

Agenda Item	7.1
Report No	PLS-06-23

## HIGHLAND COUNCIL

**Committee:** South Planning Applications Committee

**Date:** 08 February 2023

**Report Title:** 22/02939/FUL: Mr R MacGregor  
Land 230M NW Of Sealladh Na Coille, Achnabobane, Spean Bridge,  
PH34 4EX

**Report By:** Area Planning Manager – South

### Purpose/Executive Summary

**Description:** Erection of house and garage

**Ward:** 11 – Caol And Mallaig

**Development category:** Local

**Reason referred to Committee:** Area Manager's Discretion (previous Committee decisions, policy implications and Community Council objection)

All relevant matters have been taken into account when appraising this application. It is considered that the proposal does not accord with the principles and policies contained within the Development Plan and is unacceptable in terms of applicable material considerations.

### Recommendation

Members are asked to agree the recommendation to **REFUSE** the application as set out in section 11 of the report

## 1. PROPOSED DEVELOPMENT

- 1.1 Planning permission is sought for a house to the south west of Fasach, to the north west of Achnabobane. The plot is 0.3ha in size. The house and garage would be roughly central within the site with the detached garage on the west side of the house. The plot is adjacent to Fasach, but within an adjacent parcel of land, at the top right hand corner of a forest plantation that runs along the west side and to the north of existing houses at Achnabobane. The conifers have been felled and the plantation partially re-stocked.
- 1.2 A 3 to 4 bedroom house is proposed, 1¾ storeys high with a turret type feature 9m high on the SE corner. The footprint would measure 16.2m by 9.575m (internally), and the main part of the pitched roof would be 7.3m high – the eaves would be 4m. The design would otherwise be similar to other new houses at Achnabobane; modern, with a pair of large glazed gables facing to the front and with Juliet balconies off the principal first floor rooms. Materials would be white wet dash render for the lower part of the walls and vertical larch cladding on the upper part of the walls; and natural slate for the roof.
- 1.3 The proposed house would be served by an existing single track road off the A82. The lane splits in front of the original group of dwellings at Achnabobane, and one leg branches off to the west, to serve an existing group of houses and a shed. It is an adopted road as far as a turning head just before a cattle grid just beyond Camden House. Beyond the turning head the lane continues for a further 270m to serve the western housing cluster, beyond which it continues into the plantation. This plot is a further 230m up the hill beyond Achnasol (straight line distance). The road is privately owned beyond the cattle grid, where it narrows, it goes down a dip and up and around a corner to emerge at the existing western group of houses (Tigh na Coille, Aisling, Achnasol House, Rigsdan, and the recently added MacGregor Ranch and Corrie View). The road is surfaced as far as the existing houses and beyond this it continues as an unmade forest track.
- 1.4 The proposed access to this plot goes up the hill beyond the existing houses via a circuitous route, which loops round a felled forestry block in a clockwise direction. It does not propose to use the existing track which leads directly up the hill. This route, which is not fully constructed, puts the plot approx. 450m beyond Achnasol House and approx. 720m from the end of the adopted road (A potential alternative route from the NE is shown in green, but this is not included within the application red line boundary).
- 1.5 The house would be served via the public water supply. Foul drainage would be to a new septic tank with a soakaway to the ground. A sustainable surface water drainage scheme is proposed.
- 1.6 Pre Application Consultation: None.
- 1.7 Supporting Information: Review of residential planning approvals and supporting information from agent – see Section 8 and Appendix 1.
- 1.8 Variations: None.

## 2. SITE DESCRIPTION

- 2.1 Achnabobane is approx. 7 miles north east of Fort William, within the hinterland, which extends in this direction as far as Spean Bridge.
- 2.2 Achnabobane comprises a housing group, with three clusters of development, one around the original farmhouse (Tigh Breagh, Stockman's Cottage, the farmhouse B&B, Langsisa, Sealladh na Coille and Camden House), a cluster to the west (Tigh na Coille, Aisling, Achnasol House, Rigsden, and the recently added MacGregor Ranch and Corrie View) and a cluster to the north of the original farmhouse (Fasach, Corrie Glas, Stag Lodge, Starrenburg, Aonach Glas and Aspen House – formerly known as Charming). This pattern of development, with no coalescence of the three distinct clusters, was agreed by Committee in 2010.
- 2.3 This plot would be adjacent to the northern group, but it would be on the other side of the fence line that separates the residential group from a forest plantation.
- 2.4 The proposed house would be approximately 270m north west of Achnasol House, and 20m south west of Fasach. The access to Fasach is taken from the other private road to the north of the Farmhouse. There is a line of trees at the back of Fasach, which extends a short distance behind this plot, but this site is otherwise much more open, with bare hillside behind, and the cleared forestry plantation in front and to the west.
- 2.5 A substantial forest track leads directly up the hill to this site then turns west and continues to the end of the plantation, with spurs off at regular intervals. This site, together with two others within the plantation, has been levelled to form a residential plot and this plot sits above the track. The groundworks to create these level plots within the plantation is unauthorised.
- 2.6 The site is entirely within the Parallel Roads of Lochaber SSSI, a geomorphological designation.

## 3. PLANNING HISTORY

- |     |                      |   |  |
|-----|----------------------|---|--|
| 3.1 | Withdrawn April 2019 | 18/02572/PIP: Erection of house – as per this application site but taking access directly up track from Achnasol House.   | Withdrawn following recommendation for refusal |
| 3.2 | Submitted Sept 2018  | 18/04441/PAN: major tourism and leisure development, incl 120 bed hotel, tourist attractions, shop, off road driving, countryside activities, walks, wildlife activities and fishing, on 52Ha including the existing area of houses and forest plantation at Achnabobane. | Reported to SPAC 23 Oct 2018                   |
| 3.3 | July 2009            | 09/00299/OUTLO: Erection of a house subsequently developed as Stag Lodge (the report on this application contained the  | Planning permission granted                    |

assessment of the clustered form of development at Achnabobane and was agreed by Committee)

3.4 April 2019 18/04989/FUL: Erection of a house adjacent to Rigsden and “the deer shed” (the report on this application contained an assessment including the percentage increase in the size of the group – South PAC 30.04.19 – permission granted)

3.5 A series of S75 Legal Agreements covered the site which sought to limit the number of additional houses and which date from before the hinterland policy was in place. These have recently been revoked as such legal agreements are now not considered an appropriate mechanism to restrict future development. Each application should be considered on its merits against the policies of the day.

#### **4. PUBLIC PARTICIPATION**

4.1 Advertised: Unknown neighbour

Date Advertised: 4.8.22

Representation deadline: 18.8.22

Timeous representations: 6 (2 objections; 4 general comments)

Late representations: 1

4.2 Material considerations raised are summarised as follows:

- a) Achnabobane has already exceeded the number of houses that should have been built in this area, as set out in the report to the Planning Committee for application 18/04989/FUL (30 April 2019); it has exceeded the 100% threshold for expansion as set out in the Housing in the Countryside Siting and Design Supplementary Guidance which safeguards such areas from opportunistic ad-hoc development
- b) A previous application on this plot 18/02572/PIP was recommended for refusal
- c) No justification for such housing in the hinterland given the number of live planning applications within Achnabobane and in preferred main settlements within the locality
- d) Scottish Planning Policy (para 76) protects against unsustainable growth of car based commuting and the suburbanisation of the countryside
- e) Planning application 21/04246/FUL – for 2 holiday lodges between the farmhouse and Camden House – was refused on 21.2.22 for being contrary to policy 35 hinterland policy and the Supplementary Guidance

- f) This plot cannot be construed as “rounding off” with regards to the Housing in the Countryside Supplementary Guidance.
- g) The house does not reflect the character, cohesiveness or amenity of the surrounding houses and it creates an inappropriate intrusion into an undeveloped area, due to its elevation with no screening, and it would overwhelm the landscape setting and reduce the amenity of the area
- h) Excessive clearance of the plantation has revealed several speculative residential housing plots – this site lies within a forestry plantation which has a re-stocking obligation of 90% with mixed native broadleaves – no change of use has been applied for from this forestry use to residential
- i) The road serving this part of Achnabobane is only adequate for the original 3 properties (Taigh na Coille, Aisling, Achnasol House) – now there are 7, plus this new one; the cattle grid is getting noisy due to wear and tear from increasing traffic
- j) The submitted plan does not indicate the entire extent of development across the whole of Achnabobane
- k) The water supply is becoming alarmingly unreliable; properties up the hill behind the farmhouse suffer intermittent problems with low pressure and outages; these are becoming more frequent and severe. Discussions with Scottish Water have resulted in the pump next to the A82 being replaced by a bigger one, but the available water is limited by the size of the main and pressure in the main. More houses will increase the problem which cannot be readily fixed.
- l) Assurances are sought that drainage will not impact on houses at the foot of the hill
- m) Concern regarding further loss of trees
- n) Is the long, unmade winding track the best option?
- o) Impact on the SSSI

4.3 All letters of representation are available for inspection via the Council’s eplanning portal which can be accessed through the internet [www.wam.highland.gov.uk/wam](http://www.wam.highland.gov.uk/wam).

## 5. CONSULTATIONS

### 5.1 **Spean Bridge, Roy Bridge and Achnacarry Community Council:** (9 August 2022)

Development should be directed outwith the hinterland and into settlements such as Spean Bridge. When application 18/04989/FUL [adjacent to Riggsden, opposite Achnasol House] was considered by the South Planning Meeting it was agreed that no further housing would be permitted at Achnabobane, and application 18/02472/PIP (same as the current site) was considered to be beyond the natural boundaries of the housing group and was recommended for refusal. That application was then withdrawn [before it could be considered by the Committee] with refusal imminent.

The Rural Housing SG states that Highland Council will protect against unsustainable growth in car-based commuting and the suburbanisation of the countryside.

In this clear felled area the landowner has previously sold 31 plots according to the Scottish Land Registry - evidence of unsustainable growth.

Existing householders are suffering an unreliable water supply which Scottish Water have admitted cannot be resolved without a major upgrade of the system locally. The development of this plot will exacerbate this issue.

The landowner failed to secure this area's inclusion as a settlement in the Local Plan, and no compelling reason has been given for overturning the Council's stance taken on 30<sup>th</sup> April 2019 (regarding 18/04989/FUL).

An accurate location plan is sought from the applicant showing the 24 properties or sites approved to date and the numerous plots sold. The submitted plan is sketchy – a recent aerial view gives a more accurate picture of the true extent of development at Achnabobane.

**Further comments 11 Sept 2022:**

The Nolli Map [submitted by the agent] is less effective than those already submitted. It is not to scale, contains no features, trees, roads, the deer fence, cleared plots, or even all of the sites that currently possess extant planning consent. It does not show that the Planning Officer's recommendation in the case of the previous application 18/02572/PIP was incorrect. The agent's contention that this site constitutes rounding off is irrelevant given the group has now increased in size by more than 100% contrary to guidance relating to the hinterland in the Rural Housing SG.

- 5.2 **Forestry Officer:** "The site was a commercial forest which was clear felled between 2012 and 2017. Scottish Forestry indicate that the felled area has been largely re-stocked although the felling licence did include an area of 10% (1.01ha) which was not intended to be re-stocked.

Aerial photographs from 2017 show that a new access track has been formed to the site from the SW and that part of the site has been cleared of stumps and levelled.

The application form states that the site is vacant ground, and the box is ticked to say there are no trees present, however there are re-stock obligations to plant mixed native broadleaves over the site under the Felling Licence. Unless and until planning permission is granted for another use, Scottish Forestry [and planning] regard this site as still being woodland, at a stage between crops.

If consented, the development would prevent re-stocking and would represent a loss of woodland. The Control of Woodland Removal Policy would apply. This, and policy 52 includes a presumption in favour of protecting woodland, and removal should only be permitted where it would achieve a significant and clearly defined additional public benefit. This development of a single dwelling house would not constitute a public benefit, there is no need to develop a wooded site, so the proposal is contrary to policy 52 of the HwLDP and Scottish Government Control of Woodland Removal Policy."

- 5.3 **Enforcement Officer:** "This application was not invited by the Enforcement Team [given it would not be likely to be supported]"
- 5.4 **Transport Scotland** [impact on A82]: "The Director does not propose to advise against the granting of permission."
- 5.5 **NatureScot:** The proposal is within the Parallel Roads of Lochaber SSSI. The location is not within and will not affect any of the important areas or features of the

geological interest. The objectives of the designation and its overall integrity will not be compromised.

## **6. DEVELOPMENT PLAN POLICY**

The following policies are relevant to the assessment of the application

### **6.1 Highland Wide Local Development Plan 2012**

- 28 - Sustainable Design
- 29 - Design Quality & Place-making
- 35 - Housing in the Countryside (Hinterland Areas)
- 51 - Trees and Development
- 52 - Principle of Development in Woodland
- 56 - Travel
- 57 - Natural, Built & Cultural Heritage
- 62 – Geodiversity
- 65 – Waste Water Treatment
- 66 - Surface Water Drainage

### **6.2 West Highland and Islands Local Development Plan 2019**

In directing housing to the most appropriate locations, the Council offers greater protection to areas of countryside closest to Highland's largest settlements where the demand for commuter-based housing is highest. Such areas are known as the Hinterland of that settlement. The principle of this approach is set out in the HwLDP which states that the boundaries of these areas will be reviewed through the Area Local Development Plans.

Fort William's Hinterland is the only one within the West Highland and Islands Plan area. The Hinterland boundary is outlined on the Spatial Strategy Map and Mapped in detail on the Council's website. The Council reviewed the suitability of this boundary in achieving the aim of protecting the visual, landscape and servicing capacity of the countryside around Fort William. It was considered that the existing boundary represents the most appropriate Hinterland area, and that the boundary should be retained without amendment.

### **6.3 Highland Council Supplementary Planning Policy Guidance**

- Access to Single Houses and Small Housing Developments (May 2011)
- Rural Housing (Dec 2021)
- Sustainable Design Guide (Jan 2013)
- Trees, Woodlands and Development (Jan 2013)

## **7. OTHER MATERIAL POLICY CONSIDERATIONS**

### **Scottish Government Planning Policy and Guidance**

- 7.1 Para 81 Accessible and pressured rural areas
- Para 218 Control of Woodland Removal Policy

## **Revised Draft National Planning Framework 4 (NPF4)**

7.2 Scottish Parliament approved the revised draft NPF4 on 11 January 2023. It is anticipated that Scottish Ministers will adopt and publish NPF4 on the 13 February 2023, at which point it will become part of the adopted Development Plan, with the commencement of the necessary provisions of the Act. The most relevant policy to this case is Policy 17 – Rural Homes.

Achnabobane falls within an “accessible rural area” which is anticipated to supersede and replace the current “hinterland” designation and policy. Indications are that new housing in this area would only be acceptable if suitably scaled, sited and designed to be in keeping with the character of the area and meets one of the following criteria:

- i. is on a site allocated for housing within the Local Development Plan;
- ii. reuses brownfield land where a return to a natural state has not or will not happen without intervention;
- iii. reuses a redundant or unused building;
- iv. is an appropriate use of a historic environment asset or is appropriate enabling development to secure the future of historic environment assets;
- v. is demonstrated to be necessary to support the sustainable management of a viable rural business or croft, and there is an essential need for a worker (including those taking majority control of a farm business) to live permanently at or near their place of work;
- vi. is for a single home for the retirement succession of a viable farm holding;
- vii. is for the subdivision of an existing residential dwelling; the scale of which is in keeping with the character and infrastructure provision in the area; or
- viii. reinstates a former dwelling house or is a one-for-one replacement

## **8. PLANNING APPRAISAL**

8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

### **Determining Issues**

8.2 This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

### **Planning Considerations**

8.3 The key considerations in this case are:

- a) compliance with the development plan and other planning policy
- b) impact on woodland
- c) impact on infrastructure – services and access



- d) impact on SSSI
- e) any other material considerations.

### **Development plan/other planning policy**

- 8.4 Policy 35 of the Highland wide Local Development Plan presumes against housing in the hinterland. A number of exceptions to this policy are set out in policy 35, and this is expanded on in the Rural Housing SG. One of the exceptions is where the proposal meets the Council's criteria for acceptable expansion of a housing group. Where exceptions are justified all proposals should still accord with the general policies of the Plan and the SG.
- 8.5 The Rural Housing Supplementary Guidance states that the Council will support new houses within existing housing groups provided proposals are consistent with Section 2 – "Requirements for all proposals", the following guidance and the general policies of the Highland wide Local Development Plan.
- 8.6 The Council's criteria for the acceptable expansion of a housing group are:  
The proposed new house will:
- Constitute infill or rounding off of the group into a readily definable development site;
  - Have a positive relationship with the existing group by enhancing the cohesiveness and perceptible relationship of the buildings in the group;
  - Reflect the character and spacing, scale and amenity of the buildings in the group (ie. appear as if it was always part of the group).
- The proposed new house must not:
- Create uncharacteristic ribbon or linear development;
  - Create an inappropriate intrusion into a previously undeveloped field or open land;
  - Overwhelm the landscape setting.
- No housing group will be permitted to increase in size by more than 100% of the number of houses built, under construction or with an extant planning permission as at 3 August 2011.
- 8.7 The main issue for consideration in this instance is whether this proposal is considered to constitute an acceptable infill or rounding off of the existing housing group. A second issue, which is only relevant if it is considered that the site does constitute an acceptable "rounding off of the group", is whether the 100% threshold referred to above has been reached.
- 8.8 The housing at Achnabobane is a discrete developed area, based on a croft, which does not relate to any other existing houses or settlement. It is almost 3km SW of Spean Bridge, and 7 miles NE of Fort William, off the A82. The area faces south towards The Grey Corries, Aonach Mor and Ben Nevis.

- 8.9 The existing houses at Achnabobane are considered to constitute a housing group; a group that is split into three distinct clusters; central, west and north.
- 8.10 Sub-group 1 is centred on the original houses at Achnabobane around the farmhouse. This includes Tigh Breagh, Stockmans Cottage, Langsisa, Sealladh na Coille, Camden House, and the 2 plots north of the farmhouse and Langsisa.
- 8.11 Sub-group 2 is to the west and partly surrounded by the remaining forest, which has not yet been felled. This includes Tigh na Coille, Aisling, Achnasol House, Rigsden, MacGregor Ranch, Corrie View and the (as yet undeveloped) plot between Rigsden and the “deer shed” – 18/04989/FUL.
- 8.12 Sub-group 3 is situated north of the farmhouse towards the top of the hill and back dropped by rising land. This cluster includes Fasach, Corrie Glas, Stag Lodge, Starrenberg, Aonach Glas and Aspen House.
- 8.13 The current application site is not however considered to constitute a “rounding off” or “infill” of the existing housing group. The current application site is within the adjacent forest plantation, and this is separated from the existing group by a clear boundary fence which runs NW – SE down the edge of the plantation. Whilst the site is adjacent to Fasach, in the northern cluster, that property sits in the top left hand corner of the group and the proposed site lies beyond this area, which is contained by the forest fence line. Although the trees in this part of the plantation have been felled, the forest is subject to re-stocking and this area should still be regarded as forest plantation and separate from the housing group.
- 8.14 A house on the proposed site would not have a positive relationship with the existing group, it would not enhance the cohesiveness of the existing group, nor would it have a perceptible relationship with the existing buildings in the group. The proposed access which takes a circuitous route looping round the forest adds to this sense of detachment and separation from any part of the existing housing group.
- 8.15 The site is also quite conspicuous in the wider landscape because of its elevation, and the lack of existing trees means there is no existing landscaped context for a new development on this site.
- 8.16 It would not reflect the character and spacing, scale and amenity of the buildings in the group; i.e. it would not appear as if it was always part of the group. It would also create an inappropriate intrusion into a previously undeveloped field or open land; i.e. the forest plantation.
- 8.17 In these respects, the proposal would be contrary to Policies 28 and 35 of the Highland wide Local Development Plan and the advice in the Rural Housing Supplementary Guidance.
- 8.18 On the second issue, whether the 100% threshold applies (whereby “no housing group will be permitted to increase in size by more than 100% of the number of houses built, under construction or with an extant planning permission as at 3 August 2011”), this is not relevant in this instance as it is not accepted that the site would constitute an acceptable infill to the existing housing group.

- 8.19 Although the 100% threshold issue is not considered to be directly relevant to this current application as the site is not considered to constitute an acceptable rounding off of the group, the applicant has put forward a case relating to a previous decision elsewhere in Achnabobane based on the threshold having been met (based on the report for 18/04989/FUL). There has also been a material change to the wording in the supplementary guidance on this subject. As background material and for future reference, the numbers of houses and relevant planning permissions at Achnabobane are set out in Annex 1, together with a summary of this element of the applicant's case.

### **Impact on Woodland**

- 8.20 The development site is within plantation forestry. The restocking schedule for the site is for trees on 90% of the area (9.09Ha), and 10% to be left unplanted (1.01ha) with all planting to be undertaken by 30 June 2017. The whole of this area is shown as being re-stocked on the plan accompanying the Felling Licence, the 10% to be left unplanted is not specified.
- 8.21 The Control of Woodland Removal Policy should be applied together with policy 52 of the HwLDP. There is no need to develop this site within the plantation. There is a presumption in favour of protecting woodland resources. The proposal for a single private dwelling house would not constitute a clear and significant public benefit. The proposed development would therefore be contrary to policy 52 and the Control of Woodland Removal Policy.
- 8.22 Several levelled platforms have been created within this plantation similar to the one which is the subject of this application. If granted permission, this development would make it more likely that applications for houses would come forward for the other levelled platforms in this area. Their development would prevent re-stocking to the extent required under the felling licence. The residential development of this plot on its own would represent a permanent loss of 0.3ha of woodland from this plantation. Significantly though, it would introduce residential development into the top part of this plantation, opening up this area to further potential for residential development. To illustrate this point, there is enforcement action currently underway with respect to an unauthorised static caravan on one of the other levelled platforms a short distance to the west of this application site.

### **Infrastructure – services and access**

- 8.23 The proposed development would be served off a private track approx. 720m long beyond the end of the public adopted road. The track is tarmac up to the existing houses at Achnasol House, and an unmade track continues up the hill through the forest plantation beyond the existing houses. However, the proposed access to this plot would take a clockwise loop turning west off the existing track beyond Corrie View and taking a circuitous route to the site.
- 8.24 The lane, as far as the existing western cluster of houses, is adequate to serve this additional house. However, the new section of track beyond Corrie View would add to the extent of development outwith the housing group and result in the loss of more of the woodland. The proposed access route would potentially provide access to several other residential plots within this plantation. In this respect the access would

not maximise energy efficiency in terms of location and layout, and it would not demonstrate sensitive siting in keeping with the local character and the natural environment. The site would not be well served by the most sustainable modes of travel. The development would not accord with policies 28 (sustainable design) and 56 (travel) in these respects.

- 8.25 There would be sufficient parking within the curtilage of this large plot.
- 8.26 There is no current planning policy requirement for the private lane and track to be upgraded to an adoptable standard. The lane serving the northern housing group was upgraded to adoptable standard as far as Starrenberg as a result of conditions attached to previous planning permissions, that were justified due to a policy ("the 4 house rule") in the previous Structure Plan, which is now no longer in force.
- 8.27 Access arrangements and responsibility for the private lane's future maintenance is a matter for the developer, landowner and any other persons with a legal interest in the lane. Any grant of planning permission does not override existing private access agreements with existing householders. The impact of construction traffic on the lane is similarly a matter for those with a legal interest in it.
- 8.28 A septic tank and soakaway could be accommodated in this plot. Further details of its design and siting would be addressed at Matters Specified in Conditions stage and by Building Standards if permission were to be forthcoming.
- 8.29 Appropriate surface water drainage would be required, and this is regulated via SEPA's standing advice and general binding rules.
- 8.30 Scottish Water had previously expressed concerns regarding the quality of the water supply in terms of pressure to the houses that are at the top of the hill in particular. It would be for the developer to address this as part of any agreement with Scottish Water to connect to the mains. It may be that a significant upgrade such as a holding tank is required at the top of the hill to ensure sufficient water pressure to the existing houses as well as the proposed additional house.

#### **Impact on Site of Special Scientific Interest (SSSI)**

- 8.31 The site is not within a key area of the Parallel Roads of Lochaber, and there would be no adverse impact on the SSSI. No conflict with policy 57.

#### **Other material considerations**

- 8.32 Concerns relating to securing a connection to the electricity supply is a matter for the developer and SSE.
- 8.33 The fact that significant unauthorised ground works have been undertaken to create a level platform which constitutes this plot is a material planning consideration. The planning authority is obliged to consider the proposal on the basis of its condition before this unauthorised development. If permission is refused enforcement action may be considered to return the site to its former condition. There are ongoing enforcement investigations relating to various unauthorised works in and around Achnabobane.

## **Non-material considerations**

8.34 None.

## **Developer Contributions**

8.35 Policy 31 requires all developments to make fair and reasonable contributions towards improved public services as required. The following is what would be required in the event that planning permission were to be granted.

No development contributions identified at the present time.

## **9. CONCLUSION**

9.1 The proposed development of this site would constitute an unacceptable extension of the existing housing group within the hinterland and not a “rounding off”. It would not have a positive relationship with the existing housing group, it would not enhance the cohesiveness of the existing group, nor would it have a perceptible relationship with the existing buildings in the group. The proposed access would take a circuitous route adding to the sense of detachment and separation from any part of the existing housing group.

9.2 The proposed development would not appear as if it was always part of the existing housing group. It would constitute an inappropriate intrusion into the previously undeveloped forest plantation.

9.3 The site's location adjacent to the existing housing group at Achnabobane, and beyond the boundary provided by the forest fence, means that it cannot be justified either as development that rounds off the existing group or as an infill. Therefore, it would not meet with any of the exceptions to the policy of housing restraint in the Fort William hinterland as set out in Policy 35 of the HwLDP and the Rural Housing Supplementary Guidance. It is a development unlikely to be supported by the policies of the forthcoming National Planning Framework 4.

9.4 As the plot is within a forest plantation, subject to re-planting under the terms of a Felling Licence, it would be contrary to the Government's Control of Woodland Removal policy, para 218 of SPP and Policy 52 of the HwLDP, in that the proposal for a house would not constitute a clear and significant public benefit that would justify a permanent loss of woodland from this site.

9.5 All relevant matters have been taken into account when appraising this application. It is considered that the proposal does not accord with the principles and policies contained within the Development Plan and is unacceptable in terms of applicable material considerations.

## **10. IMPLICATIONS**

10.1 Resource: Not applicable

10.2 Legal: Not applicable

- 10.3 Community (Equality, Poverty and Rural): Not applicable
- 10.4 Climate Change/Carbon Clever: Not applicable
- 10.5 Risk: Not applicable
- 10.6 Gaelic: Not applicable

## 11. RECOMMENDATION

The application is recommended for refusal for the reasons set out below.

### Reasons for Refusal

1. The development would constitute an intrusion into the adjacent plantation in extending beyond the forest fence; it would not constitute a “rounding off” of the housing group, nor would it enhance the cohesiveness of the existing group. In addition, the access would take a circuitous route adding to the sense of detachment and separation from any part of the existing housing group.

The development would not meet the criteria for acceptable expansion of a housing group, contrary to policy 35 of the HwLDP and the Rural Housing Supplementary Guidance which presumes against housing in the open countryside of the Fort William hinterland, and it is contrary to policies 28 and 56 with respect to location and layout including the access.

2. The development, in the previously undeveloped forest plantation, would result in a permanent loss of woodland over an area exceeding 0.1Ha; it would not offer a clear and significant public benefit, contrary to the Scottish Government’s Control of Woodland Removal policy, para 218 of Scottish Planning Policy, Policy 52 of the Highland wide Local Development Plan, and the Trees Woodland and Development Supplementary Guidance.

Signature: David Mudie  
Designation: Area Planning Manager – South  
Author: Lucy Prins  
Background Papers: Documents referred to in report and in case file.  
Relevant Plans: Plan 1 - Amended Location Plan BW11  
Plan 2 - Proposed Site Layout Plan BW10  
Plan 3 - Site Layout Plan – as built status PL102  
Plan 4 - General Plan – Proposed floor and roof plans BW01

Plan 5 - Amended Proposed Elevation Plan BW02

Plan 6 - Proposed section Plan BW08

Plan 7 - Proposed Garage Plan BW05

Plan 8 - Alternative Assess Route

## **Appendix 1: Planning permission history at Achnabobane – see also Committee report for 18/04989/FUL considered by the South Planning Applications Committee on 30 April 2019**

The planning history of Achnabobane is extensive and complicated.

The Housing in the Countryside Supplementary Guidance (SG), adopted March 2013, stated in para 6.13 “Suitability for growth within Housing Groups”, that:

**“...No housing group will be allowed to increase in number by more than 100% of the number of houses existing in that group from the date of adoption of the guidance, 3<sup>rd</sup> August 2011.”**

That SG has now been superseded.

The Rural Housing Supplementary Guidance, adopted Dec 2021, states that:

**“No housing group will be permitted to increase in size by more than 100% of houses built, under construction or with an extant planning permission as at 3 August 2011.”**

Note the small but critical change in the wording of this part of the guidance. This means that the calculation made previously for applications 18/02572/PIP and 18/04989/FUL has changed because planning permissions that were “extant” on 3<sup>rd</sup> Aug 2011 are now included in the baseline figure.

The Council’s Development Plans Team has advised that the new definition was adopted following appeal/review decisions which confirmed live planning approvals for new houses within housing group should be included as part of the housing group number calculation. The intent of the new definition was to ensure housing that had approval prior to 3<sup>rd</sup> August 2011 and that could be built without further applications/interaction with the Planning Service were included. Therefore, in the instance of the reference to ‘extant’ in the RHSG is taken to mean:

- All pre-commencement conditions have been adequately satisfied, and
- The time limits set by condition for starting the development has not elapsed, or
- material operations comprising the development, or the use authorised by the permission have been initiated before those deadlines expire.

As such, Planning Permission in Principle applications are excluded from this definition, as they require a further application (matters specified in condition application) to satisfy the PIP before development can commence.

The 3<sup>rd</sup> August 2011 is the date that the Housing in the Countryside SG, which first contained this policy, was adopted. It has been carried through to the new Rural Housing SG.

Existing houses that were built as of that date were:

1. Achnasol House
2. Aisling
3. Tigh Na Coille
4. Rigsden
5. Sealladh na Coille (agent refers to this one as “Stall House”)
6. Langsisa
7. Achnabobane Farmhouse
8. Stockmans Cottage



9. Taigh Breagh

10. There is one house that is essentially built but has never been formally completed or occupied; the agent is referring to this as Royal View Lodge – this should be included in the baseline figure for the purposes of the SG.

Achnasol Garage is included as a separate dwelling in the agent's list of existing properties. However, it does not have planning permission as an independent dwelling unit; it was converted into a residential annex for a family member of the occupiers of Achnasol House. Therefore, Achnasol Garage should not count towards the baseline figure.

The agent is also claiming East Lodge as one of the existing properties at this date. We have no record of East Lodge as a separate dwelling – it is shown as a separate dwelling by the agent adjoining Stockmans Cottage, and he has stated it was subdivided some 25 years ago. In the absence of any formal planning permission or lawful development certificate showing East Lodge as a separate dwelling unit, East Lodge is not recognised as a separate house, and it should not count towards the baseline figure.

Houses under construction on 3<sup>rd</sup> August 2011:

None recorded.

**For the purposes of the Rural Housing SG, the baseline figure for the number of houses built, as of 3<sup>rd</sup> August 2011 is considered to be 10.**

The agent, in his supporting statement, contends that the following permissions were “extant” and should be included in the baseline figure.

- 09/00061/FULLO – this is not the site of Aonach Glas (as stated by the agent) but a plot immediately to the north of it. Granted full planning permission on 09.06.09; date permission expired 09.06.14. The time limit for implementing the permission had not expired on 3<sup>rd</sup> August 2011, however pre-commencement conditions were not formally discharged as of that date – 2, 3, 4 and 5; therefore, this permission cannot be regarded as “extant”, and so it is **not** accepted that this counts towards the baseline figure for the purposes of the SG. This plot has not been developed and this permission has lapsed.

The Council has separately identified the plot that was subsequently developed as Aonach Glas was also a live full planning permission as of 3<sup>rd</sup> Aug 2011:

- Aonach Glas – 09/00062/FULLO granted permission 09.06.09; date permission expired 09.06.14. The time limit for implementing the permission had not expired on 3<sup>rd</sup> Aug 2011, however pre commencement conditions were never formally discharged as of that date – 2, 3 and 5; therefore, this permission cannot be regarded as “Extant”, and so it is **not** accepted that this counts towards the baseline figure for the purposes of the SG. Subsequent permissions 14/01567/FUL submitted 18.04.14, granted permission 07.07.14 and expired 07.07.17; and 16/05392/FUL submitted 06.12.16, granted permission 26.04.17. The house, Aonach Glas, was subsequently built in accordance with the most recent permission, 16/05392/FUL.

Another 3 plots had the benefit of PIPs at that date and the agent contends that these should count towards the baseline figure as “extant” permissions. As highlighted above, the Council

considers Permissions in Principle (PIP) were not included in the meaning of 'extant' for the purposes of the Rural Housing SG.

- Fasach 10/02381/PIP granted permission 14.07.11; date PIP expired 14.07.14. This permission was not followed up with an MSC, however the time limit for submitting the MSC had not expired on 3<sup>rd</sup> Aug 2011, and other pre commencement conditions were never formally discharged as of that date – nos. 2, 5, 6, 7 and 8. This PIP was superseded by a Full application 16/03901/FUL granted 31.10.16 after the previous PIP had elapsed, and the house Fasach was subsequently built in accordance with the later permission. (18/03546/FUL was subsequently granted for the garage/Annex).
- Corrie Glas 10/02381/PIP granted permission 14.07.11; date PIP expired 14.07.14. This permission was not followed up with an MSC, however the time limit for submitting the MSC had not expired on 3<sup>rd</sup> Aug 2011, and other pre commencement conditions were never formally discharged as of that date – nos.2, 5, 6, 7 and 8. This PIP was superseded by a Full application 14/01886/FUL which was submitted on 12.05.14 - before the earlier PIP had expired and which was granted permission on 07.07.14. The house, Corrie Glas, was subsequently built in accordance with the later permission. (This plot was previously referred to as Fasach probably because the earlier PIP, 10/02381/PIP, was for both plots).
- Aspen House (formerly known as Charming) 10/01687/PIP granted permission 13.06.11; date PIP expired 13.06.14. This permission was not followed up with an MSC, however the time limit for submitting the MSC had not expired on 3<sup>rd</sup> Aug 2011, and other pre commencement conditions were never formally discharged as of that date – nos. 3, 6, 7, 8, 9 and 10. The PIP was superseded by a Full application 15/03036/FUL granted 12.10.15 after the previous PIP had elapsed, and the house was subsequently built in accordance with the later permission.

The Council have identified two other PIPs that were live as of 3<sup>rd</sup> August 2011:

- Starrenburg 10/01685/PIP granted permission 13.06.11; date PIP expired 13.6.14. This permission was not followed up with an MSC, however the time limit for submitting the MSC had not expired on 3<sup>rd</sup> Aug 2011, and other pre commencement conditions were never formally discharged as of that date – 6, 7, 8, 9 and 10; This PIP was superseded by Full application 13/04786/FUL which was submitted on 19.12.13 – before the earlier PIP had expired and which was granted permission on 21.3.14. The house, Starrenburg, was subsequently built in accordance with the later permission.
- Stag Lodge (referred to as Star Lodge by the agent) 09/00299/OUTLO granted permission 18.12.12; date PIP expired 18.12.15. This permission was not followed up with an MSC, however the time limit for submitting the MSC had not expired on 3<sup>rd</sup> August 2011, and other pre commencement conditions were never formally discharged as of that date – 2, 3, 7 and 8. This PIP was superseded by applications 16/00168/PIP and 19/01559/MSC. The house Stag Lodge was subsequently built in accordance with the later PIP and MSC permissions. Subsequent permission 20/03140/FUL allowed the accommodation over the garage to be converted to a holiday let, and permission 21/05424/FUL allowed for a new garage/workshop at this dwelling.

Since Aug 2011 the following further permissions have been granted and the following further houses have been built and completed:

1. Camden House – 14/04717/FUL, followed by 18/01318/FUL and 18/04548/FUL
2. MacGregor Ranch - adjacent to Achnasol House – 17/02665/PIP, 17/05854/FUL, 19/00305/FUL
3. Corrie View – adjacent to MacGregor Ranch - 18/02465/FUL, superseded by 22/00540/FUL (part retrospective) – granted permission July 2022

There are 4 further live permissions:

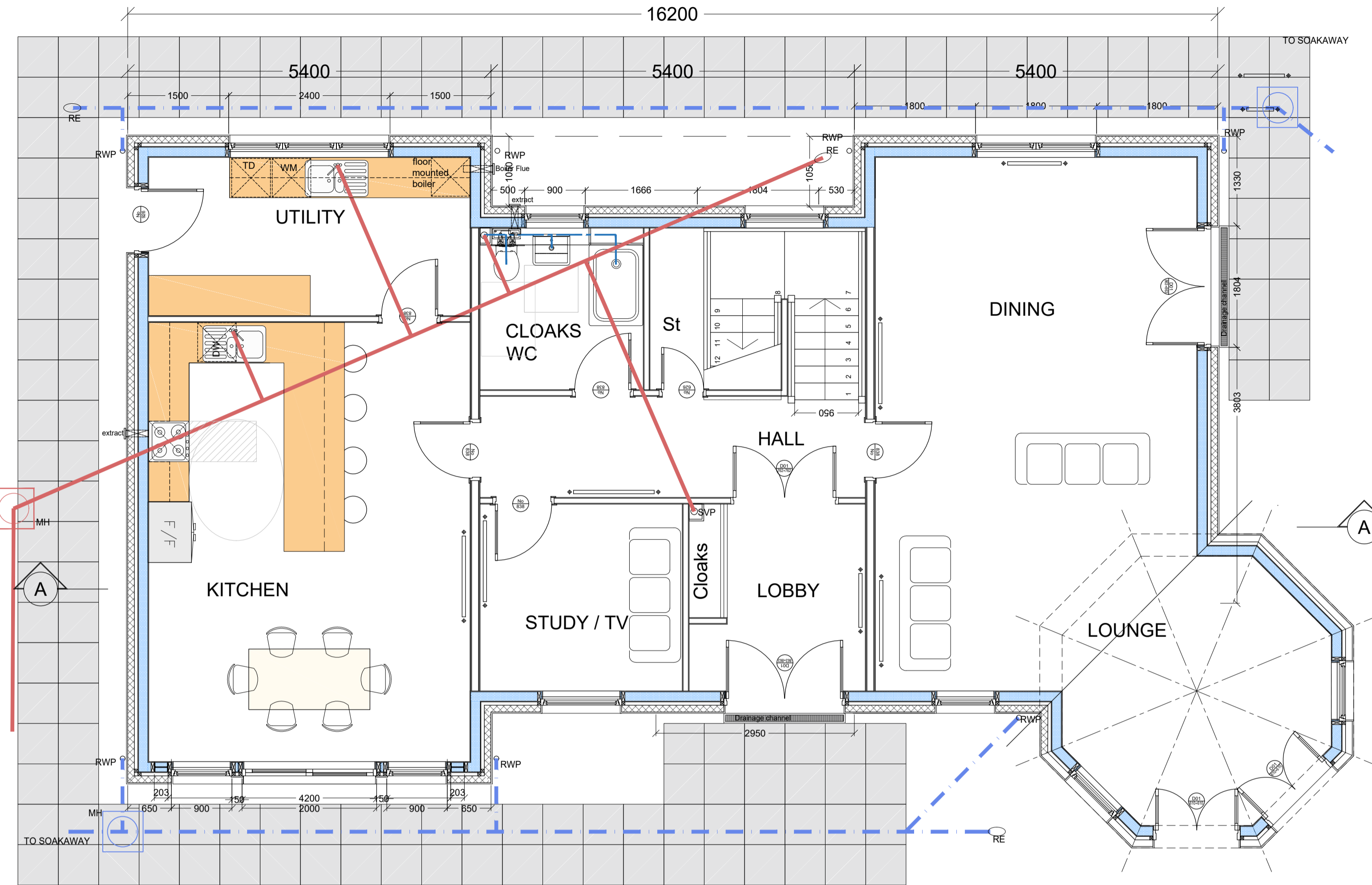
- 21/00839/FUL (in time renewal of 18/00572/FUL) – to the east of Taigh Breagh for demolition of a barn and construction of a house – permission granted 24.08.21; expires 24.08.24; pre-commencement conditions not discharged to date
- 16/00938/PIP & 19/02043/MSC – plot behind the farmhouse – would have expired 23.07.21 but permission extended until 31 March 2023 under Covid 19 Regulations; Non material variation for 19/02043/MSC in Aug 2022 – changes to external finishes and fenestration – access has been formed so permission remains live and “locked in”
- 22/00018/FUL (in effect a renewal of 16/00939/PIP & 19/02048/MSC) – plot behind Langsisa and alongside Sealladh Na Coille – granted 17 May 2022; expires 17.05.25; pre-commencement conditions not discharged to date.
- 18/04989/FUL adjacent to the “deer shed” – granted 10.5.19, expired 10.5.22 but kept live until 31 March 2023 due to Covid Regs – groundworks commenced but pre-commencement conditions not discharged to date.

In summary, there were 10 existing houses in the Housing Group as of Aug 2011; there were 2 full and 5 PIPs that were “live” as of 3rd August 2011, but these should not be regarded as “extant” as of that date for the purposes of the Rural Housing Supplementary Guidance because they were either not full permissions and/or pre-commencement conditions had not been discharged as of that date. Since 2011, 9 houses have been built, and there are currently 4 live permissions. This means that the 100% threshold for an increase in the size of the group has been reached, and exceeded, and it will be further exceeded if the live permissions are lawfully implemented within the prescribed time limits. Therefore no further new houses are likely to be supported as infills or rounding off of the housing group at Achtabobane under the terms of the SG.

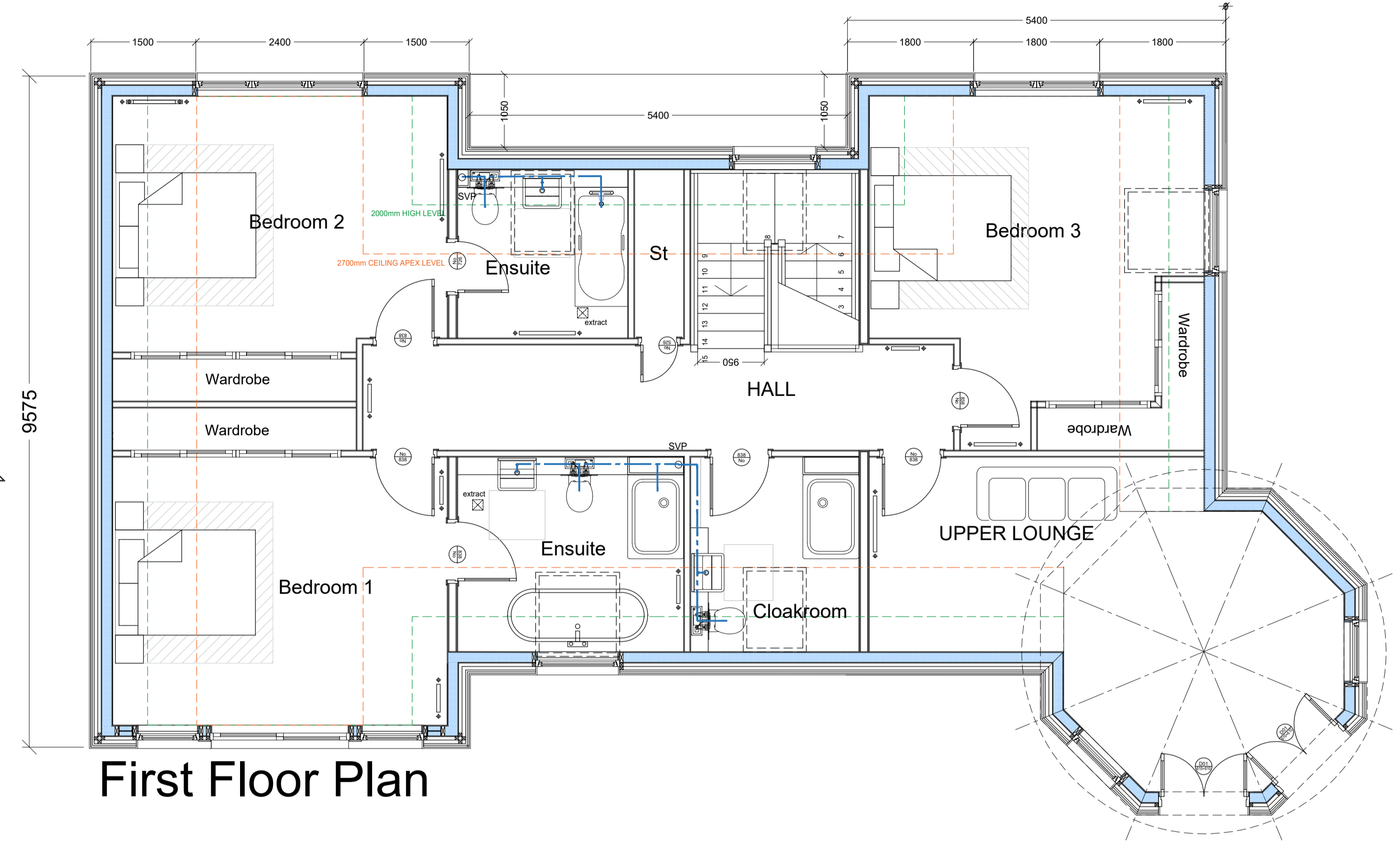
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REVISION / DESCRIPTION / DATE

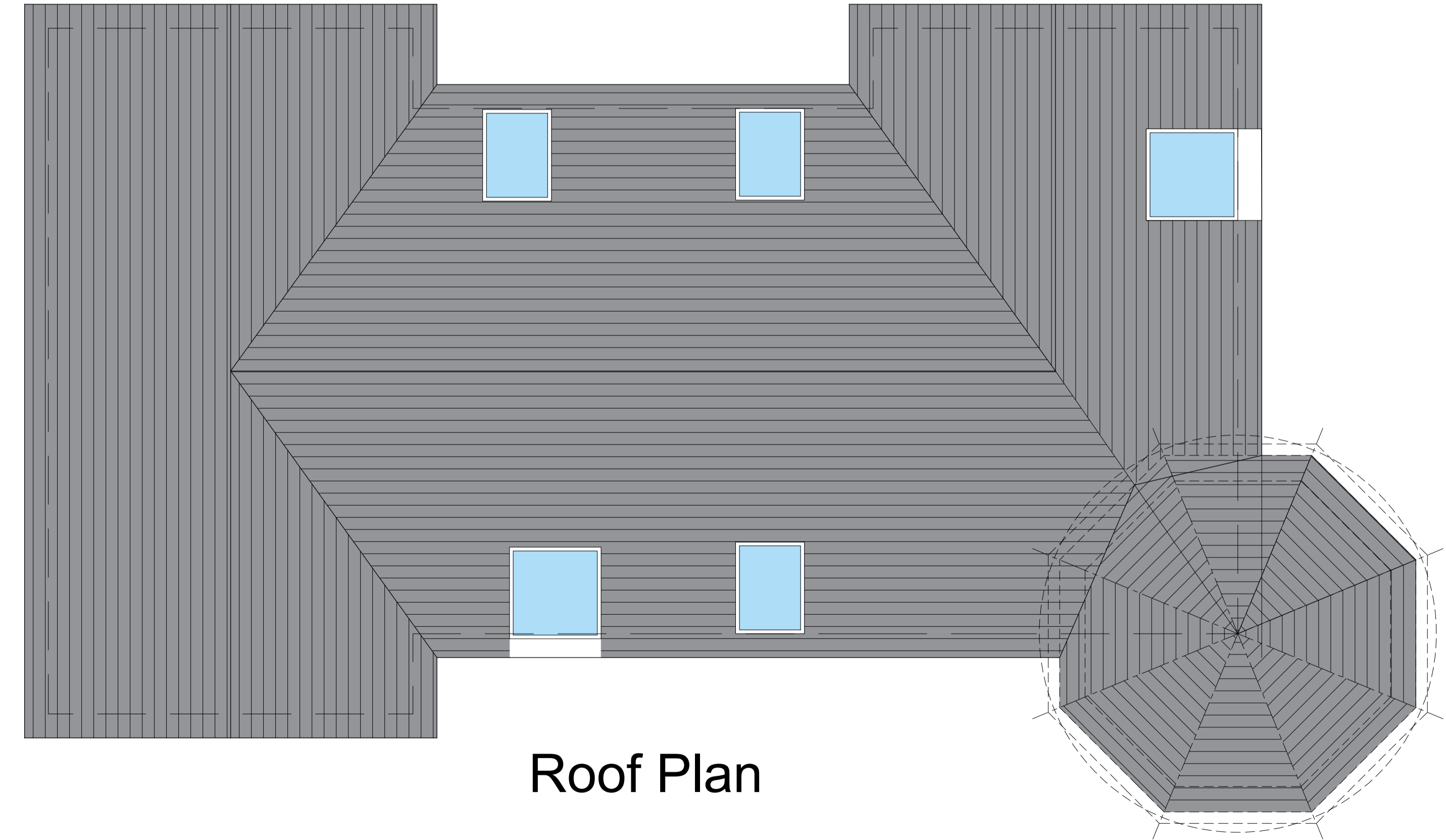


Ground Floor Plan



First Floor Plan

# Planning



Roof Plan

**fouin + bell**  
 architects

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CLIENT  
**Mr R MacGregor**

PROJECT  
 PROPOSED DWELLING HOUSE  
 BEN NEVIS VIEW  
 ACHNABOBANE  
 SPEAN BRIDGE

SCALE @ A1  
 1:50 @ A1

DATE  
 June 22

DRAWN BY  
 rb

CHECKED  
 dwb

STAGE  
 PLANNING

DRAWING  
 Proposed Layout Plans

PROJECT NUMBER  
 22-000

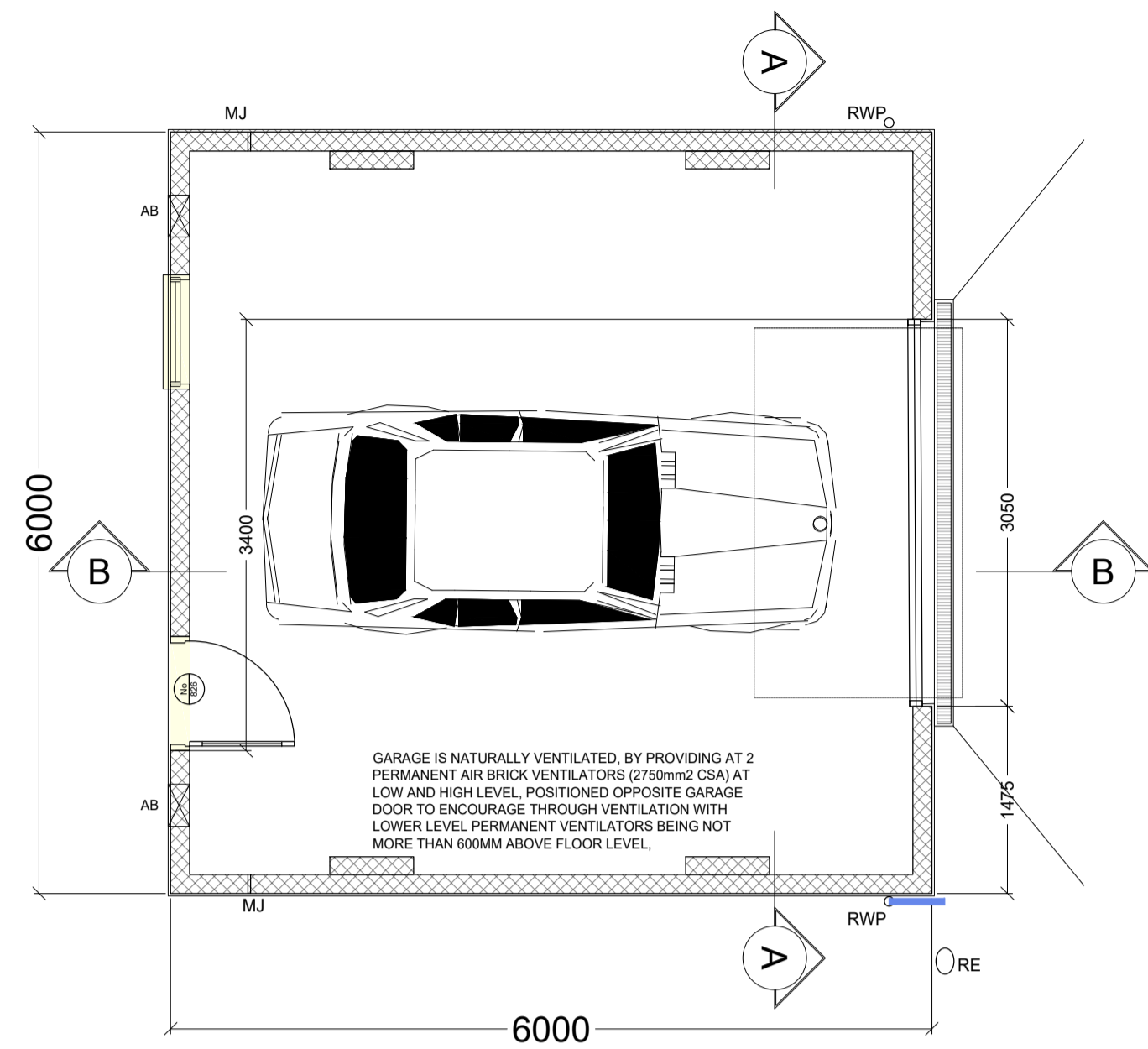
DRAWING NUMBER  
 BW01

REVISION

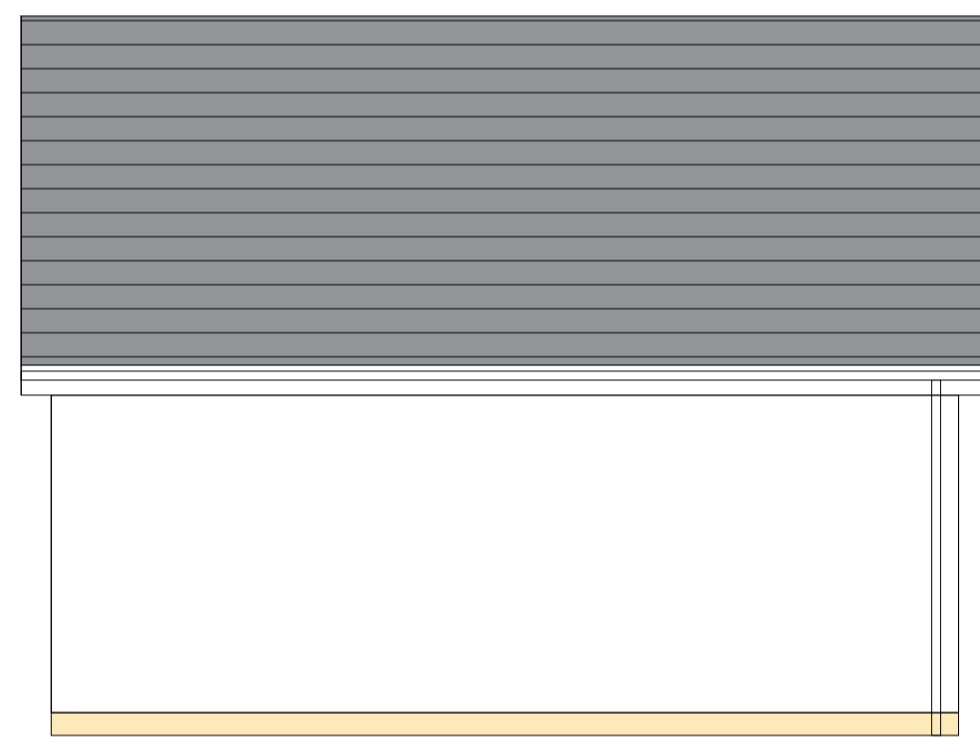
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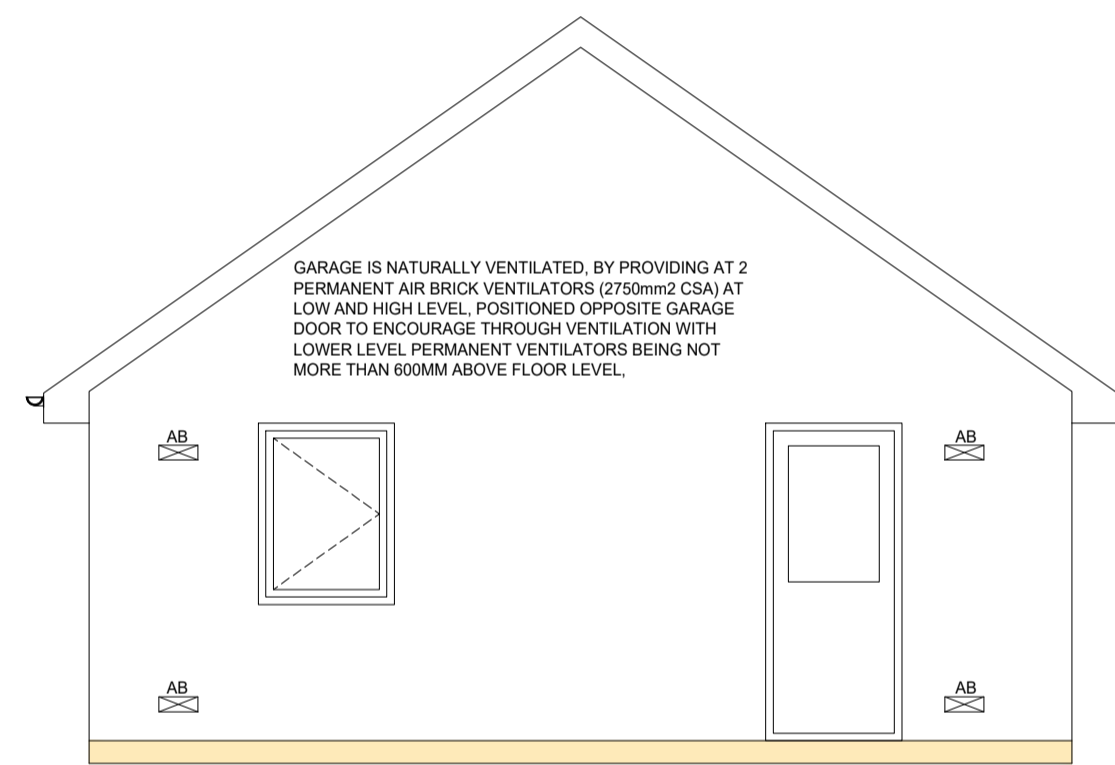
REVISION / DESCRIPTION / DATE



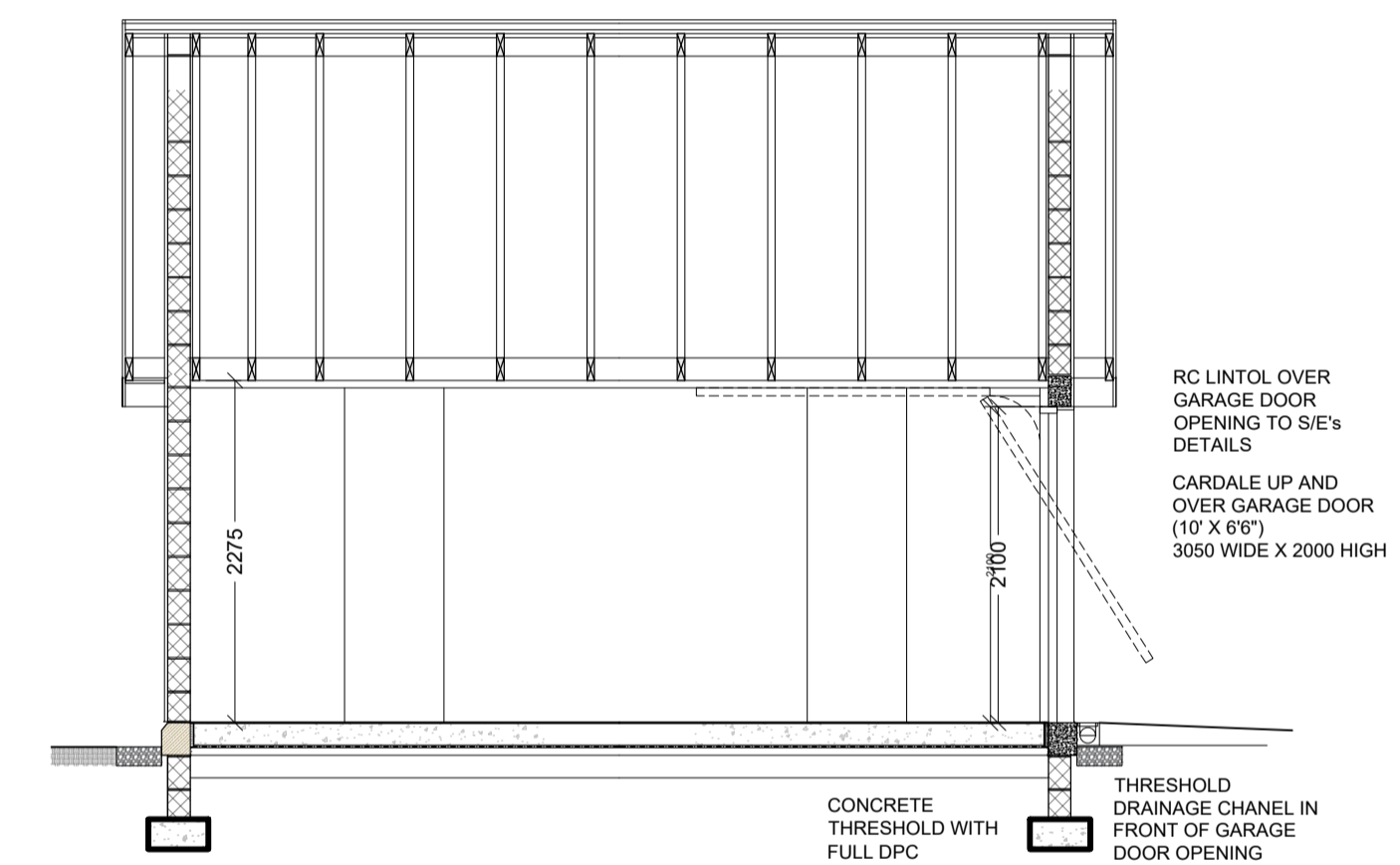
**GARAGE PLAN** 32.5m<sup>2</sup>



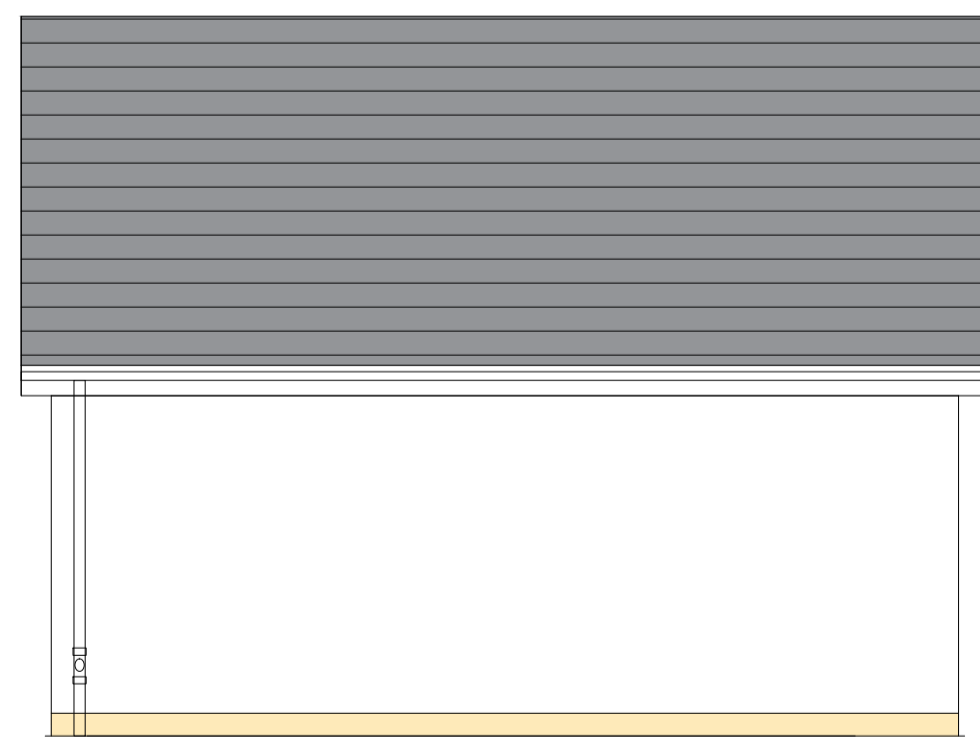
**SIDE ELEVATION**



**REAR ELEVATION**

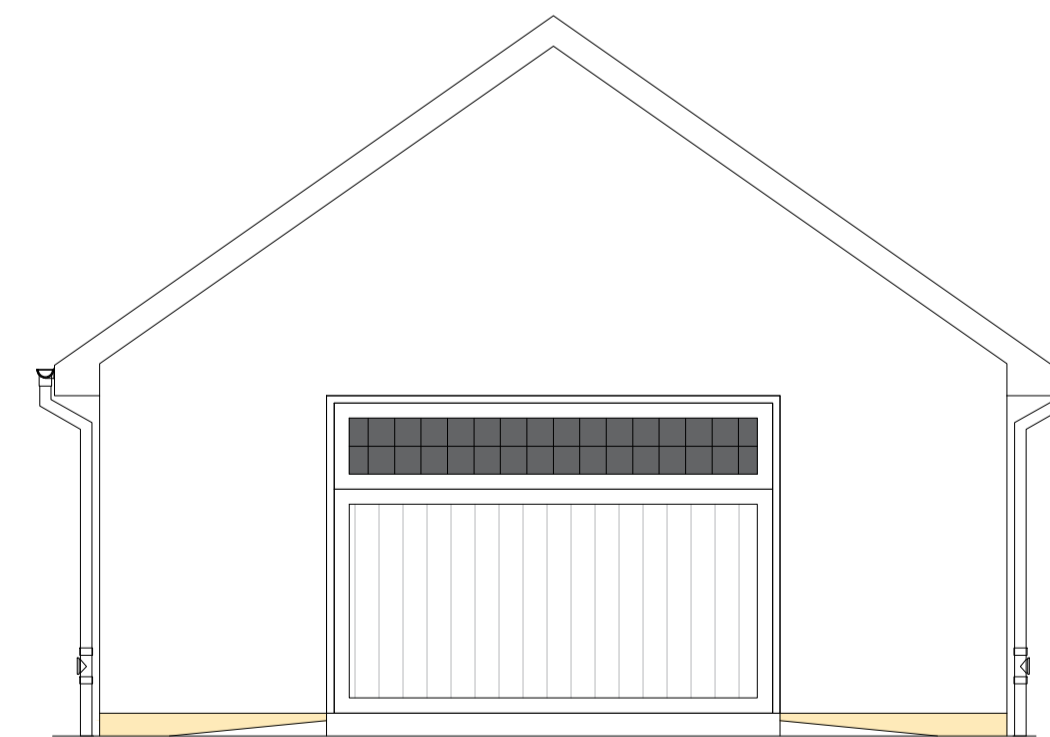


**SECTION BB**

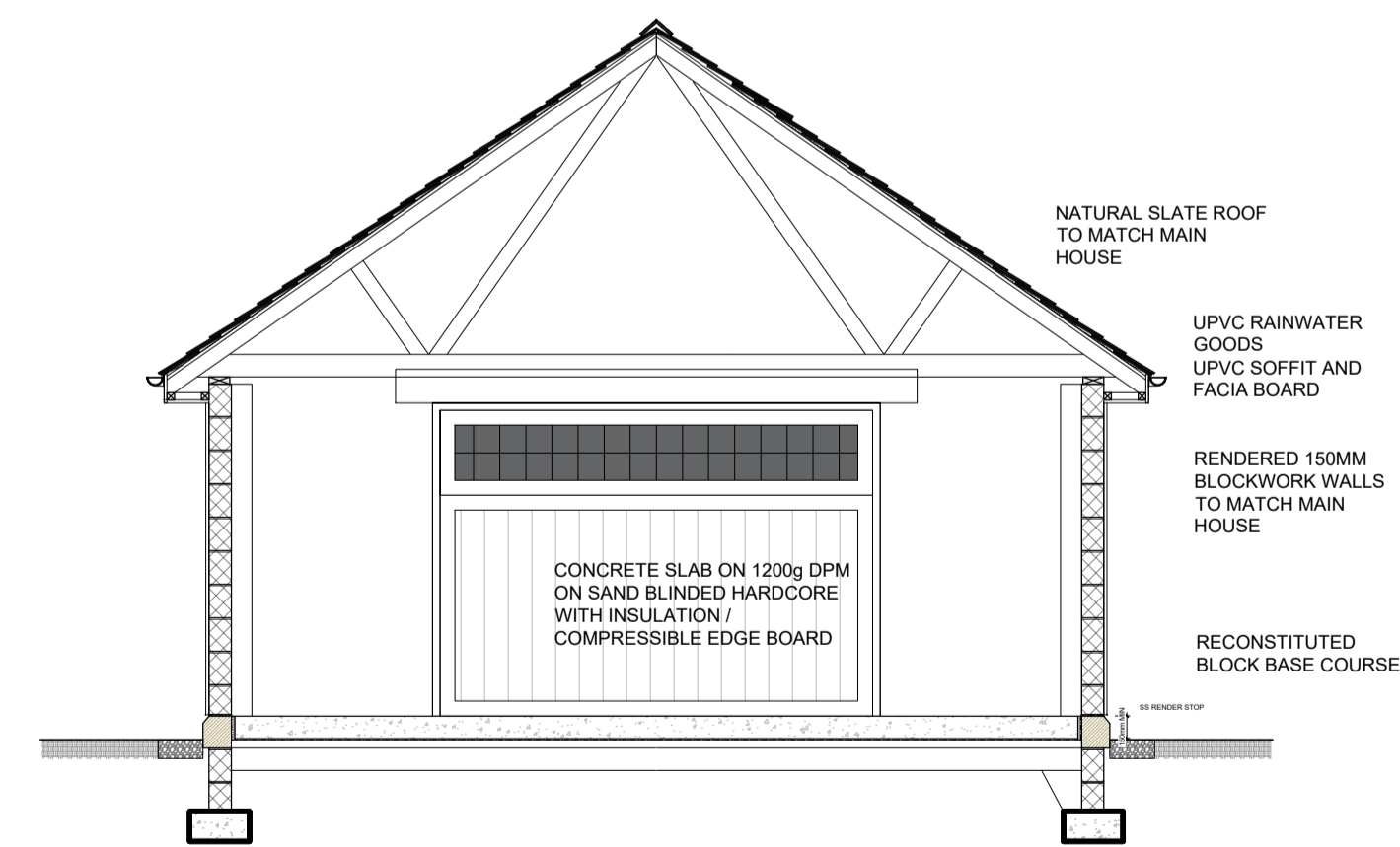


**SIDE ELEVATION**

- Black precast concrete ridge piece
- Natural slate roofing
- White wet dash render
- Pressed metal garage door
- Reconstituted block base course



**FRONT ELEVATION**



**SECTION AA**



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CLIENT  
**Mr R MacGregor**

PROJECT  
**PROPOSED DWELLING HOUSE  
 BEN NEVIS VIEW  
 ACHNABOBANE  
 SPEAN BRIDGE**

SCALE@A1 <b>1:50 @ A1</b>	DATE <b>JUN 22</b>
DRAWN BY <b>rb</b>	CHECKED <b>dwb</b>
STAGE <b>PLANNING</b>	

DRAWING  
**Proposed Garage Layout Plans  
 & Elevations**

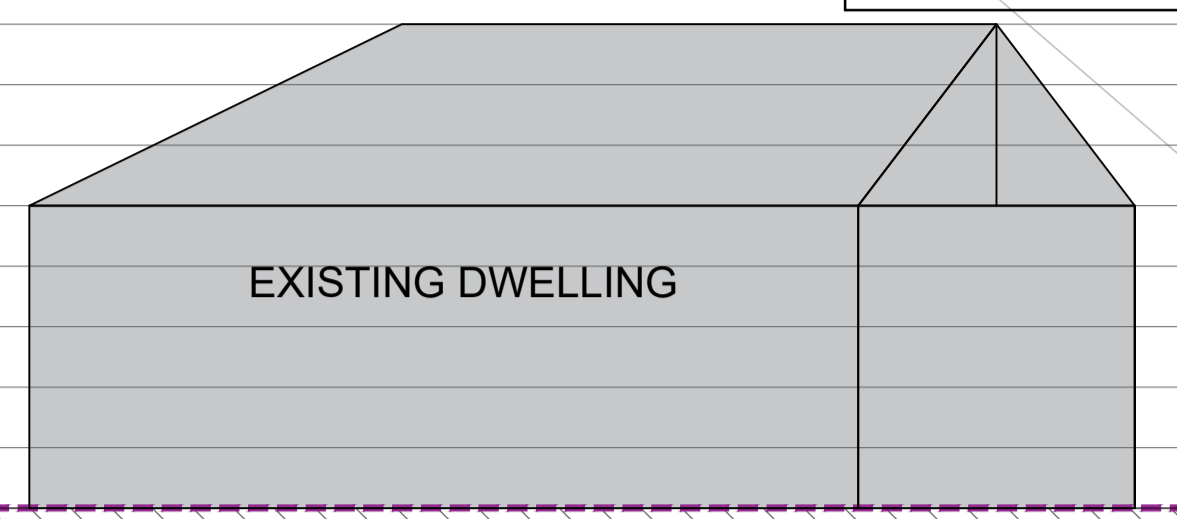
PROJECT NUMBER <b>22-000</b>	DRAWING NUMBER <b>BW 05</b>	REVISION
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REVISION / DESCRIPTION / DATE

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 118.00  
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 116.00  
 115.00  
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 113.00  
 112.00  
 111.00  
 110.00  
 109.00  
 108.00



EXISTING GROUND LEVEL  
 PROPOSED GROUND LEVEL

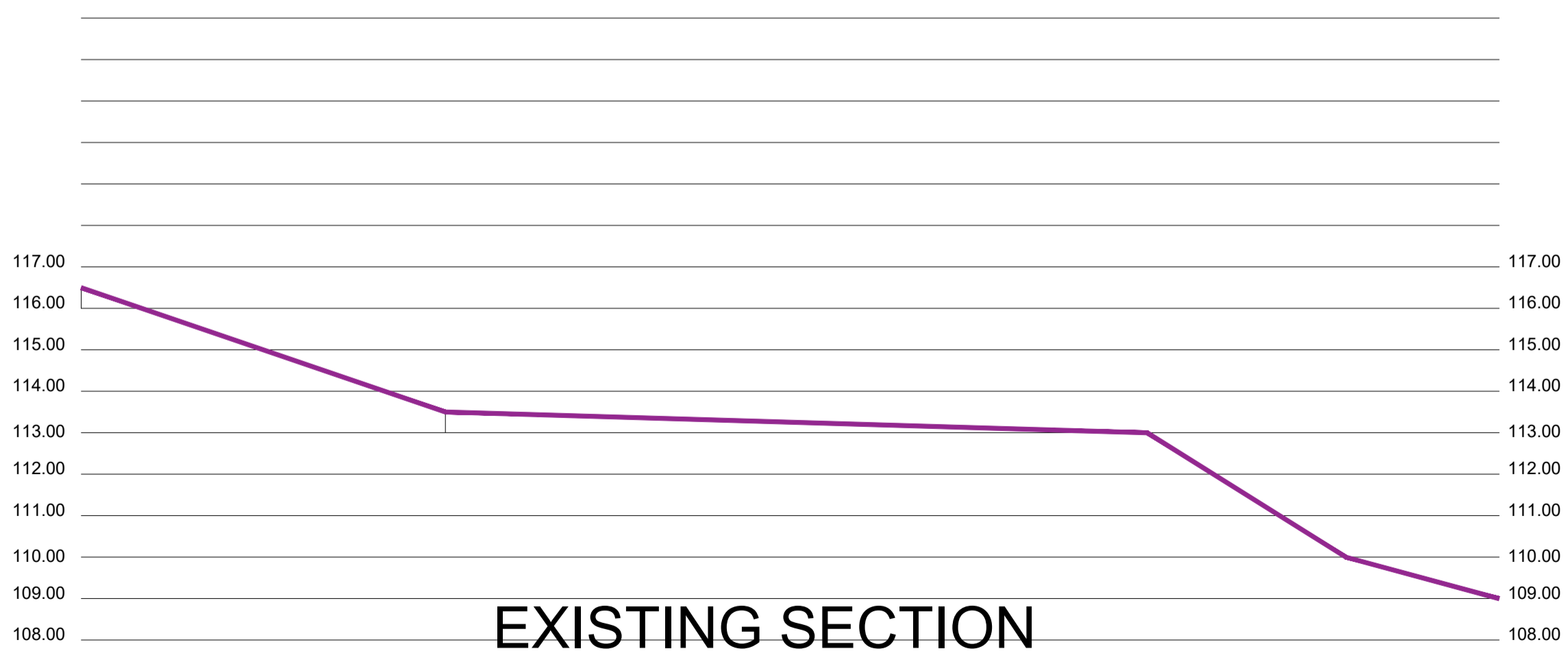
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EXISTING SECTION

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 109.00  
 108.00



CLIENT		
Mr R MacGregor		
PROJECT		
PROPOSED DWELLING HOUSE BEN NEVIS VIEW ACHNABOBANE SPEAN BRIDGE		
SCALE@A1	1:125 @ A1	DATE
DRAWN BY	CHECKED	STAGE
rb	dwb	PLANNING
DRAWING		
Proposed Site Section		
PROJECT NUMBER	DRAWING NUMBER	REVISION
18-000	BW08	

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REVISION / DESCRIPTION / DATE		



# PLANNING



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CLIENT  
**Mr R MacGregor**

PROJECT  
**PROPOSED DWELLING HOUSE**  
 ACHNABOBANE  
 SPEAN BRIDGE

SCALE@A1 1:400 @ A3	DATE Jun 22
DRAWN BY rb	CHECKED dwb
	STAGE Warrant

DRAWING  
**Proposed Site Plan**

PROJECT NUMBER <b>22-000</b>	DRAWING NUMBER <b>BW10</b>	REVISION
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CLIENT  
**Mr R MacGregor**

PROJECT  
**PROPOSED DWELLING HOUSE  
 BEN NEVIS VIEW  
 ACHNABOBANE  
 SPEAN BRIDGE**

SCALE@A1 <b>1:1250 @ A1, 1:2500 @ A3</b>	DATE <b>JUN 22</b>
DRAWN BY <b>rb</b>	CHECKED <b>dwb</b>
STAGE <b>PLANNING</b>	

DRAWING  
**Proposed Site Location Plan**

PROJECT NUMBER <b>22-000</b>	DRAWING NUMBER <b>BW11</b>	REVISION
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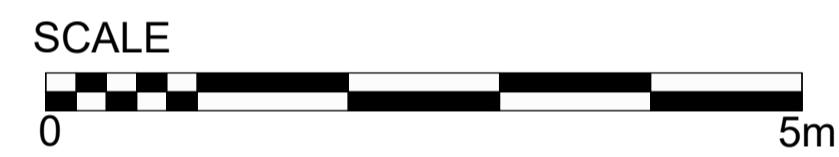
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SW ELEVATION

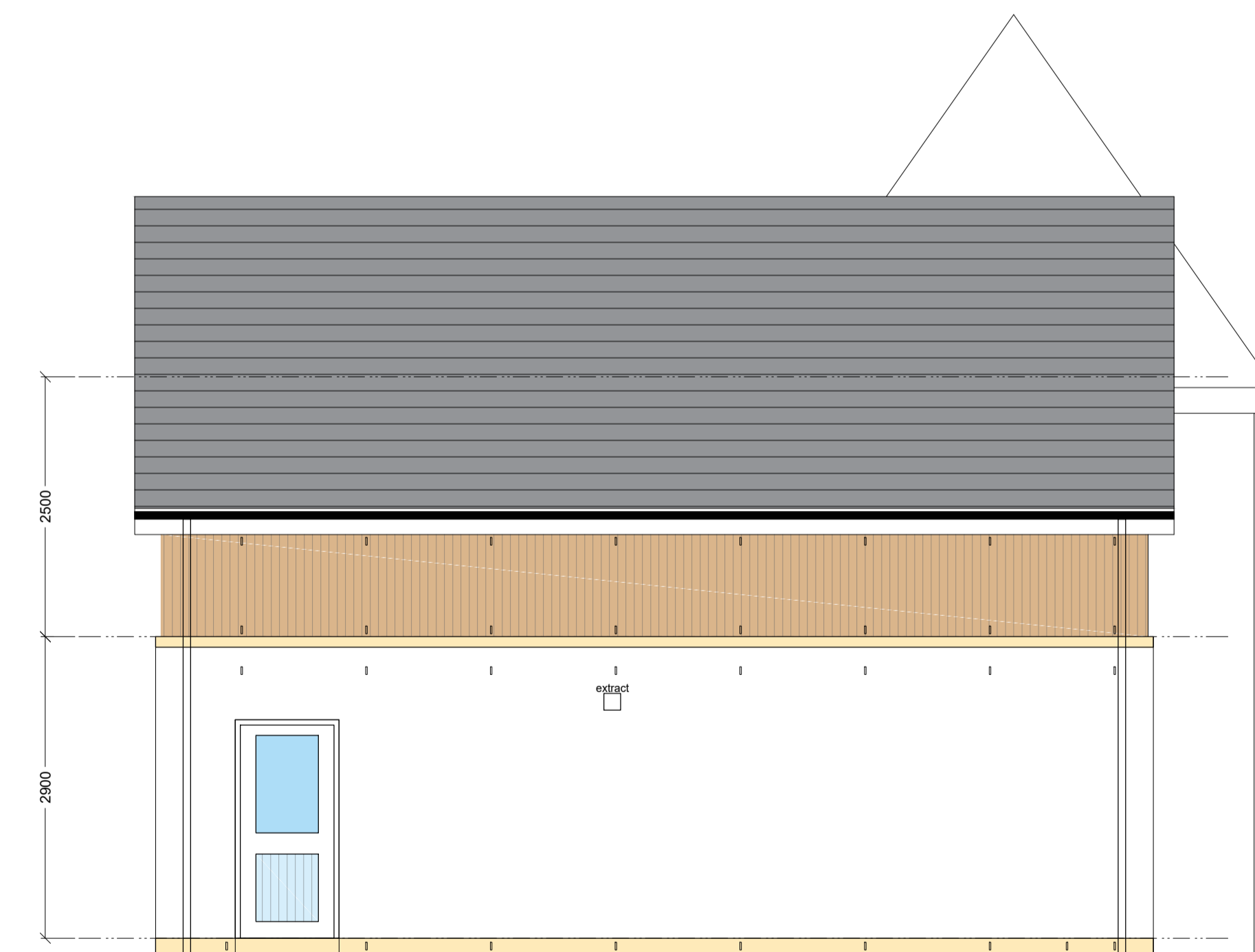


SE ELEVATION

- Black precast concrete ridge piece
- Natural slate roofing
- Natural larch timber cladding
- Precast concrete cills
- White wet dash render
- UPVC windows and doors
- Smooth render base course



NE ELEVATION



NW ELEVATION

PLANNING



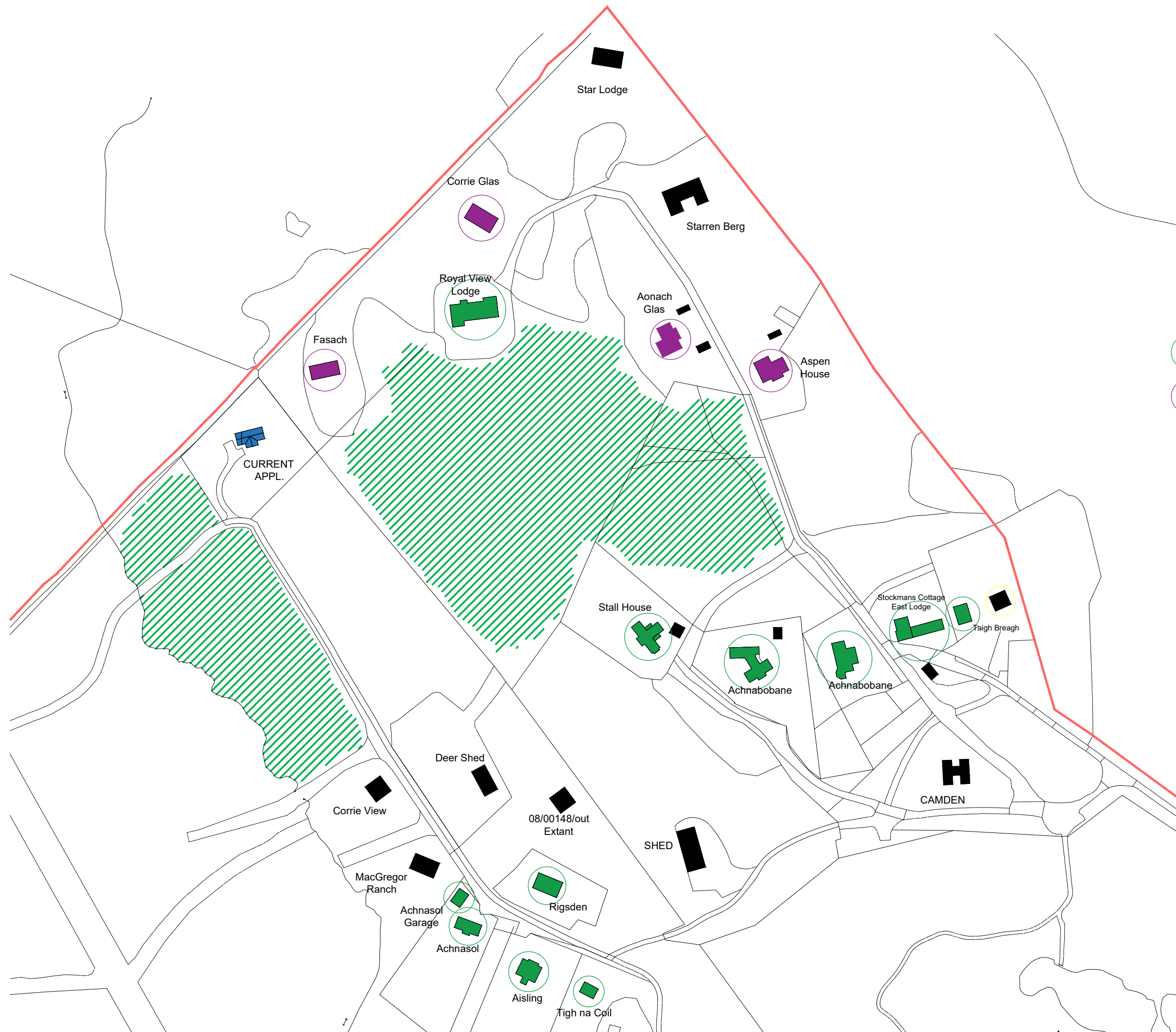
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CLIENT		
Mr R MacGregor		
PROJECT		
PROPOSED DWELLING HOUSE BEN NEVIS VIEW ACHNABOBANE SPEAN BRIDGE		
SCALE@A1	DATE	
1:100 @ A3	Jun 22	
DRAWN BY	CHECKED	STAGE
rb	dwb	PLANNING
DRAWING		
Proposed Elevations		
PROJECT NUMBER	DRAWING NUMBER	REVISION
22-000	BW02	

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REVISION / DESCRIPTION / DATE



-  Built Prior to 2011
-  Built Prior to 2011 and built with valid pre 2011 consent



CLIENT

**Mr R MacGregor**

PROJECT  
**PROPOSED DWELLING HOUSE  
 BEN NEVIS VIEW  
 ACHNABOBANE  
 SPEAN BRIDGE**

SCALE@A1 DATE **Sept 22**  
 DRAWN BY **rb** CHECKED **dwb** STAGE **PLANNING**

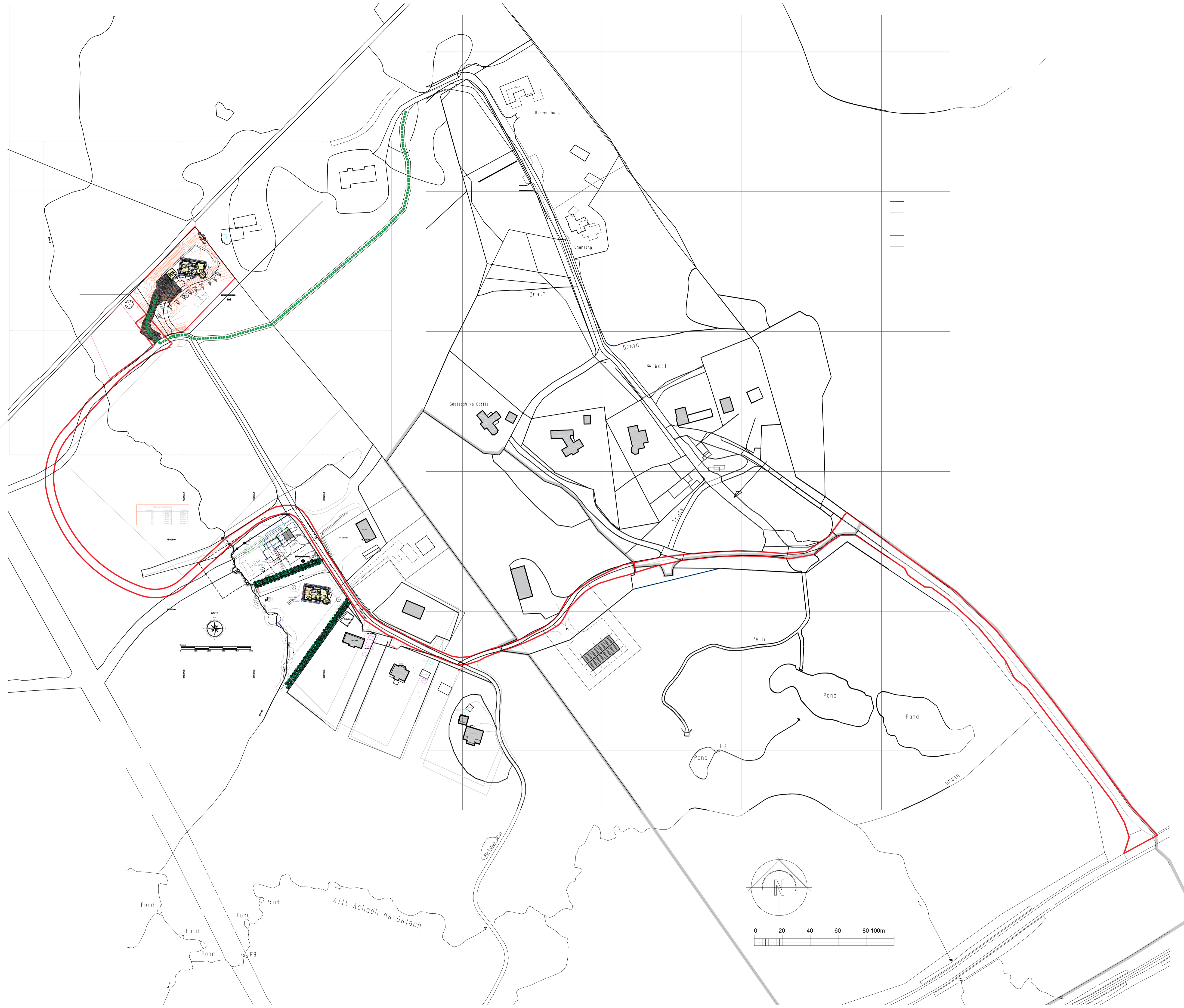
DRAWING  
**As built status at Achnabobane**

PROJECT NUMBER **22-000** DRAWING NUMBER **PL102** REVISION

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CLIENT

**Mr R MacGregor**

PROJECT

**PROPOSED DWELLING HOUSE  
 BEN NEVIS VIEW  
 ACHNABOBANE  
 SPEAN BRIDGE**

SCALE: A1 1:1250 @ A1, 1:2500 @ A3	DATE JUN 22
DRAWN BY rb	CHECKED dwb
STAGE PLANNING	

DRAWING

**Proposed Site Location Plan**

PROJECT NUMBER <b>22-000</b>	DRAWING NUMBER <b>BW11.2</b>	REVISION
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