



## Appeal Decision Notice

---

Decision by Allison Coard, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-270-2286
- Site address: Land 230 metres North-West of Sealladh Na Coille, Achnabobane, Spean Bridge, PH34 4EX
- Appeal by Mr R MacGregor against the decision by Highland Council
- Application for planning permission 22/02939/FUL dated 29 June 2022 refused by notice dated 16 February 2023
- The development proposed: Erect new dwelling and garage
- Date of site visit by Reporter: 20 July 2023

Date of appeal decision: 10 August 2023

---

### 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 comprises the National Planning Framework 4 (2023), The West Highlands and Islands Local Development Plan 2019 and the Highland Wide Local Development Plan (2012) including its associated Supplementary Guidance. The main issues in this appeal are:

- the location relative to an established housing group;
- the potential loss of woodland over an area exceeding 0.1 hectare; and
- the application of National Planning Framework Policy 17.

#### Housing Group

2. The West Highland Local Development Plan defines the area as within the Fort William Hinterland. This means that Policy 35: Housing in the Countryside (Hinterland areas) of the Highland Wide Local Development Plan applies. It presumes against housing in the open countryside except in certain limited circumstances. There is no dispute that the relevant consideration in this case is whether the proposal would represent an acceptable expansion of a housing group.

3. From the submissions and my observation on site my conclusion is that there are three housing groups already established in the vicinity of the appeal site. Each of these comprises more than three houses following the description of a housing group as set out in the Rural Housing Supplementary Guidance (2021). This Supplementary Guidance is part of the development plan. It provides additional detail to inform the assessment of new housing proposals in the hinterland area.

4. There is a housing group around Achnasol House which is over 200 metres south of the appeal site. The only connection of the appeal site to this group is the proposed access road. This route links in a wide loop from the established housing to the appeal site on the hillside to the north. Whilst a more direct access road from the southern housing is already constructed this is not included in the red line boundary associated with this appeal. In any event the site is physically and visually detached from the established group of houses to the south.

5. The proposed house would be located adjacent to the western garden boundary of Fasach. This modern house marks the current western extent of an established northern group of housing. My assessment is focussed on whether the appeal site forms a supportable further extension to that group. In that context I note that Fasach, Royal View Lodge, Corrie Glas and the other houses to the north are accessed by a road running from the original farmhouse. As described above an entirely separate route is proposed to access the appeal site. I consider the lack of a common access route accentuates the separation of the appeal site from the established group. The circuitous route of the access also increases the visual impact of the proposal as it extends the proposed works further into the undeveloped countryside.

6. There are mature trees and a fence-line that define the established boundary of Fasach. The line of trees extends a short distance behind the appeal site. Otherwise, the appeal site is open, with bare hillside behind. Recent coniferous planting around the site will take some considerable time to establish. The council describes the land associated with the appeal site as cleared forestry plantation. Similarly, the appellant describes the site as being at the top right-hand quarter of a forest plantation where the conifers have been felled and the plantation partially restocked. I return to that matter below.

7. The appellant states that the fence-line to the west of Fasach is not an issue given the housing group already extends to the west of this line. I can understand the principle of that argument in the context of the southern group of housing. However, as explained above my focus here is on the potential for the proposal to be considered as an extension, to the northern group, beyond Fasach. In that specific context I find the fence-line, whilst not a feature in its own right, marks a clear transition into a more open area of countryside.

8. Whilst ground works to establish a level platform have clearly taken place there is no indication in the submissions that these works, including the formed or at least partially formed access route, benefit from planning permission. I do not consider the evident site works, as viewed on my site visit, should be considered to demonstrate a readily definable development site. As described above the site offers no natural sense of containment along its southern or western boundaries.

9. I have considered the existing arrangement of houses relative to the site and its landscape context bearing in mind the diagrams and guidance contained within the council's Supplementary Guidance. Drawing on that guidance and my conclusions above I am not convinced the proposed house would appear as if it was always part of the established northern group of houses. Nor would it have a positive effect on the cohesiveness of that group. Rather, I consider it would be an inappropriate intrusion into a previously undeveloped and distinct area of countryside on a site which lacks an established setting or sense of containment.

10. Consequently, I find conflict with the specific terms of the Supplementary Guidance on Rural Housing. In turn this leads me to conclude that there is conflict with Policy 35 of the Highland Wide Local Development Plan.

### Loss of woodland

11. Policy 52 on development in woodland is a consideration given the council's view that this proposal involves woodland removal. Proposals affecting woodland are also assessed against the Scottish Government's Policy on Control of Woodland Removal. These policies maintain a strong presumption in favour of protecting woodland resources.

12. I understand the council's position that a forest that is subject to re-stocking could still be regarded as forest plantation. In that context its view is that the proposal involves the loss of existing woodland. I refer above to the Supplementary Guidance on Rural Housing. It states on page 10 that proposals should not impact detrimentally on existing trees and/or woodland which are important to the character, setting, amenity and/or containment of the housing group or surrounding landscape. In that specific context I accept there would be no impact on existing trees.

13. The council's forestry officer references re-stocking obligations to plant mixed native broadleaves on 90% of the total plantation area (9.09Ha) with 10% to be left unplanted (1.01ha). All planting was to have been undertaken by 30 June 2017. The appeal site extends to 0.3 hectares. Whilst references are made to other clearings and potential for further residential development, I must consider this appeal on its own merits.

14. I accept that the appeal site is not currently planted. It is also relevant to note the site could potentially be considered within the area to be left unplanted. Had this been my only concern then I may have requested further submissions on this matter. However even if I were satisfied that the proposal met the terms of Policy 52 and the Scottish Government's Policy on Control of Woodland Removal my conclusions above on Policy 35, which do not otherwise support a house in this location, would still apply.

### Other development plan matters

15. The submissions reference another strand of the council's Supplementary Guidance on housing groups. This sets a limit to the number of houses that could be justified on the basis of this policy. I note that no housing group is to extend in size by more than 100% of the number of houses built, under construction or with an extant planning permission as of August 2011. I have considered the appellant's "Review of residential approvals at Achnabobane". This presents evidence to show that a further increase to include an additional house would be in accordance with the guidance. The council, from its records, takes the view this limit has been reached. However, even if I were to prefer the appellant's evidence on this matter policy compliance would still require that the site forms part of the housing group in question. My findings above do not support that conclusion.

16. I have also considered Policy 28: Sustainable Design and Policy 56: Travel of the Highland Wide Local Development Plan. These relate to siting and design in keeping with local character and to the sustainability of the location. I have concluded above on the siting of the proposal. I note the proposed design and find that it is of a character and quality that reflects the other recent housing in the vicinity. There are inevitable tensions between the rural hinterland policy and wider sustainability considerations given this location is detached from settlement and services and relies on travel into Fort William or elsewhere by private car. However, I accept that if the site had proven acceptable as part of a housing group that tension would not alone have outweighed the support to be drawn from Policy 35.

17. Nevertheless, I am conscious that Policy 17 of National Planning Framework 4 is now the most recent expression of development plan policy in relation to rural housing. It does not reference hinterland areas or housing groups. It applies the up to date context for assessing a housing proposal in this area. In the specific terms of Policy 17 the appeal site is not in a remote rural area. Nor does it support the resettlement of a previously inhabited area. It is an unallocated countryside site which is not brownfield and does not comply with any of the other categories of housing, as set out in parts iii) to viii), that would gain policy support. In terms of Part b) of Policy 17 I find nothing that leads me to the conclusion the proposal would support local living or meet local housing needs. No case is made on the basis of economic considerations. As stated above the proposal would rely on travel by private car.

18. The council also refers to other policies in NPF4. I accept these are of related relevance. However Policy 17 is the topic specific rural housing policy and I rely on its terms as it reflects the various strands of the other referenced policies. None of these other policies offer support for the appeal proposal.

19. National Planning Policy Framework's policy objective in terms of rural housing is to facilitate the delivery of more high quality, affordable and sustainable homes in the right locations. Whilst I do not question the quality of the design there is no suggestion the proposed house would be affordable. Drawing on my conclusions above I do not consider the proposal is in the right location. Consequently, I find conflict with Policy 17 of National Planning Framework 4. This re-enforces my conclusion that the proposal does not comply overall with the development plan.

#### Other Considerations

20. Whilst I accept that proposed tree planting could help to achieve an improved landscape fit this would take some time to establish. The local development plan approach to rural housing in groups relies on the site already demonstrating a sense of containment and landscape fit. I would be concerned that an approach that relied on planting and other works to achieve a future landscape fit would have consequent implications for the character and amenity of the wider countryside area by encouraging similar proposals. I note reference is made to the possibility of an alternative access as shown in the appellant's submission BW11.2. However, that access does not form part of the current proposal and in any event I am not convinced this would alone address my concerns above.

#### Conclusion

21. 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. A house in this rural location is not supported by Policy 35 of the Highland Wide Local Development Plan nor the more recently adopted Policy 17 of National Planning Policy Framework 4. There are no material considerations which would still justify granting planning permission. I have considered all the other matters raised, but there are none which would lead me to alter my conclusions.

*Allison Coard*  
Reporter