

**The Highland Council
Planning Review Body**

**24 September 2024, 10.30am
Minutes**

Listed below are the decisions taken by the Planning Review Body at their meeting on 24 September 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:

Mr D Fraser
Mr R Gale
Mr D Millar
Mr P Oldham
Mrs M Paterson

In Attendance:

Mr B Strachan, Independent Planning Adviser to the Planning Review Body
Ms I Meredith, Solicitor/Clerk
Ms O Marsh, 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 I Campbell, Mr T MacLennan, Mr P Oldham.
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 13 August 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 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>
5	New Notices of Review to be Determined
5.1	<p>Applicant: Glencoe Folk Museum 24/00022/RBNON Location: Glencoe Museum, Glencoe Nature of Development: Application under Section 42: Alterations and erection of extension to museum and outbuilding (to develop without compliance with conditions 10 and 11 of planning permission reference no 22/03693/FUL), 24/01232/FUL Reason for Notice of Review: Review Against Non-determination</p> <p>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 retain condition 10, but remove condition 11 of the previous decision taken on 22/03693/FUL. Reasons given in support of upholding the Notice of Review: the roof structure projecting beyond the listed building would not be detrimental to the form of the historic building and so the proposal does comply with Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997; Policy 7c of National Planning Framework 4; as well as Policies 28, 29 and 57 of the Highland-wide Local Development Plan.</p>
5.2	<p>Applicant: Mr Raymond Sangster 24/00024/RBREF Location: Land 30M SE Of Moy Bridge Croft, Marybank Nature of Development: Erection of lodge (holiday letting purpose), 23/04895/FUL Reason for Notice of Review: Refusal by Appointed Officer</p> <p>Decision The Review Body AGREED to UPHOLD the Notice of Review and grant planning permission subject to conditions to be drafted by the Independent</p>

	<p>Planning Adviser to the Planning Review Body to include the lodge being used for holiday letting purposes only. Reasons given in support of upholding the Notice of Review:</p> <p>As regards to development plan policy, although the proposed development fails to accord with policy 35 of the HwLDP and policy 17 of NPF4, the proposed development is considered to demonstrate sensitive siting and appropriate use of materials in keeping with the local character of the area.</p> <p>The proposed development is therefore considered to comply with policy 28 of the HwLDP.</p> <p>Given the conditioned use of the property as a holiday let, concerns regarding car-based living are not considered as relevant as if the property was used as a dwelling house. Accordingly, departure from NPF4 policy 17(b) is considered acceptable in the circumstances.</p>
<p>5.3</p>	<p>Applicant: Mr & Mrs N Wallace 24/00028/RBREF Location: Land 60M NW Of Greenacre, Daviot, Inverness Nature of Development: Formation of access drive, 23/03126/FUL Reason for Notice of Review: Refusal by Appointed Officer</p> <p>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 screening and landscaping of the proposed access track. Reasons given in support of upholding the Notice of Review: the proposed screening to be enforced by way of condition is sufficient to mitigate the visual impact of the proposed access and so it can therefore comply with policy 28 of the Highland-wide Local Development Plan.</p>
	<p>The meeting ended at 11.50am.</p>