

**The Highland Council  
Planning Review Body**

**Council Chamber, HQ, 6 February 2024, 10.30am  
Minutes**

Listed below are the decisions taken by the Planning Review Body at their meeting on 6 February 2024. 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 (remote)  
Mr R Gale  
Mr T Maclennan (Chair) (remote)  
Mr D Millar (remote)  
Mr P Oldham  
Mrs M Paterson.

**In Attendance:**

Mr B Strachan, Independent Planning Adviser to the Planning Review Body  
Ms R Banfro, Acting 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>  Mr B Lobban.
<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 20 December 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 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>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>
<b>5</b>	<b>New Notices of Review to be Determined</b>
5.1	<p><b>Ward:</b> 09 Black Isle 23/00043/RBREF  <b>Applicant:</b> Mr Craig Anderson  <b>Location:</b> Land 35M NE Of Rustic Cottage, Culbokie  <b>Nature of Development:</b> Erection of house, 23/02485/PIP  <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 PRB and agreed by Mrs M Paterson as proposer of the unopposed motion.</p> <p>Reasons given in support of upholding the Notice of Review: there was agreement amongst Members that although the site is not allocated for housing in the HwLDP and is not supported by policy 17 (a) or 17 (c) of NPF4, the proposed development is considered acceptable and supported by 17(b) of NPF4. As regards to policy, Members took the view that a pragmatic approach is required to be taken in relation to its application of policy 17 (b) within a Highland context. The proposed development was considered to accord with policy 17 (b) in terms of its contribution to local living as the development is located within active travel distance of Culbokie and local facilities including a school and the village shop.</p>
5.2	<p><b>Ward:</b> 12 Aird And Loch Ness 23/00044/RBREF  <b>Applicant:</b> Ms Zoe Iliffe  <b>Location:</b> Land 30M West Of Fechlin House, Moor Of Knockchoilum, Whitebridge  <b>Nature of Development:</b> Erection of house, 23/02567/PIP  <b>Reason for Notice of Review:</b> Refusal by Appointed Officer</p>

A variety of views were discussed before the following motion and amendment was proposed and seconded.

Mr D Fraser seconded by Mrs M Paterson **moved** to uphold the Notice of Review and grant planning permission subject to conditions to be drafted by the Independent Planning Adviser to the Planning Review Body to include a tree survey, tree protection plan, compensatory planting and water treatment and planning obligation/upfront payment of developer contributions.

Reasons given in support of upholding the Notice of Review:

As regards to the development plan, while not supported by policy 6 (c) of NPF4 and policy 51 and 52 of the HwLDP, Members consider that the following considerations carry greater weight:

That the proposed development:

- is acceptable in terms of siting and design and is in keeping with the existing pattern of development.
- can be considered as a fragile community in terms of policy 17 (c)(i) of NPF4.
- is supported by an identifiable housing outcome detailed within section 3 of the Local Place Plan;

It was acknowledged that in respect of policy 17 (c)(iii), the proposed development would result in some tree loss, however, the environmental impact could be mitigated by way of condition relating to a tree survey and tree protection plan.

As an **amendment**, Mr P Oldham seconded by Mr D Millar moved to dismiss the Notice of Review and refuse planning permission for the reasons contained in the report of handling.

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

**Motion (4):** Mrs I Campbell, Mr D Fraser, Mr R Gale, Mrs M Paterson

**Amendment (3):** Mr T Maclennan, Mr P Oldham, Mr D Millar

**Decision:**

The Review Body **AGREED** to **UPHOLD** the Notice of Review and grant planning permission subject to conditions to be drafted by the Independent Planning Adviser to the Planning Review Body to include a tree survey, tree protection plan, compensatory planting, water treatment and planning obligation/upfront payment of developer contributions.

5.3

**Ward:** 12 Aird And Loch Ness 23/00048/RBREF

**Applicant:** Mrs D McHardy

**Location:** Land 60M SE Of Scurr A Mhuilinn, Lentrán, Inverness

**Nature of Development:** Erection of house, 22/06225/PIP

**Reason for Notice of Review:** Refusal by Appointed Officer

**Decision:**

The Review Body **AGREED** to **DISMISS** the Notice of Review and refuse planning permission for the reasons contained in the report of handling as follows:

1. The application site is within an open and generally flat agricultural field edged by trees to the west. The development of this part of the field for a house would introduce a different land use and fundamentally change the character of the site. NPF4 policy 17 (Rural Homes) has no exceptions relating to any aspects of siting and design that would apply to the proposal, and that would then allow for an exception to the policy to be made. Accordingly, the siting of a house on the field is not considered to demonstrate compliance with policy 17 (Rural Homes).

2. The proposed development of the site would be an inappropriate intrusion into a previously undeveloped open field, and accordingly would be detrimental to individual and wider community residential amenity.

5.4

**Ward:** 12 Aird And Loch Ness 23/00047/RBREF

**Applicant:** Mr Sam Cumming

**Location:** Land 65M SW Of Beechview, Camault Muir, Kiltarlity

**Nature of Development:** Erection of house, 22/04150/PIP

**Reason for Notice of Review:** Refusal by Appointed Officer

A variety of views were discussed before the following motion and amendment was proposed and seconded.

Mr P Oldham seconded by Mr D Millar to **moved** to dismiss the Notice of Review and refuse planning permission for the reasons contained in the report of handling.

As an **amendment**, Mr D Fraser seconded by Mrs M Paterson moved to uphold the Notice of Review and grant planning permission subject to conditions including conditions relating to landscaping to be drafted by the Independent Planning Adviser to the Planning Review Body and planning obligation/upfront payment of developer contributions.

Reasons given in support of upholding the Notice of Review:

Although the site is not allocated for housing in the HwLDP, the proposed siting and design of the development is considered acceptable and it will read alongside the existing houses and will be in keeping with the local pattern of development. In terms of policy 17 (c) the proposed development is considered to fall within the meaning of fragile communities and will meet the housing needs of the local area. Furthermore, the environmental impact of the proposed development will be offset by appropriate conditions imposed in relation to landscaping to allow the proposed development to blend in with the existing area.

On a vote being taken, there were **5** votes for the **motion**, **2** for the **amendment** and no abstentions, and the **motion** was therefore carried, the votes having been cast as follows:

**Motion (5):** Mrs I Campbell, Mr R Gale, Mr T Maclennan, Mr P Oldham, Mr D Millar

**Amendment (2):** Mr D Fraser, Mrs M Paterson

**Decision:**

The Review Body **AGREED to DISMISS** the Notice of Review and refuse planning permission for the reason contained in the report of handling as follows:

1. The proposal would constitute an unacceptable intrusion into an undeveloped agricultural field, and accordingly would not reflect the established character and pattern of housing in the area. Furthermore, it would appear as an inappropriate and isolate house within the field, with no visual, spatial or functional relationship to existing housing. Therefore, the development is not considered to constitute a "rounding off" or "infill" of an existing housing group, as none exists under National Planning Framework 4 policy 17(a) Rural Homes, and accordingly, the proposal is considered to be contrary to policy 17(a) in that it meets none of the specified criteria for development of housing in the rural area.

5.5

**Ward:** 04 East Sutherland And Edderton 23/00046/RBREF

**Applicant:** Mr Adam Cumming

**Location:** Land To South Of, Roselea, 16 Terrace Street, Embo

**Nature of Development:** Erection of house (as amended), 23/01977/FUL

**Reason for Notice of Review:** Refusal by Appointed Officer

**Decision:**

The Review Body **AGREED to DISMISS** the Notice of Review and refuse planning permission for the reasons contained in the report of handling as follows:

1. The proposed development is contrary to the principal policy consideration, Policy 17 - Rural Homes of the National Planning Framework 4 as the proposal does not comply with criterion a), b) or c), by virtue of the location which is contrary to the established settlement pattern and local character within the vicinity of the site, and as such would result in the proposed house representing overdevelopment and appearing incongruous within its chosen location.

2. The proposed development is contrary to the provisions of Policy 28 of the Highland-wide Local Development Plan. The proposed development will result in an unacceptable and significantly detrimental impact on the residential amenity of neighbouring properties. The application site is historically recognised as garden ground, with close by neighbouring properties, and therefore no matter where the proposal is located within the site, a new house would result in the direct line of sight for occupants into numerous neighbouring windows in addition to overlooking garden areas and the blocking of daylight.

3. The proposed development is contrary to the provisions of Policies 28 and 56 of the Highland-wide Local Development Plan as the position of the new vehicle access serving the site raises road safety concerns due to the narrowness of the public road it would open onto, as well as being directly opposite an existing property and in close proximity to a road junction, with issues further exacerbated by parked vehicles upon the public road. Due to the constrained size of the site, the application also does not meet the council vehicle parking and turning requirements established within the Access to Single Houses and Small Housing Developments supplementary guidance which is not acceptable and is further a road safety concern, with the potential for vehicles to be required

	<p>to reverse onto the public road to exit the site.</p> <p>4. The proposed development is contrary to policies 1, 2 and 3 of the National Planning Framework 4, with no measures provided to combat the global climate and nature crises. The application includes no renewable energy sources to serve the proposed dwelling or any other measures to minimise emissions, and also does not include any provisions to conserve, restore and enhance biodiversity levels within the site.</p>
	<p>The meeting ended at 1.00pm.</p>