

Refusal of planning permission or refusal of outline planning permission

NOTES--

NOTIFICATION TO BE SENT TO APPLICANT ON REFUSAL OF PLANNING PERMISSION OR ON THE GRANT OF PERMISSION SUBJECT TO CONDITIONS.

(1) If the applicant is aggrieved by the decision of the planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he may appeal to Secretary of State* in accordance with Section 33 of the Town and Country Planning (Scotland) Act 1972 within SIX MONTHS of receipt of this notice. The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.

(2) If permission to develop land is refused or granted subject to conditions, whether by the planning authority or by the Secretary of State, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the planning authority a purchase notice requiring the purchase of his interest in the land in accordance with the provisions of Part IX of the Town and Country Planning (Scotland) Act 1972.

(3) In certain circumstances, a claim may be made against the planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 158 of the Town and Country Planning (Scotland) Act 1972.

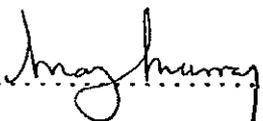
* Appeals to the Secretary of State should be addressed to the Secretary, Scottish Development Department, New St. Andrew's House, EDINBURGH EH1 3SZ

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Conditions

1. A group of four houses on the plots proposed would be obvious and prominent when approaching from Dores and from the opposite side of Loch Ness to the detriment of the visual amenity of this rural area.
2. The hillside around Loch Ness is an area of outstanding natural beauty and a major tourist attraction and if this development was granted, it would set a precedent for further developments on the adjacent land and other similar sites on these hillsides and the resultant development would considerably alter the established character and rural appearance of the landscape to the severe detriment of its amenity.
3. These plots are not within an area allocated for residential development in the approved Strathdearn, Strathnairn and Loch Ness East Local Plan and Policy 2.3.3 of the First Draft of the Review of this Local Plan includes the site as forestry and states that the Council will safeguard established commercial forestry plantations and presume against development within 20 metres of their margins. Where commercial woodland also performs an important amenity role, the Council will seek to safeguard this interest.
4. The proposal is contrary to Policy RS1.4.2 of the Planning Authority's Policy for New Housing in the Countryside which refers to housing groups and states that a strong presumption will be maintained against the development of ad hoc clusters of houses in the countryside. The Policy for New Houses in the Countryside requires houses to be sited to reflect the characteristic scatter of established development and advises that although the spacing of buildings should be varied according to the landform and ground cover, proposals must maintain a good degree of separation from existing properties and any valid permissions.
5. The development of four housing plots on this site would also be contrary to Scottish Office Policy for New Houses in the Countryside which states that "urban sprawl and in particular the coalescence of settlements and ribbon development should be avoided."

Dated this 12th day of February 1993


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Clerk to the Divisional Planning Committee