

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

*Customer Services*  
*Executive Director: Douglas Hendry*



*Kilmory, Lochgilphead, PA31 8RT*  
*Tel: 01546 602127 Fax: 01546 604435*  
*DX 599700 LOCHGILPHEAD*  
*e.mail –douglas.hendry@argyll-bute.gov.uk*

16 April 2013

## **NOTICE OF MEETING**

A meeting of the **ARGYLL AND BUTE LOCAL REVIEW BODY** will be held in the **COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD** on **TUESDAY, 23 APRIL 2013** at **4:00 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: SITE SOUTH OF CLADACH BOTHAN, FERRY ROAD, TAYINLOAN, PA29 6XQ**
  - (a) Notice of Review and Supporting Documentation (Pages 1 - 14)
  - (b) Comments from Interested Parties (Pages 15 - 42)
  - (c) Comments from Applicant's Agent (Pages 43 - 54)

## **ARGYLL AND BUTE LOCAL REVIEW BODY**

Councillor Fred Hall  
Councillor Sandy Taylor

Councillor Donald MacMillan

Contact: Fiona McCallum Tel: 01546 604293

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Ref:  
AB1

**ARGYLL AND BUTE COUNCIL**  
[WWW.ARGYLL-BUTE.GOV.UK/\\*\\*](http://WWW.ARGYLL-BUTE.GOV.UK/**)

**OFFICIAL USE**

11 March 2013

F McCallum

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.

<b>(1) APPLICANT FOR REVIEW</b>	
Name	MARGARET CAMPBELL
Address	40 GALLOWHILL
	PEEBLES
Postcode	EH45 9BG
Tel. No.	
Email	margaretcampbell@fsmail.net

<b>(2) AGENT (if any)</b>	
Name	CROSSINGS HOUSE DESIGN
Address	THE OLD CROSSINGS
	HOUSE
	BALGOWAN, PERTH
Postcode	PH1 1QW
Tel. No.	07920 067411
Email	steve@crossingshouse.co.uk

(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

SITE SOUTH OF CLADACH BOTHAN, FERRY ROAD, TAYINLOAN, PA29 6XQ, ARGYLL AND BUTE

(6) Description of Proposal

ERECTION OF SINGLE DWELLINGHOUSE,  
FORMATION OF VEHICULAR ACCESS AND  
INSTALLATION OF SEPTIC TANK

(7)

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

PLEASE REFER TO ATTACHED LETTER AND DRAWINGS FOR FULL SUPPORTING  
STATEMENT.

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

(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	Drawing 11-051/001 rev C – Proposed Plans, Elevations and Location Plans (print at A1 size)
2	Drawing 11-051/002 – 3D Views 1 and Notes (print at A1 size)
3	Drawing 11-051/003 – 3D Views 2 (print at A1 size)
4	Letter - Supporting Statement
5	
6	
7	
8	
9	
10	

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

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Submitted by  
(Please Sign)

STEVE RUNCIMAN FOR  
CROSSINGS HOUSE  
DESIGN

Dated

11 MARCH 2013

**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 604406 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)

Crossings House Design  
The Old Crossings House  
Balgowan  
Nr Tibbermore  
Perth  
PH1 1QW  
07920 067411  
steve@crossingshouse.co.uk

Date: 11th March 2013

Your Ref:  
Our Ref: 11-051/003

**Planning and Regulatory Services**  
Committee Services (Local Review Board),  
Kilmory  
Lochgilphead  
Argyll  
PA31 8RT

Dear Sir/Madam,

**Proposed Dwelling House at Ferry Road, Tayinloan, Argyll and Bute, PA29 6XQ:  
Planning Application Ref 12/01278/PP – Notice of Review**

In support of our Notice of Review for the above planning application, we would make the following observations. This letter should be read in conjunction with drawings 11-051/PL10 & PL11.

The planning application noted above was refused as it would erode *“a substantial open and exposed area of agricultural land between existing scattered and sporadic built development, be contrary to the prevailing settlement pattern and at odds with the local distinctiveness of the area and thereby contrary to Structure Plan policies STRAT DC5 and STRAT DC8 and Local Plan policies LP ENV1, LP ENV 10, LP ENV 19, LP HOU 1, LP CST 2 and the design and siting principles contained with Local Plan Appendix A – ‘Sustainable Siting and Design Principles’”*.

The policies referred to above cover many design issues and I do not intend to refer to them all, as I believe that the principle of residential development in Tayinloan and the design of the building are not contentious. It is the buildings relationship to its neighbours and the site that is the point of concern. In simple terms, the proposed development is not considered *‘infill’* or *‘rounding off’*. This was highlighted in a pre-application letter from Peter Bain of Argyll & Bute Planning Services, 19<sup>th</sup> May 2011 and a subsequent meeting.

The Planning Department are actively discouraging residential development on plots within *‘sensitive countryside’* where it would reduce the perceived plot size of the neighbouring buildings. This stance is based on a perception that one of the key settlement patterns of the Kintyre peninsula is single houses sitting alone within substantial plots.

This fails to reflect the reality of the site, the history of the region and the wider environment.

Firstly, although the iconic image of the white-washed house sitting alone in rugged scenery is thought of as romantic and particularly Scottish, it is in fact a reminder of a time when the Scottish landscape was irrevocably changed by politics. The eradication of the organic clusters of blackhouses that populated the western and northern parts of Scotland was a direct result of the Highland clearances. The single houses that replaced them were mostly owned by middle class tenant farmers and are in fact an imported model. The traditional Scottish model is one of closely grouped clachans or communities, not isolated dwellings.

With regard to the particularities of the Tayinloan site, the notion of a single house sitting in splendid isolation within open '*sensitive countryside*' is somewhat compromised by the fact that the site lies within 100m of a car park, a café, a guesthouse, a farm and a ferry terminal. The immediate vicinity is in truth of mixed use, covering leisure, retail/commercial, agricultural and industrial uses.

It is government policy to grow the tourism industry within Scotland. The west coast of Scotland and the Kintyre peninsula in particular, will have a key part to play in this growth. The ferry terminal has just been upgraded and the visitor numbers to Gigha and beyond will surely only increase over time. The success of the café and the guesthouse adjacent to the site are proof of this.

The installation of wind farms on Gigha has increased the number of contractors and maintenance personnel passing through Tayinloan and the potential re-introduction of on-shore fish farms in the locality will hopefully increase this number further. With this in mind, the applicant has designed the house with the potential to accommodate guests in the future.

## **Visual Issues:**

The view of the Planning Department is that the construction of the dwelling would significantly alter the visual perception of the site and the surrounding area, when viewed close up and from afar. The objective of the planning policies is to ensure that views of the sea and surrounding landscape are maintained and the dwellings do not visually dominate the landscape.

The existing dwellings along Ferry Road sit in large plots, with generous distances between them. Whether they form a settlement pattern is debatable (refer 3D images). Only 'The Whins' sits in true isolation. I would argue that 'Brookfield' has a relationship with the western edge of Tayinloan, while 'Monamore' and 'Cladach Bothan' have a relationship with the car park, farm, café etc and form part of a distinct settlement of their own. The proposed dwelling would join this latter settlement.

When travelling from Tayinloan along Ferry Road, the views to the sea are largely unbroken. However, as you proceed past 'Monamore', the visual mass of the car park, the café and the farm beyond start to dominate, especially so when the car park is busy (refer 3D images). This is no longer an isolated stretch of coastland, but a populated destination point. To consider this distinct area as one of '*sensitive countryside*', is inappropriate.

Due to the alignment of 'Monamore' and 'Cladach Bothan' and their relationship to Ferry Road, the proposed house is partially screened from view both from the south and north (refer 3D images). I would argue that the proposed house does not materially affect the perception of open space between the existing dwellings. Indeed, if you were standing in front of the proposed dwelling, the distances to 'Monamore' and 'Cladach Bothan' on either side would be 36m and 18m respectively.

The planning policy LP HOU1 General Housing Development supports '*small scale housing development on infill, rounding-off...provided this does not result in undesirable forms of settlement coalescence, the extension of the established settlement boundary or ribbon development*'.

Looking at the 3D images from above you can see that the insertion of the proposed dwelling between 'Monamore' and 'Cladach Bothan' is an entirely suitable case of infill, which does not encourage ribbon development towards Tayinloan, instead reinforcing the distinctly separate settlement of the car park, farm, café etc. The fear of ribbon development is valid, but in the case of Tayinloan and its relationship to the Ferry terminal it may be inevitable if it is to prosper and grow as a successful tourism and transport hub.

The proposed site can comfortably accommodate the dwelling while allowing garden ground entirely in keeping with the other dwellings on Ferry Road, (refer 3D images). The policies as applied sterilise sites such as the one in question and may have the effect of pricing out house-builders who cannot afford either to purchase large plots where house to garden ratios are high, or deter house buyers who do not want the maintenance costs of a large plot on such an exposed site.

The argument that the residual spaces between dwellings such as these can be used for agricultural use is unsound, as issues of access, proximity to dwellings, the size of modern farm machinery and the exposed nature of the sites make them unprofitable for anyone other than a dedicated smallholder.

I have recently completed a residential project in Ardrishaig and I know how difficult it is for local building contractors to secure work. The contractor I worked with has recently been sending joiners to Aberdeen to keep them employed. This practice is obviously not sustainable and if the local construction industry does not pick up, then local tradesmen will either relocate to Glasgow or further afield, or hang up their tools. The resuscitation of the housing market in Argyll and Bute is key to their success.



The Planning Department must always put the best interests of the built environment at the top of its list of priorities when considering planning applications. However, when the ideals of the relevant planning policies are as compromised as in this case, I would suggest a more pro-development approach is appropriate.

Yours faithfully,

A handwritten signature in black ink, consisting of a stylized 'S' followed by a long horizontal line that ends in a small flourish.

Steve Runciman  
Crossings House Design

Enc

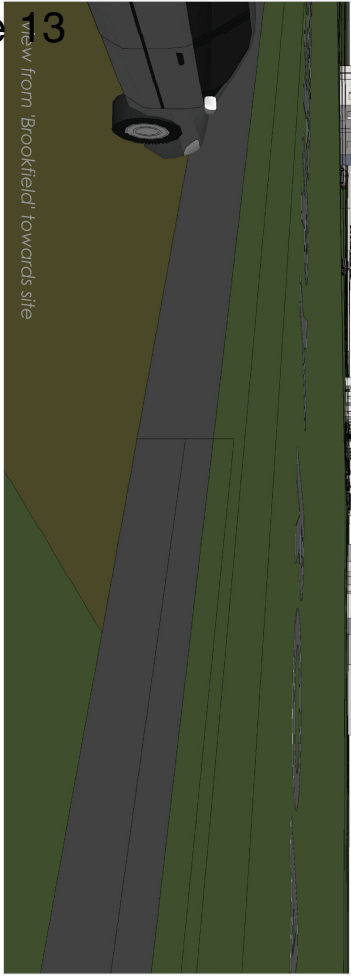
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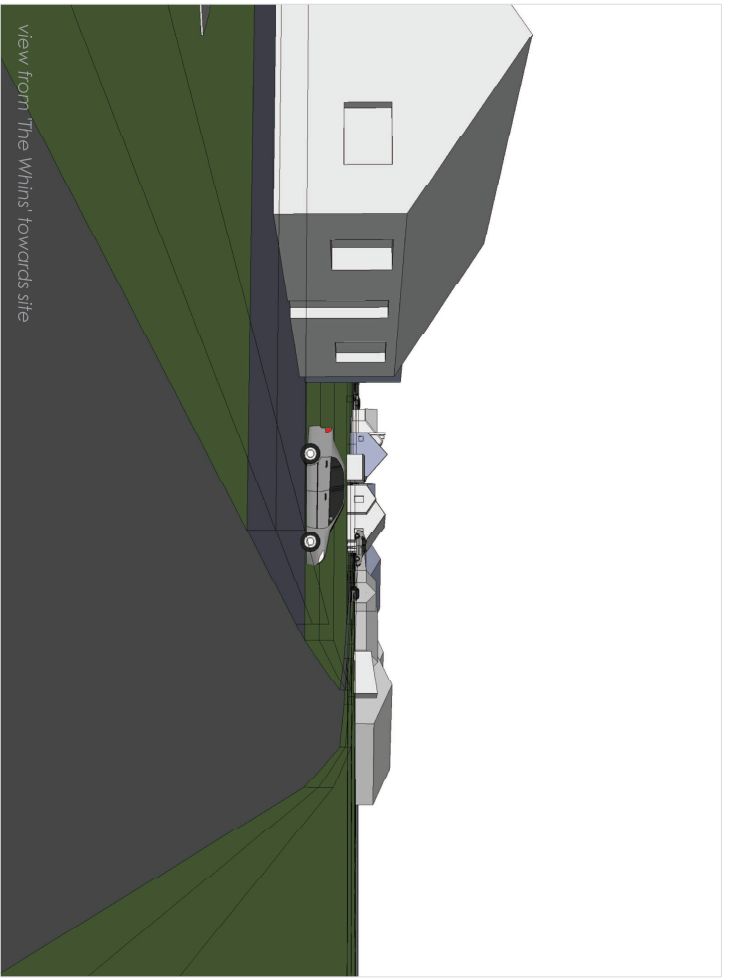
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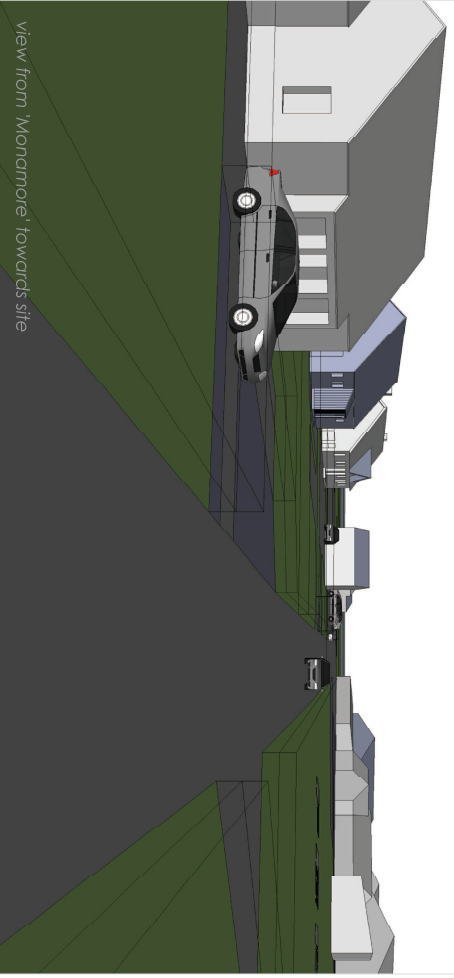
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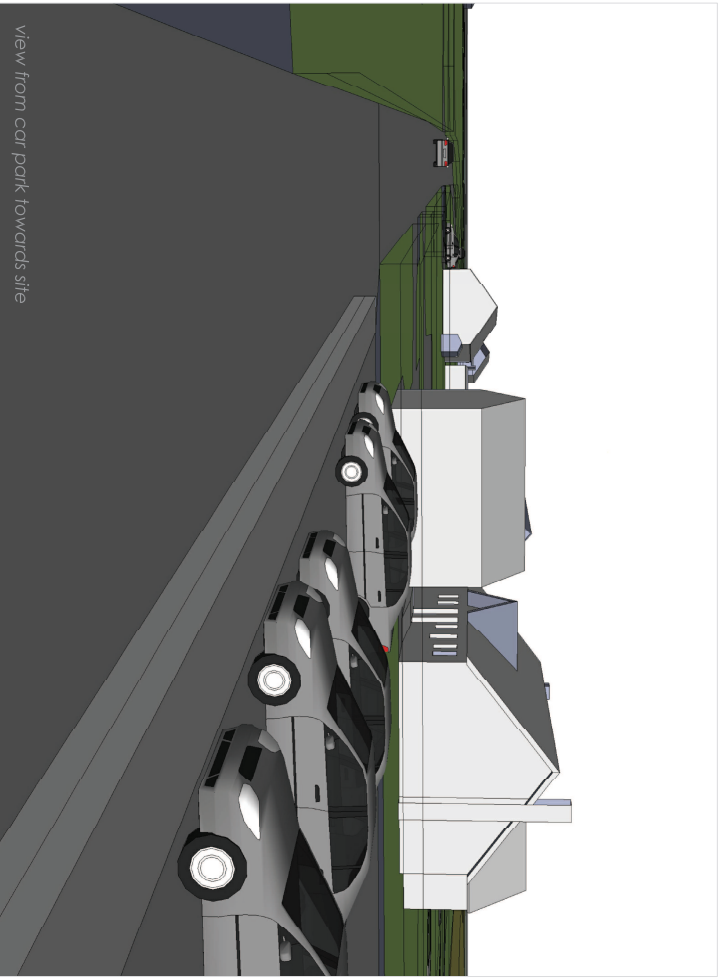
view from 'Brookfield' towards site



view from 'The Whins' towards site



view from 'Monamore' towards site



view from car park towards site

PRINT AT A1 SIZE  
I HEREBY CERTIFY THAT THIS  
IS A TRUE  
COPY OF THE ORIGINAL PLAN

DATE: 11/03/2013

SIGNATURE: [Signature]

NAME: [Name]

POSITION: [Position]

COMPANY: [Company]

PROJECT: [Project Name]

DATE: [Date]

SCALE: [Scale]

BY: [By]

FOR: [For]

NO: [No]

DATE: [Date]

SCALE: [Scale]

BY: [By]

FOR: [For]

NO: [No]

DATE: [Date]

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**STATEMENT OF CASE**

**FOR**

**ARGYLL AND BUTE COUNCIL  
LOCAL REVIEW BODY**

**REFUSAL OF PLANNING PERMISSION FOR  
THE ERECTION OF A DWELLINGHOUSE,  
FORMATION OF VEHICULAR ACCESS AND  
INSTALLATION OF SEPTIC TANK AT LAND  
SOUTH OF CLADACH BOTHAN, TAYINLOAN**

**LOCAL REVIEW BODY REF. 13/0006/LRB**

**PLANNING PERMISSION APPLICATION  
REFERENCE NUMBER 12/01278/PP**

**25<sup>th</sup> March 2013**

## **STATEMENT OF CASE**

The planning authority is Argyll and Bute Council ('the Council'). The appellant is Mrs Margaret Campbell.

The planning application, reference number 12/01278/PP, for the erection of a dwellinghouse, formation of a vehicular access and installation of a septic tank ("the appeal site") was refused under delegated powers on the 11<sup>th</sup> December 2012. The planning application has been appealed and is subject of referral to a Local Review Body.

### **DESCRIPTION OF SITE LOCATION**

The application pertains to a 0.244 hectare site forming a small field between two existing single storey dwellings located to the western side of Ferry Road, approximately 125 metres south of the ferry mustering point at Tayinloan. The property 'Cladach Bothan' which adjoins the northern side of the application site also abuts the boundary with the existing ferry car park.

The site is roughly square in shape and has a public road frontage of some 42 metres. The northern and southern side boundaries of the site are 52m and 64m in length respectively. The site was previously used as a small field for grazing and is generally level. Ferry road runs along the frontage of the site and links the A83 and Tayinloan with the ferry mustering point which serves the island of Gigha.

The application site is located within a wider area of Sensitive Countryside and within an Area of Panoramic Landscape Quality (APQ).

### **SITE HISTORY**

There is no planning history directly relating to the current application 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 or not the proposal is consistent with the Council's 'Settlement Strategy' as set out in the Development Plan, in this instance policies STRAT DC 5, and LP HOU 1.
- In the event that the proposal were to be considered consistent with the Council's 'Settlement Strategy', whether or not the proposed development and its impact upon an 'Area of Panoramic Landscape Quality' (APQ) and on an area of 'Undeveloped Coast' would give rise to a significant adverse impact upon landscape quality having due regard to the provisions of policies STRAT DC 8, LP ENV 1, LP ENV 10, LP ENV 19 and LP CST 2.
- In the event that the proposal were to be considered consistent with the Council's 'Settlement Strategy', whether or not the proposed development is capable of complying with the minimum technical standards in the Council's Road Development Guide having regard to the provisions of policy LP TRAN 4.

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. The consultation comments submitted by statutory and other consultees (Appendix 2) are attached for the purpose of clarity.

## **POLICY BACKGROUND**

The appeal relates to a 'small scale' residential development on an 'open countryside' site within the 'Sensitive Countryside' – the following policy considerations are relevant to the determination of this matter:

### *Structure Plan Policy DC 5 – Development in Sensitive Countryside*

- A) *Within Sensitive Countryside encouragement shall only be given to small scale infill, rounding-off, re-development and change of use building development or to single dwellinghouses on bareland crofts or ingle additional dwellinghouses on individual crofts subject to consistency with STRAT DC 1 C).*
- B) *In special cases, development in the open countryside and medium and large scale development may be supported if this accords with an area capacity evaluation which demonstrates that the specific development proposed will integrate sympathetically with the landscape and settlement pattern and that the development will entail or result in at least one of the following outcomes:*
  - 1. *a small scale housing development which accords with the area capacity evaluation, OR*
  - 2. *a positive development opportunity yielding significant countryside management or environmental enhancement benefit, or building retention benefit or local community benefit or economic benefit;*

OR

3. *a development with a locational need to be on or in the near vicinity of the proposed site.*
- C) *Developments which do not accord with this policy are those outwith categories A) and B) above and those with incongruous siting, scale and design characteristics or resulting in unacceptable forms of ribbon development or settlement coalescence.*
- D) *Developments are also subject to consistency with other policies of the Structure Plan and in the Local Plan.*

Local Plan 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:*

1.-3. – n/a

*In 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.*

5. n/a

(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 Structure and Local Plan ...*

Justification text for Policy LP HOU 1

*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 an 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 within this zone. This is provided that there is sufficient capacity to successfully integrate the proposed housing 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.*

*Structure Plan Policy STRAT DC 8 – Landscape and Development Control*

*A) Development which, by reason of location, siting, scale, form, design or cumulative impact, damages or undermines the key environmental features of a visually contained or wider landscape or coastscape shall be treated as 'non-sustainable' and is contrary to policy. Outwith the National Park important and vulnerable landscapes in Argyll and Bute are those associated with:*

- 1. National Scenic Areas*
- 2. Historic landscapes and their settings with close links to archaeology and built heritage and/or historic gardens and designed landscapes.*
- 3. Landward and coastal areas with semi-wilderness or isolated or panoramic quality.*

*B) Protection, conservation and enhancement to landscape will also be encouraged in association with development and land use proposals.*

*Local Plan Policy LP ENV 10 – Impact on Areas of Panoramic Quality (APQ)*

*Development in or adjacent to an Area of Panoramic Quality will be resisted where its scale, location or design will have a significant adverse impact on the character of the landscape unless it is demonstrated that:*

*(A) Any significant adverse effects on the quality for which the area has been designated are clearly outweighed by social and economic benefits of National or regional importance;*

*(B) Where acceptable, development must also conform to Appendix A of the Local Plan.*

*In all cases the highest standards, in terms of location, siting, landscaping, boundary treatment and materials, and detailing will be required within Areas of Panoramic Quality.*

Local Plan 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 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), (D) and (E) relate to scale, massing, form, design details, special needs requirements and energy efficiency.

Local Plan Policy LP CST 2 – Coastal Development on the Undeveloped Coast (Sensitive Countryside Zone)

Applications for development on the Undeveloped Coast will not generally be supported unless:

(A) The development requires a coastal location;

(B) The development is of a form, location and scale consistent with STRAT DC 5;

(C) N/A

(D) N/A

(E) N/A

(F) No part of the development will have an adverse environmental impact on existing development;

(G) The scale of the proposed development respects the landscape character and amenity of the surrounding area

(H) N/A

(I) N/A

(J) *It is in accordance with Policy LP ENV 1.*

Local Plan Policy LP TRAN 4 – New and Existing, Public Roads and Private Access Regimes

*Acceptance of development utilising new and existing public roads and private access regimes.*

(A) *n/a*

(B) *n/a*

(C) *n/a*

*(D) Where a site is served by an existing private access regime (i.e. private road or access) and this is considered to be of such a poor standard as to be unsuitable for additional vehicular traffic the Planning Authority may consider the proposal unacceptable, unless the applicant can either;*

*(i) Secure ownership of the private road or access to allow for commensurate improvements to be made to the satisfaction of the Planning Authority; OR,*

*(ii) Demonstrate that an appropriate agreement has been concluded with the existing owner to allow for commensurate improvements to be made to the satisfaction of the Planning Authority.*

**REQUIREMENT FOR ADDITIONAL INFORMATION AND A HEARING**

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 'local' development, has no complex or challenging issues and has not been the subject of significant body of conflicting representation, then it is considered that a Hearing is not required.

**COMMENT ON APPELLANT'S SUBMISSION**

Having regard to part (7) of the appellant's submission the following comments are noted for the record in respect of the specific issues raised:

In (un-numbered) Paragraph 4, the Appellant states that, *'The Planning Department are actively discouraging residential development on plots within 'sensitive countryside' where it would reduce the perceived plot size of the neighbouring buildings. This stance is based on a perception that one of the key settlement patterns in the Kintyre peninsular is single houses sitting alone within substantial plots'*.

The Development Plan seeks to resist inappropriate development within all areas of Sensitive Countryside unless one (or more) very specific exceptions apply. It has been shown that no such exception applies in this case. The site lies outwith the defined settlement of Tayinloan, within an Area of Panoramic Landscape Quality and within an area of 'Undeveloped Coast'. It is of paramount importance to protect these sensitive areas from inappropriate change.

However, it is not correct to imply that in doing so the Council is somehow 'anti-development'. There are extensive areas of 'Rural Opportunity Area' land within the near vicinity of the application site which have been assessed as potentially suitable for appropriate small scale residential development. The Council's settlement strategy policies would direct development to these less sensitive areas rather than compromising the integrity and character of the vulnerable coastal fringes.

Similarly, the general presumption against inappropriate development within the Sensitive Countryside has very little to do with the 'plot size' of neighbouring buildings. The application site is a small field which happens to be bounded at its northern and southern extremities by a single residential property, some 80 metres apart, forming part of a dispersed and sporadic scatter of development. The application site, whilst owned by one of those existing dwellings, is an open field with a distinctly agricultural character and does not form part of its residential curtilage and therefore its 'plot size'. Similar fields divide the few remaining scattered residential properties which punctuate the road leading from the Tayinloan settlement to the Tayinloan/Gigha ferry car park. The open and largely undeveloped character of this important approach to the sole Gigha ferry crossing is considered to be of local, if not regional, importance and the erosion of the existing well defined and extensive gaps between the existing scattered development would permanently and significantly alter the largely open rural character of the area to the gross detriment of its panoramic landscape character.

Whilst the Applicant, at (un-numbered) Paragraph 7 speaks of the site being, *'somewhat compromised by the fact that [it] lies within 100m of a car park, a cafe, a guesthouse, a farm and a ferry terminal'*. This fails to mention that the cafe, guesthouse and farm are, effectively, all one and the same thing; contained within the existing tight cluster of buildings which comprises Ferry Farm, a long-established working agricultural farm which has diversified slightly to offer bed and breakfast facilities within the farm house and a small ancillary tea room. The car park and the 'ferry terminal' are also one and the same thing – a small, open and largely informal vehicle waiting area for the Tayinloan/Gigha passenger ferry, together with a notice board, bus shelter and public toilet.

The Applicant's suggestion at (un-numbered) Paragraphs 8, 9 and 15 that the proposed development is either somehow for tourism development or else will be the inevitable consequence of increased tourism in the area is contested.



Whilst the Applicant suggests that the proposed private dwellinghouse has been '*designed... with the potential to accommodated guests in the future*', the same could be said of any residential development when seeking to justify it against the weight of planning policy. Even if this is the case, either in the short term or the long term, the development would still be considered materially harmful to the character and amenity of the area and contrary to the relevant provisions of the Development Plan.

Whilst it is correct that the ferry mustering point has recently been upgraded, it is not considered that this or any other foreseeable development is likely to materially increase the tourism and/or business activity at this small crossing point between the mainland and the small island of Gigha. It is certainly misleading to describe the ferry car park and slipway as, or having the reasonable potential to become, a '*transport hub*'.

## **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.

The proposal is for a 'small scale' housing development in an 'open countryside' location within 'sensitive countryside', the importance of which is acknowledged by its inclusion within an Area of Panoramic Landscape Quality and forming part of an 'Undeveloped Coast', wherein the provisions of STRAT DC 5 and STRAT DC 8 of the Argyll and Bute Structure Plan 2002 and LP HOU 1, LP ENV 10 and LP CST 2 of the adopted Argyll and Bute Local Plan 2009 set out a presumption against development except in specific circumstances relating to the management of land and subject of Area Capacity Evaluation. In this instance the appellant has not presented any overriding claim of locational/operational justification in support of the proposal.

Taking account of the above, it is respectfully requested that the appeal be dismissed.

**Appendix 1 – Report of Handling**

**Argyll and Bute Council  
Development & Infrastructure Services**

**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:** 12/01278/PP  
**Planning Hierarchy:** Local  
**Applicant:** Mrs Margaret Campbell  
**Proposal:** Erection of dwellinghouse, formation of vehicular access and installation of septic tank  
**Site Address:** Land South of Claddach Bothan, Tayinloan

---

**DECISION ROUTE**

Sect 43 (A) of the Town and Country Planning (Scotland) Act 1997

---

**(A) THE APPLICATION**

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

- Erection of detached dwellinghouse
- Installation of single septic tank
- Formation of a new access onto a classified road

**(ii) Other specified operations**

- Connection to public water supply.
- 

**(B) RECOMMENDATION:**

That permission be Refused for the reasons contained in this report.

---

**(C) CONSULTATIONS:**

Scottish Water	30.07.2012	No objection.
Area Roads Mid Argyll Kintyre And Islay	15.08.2012	No objection subject to conditions.
Core Paths		No Reply received
Health And Safety Executive	26.07.2012	No objection.

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**(D) HISTORY:**

None.

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**(E) PUBLICITY:**

ADVERT TYPE:

Regulation 20 Advert Local Application

EXPIRY DATE: 24.08.2012

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**(F) REPRESENTATIONS:**

**(i) Representations received from:**

- Katie Pendreigh, The Whins, Ferry Road, Tayinloan
- Dr. Dave Barry, Claddach Bothan, Ferry Road, Tayinloan
- David Rankin, Monamore, Ferry Road, Tayinloan

**(ii) Summary of issues raised:**

- Ferry Road is designated as sensitive countryside and is separated from the sea by an Area of Panoramic Quality. Many visitors enjoy the exceptional panorama almost unrestricted.
- When I bought Monamore in 2005, Claddach Bothan had not yet been built. The only other building to the west of the stretch of Ferry Road running parallel to the coastline was The Whins, some distance to the south. This low density of housing in this fine location was, for me, a great asset. I would not want Monamore to become one of a row of buildings. Another new house between Ferry Road and the sea, especially in this prominent location approaching the ferry terminal, would be unfortunate. Over the years, visitors, tourists and ferry passengers have enjoyed sea views over to Gigha, Islay and Jura as they drive past the proposed development site shortly before arriving at the ferry car park. Villagers and Ferry Road residents also make regular use of the single track road, often on foot. It's an exceptionally beautiful spot and because of this the pressure for new development is unlikely to go away. The proposed new house represents ribbon development and could set a precedent for future ribbon development along Ferry Road which would be totally inappropriate.
- The proposal conflicts with the Local Plan – Policy LP CST2 – No part of the development will have an adverse environmental impact on existing development. Policy LP ENV 10 – Areas of Panoramic Quality...are important.. for the environmental assets that they represent. These qualities could easily be destroyed or damaged by even a relatively small, insensitive development. They therefore must be protected. The proposal would have serious impact, by creating a continuous line of 3 house plots and a carpark comprising approximately 168 metres; approximately 40% of the stretch of Ferry Road facing the Area of Panoramic Quality. Policy LP HOU 1 – There is a general presumption against housing development when it involves small scale housing development in the sensitive countryside, with certain exceptions such as 'infill',

'rounding off', 'redevelopment', or if it can be demonstrated that a specific location is required for operational reasons. None of these exceptions appear to apply in this case.

- Sustainable development maintains the balance between the built and the natural environment. Here it's the natural environment which defines the exceptional quality of the place, yet it's the natural environment which is more fragile and under threat. The existing pattern of low density scattered housing needs to be protected. It is my understanding that existing planning policy supports this view.
- At present, in order to maintain reasonable water pressure for the houses north of the village, a tanker full of water has to be delivered into the system daily at Tayinloan. The proposed development would put further pressure on the system.
- The area provides a much sought after over-wintering habitat for a large population of the world's rare and protected Greenland White-fronted Geese. Ornithologists monitor their number and examine them for neck and leg wings, utilising their car as a hide while making use of the quiet road to avoid disturbance. This site is unique in providing such ideal viewing opportunities for bird watchers, eco-tourists and wildlife photographers who visit specifically to enjoy the good views of the geese without frightening them.

**(G) SUPPORTING INFORMATION**

**Has the application been the subject of:**

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

**(H) PLANNING OBLIGATIONS**

**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 DC 5 – Development in Sensitive Countryside  
STRAT DC 8 – Landscape and Development Control

'Argyll and Bute Local Plan' 2009

LP ENV 1 – Impact on the General Environment  
LP ENV 10 – Impact on Areas of Panoramic Quality (APQs)  
LP ENV 19 – Development Setting, Layout and Design  
LP CST 2 – Coastal Development on the Undeveloped Coast  
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

- (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.**

- N/A

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(K) **Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment:** No

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(L) **Has the application been the subject of statutory pre-application consultation (PAC):**  
No

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(M) **Has a sustainability check list been submitted:** No

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(N) **Does the Council have an interest in the site:** No

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(O) **Requirement for a hearing (PAN41 or other):** No

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(P) **Assessment and summary of determining issues and material considerations**

This application for planning permission relates to a 0.244 hectare site forming a small field between two existing single storey dwellings located to the western side of Ferry Road, approximately 125 metres south of the ferry terminal at Tayinloan. The property 'Cladach Bothan' which adjoins the northern side of the application site also abuts the boundary with the existing ferry terminal car park.

The site is roughly square in shape and has a public road frontage of some 42 metres. The northern and southern side boundaries of the site are 52m and 64m in length respectively. The site was previously used as a small field for grazing and is generally level. Ferry road runs along the frontage of the site and links the A83 and Tayinloan with the ferry terminal which serves the island of Gigha.

The application site is located within a wider area of Sensitive Countryside and within an Area of Panoramic Landscape Quality (APQ).

It is proposed to erect a single storey detached dwellinghouse centrally within the forward part of this field, roughly mid point between the existing dwellings Claddach Bothan to the north and Monamore to the south. At present, these two existing dwellings are set within large residential gardens and are approximately 80 metres apart, separated by the existing field which comprises the current application site. A broadly similar separation distance exists between Monamore and the next dwelling to the south, The Whins; again with intervening agricultural land.

It is proposed to serve the new dwelling by forming a new field access. Water supply would be by connection to an existing public water main and foul sewage would be disposed of to a single septic tank and soakaway.

Settlement strategy policy STRAT DC 5 offers a general presumption against new residential development with the exception of appropriate small scale development of an infill or rounding-off site or a change of use or redevelopment of an existing building; or as crofting development or in special cases where an appropriate operational or locational need can be demonstrated. This settlement strategy stance is echoed by Local Plan policy LP HOU 1.

The applicant's agent is seeking to justify the development on the grounds that it is an 'infill' plot between the existing properties Cladach Bothan and Monamore and has stated that the width of the plot, at 42 metres, is of a similar dimension to the plot widths of the two existing dwellings on either side. Whilst this is true, the actual gap between the existing dwellings is approximately 80 metres. This wide spacing of the small scatter of dispersed dwellings that characterise the settlement pattern within this part of Ferry Road is what gives the area its form and character. It is not considered that the proposed development would be adequately contained by existing built development and would erode part of the spacing between existing dwellings, contrary to the character and amenity of the area.

It is not considered that this exposed and prominent site would be in accordance with the prevailing settlement pattern of sparse roadside development or be sympathetic to the character and appearance of the wider landscape, the importance of which is acknowledged by its inclusion within an Area of Panoramic Landscape Quality.

Local Plan policy LP ENV 1 states that the Council will resist development that is not of a form, location and scale consistent with Structure Plan policies [including] STRAT DC 5 and that 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. Similarly, Local Plan policy LP ENV 19 states that 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 the Local Plan, the Council's 'sustainable design guide' and with a set of criteria including, (A) Development shall be sited and positioned so as to pay regard to the context within which it is located and, (C) The design of developments and structures shall be compatible with the surroundings.

In addition to the above, Policies STRAT DC 8 and LP ENV 10 would prohibit development



**REFUSAL REASONS RELATIVE TO APPLICATION REF. NO. 12/01278/PP**

1. It is considered that the proposed development would, by virtue of its erosion of a substantial open and exposed area of agricultural land between existing scattered and sporadic built development be contrary to the prevailing settlement pattern and at odds with the local distinctiveness of the area and therefore contrary to Structure Plan policies STRAT DC 5 and STRAT DC 8, and to Local Plan policies LP ENV 1, LP ENV 10, LP ENV 19, LP HOU 1, LP CST 2 and the design and siting principles contained with Local Plan Appendix A – ‘Sustainable Siting and Design Principles’.



**APPENDIX TO DECISION REFUSAL NOTICE**

Appendix relative to application **12/01278/PP**

(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**

(B) The reason why planning permission has been refused:

**It is considered that the proposed development would, by virtue of its erosion of a substantial open and exposed area of agricultural land between existing scattered and sporadic built development be contrary to the prevailing settlement pattern and at odds with the local distinctiveness of the area and therefore contrary to Structure Plan policies STRAT DC 5 and STRAT DC 8, and to Local Plan policies LP ENV 1, LP ENV 10, LP ENV 19, LP HOU 1, LP CST 2 and the design and siting principles contained with Local Plan Appendix A – ‘Sustainable Siting and Design Principles’.**

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18<sup>th</sup> March 2013

Monamore  
Ferry Road  
Tayinloan  
Tarbert  
Argyll  
PA29 6XQ

Head of Governance and Law  
Argyll and Bute Council  
Kilmory  
Lochgilphead  
PA31 8RT

Dear Sir

**Local Review Body Reference 13/0006/LRB**  
**Planning Application Reference 12/01278/PP**  
**Site south of Cladach Bothan, Ferry Road, Tayinloan, PA29 6XQ**

As owner/occupier of Monamore immediately to the south of the proposed development site, I would like to comment on the applicant's notice of review. In response to the original application I wrote a letter of objection dated 17<sup>th</sup> August 2012. The application was refused on 11<sup>th</sup> December 2012. My concerns today remain as described in the letter of 17<sup>th</sup> August.

The form of intimation to interested parties of receipt of notice of review includes:  
*(6) Any representation submitted previously for the above application will be considered by the Local Review Body when determining the review.*

From this, it is my understanding that all representations from concerned neighbours submitted in response to the original application will be considered again by the Local Review Body.

The applicant's agent who has written the letter supporting the notice of review is Mr S Runciman of Crossings House Design. At the start of his letter, Mr Runciman says:  
*This letter should be read in conjunction with drawings 11-051/PL10 & PL11.*  
This suggests two drawings. Included with the letter are three drawings, all with Job No 11-051.... but these are titled Dwg No 003, Dwg No 002, and Dwg No 001. The text on Dwg No 001 finishes with:

*This drawing is to be read in conjunction with the supporting statement by Andrew McCafferty Associates.*

Andrew McCafferty Associates were the agents who wrote the applicant's supporting statement for the original application, not the notice of review.

This is confusing. It's not clear which plans refer to the notice of review, and which plans refer to the original application. I'm unsure about how much the Local Review Body will look to the applicant's original application and supporting statement, or whether the focus will now be on the applicant's more recent notice of review and supporting statement by Crossings House Design.

With regard to Mr Runciman's letter supporting the notice of review, I would comment as follows:

The fourth paragraph says:

*The Planning Department are actively discouraging residential development on plots within 'sensitive countryside' where it would reduce the perceived plot size of the neighbouring buildings.*

I live in a neighbouring building. I find it hard to understand how the perceived plot size of my house would increase or decrease depending on the presence or absence of a new house to the north, let alone how planners could use this perceived plot size as a planning criterion related to sensitive countryside.

The letter goes on to describe the inappropriateness of building isolated houses. The writer advocates the idea of *organic clusters of blackhouses* and seems to be recommending a return to the days before the Highland clearances. This is a strange reason to put forward in support of a new house on this site. In the six years since I came to live here, I've been impressed by the sense of community which exists amongst all Ferry Road residents. I don't agree that buildings closer to the ferry terminal make up a separate settlement with a separate identity. Nor would I describe any of the buildings along Ferry Road as remote or isolated. We have a functioning, rural, 21<sup>st</sup> century community which reflects the existing scattered distribution of all the buildings along Ferry Road. It is this balance of the natural and built environments which needs to be protected.

A few years ago the applicant built Cladach Bothan (immediately to the north of the proposed site) as a guest house designed to cater for visiting holidaymakers and business people. It was subsequently sold and has now been reconfigured into a more conventional residence. There's a sense of history repeating itself with this new application. The text on drawing number 001, submitted along with Mr Runciman's letter, includes the sentence:

*There is a lack of quality self catering accommodation in this area and this proposal seeks to create short and long term lets for both holiday and business use.*

The provision of another new guesthouse type facility is being presented as an argument for supporting the application because it would enhance tourism and provide accommodation for workers such as those maintaining the Gigha wind turbines. Given what transpired previously with Cladach Bothan, this argument cannot be taken seriously.

In the fourth paragraph, under 'Visual Issues' Mr Runciman says:

*I would argue that the proposed house does not materially affect the perception of open space between the existing dwellings.*

This doesn't make sense. A new house must take up a certain amount of space.

Two paragraphs on, the letter talks about the proposed new dwelling not encouraging ribbon development along Ferry Road towards Tayinloan. I've always imagined ribbon development to be a row of buildings. A new house in the proposed location would of course set a precedent for future ribbon development.

The letter goes on:

*The fear of ribbon development is valid, but in the case of Tayinloan and it's relationship to the ferry terminal it may be inevitable if it is to prosper and grow as a successful tourism and transport hub.*

Here Mr Runciman appears to have changed his mind. He acknowledges that the proposed new house could indeed lead to ribbon development along Ferry Road, and suggests that this

future should be embraced as part of the area's economic development. This is a one-sided view. Planning policy recognises tensions which can arise when diverging interests such as commerce, conservation or other local agendas co-incide. There are reasons why this site has been designated as within an Area of Panoramic Quality, and is Sensitive Countryside. While I've lived here it's my understanding that the Council's position has consistently been to resist ribbon development along Ferry Road.

I don't agree that the proposed house should be built in order to provide employment for local builders. Nor do I agree that the site should be built on because at present it's commercial profitability is limited. (It's relatively low earning potential would have been reflected in the original purchase price.) The argument that house builders can't afford large plots, or may not want high maintenance costs, has little relevance to this application.

In the final paragraph of the letter, Mr Runciman says:

*The Planning Department must always put the best interests of the built environment at the top of its list of priorities when considering planning applications.*

This may be correct, but I'd be surprised if the Planning Department considered that the built environment should take priority over everything else. People, and the natural environment are just as important as buildings. Maintaining the delicate balance between the built and the natural environments needs to be weighed against ongoing local economic viability and the needs of sustainable development. Local public opinion also needs to be considered. The planning authority is obligated to weigh up all of these sometimes conflicting interests, and planning policy is there to inform this challenging task. The planning policy references put forward by the Council in December 2012 supporting refusal of this application are still pertinent today.

My own perspective is not that of a planner. I'm a concerned neighbour. It remains my view that the potential commercial benefit to the applicant should not over-rule the reasons put forward by the Council when the original application was refused in December 2012.

Yours faithfully

David Rankin

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Local Review Body Reference 130006LRB - received 19 March 2013

From:  
Sent: 18 March 2013 23:14  
To: localreviewprocess  
Subject: Local Review Body Reference: 13/0006/LRB

The whins,  
Ferry Road,  
Tayinloan,  
Argyll PA29 6XQ

Dear Mr. Reppke,

Local Review Body Reference: 13/0006/LRB  
Planning application Reference: 12/012768/PP  
Site South of Cladach Bothan, Ferry Road, Tayinloan PA29 6XQ

Further to your letter of 12th March 2013, I write to highlight the points made in my original objection and would add that larger numbers of the rare Greenland white Fronted Geese have been feeding in the fields near by this year. Living opposite the mainfield they use, I am frequently aware of ornithologists from DEFRA, RSPB and SNH carrying out counts of the birds studying them, and noting any ring numbers visible, also many bird watchers from throughout Britain and abroad visit the area especially in order to view the spectacle of the geese flying in at dawn as well as observing them throughout the day. Surely the Council should be encouraging eco tourism rather than risking the destruction of a rare and unique spectacle. Building another house on this road would inevitably add to the pressure of increasing disturbance to these birds even after building work is complete also it would form the start of a row of houses which would be tempting to add to in the future.

Yours faithfully,  
Katie Pendreigh

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From: Dave Barry  
Phone 07946 487139

Cladach Bothan  
Ferry Road  
Tayinloan  
PA29 6XQ

25<sup>th</sup> March 2013

Head of Governance and Law  
Argyll and Bute Council  
Kilmory  
Lochgilphead  
PA31 8RT

Dear Sir/Madam

**LOCAL REVIEW BODY REFERENCE: 13/0006/LRB**  
**PLANNING APPLICATION REFERENCE: 12/01278/PP**  
**SITE SOUTH OF CLADACH BOTHAN, FERRY ROAD, TAYINLOAN, PA29 6XQ**

I wish to raise objections to the above Notice of Review. While appreciating that previous objections will be taken into account and the present letter should present new material, a small part of what I wish to say is related to previous points. The reason is that, when I objected previously, I did so via the Council website, which resulted in loss of some of my text characters and consequently to some lack of clarity.

But first, the opening paragraph of the Notice of Review letter from Crossings House Design (11<sup>th</sup> March 2013) mentions that the letter should be read in conjunction with “drawings 11-051/PL10 & PL11”, but I see only 11-051/001 rev C, 11-051/002 and 11-051/003. Does this discrepancy mean we are not seeing all the material?

The case presented by Crossings House centres on “the buildings relationship to its neighbours and the site”. It contends that rejection of the original application based on contravention of various planning policies protecting sensitive countryside fails to reflect “the reality of the site, the history of the region and the wider environment”. The arguments presented are spurious, as I discuss in the following:

1. Paragraph 6 presents a factually unsupported and irrelevant historical case against planning policies regarding house style.

2. In the *Visual Issues* section of the letter, it is argued that erecting the proposed building between Monamore and Cladach Bothan would merely represent infill in what is already a settlement of buildings, extending from Monamore to Ferry Farm. Much reference is made to appended 3D images, prepared by Crossings Design. Those images are carefully contrived, with visual cues inserted that artificially create visual connectivity amongst the existing buildings. I have taken the liberty of removing these cues in the images appended to this letter, which show the site as it is at present. It is clear from these amended images that the present layout is of scattered buildings and of ample visual access to the panorama of the sea and islands to the west. Clearly, the proposed

building would result in an undesirable form of settlement coalescence, which contravenes the LP HOU1 General Housing Development policy.

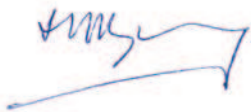
3. Ribbon development is discussed, in what appears to be a self-contradictory paragraph. It is clear that erection of the proposed building would have substantial detrimental impact on the environment. This detraction can be seen from the amended 3D drawings appended to this letter. Thus, erection of the proposed building would create ribbon development, from the southern end of Monamore to the northern end of the car park, which would close off 40% of the section of Ferry Road that, running parallel to the seafront, at present presents a famous panorama.

4. The original permission granted for erection of Cladach Bothan makes several references to that project complying with planning policies regarding: not being infill, rounding off or redevelopment; lack of significant adverse environmental impact (due to proximity to the car park); and reflection of scattered housing pattern. The Crossings House letter tries to exploit the presence of Cladach Bothan by claiming exactly the opposite of the premises of those decisions. It would be illogical to grant the Notice of Review.

5. Some mention is made of the tourist industry, and the designing of the proposed building as a guesthouse. With respect, it is worth recording that Cladach Bothan was built for that purpose by the applicant (Mrs Campbell) but was sold and has become residential.

In summary, I object to the proposal, for the detrimental effect it would have on the environment in sensitive countryside and for its contravention of planning policies on several fronts.

Yours sincerely,





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Crossings House Design  
The Old Crossings House  
Balgowan  
Nr Tibbermore  
Perth  
PH1 1QW  
07920 067411  
steve@crossingshouse.co.uk

**EMAIL**

Date: 10th April 2013

Your Ref:  
Our Ref: 11-051/003

For the attention of Fiona McCallum  
**Planning and Regulatory Services**  
Committee Services (Local Review Board),  
Kilmory  
Lochgilphead  
Argyll  
PA31 8RT

Dear Fiona,

**Proposed Dwelling House at Ferry Road, Tayinloan, Argyll and Bute, PA29 6XQ:  
Planning Application Ref 12/01278/PP – Notice of Review**

In response to the representations received under cover of your letter of 27 March 2013, I would make the following comments.

1. The representation from Mr David Rankin referred to the drawing numbers. I can confirm that the relevant drawings are:

11-051/001 revision C – Proposed Plan, Elevations and Location Plan

11-051/002 revision A – 3D Views 1 and Notes

11-051/001 - 3D Views 2

The reference to the original planning submission drawings (11-051/PL10 and PL11) has been amended on drawing 11-051/002 revision A. A PDF copy of this drawing is attached to the email.

Reference is also made to the supporting statement from Andrew McCafferty Associates that accompanied the original planning application. A PDF of this is also attached to the email for reference.

2. The representation from Argyll and Bute Council makes the following comments:

In paragraph 3 of Comment on Appellant's Submission it is stated that *"the site lies outwith the defined settlement of Tayinloan, within an Area of Panoramic Landscape Quality and within an area of 'Undeveloped Coast'. It is of paramount importance to protect these sensitive areas from inappropriate change."*

I would strongly contest the comment that the site lies within an area of *undeveloped coast*, being within 100m of a car park, a café, a guesthouse, a farm and a ferry terminal. The immediate vicinity is in truth of mixed use, covering residential, leisure, retail/commercial, agricultural and industrial uses.

I look forward to your response in due course.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Steve Runciman', followed by a long horizontal line extending to the right.

Steve Runciman  
Crossings House Design

Enc

Cc Mrs Margaret Campbell

**Town and Country Planning (Scotland) Act 1997**

**Application for planning permission in principle for one dwelling  
On land between “Cladach Bothan” and “Monamore”  
Ferry Road, Tayinloan**

**Supporting Statement**

,

**April 2012**



**Andrew McCafferty Associates**  
PLANNING AND DEVELOPMENT CONSULTANTS

## Introduction

This Planning Statement is to be read in conjunction with an application for planning permission in principle for one dwelling on land between “Cladach Bothan” and “Monamore” on Ferry Road, Tayinloan.

The statement addresses the relevant national planning policy guidance and development plan policy applying to this proposal. This analysis is followed by an appraisal of the physical characteristics of the site and its context. The appraisal argues that planning permission in principle should be granted for one dwelling on the site and puts forward a schedule of conditions that could be attached to an approval decision notice.

**Appendix 1** contains a letter dated 19<sup>th</sup> May 2011 from the Council in response to a pre-application enquiry from the owner about the application site and the owner’s (now applicant) proposals dated 9<sup>th</sup> July 2011.

The site is 0.244ha (0.603 acres) in area and lies between two single storey dwellings on the western side of Ferry Road, approximately 125m south of the ferry terminal at Tayinloan. The property “Cladach Bothan” adjoining the northern side of the application site adjoins the car park of the ferry terminal.

The site is roughly square in shape and has a frontage onto Ferry Road of 42m. The northern and southern boundaries of the site are 52m and 64m in length respectively. The site is currently unused and is likely to have been rough grazing in the past. The site is generally level. Ferry Road runs along the frontage of the site and links the A83 and Tayinloan with the Ferry Terminal which serves Gigha.



## Proposals

The proposed development is a single dwelling with access off Ferry Road. The enclosed drawing shows how the dwelling would be sited on the plot.

The applicant, who also owns the site, wishes to build the dwelling and use it as self catering accommodation.

**Scottish Planning Policy (February 2010)**

Paragraph 94 of the SPP encourages development plans to:

“...support more opportunities for small scale housing development in all rural areas, including new clusters and groups, extensions to existing clusters and groups, replacement housing, plots on which to build individually designed houses, holiday homes and new build or conversion housing which is linked to rural businesses or would support the formation of new businesses by providing funding”.

Paragraph 95 states that small scale housing should be supported in less populated areas:

“Small scale housing whilst respecting and protecting the natural and cultural heritage should be supported in a range of locations”.

**The development plan covering the site**

- 1) Argyll and Bute Structure Plan approved November 2002

Policy STRAT HO 1 – HOUSING – DEVELOPMENT CONTROL POLICY sets a strategic development control framework for determining housing proposals. In the countryside, proposals are encouraged which are consistent with STRAT DC1-10. Paragraph 4.10 refers to “Sensitive Countryside” and states:

“The only locations within the Sensitive Countryside with a general capacity to successfully absorb development are where there are opportunities for sympathetic small scale infill, rounding-off, redevelopment or change of use of building development.”

Policy STRAT DC5 – DEVELOPMENT IN SENSITIVE COUNTRYSIDE is relevant to this proposal.

Part A of the policy states:

“Within Sensitive Countryside encouragement shall only be given to small scale\* infill, rounding off; redevelopment and change of use of building development or to single dwellinghouses on bareland crofts consistency with STRAT AC 1 C.”

“Small scale” in relation to housing corresponds to development not exceeding 5 dwelling units.

Policy STRAT AC 1 C is not relevant to this proposal.

## **2) Argyll and Bute Local Plan 2009**

Policy LP HOU 1 – General Housing Development and the associated justification for this policy set out on pages 53 and 54 are relevant to this proposal.

The application site lies within a “Sensitive Countryside” development control zone. Part (C) of Policy LP HOU 1 states the following in relation to housing development within a “Sensitive Countryside” zone:

“ (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.”

The justification states the following in relation to housing proposals in the 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.”

### **Summary of policy context**

Both the approved Structure Plan and adopted Local Plan allow for small scale infill housing development within the “Sensitive Countryside” development control zone. This proposal, being for one house, is small scale and the test of acceptability within the “Justification” for Policy LP HOU 1 (C) is that the site should be “...in close proximity to existing buildings”.

### **Planning appraisal**

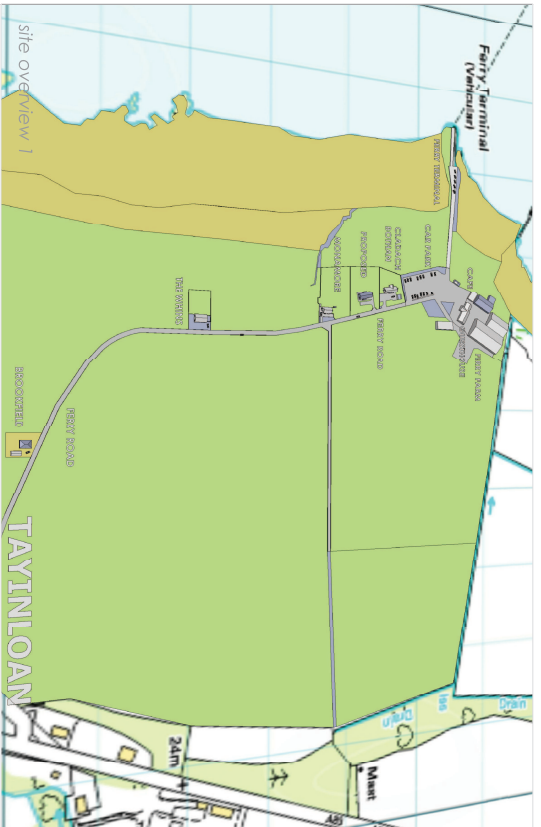
The application site forms a gap between two existing dwellings; “Cladach Bothan” and “Monamore” on the west side of Ferry Road, south of Tayinloan. This location is designated as “Sensitive Countryside” in the development plan where small-scale housing development i.e. less than 5 houses, will be favourably considered provided that if the site is an infill one, the site is in close proximity to existing buildings.

The width of the plot on to Ferry Road, at 42m, is of a similar dimension to the plot widths of “Cladach Bothan” and “Monamore”. The plot is of sufficient size to accommodate a dwelling of comparable size and footprint to its existing neighbours on each side. The block plan submitted with the application demonstrates that a dwelling *could* be sited on the plot so as to leave sufficient garden ground on either side to reflect the character and density of the adjoining dwellings. The applicant wishes to construct a single storey dwelling similar in appearance and layout to the existing dwellings on the west side of Ferry Road.

We do not agree with the assertion in the letter from Mr Bain of 19<sup>th</sup> May 2011 that a dwelling would be unacceptable because the gap between the two existing properties is “substantial”.

The width of the application site is comparable to that of its neighbours and in our submission is therefore acceptable as an infill plot within the terms of Policy LP HOU 1 (C) and accompanying Justification in the adopted Local Plan.

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Site Overview 1

In support of our Notice of Review for the above planning application, we would make the following observations. This letter should be read in conjunction with drawings 11-051/001, 002 & 003.

The planning application noted above was refused as it would erode "a substantial open and exposed area of agricultural land between existing scattered and sporadic built development, be contrary to the prevailing settlement pattern and at odds with the local distinctiveness of the area and thereby contrary to Structure and Local Plan Policies S17A1 DCS and S18A1 DCS and Local Plan Policies LP ENV1, LP ENV10, LP ENV19, LP HOU 1, LP CST 2 and the design and siting principles outlined with Local Plan Appendix A - Sustainable Siting and Design Principles".

The applicant has sought to address the concerns of the planning authorities by proposing a more integrated design approach. The proposed dwelling house is a single storey, single house sitting in a sensitive countryside where it would reduce the perceived plot size of neighbouring buildings. This scheme is based on a perception that one of the key settlement patterns of the Kintyre peninsula is single houses sitting alone within the rural landscape.

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With regard to the particularities of the Tayinloan site, the notion of a single house sitting in 'sensitive countryside' is somewhat compromised by the fact that the site lies within 100m of a car park, a cafe, a guesthouse, a farm and a ferry terminal. The immediate vicinity is in fact a mixed use area covering leisure, retail/commercial, agricultural and industrial uses.

It is government policy to grow the tourism industry within Scotland. The west coast of Scotland and the Kintyre peninsula in particular, will have a key part to play in this growth. The ferry terminal has just been upgraded and the visitor numbers to Gigha and beyond will surely only increase over time. The success of the cafe and the guesthouse adjacent to the site are proof of this.

The installation of wind farms on Gigha has increased the number of contractors and maintenance personnel passing through Tayinloan and the potential for increased traffic is a concern. The installation of on-site fish farms in the locality will hopefully increase this number further. With this in mind, the applicant has designed the house with the potential to accommodate guests in the future.

### Visual Issues

The view of the Planning Department is that the construction of the dwelling would significantly alter the visual perception of the site and the surrounding area, when viewed close up and from afar. The objective of the planning policies is to ensure that views of the sea and surrounding landscape are maintained and the dwellings do not visually dominate the landscape.

The existing dwellings along Ferry Road sit in large plots, with generous distances between them. Whether they form a settlement pattern is debatable (refer 3D images). Only 'The Whites' sits in the isolation, I would argue that 'Brookfield' has a relationship with the western edge of Tayinloan, while 'Monamore' and 'Chadach Bothan' have a relationship with the car park, farm, cafe etc and form part of a distinct settlement of their own. The proposed dwelling joins this latter settlement.

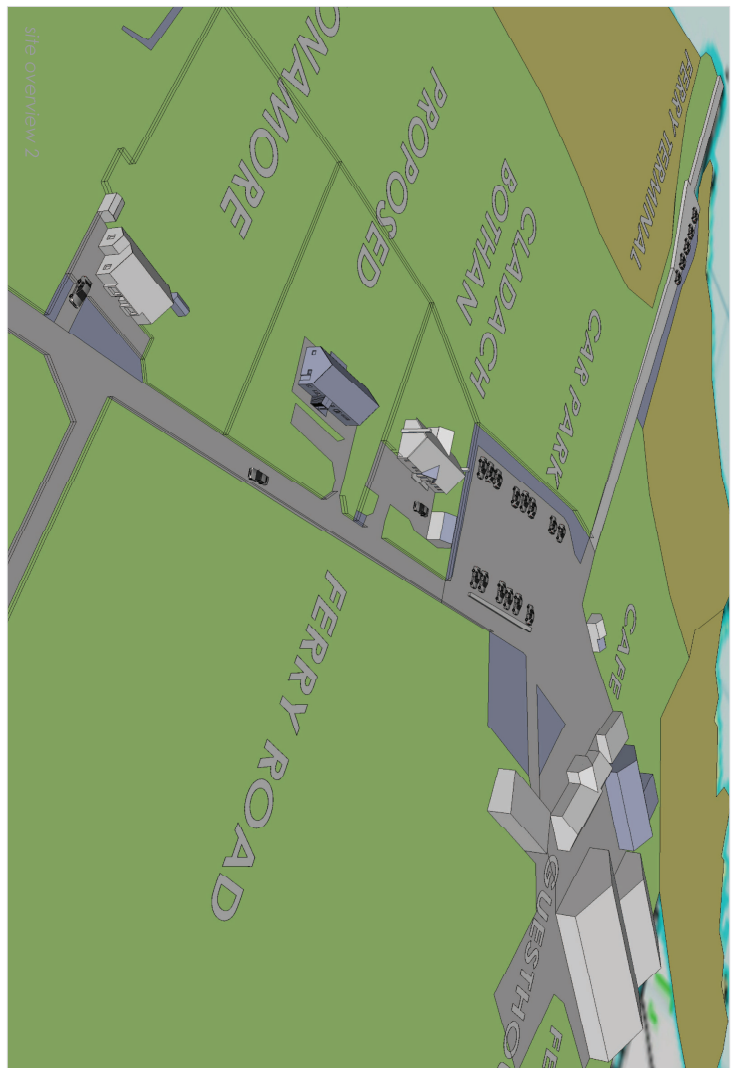
When travelling from Tayinloan along Ferry Road, the views to the sea are largely unbroken, however, as you proceed past 'Monamore', the visual mass of the car park and the buildings of 'The Whites' are visible. This is not an isolated instance of Scotland, due to the alignment of Monamore and Chadach Bothan and their relationship to Ferry Road, the proposed house is partially screened from view both from the south and north (refer 3D images). I would argue that the proposed house does not materially affect the perception of open space between the existing dwellings. Indeed, if you were standing in front of the proposed dwelling, the distances to Monamore and Chadach Bothan on either side would be 36m and 18m respectively.

The Planning Policy LP HOU1 General Housing Development supports 'small scale housing development on hill, rounding-off, provided this does not result in undesirable forms of settlement coalescence, the extension of the established settlement boundary or ribbon development'. Looking at the 3D images from above you can see that the location of the proposed dwelling between Monamore and Chadach Bothan is an entirely suitable case of hill, which does not encourage ribbon development towards Tayinloan, instead reinforcing the distinctly separate settlement of the car park, farm, cafe etc. The location of the proposed dwelling is suitable, but in the case of Tayinloan and its relationship to the Ferry terminal (ferry) it is to prosper and grow as a settlement of its own.

The proposed site can comfortably accommodate the dwelling while allowing garden ground, entirely in keeping with the other dwellings on Ferry Road, refer 3D images). The policies as applied stipulate sites such as the one in question and may have the effect of pricing out housebuilders who cannot afford either to purchase large plots where house to garden ratios are high, or other house buyers who do not want the maintenance costs of a large plot on such an exposed site. The argument that the residual spaces between dwellings such as these can be used for agricultural use is unsound, as issues of access, proximity to dwellings, the size of modern farm machinery and the exposed nature of the sites make them unsuitable for anyone other than a dedicated smallholder.

I have recently completed a residential project in Ardchattan and I know how difficult it is for local building contractors to secure work. The contractor I worked with has recently been sending farmers to Aberdeen to keep them employed. This practice is obviously not sustainable and if the local construction industry does not pick up, then local tradesmen will either relocate to Glasgow or further afield, or hang up their tools. The reassertion of the housing market in Argyll and Bute is key to their success.

The Planning Department must always put the best interests of the built environment at the top of the list of priorities when considering planning applications. However, when the details of the relevant planning policies are as compromised as in this case, I would suggest a more pro-development approach is appropriate.



Site Overview 2



Site Overview 3

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