

**Argyll and Bute Council**  
Comhairle Earra Ghaidheal agus Bhoid

Customer Services  
Executive Director: Douglas Hendry



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10 October 2012

## NOTICE OF MEETING

A meeting of the **ARGYLL AND BUTE LOCAL REVIEW BODY** will be held in the **COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD** on **WEDNESDAY, 17 OCTOBER 2012** at **3:00 PM**, which you are requested to attend.

Douglas Hendry  
Executive Director - Customer Services

## BUSINESS

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATIONS OF INTEREST (IF ANY)**
3. **CONSIDER NOTICE OF REVIEW REQUEST: LAND SOUTH WEST OF CILL BHEAG, DERVAIG, ISLE OF MULL PA75 6QN**
  - (a) **Notice of Review and Supporting Documentation (Pages 1 - 28)**
  - (b) **Comments by Interested Parties (Pages 29 - 42)**

## ARGYLL AND BUTE LOCAL REVIEW BODY

Councillor David Kinniburgh  
Councillor Richard Trail

Councillor Sandy Taylor

Contact: Hazel MacInnes Tel: 01546 604269

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Ref:  
ABI

**ARGYLL AND BUTE COUNCIL**  
WWW.ARGYLL-BUTE.GOV.UK/\*\*

OFFICIAL USE

21/08/12

H. J. Jones

Date Received

## NOTICE OF REVIEW

Notice of Request for Review under Section 43(a)8  
of the Town and Country Planning (Scotland) Act 1997 and the Town and  
Country Planning (Schemes of Delegation and Local Review Procedures  
(Scotland) Regulations 2008

**Important** – Please read the notes on how to complete this form and use  
Block Capitals. Further information is available on the Council's Website.  
You should, if you wish, seek advice from a Professional Advisor on how to  
complete this form.

(1) APPLICANT FOR REVIEW	
Name	A J Loynd
Address	1 Ransomes Row
	Main St
	North Dalton
Postcode	YO25 9XA
Tel. No.	07887 854182
Email	sandyloynd@googlemail.com

(2) AGENT (if any)	
Name	
Address	
Postcode	
Tel. No.	
Email	

(3) Do you wish correspondence to be sent to you  or your agent

(4) (a) Reference Number of Planning Application   
(b) Date of Submission   
(c) Date of Decision Notice (if applicable)

(5) Address of Appeal Property

Land SW of Cill Bheag  
Dervaig  
Isle of Mull  
PA75 6QN

(6) Description of Proposal

Erection of a dwelling house and garage

(7)

Please set out the detailed reasons for requesting the review:-

I believe that the decision to refuse my application for planning permission in principal on the aforementioned site is erroneous and inconsistent with the planning guidance as laid out by Argyll and Bute Council in the policies referred in the determination of my application. As such, I respectfully ask Argyll and Bute Council to overturn this judgement and award planning permission in principal as per my application 12/00050/PPP.

The application is for permission in principal, however, it appears to be that my application has been judged as if I have submitted a detailed planning application. This, I believe has led the responding officer to judge the application on the merits of their imagination rather than fact - something which is not possible, as no designs were submitted as part of the application nor was a footprint marked out due to the advice given to me by a member of the OL&I Planning Team. Indeed, the officers letter (Appendix A - FMS/12/00050/PPP) suggests that my application would impact upon privacy or amenity levels of the neighbouring property. This sentiment is referred to in the grounds for refusal. How could this be judged when there is no intimation of either location or orientation of a building to be built.

The site area is large enough that a house can be situated without impacting upon the amenity or privacy of Cill Bheag, immediately to the north. For several years, I have discussed with the owner of this site my intentions and the design I have in mind. I feel that it should be noted that neither the owner, nor anyone affected by the application, offered no objection to my application on any issue whatsoever.

#### STRAT DC 1

As previously stated in my letter dated 22 March, 2012 (Appendix B) the guidance states that all developments should have some private open space (ideally a minimum of 100 sq m), semi-detached/detached houses (and any extensions) should only occupy a maximum of 33% of their site.

The maximum footprint of a house on my site that could therefore be built would be 240sq m, leaving garden space of approximately 490sq m. This is clearly well in excess of the requirements as set out in Argyll & Bute Adopted Local plan 2009, Appendix A (copy of relevant section enclosed as Appendix C). I feel that it is simply unacceptable that where the Local Plan states an ideal minimum or a maximum percentage, that the Planning Department should arbitrarily decide that some developments must supersede these requirements.

If insufficient space please continue on a separate page. Is this is attached?  (Please tick to confirm)

Section 7 Continued...

There are several properties within the immediate area (as referred to in Appendix B) which have a less favourable ratio of house footprint to site area than I intend to have. Additionally, and not referred to in my letter are the numerous buildings at Cill Mhoire approximately 200m eastwards of my site. At this location, the Planning Department has authorised the building of several timber clad buildings (out of keeping with local architecture) that are incredibly close together. This, I feel means that not only are the Planning Department arbitrarily upping the requirements for some applications they are lowering them for others.

Please see the pictures Cill Mhoire 1 and 2 for a plan and front elevation view of this property (Appendix D and E).

It can be clearly seen from pictures Cill Mhoire 1 and 2 that these buildings were situated cheek by jowl and obviously at odds with the grounds for refusal of my application. I have copied the approximate boundary of my property and laid it over the development at Cill Mhoire (yellow box on picture Cill Mhoire 3 - Appendix F). As can be seen, permission was granted recently to allow multiple properties within an area where it is unacceptable for a single house on my site.

I feel that the precedent set in the surrounding properties allows for a higher settlement density than seen on my application. As such, I believe that my application was erroneously refused on the grounds of settlement cramming (as referred to in STRAT DC1 - Appendix G).

It is also clear that this property sits immediately within the village boundary (please see Appendix H - OLI Map Mull 3) and as such, there cannot be development along its southern aspect as this lies outside of the area for development. I feel that this further supports my argument that the refusal of my application on the basis of creating an "unacceptably high density of development" is erroneous.

As referred to in the Argyll and Bute Structure Plan section STRAT DC 1 (Appendix G), applications that go against this policy create "settlement cramming" or "inappropriate rounding off on the edge of settlements". Settlement cramming is defined as "over developing of valuable open space within settlements.

The ground is bordered on three sides by open ground, two of which are within the settlement boundary. The vacant ground within the settlement immediately adjacent to my land is in excess of 2 acres and continues into a large unused field that is several acres in size. To the south, there are thousands of acres of open land. There is, I believe, no issue with lack of amenity to myself. The impact upon Cill Bheag immediately to the north would be the loss of 0.18acre of open land which is a tiny fraction of that available to it currently. Furthermore, any property that I choose to build will not run along the adjoining boundary to Cill Bheag, meaning that they will continue to enjoy a view to the south across the front of anything I build.

In the letter dated 4 April, 2012 (Appendix I - FMS/12/00050/PPP) the officer argues that the higher density of the house at Plot 1, Dervaig is also "relieved by open space which helps integrate them". By looking at Appendix J - picture 'Plot 1 - Plan' (red

line shows approx site boundary) it can be clearly seen that this house is hemmed in closely on two sides and also has a house to the ESE. I find it confusing that this house has acceptable levels of open space around it whilst the significantly larger amounts of open space around Cill Bheag are not adequate and that it relies on the 0.18 acres to the south in order for it to have adequate amenity levels.

The property is on the outskirts of the village and has historically offered little value to the area and has certainly never been used by the village community for anything. The 'loss' of this open land would represent a negligible loss of amenity to the inhabitants of the village, and is certainly not "valuable" to village life.

It is for these reasons that I believe that this application is not in conflict with the conditions set out in STRAT DC1 (Appendix G) of the Argyll and Bute Structure Plan and that the reason for refusal of increased settlement density is erroneous and inconsistent with policy and precedent.

#### LP HOU 1 (Appendix K)

I do not believe that this application conflicts with this policy.

As a young member of the local community seeking to build a home, I believe that I will be helping to maintain the demographic spread of the community which is aging due to the large number of people moving into the village when nearing retirement age. As a result LP HOU 1 could be argued to indirectly support my application as it is countering population decline by helping a young couple return to the village at a child bearing age.

#### LP ENV 1 (Appendix L)

I do not believe that this application conflicts with this policy for the reasons set out above.

#### LP ENV 19 (Appendix M)

I do not believe that this application conflicts with this policy for the reasons set out above.

#### Additional Arguments

On 4 August, 2006 I met with Ewan Stewart on site regarding the potential application for planning permission on this land. At the time, I had thought of building a substantial property. After costing the build and considering the mortgage implications, I now have no desire to build such a property. It would also be larger than the condition I volunteered to abide by above.

In Ewan's reply (Appendix N - DC/15/MCT/ES/Dervaig) his comments were as follows: "the sketch plans of your proposed dwelling indicate a substantial building, which does not altogether accord with the provisions of the Council's draft small scale housing development guide. **However, the general form of the building would not be out of keeping with other residential development in the vicinity** (my bolding

of text) provided that it was set into the hillside with a minimum of under building being required".

I accept that he goes on to state that these comments should not bind or commit the Council. However, I find it concerning that two officers can arrive at such distinctly differing viewpoints, despite the guidance on offer to them regarding 'settlement cramming' remaining the same in the Argyll and Bute Structure Plan 2002 (Appendix G).

From the photos (Appendix O) taken by the officer who visited my property, it can be seen that Cill Bheag would mask my site from the road and with raised ground on the East and South elevations, there is very little opportunity for anyone to be aware of two houses neighbouring each other.

I firmly believe that I have complied with the requirements set out in the Argyll and Bute Structure Plan and Local Plan and that my application is also in keeping with the local trends of development and as such respectfully ask the Council to revisit this refusal and overturn it to grant me planning permission in principal.

(8) If the Local Review Body determines that it requires further information on "specified matters" please indicate which of the following procedure you would prefer to provide such information :-

- (a) Dealt with by written submission
- (b) Dealt with by Local Hearing
- (c) Dealt with by written submission and site inspection
- (d) Dealt with by local hearing and site inspection

*NB It is a matter solely for the Local Review Body to determine if further information is required and, if so, how it should be obtained.*

(9) Please list in the schedule all documentation submitted as part of the application for review ensuring that each document corresponds to the numbering in the sections below:-

**Schedule of documents submitted with Notice of Review (Note: 3 paper copies of each of the documents referred to in the schedule below must be attached):**

No.	Detail
1	Appendix A - FMS/12/00050/PPP 12/03/12
2	Appendix B - 22/03/12 letter to Fiona Scott
3	Appendix C - pg 107 Argyll & Bute Local Area Plan
4	Appendix D - Picture Cill Mhoire 1
5	Appendix E - Picture Cill Mhoire 2
6	Appendix F - Picture Cill Mhoire 3
7	Appendix G - STRAT DC 1
8	Appendix H - OLI Map Mull 3
9	Appendix I - FMS/12/00050/PPP 04/04/12
10	Appendix J - Picture Plot 1
11	Appendix K - LP HOU 1



12	Appendix L - LP ENV 1
13	Appendix M - LP ENV 19
14	Appendix N - Letter from E Stewart DC/15/MCT/ES/Dervaig
15	Appendix O - Photo showing view from road

Submitted by  
(Please Sign)



Dated

17/08/12

### Important Notes for Guidance

1. All matters which the applicant intends to raise in the review must be set out in or accompany this Notice of Review
2. All documents, materials and evidence which the applicant intends to rely on in the Review must accompany the Notice of Review UNLESS further information is required under Regulation 15 or by authority of the Hearing Session Rules.
3. Guidance on the procedures can be found on the Council's website – [www.argyll-bute.gov.uk/](http://www.argyll-bute.gov.uk/)
4. If in doubt how to proceed please contact 01546 604406 or email [localreviewprocess@argyll-bute.gov.uk](mailto:localreviewprocess@argyll-bute.gov.uk)
5. Once completed this form can be either emailed to [localreviewprocess@argyll-bute.gov.uk](mailto:localreviewprocess@argyll-bute.gov.uk) or returned by post to *Committee Services (Local Review Board), Kilmory, Lochgilphead, Argyll, PA31 8RT*
6. You will receive an acknowledgement of this form, usually by electronic mail (if applicable), within 14 days of the receipt of your form and supporting documentation.

If you have any queries relating to the completion of this form please contact Committee Services on 01546 604392 or email [localreviewprocess@argyll-bute.gov.uk](mailto:localreviewprocess@argyll-bute.gov.uk)

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### For official use only

Date form issued

Issued by (please sign)

Argyll and Bute Council  
Comhairle Earra Ghàidheal agus Bhòid



Development and Infrastructure Services  
Director: Sandy Mactaggart

Mr Alexander Loynd  
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Development and Infrastructure Services  
Municipal Buildings, Albany Street, Oban, Argyll,  
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Tel: (01631) 567968 Fax: (01631) 570366  
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Website: [www.argyll-bute.gov.uk](http://www.argyll-bute.gov.uk)

Ask For: Fiona Scott  
Our Ref: FMS/12/00050/PPP  
Your Ref:  
Date: 12 March 2012

Dear Sir

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997  
12/00050/PPP – SITE FOR ERECTION OF DWELLINGHOUSE  
LAND SOUTH OF CILL BHEAG, DERVAIG, ISLE OF MULL**

I refer to the above application currently with this Service for consideration.

In terms of the adopted Argyll and Bute Local Plan, the site is identified as being within the Settlement Zone of Dervaig where Policy STRAT DC 1 of the approved Argyll and Bute Structure Plan gives encouragement to development on suitable sites on an appropriate infill, rounding off and redevelopment basis, subject to compliance with other relevant Local Plan Policies.

However, whilst the acceptability of the principle of infill development within this area of Dervaig has been established by current policy, this is qualified by the requirement to avoid inappropriate densities and achieve development which is consistent with the established settlement pattern of the area.

Development within this area of Dervaig is generally characterised by single dwellinghouses situated within spacious plots with a high level of private amenity space.

The site shown in the application is not considered suitable for development with a dwellinghouse as it is considered too small to comfortably accommodate a dwellinghouse and associated amenity space which would be out of keeping with the established pattern of the area, contrary to current development plan policy.

Furthermore, the development of this site with a dwellinghouse would have a significant adverse impact on the privacy and amenity levels afforded to the dwellinghouse currently under construction to the north.

In/...



In light of the above, I must advise that this Service is unable to support the proposal and would recommend that you withdraw the application.

However, should you wish the application to be determined as it stands, I must advise that it will be recommended for refusal under delegated powers for the reasons detailed above.

Please advise by **Monday 19 March 2012** how you wish to progress with the matter.

Yours faithfully

Fiona Scott  
Planning Officer  
Oban, Lorn & Isles Area

Mrs Fiona Scott  
Development & Infrastructure Services  
Municipal Buildings  
Albany Street  
Oban  
PA34 4AW

Alexander Loynd  
1 Ransomes Row  
Main Street  
North Dalton  
YO25 9XA

Thursday 22<sup>nd</sup> March, 2012

Re: 12/00050/PPP

Dear Mrs Scott,

Thank you for your letter dated 12 March, 2012 regarding the above application for planning permission in principal.

I am a little surprised to see that you are recommending rejection of the application. In reading STRAT DC 1, it is clear that the provision for avoiding inappropriate settlement densities refers to "settlement cramming".

When researching densities on the Argyll & Bute website policies section, I have found the following information:

**"Open Space/Density:** all development should have some private open space (ideally a minimum of 100 sq m), semi-detached/detached houses (and any extensions) should only occupy a maximum of 33% of their site, although this may rise to around 45% for terrace and courtyard developments."

As you are aware, my site is 0.18acre in area. This equates to 728sq m. As a requirement, my proposed development cannot exceed a footprint of 33% or 240sq m. I indicated in my application that it was to be a single dwelling house and garage. I can assure you, that I have no intention of building a property that comes close to this footprint and would happily accept a condition limiting me to this.

In line with the comments of one of your colleagues when I made a telephone query regarding the need to mark a house outline on my site plan, I made no indication, as I was told that that would be dealt with on a detailed application. I was specifically told that the point of a PPP application was to get permission in principle and was not to sort out detailed planning matters. With this in mind, I am confused as to your comments when we spoke on the phone to the effect of not knowing where on the site I wish to build a house being a concern.

In your letter, you refer to my application being out of keeping with the established pattern in the local area. I would wish to draw your attention to two neighbouring properties that have been built in the last couple of years, Cill Bheag and Plot 1, Kilmore, Dervaig.

Cill Bheag (the house immediately to the North) is a 3 bedroom house similar in size to the design I have in mind. It is situated on a site area of 0.12acre (2/3 the size of my site) and also has a separate garage unit that the council is aware of.

Furthermore, Plot 1 lies within approximately 100m of my site and is a single dwelling house with garage on a site area of 0.18 acre which is in keeping with my application.

I believe that to raise this matter of overcrowding when there is a recent history of developments that are of higher density in the immediate vicinity to mine to be inconsistent and I would politely ask that you revisit your decision on this matter.

Secondly, as you are aware from the planning permission from Cill Bheag, the primary aspect of this property is facing across Glen Aros and Mr Proud's amenity areas are all to the North of the house itself.

The addition of a property on my site would not impinge on the private amenity space of Mr Proud whatsoever. In addition to this, Mr Proud has received the planning notice that was sent out to himself and has not lodged any formal objection, nor has he made contact with myself to raise any concerns with my application.

For several years, we have in fact discussed the subject of my application and his house, going back to when he originally applied for planning permission so that both houses would lie neatly on our respective sites and not impinge unduly on each others privacy. I find it slightly confusing that the Council has seen fit to raise an objection on the behalf of Mr Proud, regardless of the fact that he has not made any such approach.

The house on Plot 1 sits nested inbetween two other houses and sits in such a way that the primary aspects of both of its neighbouring houses are overlooked by Plot 1. Again, I have to look at the properties in the local area and wonder how my site can affect its neighbours as much as other properties recently granted permission can.

In addition to this, there are countless other examples of houses being built within the settlement zone of Dervaig, both near to my site and further away that have been granted permission whilst being of high density and also much more invasive of peoples privacy.

I intend to build a house that will make best use of the views to the South and West of the property as would be logical considering the location of the site as well as in line with your own requirements that I do so for environmental reasons by making best use of the sun.

In light of this, I would reiterate my polite request that you revisit my application and reconsider your objections as I believe that they are unfounded in light of settlement patterns in the immediate locality and also within the wider Dervaig area.

Yours sincerely,

Alexander Loynd

cc:

Cllr Mary-Jean Devon  
Cllr Gordon Chalmers  
Mr & Mrs S Proud  
Mr & Mrs W Loynd

6. **Landscaping and Boundaries:** Where privacy and amenity is important, built form should be screened or buffered from viewpoints (e.g. access ways) by using appropriate native planting. Existing planting and hedges should be supplemented and/or retained where possible. Hard-landscaping should be kept to a minimum and will work best when its colour is close to that of the local stone. Boundaries will either integrate a site into the landscape or alienate it. While the ideal of a dry stone dyke may not always be possible, the most unobtrusive alternative is post and wire fencing. Native hedging and/or vertical boarded fences may also be appropriate, but horizontal ranch-style fencing or block-work often appears to look very out-of-place.
7. **Parking:** Car parking areas should not be dominant features which are highly visible from access ways or dominate views from within buildings. Other things to consider are services provision (power, telephone, water and sewerage) as well as proximity to community facilities and services (such as schools, shops or bus-routes).

### Design of New Housing in Settlements

4.1 The location of houses within a settlement is the most critical factor. New development must be compatible with, and consolidate, the existing settlement. Unlike isolated and scattered rural development, the relationship with neighbouring properties will be paramount, as issues such as overlooking and loss of privacy may arise. Bullet points 1, 4, 5, 6 and 7 of section 3.1 can also apply here.

4.2 As a general principle all new proposals should be designed taking the following into account:

- **Location:** new housing must reflect or recreate the traditional building pattern or built form and be sympathetic to the setting landmarks, historical features or views of the local landscape.
- **Layout:** must reflect local character/patterns and be compatible with neighbouring uses. Ideally the house should have a southerly aspect to maximise energy efficiency.
- **Access:** should be designed to maximise vehicular and pedestrian safety and not compromise the amenity of neighbouring properties. In rural areas, isolated sections

of urban-style roads, pavements and lighting are best avoided.

- **Open Space/Density:** all development should have some private open space (ideally a minimum of 100 sq m), semi-detached/detached houses (and any extensions) should only occupy a maximum of 33% of their site, although this may rise to around 45% for terrace and courtyard developments.

- **Services:** connection to electricity, telephone and wastewater i.e. drainage schemes will be a factor – particularly if there is a limited capacity.

- **Design:** The scale, shape and proportion of the development should respect or complement the adjacent buildings and the plot density and size. Colour, materials and detailing are crucial elements to pick up from surrounding properties to integrate a development within its context.

### Development Briefs, Design Statements and Pan 46 Assessments

5.1 Groups of new houses require attention to design and layout if they are to sit well in the landscape and provide the best possible environment for the new residents and existing local householders. Following pre-application discussion, guidance in the form of a development brief or design statement may be prepared by the Planning Authority detailing road layout, service provision, grouping, density, scale, height, sustainability issues, materials, colour and open space requirements.

5.2 In exceptional circumstances, a similar brief may be prepared for the development of a single house, where for example it affects the setting of a listed buildings, is in a woodland setting, or if it is in a prominent, isolated site.

5.3 The decision as to whether or not a development brief is required will normally be taken when an application for outline planning permission is considered, but the Planning Authority may arrange for the preparation of one following an informal proposal by a developer. The Planning Authority may also call for the need to undertake a PAN 46 Assessment.

**Cill Mhoire 1 - Plan View**



Chalet

Pair semi-detached chalets

House and garage to South

Chalet

**Cill Mhoire 2 - Front Elevation**

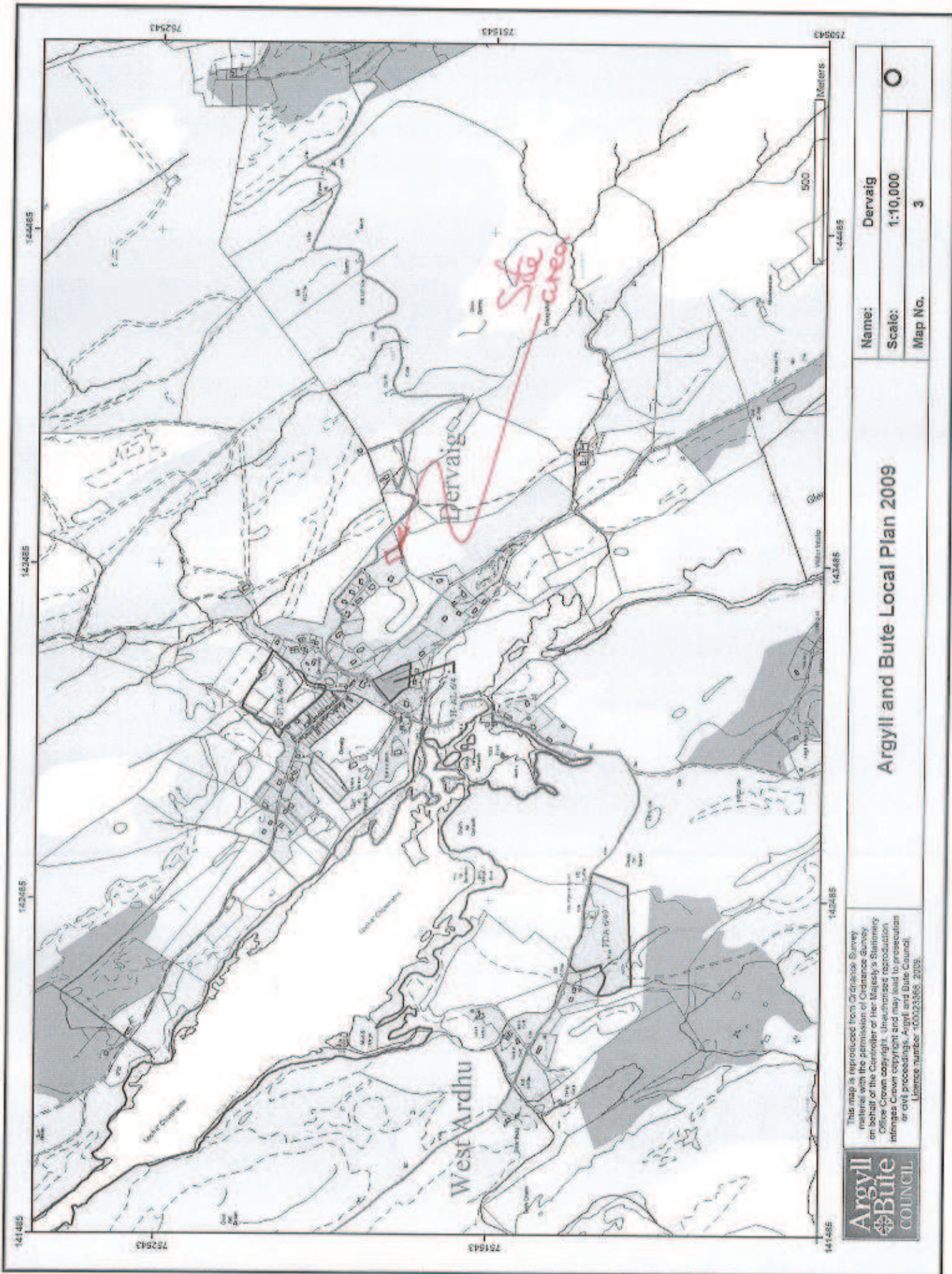




Comparison of Cill Mhoire and application site







Name:	Pervaiag
Scale:	1:10,000
Map No.	3

Argyll and Bute Local Plan 2009

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Argyll and Bute Council  
Comhairle Earra Ghàidheal agus Bhòid



Development and Infrastructure Services  
Director: Sandy Mactaggart

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Website: [www.argyll-bute.gov.uk](http://www.argyll-bute.gov.uk)

Ask For: Fiona Scott  
Our Ref: FMS/12/00050/PPP  
Your Ref:  
Date: 4 April 2012

Dear Sir

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997  
12/00050/PPP – SITE FOR ERECTION OF DWELLINGHOUSE  
LAND SOUTH OF CILL BHEAG, DERVAIG, ISLE OF MULL**

I refer to your letter of 22 March 2012 regarding the above planning application currently with this Service for consideration.

Whilst your comments are noted, it is still considered that the proposed site is too small relative to development in the surrounding area, and as such, represents a departure from the existing character of development in terms of reduced site size and higher density nature.

Housing around the site generally has an established level of amenity which is contributed to by the size of the plots. With regard to your comments regarding the dwellinghouses at Cill Bheag and Plot 1, these houses may be on smaller plots but are relieved by open space which helps integrate them with the established development in the area.

It is not considered that providing a minimum standard plot size is compatible with the higher spacing and amenity levels that exist around the site at present.

Accordingly, I must advise that the advice contained within the original letter still stands and this Service would advise you to withdraw the application.

If however you wish the application to be determined, I must advise that it will be recommended for refusal under delegated powers.

Please/...



Please advise by 16 April 2012 how you wish to proceed with the matter.

Yours faithfully

Fiona Scott  
Planning Officer  
Oban, Lorn & Isles Area

**Plot 1 - Plan View**



**Policy LP HOU 1 - General Housing Development**

- (A) There is a general presumption in favour of housing development other than those categories, scales and locations of development listed in (B) below. Housing development, for which there is a presumption in favour, will be supported unless there is an unacceptable environmental, servicing or access impact.
- (B) There is a general presumption against housing development when it involves:
- In the settlements:
1. large-scale housing development in small towns and villages and minor settlements;
  2. medium-scale housing development in the minor settlements.
- In the countryside development control zones:
3. large and medium scale housing development in all the countryside development control zones;
  4. small-scale housing development in the Greenbelt, Very Sensitive Countryside and in open/undeveloped areas within Countryside Around Settlements and Sensitive Countryside.
- On croft lands:
5. more than one dwelling house on a bare-land croft; or more than one additional dwelling house on an individual croft containing an existing dwelling house unless the croft is of a size where subdivision could be considered sustainable in terms of Crofters Commission advice.
- (C) Housing development, for which there is a general presumption against, will not be supported unless an exceptional case is successfully demonstrated in accordance with those exceptions listed for each development control zone in the justification for this policy.
- (D) Housing Developments are also subject to consistency with other policies of both the Structure and Local Plan and in particular policy P/DCZ 4 – Rural Opportunity Areas.

**Scales Of Housing Development**

Small-scale housing development will not exceed 5 dwelling units.

Medium-scale housing development between 6 and 30 dwelling units inclusive

Large-scale housing development exceeding 30 dwelling units.

**Justification**

The main general housing policy sets out general presumptions in favour or against different scales and circumstances of housing within the 8 development control zones.

**Housing in the Settlements**

In the case of settlements, the presumptions in favour or against are based largely on whether the housing development is of an appropriate scale (small-, medium- or large-scale) for the size of the settlement (minor settlement, small town and village, or main town). The scales of housing development have been defined in the policy. Where the proposal involves large- scale housing development in a small town or village, or medium -scale in a minor settlement there is a general presumption against. This scale of development would only be supported by a deliberate attempt to counter population decline in the area, to help deliver affordable housing, or else meet a particular local housing need. Such proposals should not overwhelm the townscape character, or the capacity, of the settlement and be consistent with all other policies of the Structure and Local Plan.

**Housing in the Countryside Around Settlements (CAS)**

In the case of the countryside around settlements, the presumptions in favour or against are based largely on whether the housing development will be consistent with and, co-ordinated by, the settlement plan that covers this zone. This translates to support in principle (a presumption in favour) for small scale housing development on infill, rounding-off, change of use of building and redevelopment sites provided that this does not result in undesirable forms of settlement coalescence, the extension of the established settlement boundary or ribbon development. There is a resistance to housing development in the open countryside within this zone since this would be inappropriate in the more pressured territory on the periphery of settlements. Exceptions to this are where a strictly limited amount of housing development on croft land may

be acceptable – see (STRAT AC 1 Structure Plan page 32) or where a locational/operational need is successfully demonstrated by the applicant and there is no prejudice to the existing or future settlement plan for the area.

#### **Housing in the Greenbelt**

Within the Greenbelt, an even stricter policy regime applies, based on resisting urban expansion and new housing development. Accordingly, there is a presumption against and resistance to new housing development within this zone of any scale. The only exceptions to this are, firstly, where an agricultural operational need has been established and the applicant demonstrates that there is a specific locational need to be on, or in the near vicinity of the proposed site, and secondly, in the very exceptional circumstances of a housing conversion proving to be an acceptable means of securing the future of a valued existing building or community asset, or, in the very exceptional circumstances of housing enabling development, to secure the retention of a highly significant building at risk.

#### **Housing in the Rural Opportunity Areas (ROAs)**

The rural opportunity areas have been mapped specifically with a view to identifying areas within which there is a general capacity to successfully absorb small scale housing development. This includes open countryside locations where appropriate forms of small-scale housing development will be in tune with landscape character and development pattern. Development proposals located in the open countryside within Rural Opportunity Areas positioned within National Scenic Areas and Areas of Panoramic Quality will be considered premature until a Landscape Capacity Study covering the relevant Rural Opportunity Area has been completed and approved by the Council. Thereafter, development proposals will be expected to be consistent with the findings contained within the Landscape Capacity Study. Consequently, there is a presumption in favour of small-scale housing development within this zone, subject to on-going capacity evaluation. Conversely, there is a presumption against medium and large-scale housing development that would not be generally appropriate for these countryside areas and would undermine the intentions of the settlement strategy.

#### **Housing in the Sensitive Countryside**

The sensitive countryside zone may be viewed as intermediate between rural opportunity areas and very sensitive countryside. This zone does not have the general capacity to successfully absorb any scale of new housing development when it is in the open countryside. Consequently, the presumption in favour is restricted to small-scale housing development in close proximity to existing buildings in infill, rounding-off, change of use of building and redevelopment sites.

Notwithstanding the initial presumption against, in exceptional cases, where an operational need has been established and the applicant demonstrates that there is a specific locational need to be on, or in the near vicinity of the proposed site, small-scale housing may therefore be considered in the open countryside within this zone. This is provided there is sufficient capacity to successfully integrate the proposed housing development within the landscape. The planning authority will conduct an Area Capacity Evaluation (ACE) in order to assess the direct and cumulative impact of any such development. The ACE process is further explained in supplementary planning guidance.

#### **Housing in the Very Sensitive Countryside**

The very sensitive countryside corresponds to the isolated coast, relatively high ground, mountain areas and to especially vulnerable lowland areas where there is generally extremely limited capacity to successfully absorb any scale of new housing development. Consequently, there is a presumption against new housing development of any scale in this zone. The only exception made is in the very special circumstance of a house being required for operational reasons and/or where it can utilise an existing building.

This Policy conforms to:

- SPP 3 (Planning for Housing)
- PAN 38 (Housing land)
- PAN 72 (Housing in the Countryside)
- NPPG 15 (Rural development)
- Structure Plan Economic and Social Objectives SI 1 – b)
- Structure Plan Environmental Objectives SI 2 – a)- d)
- Structure Plan Policy STRAT SI 1; STRAT HO 1.



**Policy LP ENV 1 - Development Impact on the General Environment**

In all development control zones, the Council will assess applications for planning permission for their impact on the natural, human and built environment, and will resist development proposals which would not take the following considerations into account, namely:

- (A) The development is of a form, location and scale consistent with Structure Plan Policies STRAT DC 1 to 6;
- (B) Likely impacts, including cumulative impacts, on amenity, access to the countryside and the environment as a whole and in particular, the designated sites listed in (I) and (J) of this policy statement;
- (C) All development should protect, restore or where possible enhance the established character and local distinctiveness of the landscape in terms of its location, scale, form and design. The 'Landscape Assessment of Argyll and the Firth of Clyde' (ERM 1996, Review No. 78) will be used to inform assessment of development proposals.
- (D) The location and nature of the proposed development, including land use, layout, design, external appearance, density, landscaping, open space, safety hazards, flood risk, air quality, crime prevention measures and privacy of existing and proposed development;
- (E) The relationship to the road and public transport network, means of access, particularly access for the physically impaired, emergency services, parking provision, and likely scale and type of traffic generation;
- (F) The availability of infrastructure and relationship to existing community facilities;
- (G) Water resources and the marine environment (particularly pollution controlled waters by any contaminants associated with the land); biodiversity; and other land uses in the area;
- (H) Current Government guidance, other policies in the Argyll and Bute Structure and Local Plan and particularly those relating to the proposed type of development.

- (I) Special Areas of Conservation; Special Protection Areas; Ramsar Sites; Sites of Special Scientific Interest; National Nature Reserves; Local Nature Conservation Sites; National Scenic Areas; Greenbelt; Marine Consultation Areas and Areas of Panoramic Quality.
- (J) Listed Buildings; Conservation Areas; Special Built Environment Areas; Scheduled Ancient Monuments and Historic Gardens or Designed Landscapes.

**Justification**

The Council wishes to encourage development, while at the same time protecting the natural, human and built environment, recognising the benefits development can bring locally and to the community as a whole. The aim of the planning system must also provide protection from inappropriate development. Its primary objectives are:

- to set the land use framework for promoting sustainable economic development;
- to encourage and support regeneration; and
- to maintain and enhance the quality of the natural heritage, built environment, landscape features and landscape character of the area.

Development and conservation are not mutually exclusive objectives; the aim is to resolve conflicts between the objectives set out above and to manage change.

Policy LP ENV1 sets out the general basis for consideration of all applications for planning permission. This list of criteria will be used in considering all development proposals, but obviously they will not be equally important in all cases. Further specific policy guidance is provided in this Chapter and subsequent topic chapters of the plan.

**This Policy conforms to:**

- Scottish Planning Policy and National Planning Policy Guidelines
- The Argyll and Bute Structure Plan
- Structure and Local Plan Economic and Social Objectives SI 1 - a) to d)
- Structure and Local Plan Environmental Objectives SI 2 - a) to d)
- Structure Plan Policies STRAT SI 1; STRAT DC 1 to 10.
- EU Water Framework Directive.

[Redacted]

[Redacted]

[Redacted]

[Redacted]

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[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

**Policy LP ENV 19 - Development Setting, Layout and Design**

The Council will require developers and their agents to produce and execute a high standard of appropriate design in accordance with the design principles set out in Appendix A of this Local Plan, the Council's sustainable design guide and the following criteria: -

**Development Setting**

(A) Development shall be sited and positioned so as to pay regard to the context within which it is located.

**Development Layout and Density**

(B) Development layout and density shall effectively integrate with the urban, suburban or countryside setting of the development. Layouts shall be adapted, as appropriate, to take into account the location or sensitivity of the area. Developments with poor quality or inappropriate layouts or densities including over-development and overshadowing of sites shall be resisted.

**Development Design**

(C) The design of developments and structures shall be compatible with the surroundings. Particular attention shall be made to massing, form and design details within sensitive locations such as National Scenic Areas, Areas of Panoramic Quality, Greenbelt, Very Sensitive Countryside, Sensitive Countryside, Conservation Areas, Special Built Environment Areas, Historic Landscapes and Archaeologically Sensitive Areas, Historic Gardens and Designed Landscapes and the settings of listed buildings and Scheduled Ancient Monuments. Within such locations, the quality of design will require to be higher than in other less sensitive locations.

(D) The design of buildings shall be suitably adapted to meet the reasonable expectations for special needs groups.

(E) Energy efficient design and sustainable building practice is strongly encouraged.

**Justification**

The aim of this policy is to achieve high quality new development that respects the local environment and provides a sense of place. Good design has many benefits. For the developer it can increase sales and rental returns and provide a competitive edge. It could also help reduce public opposition to new development or help release development capacity in sensitive areas. For the community in general, good design can result in less environmental impacts, increased safety and generate greater civic pride. Most importantly it can lead to a better quality of life for everyone.

All new developments must therefore adhere to the principles set out in this policy and **Appendix A** that provides further guidance on matters of sustainable siting and design. It should be noted however that good design does not necessarily mean traditional design. Encouragement will also be given to contemporary and energy efficient design that compliments the surrounding landscape and townscape but also looks to a new architecture for the 21<sup>st</sup> century. Further guidance on these matters will be available through the publication of a new **Argyll and Bute Sustainable Design Guide** based on this policy and the design principles set out in **Appendix A**.

**Development Setting**

The setting of a development sets a visual, and sometimes, a cultural context for layout and design considerations. It is important when assessing the impact of the development setting to focus on the regional and local characteristics of the landscape, development pattern, the historic environment and the built environment in general.

**Development Layout and Density**

Development layouts raise a wide range of considerations. These include the general forms of layout, development density standards, standards relating to the provision of access, special needs facilities, landscaping, recreation and open space.

**Development Design**

The careful design of new buildings, alterations and extensions to existing buildings is important to the quality of both the built and the natural environment. The impact of any new development depends on its size, the details of its design and materials, location, its prominence and its relationship with the surrounding environment including open space.

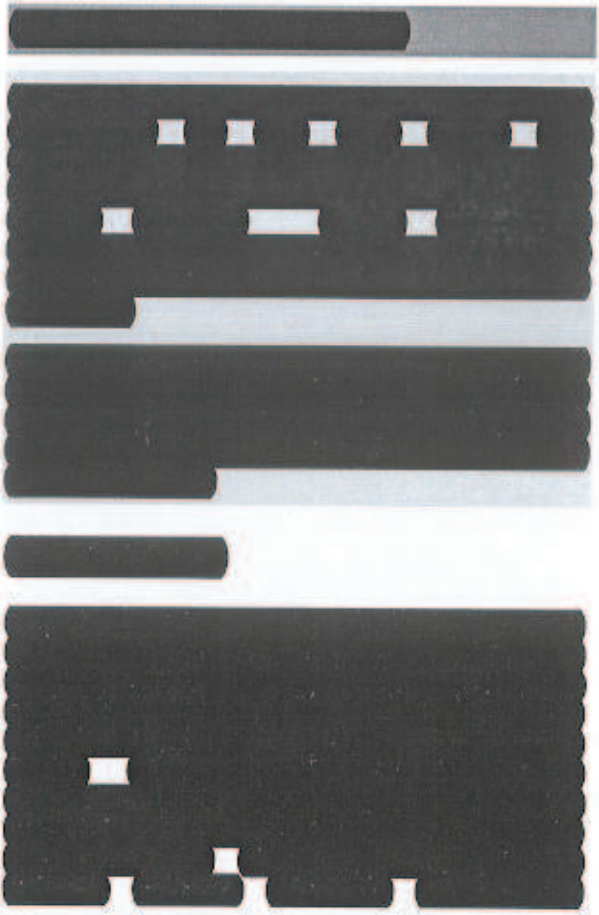
Compatibility with existing nearby development and ensuring a positive contribution to the landscape/townscape of the area will be important factors in the Council's general requirement for a high standard of design throughout Argyll and Bute. The Council will continue to promote design excellence through its Area Committee design competitions that in future will be subject to a public vote.

**This Policy conforms to:**

- NPPG 1 (The Planning System), paragraphs 15,16 & 17
- Structure and Local Plan Economic and Social objective SI 1 - d)
- Structure and Local Plan Environmental objectives SI 2 - a) to d)
- Structure Plan policies STRAT SI 1; STRAT DC 1 to DC 9.

**Background Information:**

- PAN 72 (Housing in the Countryside)
- PAN 44 (Fitting new Housing Development into the Landscape) (Scottish Executive)
- A Policy on Architecture for Scotland (Scottish Executive)
- Argyll and Clyde Landscape Character Assessment (SNH)





**Development Services**  
Director: George Harper

Lorn House, Albany Street, Oban, Argyll, PA34 4AR  
Tel: (01631) 567950  
Fax: (01631) 570366

31<sup>st</sup> August 2006

Our Ref.: DC/15/MCT/ES/Dervaig

Contact: Ewen Stewart  
Direct Line: 01631 567961  
E-mail: [ewen.stewart@argyll-bute.gov.uk](mailto:ewen.stewart@argyll-bute.gov.uk)

Sandy Loynd,  
Kilmore,  
Dervaig,  
Isle of Mull.  
PA75 6QN

Dear Sir,

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997  
PRELIMINARY INQUIRY SITE FOR THE ERECTION OF A DWELLINGHOUSE  
LAND EAST OF KILMORE DERVAIG**

I refer to your meeting with Ewen Stewart on Friday 4<sup>th</sup> August 2006 concerning the above and apologise for the delay in replying.

The sketch plans of your proposed dwelling indicate a substantial building, which does not altogether accord with the provisions of the Council's draft small scale housing development guide. However the general form of the building would not be out of keeping with other residential development in the vicinity provided that it was set into the hillside with a minimum of underbuilding being required.

I have enclosed a copy of part of the draft small scale housing development guide for your information and attention.

These comments are made on an informal basis and should not be taken to bind or commit the Council to dealing with any subsequent planning application in a particular manner. Planning applications require to be considered against Scottish Executive National Planning Guidance and a wide range of other issues that will only become apparent once an application has been submitted.

Yours faithfully,

*E. Stewart*

*HP* Ian McIntyre, Area Team Leader,  
Oban, Lorn and the Isles,  
Planning Services.





Eastern  
Boundary

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**STATEMENT OF CASE**

**FOR**

**ARGYLL AND BUTE COUNCIL  
LOCAL REVIEW BODY**

**12/0013/LRB**

**REFUSAL OF PLANNING PERMISSION FOR SITE  
FOR ERECTION OF DWELLINGHOUSE**

**LAND SOUTH OF CILL BHEAG, DERVAIG,  
ISLE OF MULL**

**PLANNING PERMISSION REFERENCE NUMBER  
12/00050/PPP**

**10 SEPTEMBER 2012**

## **STATEMENT OF CASE**

The Planning Authority is Argyll and Bute Council ('the Council'). The appellant is A J Loynd ('the appellant').

Planning Permission in Principle Reference Number 12/00050/PPP for site for erection of a dwellinghouse on land south of Cill Bheag, Dervaig, Isle of Mull ("the appeal site") was refused under delegated powers on 22 May 2012.

The planning decision has been challenged and is subject of review by the Local Review Body.

### **DESCRIPTION OF SITE**

The site is a generally flat area of land situated immediately adjacent to a dwellinghouse currently under construction to the north, with an established residential area to the west. To the south and east the site is bounded by open moorland, which is beyond the settlement boundary identified in the local plan.

Development within this area of Dervaig is generally characterised by single dwellinghouses situated within spacious plots with a high level of private amenity space. Although there are a couple of exceptions, which are highlighted by the applicant in support of the review, these are in the minority, and are mitigated by adjacent areas of open space, which helps ensure that those developments do not overly jar with the predominant character of the area, which is for more spacious plots, with good spacing and high privacy and amenity standards. One of the sites referenced is for holiday chalets only, where lesser spacing and amenity standards are more appropriate than for permanent housing as is the subject of this review. Taking account of the predominant character of the area, it is not considered acceptable to apply the minimum standards identified in Appendix A in this case, because to do so would conflict with the wider and more important aim of ensuring development integrates with the setting into which it itself is proposed.

### **SITE HISTORY**

There is no history relevant to this site.

### **STATUTORY BASIS ON WHICH THE APPEAL SHOULD BE DECIDED**

Section 25 of the Town & Country Planning (Scotland) Act 1997 provides that where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise. This is the test for this application.

### **STATEMENT OF CASE**



Argyll and Bute Council considers the determining issues in relation to the case are as follows:-

- Whether the site has the ability to successfully accommodate a dwellinghouse which would relate to the established settlement pattern of the surrounding area without giving rise to any adverse environmental impact, or adversely affecting the density, pattern and character of the existing settlement.

The Report of Handling (Appendix 1) sets out the Council's assessment of the application in terms of Development Plan policy and other material considerations.

### **REQUIREMENT FOR ADDITIONAL INFORMATION AND A HEARING**

It is not considered that any additional information is required in light of the appellant's submission. The issues raised were covered in the Report of Handling which is contained in Appendix 1. As such it is considered that Members have all the information they need to determine the case. Given the above and that the proposal is small-scale, has no complex or challenging issues and has not been the subject of any public representation, it is not considered that a Hearing is required.

### **COMMENT ON APPELLANTS' SUBMISSION**

The appellant contends that the application was for permission in principal but has been judged as a detailed application and therefore the impact of the proposal on privacy or amenity levels of neighbouring properties cannot be assessed. *This is not founded on any evidence.*

The appellant contends that the site is sufficient in size to accommodate a dwellinghouse with an acceptable area of private amenity space. *However, this is an inappropriate attempt to read one piece of guidance in isolation, and it fails to acknowledge the over-riding policy aim for new development to be compatible with the existing settlement pattern, density, capacity and character, as stated in paragraphs 4.1 and 4.2 of the same document.*

The appellant contends that there is no issue with lack of amenity to be afforded to the proposed dwellinghouse.

The appellant contends that the plot size is larger than several other properties within the area with some buildings situated extremely close together (particularly the chalet development at Cill Mhoire and a house at Plot 1).

The appellant contends that a precedent for higher density development has been established by the granting of previous development as outlined above.

The site is on the outskirts of the village and has historically offered little value to the area and the loss of this open land would represent a negligible loss of amenity to the inhabitants of the village.

The applicant contends that he is a young member of the local community seeking to build a home and will help maintain the demographic spread of the community which

is ageing due to the large number of people moving into the village when nearing retirement age.

The applicant contends that previous advice given in 2006 regarding the development of the site was positive.

Whilst the appellant's comments are noted, it is still considered that the proposed site is too small relative to development in the surrounding area, and as such, represents a departure from the existing character of development in terms of the small site area and resultant higher density nature of development. Housing around the site has an established level of amenity, which is contributed to by the size of the plots and the spacing between buildings. It is not considered that providing a minimum standard plot size is compatible with the higher spacing and amenity levels that exist around the site at present. The development of this site with a dwellinghouse would result in an undesirable form of development contrary to the established settlement pattern of the area. To accord with Development Plan policy, all developments must integrate with their individual settings and reflect the established character of the existing settlement.

With regards to the development at Cill Mhoire, recent history shows the chalets limited to holiday occupation only and as such do not require the same privacy and amenity standards associated with permanent residential units. A third chalet was approved as a replacement to a caravan which had been determined to be lawful. These circumstances are not comparable to the proposal under review.

With regards to the previous pre-application advice given, this was prior to the adoption of the current Local Plan which was used to assess the planning application subject of this review. Furthermore, any pre-application advice given by the Planning Service states that the advice is given on the information submitted at that time and in the event of a formal planning application being submitted, the Council must take into account all other material considerations and any subsequent assessment must reflect this and may therefore differ from the initial assessment. The advice refers to the building form, and not to the settlement pattern or density.

A full detailed assessment of the site is contained within the Report of Handling at Appendix 1. The appellants statement does not conclusively address the lack of compatibility with the existing settlement pattern.

The proposal was refused as the site was considered too small to comfortably accommodate a house, with an inappropriate density having insufficient regard to the character of development surrounding the site contrary to the provisions of Development Plan policies STRAT DC 1, LP ENV 1, LP ENV 19 and LP HOU 1, which collectively seek to resist housing development which will have an unacceptable environmental, servicing or access impact; developments that give insufficient regard to the context of their individual site settings; and show inappropriate densities or involve over-development.

## **CONCLUSION**

Section 25 of the Town and Country Planning Act 1997 requires that all decisions be made in accordance with the development plan unless material considerations indicate otherwise.

It is considered that the proposed site does not take into account of, or relate to, the existing settlement character of the surrounding area as it fails to relate to the size of adjacent plots and constitutes an unacceptable form of overdevelopment and does not represent an opportunity for acceptable infill, rounding-off or redevelopment.

The proposal is considered contrary to the provisions of Development Plan Policies STRAT DC 1, LP ENV 1, LP ENV 19, LP HOU 1 and Appendix A.

Taking account of the above, it is respectfully requested that the review be dismissed and the original refusal be upheld.

## APPENDIX 1

Argyll and Bute Council  
Development and Infrastructure

**Delegated or Committee Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 relative to applications for Planning Permission or Planning Permission in Principle**

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**Reference No:** 12/00050/PP

**Planning Hierarchy:** Local Development

**Applicant:** Mr Alexander Loynd

**Proposal:** Site for Erection of Dwellinghouse

**Site Address:** Land South of Cill Bheag, Dervaig, Isle of Mull

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### DECISION ROUTE

**Section 43 (A) of the Town and Country Planning (Scotland) Act 1997 (as amended)**

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#### (A) THE APPLICATION

##### (i) Development Requiring Express Planning Permission

- Site for erection of dwellinghouse
- Upgrade of existing vehicular access

##### (ii) Other operations

- Connection to public sewer (as applied for, contrary to Scottish Water advice on presence of a sewer)
  - Connection to public water system
- 

#### (B) RECOMMENDATION:

Having due regard to the Development Plan and all other material considerations, it is recommended that the application be refused for the reasons appended to this report.

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#### (C) HISTORY:

No history relevant to this particular site.

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**(D) CONSULTATIONS:**

Area Roads Manager

Report dated 23/02/12 advising no objection subject to conditions.

Scottish Water

Letter dated 02/03/12 advising no objection to the proposed development and highlighting that there are no public sewers within the vicinity of the site.

West of Scotland Archaeology Service

Letter dated 14/03/12 advising a condition should be imposed on any permission granted requiring the submission of a written scheme of archaeological works.

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**(E) PUBLICITY:**

The proposal has been advertised in terms of Regulation 20 procedures, closing date 15/03/12.

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**(F) REPRESENTATIONS:**

No representations have been received regarding the proposed development.

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**(G) SUPPORTING INFORMATION**

Has the application been the subject of:

- |       |   |    |
|-------|---|----|
| (i)   | Environmental Statement:  | No |
| (ii)  | An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994:   | No |
| (iii) | A design or design/access statement:  | No |
| (iv)  | A report on the impact of the proposed development e.g. retail impact, transport impact, noise impact, flood risk, drainage impact etc: | No |
- 

**(H) PLANNING OBLIGATIONS**

- |     |                                     |    |
|-----|-------------------------------------|----|
| (i) | Is a Section 75 agreement required: | No |
|-----|-------------------------------------|----|
- 

- |     |  |    |
|-----|--|----|
| (I) | Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32: | No |
|-----|--|----|
- 

- (J) Section 25 of the Act; Development Plan and any other material considerations over and above those listed above which have been taken into account in the assessment of the application**

**(i) List of all Development Plan Policy considerations taken into account in assessment of the application.**

Argyll and Bute Structure Plan 2002

STRAT SI 1 – Sustainable Development

STRAT DC 1 – Development within the Settlements

Argyll and Bute Local Plan 2009

LP ENV 1 – Impact on the General Environment

LP ENV 19 – Development Setting, Layout and Design

LP HOU 1 – General Housing Development

LP TRAN 4 – New and Existing Public Roads and Private Access Regimes

LP TRAN 6 – Vehicle Parking Provision

Appendix A – Sustainable Siting and Design Principles

Appendix C – Access and Parking Standards

**(ii) List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 4/2009.**

Argyll & Bute Sustainable Design Guidance (2006)

The Town & Country Planning Act (Scotland) 1997

The Planning etc. (Scotland) Act, 2006

SPP, Scottish Planning Policy, 2010

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<b>(K)</b>	<b>Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment:</b>	<b>No</b>
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<b>(L)</b>	<b>Has the application been the subject of statutory pre-application consultation (PAC):</b>	<b>No</b>
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<b>(M)</b>	<b>Has a sustainability check list been submitted:</b>	<b>No</b>
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<b>(N)</b>	<b>Does the Council have an interest in the site:</b>	<b>No</b>
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<b>(O)</b>	<b>Requirement for a hearing:</b>	<b>No</b>
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**(P) Assessment and summary of determining issues and material considerations**

Planning permission in principle is sought for a single dwellinghouse on an area of land south of Cill Bheag, Dervaig, Isle of Mull.

In terms of the adopted Argyll and Bute Local Plan the site is situated within the Settlement Zone of Dervaig where Policy STRAT DC 1 of the approved Argyll and Bute Structure Plan gives a presumption in favour of development on an appropriate infill, rounding off and redevelopment basis subject to compliance with other relevant local plan policies.

Policy LP HOU 1 gives encouragement to housing development in settlements provided it will not result in an unacceptable environmental, servicing or access impact and Policy LP ENV 1 requires applications to be assessed for their impact on the natural, human and built environment.

Policy LP ENV 1 advised that developments must demonstrate suitable densities and provide for privacy at existing and proposed development.

Policy LP ENV 19 states that development shall be sited and positioned so as to pay regard to the context within which it is located and that development layout and density shall integrate with the setting of surrounding development. Developments with poor quality or inappropriate layouts, including over-development, shall be resisted.

Local Plan Appendix A further advises on the standards that will be applied to all developments. Section 4.2 relates to housing within settlements. As well as indicating the minimum standards to be applied for private open space and plot ratios (as highlighted by the applicant in support of the application), there is an overwhelming emphasis on respecting the character and setting of the individual development proposal, taking account of local spacing, densities and privacy standards. This remains the main criteria against which the suitability or otherwise of a development shall be evaluated.

Whilst the acceptability of the principle of residential development within this area of Dervaig is set out in current policy, this is qualified by a requirement to ensure developments do not result in an unacceptable environmental, servicing or access impact. Development proposals that involve inappropriate densities or over-development shall be resisted.

The site is generally flat area of land situated immediately adjacent to a dwellinghouse currently under construction to the north, with an established residential area to the west. To the south and east the site is bounded by open moorland, which is beyond the settlement boundary identified in the local plan.

Development within this area of Dervaig is generally characterised by single dwellinghouses situated within spacious plots with a high level of private amenity space. Although there are a couple of exceptions, which are highlighted by the applicant in support of the application, these are in the minority, and are mitigated by adjacent areas of open space, which helps ensure that those developments do not overly jar with the predominant character of the area, which is for more spacious plots, with good spacing and high privacy and amenity standards. Taking account of the predominant character of the area, it is not considered acceptable to apply the minimum standards identified in Appendix A in this case,

because to do so would conflict with the wider and more important aim of ensuring development integrates with the setting into which it itself is proposed.

The proposed site subject of this application is not considered suitable for development with a dwellinghouse as it is considered too small to comfortably accommodate a dwellinghouse and associated amenity space which would be out of keeping with the established pattern of the area, contrary to current development plan policy. Furthermore, the development of this site with a dwellinghouse would have a significant adverse impact on the privacy and amenity levels afforded to the dwellinghouse currently under construction to the north.

In this case, the site applied for lies immediately alongside one of the smaller plots that already exists, as highlighted by the applicant. Whilst the applicant's position is noted, i.e. that one sets a precedent for the other, this is not accepted. Indeed, the open space that forms the application site is an important part of the undeveloped space that is perceived around Cill Bheag, and to lose it would compound the impacts of the inappropriate density of development at the site, to a point where the character of the area would be adversely affected. The creation of two houses both on unusually small plots immediately alongside one another would be incongruous with the existing character of development in this part of Dervaig.

The application proposes to utilise an existing vehicular access to serve the proposed development. The Area Roads Manager was consulted on the proposal and raised no objection subject to conditions regarding the upgrade of the access, clearance of visibility splays and provision of an appropriate parking and turning area.

The application shows water and drainage via connection to the public systems. Scottish Water was consulted on the proposed development and raised no objection to connection to the public water main but advised that there was no public sewer within the vicinity of the site. Scottish Water also advised that augmentation of the system at the developer's expense may be required.

However, as the principle of development is not supported by current policy, the consultee issues need no further attention at this stage.

The proposal is considered contrary to the provisions of Development Plan Policies STRAT DC 1, LP ENV 1, LP ENV 19, LP HOU 1 and Appendix A and it is recommended that the application be refused for the reasons appended to this report.

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**(Q) Is the proposal consistent with the Development Plan: No**

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**(R) Reasons why planning permission in principle should be refused.**

The proposal is contrary to Development Plan policy, by virtue of being too small to comfortably accommodate a house, with an inappropriate density having insufficient regard to the character of development surrounding the site, as detailed in the reasons for refusal recommended below.

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**(S) Reasoned justification for a departure to the provisions of the Development Plan**

N/A

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**(T) Need for notification to Scottish Ministers or Historic Scotland: No**

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**Author of Report: Fiona Scott Date: 30/04/12**

**Reviewing Officer: Stephen Fair Date: 20/05/12**



**Angus Gilmour  
Head of Planning**

**GROUNDINGS OF REFUSAL RELATIVE TO APPLICATION REFERENCE 12/00050/PPP**

1. In terms of the adopted Argyll and Bute Local Plan, the application site is located within the Settlement Zone of Dervaig which is subject to the effect of Policy STRAT DC 1 of the approved 'Argyll and Bute Structure Plan' 2002 and LP HOU 1 of the adopted 'Argyll and Bute Local Plan' 2009, which establish a presumption in favour of housing development within settlements, provided it is of a scale and form compatible with the surrounding area and does not result in inappropriate densities or the loss of valuable open areas.

By virtue of the small site area proposed, it is considered that the development involves an unacceptably high density of development that fails to integrate with the pattern of development in the surrounding area, which if approved, would lead to a precedent for similarly high density proposals on nearby sites. This would collectively undermine the existing predominant high standards of residential amenity enjoyed at properties in the vicinity of the application site, and in the absence of any detailed design or appropriate design statement, be at odds with the local distinctiveness of the area.

Albeit there are a couple of smaller sites near the site, these are in the minority and are currently mitigated by the existence of open space alongside them. The application proposed now would use up one such valuable piece of open space, and result in two small plots being located immediately alongside one another, which would be an obvious higher density element of development in an area that is otherwise characterised by lower density development, which would be incongruous with the context into which the development would be proposed.

The proposal is considered contrary to the provisions of Development Plan policies STRAT DC 1, LP ENV 1, LP ENV 19 and LP HOU 1, which collectively seek to resist housing development which will have an unacceptable environmental, servicing or access impact; developments that give insufficient regard to the context of their individual site settings; and show inappropriate densities or involve over-development.

**APPENDIX TO DECISION REFUSAL NOTICE**

Appendix relative to application **12/00050/PPP**

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- (A)** . Has the application been the subject of any “non-material” amendment in terms of Section 32A of the Town and Country Planning (Scotland) Act 1997 (as amended) to the initial submitted plans during its processing.

**No**

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- (B)** The reason why planning permission has been refused.

The proposal is contrary to Development Plan policy for the reasons for refusal detailed above.

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