

THE HIGHLAND COUNCIL

**PLANNING AND DEVELOPMENT SERVICE
HANDLING REPORT FOR CASES RECOMMENDED FOR
REFUSAL**

**13/04146/PIP: Mr Gordon Simpson
Land 40 NE Of Sealladh An Loch, Foyers**

Report by Area Planning Manager – South

SUMMARY

Description: Erection of house & modification of access

Recommendation: REFUSE

Ward: 13 - Aird And Loch Ness

Development category: Local

Pre-determination hearing: N/A

Reason referred to Committee:.

1. PROPOSAL

- 1.1 This is an application for Planning Permission in Principle for the erection of a house and the modification of an existing access.
- 1.2 There has been no pre-application consultation in connection with the application.
- 1.3 The site is accessed from the B852 Inverness – Foyers Road. There is an existing access that serves one property. A shared access would be created allowing both to be served off a single access point. A private septic tank and soakaway system is proposed to deal with foul sewage.
- 1.4 The application was supported by a Siting and Design Analysis and subsequently a Landscape Analysis.
- 1.5 No variations have been made to the application since submission.

2. SITE DESCRIPTION

- 2.1 The site is set back from the road in an area of open rough ground. The land rises up from the road and is relatively steep. There is a backdrop of trees on the north and eastern margins. There is an existing property located immediately to the south of the site.

3. PLANNING HISTORY

- 3.1 04/00192/OUTIN – Erect two houses – Granted
07/00334/FULIN - Erect house and garage – Granted
08/00121/FULIN - Erect house and garage (Amendment to 07/00334/FULIN)

4. PUBLIC PARTICIPATION

- 4.1 Advertised : Unknown Neighbour

Representation deadline : 13/12/2013

Timeous representations : 1

Late representations : 0

- 4.2 Material considerations raised are summarised as follows:

- Not consulted by the Highland Council.
- Site plan shows the access encroaching on land outwith applicant control.
- Seek minimal disturbance from construction, if approved.

- 4.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet www.wam.highland.gov.uk/wam. Access to computers can be made available via Planning and Development Service offices.

5. CONSULTATIONS

- 5.1 **Scottish and Southern Energy:** No objections.

- 5.2 **TECS (Environmental Health):** No objections

6. DEVELOPMENT PLAN

The following policies are relevant to the assessment of the application

- 6.1 **Highland-wide Local Development Plan (April 2012)**

28	Sustainable Design
29	Design Quality and Place-Making
36	Development in the Wider Countryside
57	Natural, Built and Cultural Heritage
61	Landscape

- 6.2 **Inverness Local Plan (March 2006) as continued in force**

N/A

7. OTHER MATERIAL CONSIDERATIONS

7.1 Inner Moray Firth Local Development Plan

N/A

7.2 Highland Council Supplementary Planning Policy Guidance

Housing in the Countryside and Siting and Design

7.3 Scottish Government Planning Policy and Guidance

Scottish Planning Policy

7.4 Other

Assessment of Highland Special Landscape Areas

8. PLANNING APPRAISAL

8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

8.2 This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

8.3 Development Plan Policy Assessment

The proposal is to erect a house on a site to the north of Foyers that lies within the Wider Countryside as defined in Policy 36 of the Highland-wide Local Development Plan. This states that applications in the wider countryside will be assessed against a number of criteria, particularly siting and design, the existing pattern of development and compatibility with the landscape character.

8.4 This policy is further expanded in the Housing in the Countryside Supplementary Guidance. The Guidance for the wider countryside is set in Section 7. This states that:

- Development of new housing of an appropriate location, scale, design and materials may be acceptable, particularly where it supports communities experiencing difficulty in maintaining population and services.
- In these areas, the settlements identified within the relevant Local Plans are the preferred locations for most development.

8.5 Policy 28 (Sustainable Design) lists criteria which new developments will be assessed against, including; "the impact on individual and community amenity" and the way in which new developments must "demonstrate sensitive siting and high quality design in keeping with local character and historic and natural environment"

Moreover, Policy 29 (Design Quality and Place Making) also applies. This states that “applicants should demonstrate sensitivity and respect towards the local distinctiveness of the landscape, architecture, design and layouts in their proposals”. Policy 61 (Landscape) also requires consideration of scale, form and pattern in relation to the Landscape Character Assessment for the area.

- 8.6 Taken together, the policies and Supplementary Guidance require that proposals are assessed against a number of criteria. In particular, the sequential test which states that settlements are the preferred location for new development, compatibility with the existing settlement pattern, impact on the landscape and sensitive siting.
- 8.7 No information has been supplied in relation to the sequential test to show that opportunities within existing settlements such as Foyers have been investigated. This is a fundamental test within the Supplementary Guidance which has not been dealt with.
- 8.8 The existing settlement pattern is generally one of a scatter of single houses. Where houses are closer together there is generally a historic link. Any proposal should therefore seek to emulate this pattern. Such a development would be more in keeping with policy and guidance and good planning principles for the development of rural housing. As noted above, there is an existing property adjacent to the site. This would result in two houses being close together, contrary to the existing settlement pattern and development plan policy. If approved, the site would set a precedent for further development along the hillside which would be detrimental to the local landscape.
- 8.9 The proposal is within the Loch Ness and Duntelchaig Special Landscape Area. Within SLAs the Council will consider the potential impact of development proposals on their integrity, including on the wider setting. The SLA description refers to the area being sensitive to any additional large features upon the side slope or ridge line of the glen, the introduction of development that would intrude on views up and down the loch and developments that would require significant modification to the landform. The present application is generally not large enough to have a significant impact on the SLA and is unlikely to affect views of the loch. There is some potential for the modification of the landform depending upon the house design, for example, if a platform is required. Such designs are likely to have a damaging impact on the local landscape.
- 8.10 The Inverness District Landscape Character Assessment (referred to in Policy 61 of the Highland-wide LDP and which all applications must be considered against) advises that development of housing along the mid and upper slopes in the Great Glen should be discouraged due to the potential visual impact of houses and associated engineering works for access road etc. At this more micro landscape level, it is considered that a house on this sloping site would have detrimental impact on the local landscape due to its relatively prominent location and potential impact of the new access road.
- 8.11 It is accepted that there are ways to potentially mitigate the proposed house through new landscaping/planting and a well designed house. Indeed the applicant has suggested potential mitigation including new planting and a split level house.

However, there are still concerns that any new development will be visible from the immediate area and, in conjunction with the existing property will have a detrimental impact on the landscape.

8.12 **Material Considerations**

This proposal does not meet the requirements set out in the consolidated Scottish Planning Policy document as if approved it will not reflect the existing character and pattern of development. SPP is a statement of the Scottish Government's policy on nationally important land use planning matters and states that "the siting and design of new housing should take account of its setting, the surrounding landscape, topography, character, appearance, ecologies and the scope for using local materials". Furthermore, SPP states that within rural areas "all new development should respond to the specific local character of the location, fit in the landscape and seek to achieve high design and environmental standards, particularly in relation to energy efficiency".

8.13 **Other Considerations – not material**

The points raised by the third party are generally not material to the determination of the planning application. The case file shows that the adjoining property was notified of the proposal. The remaining matters are generally for both parties to resolve outwith the planning process.

8.14 **Matters to be secured by Planning Obligation**

N/A

9. **CONCLUSION**

9.1 All relevant matters have been taken into account when appraising this application. It is considered that the proposal does not accord with the principles and policies contained within the Development Plan and is unacceptable in terms of applicable material considerations.

It is recommended that the application be refused.

10. **RECOMMENDATION**

Action required before decision issued

Notification to Scottish Ministers	Y/N	
Referral to Ward Members	Y	Reason : Delegated refusal
Notification to Historic Scotland	Y/N	
Conclusion of Planning Obligation	Y/N	
Revocation of previous permission	Y/N	

Subject to the above, it is recommended the application be **REFUSED** subject to

the following reasons for refusal:

1. The proposal, if approved, would be contrary to the terms set out in Policy 28, 29 and 36 of the approved Highland Wide Local Development Plan as it does not demonstrate sensitive siting and design in keeping with the local character of the area. In particular approval would lead to a development that does not meet the existing settlement pattern and form of the area and may set a precedent for future cumulative effect.
2. The proposal, if approved, would be contrary to policy 61 of the Highland Wide Local Development Plan in that it would have an adverse impact on the landscape setting and would establish a precedent for development of a similar nature to the detriment of the overall character of the area.

SIGNATURE

J. Harbison (Principal Planner)



Date: 18.02.2014

Area Manager / Team Leader



Date: 18.2.2014