

**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

28 May 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, 4 JUNE 2013** at **2:00 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 EAST OF BLARCREEN HOUSE, ARGYLL AND BUTE (ALSO KNOWN AS KENNACRAIG)**
  - (a) Notice of Review and Supporting Documentation (Pages 1 - 38)
  - (b) Comments from Interested Parties (Pages 39 - 56)
  - (c) Comments from Applicant (Pages 57 - 58)

## ARGYLL AND BUTE LOCAL REVIEW BODY

Councillor Sandy Taylor  
Councillor Rory Colville

Councillor Richard Trail

Contact: Shona Marshall Tel::01546 604407

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Ref:  
AB1

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

OFFICIAL USE

17/4/13

S. Marshall

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	(2) AGENT (if any)
Name <input type="text" value="Mrs E Struthers"/>	Name <input type="text" value="Paul Houghton"/>
Address <input type="text" value="c/o Agent"/>	Address <input type="text" value="102 High Street"/>
<input type="text"/>	<input type="text" value="Dunblane"/>
<input type="text"/>	<input type="text"/>
Postcode <input type="text"/>	Postcode <input type="text" value="FK15 0ER"/>
Tel. No. <input type="text"/>	Tel. No. <input type="text" value="01786 825575"/>
Email <input type="text"/>	Email <input type="text" value="paul@houghtonplanning.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

Land east of Blarcreen House, Argyll and  
Bute (also known as Kennacraig).

(6) Description of Proposal

Site for the erection of a dwellinghouse

(7)

Please set out the detailed reasons for requesting the review:-  
See appended pages below.

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	Planning Application Form
2	Location Plan
3	Site Plan
4	Covering Letter
5	Decision Notice
6	Report of Handling
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)



Dated

17<sup>th</sup> April 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.

## Introduction

This local review is being submitted on behalf of Mrs Elizabeth Struthers who owns land at Kennacraig, Bonawe.

Her recent planning application in principle for a dwelling on land in her ownership was refused permission under delegated powers on 26<sup>th</sup> March 2013 for two reasons, which relate to (1) the findings of the Argyll and Bute Landscape Capacity Study 2010, which has considered the suitability of land within Rural Opportunity Areas for development, and (2) due to the perceived landscape and visual impact that a dwelling sited, as proposed, would have on the local area.

It is Mrs Struthers' view that the site chosen for a new dwelling should be considered as appropriate for this type of development because it would be sited in a part of the Rural Opportunity Area that can support development without there being any significant landscape and visual impact. As such, it is hoped that the LRB will overturn the decision to refuse planning permission and instead grant planning permission in principle subject to appropriate planning conditions.

## The Applicant and Background to the Planning Application

Mrs Struthers' family have lived and worked in the Loch Etive area for over 100 years running the quarry at Bonawe. The family originally gifted the land for the village, for the school and the entire Bonawe water system.

The application site, and remaining land in the applicant's ownership, represents Mrs Struthers part of that family legacy and her wish has always been to pass this land on to her youngest daughter with planning permission so that she can build a family home of her own.

Mrs Struthers previously obtained an outline planning permission in 2005 for a single dwellinghouse on a site including the former remains of Kennacraig further to the south (ref: 05/00751/OUT) to allow for a family house to be built, but when she attempted to renew this consent (ref: 09/00823/OUT), she was asked to withdraw it prior to its determination. She was advised that the application was regarded as premature in advance of the adoption of the Local Plan, and the preparation of the landscape capacity study for the area that the reporter, who had examined the Local Plan, had requested.

Mrs Struthers agreed to withdraw her application only to find that in terms of the recently published Local Development Plan, her land is now proposed to be taken out of a Rural Opportunity Area rendering it difficult for her to secure the consent she desires. This prompted submission of the application that is now before the LRB, which attempts to secure a planning permission that the family can implement, but on a different site that is considered to be more able to be developed in a sensitive manner than the land immediately around Kennacraig. This part of Mrs Struthers's land is still considered to have potential and may be considered for further development in the future. However, any proposals in relation to this part of the land will not be advanced until the examination into the Local Development Plan has taken place, which Mrs Struthers is submitting a representation to asking that the Rural Opportunity Area be retained in full or in part.

## **The Site**

Kennacraig lies on the north side of Loch Etive and immediately south and west of the B845. The area owned by Mrs Struthers is very broadly triangular in shape with the apex formed by the B845 and Blarcreen Burn and the base by the shoreline of Loch Etive. This entire area extends to circa 6.7 hectares whilst the application site itself is circa 0.35 hectares.

The land itself is not subject to any national landscape or biodiversity designations, although land to the north and east of the B845 is identified as the Kennacraig and Esragan Site of Special Scientific Interest (SSSI). This area is also listed on the Ancient Woodland Inventory.

The entire area also falls within a Local Plan defined Area of Panoramic Quality, which are areas of regional importance in terms of their landscape quality. These were previously identified as 'Regional Scenic Areas' in the former Strathclyde Structure Plan.

Parts of the land are subject to flood risk, as shown on SEPA's indicative flood map, either from the Blarcreen Burn (northern end and western side) or Loch Etive (southern end), although large areas remain free of any such risk.

There are no cultural or historic heritage designations or sites within the landholding according to PastMap.

The application site sits at the northern end of Mrs Struthers's land and is a triangular area of rough, made ground that is understood to have been partially infilled in the past. This sits slightly down from the road, in part, and is bounded to the north east by the road, generally to the north west by the burn and to the south by a fence.

The western edge of the application site is shown as being within the indicative flood plan of the burn, but it is proposed to site the dwelling on the eastern side close to the B845, which is slightly higher, and outside of the flood plain, although still below the level of the road.

The remainder of the land in Mrs Struthers's ownership is a larger field that is used as grazing land and which extends to, and gently slopes down to, the shoreline of Loch Etive. This area has the remains of Kennacraig, which is situated at the south eastern end and bounded to the north east by the B845.

To the immediate west of the application site is Blarcreen, a large detached house with outbuildings. The main house is orientated north west to south east to take advantage of the view of the Loch.

## **Response to Reasons for Refusal 1 and 2 - Landscape Capacity Study and Landscape and Visual Impact**

The reason that the Proposed Local Development Plan shows the land being removed from the ROA is based upon the findings of the Lorn and the Inner Isles Landscape Capacity Study (February 2010) produced by Gillespies on behalf of the Council. The site is identified in this Study as site Lorn LN22.



The Study generally divides the existing Local Plan defined Rural Opportunity Area into two areas, those where development may be acceptable (identified orange) and those where it is less likely to be acceptable (identified red).

The land owned by Mrs Struthers falls within a red area and, as a result, it is proposed to remove this area from the Rural Opportunity Area in the Proposed Local Development Plan.

The Study undertaken by Gillespies considered a large number of Rural Opportunity Areas and so inevitably the time they could spend looking at individual sites was limited. It is, therefore, respectfully suggested that there are certain parts of the land owned by Mrs Struthers that can be developed without any wider landscape and visual impact albeit subject to consideration against other development management policies and supplementary planning guidance.

Before considering the land owned by Mrs Struthers itself it should be noted that not all of the Rural Opportunity Area that previously extended as far as the SSSI is shown for removal from the Proposed Local Development Plan. The majority of the Rural Opportunity Area within the Area of Panoramic Quality is shown to be deleted, but not an area of land to the west, and close to the B845, which the Study states can absorb further dwellings *“discreetly sited and associated with existing tree groups.”* It was suggested, as part of the supporting information in submitting the current planning application, that this comment could equally apply to the application site where a dwelling can be discreetly sited and will relate well to the trees along the burn. Also, when viewed from further along the B845, development here will also be discreetly set into the landscape. A landscape, which could and would be enhanced by planting along the road frontage, and with some planting in the remaining land owned by Mrs Struthers, but judiciously placed so as not to interrupt the views out from the new dwelling and from the neighbouring property, Blarcreen.

Other comments in the Study that have been used to suggest a reduction in the Rural Opportunity Area are as follows:

- *“The open fields in the centre of the ROA and the low lying improved pastures around Blarcreen should not be developed as there is insufficient tree cover to allow development to be suitably sited. Development here would be very visible in the wider landscape.*
- *The steep scrubland to the west of the ROA should not be developed, as extensive earthworks would have to be undertaken to create level platforms for development, which would in turn adversely affect the landscape character of the hillside.*
- *The river setting should not be further compromised by development to maintain the attractive landscape qualities.*
- *Important views south to Loch Etive should not be compromised.”*

Responding to each of these in turn then it is accepted that the low lying pasture land should not be developed. Not only is this very open to views from a wide area, but is also shown as at risk from flooding in part. The application site is not, however, within this area.

The steep scrubland to the west presumably relates to the land beyond the B845, which is not owned by Mrs Struthers and is anyway a SSSI so unlikely ever to be the subject of development proposals. The application site is not part of this.

The river setting referred to is presumably that area to the east around River Esragan. However, if it is considered to also include Blarcreen Burn, and the area surrounding this, then development could be sensitively sited on the application site such that this is not affected.

It is appreciated that there are important and open views across Loch Etive, but developing land at the northern end of Mrs Struthers ownership will not disrupt these and there would nonetheless still be plenty of opportunities for people to stop and enjoy the view from elsewhere along the B845.

Finally, it should be noted that in the Report of Handling the case officer comments that *“If the site had remained within an allocated Rural Opportunity Area, it is a sensible site in which to locate a house, whereby the close arrangement with the steading and mature tree belt along the burn would help to accommodate a house”*. This comment should be given much more weight than it is in the Report of Handling in the consideration of this local review.

**For the above reasons it is respectfully considered that the application site represents an opportunity to build a dwelling in a sensitive location in the Rural Opportunity Area, on a site that should actually be deemed acceptable for development in the Landscape Capacity Study, and should not lose its status as a Rural Opportunity Area. There would be limited landscape and visual impact from a dwelling positioned as proposed on the application site.**

### **Response to Reason for Refusal 1 – Development in Sensitive Countryside**

As the site is not deemed as a site suitable for development in the Landscape Capacity Study, the practice is to assess such proposals against Policy STRAT DC 5 – Development in Sensitive Countryside of the ‘Argyll and Bute Structure Plan’ 2002 (Policy STRAT DC 5). The Report of Handling explains that the current proposal is not considered to comply with this as it is not infill, or rounding-off development, is not for the redevelopment of the site, a change of use of an existing building, or a croft.

It is accepted that the proposed dwelling is not a form of infill, redevelopment, change of use, or croft, but it can be seen as a form of rounding-off development in that not only does the B845, which sits at a higher level, provide a terminus to the site, but this is further emphasised by the wooded slopes that also visually enclose it. Allowing a new dwelling here in no way encourages the prospect of development elsewhere, which will anyway have to be considered on its own merits.

**For the above reason it is respectfully considered that the proposed dwelling can be considered as rounding-off and is thus an acceptable form of development in Sensitive Countryside.**

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)



Central Validation Team at Argyll and Bute Council Whitegates Road Lochgilphead PA31 8SY

Tel: 01546 604840

Fax: 01546 604822

Email: [planning.hq@argyll-bute.gov.uk](mailto:planning.hq@argyll-bute.gov.uk)

Planning Department

Applications cannot be validated until all necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE                      000055017-001

The online ref number is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the Planning Authority about this application.

### Type of Application

What is this application for? Please select one of the following: \*

We strongly recommend that you refer to the help text before you complete this section.

- Application for Planning Permission (including changes of use and surface mineral working)
- Application for Planning Permission in Principle
- Further Application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions

### Description of Proposal

Please describe the proposal including any change of use: \* (Max 500 characters)

New Dwelling

Is this a temporary permission? \*                       Yes  No

If a change of use is to be included in the proposal has it already taken place? (Answer 'No' if there is no change of use.)\*                       Yes  No

Have the works already been started or completed? \*

No    Yes - Started    Yes - Completed

### Applicant or Agent Details

Are you an applicant, or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)                       Applicant  Agent

### Agent Details

Please enter Agent details

Company/Organisation:	Houghton Planning
Ref. Number:	
First Name: *	Paul
Last Name: *	Houghton
Telephone Number: *	07780117708
Extension Number:	
Mobile Number:	
Fax Number:	
Email Address: *	paul@houghtonplanning.co.uk

You must enter a Building Name or Number, or both:\*

Building Name:	
Building Number:	102
Address 1 (Street): *	High Street
Address 2:	
Town/City: *	Dunblane
Country: *	UK
Postcode: *	FK15 0ER

Is the applicant an individual or an organisation/corporate entity? \*

Individual  Organisation/Corporate entity

### Applicant Details

Please enter Applicant details

Title: *	Mrs
Other Title:	
First Name: *	E
Last Name: *	Struthers
Company/Organisation:	
Telephone Number:	
Extension Number:	
Mobile Number:	
Fax Number:	
Email Address:	

You must enter a Building Name or Number, or both:\*

Building Name:	Garden Cottage
Building Number:	
Address 1 (Street): *	Craigmaddie,
Address 2:	
Town/City: *	Milngavie
Country: *	Scotland
Postcode: *	G62 8LB

## Site Address Details

Full postal address of the site (including postcode where available):

Address 1:

KENNACRAIG

Address 5:

Address 2:

Town/City/Settlement:

BONAWE

Address 3:

Post Code:

Address 4:

Please identify/describe the location of the site or sites.

Northing

735063

Easting

199441

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

Yes  No

## Site Area

Please state the site area:

0.00

Please state the measurement type used:

Hectares (ha)  Square Metres (sq.m)

## Existing Use

Please describe the current or most recent use: (Max 500 characters)

Agricultural land

## Access and Parking

Are you proposing a new or altered vehicle access to or from a public road? \*

Yes  No

If Yes please describe and show on your drawings the position of any existing, altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any changes to public paths, public rights of way or affecting any public rights of access? \*

Yes  No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

## Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? \*

Yes  No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? \*

- Yes – connecting to public drainage network
- No – proposing to make private drainage arrangements
- Not Applicable – only arrangements for water supply required

What private arrangements are you proposing? \*

- New/Altered septic tank.
- Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed).
- Other private drainage arrangement (such as chemical toilets or composting toilets).

What private arrangements are you proposing for the New/Altered septic tank? \*

- Discharge to land via soakaway.
- Discharge to watercourse(s) (including partial soakaway).
- Discharge to coastal waters.

Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: \* (Max 500 characters)

Do your proposals make provision for sustainable drainage of surface water? (e.g. SUDS arrangements) \*

Yes  No

Note: -

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? \*

- Yes
- No, using a private water supply
- No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

### Assessment of Flood Risk

Is the site within an area of known risk of flooding? \*

Yes  No  Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? \*

Yes  No  Don't Know

### Trees

Are there any trees on or adjacent to the application site? \*

Yes  No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

## All Types of Non Housing Development - Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? \*

Yes  No

## Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2008) \*

Yes  No  Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

## Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? \*

Yes  No

## Certificates and Notices

Certificate and Notice under Regulation 15 8 – Town and Country Planning (General Development Management Procedure) (Scotland) Order 1992 (GDPO 1992) Regulations 2008

One Certificate must be completed and submitted along with this application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land ? \*

Yes  No

Is any of the land part of an agricultural holding? \*

Yes  No

## Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

## Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding.

Signed: Paul Houghton

On behalf of: Mrs E Struthers

Date: 21/01/2013

Please tick here to certify this Certificate. \*



## Checklist - Application for Planning Permission

Town and County Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? \*

Yes  No  Not applicable to this application

b) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major developments, have you provided a Pre-Application Consultation Report? \*

Yes  No  Not applicable to this application

Town and County Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

c) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, have you provided a Design and Access Statement? \*

Yes  No  Not applicable to this application

d) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2008) have you provided a Design Statement? \*

Yes  No  Not applicable to this application

e) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? \*

Yes  No  Not applicable to this application

f) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

Site Layout Plan or Block plan.

Elevations.

Floor plans.

Cross sections.

Roof plan.

Master Plan/Framework Plan.

Landscape plan.

Photographs and/or photomontages.

Other.

Provide copies of the following documents if applicable:

- A copy of an Environmental Statement. \*  Yes  N/A
- A Design Statement or Design and Access Statement. \*  Yes  N/A
- A Flood Risk Assessment. \*  Yes  N/A
- A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). \*  Yes  N/A
- Drainage/SUDS layout. \*  Yes  N/A
- A Transport Assessment or Travel Plan. \*  Yes  N/A
- Contaminated Land Assessment. \*  Yes  N/A
- Habitat Survey. \*  Yes  N/A
- A Processing Agreement \*  Yes  N/A

Other Statements (please specify). (Max 500 characters)

### Declare - For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying plans/drawings and additional information are provided as a part of this application .

Declaration Name: Paul Houghton  
Declaration Date: 21/01/2013  
Submission Date: 21/01/2013

### Payment Details

Cheque: Mrs EP Struthers, 002038

Created: 21/01/2013 09:20



legend

 Site Location



Argyll and Bute Council  
Planning and Regulatory  
Services

Application ref no: 13/00123/PAP  
 Date received: 28/1/13

Plan no: 143  
 P.O. initials: W.W.

**houghton**  
planning ltd.

project Kennacraig, Bonawe

client Mrs E Struthers

drawing: Wider Context  
Location Plan

Ref: STR12030 / 03

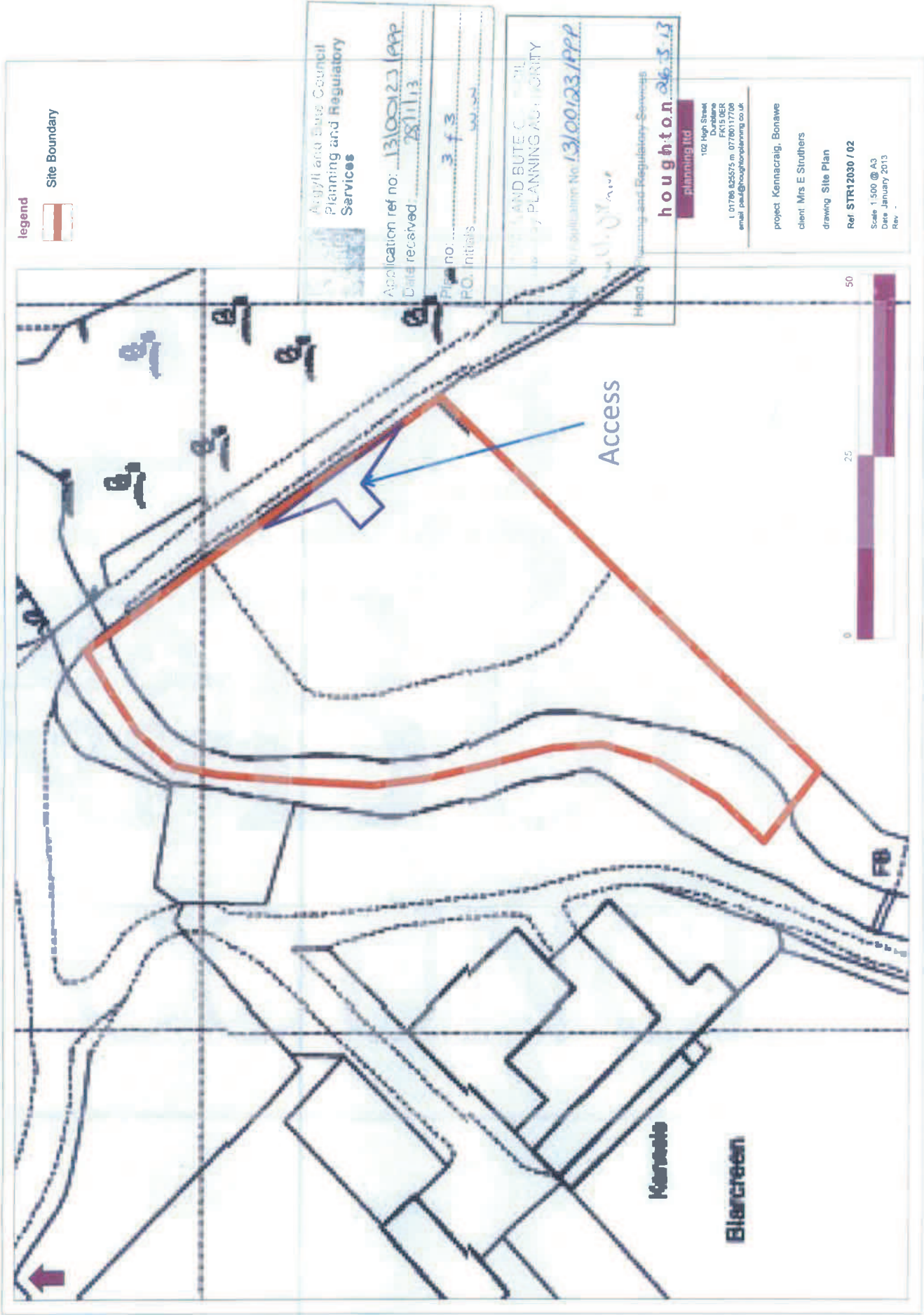
Scale 1:50,000 @ A4  
 Date January 2013  
 Rev -

A4

113



(A3)



legend  
 Site Boundary

Aggyll and Bute Council  
 Planning and Regulatory  
 Services

Application ref no: 13/00123/PPP  
 Date received: 28/11/13

Plan no: 3 f 3  
 PC Initials: [handwritten initials]

AGGYLL AND BUTE COUNCIL  
 PLANNING AND REGULATORY SERVICES

Application No: 13/00123/PPP

Head of Planning and Regulatory Services

**houghton** planning ltd  
 102 High Street  
 Durdale  
 FK15 0ER  
 t: 01786 62575 m: 0776011706  
 email: paul@houghtonplanning.co.uk

project: Kennacraig, Bonawe  
 client: Mrs E Struthers  
 drawing: Site Plan  
 Ref: STR12030 / 02  
 Scale: 1:500 @ A3  
 Date: January 2013  
 Rev: -

0 25 50

Our Ref:

Your ref:

21<sup>st</sup> January 2013

Central Validation Team,  
Planning and Regulatory Services,  
Whitegates Offices,  
Whitegates Road,  
Lochgilphead, Argyll PA31 8SY

Email:  
paul@houghtonplanning.co.uk

Dear Sir/Madam,

**KENNACRAIG, BONAWE, ARGYLL AND BUTE**

Houghton Planning is instructed by Mrs E Struthers to submit a planning application in principle for a single dwelling at Kennacraig, Bonawe, Argyll and Bute.

The planning application is accompanied by the following documents and information:

- Covering Letter;
- Planning Application Form;
- Relevant Certificate;
- Location Plan;
- Site Plan; and
- Planning Fee, this will be sent under separate cover.

Kennacraig lies on the north side of Loch Etive and immediately south and west of the B845. The area owned by the applicant is very broadly triangular in shape with the apex formed by the B845 and the Blarcreen Burn and the base by the shoreline of Loch Etive. This entire area extends to circa 6.7 hectares. The land has the remains of a former dwelling, Kennacraig, which is situated at the south eastern end close to the shoreline. This part of the landholding has previously been the subject of a planning application in 2009 for a single dwelling (ref: 09/00823/OUT). The future of this building remains to be decided upon, but will eventually be the subject of a separate planning application.

The land can broadly be divided into two distinct areas. Close to the apex is a triangular area of rough, made ground that is understood to have been partially infilled in the past.. This sits slightly down from the road, in part, and is bounded to the north east by the road (and the remains of a former stone dyke), generally to the north west by the burn and to the south by a fence. The area beyond this is a larger field that is grazing land and which extends to, and gently slopes down to, the shoreline.

Trading Address:  
102 High Street  
Dunblane  
Stirling  
FK15 0ER

The application site for the purposes of this planning application is the triangular area of ground at the northern end and the Site Plan submitted with the planning application defines this in red. As mentioned already this is a generally rough area, although there are features of interest, including trees and vegetation that follow the line of the burn and the remains of the roadside stone dyke. It is the intention to protect the former, the trees, and repair the latter, the stone dyke.

To the immediate west of the application site is Blarcreen a large detached house with outbuildings that is orientated north west to south east to take advantage of the view of the Loch. This property is well screened from the application site by the trees along the burn and by its own outbuildings. It is also sufficiently far away that a new dwelling will have no impact whatsoever on its residential amenity. However, by siting a new dwelling reasonably close to these existing buildings, it is creating a cluster, which guidance in the Council's Sustainable Design Guide 1 'Small Scale Housing Development' (September 2006) seeks to encourage when offering advice on siting.

Although the positioning and design of the proposed dwelling is not for consideration at this stage, the likelihood is that it will be sited on the eastern side of the plot, away from the burn, and will take access from the B845 in this general locality. It will be orientated to benefit from the view towards the Loch.

A degree of re-profiling will be necessary to create a development platform, but the idea will be to minimise this as much as possible. The eastern part of the site is reasonably flat and so it should be possible to create a level area here for a new dwelling without the use of any retaining structures.

The entirety of the land in the applicant's ownership is within one of the Argyll & Bute Local Plan's defined Rural Opportunity Areas (ROAs) and is also within a National Scenic Area. As such, this ROA has been the subject of further consideration by Gillespies Landscape Architects and appears as site Lorn LN22 in the Lorn and the Inner Isles Landscape Capacity Study (February 2010).

The Landscape Capacity Study has some status in relation to the determining of planning applications, as supplementary planning guidance, but was never the subject of public consultation and scrutiny and this will not happen until it has been tested, to some extent, as part of examining the forthcoming Argyll & Bute Local Development Plan. As such, its findings should be read with a degree of scepticism and caution.

The study generally divides the ROA into two areas, those where development may be acceptable (identified orange) and those where it is less likely to be acceptable (identified red).

The application site falls within a red area, but there appears to be no obvious reason for this and, in terms of its character, it has a lot in common with the area further west, and close to the B845, which the Study states can absorb further dwellings "*discreetly sited and associated with existing tree groups.*" This comment equally applies to the application site, in our opinion, where a dwelling can be discreetly sited and would relate well to the trees along the burn. When viewed from further along the B845, it would be discreetly set into the landscape. A landscape, which could be enhanced by planting along the road frontage and



with some planting in the remaining land owned by the applicant, but judiciously placed so as not to interrupt the views of the new dwelling and the neighbouring property, Blarcreen.

Other comments in the Study that will be taken into account in the determination of this application are as follows:

- *“The open fields in the centre of the ROA and the low lying improved pastures around Blarcreen should not be developed as there is insufficient tree cover to allow development to be suitably sited. Development here would be very visible in the wider landscape.*
- *The steep scrubland to the west of the ROA should not be developed, as extensive earthworks would have to be undertaken to create level platforms for development, which would in turn adversely affect the landscape character of the hillside.*
- *The river setting should not be further compromised by development to maintain the attractive landscape qualities.*
- *Important views south to Loch Etive should not be compromised.”*

In response to these comments, the proposed dwelling will not be situated on the low lying fields around Blarcreen, is not part of the steep scrubland at the western end of the ROA and will neither impact on the river setting or any important views of Loch Etive.

In view of the above, it is considered that the proposed dwelling is acceptable and will integrate well with the local landscape and will not cause any visual or other impacts. As such, it is hoped that this application will be considered favourably notwithstanding comments that Gillespies have made in their 2010 Study.

We look forward to the application being validated, but if you require any further information in the meantime please contact Paul Houghton at [paul@houghtonplanning.co.uk](mailto:paul@houghtonplanning.co.uk) or call him on 01786 825575 or 07780 117708.

Yours faithfully

**Houghton Planning**



Argyll and Bute Council  
Comhairle Earra Gháidheal agus Bhóid



**Development and Infrastructure Services**  
Director: Sandy Mactaggart

Municipal Buildings Albany Street Oban PA34 4AW

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)**  
**TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)**  
**(SCOTLAND) REGULATIONS 2008**

**REFUSAL OF PLANNING PERMISSION IN PRINCIPLE**

**REFERENCE NUMBER: 13/00123/PPP**

**Mrs E Struthers**  
**Houghton Planning**  
**102 High Street**  
**Dunblane**  
**FK15 0ER**

I refer to your application dated 23rd January 2013 for planning permission in principle under the above mentioned Act and Regulations in respect of the following development:

**Site for the erection of a dwellinghouse at Land East Of Blarcreen House Bonawe Argyll  
And Bute**

Argyll and Bute Council in exercise of their powers under the above mentioned Act and Regulations hereby refuse planning permission in principle for the above development for the **reason(s) contained in the attached appendix.**

Dated: 26 March 2013

Angus J. Gilmour  
Head of Planning and Regulatory Services



**GROUNDS OF REFUSAL RELATIVE TO APPLICATION 13/00123/PPP**

1. The application site lies within a 'Rural Opportunity Area' and an 'Area of Panoramic Quality'. Accordingly, the allocation of a 'Rural Opportunity Area' is refined by the provisions of the Argyll and Bute Landscape Capacity Study 2010 which identifies the application site as being situated within an area recommended as unsuitable for development. Having regard to Local Plan Policy P/DCZ 4 – Rural Opportunity Areas – Areas and Boundaries, the proposal must be assessed under Policy STRAT DC 5 – Development in Sensitive Countryside of the 'Argyll and Bute Structure Plan' 2002. Policy STRAT DC 5 – Development in Sensitive Countryside states that encouragement shall only be given to small scale (small scale corresponds to developments not exceeding 5 dwelling units) infill, rounding-off, redevelopment and change of use of building development or to single dwellinghouses on bareland crofts or single additional dwellinghouses on individual crofts subject to consistency with STRAT AC 1 C."

The proposal does not constitute a form of small scale infill, rounding-off, redevelopment, a change of use of building development, a single dwellinghouse on a bareland croft or a single additional dwellinghouse on an individual croft subject to consistency with Policy STRAT AC 1 C. Furthermore, no special case has been submitted to the Planning Authority where a locational need or exceptional circumstance may justify the development. Accordingly, the application is contrary to the provisions of Policy STRAT DC 5, as well as LP ENV 1 and LP HOU 1

2. With reference to the Argyll and Bute Council Landscape Capacity Study 2010 (LCS), the application site is situated within low lying open landscape including the improved pastures around Blarreen House which should not be developed, as there is insufficient tree cover to allow development to be suitably sited. Development here would be visible in the wider landscape and would obstruct open views from the road across low lying land towards Loch Etive, which is specifically to be safeguarded in the LCS.

The proposal would be contrary to the provisions of the LCS and could have an adverse impact upon the 'Area of Panoramic Quality', contrary to Policies P/DCZ4 and LP ENV 10.

**NOTES TO APPLICANT (1) RELATIVE TO APPLICATION NUMBER 13/00123/PPP**

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 (as amended) within three months from the date of this notice. A Notice of Review request must be submitted on an official form which can be obtained by contacting The Local Review Body, Committee Services, Argyll and Bute Council, Kilmory, Lochgilphead, PA31 8RT or by email to [localreviewprocess@argyll-bute.gov.uk](mailto:localreviewprocess@argyll-bute.gov.uk)
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state, and it cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the landowner's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997 (as amended).

APPENDIX TO DECISION REFUSAL NOTICE

Appendix relative to application 13/00123/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 by the Town and Country Planning etc. (Scotland) Act 2006) to the initial submitted plans during its processing.

No

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- B) The reasons why planning permission in principle has been refused.

1. The application site lies within a ‘Rural Opportunity Area’ and an ‘Area of Panoramic Quality’. Accordingly, the allocation of a ‘Rural Opportunity Area’ is refined by the provisions of the Argyll and Bute Landscape Capacity Study 2010 which identifies the application site as being situated within an area recommended as unsuitable for development. Having regard to Local Plan Policy P/DCZ 4 – Rural Opportunity Areas – Areas and Boundaries, the proposal must be assessed under Policy STRAT DC 5 – Development in Sensitive Countryside of the ‘Argyll and Bute Structure Plan’ 2002. Policy STRAT DC 5 – Development in Sensitive Countryside states that encouragement shall only be given to small scale (small scale corresponds to developments not exceeding 5 dwelling units) infill, rounding-off, redevelopment and change of use of building development or to single dwellinghouses on bareland crofts or single additional dwellinghouses on individual crofts subject to consistency with STRAT AC 1 C.”

The proposal does not constitute a form of small scale infill, rounding-off, redevelopment, a change of use of building development, a single dwellinghouse on a bareland croft or a single additional dwellinghouse on an individual croft subject to consistency with Policy STRAT AC 1 C. Furthermore, no special case has been submitted to the Planning Authority where a locational need or exceptional circumstance may justify the development. Accordingly, the application is contrary to the provisions of Policy STRAT DC 5, as well as LP ENV 1 and LP HOU 1

2. With reference to the Argyll and Bute Council Landscape Capacity Study 2010 (LCS), the application site is situated within low lying open landscape including the improved pastures around Blarcreen House which should not be developed, as there is insufficient tree cover to allow development to be suitably sited. Development here would be visible in the wider landscape and would obstruct open views from the road across low lying land towards Loch Etive, which is specifically to be safeguarded in the LCS.

The proposal would be contrary to the provisions of the LCS and could have an adverse impact upon the ‘Area of Panoramic Quality’, contrary to Policies P/DCZ4 and LP ENV 10.

**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:** 13/00123/PPP  
**Planning Hierarchy:** Local Development  
**Applicant:** Mrs E Struthers  
**Proposal:** Site for the erection of a dwellinghouse  
**Site Address:** Land east of Blarcreen House, Bonawe, Argyll and Bute

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**DECISION ROUTE**

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

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**(A) THE APPLICATION**

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

- Site for the erection of a dwellinghouse.
- Construction of a private vehicular access.
- Construction of on-site vehicular parking and associated turning arrangements.
- Installation of a private water supply.
- Installation of a septic tank and partial soakaway.

**(ii) Other specified operations**

- None
- 

**(B) RECOMMENDATION:**

Having due regard to the Argyll and Bute Development Plan and all other material planning considerations, it is recommended that planning permission in principle be refused for the reasons outlined within this report.

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**(C) HISTORY:**

On-land south-east of the application site

05/00501/OUT

Site for the erection of a dwellinghouse – application withdrawn.

05/00751/OUT

Site for the erection of a dwellinghouse – *application approved 22<sup>nd</sup> July 2005.*

09/00823/OUT

Site for the erection of a dwellinghouse – *application withdrawn 13<sup>th</sup> July 2009.*

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**(D) CONSULTATIONS:**

Area Roads Officer

Response received 31<sup>st</sup> January 2013 – no objection subject to conditions and advisory comments which can be viewed within section 'Note to Applicant' below.

Oban Airport

No response received at the time of writing this 'Report of Handling' and no extension of time was requested.

Public Protection Services

Response received 29<sup>th</sup> January 2013 – no objection subject to a condition.

Scottish Natural Heritage

Response received 6<sup>th</sup> February 2013 – no objection subject to a condition.

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**(E) PUBLICITY:**

'Regulation 20 – Advert Local Application' from the 7<sup>th</sup> to the 28<sup>th</sup> February 2013.

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**(F) REPRESENTATIONS:**

1 objection was received from;

- Ms Sian Griffiths, Blarcreen House, Ardchattan, Oban, Argyll and Bute, PA37 1RG (e-mail sent 13.03.2013).

The concerns raised are summarised as follows:

- This development is out with the village boundary, in Sensitive Countryside and adjacent to a Site of Special Scientific Interest.

*Comment – the later sections of this report fully assess the policies applicable to the site. In essence, the objectors concerns regarding compatibility with policy are founded.*

- There are a number of building plots available within Bonawe itself and thus it seems a pity to allow development of open countryside.

*Comment – for the reasons stated below, the application is found to be at variance with the adopted development plan. The availability of other plots is not of itself considered to be a critical determining factor in this instance.*

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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  
(The agent has however submitted a 'Supporting Statement' with this planning application.)
- (iv) **A report on the impact of the proposed development e.g. retail impact, transport impact, noise impact, flood risk, drainage impact etc:** No

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**(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

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**(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 the assessment of the application**

'Argyll and Bute Structure Plan' 2002

Policy STRAT SI 1 – Sustainable Development

Policy STRAT DC 4 – Development in Rural Opportunity Areas

Policy STRAT DC 5 – Development in Sensitive Countryside

Policy STRAT DC 8 – Landscape and Development Control

Policy STRAT HO 1 – Housing – Development Control Policy

Full details of the 'Argyll and Bute Structure Plan' 2002, including proposal maps and full policy wording can be viewed on the Council's website by following the link below:

<http://www.argyll-bute.gov.uk/planning-and-environment/argyll-and-bute-structure-plan>.

'Argyll and Bute Local Plan' 2009

Policy LP ENV 1 – Development Impact on the General Environment

Policy LP ENV 10 – Development Impact on Areas of Panoramic Quality

Policy LP ENV 12 – Water Quality and Environment

Policy LP ENV 19 – Development Setting, Layout and Design

Policy LP HOU 1 – General Housing Development

P/DCZ 4 – Rural Opportunity Areas – Areas and Boundaries

Appendix A: Sustainable Siting and Design Principles

Appendix C: Access and Parking Standards

Full details of the 'Argyll and Bute Local Plan' 2009, including proposal maps and full policy wording can be viewed on the Council's website by following the link below:

<http://www.argyll-bute.gov.uk/planning-and-environment/local-plan>.

**(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 and Bute Landscape Capacity Study (2010)

Argyll and Bute Sustainable Design Guidance (2006)

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>	No
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<b>(L)</b>	<b>Has the application been the subject of statutory pre-application consultation (PAC):</b>	No
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<b>(M)</b>	<b>Has a sustainability check list been submitted:</b>	No
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<b>(N)</b>	<b>Does the Council have an interest in the site:</b>	No
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<b>(O)</b>	<b>Requirement for a hearing:</b>	No
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**(P) Assessment and summary of determining issues and material considerations**

This application is seeking planning permission in principle for the erection of a dwellinghouse on land situated to the east of the existing property at Blarcreen House, Bonawe, Argyll and Bute.

The application site is located on the northern shore of Loch Etive situated between the existing settlements of North Connel and Bonawe. Situated directly to the north and east



of the application site is the existing B845 Bonawe public road and an existing dry stone dyke. Situated further to the north and east is steeply rising scrubland and areas of mixed woodland. Situated directly to the south of the application site is an area of low lying improved pasture which gently slopes down towards the foreshore of Loch Etive. Situated directly to the west of the application site is existing mixed woodland and an existing burn, with the Blarcreen House steading beyond, which comprises a large detached dwellinghouse backed by several agricultural/horticultural storage buildings/sheds.

When referring to the 'Argyll and Bute Local Plan' 2009, the application site is situated within a 'Rural Opportunity Area' which is also situated within an 'Area of Panoramic Quality'. Consequently, this particular 'Rural Opportunity Area' was subject to the Landscape Capacity Study which was approved by Argyll and Bute Council on the 5<sup>th</sup> May 2010, this policy linkage being provided via Local Plan Policy P/DCZ4. The LCS allocates the site in 'Lorn – LN22 Inveresragan' within an area not recommended for development.

Accordingly, as the application site is situated within an area recommended as unsuitable for development and with reference to P/DCZ 4 – Rural Opportunity Areas – Areas and Boundaries of the 'Argyll and Bute Local Plan' 2009, the Council's practice is to assess such proposals against Policy STRAT DC 5 – Development in Sensitive Countryside of the 'Argyll and Bute Structure Plan' 2002. Policy STRAT DC 5 – Development in Sensitive Countryside states:

“Within Sensitive Countryside encouragement shall only be given to small scale (small scale corresponds to developments not exceeding 5 dwelling units) infill, rounding-off, redevelopment and change of use of building development or to single dwellinghouses on bareland crofts or single additional dwellinghouses on individual crofts subject to consistency with STRAT AC 1 C.”

The Local Plan glossary defines infill, rounding-off, redevelopment and change of use of building development are follows:

- *Infill development* – new development positioned largely between other substantial buildings and this new development being of a scale subordinate to the combined scale of the buildings adjacent to the development site.
- *Rounding-off development* – new development positioned largely between substantial building(s) on one side and a substantial ground or natural feature on the other side and arranged such that the local pattern of development terminates at this point.
  - *Redevelopment* – a development of new buildings involving significant demolitions; or the extension of a building involving more than a doubling of the cubic volume of the building but not exceeding three times the cubic volume (less than a doubling being treated as a building extension and more than a trebling, as new build).
  - *Change of use* – change of use of land or building as prescribed by the Town and Country Planning (Scotland) Act 1997 (as amended by the Town and Country Planning etc. (Scotland) Act 2006).

With regards to infill development, the application site does not constitute an appropriate infill development site. Albeit that there is an existing property (Blarcreen House) nearby, it comprises a single steading group and there are no other buildings immediately to the north, east or south of the application site. The proposal does not constitute a form of infill development as it would not be positioned largely between other substantial buildings and this new development would not be of scale subordinate to the combined scale of the buildings adjacent to the application site.

With regards to rounding-off development, the application site does not constitute an appropriate rounding-off development site. Albeit that there is an existing property

identified as Blarcreen House situated to the west of the application site, there are no substantial ground or natural features against which the application site would terminate the local pattern of development at this point. On the contrary, by permitting development for the erection of a dwellinghouse within this application site, this would create a pairing of houses where this pattern does not presently exist and could encourage development into the low lying improved pastures near Blarcreen House where there is insufficient tree cover to enable development to be suitably sited. Furthermore, permitting development into the low lying improved pastures would interrupt views looking south from the B845 public road across Loch Etive, which is specifically advised against in the LCS. Therefore, the proposal does not constitute a form of rounding-off development as it would not be positioned largely between substantial building(s) on one side and a substantial ground or natural feature on the other side and arranged such that the local pattern of development terminates at this point.

With regards to redevelopment, there are no existing buildings situated within the application site which could be demolished or extended and ultimately redeveloped in accordance with the volume calculation as stated above. Therefore, the proposal does not constitute a form of redevelopment.

With regards to a change of use of building development, there are no existing buildings situated within the application site which ensures that a change of use of building development is not possible. Therefore, the proposal does not constitute a change of use of building development.

With regards to a single dwellinghouse on a bareland croft or a single additional dwellinghouse on an individual croft subject to consistency with Policy STRAT AC 1 C; the site is not a registered croft so the proposal does not fit this criteria.

If the site had remained within an allocated Rural Opportunity Area, it is a sensible site in which to locate a house, whereby the close arrangement with the steading and mature tree belt along the burn would help to accommodate a house. However, the Reporters decision on the Local Plan forced the reduction in size of allocated ROA's. The impact of the adopted LCS is to shift the policy context significantly in this instance. The agent asserts that the LCS is of lesser weight, but this view is not shared by the Planning Service. The site needs to be assessed against STRAT DC 5, and for the reasons set out above, it meets none of the requirements as infill, rounding off, redevelopment, change of use development, or housing on croft development.

The only other option to consider is whether a special case of locational need or exceptional circumstance has been submitted that may justify a development within STRAT DC 5. No such case has been submitted, and as such, there is no compelling locational need or exceptional circumstance to justify this proposal.

The proposal is therefore contrary to Policy STRAT DC 5.

It is a key aim of the Argyll and Bute Development Plan to safeguard sensitive areas from inappropriate development. With reference to the 'Argyll and Bute Structure Plan' 2002, Section '4.10 – Sensitive Countryside' states:

"...Sensitive Countryside does not have a general capacity to successfully absorb development in the open countryside...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."

As has been analysed and appraised previously within this 'Report of Handling', the proposal does not constitute an acceptable form of small scale infill, rounding-off, redevelopment or a change of use of building development. The proposal is situated within the development zone identified as 'Sensitive Countryside' which does not have a

general capacity to successfully absorb development. Furthermore, with reference to the Argyll and Bute Council Landscape Capacity Study 2010, it states:

“...the low lying improved pastures around Blarcreen should not be developed, as there is insufficient tree cover to allow development to be suitably sited. Development here would be very visible in the wider landscape.”

Whilst this site is fenced off from the grazed fields, and contains bracken, it remains part of the open gently sloping landscape over which open views exist from the public road to Loch Etive. The proposed dwellinghouse would be visible within the wider open landscape primarily to the south of the public road.

With reference to the ‘Argyll and Bute Local Plan’ 2009, Policy LP ENV 1 – Development Impact on the General Environment states:

“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:

(A) The development is of a...location...consistent with Structure Plan Policies STRAT DC 1 to 6.”

As the proposal is contrary to Policy STRAT DC 5, it is also contrary to Policy LP ENV 1.

With reference to the ‘Argyll and Bute Local Plan’ 2009, Policy LP HOU 1 – General Housing Development states:

“There is a general presumption against housing development when it involves...small scale housing development in...open/undeveloped areas within...Sensitive Countryside.”

In relation to the above, the application site is situated within an area of undeveloped land which is situated within the development zone identified as Sensitive Countryside. With reference to the ‘Argyll and Bute Local Plan’ 2009, the justification section for Policy LP HOU 1 states:

“The Sensitive Countryside 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.”

As the proposal does not constitute an acceptable form of small scale infill, rounding-off, redevelopment or a change of use of building development, the proposal is contrary to Policy LP HOU 1.

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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**

See below

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

N/A – the proposal is being recommended for refusal due to the reasons outlined within Sections (P) and (R) above.

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

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**Author of Report:** Walter Wyllie

**Date:** 26<sup>th</sup> March 2013

**Reviewing Officer:** Stephen Fair

**Date:** 26/03/13

**Angus Gilmour**  
**Head of Planning**

**GROUNDINGS OF REFUSAL RELATIVE TO APPLICATION 13/00123/PPP**

1. The application site lies within a 'Rural Opportunity Area' and an 'Area of Panoramic Quality'. Accordingly, the allocation of a 'Rural Opportunity Area' is refined by the provisions of the Argyll and Bute Landscape Capacity Study 2010 which identifies the application site as being situated within an area recommended as unsuitable for development. Having regard to Local Plan Policy P/DCZ 4 – Rural Opportunity Areas – Areas and Boundaries, the proposal must be assessed under Policy STRAT DC 5 – Development in Sensitive Countryside of the 'Argyll and Bute Structure Plan' 2002. Policy STRAT DC 5 – Development in Sensitive Countryside states that encouragement shall only be given to small scale (small scale corresponds to developments not exceeding 5 dwelling units) infill, rounding-off, redevelopment and change of use of building development or to single dwellinghouses on bareland crofts or single additional dwellinghouses on individual crofts subject to consistency with STRAT AC 1 C."

The proposal does not constitute a form of small scale infill, rounding-off, redevelopment, a change of use of building development, a single dwellinghouse on a bareland croft or a single additional dwellinghouse on an individual croft subject to consistency with Policy STRAT AC 1 C. Furthermore, no special case has been submitted to the Planning Authority where a locational need or exceptional circumstance may justify the development. Accordingly, the application is contrary to the provisions of Policy STRAT DC 5, as well as LP ENV 1 and LP HOU 1

2. With reference to the Argyll and Bute Council Landscape Capacity Study 2010 (LCS), the application site is situated within low lying open landscape including the improved pastures around Blarcreen House which should not be developed, as there is insufficient tree cover to allow development to be suitably sited. Development here would be visible in the wider landscape and would obstruct open views from the road across low lying land towards Loch Etive, which is specifically to be safeguarded in the LCS.

The proposal would be contrary to the provisions of the LCS and could have an adverse impact upon the 'Area of Panoramic Quality', contrary to Policies P/DCZ4 and LP ENV 10.

**APPENDIX TO DECISION REFUSAL NOTICE**

Appendix relative to application 13/00123/PPP

---

- (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 by the Town and Country Planning etc. (Scotland) Act 2006) to the initial submitted plans during its processing.

No

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- (B) The reasons why planning permission in principle has been refused.

1. The application site lies within a 'Rural Opportunity Area' and an 'Area of Panoramic Quality'. Accordingly, the allocation of a 'Rural Opportunity Area' is refined by the provisions of the Argyll and Bute Landscape Capacity Study 2010 which identifies the application site as being situated within an area recommended as unsuitable for development. Having regard to Local Plan Policy P/DCZ 4 – Rural Opportunity Areas – Areas and Boundaries, the proposal must be assessed under Policy STRAT DC 5 – Development in Sensitive Countryside of the 'Argyll and Bute Structure Plan' 2002. Policy STRAT DC 5 – Development in Sensitive Countryside states that encouragement shall only be given to small scale (small scale corresponds to developments not exceeding 5 dwelling units) infill, rounding-off, redevelopment and change of use of building development or to single dwellinghouses on bareland crofts or single additional dwellinghouses on individual crofts subject to consistency with STRAT AC 1 C."

The proposal does not constitute a form of small scale infill, rounding-off, redevelopment, a change of use of building development, a single dwellinghouse on a bareland croft or a single additional dwellinghouse on an individual croft subject to consistency with Policy STRAT AC 1 C. Furthermore, no special case has been submitted to the Planning Authority where a locational need or exceptional circumstance may justify the development. Accordingly, the application is contrary to the provisions of Policy STRAT DC 5, as well as LP ENV 1 and LP HOU 1

2. With reference to the Argyll and Bute Council Landscape Capacity Study 2010 (LCS), the application site is situated within low lying open landscape including the improved pastures around Blarcreen House which should not be developed, as there is insufficient tree cover to allow development to be suitably sited. Development here would be visible in the wider landscape and would obstruct open views from the road across low lying land towards Loch Etive, which is specifically to be safeguarded in the LCS.

The proposal would be contrary to the provisions of the LCS and could have an adverse impact upon the 'Area of Panoramic Quality', contrary to Policies P/DCZ4 and LP ENV 10.

## CHECK SHEET FOR PREPARING AND ISSUING DECISION

Application Number	13/00123/PPP
Decision Date	26/03/13
<b>Issue Latest Date</b>	<b>26/03/13</b>
Decision	Grant with conditions and reasons

Date signed by ATL

Don't Issue Decision	Tick if relevant	Action (tick)	Date sent
Notification to Scottish Ministers			
Notification to Historic Scotland			
Section 75 Agreement			
Revocation			

Issue Decision		Tick	Standard Conditions/Notes to include				
	✓						
Tick	Dev/Decision Type	Time Scale*	Initiation	Completion	Display Notice		
			Only use if PP/AMSC & Granted				
	Local – Sch.3 – Delegated						
✓	Local – Delegated	✓	✓	✓			

\*standard time condition not required if application retrospective.

Include with Decision Notice	
Terms of Section 75	
Summary of Variations made	
Notification of Initiation Form	✓
Notification of Completion Form	✓
Notice for Display	
Roads Schedule/standard drawing	
Archaeology Guidance	
Scottish Water Consultation response	
Pre-commencement conditions sheet	

Notify of Decision	
Objectors/Contributors	✓
Roads	
Ongoing Monitoring – priorities:	

Total residential units FP3 (uniform)			
Houses		Sheltered	
Flats		Affordable	

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**STATEMENT OF CASE**

**FOR**

**ARGYLL AND BUTE COUNCIL  
LOCAL REVIEW BODY**

**13/0008/LRB**

**REFUSAL OF PLANNING PERMISSION IN PRINCIPLE  
FOR THE ERECTION OF A DWELLINGHOUSE**

**LAND SITUATED TO THE EAST OF BLARCREEN  
HOUSE, BONAWE**

**PLANNING PERMISSION IN PRINCIPLE REFERENCE  
NUMBER 13/00123/PPP**

**1<sup>st</sup> May 2013**

## STATEMENT OF CASE

The Planning Authority is Argyll and Bute Council (“the Council”). The appellant is Mrs E. Struthers (“the appellant”) who has employed an agent Mr P. Houghton, Houghton Planning to act upon her behalf (“the agent”).

Planning application 13/00123/PPP which proposed the erection of a dwellinghouse on land situated to the east of the existing dwellinghouse at Blarcreen House, Bonawe, Argyll and Bute (“the appeal site”) was refused under delegated powers on the 26<sup>th</sup> March 2013.

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

### DESCRIPTION OF SITE

The application site is located on the northern shore of Loch Etive situated between the existing settlements of North Connel and Bonawe. Situated directly to the north and east of the application site is the existing B845 public road and an existing dry stone dyke. Situated further to the north and east is steeply rising scrubland and mixed woodland. Situated directly to the south of the application site is an area of low lying improved pasture which gently slopes down towards the foreshore of Loch Etive. Situated directly to the west of the application site is existing mixed woodland and an existing burn. Beyond the burn and riverbank woodland lies the existing property identified as Blarcreen House which is a large detached house with agricultural buildings. The application site measures approximately 0.35 hectares.

### SITE HISTORY

No history on the site itself.

On-land south-east of the application site:

05/00501/OUT

Site for the erection of a dwellinghouse – *application withdrawn 13<sup>th</sup> April 2005.*

05/00751/OUT

Site for the erection of a dwellinghouse – *application approved 22<sup>nd</sup> July 2005.*

09/00823/OUT

Site for the erection of a dwellinghouse – *application withdrawn 13<sup>th</sup> July 2009.*

### 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 and determination shall be made in accordance with the development plan unless material considerations indicate otherwise. This is the test for this planning application.

## STATEMENT OF CASE

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

- Whether the material planning considerations asserted by the appellant are sufficient to outweigh the fact that the planning application is contrary to the current adopted Argyll and Bute Development Plan; or whether in fact the Argyll and Bute Development Plan remains the primary determining factor.

The Report of Handling (please refer to Appendix 1) sets out Planning and Regulatory Services assessment of the planning application in terms of policy within the current adopted Argyll and Bute Development Plan and all other material planning 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 within Appendix 1. As such it is considered that the Local Review Body has all the information required to determine this particular planning application. Given the above and that the proposal is small scale in nature, constitutes a Local Development in accordance with the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, has no complex or challenging issues and has only been the subject of 1 representation from a member of the public, it is not considered that a Hearing is required.

## COMMENT ON APPELLANT'S SUBMISSION

- Mrs E. Struthers had previously obtained outline planning permission 05/00751/OUT for the erection of a dwellinghouse on land situated to the south of the current application site. Outline planning permission was granted as the proposal constituted redevelopment of an existing structure which was formerly known as Kennacraig. However, when Mrs E. Struthers applied to renew outline planning permission 05/00751/OUT via outline planning application 09/00823/OUT, she was advised to withdraw the planning application at the request of Argyll and Bute Council as it was regarded as premature in advance of adoption of the current Argyll and Bute Development Plan as well as the adoption of the Landscape Capacity Study (2010). Mrs E. Struthers agreed with this request and withdrew outline planning application 09/00823/OUT only to now find that the land within her ownership has been withdrawn from the Rural Opportunity Area rendering it difficult for her to secure the permission that she requires for her youngest daughter. Consequently, all of the above prompted the submission of planning application 13/00123/PPP.

*Every planning application is assessed on its own merits, tested first against the Development Plan, then taking account of material considerations. Planning history is a material planning consideration and as such, is included within the Report of Handling (Section C). Application 13/00123/PPP has been determined in accordance with relevant policies within the current adopted Argyll and Bute Development Plan. Whilst illustrated within a 'Rural Opportunity Area' (ROA) the site also lies within an 'Area of Panoramic Quality' (APQ). Accordingly, the allocation of a 'Rural Opportunity Area' is refined by the provisions of the Argyll and Bute Landscape Capacity Study (2010) (LCS) which identifies the application site as being situated within an area recommended as unsuitable for development. Local Plan Policy P/DCZ 4 – Rural Opportunity Areas – Areas and Boundaries states that the proposal must be*

*assessed with regard to the provisions of the Landscape Capacity Study. Reduction in the extent of allocated ROA land was an obligation on the Council when the Scottish Government Reporter approved the Local Plan. Proposals on land excluded from ROA's as a result of the LCS are evaluated against Structure Plan Policy STRAT DC 5 – Development in Sensitive Countryside. STRAT DC 5 states that 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 or single additional dwellinghouses on individual crofts subject to consistency with STRAT AC 1C.*

*In relation to the above, the proposal does not constitute a form of small scale infill, rounding-off, redevelopment, a change of use of building development, a single dwellinghouse on a bareland croft or a single additional dwellinghouse on an individual croft subject to consistency with Policy STRAT AC 1C. Furthermore, no special case has been submitted to the Planning Authority where a locational need or exceptional circumstance may justify the development. Accordingly, the application is contrary to the provisions of Policy STRAT DC5, as well as LP ENV 1 and LP HOU1.*

*Furthermore and with reference to the Landscape Capacity Study (2010), the application site is situated within low lying open landscape alongside improved pastures around Blarcreen House which the LCS advises should not be developed, as there is insufficient tree cover to allow development to be suitably sited. Development here would be visible in the wider landscape and would obstruct open views from the B845 public road across low lying land towards Loch Etive, which is specifically to be safeguarded under the LCS. Therefore, the proposal would be contrary to the provisions of the Landscape Capacity Study and could have an adverse impact upon the 'Area of Panoramic Quality', contrary to Policies P/DCZ 4 and LP ENV 10.*

- In relation to the above, Mrs E. Struthers is now submitting a representation respectfully requesting that the land within her ownership is reallocated as a Rural Opportunity Area within the proposed Argyll and Bute Development Plan.

*Mrs E. Struthers is entitled to submit a representation through the Local Development Plan process prior to the consultation deadline. That decision can not be made through the LRB process or the planning application process. Irrespective of whether a representation is submitted or not, the future Local Development Plan does not yet constitute a material planning consideration (in accordance with Scottish Planning Series Circular 4/2009: Development Management Procedures) during the determination process any planning application or Local Review Body decision. The subject of this review must be determined against the relevant policies of the adopted development plan unless material considerations indicate otherwise. The proposal is not in accordance with Policies STRAT DC 5, LP ENV 1, LP ENV 10, LP HOU 1 and P/DCZ 4 for the reasons outlined above.*

- The Landscape Capacity Study (2010) which was undertaken by Gillespies considered a large number of Rural Opportunity Areas and so inevitably the time they could spend looking at individual sites would have been limited. It is, therefore, respectfully suggested that there are certain parts of the land owned by Mrs E. Struthers that can be developed without any wider landscape and visual impact albeit subject to consideration against other development management policies and supplementary planning guidance.

*The Landscape Capacity Study was approved by Argyll and Bute Council on the 5<sup>th</sup> May 2010. Departures from its provisions are also departures from the current Development Plan, by virtue of Policy P/DCZ 4.*

- An area of land situated to the west and within close proximity to the B845 public road which was also subject to the Landscape Capacity Study (2010), has been identified as being situated within a Rural Opportunity Area within the proposed Argyll and Bute Development Plan. It has been stated that further dwellinghouses within this area of land will be 'discreetly sited and associated with existing tree groups'.

*This point is correct, but the site differs from the application site in that it does not enable development in a position where it blocks or obstructs views across open land from the road to Loch Etive, which are identified in the LCS as meriting protection.*

- A dwellinghouse can be discreetly sited and will relate well to the existing trees situated along the burn. Also, when viewed from further along the B845 public road, development here will also be discreetly set into the landscape.

*From some views, the propose dsite would sit comfortably against the trees, but from the road itself as a driver approaches the site, it would block open views from the road to Loch Etive, which is contrary to the Landscape Capacity Study (2010). IOF the land had remained allocated ROA, it is a fairly sensible site, but without a presumption in favour of suitable development, there is no reason to consider the proposal as a departure to the development plan. The landholding has a derelict house which could be redeveloped or replaced in favour with the development plan, and it is considered this is an alternative that the appellant should give further thought to. That option was mentioned in the planning application and the LRB submissions, but as yet, the appellant has given no clarity as to their long term proposals in that regard, choosing instead to apply for this site which runs contrary to the development plan.*

- It is respectfully considered that the proposed dwellinghouse can be considered as rounding-off and is thus an acceptable form of development in Sensitive Countryside.

*Rounding-off development is defined in the Local Plan as new development positioned largely between substantial buildings on one side and a substantial ground or natural feature on the other side and arranged such that the local pattern of development terminates at this point. The application site does not constitute an appropriate rounding-off development site. Albeit that there is an existing property identified as Blarcreen House situated to the west of the application site, the application site is separated from it by an area of mature woodland and a burn. The site does not lie between Blarcreen House and any substantial features whereby it would round off the existing developed area. On the contrary, by permitting development for the erection of a dwellinghouse within this application site, this would create a pairing of houses where this pattern does not presently exist. Allowing the site to be developed as a departure from the development plan would encourage development into the low lying improved pastures near Blarcreen House where there is insufficient tree cover to enable development to be suitably sited, and in a position where it would interrupt currently open views from the B845 public road across to Loch Etive, which is specifically advised against in the Landscape Capacity Study (2010).*

The appellant's statement of case does not conclusively address the reasons for refusal above which are explained fully within the Report of Handling attached within Appendix 1.

## CONCLUSION

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

The application site is identified as a Rural Opportunity Area also within an Area of Panoramic Quality, which makes it subject to the approved Landscape Capacity Study (2010). The LCS identifies the site in an area recommended as unsuitable for any further development. It applies to the site under Local Plan Policy P/DCZ 4 – Rural Opportunity Areas – Areas and Boundaries. Proposals on land deleted from allocated ROA's by virtue of the LCS are evaluated against Structure Plan Policy STRAT DC 5 – Development in Sensitive Countryside. The proposal does not satisfy Policy STRAT DC 5 as it does not constitute a form of small scale infill, rounding-off, redevelopment, a change of use of building development, a single dwellinghouse on a bareland croft or a single additional dwellinghouse on an individual croft subject to consistency with Policy STRAT AC 1 C. Also, no special case has been submitted to the Planning Authority where a locational need or exceptional circumstance may justify the development. Accordingly, the application is contrary to the provisions of Policy STRAT DC 5, as well as LP ENV 1 and LP HOU 1.

The Landscape Capacity Study (2010) identifies that the application site is situated within low lying open landscape including the improved pastures around Blarcreen House which should not be developed, as there is insufficient tree cover to allow development to be suitably sited. Development here would be visible in the wider landscape and would obstruct open views from the B845 public road across low lying land towards Loch Etive, which is specifically to be safeguarded in the Landscape Capacity Study (2010). Therefore, the proposal would be contrary to the provisions of the Landscape Capacity Study (2010) and could have an adverse impact upon the 'Area of Panoramic Quality', contrary to Policies P/DCZ 4 and LP ENV 10.

The proposal is contrary to the adopted development plan and there are no material considerations of such weight that have been identified to justify the proposal as a departure from the provisions of the development plan. It is respectfully requested that the review be dismissed and the original refusal be upheld.

In order to meet the appellant's aspirations for a house, she is encouraged to re-visit the option for redevelopment of the derelict property Kennacraig to the south-east within the landholding. To do so would find policy favour under STRAT DC 5.

## Appendix 1

Argyll and Bute Council  
Development 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:** 13/00123/PPP  
**Planning Hierarchy:** Local Development  
**Applicant:** Mrs E Struthers  
**Proposal:** Site for the erection of a dwellinghouse  
**Site Address:** Land east of Blarcreen House, Bonawe, Argyll and Bute

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### DECISION ROUTE

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

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#### (A) THE APPLICATION

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

- Site for the erection of a dwellinghouse.
- Construction of a private vehicular access.
- Construction of on-site vehicular parking and associated turning arrangements.
- Installation of a private water supply.
- Installation of a septic tank and partial soakaway.

##### (ii) Other specified operations

- None
- 

#### (B) RECOMMENDATION:

Having due regard to the Argyll and Bute Development Plan and all other material planning considerations, it is recommended that planning permission in principle be refused for the reasons outlined within this report.

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#### (C) HISTORY:

On-land south-east of the application site

05/00501/OUT

Site for the erection of a dwellinghouse – application withdrawn.

05/00751/OUT

Site for the erection of a dwellinghouse – *application approved 22<sup>nd</sup> July 2005.*

09/00823/OUT

Site for the erection of a dwellinghouse – *application withdrawn 13<sup>th</sup> July 2009.*

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**(D) CONSULTATIONS:**

Area Roads Officer

Response received 31<sup>st</sup> January 2013 – no objection subject to conditions and advisory comments which can be viewed within section 'Note to Applicant' below.

Oban Airport

No response received at the time of writing this 'Report of Handling' and no extension of time was requested.

Public Protection Services

Response received 29<sup>th</sup> January 2013 – no objection subject to a condition.

Scottish Natural Heritage

Response received 6<sup>th</sup> February 2013 – no objection subject to a condition.

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**(E) PUBLICITY:**

'Regulation 20 – Advert Local Application' from the 7<sup>th</sup> to the 28<sup>th</sup> February 2013.

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**(F) REPRESENTATIONS:**

1 objection was received from;

- Ms Sian Griffiths, Blarcreen House, Ardchattan, Oban, Argyll and Bute, PA37 1RG (e-mail sent 13.03.2013).

The concerns raised are summarised as follows:

- This development is out with the village boundary, in Sensitive Countryside and adjacent to a Site of Special Scientific Interest.

*Comment – the later sections of this report fully assess the policies applicable to the site. In essence, the objectors concerns regarding compatibility with policy are founded.*

- There are a number of building plots available within Bonawe itself and thus it seems a pity to allow development of open countryside.

*Comment – for the reasons stated below, the application is found to be at variance with the adopted development plan. The availability of other plots is not of itself considered to be a critical determining factor in this instance.*

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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  
(The agent has however submitted a 'Supporting Statement' with this planning application.)
- (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 the assessment of the application**

'Argyll and Bute Structure Plan' 2002

Policy STRAT SI 1 – Sustainable Development

Policy STRAT DC 4 – Development in Rural Opportunity Areas

Policy STRAT DC 5 – Development in Sensitive Countryside

Policy STRAT DC 8 – Landscape and Development Control

Policy STRAT HO 1 – Housing – Development Control Policy

Full details of the 'Argyll and Bute Structure Plan' 2002, including proposal maps and full policy wording can be viewed on the Council's website by following the link below:

<http://www.argyll-bute.gov.uk/planning-and-environment/argyll-and-bute-structure-plan>.

'Argyll and Bute Local Plan' 2009

Policy LP ENV 1 – Development Impact on the General Environment

Policy LP ENV 10 – Development Impact on Areas of Panoramic Quality

Policy LP ENV 12 – Water Quality and Environment

Policy LP ENV 19 – Development Setting, Layout and Design

Policy LP HOU 1 – General Housing Development

P/DCZ 4 – Rural Opportunity Areas – Areas and Boundaries

Appendix A: Sustainable Siting and Design Principles

Appendix C: Access and Parking Standards

Full details of the 'Argyll and Bute Local Plan' 2009, including proposal maps and full policy wording can be viewed on the Council's website by following the link below:

<http://www.argyll-bute.gov.uk/planning-and-environment/local-plan>.

- (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 and Bute Landscape Capacity Study (2010)

Argyll and Bute Sustainable Design Guidance (2006)

Scottish Planning Policy (2010)

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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:** No

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

This application is seeking planning permission in principle for the erection of a dwellinghouse on land situated to the east of the existing property at Blarcreen House, Bonawe, Argyll and Bute.

The application site is located on the northern shore of Loch Etive situated between the existing settlements of North Connel and Bonawe. Situated directly to the north and east of the application site is the existing B845 Bonawe public road and an existing dry stone dyke. Situated further to the north and east is steeply rising scrubland and areas of mixed woodland. Situated directly to the south of the application site is an area of low lying improved pasture which gently slopes down towards the foreshore of Loch Etive. Situated directly to the west of the application site is existing mixed woodland and an existing burn, with the Blarcreen House steading beyond, which comprises a large detached dwellinghouse backed by several agricultural/horticultural storage buildings/sheds.

When referring to the 'Argyll and Bute Local Plan' 2009, the application site is situated within a 'Rural Opportunity Area' which is also situated within an 'Area of Panoramic Quality'. Consequently, this particular 'Rural Opportunity Area' was subject to the Landscape Capacity Study which was approved by Argyll and Bute Council on the 5<sup>th</sup> May 2010, this policy linkage being provided via Local Plan Policy P/DCZ4. The LCS allocates the site in 'Lorn – LN22 Inveresragan' within an area not recommended for development.

Accordingly, as the application site is situated within an area recommended as unsuitable for development and with reference to P/DCZ 4 – Rural Opportunity Areas – Areas and Boundaries of the 'Argyll and Bute Local Plan' 2009, the Council's practice is to assess such proposals against Policy STRAT DC 5 – Development in Sensitive Countryside of the 'Argyll and Bute Structure Plan' 2002. Policy STRAT DC 5 – Development in Sensitive Countryside states:

“Within Sensitive Countryside encouragement shall only be given to small scale (small scale corresponds to developments not exceeding 5 dwelling units) infill, rounding-off, redevelopment and change of use of building development or to single dwellinghouses on bareland crofts or single additional dwellinghouses on individual crofts subject to consistency with STRAT AC 1 C.”

The Local Plan glossary defines infill, rounding-off, redevelopment and change of use of building development are follows:

- *Infill development* – new development positioned largely between other substantial buildings and this new development being of a scale subordinate to the combined scale of the buildings adjacent to the development site.
- *Rounding-off development* – new development positioned largely between substantial building(s) on one side and a substantial ground or natural feature on the other side and arranged such that the local pattern of development terminates at this point.
- *Redevelopment* – a development of new buildings involving significant demolitions; or the extension of a building involving more than a doubling of the cubic volume of the building but not exceeding three times the cubic volume (less than a doubling being treated as a building extension and more than a trebling, as new build).
- *Change of use* – change of use of land or building as prescribed by the Town and Country Planning (Scotland) Act 1997 (as amended by the Town and Country Planning etc. (Scotland) Act 2006).

With regards to infill development, the application site does not constitute an appropriate infill development site. Albeit that there is an existing property (Blarcreen House) nearby, it comprises a single steading group and there are no other buildings immediately to the north, east or south of the application site. The proposal does not constitute a form of infill development as it would not be positioned largely between other substantial buildings and this new development would not be of scale subordinate to the combined scale of the buildings adjacent to the application site.

With regards to rounding-off development, the application site does not constitute an appropriate rounding-off development site. Albeit that there is an existing property identified as Blarcreen House situated to the west of the application site, there are no substantial ground or natural features against which the application site would terminate the local pattern of development at this point. On the contrary, by permitting development for the erection of a dwellinghouse within this application site, this would create a pairing of houses where this pattern does not presently exist and could encourage development into the low lying improved pastures near Blarcreen House where there is insufficient tree cover to enable development to be suitably sited. Furthermore, permitting development into the low lying improved pastures would interrupt views looking south from the B845 public road across Loch Etive, which is specifically advised against in the LCS. Therefore, the proposal does not constitute a form of rounding-off development as it would not be positioned largely between substantial building(s) on one side and a substantial ground or natural feature on the other side and arranged such that the local pattern of development terminates at this point.

With regards to redevelopment, there are no existing buildings situated within the application site which could be demolished or extended and ultimately redeveloped in accordance with the volume calculation as stated above. Therefore, the proposal does not constitute a form of redevelopment.

With regards to a change of use of building development, there are no existing buildings situated within the application site which ensures that a change of use of building development is not possible. Therefore, the proposal does not constitute a change of use of building development.

With regards to a single dwellinghouse on a bareland croft or a single additional dwellinghouse on an individual croft subject to consistency with Policy STRAT AC 1 C; the site is not a registered croft so the proposal does not fit this criteria.

If the site had remained within an allocated Rural Opportunity Area, it is a sensible site in which to locate a house, whereby the close arrangement with the steading and mature tree belt along the burn would help to accommodate a house. However, the Reporters decision on the Local Plan forced the reduction in size of allocated ROA's. The impact of the adopted LCS is to shift the policy context significantly in this instance. The agent asserts that the LCS is of lesser weight, but this view is not shared by the Planning Service. The site needs to be assessed against STRAT DC 5, and for the reasons set out above, it meets none of the requirements as infill, rounding off, redevelopment, change of use development, or housing on croft development.

The only other option to consider is whether a special case of locational need or exceptional circumstance has been submitted that may justify a development within STRAT DC 5. No such case has been submitted, and as such, there is no compelling locational need or exceptional circumstance to justify this proposal.

The proposal is therefore contrary to Policy STRAT DC 5.

It is a key aim of the Argyll and Bute Development Plan to safeguard sensitive areas from inappropriate development. With reference to the 'Argyll and Bute Structure Plan' 2002, Section '4.10 – Sensitive Countryside' states:

“...Sensitive Countryside does not have a general capacity to successfully absorb development in the open countryside...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.”

As has been analysed and appraised previously within this 'Report of Handling', the proposal does not constitute an acceptable form of small scale infill, rounding-off, redevelopment or a change of use of building development. The proposal is situated within the development zone identified as 'Sensitive Countryside' which does not have a general capacity to successfully absorb development. Furthermore, with reference to the Argyll and Bute Council Landscape Capacity Study 2010, it states:

"...the low lying improved pastures around Blarcreen should not be developed, as there is insufficient tree cover to allow development to be suitably sited. Development here would be very visible in the wider landscape."

Whilst this site is fenced off from the grazed fields, and contains bracken, it remains part of the open gently sloping landscape over which open views exist from the public road to Loch Etive. The proposed dwellinghouse would be visible within the wider open landscape primarily to the south of the public road.

With reference to the 'Argyll and Bute Local Plan' 2009, Policy LP ENV 1 – Development Impact on the General Environment states:

"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:

(A) The development is of a...location...consistent with Structure Plan Policies STRAT DC 1 to 6."

As the proposal is contrary to Policy STRAT DC 5, it is also contrary to Policy LP ENV 1.

With reference to the 'Argyll and Bute Local Plan' 2009, Policy LP HOU 1 – General Housing Development states:

"There is a general presumption against housing development when it involves...small scale housing development in...open/undeveloped areas within...Sensitive Countryside."

In relation to the above, the application site is situated within an area of undeveloped land which is situated within the development zone identified as Sensitive Countryside. With reference to the 'Argyll and Bute Local Plan' 2009, the justification section for Policy LP HOU 1 states:

"The Sensitive Countryside 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."

As the proposal does not constitute an acceptable form of small scale infill, rounding-off, redevelopment or a change of use of building development, the proposal is contrary to Policy LP HOU 1.

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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**  
See below

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

N/A – the proposal is being recommended for refusal due to the reasons outlined within Sections (P) and (R) above.

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

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**Author of Report: Walter Wyllie**

**Date: 26<sup>th</sup> March 2013**

**Reviewing Officer: Stephen Fair**

**Date: 26/03/13**

**Angus Gilmour  
Head of Planning**

**GROUNDINGS OF REFUSAL RELATIVE TO APPLICATION 13/00123/PPP**

1. The application site lies within a 'Rural Opportunity Area' and an 'Area of Panoramic Quality'. Accordingly, the allocation of a 'Rural Opportunity Area' is refined by the provisions of the Argyll and Bute Landscape Capacity Study 2010 which identifies the application site as being situated within an area recommended as unsuitable for development. Having regard to Local Plan Policy P/DCZ 4 – Rural Opportunity Areas – Areas and Boundaries, the proposal must be assessed under Policy STRAT DC 5 – Development in Sensitive Countryside of the 'Argyll and Bute Structure Plan' 2002. Policy STRAT DC 5 – Development in Sensitive Countryside states that encouragement shall only be given to small scale (small scale corresponds to developments not exceeding 5 dwelling units) infill, rounding-off, redevelopment and change of use of building development or to single dwellinghouses on bareland crofts or single additional dwellinghouses on individual crofts subject to consistency with STRAT AC 1 C.”

The proposal does not constitute a form of small scale infill, rounding-off, redevelopment, a change of use of building development, a single dwellinghouse on a bareland croft or a single additional dwellinghouse on an individual croft subject to consistency with Policy STRAT AC 1 C. Furthermore, no special case has been submitted to the Planning Authority where a locational need or exceptional circumstance may justify the development. Accordingly, the application is contrary to the provisions of Policy STRAT DC 5, as well as LP ENV 1 and LP HOU 1

2. With reference to the Argyll and Bute Council Landscape Capacity Study 2010 (LCS), the application site is situated within low lying open landscape including the improved pastures around Blarcreen House which should not be developed, as there is insufficient tree cover to allow development to be suitably sited. Development here would be visible in the wider landscape and would obstruct open views from the road across low lying land towards Loch Etive, which is specifically to be safeguarded in the LCS.

The proposal would be contrary to the provisions of the LCS and could have an adverse impact upon the 'Area of Panoramic Quality', contrary to Policies P/DCZ4 and LP ENV 10.

**APPENDIX TO DECISION REFUSAL NOTICE**

Appendix relative to application 13/00123/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 by the Town and Country Planning etc. (Scotland) Act 2006) to the initial submitted plans during its processing.

No

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- (B)** The reasons why planning permission in principle has been refused.

- 1.** The application site lies within a ‘Rural Opportunity Area’ and an ‘Area of Panoramic Quality’. Accordingly, the allocation of a ‘Rural Opportunity Area’ is refined by the provisions of the Argyll and Bute Landscape Capacity Study 2010 which identifies the application site as being situated within an area recommended as unsuitable for development. Having regard to Local Plan Policy P/DCZ 4 – Rural Opportunity Areas – Areas and Boundaries, the proposal must be assessed under Policy STRAT DC 5 – Development in Sensitive Countryside of the ‘Argyll and Bute Structure Plan’ 2002. Policy STRAT DC 5 – Development in Sensitive Countryside states that encouragement shall only be given to small scale (small scale corresponds to developments not exceeding 5 dwelling units) infill, rounding-off, redevelopment and change of use of building development or to single dwellinghouses on bareland crofts or single additional dwellinghouses on individual crofts subject to consistency with STRAT AC 1 C.”

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The proposal would be contrary to the provisions of the LCS and could have an adverse impact upon the ‘Area of Panoramic Quality’, contrary to Policies P/DCZ4 and LP ENV 10.



SIAN GRIFFITHS - Review Reference Number 130008LRB  
From: Blarcreen <info@blarcreenhouse.com>  
Sent: 03 May 2013 10:16  
To: localreviewprocess  
Subject: Review Reference Number 13/0008/LRB

I do not wish to make further representation regarding the above planning application. I

understand that my original comments will be considered.

Regards

Sian Griffiths

[www.blarcreenhouse.com](http://www.blarcreenhouse.com)

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NOTICE OF REVIEW REQUEST COMMENT FROM PAUL HOUGHTON - 130008LRB

Dear Ms Marshall,

The only comment that the applicant wishes to respond to in the Council's Statement of Case is in the final paragraph. This relates to redeveloping the remains of Kennacraig.

I have recently spoken to Mr Stephen Fair about this issue and discussed an alternative approach whereby the remains of Kennacraig are instead dismantled and the building materials removed as a condition of planning permission being granted for the dwelling on the application site. The site of the former Kennacraig dwelling could then be returned to agricultural use. This could all be achieved by way of a Grampian style (negative) planning condition.

The above would secure what Mr Fair is, I understand, after of supporting the applicant in securing planning permission for a single dwelling on her land, but at the same time removing the opportunity of her then applying for a second dwelling at a later date by seeking the redevelopment of Kennacraig.

I would be grateful if you would bring this matter to the attention of the local review body and would welcome the opportunity of addressing them should this be deemed appropriate.

Yours sincerely

Paul Houghton  
Director  
Houghton Planning  
102 High Street Dunblane Stirling FK15 0ER

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