/reasons that would outweigh the policy considerations. The siting of the house in the opposite corner of the site may have been more acceptable on the basis it would better integrate with the settlement pattern in this area but a new application and a full assessment would be required.

### **Decision**

The Planning Review Body **DISMISSED** the Notice of Review and refused planning permission for the reasons given by the case officer.

The meeting ended at 11.55am.

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