

**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

12 March 2014

## NOTICE OF MEETING

A meeting of the **ARGYLL AND BUTE LOCAL REVIEW BODY** will be held in the **COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD** on **WEDNESDAY, 19 MARCH 2014** at **9:45 AM**, which you are requested to attend.

Douglas Hendry  
Executive Director - Customer Services

## BUSINESS

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATIONS OF INTEREST (IF ANY)**
3. **CONSIDER NOTICE OF REVIEW REQUEST: LAND SOUTH OF A828, PORTNACROISH**
  - (a) Notice of Review and Supporting Documentation (Pages 1 - 46)
  - (b) Comments from Interested Parties (Pages 47 - 62)

## ARGYLL AND BUTE LOCAL REVIEW BODY

Councillor George Freeman  
Councillor Roderick McCuish

Councillor David Kinniburgh

Contact: Hazel MacInnes Tel: 01546 604269

This page is intentionally left blank



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)

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                      000076060-002

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.

## 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:

Ref. Number:

First Name: \*

Last Name: \*

Telephone Number: \*

Extension Number:

Mobile Number:

Fax Number:

Email Address: \*

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

Building Name:

Building Number:

Address 1 (Street): \*

Address 2:

Town/City: \*

Country: \*

Postcode: \*

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

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title: *	<input type="text" value="Miss"/>
Other Title:	<input type="text"/>
First Name: *	<input type="text" value="Sumie"/>
Last Name: *	<input type="text" value="MacAlpine-Downie"/>
Company/Organisation:	<input type="text"/>
Telephone Number:	<input type="text"/>
Extension Number:	<input type="text"/>
Mobile Number:	<input type="text"/>
Fax Number:	<input type="text"/>
Email Address:	<input type="text"/>

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

Building Name:	<input type="text"/>
Building Number:	<input type="text" value="45"/>
Address 1 (Street): *	<input type="text" value="Windsor Road"/>
Address 2:	<input type="text"/>
Town/City: *	<input type="text" value="Richmond"/>
Country: *	<input type="text" value="England"/>
Postcode: *	<input type="text" value="TW9 2EJ"/>

## Site Address Details

Planning Authority:

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

Address 1:	<input type="text"/>	Address 5:	<input type="text"/>
Address 2:	<input type="text"/>	Town/City/Settlement:	<input type="text"/>
Address 3:	<input type="text"/>	Post Code:	<input type="text"/>
Address 4:	<input type="text"/>		

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

Northing	<input type="text"/>	Easting	<input type="text"/>
----------	----------------------	---------	----------------------

## Description of the Proposal

Please provide a description of the proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: \*  
(Max 500 characters)

## Type of Application

What type of application did you submit to the planning authority? \*

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? \*

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

## Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: \* (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time of expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

See attached Local Review Statement.

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made? \*

Yes  No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review: \* (Max 500 characters)

See attached Local Review Statement.

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: \* (Max 500 characters)

Covering Letter.  
 Location Plan/Site Plan.  
 Amended Site Plan showing smaller plot and possible car park.  
 Approved Drawing ref: 12/01181/PP.  
 Report of Handling.  
 Decision Notice.

## Application Details

Please provide details of the application and decision.

What is the application reference number? \*

13/02637/PPP

What date was the application submitted to the planning authority? \*

19/11/13

What date was the decision issued by the planning authority? \*

20/01/14

## Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. \*

Yes  No

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be conducted by a combination of procedures.

Please select a further procedure \*

Inspection of the land subject of the appeal. (Further details below are not required)

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? \* (Max 500 characters)

It is requested that the Local Review Body (LRB) visit the site, as the outlook from the church, and the relationship of the application site to the remainder of the settlement, are key issues. These are best understood by viewing onsite.

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? \*

Yes  No

Is it possible for the site to be accessed safely and without barriers to entry? \*

Yes  No

## Checklist - Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant? \*  Yes  No

Have you provided the date and reference number of the application which is the subject of this review? \*  Yes  No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? \*

Yes  No  N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? \*  Yes  No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and drawings) which are now the subject of this review \*  Yes  No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

## Declare - Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Paul Houghton

Declaration Date: 22/01/2014

Submission Date: 28/01/2014

This page is intentionally left blank



## **Local Review Statement**

**Reference No:** 13/02637/PPP

**Applicant:** Miss Sumie Macalpine-Downie

**Proposal:** Site for the erection of dwelling house

**Site Address:** Land West of Tigh Na Crois, Portnacroish, Appin

### **Introduction**

This Local Review Statement has been prepared in response to the Council's recent refusal under delegated powers of a Planning Permission in Principle (PPP) application for the erection of a dwellinghouse for Miss Sumie Macalpine-Downie. The application has been refused for three reasons, and this statement addresses each of these in turn below, following some brief opening comments.

It is requested that the Local Review Body (LRB) visit the site, as the outlook from the church, and the relationship of the application site to the remainder of the settlement, are key issues. These are best understood by viewing the application site and its context.

It should be stressed at the outset that the intended dwelling is for Miss Macalpine-Downie to live in herself. She has no intention of applying for any further dwellings on the land, and the remaining land she owns will remain in agricultural use.

She does not own any other land locally, and so this field represents her only opportunity to build a house in the settlement. She is not aware of any other sites within the settlement boundary that are available, and these would anyway significantly increase the cost to her of building a house, as she would both need to pay a market value for the plot, and then fund the build. There is currently a paucity of self-build mortgages available for people to build in Argyll and Bute, and while the applicant is able to secure funding to build a modest house, she is unlikely to be able to borrow to also fund purchase of an open market plot.

It should also be noted that Miss Macalpine-Downie's family have owned this land for many years, and she still has many relatives living in the locality, and who are keen to see her move to the area. She has also been supported in her endeavours by six local residents, who have written in support of her application, and it is hoped that the LRB will give weight to these, and the views expressed within them.

The only other preliminary matters we wish to raise are the size of the proposed plot, and to introduce the possibility of the applicant providing a small car park that would be available to local residents, and to those people using the church. It is appreciated that the second of these has not been mentioned, to date, in submitted written documents, but it has been discussed with the case officer, who advised that it would not make a difference to his decision, but would be worth raising in seeking a local review, hence why it is being mentioned now.

The case officer has calculated that the plot is 0.94 hectares in size, and with a frontage of some 110 metres, and suggests that both in terms of its size, and the possibility that further dwellings may be applied for within this area, is a point of concern. The applicant understands that, and so in an attempt to compromise, has considered again that area that is realistically required for a dwelling and commensurately sized garden area. A further plan has, therefore, been produced showing the location of a much smaller dwelling sited next to Tigh-na-Crois. This not only means that the new dwelling will relate to existing built development within the settlement, but also avoids disrupting the view out from the listed church. It is still not proposed to create a new access from the A828 (T), but instead the dwelling would have a single parking space within a small car park to be created next to the existing access road, with a footpath between this and the dwelling.

It is Miss Macalpine-Downie's understanding, from speaking to a number of local residents, and her knowledge of the area, that parking is a particular problem for local residents, and those using the church for services and other events, because the only available parking is on the minor (private) road that bounds her land. To help address this, therefore, Miss Macalpine-Downie would be prepared to construct a small car park on her land, to accommodate six cars, although it could be made larger. This would be a significant community benefit, which she would deliver alongside building a house for herself.

It is appreciated that both of these offers have come late in the day, and the LRB may be concerned at how they can include them within the bounds of the application before them. However, it is considered that suitably worded planning conditions can be attached to a planning permission to deal with both. A condition dealing with the plot could simply refer to the plan that is being submitted with this local review, and a separate condition included requiring plans and details for the car park to be submitted, approved, and the car park provided, prior to the occupation of the dwelling. Alternatively, the offer of a car park can be included within a Section 75 legal agreement.

## **Response to Reasons for Refusal**

Turning to the reasons for refusal, our response to each is as follows.

Reason 1 – This suggests that the site does not comply with prevailing planning policy in that it is not infill, redevelopment, or rounding off, and nor has it been justified as meeting a particular operational or locational need.

It is accepted that there isn't a particular operational or locational need, nor is it a form of redevelopment, but it is disputed that it can't be defined as infill or rounding off.

In our opinion, it is infill in the sense that it lies in a gap between Tigh-na-Crois and Myrtle Cottage. Furthermore, development of this site will not create a ribbon of development, in that this already exists, but is, instead, infilling a gap in what is otherwise an established built-up frontage.

Equally, we would say that the development of this gap will not extend the established settlement boundary. It is accepted that both the Argyll and Bute Local Plan (ABLP) and Argyll and Bute Local Development Plan (ABLDP) Proposals Maps draw this tightly around existing development, and exclude the application site from it, but, on the ground, the field clearly appears as part of, central even, to a linear settlement form extending from Glen Stockdale Burn, to the east, to West Dallens, to the north west. It appears as much part of the settlement as the field to the rear of Myrtle Cottage wherein Detailed Planning Permission was granted for a dwelling in 2012 (ref: 12/01181/PP), and an earlier PPP application was approved in 2011 (ref: 11/01339/PPP) with the case officer concluding, in the Report of Handling for that earlier application, that a dwelling on this site would *“be compatible with the settlement pattern of the immediately surrounding area”*. If that site is deemed compatible with the established pattern of development, with a substantial detached house set back from the existing road frontage, then surely so must a dwelling on the current application site. A copy of the approved plan for this dwelling is included with this local review. It should be noted that the applicant does not need, nor can she afford, a dwelling anywhere near as large as this consented one.

Finally, it is accepted that developing the application site will coalesce existing development, but it will do so by connecting two parts of the same settlement. It will not cause two different settlements to appear joined, which is what, we say, planning policy is seeking to prevent.

Reason 2 – It is appreciated that the application site is not within the settlement boundary as drawn on the two Proposals Maps, and indeed why the Local Plan Reporter might have concluded that the settlement had a dispersed and staggered quality. However, given that the applicant is not proposing to develop the whole of the frontage, but only a small part of it, and with the remainder staying in agricultural use and open, it is considered that little impact will be apparent. Even then this will be more than compensated for by the provision of a small car park, which meets a known local need.

Reason 3 – It is accepted that a dwelling placed centrally in the field would be apparent from the church, although even then with the drop in levels, and provided any new dwelling is single storey (which is all that the applicant wants), the visual impact will be limited. However, by taking the dwelling (and car park) to the sides of the field, close to Tigh-na-Crois and the minor road, it is firmly considered that any impact on the outlook from the church will be limited. The view from the church is already funnelled by mature trees within the grounds, and filtered by trees and hedgerows along the A828 (T), and any development in those two areas identified on the new plan provided will be very much on the periphery of the view out, and thus of limited visual impact.

For the above reasons, therefore, it is respectfully requested that the LRB grant the planning application before them.

Our Ref: DOW13045

Your ref:

15<sup>th</sup> November 2013

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

Email:  
paul@houghtonplanning.co.uk

Dear Sir/Madam,

**LAND SOUTH OF A828, PORTNACROISH, ARGYLL & BUTE**

Houghton Planning is instructed by Mrs S MacAlpine-Downie to submit a Planning Permission in Principle (PPP) application for a single dwelling on land south of the A828, Portnacroish, Argyll and Bute.

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

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

The site lies immediately south of the A828 at Portnacroish. It forms the north western part of a field, which slopes down from the main A road to the former railway line, now used as a footpath.

The field is currently used for grazing and is bounded by hedgerows and trees, other than where it is fenced to form the rear boundaries of properties fronting the A road. Those properties comprise: Tigh-Na-Crois, Grianan and nos 1-4 Appin Terrace.

Access to the field is currently taken from a minor road, forming the western boundary of the application site and field, and close to the junction of this with the A road. It is proposed to close this field access and create a new one further to the south; this will be shared with the proposed dwelling. This access relocation will be of benefit to the area by reducing the opportunity for vehicular conflicts within the existing junction bell mouth. The proposed access has also been carefully sited to avoid two mature trees that form part of this western boundary.

The minor road, from which access is proposed, is privately owned, but over which the applicant has a right of way. The road already serves a number of residential properties,

including: Myrtle Cottage, Tigh Sithe and nos 1-4 Railway Cottages, and is considered to be appropriate for the minor residential/agricultural access necessary to serve the proposed plot and field.

The application site has been chosen such that it forms an infill plot between Tigh-na-Crois and Myrtle Cottage. A new dwelling here will sit well down from St Cross Church; will not affect the outlook of any existing dwellings; and the applicant is prepared to plant a 20 metre wide structural landscaping belt along the edge of the plot with Tigh-na-Crois, if this is considered necessary for amenity reasons. Otherwise, the aim will be to protect all existing trees and hedgerows, with the remainder of the field left for continued agricultural grazing.

The application site, and remainder of the field, is currently identified, on the Argyll and Bute Local Plan Proposals Map (ABLP), as Countryside around Settlements. It is also within the Lynn of Lorn National Scenic Area (NSA), the northern boundary of which is the A828. It is not shown within the SEPA Indicative Flood Map 1:200 year flood zone, nor are there any biodiversity or cultural heritage designations shown on SiteLink or PastMap, with the nearest cultural heritage designation being the church, and churchyard, which are Category C listed.

Countryside around Settlements is a development management zone defined by the Argyll and Bute Structure Plan (ABSP) and the ABLP wherein *"a co-ordinated and planned approach to development is appropriate whilst allowing for small scale infill, rounding-off redevelopment and change of use of buildings to take place on an appropriate basis."* In effect, there is a presumption in favour of appropriate residential development and this is supported by Policy STRAT DC 5 in the ABSP and LP Hou 1 in the ABLP. The text that supports LP Hou 1 goes on to state that acceptable residential development should *"not result in undesirable forms of settlement coalescence, the extension of the established settlement boundary or ribbon development"*.

The Argyll and Bute Local Development Plan (ABLDP), which is soon to be considered at Examination, no longer includes Countryside around Settlements, and instead such areas are included in a separate development management zone, Countryside. That said, the policy regime for such areas is basically the same as for Countryside around Settlements and continues to permit small scale infill and rounding off in appropriate circumstances (Policy LDP DM1) and provided it does not *"extend an existing settlement into the Countryside Zone"*.

The Portnacroish Settlement Zone, as shown on both the ABLP and ABLDP Proposals Maps, has a linear character, with the principal, but currently separated, settled zones being west of the application site and to the north east, although the church, and the frontage houses on the A828, are also included therein. In effect, therefore, the new ABLDP policy presumes again development within the field because, by definition, it would 'extend the settlement' into the Countryside.

The ABLDP status of the field as Countryside is a recent modification, as earlier versions of this Plan showed the western end of the field as a Potential Development Area (PDA 5/166) for residential development and thus, presumably, as part of the settlement as envisaged at those times. This PDA zoning was, however, removed following objections received to its inclusion, and due to the possibility of the field having archaeological interest, and thus it reverts to Countryside in the new Plan soon to be at Examination. This archaeological interest need not, however, preclude development, but rather suggests that a suitably worded planning condition should be attached to any planning permission granted requiring an archaeological investigation, which the applicant is happy to commission.



Against this policy background, it should be stressed that the current development plan presumes in favour of residential development on this field, and whilst the ABLDP is a material consideration, the weight that can be attached to this is limited, in our view, because this Plan has not yet been subjected to Examination.

Turning to the application site itself, this can be accepted for development provided it can be seen as infill or rounding off. In our opinion, it is infill, as stated above, in the sense that it lies in a gap between Tigh-na-Crois and Myrtle Cottage. Furthermore, development of this site will not create a ribbon of development, in that this already exists, but is, instead, infilling a gap in what is otherwise an established built-up frontage.

Equally, we would say that the development of this gap will not extend the established settlement boundary. It is accepted that both the ABLP and ABLDP Proposals Maps draw this tightly around existing development, and exclude the application site from it, but on the ground, the field clearly appears as part of, central even, to a linear settlement form extending from Glen Stockdale Burn, to the east, to West Dallens, to the north west. It appears as much part of the settlement as the field to the rear of Myrtle Cottage wherein Detailed Planning Permission was granted for a dwelling in 2012 (ref: 12/01181/PP) and an earlier PPP application was approved in 2011 (ref: 11/01339/PPP) with the case officer concluding, in the Report of Handling for that earlier application, that a dwelling on this site would *“be compatible with the settlement pattern of the immediately surrounding area”*. If that site is deemed compatible, with a substantial detached house set back from the existing road frontage, and established pattern of development, then so must a dwelling on the current application site.

Finally, it is accepted that developing the application site will coalesce existing development, but it will do so by connecting two parts of the same settlement. It will not cause two different settlements to appear joined, which is what, we say, the policy is seeking to prevent.

As such, the current application should benefit from the presumption in favour of development granted by ABLP Policy Hou 1, provided there are no other material considerations suggesting otherwise.

Other material considerations include the ABLDP, albeit that we suggest that this should carry little, if any, weight, and various issues, which are listed on the Council’s website, and in respect of which we can offer the following comments.

- The application site is unlikely to be contaminated. Historic maps going back to 1875 have been checked and show that the field has always been free from any development. The applicant’s family are also long-standing owners and have always used it for agricultural uses, mainly grazing.
- The site is not shown as within a flood plain.
- A dwelling in this position will blend well with the built development, which currently exists, and will have a neutral, if not positive, impact on the landscape quality of the NSA.
- The palate of materials will be in-keeping with those used locally and the applicant is happy for this to be conditioned.
- The applicant will ensure that what is designed is comparable with the scale, design and layout of existing development close-by.
- The proposed dwelling will be far enough away from existing dwellings to ensure that there will be no amenity impacts.

- There are considered to be no environmental impacts likely.
- Given the position of the application site at a lower level to the church, it is considered that its setting will be preserved and, as such, the proposal complies with the statutory test and policy in that regard.
- The site may have archaeological interest and so the applicant is content to undertake an archaeological investigation as a condition of planning permission being granted.
- No nuisance impacts will result from development taking place.
- A dwelling is considered compatible with adjoining uses, which are, in the main, residential.
- Allowing this dwelling will, albeit in a small way, aid the creation and retention of local construction jobs and support the local economy.
- The proposed access is considered to be suitable and can be compliant with prevailing standards.
- Infrastructure is considered adequate.

Overall, we argue that the current proposal accords with relevant policy in the ABSP and ABLP, the majority of other material considerations favour planning permission being granted, and whilst the ABLDP, and its presumption against any extensions of settlements into the Countryside, counts against, this does not carry sufficient weight to outweigh the presumption in favour of new development that is otherwise contained in the development plan

We trust that the above provides sufficient justification for a new dwelling to be consented in principle on this site, but if you do require any further information then please contact Paul Houghton at [paul@houghtonplanning.co.uk](mailto:paul@houghtonplanning.co.uk) or call him on 01786 825575 or 07780 117708.

We otherwise look forward to receiving confirmation in due course that the planning application has been validated.

Yours faithfully

**Houghton Planning**





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)

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                      000076060-001

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)

Single dwelling in principle.

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: *	01786 825575
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: *	Miss
Other Title:	
First Name: *	Sumie
Last Name: *	MacAlpine-Downie
Company/Organisation:	
Telephone Number:	
Extension Number:	
Mobile Number:	
Fax Number:	
Email Address:	

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

Building Name:	
Building Number:	45
Address 1 (Street): *	Windsor Road
Address 2:	
Town/City: *	Richmond
Country: *	England
Postcode: *	TW9 2EJ

## Site Address Details

Planning Authority:

Argyll and Bute Council

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

Address 1:

Address 5:

Address 2:

Town/City/Settlement:

Address 3:

Post Code:

Address 4:

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

Land south of A828, Portnacroish, Argyll & Bute, PA38 4BN

Northing

Easting

## Pre-Application Discussion

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

Yes  No

## Site Area

Please state the site area:

0.94

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 2013) \*

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 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS 2013

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

Are you able to identify and give appropriate notice to ALL the other owners? \*

Yes  No

### Certificate Required

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

Certificate B

### Certificates

The certificate you have selected requires you to distribute copies of the Notice 1 document below to all of the Owners/Agricultural tenants that you have provided, before you can complete your certificate.

Notice 1 is Required

I understand my obligations to provide the above notice(s) before I can complete the certificates. \*

## Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

I hereby certify that -

(1) - No person other than myself/the applicant was an owner [Note 4] 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;

or -

(1) - I have/The Applicant has served notice on every person other than myself/the applicant who, at the beginning of the period of 21 days ending with the date of the accompanying application was owner [Note 4] of any part of the land to which the application relates.

Name:

Mrs K MacAlpine-Downie

Address:

45, Windsor Road, Richmond, TW9 2EJ

Date of Service of Notice: \*

12/11/13

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

or -

(2) - The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have/the applicant has served notice on every person other than myself/himself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant. These persons are:

Name:

Address:

Date of Service of Notice: \*

Signed:

Paul Houghton

On behalf of:

Miss Sumie MacAlpine-Downie

Date:

15/11/2013

## Checklist - Application for Planning Permission

Town and County Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

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 or planning permission in principal where there is a crown interest in the land, have you provided a statement to that effect? \*

Yes  No  Not applicable to this application

c) 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 (other than one under Section 42 of the planning Act), 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 2013

d) 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 2013, have you provided a Design and Access Statement? \*

Yes  No  Not applicable to this application

e) 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 2013) have you provided a Design Statement? \*

Yes  No  Not applicable to this application

f) 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

g) 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: 15/11/2013  
Submission Date: 15/11/2013

### Payment Details

Cheque: ., .

Created: 15/11/2013 13:44



**Proposal Details**

Proposal Name	Mrs Sumie MacAlpine-Downie
Proposal Description	Residential development
Address	Land south of A828, Portnacroish, Argyll & Bute, PA38 4BN
Local Authority	Argyll and Bute Council
Application Online Reference	000076060-002

**Application Status**

Form	complete
Main Details	complete
Checklist	complete
Declaration	complete
Supporting Documentation	complete
Email Notification	complete
Payment Method	incomplete

**Attachment Details**

Application Form	Attached	A4
Approved Drawing ref: 12/01181/PP	Attached	A3
Covering Letter	Attached	A4
Decision Notice	Attached	A4
Design Statement	Attached	A4
Local Review Statement	Attached	A4
Location Plan1	Attached	A3
Notice of Review	System	A4
Notice of Review	System	A4
Report of Handling	Attached	A4
scotapp	System	A4
Site Plan and Proposed Car Park	Attached	A3

This page is intentionally left blank

## **Design Statement**

# **Land West Of Tigh Na Crois Portnacraish Appin Argyll And Bute.**

### **Introduction**

This Design Statement has been prepared based upon guidance to be found in Argyll and Bute's Design Statements – Guidance Note, the Argyll and Bute Local Plan (ABLP) and Planning Advice Note 68: Design Statements.

### **The Site**

The site lies immediately south of the A828 at Portnacraish. It forms the north western part of a field, which slopes down from the main A road to the former railway line, now used as a footpath.

The field is currently used for grazing and is bounded by hedgerows and trees, other than where it is fenced to form the rear boundaries of properties fronting the A road. Those properties comprise: Tigh-Na-Crois, Grianan and nos 1-4 Appin Terrace.

Access to the field is currently taken from a minor road, forming the western boundary of the application site and field, and close to the junction of this with the A road. It is proposed to close this field access and create a new one further to the south; this will be shared with the proposed dwelling. This access relocation will be of benefit to the area by reducing the opportunity for vehicular conflicts within the existing junction bell mouth. The proposed access has also been carefully sited to avoid two mature trees that form part of this western boundary.

The minor road, from which access is proposed, is privately owned, but over which the applicant has a right of way. The road already serves a number of residential properties, including: Myrtle Cottage, Tigh Sithe and nos 1-4 Railway Cottages, and is considered to be appropriate for the minor residential/agricultural access necessary to serve the proposed plot and field.

The application site, and remainder of the field, is currently identified, on the Argyll and Bute Local Plan Proposals Map (ABLP), as Countryside around Settlements. It is also within the Lynn of Lorn National Scenic Area (NSA), the northern boundary of which is the A828. It is not shown within the SEPA Indicative Flood Map 1:200 year flood zone, nor are there any biodiversity or cultural heritage designations shown on SiteLink or PastMap, with the nearest cultural heritage designation being the church, and churchyard, which are Category C listed.

### **Siting**

The application site has been chosen such that it forms an infill plot between Tigh-na-Crois and Myrtle Cottage. A new dwelling here will sit well down from St Cross Church; will not affect the

outlook of any existing dwellings; and the applicant is prepared to plant a 20 metre wide structural landscaping belt along the edge of the plot with Tigh-na-Crois, if this is considered necessary for amenity reasons. Otherwise, the aim will be to protect all existing trees and hedgerows, with the remainder of the field left for continued agricultural grazing.

### **Layout and Design**

The exact details for the application site have yet to be decided upon, but the intention is to build a traditionally designed dwelling, which will suit the local vernacular and be to the latest sustainable standards.

The intention is to source all materials locally and from sustainable sources.

### **Energy Efficiency**

The proposed dwelling will be designed to be as energy efficient as possible.

The applicant is also considering other renewable energy solutions to reduce overall heat and electricity consumption.

### **Landscaping**

Once construction of the property has been completed, the aim will be to plant garden and boundaries such that the property is appropriately screened from neighbouring properties and blends with its surroundings.

### **Infrastructure**

Drainage for the property will be provided by a new septic tank or sustainable sewerage system.

Otherwise, the applicant will require a public water supply..

Argyll and Bute Council  
Planning and Regulatory 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**

---

**Reference No:** 13/02637/PPP

**Planning Hierarchy:** Local Development

**Applicant:** Miss Sumie MacAlpine Downie

**Proposal:** Site for the erection of dwelling house

**Site Address:** Land West of Tigh Na Crois, Portnacroish, Appin

---

**DECISION ROUTE**

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

---

**(A) THE APPLICATION**

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

- Site for the erection of dwelling house
- Installation of private drainage system
- Amended access

(ii) **Other specified operations**

- Connection to public water supply
- 

**(B) RECOMMENDATION:**

It is recommended that the application is refused for the reason set out below.

---

**(C) HISTORY:**

None

---

**(D) CONSULTATIONS:**

Area Roads Manager  
Report dated 28/11/13  
Trunk Roads to advise on access arrangements.

Parking and turning commensurate with the size of the dwelling house should be provided.

Scottish Water

Letter dated 25/11/13

No objection but advised that there are no public water or sewerage mains in the area.

Transport Scotland

Report dated 4/12/13

No objection subject to conditions.

WoSAS

Letter dated 27/11/13

No objection but requested a planning condition be attached for a watching brief.

---

**(E) PUBLICITY:**

The proposal has been advertised in terms of Regulation 20, closing date 26/12/13.

---

**(F) REPRESENTATIONS:**

There have been 7 representations with 6 in support and 1 objecting. These are summarised below.

**Objection**

Dr James Haslam, Tigh Na Crois, Portnacroish, Appin (23/12/13)

**(i) Summary of issues raised in objection:**

- The land was subject of a Local Plan enquiry in 2007. The outcome was that the land should not form part of the settlement boundary.  
*Comment: The current Local Plan designates the land as Countryside Around Settlement with a general presumption against development subject to specific criteria.*
- The development of this land would impact on the panoramic views from the Holy Cross Episcopal Church, Portnacroish. The church and adjacent memorial are both listed. The uninterrupted views across Loch Laich, and back toward to the church, are integral to the setting of the church.  
*Comment: The setting of the listed building is considered as part of the assessment below.*
- Given the size of the site area the grant of planning permission would set a precedent for further housing along this site.
- *Comment: Given the application does not present a 'special' case in the terms of STRAT DC 3 there is no reason to support a departure to the development plan and support for the application in its current format could, potentially, result in further submissions for more housing within the site boundary. An approval in this instance would establish the principle of residential development within the site boundary, and in the absence of suitable justification represents an unacceptable departure from Local Plan policy.*

**Support**

Captain Paul Zvegintzov, Appin Home Farm, Appin, Oban (6/12/13, 09/12/13)  
 Mr Nicholas Zvegintzov, Appin Home Farm, Appin, Oban (09/12/13)  
 Mrs Ethel Johnston, Lettershuna Lodge, Appin (24/12/13)  
 Mr Jamie Craig, 1 Dallens Cottage, Appin (24/12/13)  
 Mr David Craig, Lettershuna House, Appin (24/12/13) comments submitted individually and representing the congregation.  
 Mr DK Carmichael, Laich House, Appin (26/12/13)

(i) **Summary of issues raised in support:**

- The applicant is originally from the area and family members would love to have a closer relationship.  
*Comment: this is not a material consideration.*
- The proposed building will be an appropriate addition to Portnacraoish.  
*Comment: the site is distinguished apart from existing development at Portnacraoish in the Local Plan.*
- There is a need for more housing in the area.  
*Comment: this is noted and is the reason why areas have been allocated at Appin for growth during the lifetime of the plan.*
- The site should be considered as part of the village.  
*Comment: the Local Plan identifies the site as separate from the existing settlement zone, entirely within Countryside Around Settlement.*
- The proposal will not cause any residential amenity impacts.  
*Comment: this is accepted.*
- The proposal will not adversely affect the church.  
*Comment: the setting of the B listed church and C listed memorial lie across the road from the open land comprising the application site. This openness undoubtedly adds to the setting of the listed buildings in terms of open views to and from the historic landmarks. This would be affected by the siting of a house as proposed.*
- The proposal will support the construction industry.  
*Comment: this is noted, but it does not outweigh the requirement to adhere to the Local Plan policies in this instance.*

**(G) SUPPORTING INFORMATION**

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

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

**(H) PLANNING OBLIGATIONS**

(i) Is a Section 75 agreement required: **No**

---

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

---

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

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

Argyll and Bute Structure Plan 2002

STRAT DC 2 – Development within the Countryside Around Settlements  
 STRAT DC 8 – Landscape and Development Control  
 STRAT DC 9 – Historic Environment and Development Control

Argyll and Bute Local Plan 2009

LP ENV 1 – Impact on the General Environment  
 LP ENV 9 – Impact on National Scenic Areas (NSAs)  
 LP ENV 13a – Development Impact on Listed Buildings  
 LP ENV 17 – Impact on Sites of Archaeological Importance  
 LP ENV 19 – Development Setting, Layout and Design  
 LP HOU 1 – General Housing Development  
 LP SERV 1 – Private Sewage Treatment Plants and Wastewater Systems  
 LP SERV 4 – Water Supply  
 LP TRAN 4 – New and Existing Public Roads and Private Access Regimes  
 LP TRAN 6 – Vehicle Parking Provision  
 Appendix A – Sustainable Siting and Design Principles  
 Appendix C – Access and Parking Standards

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

Emerging Argyll and Bute Local Development Plan, 2013  
 Argyll & Bute Sustainable Design Guidance (2006)  
 SPP, Scottish Planning Policy, 2010  
 Scottish Historic Environment Policy (SHEP) 2011

---

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

---

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



---

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

---

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

---

**(O) Requirement for a hearing: No**

---

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

The application is for the erection of a dwelling house and installation of a private waste water treatment system. The site is located at Portnacroish, Appin opposite the Holy Cross Episcopal Church which is a category B listed building. The adjacent memorial is a category C listed.

The site measures some 0.94ha with a frontage some 110m long bounding the A828(T). The land is currently agricultural and is bounded to the east by a house 'Tigh Na Crois', south by agricultural land and the multi-use path whilst there is a private road and further housing to the west. The applicant intends to take access from an existing private access point to the west and install a private waste water treatment system.

Within Portnacroish, the Settlement Zone has been held tightly around existing housing groups in places, with some allocated sites to enable additional development for the community. Holding the boundary tightly to existing housing is a deliberate policy choice, reflecting the rural character of the settlement, which is characterised by individual houses and small groups interspersed on both sides of the road, with notable undeveloped spaces which maintain the overall rural character. There is only low demand for additional housing within the minor settlement, which is adequately catered for within the plan.

The application site is allocated Countryside Around Settlement subject to Structure Plan policy STRAT DC 2. This policy has a general presumption against development unless it can be demonstrated the proposal is infill, redevelopment, rounding off or change of use of an existing building. In the context of CAS, the terms infill and rounding off apply to existing developments within the CAS, and not to extend the Settlement Zone across CAS. STRAT DC 2 also confirms support for housing within CAS in special circumstances on the basis of operational or locational need. In this instance the proposal aims to develop a single dwelling house in an area designated as CAS but does not qualify as infill, redevelopment, rounding off or change of use. The applicant has not demonstrated any operational or locational need. To this end the proposal is not consistent with the provisions of policy STRAT DC 2.

The site was subject to the Local Plan enquiry in 2007 for inclusion into the settlement boundary and it was determined by the Reporter that the area should remain outwith the settlement area given the dispersed development pattern and setting of historic buildings. In this regard the proposal is not consistent with the provisions of policy STRAT DC 2 and LP HOU 1.

It remains the view of planning officers now that the proposal adversely impact on the setting of the category B listed church and the category C listed monument across the main road to the north. The outlook from these structures is important given the setting

across to and from Loch Laich and this development would adversely impact on that open setting by interfering with those open views to and from the church and yard.

Development of a single house would set a precedent of development within the site boundary which stretches across the entire outlook from the church, all of which is allocated as CAS. Even should the site boundary be significantly reduced to a single house plot then this would have the potential to set a precedent for further ribbon style development along the A828 further impacting on the setting of the church and monument, and further eroding the CAS to its detriment. The proposal is not consistent with the provisions of the SHEP 2011 and Local Plan policy LP ENV 13(a). Extending the Settlement boundary by allowing encroachment into this distinct open and undeveloped field would adversely affect the character of the rural settlement.

There has been 1 objection and 6 letters of support. None of these issues are particularly complex and have been dealt with, where appropriate, above. There have been no objections from consultees. However, it should be noted that whilst the applicant intends to connect to the public water supply, Scottish Water has commented that there is no such supply in the area. Given the recommendation for refusal this has not been followed up.

The application is hereby recommended for refusal on the basis that the proposal is not consistent with the provisions of policies STRAT DC2, LP ENV13(a) and LP HOU 1.

---

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

---

**(R) Reasons why planning permission or a Planning Permission in Principle should be refused:**

The proposal lies within the Countryside Around Settlement development control zone and is subject to Structure Plan policy STRAT DC 2. This policy has a general presumption against development unless it can be demonstrated the proposal will result in an infill, redevelopment, rounding off of developments already within the Countryside Around Settlement zone, or change of use of an existing building. Alternatively, support may be found where the application in special circumstances on the basis of operational or locational need. In this instance the proposal aims to develop a single dwelling house in an area designated as CAS but does not qualify as infill, redevelopment, rounding off or change of use. The applicant has not demonstrated an operational or locational need. The proposal is not consistent with the provisions of policy STRAT DC 2.

The site was subject to the Local Plan enquiry in 2007 for inclusion into the settlement boundary and it was determined by the Reporter that the area should remain outwith the settlement area given the dispersed development pattern and setting of historic buildings. In this regard the proposal is not consistent with the provisions of policy STRAT DC 2 and LP HOU 1. The rural character of Appin and Portnacroish is partly based on the staggered pattern of development along both sides of the A828(T), interspersed with open undeveloped fields. The proposal would erode the current defined settlement boundary by encroaching into one such field to the detriment of the existing character of the settlement.

The proposal would adversely impact on the setting of the category B listed church and the category C listed monument across the main road to the north. The open outlook from these structures is an important element of their setting by virtue of views to and

from the listed buildings across Loch Laich. Development of the site would adversely impact on that setting by interfering or reducing those open views to and from the church and memorial within the churchyard. Development of a single house would set a precedent of development within the site boundary which stretches across the entire outlook from the church. Even should the site boundary be significantly reduced to a single house plot then this would have the potential to set a precedent for further ribbon style development along the A828 further impacting on the setting of the church and monument. The proposal is not consistent with the provisions of the SHEP 2012 and Local Plan policy LP ENV 13(a).

---

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

N/A

---

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

---

**Author of Report: David Love Date: 20/01/14**

**Reviewing Officer: Stephen Fair Date: 20/01/14**

**Angus Gilmour  
Head of Planning and Regulatory Services**

**GROUNDINGS OF REFUSAL RELATIVE TO APPLICATION REFERENCE 13/02637/PP**

The proposal lies within the Countryside Around Settlement development control zone and is subject to Structure Plan policy STRAT DC 2. This policy has a general presumption against development unless it can be demonstrated the proposal will result in an infill, redevelopment, rounding off of developments already within the Countryside Around Settlement zone, or change of use of an existing building. Alternatively, support may be found where the application is in special circumstances on the basis of operational or locational need. In this instance the proposal aims to develop a single dwelling house in an area designated as CAS but does not qualify as infill, redevelopment, rounding off or change of use. The applicant has not demonstrated an operational or locational need. The proposal is not consistent with the provisions of policy STRAT DC 2.

The site was subject to the Local Plan enquiry in 2007 for inclusion into the settlement boundary and it was determined by the Reporter that the area should remain outwith the settlement area given the dispersed development pattern and setting of historic buildings. In this regard the proposal is not consistent with the provisions of policy STRAT DC 2 and LP HOU 1. The rural character of Appin and Portnacroish is partly based on the staggered pattern of development along both sides of the A828(T), interspersed with open undeveloped fields. The proposal would erode the current defined settlement boundary by encroaching into one such field to the detriment of the existing character of the settlement.

The proposal would adversely impact on the setting of the category B listed church and the category C listed monument across the main road to the north. The open outlook from these structures is an important element of their setting by virtue of views to and from the listed buildings across Loch Laich. Development of the site would adversely impact on that setting by interfering or reducing those open views to and from the church and memorial within the churchyard. Development of a single house would set a precedent of development within the site boundary which stretches across the entire outlook from the church. Even should the site boundary be significantly reduced to a single house plot then this would have the potential to set a precedent for further ribbon style development along the A828 further impacting on the setting of the church and monument. The proposal is not consistent with the provisions of the SHEP 2012 and Local Plan policy LP ENV 13(a).

**APPENDIX TO DECISION REFUSAL NOTICE**

Appendix relative to application **13/02637/PP**

---

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

**No**

---

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

Stated above.

**CHECK SHEET FOR PREPARING AND ISSUING DECISION**

Application Number	13/02637/PP
Decision Date	20/01/14
<b>Issue Latest Date</b>	<b>20/01/14</b>
Decision	Refuse

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				
Tic	Dev/Decision Type	Time Scale*	Initiation	Completion	Display Notice			
	<b>REFUSE</b>		Only use if PP/AMSC & Granted					
Y	Local – Delegated		<b>REFUSAL</b>					

\*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	
Other:	

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

Total residential units FP3 (uniform)			
Houses		Sheltered	
Flats		Affordable	



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 2013**

**REFUSAL OF PLANNING PERMISSION IN PRINCIPLE**

**REFERENCE NUMBER: 13/02637/PPP**

**Miss Sumie MacAlpine Downie**  
**Houghton Planning**  
**102 High Street**  
**Dunblane**  
**FK15 0ER**

I refer to your application dated 19th November 2013 for planning permission in principle under the above mentioned Act and Regulations in respect of the following development:

**Site for the erection of dwellinghouse at Land West Of Tigh Na Crois Portnacroish Appin**  
**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: 20 January 2014

Angus J. Gilmour  
Head of Planning and Regulatory Services



**GROUNDINGS OF REFUSAL RELATIVE TO APPLICATION REFERENCE 13/02637/PP**

The proposal lies within the Countryside Around Settlement development control zone and is subject to Structure Plan policy STRAT DC 2. This policy has a general presumption against development unless it can be demonstrated the proposal will result in an infill, redevelopment, rounding off of developments already within the Countryside Around Settlement zone, or change of use of an existing building. Alternatively, support may be found where the application is in special circumstances on the basis of operational or locational need. In this instance the proposal aims to develop a single dwelling house in an area designated as CAS but does not qualify as infill, redevelopment, rounding off or change of use. The applicant has not demonstrated an operational or locational need. The proposal is not consistent with the provisions of policy STRAT DC 2.

The site was subject to the Local Plan enquiry in 2007 for inclusion into the settlement boundary and it was determined by the Reporter that the area should remain outwith the settlement area given the dispersed development pattern and setting of historic buildings. In this regard the proposal is not consistent with the provisions of policy STRAT DC 2 and LP HOU 1. The rural character of Appin and Portnacroish is partly based on the staggered pattern of development along both sides of the A828(T), interspersed with open undeveloped fields. The proposal would erode the current defined settlement boundary by encroaching into one such field to the detriment of the existing character of the settlement.

The proposal would adversely impact on the setting of the category B listed church and the category C listed monument across the main road to the north. The open outlook from these structures is an important element of their setting by virtue of views to and from the listed buildings across Loch Laich. Development of the site would adversely impact on that setting by interfering or reducing those open views to and from the church and memorial within the churchyard. Development of a single house would set a precedent of development within the site boundary which stretches across the entire outlook from the church. Even should the site boundary be significantly reduced to a single house plot then this would have the potential to set a precedent for further ribbon style development along the A828 further impacting on the setting of the church and monument. The proposal is not consistent with the provisions of the SHEP 2012 and Local Plan policy LP ENV 13(a).



**NOTES TO APPLICANT (1) RELATIVE TO APPLICATION NUMBER 13/02637/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 **13/02637/PP**

---

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



**No**

---

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

Stated above.

**legend**

-  Site Boundary
-  Land Ownership Boundary



**houghton**  
planning ltd

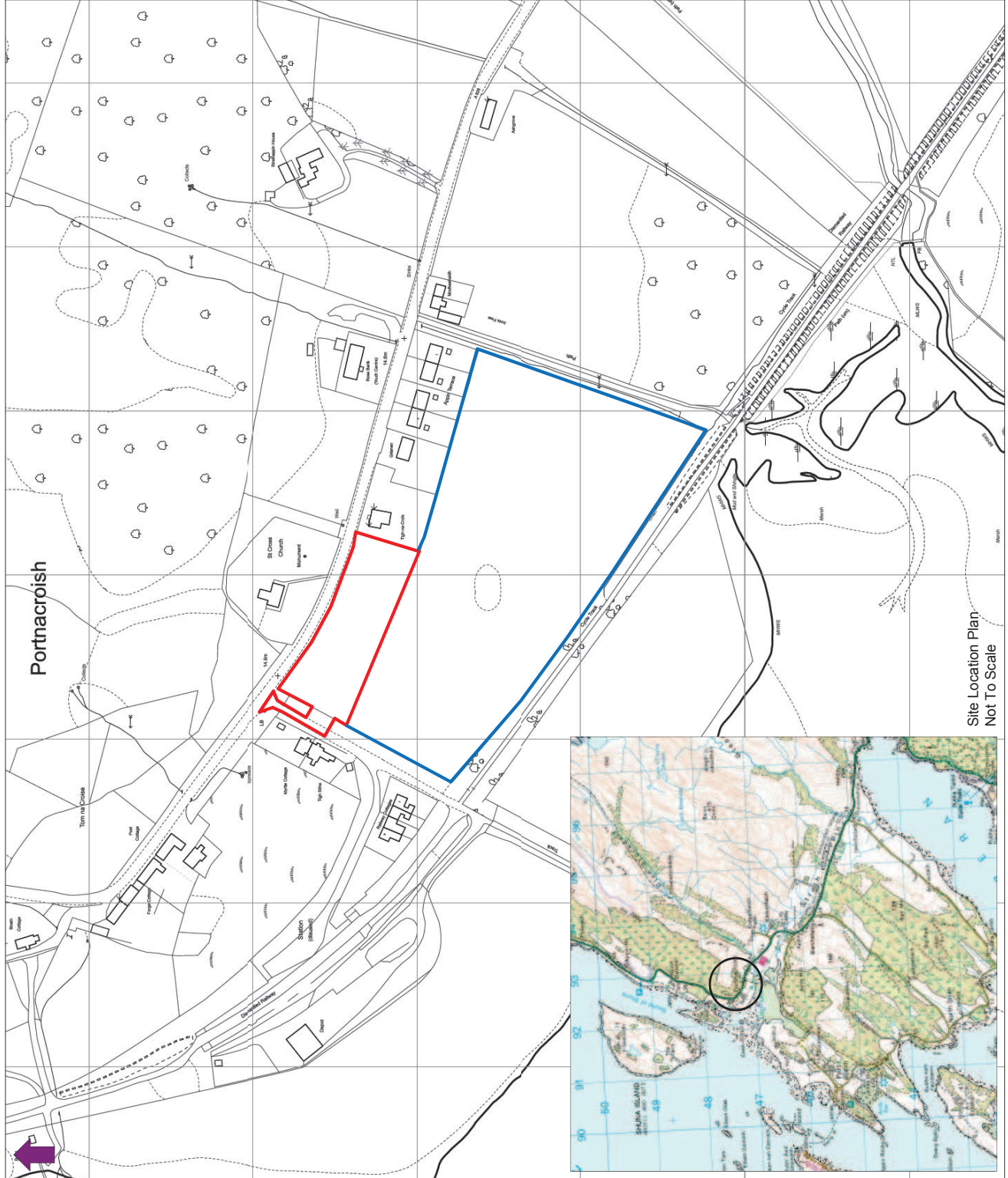
102 High Street  
Dunblane  
FK15 6ER  
t: 01786 825575 m: 07780 117708  
email: paul@houghtonplanning.co.uk

Project: **Land south of A828, Portnacroish, Argyll & Bute**

client: Miss S MacAlpine Downie

drawing: **Site Location & Site Plan**

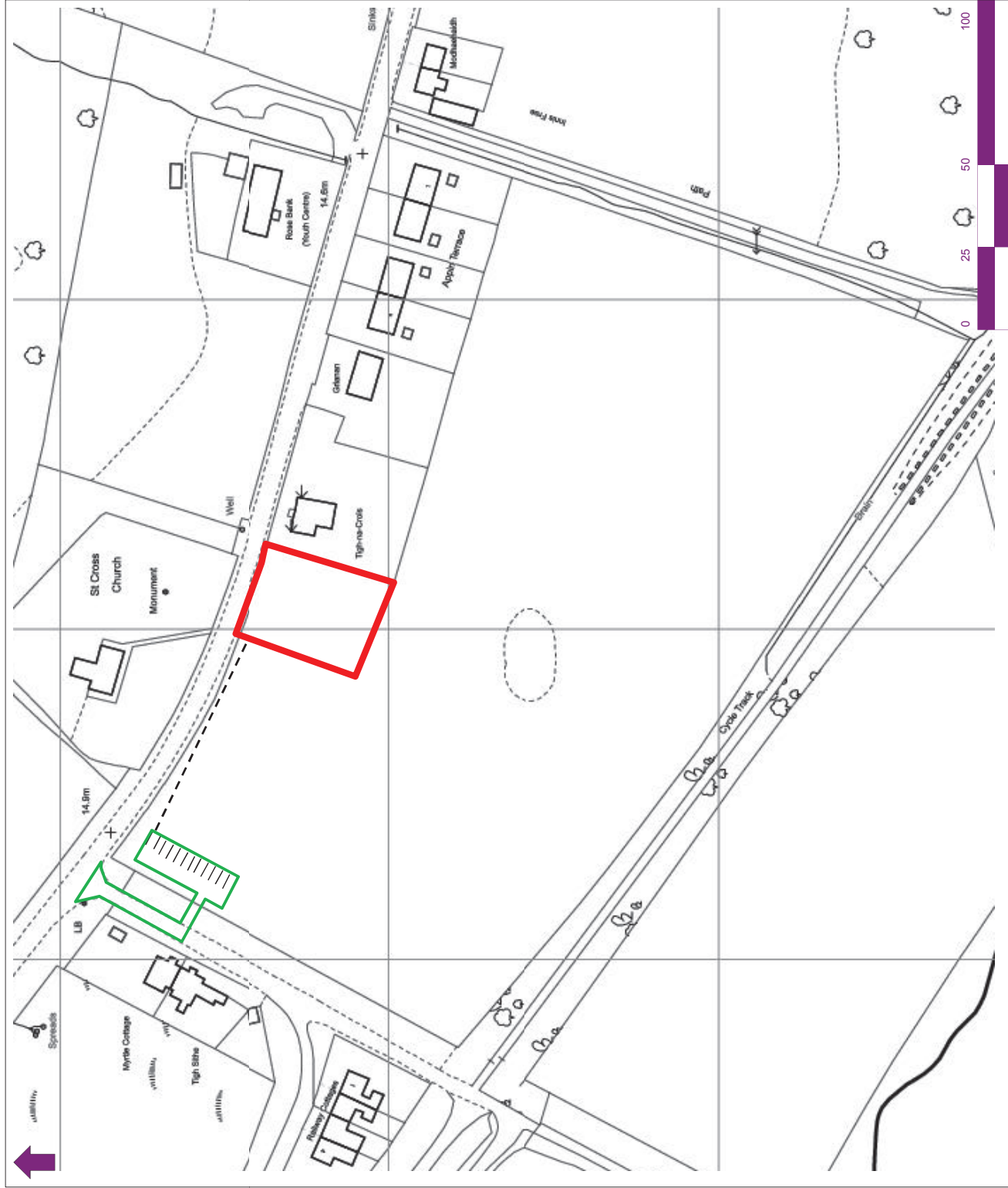
Ref: **DOW 13045 / 01**  
Scale: 1:2500 @ A3  
Date: November 2013  
Rev: -



Site Location Plan.  
Not To Scale

This page is intentionally left blank

- legend**
-  Plot Boundary
  -  Proposed Car Park – 12 spaces (2.5m x 5m each space)
  -  Footpath Link



**houghton**  
planning ltd

102 High Street  
Dublaine  
FK15 0ER  
t: 01786 825575 m: 07780 117708  
email: paul@houghtonplanning.co.uk

project: Land south of A828,  
Pormacrolish,  
Argyll & Bute

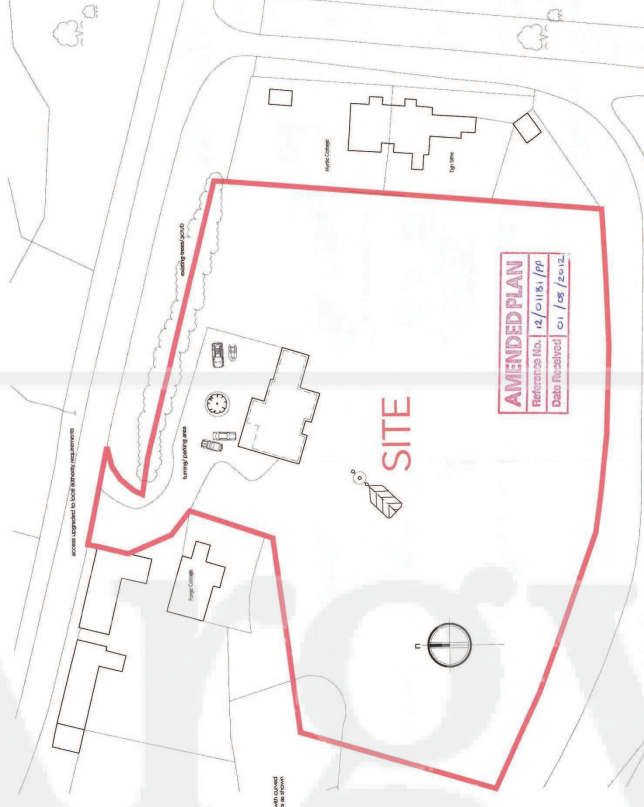
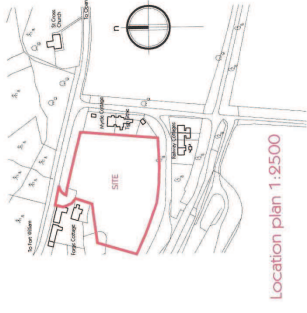
client: Miss S Macalpine Downie

drawing: Revised Plot  
Boundary & Proposed Car  
Park

Ref: DOW 13045 / 02  
Scale: 1: 250 @ A3  
Date: January 2014

This page is intentionally left blank



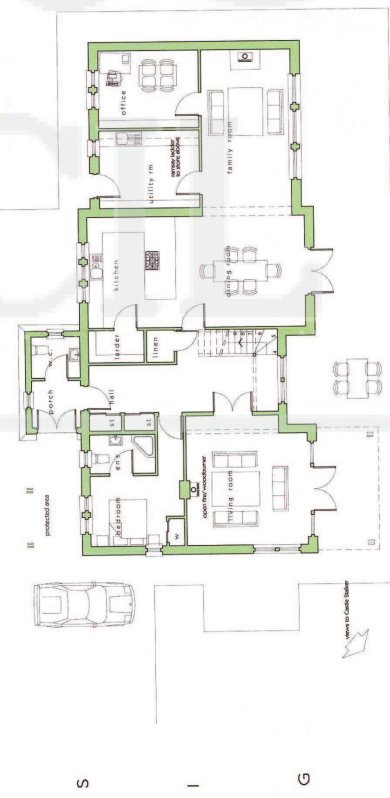
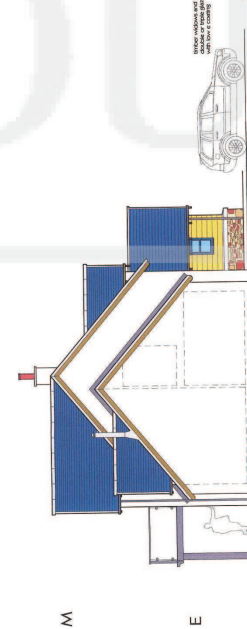
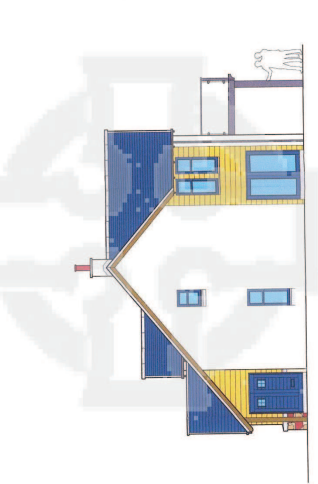


**AMENDED PLAN**  
 Reference No. 12/0118 / P/P  
 Date Received 01 / 09 / 2012

Client  
**MR + MRS R. MacCOLL**

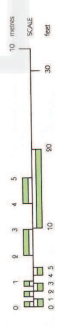
Argyll and Bute Council  
 Planning and Regulatory Services  
 Application ref no. 12/0118 / P/P  
 Date received 01 / 09 / 2012  
 Plan no. 12/0118 / P/P  
 P.O. initials: J.P.

**SCHEME DESIGN 4**  
 Drawn by: fbs  
 Drawing Scale: 1:100, 1:50, 1:250  
 Date: April 2012  
 CAD filename: 12\_0118.dwg  
 Approved by: J.P. CALYAN  
 Approved on: 12/09/12  
 Head of Planning and Regulatory Services  
**Beaton + McMurphy architects**  
 1213  
 Drawing No. 1213  
 Revision 0 4 a



first floor plan

ground floor plan



This page is intentionally left blank



**STATEMENT OF CASE**

**FOR**

**ARGYLL AND BUTE COUNCIL  
LOCAL REVIEW BODY**

**14/0001/LRB**

**REFUSAL OF PLANNING PERMISSION IN  
PRINCIPLE FOR THE ERECTION OF A DWELLING  
HOUSE RELATIVE TO PLANNING APPLICATION  
REFERENCE 13/02637/PPP**

**LAND SOUTH OF A828, PORTNACROISH, APPIN**

**17/02/2014**

## **STATEMENT OF CASE**

The Planning Authority is Argyll and Bute Council (“the Council”). The appellant is Miss Sumie MacAlpine-Downie (“the appellant”) who has employed an agent Mr Paul Houghton of Houghton Planning to act upon their behalf (“the agent”).

Planning application 13/02637/PPP which proposed the erection of a dwelling house in principle on land south of the A828, Portnacraoish (“the appeal site”) was refused under delegated powers on the 20<sup>th</sup> January 2014.

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

### **DESCRIPTION OF SITE**

The site is located at Portnacraoish, Appin opposite the Holy Cross Episcopal Church which is a category B listed building. The adjacent memorial is category C listed. The site measures some 0.94ha with a frontage some 110m long bounding the A828(T). The land is currently agricultural and is bounded to the east by a house ‘Tigh Na Crois’, south by agricultural land and a long distance multi-use path whilst there is a private road and housing further to the west.

### **SITE HISTORY**

None

### **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**

Additional information has been submitted by the appellant which was not available to the planning authority during the determination of planning application 13/02367/PPP (Please see section “Comment on Appellant’s Submission” below for further information).

The proposal 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 objection from local residents, it is not considered that a Hearing is required.

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

The appellant's statement contains a number of matters that the planning authority cannot control and that are not material considerations in the determination of this appeal. For example, the statement that the applicant has no intention of applying for further housing on the site is not relevant to the application under review. Nevertheless, the house would introduce housing onto a piece of undeveloped Countryside Around Settlement where the principle of development is not supported. This would set an unwelcome precedent for further development in CAS which is an area identified as unsuitable for development as per the settlement maps of the adopted Local Plan. The question of precedent is a material planning consideration.

The appellant also states that this is only piece of land they own locally and there are no other opportunities for them to build a house. They also have family in the area. The planning system directs development to the most appropriate locations preserving the natural environment for the benefit of the wider community. Land ownership considerations are not of sufficient weight to override the development plan policies.

The appeal statement also comments that the appellant would be prepared to provide a parking area for the users of the nearby church. This proposal does not form part of the planning application under review, nor is it relevant to the application under consideration.

The additional site plan provided by the appellant has not been available to the planning authority until now. However, it does not alter the concerns as set in the Report of Handling and does not change the fact that the proposal lies within the CAS development control zone where proposals will only be supported where they are infill, rounding off, redevelopment, change of use or a 'special case' justifying a departure to the development plan. The proposal is not infill, rounding off or redevelopment. The applicant has not suitably demonstrated a 'special case' to justify a suitable departure as acknowledged by the appellant in their statement. The proposal is contrary to policy and insufficient justification has been submitted to merit a departure from policy.

The appellant has sought to argue the site as an infill opportunity. 'Infill' development is defined in the Local Plan glossary as:

*“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”*

The definition in the Local Plan clearly provides for a single gap site in a developed area. It is not intended to provide for new plots to be placed on all gaps between existing developments, nor to extend existing rows beyond an existing end. The

application sites lies adjacent to a row of existing houses but the gap between them and the next adjacent house on the other side is too wide for this proposal to constitute an infill development. The indicative house plot submitted would leave a significant gap between the new development and the next adjacent house to the west. The proposal is not infill development under the Local Plan definition.

The appellant draws comparisons to a nearby approval (reference 12/01181/PP). However this site is within the 'settlement' boundary where the basic policy principles are different from CAS. The current appeal site has been deliberately left clear of development and lies beyond the settlement zoning set by the Reporter at public local inquiry prior to adoption of the Local Plan. The settlement boundary preserves the essentially rural dispersed pattern of Portnacroish. This undeveloped area also serves to protect the setting of the listed church and yard, both of which would be compromised by development on the site.

## **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 reasons for refusal of planning application 13/02637/PPP:

*"The proposal lies within the Countryside Around Settlement development control zone and is subject to Structure Plan policy STRAT DC 2. This policy has a general presumption against development unless it can be demonstrated the proposal will result in an infill, redevelopment, rounding off of developments already within the Countryside Around Settlement zone, or change of use of an existing building. Alternatively, support may be found where the application in special circumstances on the basis of operational or locational need. In this instance the proposal aims to develop a single dwelling house in an area designated as CAS but does not qualify as infill, redevelopment, rounding off or change of use. The applicant has not demonstrated an operational or locational need. The proposal is not consistent with the provisions of policy STRAT DC 2.*

*The site was subject to the Local Plan enquiry in 2007 for inclusion into the settlement boundary and it was determined by the Reporter that the area should remain outwith the settlement area given the dispersed development pattern and setting of historic buildings. In this regard the proposal is not consistent with the provisions of policy STRAT DC 2 and LP HOU 1. The rural character of Appin and Portnacroish is partly based on the staggered pattern of development along both sides of the A828(T), interspersed with open undeveloped fields. The proposal would erode the current defined settlement boundary by encroaching into one such field to the detriment of the existing character of the settlement.*

*The proposal would adversely impact on the setting of the category B listed church and the category C listed monument across the main road to the north. The open outlook from these structures is an important element of their setting by virtue of views to and from the listed buildings across Loch Laich. Development of the site would adversely impact on that setting by interfering or reducing those open views to and from the church and memorial within the churchyard. Development of a single house would set a precedent of development within the site boundary which stretches across the entire outlook from the church. Even should the site boundary be significantly reduced to a single house plot then this would have the potential to set a precedent for further ribbon style development along the A828 further*

*impacting on the setting of the church and monument. The proposal is not consistent with the provisions of the SHEP 2012 and Local Plan policy LP ENV 13(a). “*

The proposal is contrary to the adopted development plan and there are no material considerations identified of sufficient weight that 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.

## Appendix 1

Argyll and Bute Council  
Argyll and Bute Council  
Planning and Regulatory 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

---

**Reference No:** 13/02637/PPP

**Planning Hierarchy:** Local Development

**Applicant:** Miss Sumie MacAlpine Downie

**Proposal:** Site for the erection of dwelling house

**Site Address:** Land West of Tigh Na Crois, Portnacroish, Appin

---

### DECISION ROUTE

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

---

#### (A) THE APPLICATION

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

- Site for the erection of dwelling house
- Installation of private drainage system
- Amended access

(ii) **Other specified operations**

- Connection to public water supply
- 

#### (B) RECOMMENDATION:

It is recommended that the application is refused for the reason set out below.

---

#### (C) HISTORY:

None

---

#### (D) CONSULTATIONS:

Area Roads Manager

Report dated 28/11/13

Trunk Roads to advise on access arrangements.

Parking and turning commensurate with the size of the dwelling house should be provided.

Scottish Water

Letter dated 25/11/13

No objection but advised that there are no public water or sewerage mains in the area.

Transport Scotland

Report dated 4/12/13

No objection subject to conditions.

WoSAS

Letter dated 27/11/13

No objection but requested a planning condition be attached for a watching brief.

---

**(E) PUBLICITY:**

The proposal has been advertised in terms of Regulation 20, closing date 26/12/13.

---

**(F) REPRESENTATIONS:**

There have been 7 representations with 6 in support and 1 objecting. These are summarised below.

**Objection**

Dr James Haslam, Tigh Na Crois, Portnacroish, Appin (23/12/13)

**(i) Summary of issues raised in objection:**

- The land was subject of a Local Plan enquiry in 2007. The outcome was that the land should not form part of the settlement boundary.  
*Comment: The current Local Plan designates the land as Countryside Around Settlement with a general presumption against development subject to specific criteria.*
- The development of this land would impact on the panoramic views from the Holy Cross Episcopal Church, Portnacroish. The church and adjacent memorial are both listed. The uninterrupted views across Loch Laich, and back toward to the church, are integral to the setting of the church.  
*Comment: The setting of the listed building is considered as part of the assessment below.*
- Given the size of the site area the grant of planning permission would set a precedent for further housing along this site.
- *Comment: Given the application does not present a 'special' case in the terms of STRAT DC 3 there is no reason to support a departure to the development plan and support for the application in its current format could, potentially, result in further submissions for more housing within the site boundary. An approval in this instance would establish the*

*principle of residential development within the site boundary, and in the absence of suitable justification represents an unacceptable departure from Local Plan policy.*

**Support**

Captain Paul Zvegintzov, Appin Home Farm, Appin, Oban (6/12/13, 09/12/13)

Mr Nicholas Zvegintzov, Appin Home Farm, Appin, Oban (09/12/13)

Mrs Ethel Johnston, Lettershuna Lodge, Appin (24/12/13)

Mr Jamie Craig, 1 Dallens Cottage, Appin (24/12/13)

Mr David Craig, Lettershuna House, Appin (24/12/13) comments submitted individually and representing the congregation.

Mr DK Carmichael, Laich House, Appin (26/12/13)

**(i) Summary of issues raised in support:**

- The applicant is originally from the area and family members would love to have a closer relationship.  
*Comment: this is not a material consideration.*
- The proposed building will be an appropriate addition to Portnacroish.  
*Comment: the site is distinguished apart from existing development at Portnacroish in the Local Plan.*
- There is a need for more housing in the area.  
*Comment: this is noted and is the reason why areas have been allocated at Appin for growth during the lifetime of the plan.*
- The site should be considered as part of the village.  
*Comment: the Local Plan identifies the site as separate from the existing settlement zone, entirely within Countryside Around Settlement.*
- The proposal will not cause any residential amenity impacts.  
*Comment: this is accepted.*
- The proposal will not adversely affect the church.  
*Comment: the setting of the B listed church and C listed memorial lie across the road from the open land comprising the application site. This openness undoubtedly adds to the setting of the listed buildings in terms of open views to and from the historic landmarks. This would be affected by the siting of a house as proposed.*
- The proposal will support the construction industry.  
*Comment: this is noted, but it does not outweigh the requirement to adhere to the Local Plan policies in this instance.*

**(G) SUPPORTING INFORMATION**

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

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



---

**(H) PLANNING OBLIGATIONS**

**(i) Is a Section 75 agreement required: No**

---

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

---

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

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

Argyll and Bute Structure Plan 2002

STRAT DC 2 – Development within the Countryside Around Settlements  
 STRAT DC 8 – Landscape and Development Control  
 STRAT DC 9 – Historic Environment and Development Control

Argyll and Bute Local Plan 2009

LP ENV 1 – Impact on the General Environment  
 LP ENV 9 – Impact on National Scenic Areas (NSAs)  
 LP ENV 13a – Development Impact on Listed Buildings  
 LP ENV 17 – Impact on Sites of Archaeological Importance  
 LP ENV 19 – Development Setting, Layout and Design  
 LP HOU 1 – General Housing Development  
 LP SERV 1 – Private Sewage Treatment Plants and Wastewater Systems  
 LP SERV 4 – Water Supply  
 LP TRAN 4 – New and Existing Public Roads and Private Access Regimes  
 LP TRAN 6 – Vehicle Parking Provision  
 Appendix A – Sustainable Siting and Design Principles  
 Appendix C – Access and Parking Standards

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

Emerging Argyll and Bute Local Development Plan, 2013  
 Argyll & Bute Sustainable Design Guidance (2006)  
 SPP, Scottish Planning Policy, 2010  
 Scottish Historic Environment Policy (SHEP) 2011

---

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

---

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

**consultation (PAC):**


---

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

---

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

---

**(O) Requirement for a hearing: No**

---

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

The application is for the erection of a dwelling house and installation of a private waste water treatment system. The site is located at Portnacroish, Appin opposite the Holy Cross Episcopal Church which is a category B listed building. The adjacent memorial is a category C listed.

The site measures some 0.94ha with a frontage some 110m long bounding the A828(T). The land is currently agricultural and is bounded to the east by a house 'Tigh Na Crois', south by agricultural land and the multi-use path whilst there is a private road and further housing to the west. The applicant intends to take access from an existing private access point to the west and install a private waste water treatment system.

Within Portnacroish, the Settlement Zone has been held tightly around existing housing groups in places, with some allocated sites to enable additional development for the community. Holding the boundary tightly to existing housing is a deliberate policy choice, reflecting the rural character of the settlement, which is characterised by individual houses and small groups interspersed on both sides of the road, with notable undeveloped spaces which maintain the overall rural character. There is only low demand for additional housing within the minor settlement, which is adequately catered for within the plan.

The application site is allocated Countryside Around Settlement subject to Structure Plan policy STRAT DC 2. This policy has a general presumption against development unless it can be demonstrated the proposal is infill, redevelopment, rounding off or change of use of an existing building. In the context of CAS, the terms infill and rounding off apply to existing developments within the CAS, and not to extend the Settlement Zone across CAS. STRAT DC 2 also confirms support for housing within CAS in special circumstances on the basis of operational or locational need. In this instance the proposal aims to develop a single dwelling house in an area designated as CAS but does not qualify as infill, redevelopment, rounding off or change of use. The applicant has not demonstrated any operational or locational need. To this end the proposal is not consistent with the provisions of policy STRAT DC 2.

The site was subject to the Local Plan enquiry in 2007 for inclusion into the settlement boundary and it was determined by the Reporter that the area should remain outwith the settlement area given the dispersed development pattern and setting of historic buildings. In this regard the proposal is not consistent with the provisions of policy STRAT DC 2 and LP HOU 1.

It remains the view of planning officers now that the proposal adversely impact on the setting of the category B listed church and the category C listed monument across the main road to the north. The outlook from these structures is important given the setting across to and from Loch Laich and this development would adversely impact on that open setting by interfering with those open views to and from the church and yard.

Development of a single house would set a precedent of development within the site boundary which stretches across the entire outlook from the church, all of which is allocated as CAS. Even should the site boundary be significantly reduced to a single house plot then this would have the potential to set a precedent for further ribbon style development along the A828 further impacting on the setting of the church and monument, and further eroding the CAS to its detriment. The proposal is not consistent with the provisions of the SHEP 2011 and Local Plan policy LP ENV 13(a). Extending the Settlement boundary by allowing encroachment into this distinct open and undeveloped field would adversely affect the character of the rural settlement.

There has been 1 objection and 6 letters of support. None of these issues are particularly complex and have been dealt with, where appropriate, above. There have been no objections from consultees. However, it should be noted that whilst the applicant intends to connect to the public water supply, Scottish Water has commented that there is no such supply in the area. Given the recommendation for refusal this has not been followed up.

The application is hereby recommended for refusal on the basis that the proposal is not consistent with the provisions of policies STRAT DC2, LP ENV13(a) and LP HOU 1.

---

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

---

**(R) Reasons why planning permission or a Planning Permission in Principle should be refused:**

The proposal lies within the Countryside Around Settlement development control zone and is subject to Structure Plan policy STRAT DC 2. This policy has a general presumption against development unless it can be demonstrated the proposal will result in an infill, redevelopment, rounding off of developments already within the Countryside Around Settlement zone, or change of use of an existing building. Alternatively, support may be found where the application in special circumstances on the basis of operational or locational need. In this instance the proposal aims to develop a single dwelling house in an area designated as CAS but does not qualify as infill, redevelopment, rounding off or change of use. The applicant has not demonstrated an operational or locational need. The proposal is not consistent with the provisions of policy STRAT DC 2.

The site was subject to the Local Plan enquiry in 2007 for inclusion into the settlement boundary and it was determined by the Reporter that the area should remain outwith the settlement area given the dispersed development pattern and setting of historic buildings. In this regard the proposal is not consistent with the provisions of policy STRAT DC 2 and LP HOU 1. The rural character of Appin and Portnacroish is partly based on the staggered pattern of development along both sides of the A828(T), interspersed with open undeveloped fields. The proposal would

erode the current defined settlement boundary by encroaching into one such field to the detriment of the existing character of the settlement.

The proposal would adversely impact on the setting of the category B listed church and the category C listed monument across the main road to the north. The open outlook from these structures is an important element of their setting by virtue of views to and from the listed buildings across Loch Laich. Development of the site would adversely impact on that setting by interfering or reducing those open views to and from the church and memorial within the churchyard. Development of a single house would set a precedent of development within the site boundary which stretches across the entire outlook from the church. Even should the site boundary be significantly reduced to a single house plot then this would have the potential to set a precedent for further ribbon style development along the A828 further impacting on the setting of the church and monument. The proposal is not consistent with the provisions of the SHEP 2012 and Local Plan policy LP ENV 13(a).

---

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

N/A

---

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

---

**Author of Report: David Love**

**Date: 20/01/14**

**Reviewing Officer: Stephen Fair**

**Date: 20/01/14**

**Angus Gilmour  
Head of Planning and Regulatory Services**

**GROUNDINGS OF REFUSAL RELATIVE TO APPLICATION REFERENCE 13/02637/PP**

The proposal lies within the Countryside Around Settlement development control zone and is subject to Structure Plan policy STRAT DC 2. This policy has a general presumption against development unless it can be demonstrated the proposal will result in an infill, redevelopment, rounding off of developments already within the Countryside Around Settlement zone, or change of use of an existing building. Alternatively, support may be found where the application is in special circumstances on the basis of operational or locational need. In this instance the proposal aims to develop a single dwelling house in an area designated as CAS but does not qualify as infill, redevelopment, rounding off or change of use. The applicant has not demonstrated an operational or locational need. The proposal is not consistent with the provisions of policy STRAT DC 2.

The site was subject to the Local Plan enquiry in 2007 for inclusion into the settlement boundary and it was determined by the Reporter that the area should remain outwith the settlement area given the dispersed development pattern and setting of historic buildings. In this regard the proposal is not consistent with the provisions of policy STRAT DC 2 and LP HOU 1. The rural character of Appin and Portnacroish is partly based on the staggered pattern of development along both sides of the A828(T), interspersed with open undeveloped fields. The proposal would erode the current defined settlement boundary by encroaching into one such field to the detriment of the existing character of the settlement.

The proposal would adversely impact on the setting of the category B listed church and the category C listed monument across the main road to the north. The open outlook from these structures is an important element of their setting by virtue of views to and from the listed buildings across Loch Laich. Development of the site would adversely impact on that setting by interfering or reducing those open views to and from the church and memorial within the churchyard. Development of a single house would set a precedent of development within the site boundary which stretches across the entire outlook from the church. Even should the site boundary be significantly reduced to a single house plot then this would have the potential to set a precedent for further ribbon style development along the A828 further impacting on the setting of the church and monument. The proposal is not consistent with the provisions of the SHEP 2012 and Local Plan policy LP ENV 13(a).

**APPENDIX TO DECISION REFUSAL NOTICE**

Appendix relative to application **13/02637/PP**

---

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

**No**

---

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

Stated above.

Network Operations  
**Trunk Road and Bus Operations**

Buchanan House, 58 Port Dundas Road, Glasgow G4 0HF  
Direct Line: 0141 272 7387, Fax: 0141 272 7373  
ken.aitken@transportscotland.gsi.gov.uk



Argyll and Bute Council  
Customer Services  
Kilmory  
Lochgilphead  
Argyll  
PA31 8RT

Your ref:  
HM/14/0001/LRB

Our ref:  
NW/304/2013

Date:  
6 February 2014

Dear Sir / Madam

**ERECTION OF DWELLINGHOUSE ON LAND WEST OF TIGH NA CROIS PORTNACROISH  
APPIN ARGYLL AND BUTE  
COUNCIL REFERENCE: 13/02637/PP**

I refer to your notification dated 4 February 2014, that the applicant has submitted a request for review of the above application.

At the time of the consultation on the original application, Transport Scotland requested that the following conditions were added to any consent which was granted

Visibility plays shall be maintained on each side of the access to the trunk road to the satisfaction of the local Planning Authority. These plays are the triangles of ground bounded on 2 sides by the first 4.5 metres of the centreline of the access driveway (the set back dimension) and the nearside trunk road carriageway measured 120 metres (the y dimension) in both directions from the intersection of the access with the trunk road. In a vertical plane, nothing shall obscure visibility measured from a driver's eye height of between 1.05 metres and 2.00 metres positioned at the set back dimension to an object height of between 0.26 metres and 1.05 metres anywhere along the y dimension.

There shall be no means of direct access to the trunk road either pedestrian or vehicular.

A unclimbable barrier of a type approved by the Planning Authority, after consultation with Transport Scotland, as the Trunk Roads Authority, shall be provided and maintained by the developer or subsequent owner of the land along the boundary of the site with the trunk road.

There shall be no drainage connections to the trunk road drainage system.

If the Local Review Board is minded to grant this appeal then as long as the above conditions are added to any granted consent, Transport Scotland have no further comments to make on this appeal.

Yours faithfully

Ken Aitken  
Transport Scotland

This page is intentionally left blank