

**The Highland Council
Planning Review Body**

**Microsoft Teams, 11 June 2024, 10.00am
Minutes**

Listed below are the decisions taken by the Planning Review Body at their meeting on 11 June 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 B Lobban (except item 5.2 to 5.3)
Mr D Fraser
Mr R Gale
Mr T Maclennan (Chair)
Mr D Millar (remote)
Mr P Oldham

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
Mr M Nixon, 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.

ITEM NO	DECISION
1	Apologies for Absence Mrs M Paterson
2	Declarations of Interest There were no declarations of interest.
3	Minutes of Previous Meeting There had been circulated and APPROVED the Minutes of the Meeting held on 12 March 2024.
4	Criteria for Determination of Notices of Review The Clerk confirmed that, for all subsequent items on the agenda, Members had contained in their SharePoint all of the information supplied by all parties to the Notice of Review – namely everything submitted at the planning application

	<p>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> <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>5</p>	<p>New Notices of Review to be Determined</p>
<p>5.1</p>	<p>Applicant: Mr. & Mrs. John & Charonne Metcalfe 24/00005/RBREF Location: Land 50M SW Of Rowan Cottage, Alvie Estate, Kinncraig Nature of Development: Erection of house, 23/00445/FUL Reason for Notice of Review: Refusal by Appointed Officer</p> <p>Decision:</p> <p>The Review Body AGREED to UPHOLD the Notice of Review and grant planning permission subject to conditions including but not limited to siting and design, drainage and access and subject to the conclusion of a section 75 agreement.</p> <p>As regards to development plan policy, while it is acknowledged that this development is not supported by policy 6 of NPF4 and policy 4 of the CNPLDP, the siting of the proposed development is considered to integrate with the existing loose cluster of dwelling houses in this rural location. In addition, the design and proposed use of materials are also considered acceptable and as such the proposed development is considered to accord with Policy 1 & 3 of the CNPLDP.</p> <p>Furthermore, while it is acknowledged that the proposed development would result in loss of an area of designated Ancient Woodland, the environmental impact would be mitigated by way of compensatory planting secured by a section 75 agreement.</p>

5.2

Applicant: Ms. Jo de Sylva 24/00010/RBREF

Location: The Mission Hall, 5 Mid Street, Clachnaharry, Inverness

Nature of Development: Erection of dormer windows, hot tub terrace and retrospective porch, shed on the eastern gable and the installation of replacement windows and rooflights, 23/04205/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 given subject to an amendment in respect of the reason contained in the report as follows:

1. The box dormers and open decked area would introduce a 12.1m long intrusion into a 13.5 long roof space. Their design, siting, scale, massing, and external appearance on the northern facing roof would dominate and detract from the character of the original single storey house. Furthermore, the retrospective works, including a porch to the inner corner at the front door, and alterations to the windows, are also considered to detract from the character of the original single storey house. Accordingly, it is considered that the proposal would have an unacceptable impact on the heritage resource, and has not demonstrated that it accords with NPF4 Policy 7 (Natural Assets and Places) and HwLDP 57 (Natural, Built and Cultural Heritage); and does not demonstrate that it would preserve or enhance the character and appearance of the Clachnaharry Conservation Area as required by Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.
2. That the placement, design, scale, and massing of the large box dormer windows and open decked area, in the roof space of a modestly sized traditional-form house would over-develop the upper floor and would appear incongruous and overly dominant on the northwestern roof of the house, which was located at a prominent confluence of the roads in the Clachnaharry Conservation Area. Accordingly, it was not considered that the proposal accorded with NPF4 Policy 7 (Historic Assets), Policy 14 (Design, Quality and Place), Policy 16 (Quality Homes); and Highland-wide Local Development Plan Policy 28 (Sustainable Design), Policy 29 (Design Quality and Placemaking), and Policy 57 (Natural, Built and Cultural Heritage), and the associated supplementary guidance House Extensions and Other Residential Alterations (May 2015).
3. The erection of a shed on the eastern gable of the house adjacent to the public road is considered to constitute a road safety hazard, and therefore would not accord with the Highland-wide Local Development Plan Policy 28 (Sustainable Design).

5.3	<p>Applicant: Ben & Gemma Horsfield 24/00012/RBREF Location: Land 300M South East Of Windy Hills, Achlaschoille, Farr, Inverness Nature of Development: Erection of house and 2no. holiday pods, 23/02648/FUL Reason for Notice of Review: Refusal by Appointed Officer</p> <p>Decision:</p> <p>The Review Body AGREED to DISMISS the Notice of Review and refuse planning permission for the reasons given subject to an amendment in respect of reason 2 and the inclusion of missing drawings.</p> <ol style="list-style-type: none"> 1. The nature and scale of the house is not compatible, in terms of their siting and placement, with the surrounding area, as they would result in the expansion into, and development of, open agricultural land, and therefore would not reinforce the existing pattern of development. Accordingly, the proposed house does not meet any of the 8 criteria identified by National Planning Framework 4 Policy 17 (Rural homes) which would allow for a house on the site. 2. The nature and scale of the two holiday pods were not compatible in terms of their siting and placement, with the surrounding area, as they would result in the expansion into and development of, open agricultural, and would not reinforce the existing pattern of development and therefore do not accord with National Planning Framework 4 Policy 30 (Tourism). <p>Additional Drawings: RS-0177-006 - General Plan – Pod Floor / Elevation Plan – 31.05.2023 RS- 0177-007 - Section Plan – 13.06.2023 RS-0177-008 - Topography Plan – 13.06.2023 RS-0177-009 - Visibility Splay Plan – 13.06.2023</p>
	The meeting ended at Noon.