

**The Highland Council
Planning Review Body**

**17 December 2024, 10.30am
Minutes**

Listed below are the decisions taken by the Planning Review Body at their meeting on 17 December 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
Mr D Fraser
Mr R Gale
Mr B Lobban
Mr D Millar
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
Mrs 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.

Business

1. Appointment of Chair

The Review Body **AGREED** that Mr D Millar be appointed as Chair of the Planning Review Body and that Mr P Oldham be appointed as Vice Chair of the Planning Review Body.

2. Calling of the Roll and Apologies for Absence

An apology for absence was intimated on behalf of Mr A Mackintosh

3. Declarations of Interest/Transparency Statement

There were no Declarations of Interest or Transparency Statements.

4. Minutes of Previous Meeting

There had been circulated and **APPROVED** the Minutes of the Meeting held on 5 November 2024.

5. 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.

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.

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.

6. New Notices of Review to be Determined

6.1

Applicant: Mrs Carol Freer (24/00032/RBREF)

Location: 25 Harris Road, Inverness, IV2 3LS,

Nature of Development: Erection of house, 24/01354/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 house is located and sited within land at risk of fluvial flooding during 1 in 200 year plus climate change flood event as set out by the detailed flood modelling of the Mill Burn [as part of the Mill Burn Flood Protection Study, and Mill Burn Flood Alleviation Scheme - Hydraulic Model Report (July 2019)] and the proposal has failed to demonstrate that the proposed house would be free from flood risk and will not increase the risk of flooding for the surrounding properties. Accordingly, it is considered that the proposal is contrary to NPF4 Policy 22 (Flood Risk and Water Management), and Highland-wide Local Development Plan Policy 64 (Flood Risk).

6.2

Ward: 11 Caol And Mallaig

Applicant: Koosii Hideaways Ltd (24/00034/RBREF)

Location: Land 280M NW Of Rigsden, Achnabobane, Spean Bridge,

Nature of Development: Siting of 4 cabins for holiday accommodation and associated infrastructure, 23/05616/FUL

Reason for Notice of Review: Review Against 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 development would not be compatible with the surrounding area, by virtue of its siting within a forest block which is subject to a re-stocking obligation; it would not be well sited in terms of proximity to active travel routes; the units would not be readily accessible to disabled persons in terms of their location and design; the site is not within a sustainable location and the re-purposed shipping containers do not feature sufficient measures to minimise carbon; all contrary to policy 30 of National Planning Framework 4.
2. The proposal would not contribute to the viability or sustainability of the community at Achnabobane, and it would not represent diversification of an existing business; it would not meet any of the acceptable development types listed in para (a) of policy 29. It would not be suitably scaled, sited and designed to be in keeping with the character of the area, in extending the developed area into the forest plantation and beyond the defined housing group edge. Neither would it contribute to local living - there would be no discernible benefit to the local community in Achnabobane and it would generate additional transport needs in a location not well served by public transport or active travel opportunities, contrary to policy 29 of National Planning Framework 4 and Policy 44 of the Highland-wide Local Development Plan.
3. The nature of the development, its proximity to existing houses and the proposed access would be likely to result in an adverse impact on the amenity of residents in the western part of Achnabobane and to Fasach, contrary to policy 28 and 44 of the Highland-wide Local Development Plan.
4. The development would conflict with policy 6 of National Planning Framework 4 which states that development proposals will not be supported where they will result in conflict with a re-stocking direction; and the proposal would be contrary to The Control of Woodland Removal Policy together with policy 52 of the Highland-wide Local Development Plan. There is no need for the proposed development, and it would not constitute a clear and significant public benefit that would outweigh the presumption in favour of protecting woodland resources for their own sake.
5. The development would conflict with policy 4 of National Planning Framework 4 by virtue of resulting in adverse effects on the objectives of the designation and the overall integrity of the Parallel Roads of Lochaber Site of Special Scientific Interest, that cannot be avoided by mitigation. The development will result in unavoidable adverse effects on natural heritage interests of national importance, and there are no social, environmental or economic benefits that would outweigh these effects. For the same reason the proposal fails to accord with Policy 44 of the Highland-wide Local Development Plan.

Ward: 04 East Sutherland And Edderton
Applicant: Cambusmore Ltd (24/00037/RBREF)
Location: Land 145M NE Of Tawny Cottage, Dornoch,
Nature of Development: Erection of house and garage, 24/01955/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:

The proposal is contrary to the provisions of National Planning Framework 4 Policy 17(a) in that the proposals fail to meet any of the acceptable development types provided for.

2. The proposal is contrary to the provisions of National Planning Framework 4 Policy 17(b) in that it fails to contribute towards local living, in that it fails to provide people with the opportunity to meet the majority of their daily needs within a reasonable distance of their home by walking, wheeling or cycling, instead encouraging reliance upon private car travel.

3. The proposal is contrary to the provisions of National Planning Framework 4 Policy 17 (c) as the site does not lie within a fragile community.

4. The site lies within the boundaries of the hinterland as identified through the Highland-wide Local Development Plan and the Caithness and Sutherland Local Development Plan. Within the hinterland the Council operates a restrictive policy where there is a presumption against new housing in the open countryside. Adopted supplementary planning guidance allows for a relaxation of the policy in the scenarios listed in the policy. The application does not address any of these exceptions and the principle of constructing a house on the site is therefore considered contrary to Policy 35 of the Highland-wide Local Development Plan and associated Rural Housing SG.

5. The proposed house would extend development into an area of woodland. No information has been submitted that justifies that the proposed house offers a clear and significant public benefit in terms of the loss of an area of woodland. As such, the proposal fails to comply with the considerations of the NPF4 Policy 6 and HwLDP Policy 52 in addition to the associated supplementary guidance.

6. The loss of native woodland would result in a significant level of biodiversity loss and with a lack of measures proposed to advocate for this level of loss, the application does not include any appropriate measures to conserve, restore and enhance biodiversity. Therefore, the proposal is also deemed to be contrary to Policy 3 and Policy 6bii) of the NPF4 and as such, cannot be deemed acceptable.

6.4

Ward: 09 Black Isle
Applicant: Dr Hythem Helal (24/00040/RBREF)
Location: Land SW Of Knockbain Mains, Knockbain, Munloch,
Nature of Development: Erection of dwelling and double garage, 24/02692/PIP
Reason for Notice of Review: Review Against 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 (excluding reference to NPF4 Policy 15 in reason 3) as follows:

1. The site itself is not considered to be suitable to accommodate the proposed development, comprising of open undeveloped land within a field, with significant separation from neighbouring residential properties. The proposal is located within a pressurised area, where there is a demand for commuter-based housing. This is contrary to the aims of rural housing policies (principally Policy 17 of NPF 4 and Policy 35 of the adopted Highland wide Local Development Plan), since it will add to the suburbanisation of the countryside, without sufficient links to service provision. The addition of a house on the application site will further erode the rural nature of the area. Instead, development should be directed to existing settlement development areas, as these typically have the best existing access to community facilities, infrastructure, employment and other commercial opportunities, and environmental capacity to support that growth, and where infrastructure capacity exists at least cost to the public and private sector.
2. The proposal fails to comply with NPF4 Policy 17 (Rural Housing), in that it does not comply with any of acceptable development types of 17(a), nor does it contribute towards local living or support a local housing need as per 17(b) and is located within a pressurised area.
3. The proposal is also considered contrary to the requirements of NPF4 Policies 13(b) and Highland-wide Local Development Plan Policies 28 and 56.

The meeting ended at noon