

**MINUTES of MEETING of ARGYLL AND BUTE LOCAL REVIEW BODY held in the COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD on WEDNESDAY, 8 FEBRUARY 2012**

**Present:** Councillor Daniel Kelly (Chair)

Councillor Donald MacMillan

Councillor Bruce Marshall

**Attending:** Iain Jackson, Governance Officer (Adviser)  
Hazel MacInnes, Committee Services Officer (Minute Taker)

**1. APOLOGIES FOR ABSENCE**

There were no apologies for absence.

**2. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**3. CONSIDER NOTICE OF REVIEW REQUEST: LAND NORTH WEST OF BENMEANACH, ISLE OF COLL PA78 6TE**

The Chair welcomed everyone to the meeting and advised that parties to the Review were not permitted to address the Local Review Body. He advised that the only participants entitled to speak would be the Members of the Local Review Body panel and Mr Jackson, who would provide procedural advice if required.

The Chair advised that his first task would be to establish whether or not the panel felt they had sufficient information in front of them to come to a decision on the review to which Members agreed that they did.

Members therefore proceeded to deliberate on the application.

Councillor Marshall told the panel that the applicant had clear intentions to remain on the island and farm the croft but had an issue with condition 5 that had been placed on the planning permission by the Planning Authority.

Councillor Kelly advised that he could not see why the applicant had an issue with condition 5 as it only affected the area within the red boundary and not any other part of the croft.

Mr Jackson advised that the permitted development rights would have allowed the applicant to erect a boundary fence/wall up to 2m in height. The Planning Authority had felt that it was appropriate to place the condition on the planning permission, removing the classes of permitted development, in order to protect the open rural character of the area. It did not necessarily mean that the Planning Authority would, for example, refuse an application for a 2m high boundary; it was more a means of controlling what type of boundary was used.

Councillor Marshall added that the applicant may wish a 2m high fence to

control poultry, and to stop them entering the cottage garden, rather than to stop them escaping the croft.

Councillor MacMillan advised that he agreed with the Planning Authority; that condition 5 was suitable and that there was no need for its removal as it had not been placed to stop any type of development. He added that should the applicant apply for planning permission for any development within the curtilage of the dwellinghouse, then there would be no charge for this.

Councillor Kelly moved that Condition 5 remain as part of the grant of planning permission issued by the Planning Authority.

### **Decision**

The Argyll and Bute Local Review Body unanimously agreed to refuse the request for review as they were of the opinion that Condition 5 placed on the grant of Planning Permission by the Planning Authority was a suitable condition. It was not there to prevent any development but to control the type of development; in order to protect the visual amenity and the open rural character of the area.

