

UPDATE ON RECENT SCOTTISH GOVERNMENT PLANNING APPEAL DECISIONS

A) INTRODUCTION

This report advises of a recent appeal decision by the Scottish Government Directorate for Planning and Environmental Appeals relative to the case set out below.

B) RECOMMENDATION

Members are asked to note the contents of the report.

C) DETAILS OF APPEAL DECISIONS

**PLANNING APPEAL DECISION – PPA-130-2044
INSTALLATION OF GROUND-MOUNTED PHOTOVOLTAIC ARRAY (RETROSPECTIVE)
THE ANCHORAGE, MINARD, BY INVERARAY
DATE OF DECISION 3 OCTOBER 2014**

Retrospective planning permission was refused by Committee in June this year for a solar panel array within the front garden of a dwelling fronting the A83 at Minard. An enforcement notice requiring the dismantling and removal of the array was issued at the same time. An appeal was lodged against the Council's decision to refuse planning permission, although no appeal was lodged against the service of the accompanying enforcement notice.

The planning appeal was dismissed by the Reporter who considered that the panels were an incongruous feature in the context of their surroundings with adverse visual amenity implications for adjoining properties and the surrounding area. He was not persuaded that the planting of a hedge to screen the panels would render them acceptable, given that one of sufficient height would in itself represent a discordant feature given the generally open nature of front gardens, and the prospect that it would impede visibility at the egress point to the trunk road from the driveway, contrary to the interests of road safety. He did not consider that hedging could screen views of the rear of the panels from adjacent property, which in his view was a particularly unattractive facet of the development. In reaching his conclusions, he paid due regard to the general support for micro-renewables expressed by national and development plan policy, but concluded that the disbenefits to the surrounding area outweighed any advantages in terms of renewable electricity generation.

As the accompanying enforcement notice has been served, not been appealed and has taken effect, it is available to oblige the householders to remove the panels should they not elect to do so voluntarily in response to this decision.

D) IMPLICATIONS

Policy: None.

Financial: None
Personnel: None
Equal Opportunities: None

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10 October 2014