

**The Highland Council  
Planning Review Body**

**Council Chamber, HQ, 20 December 2023, 10.30am  
Minutes**

Listed below are the decisions taken by the Planning Review Body at their recent meeting. The webcast of the meeting will be available within 48 hours of broadcast and will remain online for 12 months: <https://highland.public-i.tv/core/portal/home>

**Present:**

Mrs I Campbell (remote)  
Mr D Fraser  
Mr R Gale  
Mr B Lobban  
Mr T Maclennan (Chair)  
Mr D Millar  
Mr P Oldham

**In Attendance:**

Mr B Strachan, Independent Planning Adviser to the Planning Review Body  
Mrs K Lyons, Principal Solicitor/Clerk  
Ms A Macrae, Senior Committee Officer

**Preliminaries**

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

<b>ITEM NO</b>	<b>DECISION</b>
<b>1</b>	<b>Apologies for Absence</b>  Mrs M Paterson.
<b>2</b>	<b>Declarations of Interest</b>  There were no declarations of interest.
<b>3</b>	<b>Minutes of Previous Meeting</b>  There had been circulated and <b>APPROVED</b> the Minutes of the Meeting held on 8 November 2023.
<b>4</b>	<b>Criteria for Determination of Notices of Review</b>  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

	<p>had been issued. When new information had been identified and responded to by the case officer, that information had also been included in SharePoint.</p> <p>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 – including the recently adopted National Planning Framework 4 – 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.</p> <p>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.</p>
<p><b>5</b></p>	<p><b>New Notices of Review to be Determined</b></p>
<p>5.1</p>	<p><b>Ward:</b> 12 Aird And Loch Ness 23/00032/RBREF  <b>Applicant:</b> Mrs Clare Ward  <b>Location:</b> Land 100M NW Of Mor Carraig, 4 Balchraggan, Abriachan, Inverness  <b>Nature of Development:</b> Erection of house, 22/02233/PIP  <b>Reason for Notice of Review:</b> Refusal by Appointed Officer</p> <p>A variety of views were discussed before the following motion and amendment was proposed and seconded.</p> <p>Mr D Fraser seconded by Mr T MacLennan <b>moved</b> to dismiss the Notice of Review and refuse planning permission for the reasons contained in the report of handling.</p> <p>As an <b>amendment</b>, Mr R Gale seconded by Mr B Lobban moved to uphold the Notice of Review and grant planning permission subject to (i) prior payment of the developer contribution referred to in the report of handling; and (ii) conditions to be drafted by the Independent Planning Adviser to the Planning Review Body to include conditions on the siting, design and location of the proposed dwelling house and the submission of information confirming the suitability of the ground conditions for foul and surface water arrangements. Reasons given in support of upholding the Notice of Review:</p> <p>Although the site is not allocated for housing in the local development plan (there is no settlement boundary identified for Abriachan) and it is not infill or rounding off of the housing group at Balchraggan, the siting of the proposed house is considered to be acceptable as it will read alongside the existing</p>

houses and is set back from the road.

Although the siting is considered acceptable, the proposed development is not supported by policy 17 (a) of NPF4. However, a pragmatic approach requires to be taken to the interpretation of Policy 17 (b) of NPF4 for Highland. In the Abriachan place context it is considered that the proposal will contribute to local living as the development is located within active travel distance of the village hall and community woodlands/forest school.

The proposed development is supported by Policy 3 of the Inner Moray Firth Local Development Plan given that the application site is located within active travel range of at least one community/commercial facility (village hall and community woodland/forest school) and the proposal may help sustain these facilities; in terms of location of the proposed house, it is similar to the spacing between existing houses at Balchraggan and the house is proposed to be similar in scale to the existing houses in Balchraggan; no infrastructure constraints have been identified and further details can be obtained under conditions; there would be no net loss of amenity / recreational areas significant to the wider local community; and no adverse impact on any other locally important heritage feature.

The proposal is considered to accord with the placemaking guidelines for Abriachan contained in the proposed IMF2 LDP.

It is noted that a previous application for a house on the application site was refused and a review of that decision was dismissed by the review body in 2018. While this decision carries weight in the assessment process, it is considered that support for the proposal indicated above should carry greater weight.

The 3<sup>rd</sup> reason for refusal can be addressed by suitably worded conditions to be drafted by the Independent Planning Adviser.

On a vote being taken, there were **3** votes for the **motion**, **4** for the **amendment** and no abstentions, and the **amendment** was therefore carried, the votes having been cast as follows:

**Motion:** Mr D Fraser, Mr T Maclennan, Mr P Oldham

**Amendment:** Mrs I Campbell, Mr R Gale, Mr B Lobban, Mr D Millar

**Decision:**

The Review Body **AGREED** to **UPHOLD** the Notice of Review and grant planning permission subject to (i) prior payment of the developer contribution referred to in the report of handling; and (ii) conditions to be drafted by the Independent Planning Adviser to the Planning Review Body to include conditions on the siting, design and location of the proposed dwelling house and the submission of information confirming the suitability of the ground conditions for foul and surface water arrangements.

5.2	<p><b>Ward:</b> 12 Aird And Loch Ness 23/00033/RBREF  <b>Applicant:</b> Mrs Faye McNally  <b>Location:</b> Land 100M NW Of Mor Carraig, 4 Balchraggan, Abriachan, Inverness  <b>Nature of Development:</b> Erection of house, 22/02234/PIP  <b>Reason for Notice of Review:</b> Refusal by Appointed Officer</p> <p>A variety of views were discussed before the following motion and amendment was proposed and seconded.</p> <p>Mr D Fraser seconded by Mr T MacLennan <b>moved</b> to dismiss the Notice of Review and refuse planning permission for the reasons contained in the report of handling.</p> <p>As an <b>amendment</b> by Mr R Gale seconded by Mr B Lobban to uphold the Notice of Review and grant planning permission subject to (i) prior payment of the developer contribution referred to in the report of handling; and (ii) conditions to be drafted by the Independent Planning Adviser to the Planning Review Body to include conditions on the siting, design and location of the proposed dwelling house and the submission of information confirming the suitability of the ground conditions for foul and surface water arrangements. Reasons given in support of upholding the Notice of Review:</p> <p>Although the site is not allocated for housing in the local development plan (there is no settlement boundary identified for Abriachan) and it is not infill or rounding off of the housing group at Balchraggan, the siting of the proposed house is considered to be acceptable as it will read alongside the existing houses and is set back from the road.</p> <p>Although the siting is considered acceptable, the proposed development is not supported by policy 17 (a) of NPF4. However, a pragmatic approach requires to be taken to the interpretation of Policy 17 (b) of NPF4 for Highland. In the Abriachan place context it is considered that the proposal will contribute to local living as the development is located within active travel distance of the village hall and community woodlands/forest school.</p> <p>The proposed development is supported by Policy 3 of the Inner Moray Firth Local Development Plan given that the application site is located within active travel range of at least one community/commercial facility (village hall and community woodland/forest school) and the proposal may help sustain that facility; in terms of location of the proposed house, it is similar to the spacing between existing houses at Balchraggan and the house is proposed to be similar in scale to the existing houses in Balchraggan; no infrastructure constraints have been identified and further details can be obtained under conditions; there would be no net loss of amenity / recreational areas significant to the wider local community; and no adverse impact on any other locally important heritage feature.</p> <p>The proposal is considered to accord with the placemaking guidelines for Abriachan contained in the proposed IMF2 LDP.</p> <p>The 3<sup>rd</sup> reason for refusal can be addressed by suitably worded conditions to be drafted by the Independent Planning Adviser.</p> <p>On a vote being taken, there were <b>3</b> votes for the <b>motion</b>, <b>4</b> for the <b>amendment</b></p>
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	<p>and no abstentions, and the <b>amendment</b> was therefore carried, the votes having been cast as follows:</p> <p><b>Motion:</b> Mr D Fraser, Mr T Maclennan, Mr P Oldham</p> <p><b>Amendment:</b> Mrs I Campbell, Mr R Gale, Mr B Lobban, Mr D Millar</p> <p><b>Decision</b></p> <p>The Review Body <b>AGREED</b> to <b>UPHOLD</b> the Notice of Review and grant planning permission subject to (i) prior payment of the developer contribution referred to in the report of handling; and (ii) conditions to be drafted by the Independent Planning Adviser to the Planning Review Body to include conditions on the siting, design and location of the proposed dwelling house and the submission of information confirming the suitability of the ground conditions for foul and surface water arrangements.</p>
5.3	<p><b>Ward:</b> 08 Dingwall And Seaforth 23/00035/RBREF  <b>Applicant:</b> Mr Billy McCaskill  <b>Location:</b> Land 150M SE Of Milvus, Heights Of Kilcoy, Muir Of Ord,  <b>Nature of Development:</b> Erection of house, 23/00246/FUL  <b>Reason for Notice of Review:</b> Refusal by Appointed Officer</p> <p><b>Decision</b></p> <p>The Review Body <b>AGREED</b> to <b>DISMISS</b> the Notice of Review and refuse planning permission for reasons 1, 2 and 4 contained in the report of handling (reason 3 deleted).</p>
5.4	<p><b>Ward:</b> 20 Badenoch And Strathspey 23/00036/RBREF  <b>Applicant:</b> The Firm Of Jack  <b>Location:</b> Land 75M North Of Rhuarden, Croftronan, Boat Of Garten,  <b>Nature of Development:</b> Siting of timber lodge, 22/04136/FUL  <b>Reason for Notice of Review:</b> Refusal by Appointed Officer</p> <p><b>Decision:</b></p> <p>The Review Body <b>AGREED</b> to <b>UPHOLD</b> the notice of review and grant planning permission subject (i) prior payment of the developer contribution referred to in the report of handling; and (ii) conditions to be drafted by the Independent Planning Adviser to the Planning Review Body to include a condition limiting the duration of the permission to the applicant's occupation of the timber lodge. Reasons given in support of upholding the Notice of Review:</p> <p>Given the previous use of the site as a work camp during the removal of overhead lines in the locality and the continued existence of hardcore and septic tank left over from that previous use; a supportive operational needs assessment; and, in particular, the personal circumstances of the applicant, temporary approval of the timber lodge is considered to be justified to support this rural business.</p>

5.5	<p><b>Ward:</b> 10 Eilean A' Cheò 23/00038/RBCON  <b>Applicant:</b> Mr Ian Brown  <b>Location:</b> Land 50M SE Of, 25 Blackhill, Edinbane,  <b>Nature of Development:</b> Erection of house, 23/02512/PIP  <b>Reason for Notice of Review:</b> Review Against Conditions Imposed</p> <p><b>Decision</b></p> <p>The Review Body <b>AGREED</b> to <b>DISMISS</b> the Notice of Review and to retain condition 4 in the following amended form:</p> <p>Prior to the commencement of any development on the site, a detailed Road Condition Assessment Survey and a schedule of remedial works for the surfacing of the U4763 over its length to the point of access into the site shall be submitted for the approval of the Roads Operations Team. Once approved, the remedial works shall be undertaken fully in accordance with the schedule prior to the occupancy of the dwellinghouse hereby approved.</p> <p>Reason: To ensure that an adequate level of access is timeously provided and to satisfy the placemaking requirements for Edinbane as set out in the West Highlands and Islands Local Development Plan.</p>
5.6	<p><b>Ward:</b> 11 Caol And Mallaig 23/00039/RBREF  <b>Applicant:</b> Mr Paul Whyton  <b>Location:</b> Corrievew, Lochyside, Fort William, PH33 7NX  <b>Nature of Development:</b> Erection of 2No holiday apartments, 22/00013/FUL  <b>Reason for Notice of Review:</b> Refusal by Appointed Officer</p> <p><b>Decision</b></p> <p>The Review Body <b>AGREED</b> to <b>UPHOLD</b> the Notice of Review and grant planning permission subject to conditions to be drafted by the Independent Planning Adviser to the Planning Review Body including a condition restricting use of the apartments to holiday use only (as a developer contribution would be triggered if the apartments were for residential use). Reasons given in support of upholding the Notice of Review:</p> <p>While acknowledging this development would result in the loss of land designated as green network, previous approval of backland development in Lochyside has created several tiers of development to the rear of the roadside dwellinghouses, including at the adjacent property. Taking account of existing infrastructure constraints across the site, the siting and design of the apartments was considered to be appropriate. As croft diversification is encouraged and there is significant demand for tourist accommodation within the locality, it was considered that the loss of green network was outweighed by the economic benefit of the development.</p>
6	<p><b>Decision of Appeals to the Scottish Government Planning and Environmental Appeals Division</b>  <b>Co-dhùnadh mu Iartas do Bhuidheann-stiùiridh Riaghaltas na h-Alba airson Lùth agus Atharrachadh Aimsir</b></p>

6.1	<p><b>Applicant:</b> Perle Hotels (23/01594/LBC) <b>Location:</b> Glencoe House Hotel, Glencoe, Ballachulish, PH49 4HT (Ward 21) <b>Nature of Development:</b> Internal Alterations To Ground Floor Accommodation To Form Restaurant And Spa Facilities And Erection Of Additional Hotel Accommodation Wing.</p> <p>The Review Body <b>NOTED</b> the Reporter's decision.</p>
	<p>The meeting ended at 2.00pm.</p>