

Argyll and Bute Council
Comhairle Earra Ghaidheal agus Bhoid

Customer Services
Executive Director: Douglas Hendry



Kilmory, Lochgilphead, PA31 8RT
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16 September 2014

NOTICE OF MEETING

A meeting of the **ARGYLL AND BUTE LOCAL REVIEW BODY** will be held in the **COMMITTEE ROOM 1, KILMORY, LOCHGILPHEAD** on **TUESDAY, 23 SEPTEMBER 2014** at **9:30 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 WEST OF TIGH NA CROIS, PORTNACROISH, APPIN, ARGYLL (REF: 14/0006/LRB)**
 - (a) Notice of Review and Supporting Documentation (Pages 1 - 58)
 - (b) Comments from Interested Parties (Pages 59 - 84)

ARGYLL AND BUTE LOCAL REVIEW BODY

Councillor George Freeman
Councillor Roderick McCuish

Councillor David Kinniburgh (Chair)

Contact: Fiona McCallum Tel: 01546 604392

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Central Validation Team at Argyll and Bute Council 1A Manse Brae Lochgilphead PA31 8RD

Tel: 01546 604840

Email: 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 000090427-003

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:

Houghton Planning

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

Ref. Number:

Building Name:

First Name: *

Paul

Building Number:

102

Last Name: *

Houghton

Address 1 (Street): *

High Street

Telephone Number: *

01786 825575

Address 2:

Extension Number:

Town/City: *

Dunblane

Mobile Number:

Country: *

UK

Fax Number:

Postcode: *

FK15 0ER

Email Address: *

paul@houghtonplanning.co.uk

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="Ms"/>
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"/>
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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 statement attached.

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

Yes No

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)

Planning application, as submitted
 Letter of support for proposed car park
 Photographs of new church footpath
 Report of handling
 Decision notice
 Local review statement

Application Details

Please provide details of the application and decision.

What is the application reference number? *

14/01166/PPP

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

13/05/14

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

16/07/14

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)

.

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: 30/07/2014

Submission Date: 30/07/2014

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Local Review Statement

Reference No: 14/01166/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 of a Planning Permission in Principle (PPP) application for the erection of a dwellinghouse for Miss Sumie Macalpine-Downie.

The exact details for the proposed dwelling have yet to be decided upon, but the intention is to build a traditionally designed house, which will suit the local vernacular.

The application was submitted following the withdrawal of a local review for a similar proposal. It was decided to withdraw that local review to allow for changes to the scheme, comprising a significant reduction in the size of the plot for the dwelling, and the introduction of a small car park for users of Holy Cross Church and the proposed dwelling.

The application has been refused for a single reason, covering a number of issues, which can be summarised as follows:

- compliance with housing policy;
- encroachment into countryside outside of a defined settlement;
- impact on the setting of Holy Cross Church; and
- precedent for further development.

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 this locale. 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, in addition to paying for the construction of the car park, she is unlikely to be able to borrow to fund purchase of an open market plot as well.

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 who are keen to see her move to the area. She has also been supported in her endeavours by local residents, who have written in support of her application. It is hoped that the LRB will give weight to these letters and the views expressed within them.

The only other preliminary matters we wish to raise are the size and position of the proposed plot, and to introduce the opportunity of the applicant providing a small car park that would be available to people using Holy Cross Church and for the proposed dwelling.

The size and position of the proposed plot was an issue when the previous application was submitted. In response to that, the current application reduces the size of the plot considerably, and locates it next to existing development fronting the A828, and adjoining Tigh-na-Crois. This site has been deliberately chosen; as it will mean that the new dwelling will relate closely to existing development, and will not impact upon the setting of Holy Cross Church, in our opinion.

Parking is currently a particular problem for those using Holy Cross Church because the only available parking is on the minor (private) road to the west of the application site, which is also the access for a number of existing dwellings and other local recreational and tourism related uses. To help address this, therefore, Miss Macalpine-Downie is prepared to fund the construction of a small car park on her land to accommodate 12 cars. This would be a significant community benefit, which she would deliver alongside building a house for herself.

The construction of the car park will be funded by Miss Macalpine-Downie, but she is entering into an agreement with the church that they will have 10 of the 12 spaces provided.

Anyone parking here would then walk up the minor road, cross the A828, and can now use a new footpath, which the church has constructed along the western edge of the churchyard

(see submitted photographs). The remaining two spaces are for Miss Macalpine-Downie, as parking in relation to her dwelling. Parking is being provided here for the dwelling to avoid the need for a separate new access from the A828 for it.

The car park will be gated, with keys held by the church and Miss Macalpine-Downie. It will be finished in rolled gravel.

A planning application was originally submitted for the car park simultaneously with the application for the dwelling, but this application had to be withdrawn and re-submitted in July for administrative reasons. That said, the previous application was being considered favourably by the case officer, who advised by email that he was *“generally positively disposed toward the proposal given the road safety benefits it will bring for those users of the church and it will be generally set down in the landscape reducing any impact on the church and its setting.”* It is hoped that the re-submitted car park application will have been determined, and approved, by the time this local review is heard.

The car park is being put forward as a planning gain, providing a community benefit to the community that will only come forward in combination with a new dwelling for Miss Macalpine-Downie. In that regard, Miss Macalpine-Downie is happy to accept a planning condition, which requires the car park to be constructed, and made available for the use of the Holy Cross Church, prior to development commencing on the dwelling.

It should be noted that the car park will not be available for patrons of the newly approved restaurant/bar in the Old Inn.

The Site

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

The land 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 from the rear of the proposed car park. This access relocation will be of benefit to the area by reducing the opportunity for vehicular conflicts within the existing junction bell mouth.

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 access necessary to serve the proposed car park. This has been confirmed by Transport Scotland and the Council's Area Roads Manager.

Transport Scotland has gone further and sees the car park as actually improving highway safety for church users.

Response to Reasons for Refusal

Turning to the issues raised in the reason for refusal, our response to each is as follows.

- Matter 1 - compliance with housing policy.
- Matter 2- encroachment into countryside outside of a defined settlement.
- Matter 3- impact on the setting of Holy Cross Church.
- Matter 4 - precedent for further development.

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, although the applicant is from a long established local family and would be welcomed to the area. Neither is it a form of redevelopment. However, it is disputed that it can't be defined as infill and/or rounding off, at least to some extent.

In our opinion, it can be seen as, in a sense, partly infilling a gap in a built-up frontage, or perhaps as a sensitive rounding-off of the settlement, and, as such, can find some support in housing policy. Importantly, however, it will only partly fill this gap, and so there will remain an obvious (and considerable) physical and visual gap in the settlement pattern, at this point, opposite the church.

It is accepted that the site is not within the existing settlement boundary, but we would ask the councillors to look at the area in the round, and conclude that the development of the site will fit with the existing pattern of development.

It is accepted that both the Local Plan and Local Development Plan Proposals Maps draw the settlement boundary tightly around existing development, and exclude the application site from it. However, 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.

The application site 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, then so could a dwelling on the current application site. It is accepted that this previous consented site is within the defined ABLP settlement boundary, but we would ask the councillors to view this site and compare this with the application site, which we consider would also be 'compatible with the settlement pattern'.

Matter 2 – As stated already, it is appreciated that the application site is not within the settlement boundary, as drawn on the two Proposals Maps, and, indeed, we can understand why the 2007 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.

Matter 3 – It was appreciated that a dwelling sited centrally on the field could have an impact on the church, although even then, with the drop in levels, the visual impact would have been 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 minimal. The view from the church is already funnelled by mature trees within the grounds, and filtered by trees and hedgerows along the A828, and any development in those two areas identified will be very much on the periphery of the view out, and thus of limited visual impact. Similarly, the view from the footpath is filtered by vegetation along the fringes of it, and, from those points where the church can be seen, development placed to the sides of the field will ensure that the setting of the church is protected.

The case officer is worried that intervisibility may increase, if trees are removed, but there are no proposals to do this. Even if this extremely unlikely situation occurred, the impact on the church from a slightly increased intervisibility with the dwelling would be minimal.

It is also appreciated that the site is close to the Battle of Stalc Memorial. However, this memorial is not that visible due to dense existing tree cover. Again, there are no proposals that any trees are to be removed increasing its visibility.

Matter 4- Finally, it is not considered that allowing this dwelling will be a precedent. The councillors are invited to support this dwelling, as a minor departure from the development plan, because of the community benefit of the proposed car park, and to a minor extent the personal background of the applicant. Any future application here, or elsewhere, would need to be able to replicate the same circumstances, which seems highly unlikely.

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











Central Validation Team at Argyll and Bute Council 1A Manse Brae Lochgilphead PA31 8RD

Tel: 01546 604840

Email: 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 000090427-002

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.

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:

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: *

Other Title:

First Name: *

Last Name: *

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:

Address 1 (Street): *

Address 2:

Town/City: *

Country: *

Postcode: *

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.

Portnacroish

Northing

Easting

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Pre-Application Discussion Details

In what format was the feedback given? *

Meeting Telephone Letter Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (Max 500 characters)

Title:

Mr

Other title:

First Name:

David

Last Name:

Love

Correspondence Reference Number:

Date (dd/mm/yyyy):

17/04/14

Note 1. A processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

Site Area

Please state the site area:

0.23

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 field.

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

If you cannot trace all the other owners, can you give the appropriate notice to one or more owner? *

Yes No

Certificate Required

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

Certificate C

Certificates

As you do not own the site and cannot trace ANY Owner and/or Agricultural tenant, your planning authority may be required to place an advertisement in a local newspaper. You may wish to contact the planning authority for further guidance.

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) - I am/The applicant is unable to issue a certificate in accordance with Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 and in respect of the accompanying application;

(2) - No person other than myself/the applicant was an owner 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 –

(3) - I have/the applicant has been unable to serve notice on any 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 2] of any part of the land to which the application relates.

or -

(2) - I have/The applicant has served notice on each of the following persons 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 2] of any part of the land to which the application/appeal was owner [Note 2] of any part of the land to which the application relates.

Name:

Address:

Date of Service of Notice: *

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

or –

(3) - The land or part of the land to which the application relates constitutes or forms part of an agricultural holding but I have/the applicant has been unable to serve notice on any 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 an agricultural tenant;

or -

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

Name:

Address:

Date of Service of Notice: *

(4) - I have/The applicant has taken reasonable steps, as listed below, to ascertain the names and addresses of the other owners or agricultural tenants and *have/has been unable to do so –

Historic records have been reviewed, and local information sought, but the ownership of the entirety of the site cannot be ascertained for certain.

Signed: Paul Houghton
On behalf of: Miss Sumie Macalpine-Downie
Date: 21/05/2014

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: 21/05/2014
 Submission Date: 13/05/2014

Connelly, Beth

From: servicepoint@argyll-bute.gov.uk
Sent: 22 May 2014 09:12
To: centralvalidationteam
Subject: CONFIRMATION OF PLANNING / BUILDING STANDARDS PAYMENT - Mr Paul Houghton

Subject: CONFIRMATION OF PLANNING / BUILDING STANDARDS PAYMENT - Mr Paul Houghton

Send to: centralvalidationteam@argyll-bute.gov.uk

The customer detailed below has made the following payment:-

£694

14/01166/PPP

14/01167/PPP

Planning & Advert Fees.

Mr Paul Houghton.

Can the customer be called back on 01786825575.

Or e-mailed at: paul@houghtonplanning.co.uk

Regards

Michelle Duignan

Our Ref: DOW13045

Your ref:

9th May 2014

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, and a separate PPP application for a car park, on land south of the A828, Portnacroish, Argyll and Bute. The PPP application for the dwelling is a free go, as agreed with David Love, and the car park application occasions a planning fee of £382, as again agreed with David Love.

The Application Site

The land in question lies immediately south of the A828 at Portnacroish. It slopes down from the main A828 road to the former railway line, now used as a footpath.

The land 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 land is currently taken from a minor road, forming the western boundary of the 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 for the new car park, which will also include parking for 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 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 access necessary to serve the proposed car park.

The land itself has no biodiversity or historic designations, but does have the potential for archaeological remains, and so, as suggested by West of Scotland Archaeology Service in relation to the last application, the applicant is agreeable to an archaeological watching brief being undertaken during the early part of construction.

The land is not shown within the SEPA Indicative Flood Map 1:200 year flood zone

The Planning Application

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

- Covering Letter;
- Planning Application Form;
- Relevant Certificate;
- Design Statement; and
- Location/Site Plan.

Any planning and/or advertisement fee payable will be sent under separate cover.

These applications are being submitted following the recent withdrawal of a local review for a single dwelling only on the land. It was decided to withdraw this local review to allow for changes to the scheme, comprising a reduction in the size of plot for the dwelling, and the introduction of a small car park for users of the church and new dwelling, to be explored further.

The dwelling is for Miss Macalpine-Downie to live in herself. She has no intention of applying for any further dwellings, 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, and fund a small church car park, 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.

In terms of the car park, 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 is prepared to construct a small car park on her land, to accommodate 12 cars. This would be a significant community benefit, which she would deliver alongside building a house for herself. The car park will be handed over to an appropriate body to look after, and maintain, but with Miss Macalpine-Downie sharing maintenance costs, and retaining access rights from here into the remainder of the field for agricultural purposes, and two parking spaces for her use, which will be specifically demarcated.

The only other change to the field will be the creation of a footpath to link the car park to the dwelling plot. This will be an informal path, the details of which can be conditioned, if the construction method and materials are important to the Council.

Siting of Dwelling and Car Park

The main issue that emerged with regard to the previous application was the relationship of the site to the listed St Cross Church, which lies to the north of the A828, and the possible impact on its setting, and, since the withdrawal of the application, possible impact on the setting of the listed Castle Stalker, which lies to the south west of the application site on a small island in Loch Laish.

To address these issues, a further site visit has been undertaken to assess the impact of the proposals on these listed properties, specifically in terms of views out from, and to, each of them.

Castle Stalker cannot be seen from the site, due to intervening trees and the properties along the minor road to the west, but the church is visible, and so panoramas have been taken from in front of the church, looking south, and also looking north from the footpath.

Based upon these panoramas, it is accepted that any development placed centrally in the field would be apparent from the church, although even then, with the drop in levels, 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 minimal. The view from the church is already funnelled by mature trees within the grounds, and filtered by trees and hedgerows along the A828, and any development in those two areas identified on the new Site Plan provided with this application will be very much on the periphery of the view out, and thus of limited visual impact. Similarly, the view from the footpath is filtered by vegetation along the fringes of it, and, from those points where the church can be seen, development placed to the sides of the field will ensure that the setting of the church is protected.

Planning Policy

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.

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, as West of Scotland Archaeology Service has addressed this issue, in its previous consultation response, and considers that a watching brief condition is adequate.

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.

Planning Issues

Based upon the prevailing policy regime, the principal planning issues that require to be considered are as follows.

1. Does the proposed new dwelling comprise infill or rounding off?
2. Would the proposed development harm the setting of the listed St Cross Church and Castle Stalker?

Turning to the dwelling 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 further the coalescence of 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.

The impact of the proposed development on the settings of St Cross Church, and Castle Stalker, has been considered above. There will be no impact whatsoever on the setting of Castle Stalker whilst that on the setting of St Cross Church will be minimal. The statutory test for such impact is that new development must 'enhance', but at least 'preserve' the setting of a listed building, with 'preserve' being defined by case law as being neutral. It is firmly considered that the proposed development will 'preserve' the setting of St Cross Church.

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 field 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 field is not shown as within a flood plain.
- A dwelling in the proposed 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 for the dwelling will be in-keeping with those used locally, and the applicant is happy for this to be conditioned.
- The applicant will ensure that the dwelling is designed to be 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.
- No nuisance impacts will result from development taking place. There will be limited impact from the car park, but no more than is already experienced by neighbours when parking takes place on the minor road.
- A dwelling and car park are considered compatible with adjoining uses, which are, in the main, residential with associated parking.
- Allowing this dwelling and car park 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 a dwelling, this does not carry sufficient weight to offset the presumption in favour of new development that is otherwise contained in the development plan.

The car park will be of great benefit to the community, and is a material consideration in support of planning permission being granted for the dwelling, should this be seen to contravene planning policy.

We trust that the above provides sufficient justification for a new dwelling and car park 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 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

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Design Statement

Land West Of Tigh Na Crois Portnacroish 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 land lies immediately south of the A828 at Portnacroish. It forms the north western part of a field, which slopes down from the main A828 road to the former railway line, now used as a footpath.

The land 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 for the new car park, which will also include parking for 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 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 access necessary to serve the proposed car park.

The land itself has no biodiversity or historic designations, but does have the potential for archaeological remains.

The site is not shown within the SEPA Indicative Flood Map 1:200 year flood zone

Siting

The application site for the proposed dwelling has been chosen such that it forms an infill plot between Tigh-na-Crois and Myrtle Cottage. A new dwelling here, sited adjoining Tigh-na-Crois, will sit well down from St Cross Church; will not impact upon the setting of the church (or Castle Stalker); and will not affect the outlook of any existing dwellings.

The proposed car park will be sited close to the minor road, taking access from there. It will be of a low impact design, with materials to be agreed with the Council.

Layout and Design of Proposed Dwelling

The exact details for the proposed dwelling have yet to be decided upon, but the intention is to build a traditionally designed house, 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 of Proposed Dwelling

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.




Screening will also be introduced around the proposed car park, by way of a mixed species hedgerow.

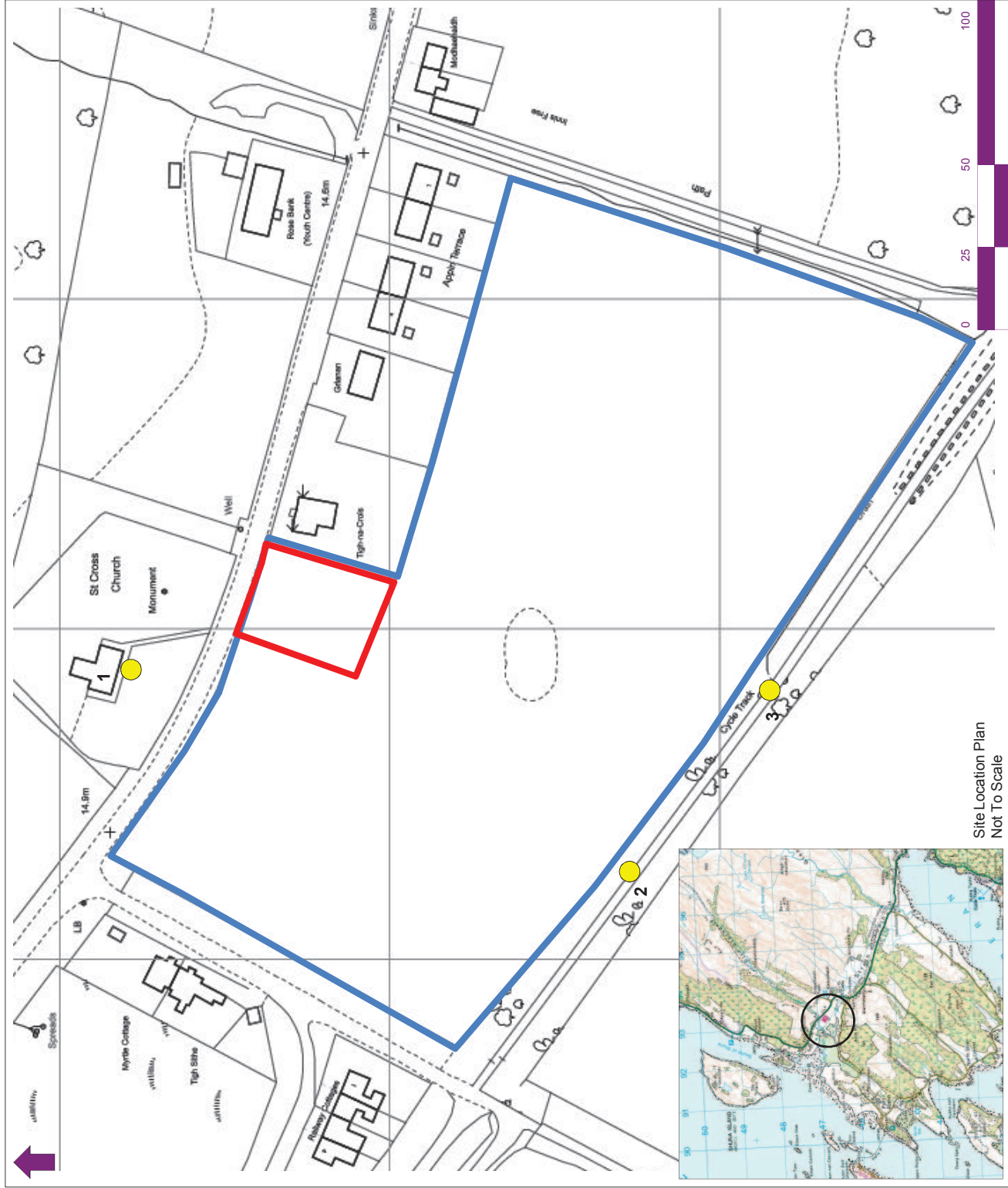
Infrastructure

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

Appropriate SUDs will be installed for both the dwelling and car park.

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

- Legend**
-  Plot Boundary
 -  Land Ownership Boundary
 -  Viewpoint Location



Site Location Plan
Not To Scale

houghton
planning ltd

102 High Street
Dublane
FK15 0ER
t: 01786 825575 m: 07780117706
email: paul@houghtonplanning.co.uk







Project: Land south of A828,
Ponmacrolish,
Argyll & Bute

client: Miss S Macalpine Downie

drawing: Plot Site Plan &
Viewpoint Locations

Ref: DOW 13045 / 05
Scale: 1:1250 @ A3
Date: May 2014

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- legend**
-  Plot Boundary
 -  Land Ownership Boundary
 -  Viewpoint Location
 -  Car Park Area
 -  Footpath Link
 -  House Plot Area

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planning ltd

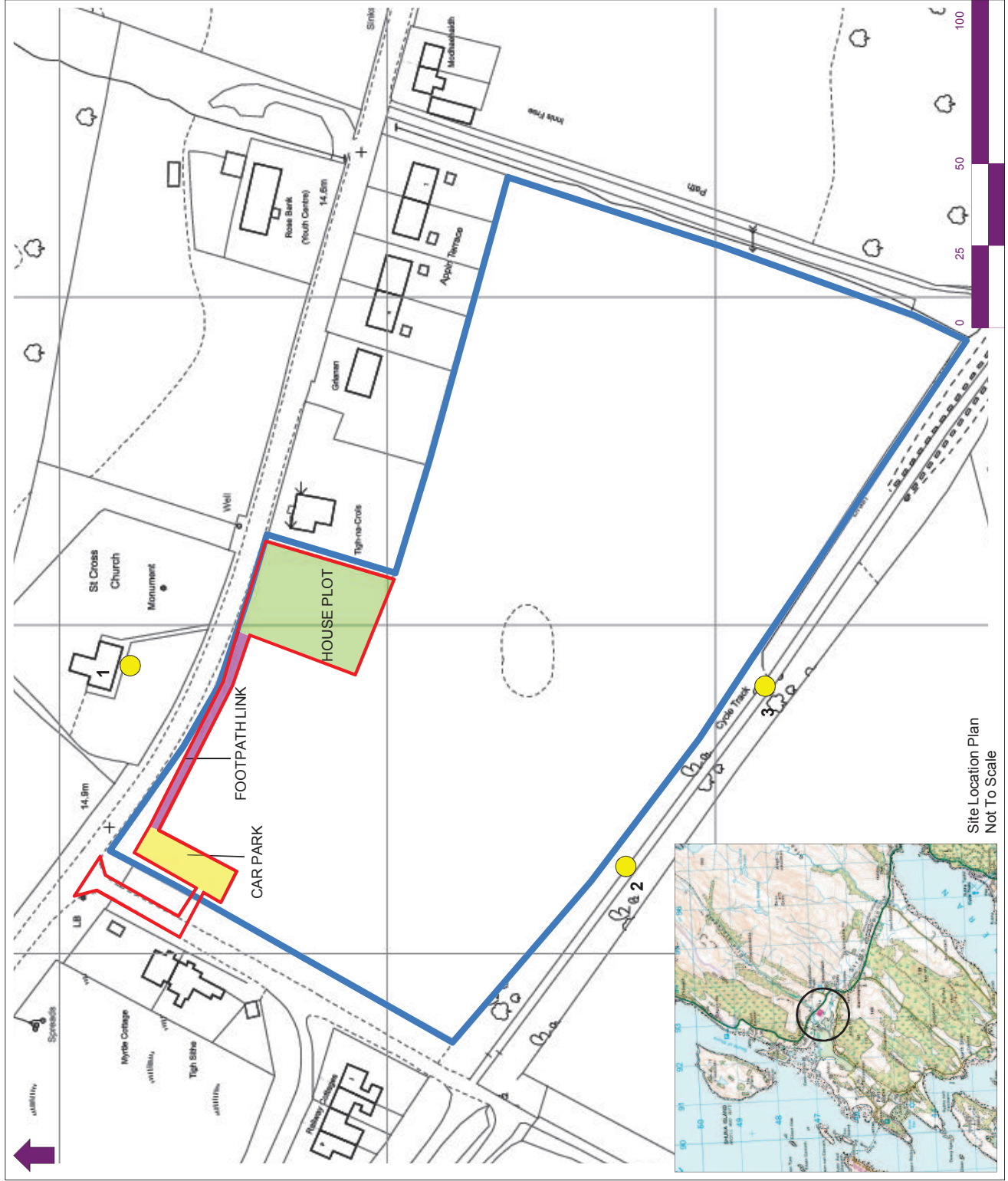
102 High Street
Dublaine
FK15 0ER
t: 01786 825575 m: 07780117706
email: paul@houghtonplanning.co.uk

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

client: Miss S Macalpine Downie

drawing: Annotated Plot Site
Plan & Viewpoint Locations

Ref: DOW 13045 / 05 A
Scale 1: 1250 @ A3
Date: May 2014
Rev: Site boundary amended -
20.05.14



Site Location Plan
Not To Scale

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VIEWPOINT 1

houghton
planning ltd

102 High Street
Dubhaine
FK15 0ER
t: 01786 825575 m: 07780117708
email: paul@houghtonplanning.co.uk

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

client: Miss S Macalpine Downie

drawing: Viewpoints Sheet 1

Ref: DOW 13045 / 04

Scale: N/A

Date: April 2014

houghton
planning ltd

102 High Street
Dubhaine
FK15 0ER
t: 01786 825575 m: 07780117708
email: paul@houghtonplanning.co.uk

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

client: Miss S Macalpine Downie

drawing: Viewpoints Sheet 1

Ref: DOW 13045 / 04

Scale: NA

Date: April 2014



VIEWPOINT 2



VIEWPOINT 3

Maclean, Diane

From: olandi, planning <planning.olandi@argyll-bute.gov.uk>
Sent: 25 June 2014 15:52
To: Maclean, Diane; Stirling, Carol
Subject: FW: Application Comments for 14/01167/PPP

From: publicaccess@argyll-bute.gov.uk[SMTP:PUBLICACCESS@ARGYLL-BUTE.GOV.UK]
Sent: Wednesday, June 25, 2014 3:52:14 PM
To: olandi, planning
Subject: Application Comments for 14/01167/PPP
Auto forwarded by a Rule

Planning Application comments has been made. A summary of the comments is provided below.

Comments were submitted at 3:52 PM on 25 Jun 2014 from Mrs Ethel Johnston.

Application Summary

Address: Land East Of Myrtle Cottage Portnacroish Argyll And Bute

Proposal: Site for the formation of a car park

Case Officer: David Love

[Click for further information](#)

Customer Details

Name: Mrs Ethel Johnston

Email: [REDACTED]

Address: Lettershuna Lodge Track From A828 To North Dallens,
Appin, Argyll And Bute PA38 4BN

Comments Details

Commenter Type: General member of the public.

Stance: Customer made comments in support of the Planning Application

Reasons for comment:

Comments: As a member of the congregation for the Church of the Holy Cross, the formation of this car park would enable me to safely take my four children to church. Currently, we park down the side road and then have to walk along the busy A828 which I feel is unsafe with children as there is no pavement to the church gate and the speed limit is 40mph.

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Maclean, Diane

From: olandi, planning <planning.olandi@argyll-bute.gov.uk>
Sent: 25 June 2014 15:27
To: Maclean, Diane; Stirling, Carol
Subject: FW: Application Comments for 14/01167/PPP

From: publicaccess@argyll-bute.gov.uk[SMTP:PUBLICACCESS@ARGYLL-BUTE.GOV.UK]
Sent: Wednesday, June 25, 2014 3:27:05 PM
To: olandi, planning
Subject: Application Comments for 14/01167/PPP
Auto forwarded by a Rule

Planning Application comments has been made. A summary of the comments is provided below.

Comments were submitted at 3:27 PM on 25 Jun 2014 from Mr David Craig.

Application Summary

Address: Land East Of Myrtle Cottage Portnacroish Argyll And Bute
Proposal: Site for the formation of a car park
Case Officer: David Love

[Click for further information](#)

Customer Details

Name: Mr David Craig
Email: [REDACTED]
Address: Lettershuna House Track From A828 To North Dallens,
Appin, Argyll And Bute PA38 4BN

Comments Details

Commenter Type: General member of the public.
Stance: Customer made comments in support of the Planning Application
Reasons for comment:
Comments: As a member of the Church of the Holy Cross Vestry, I spent several months discussing with Sumie the parish need for a dedicated car park that would ensure the safety of our parishioners and their cars and perhaps help attract more numbers to our church services, weddings, etc. We agreed that ten spaces would be made available to us in a private car park situated discretely at the western end of the field which could tie in with our proposed safe crossing from the access road across the main road and into our church grounds. This would enable parishioners to walk safely from their car

to the church. We also agreed that this car park would be kept securely and maintained by us as and when we needed it. At all other times, the car park will be locked and the key kept by the Church of the Holy Cross Vestry.

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: 14/01166/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

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 a dwelling house
- Formation of footpath
- Formation of car park (12 spaces)
- Installation of new septic tank

(ii) Other specified operations

- Connection to water supply
 - Use of existing access track
-

(B) RECOMMENDATION:

It is recommended that the application is refused for the reasons appended below.

(C) HISTORY:

14/01167/PPP – Site for the formation of a car park – Pending consideration.

13/02637/PPP – Site for the erection of a dwelling house – Refused 20/01/14

(D) CONSULTATIONS:

Area Roads Manager

Report dated 13/06/2014

No objection subject to conditions.

West of Scotland Archaeology Service (WoSAS)

Letter dated 05/06/2014

No objection subject to a watching brief condition being attached to any permission.

Transport Scotland

Report and emails dated 05/06/2014, 08/07/2014

No objection subject to conditions. Considers the proposed car park could improve road safety for users of the church.

(E) PUBLICITY:

The proposal has been advertised in terms of regulation 20, closing date 26/06/2014.

(F) REPRESENTATIONS:

There have been 9 representations received: 3 in support and 6 objections. These are summarised below.

Objections:

Dr James Haslam, Tigh Na Crois, Portnacroish, Appin (14/06/14)

Mrs Sandra Haslam, Tigh Na Crois, Portnacroish, Appin (14/06/14)

Mr D Carmichael, Grianan, Portnacroish, Appin, PA38 4BL (10/06/2014)

Mrs C Carmichael, Grianan, Portnacroish, Appin, PA38 4BL (10/06/2014)

Mrs Jessica MacKenzie, Myrtle Cottage, Portnacroish, Appin, PA38 4BN (13/06/2014)

Mrs Sheila Appleby, 1 Station Cottages, Appin, PA38 4BN (18/06/2014)

(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: This concern is noted. 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: Impact on the setting of the listed buildings 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: The application is for a single house. Future applications would need assessed on their merits if such applications were submitted. There is nothing to suggest that future applications are proposed. However, given that the site extends into a Countryside Around Settlement zone, where a

presumption against development applies, a precedent could be created if it were granted without a robust planning justification.

- The site represents a natural break in the development of the settlement representing a sense of character in the dispersed settlement pattern.
Comment: This concern is shared by the planning assessment.
- Site is directly across from the listed Battle of Stalc Memorial which is floodlit at night commemorating the battle in 1486. The memorial should remain visible from Loch Laich and the cycle track with respect of the heritage to the area and the potential for increased heritage related tourism.
Comment: The area is rich in archaeological deposits as advised by WoSAS, and above ground buildings and structures including the C listed memorial. The memorial is currently obscured from wider view by mature trees and is not prominent from the cycle path at present. The impacts of the development on the memorial must therefore be judged in that context. This is assessed in detail below.
- Concerns have been raised over the safety of the access.
Comment: The access has raised no objections from the local Roads Authority or the Trunk Roads Authority.
- Concerns have been raised over use of the proposed car park by patrons of the newly approved restaurant/bar in the Old Inn.
Comment: The proposal is to provide a single house. The associated car park is the subject of a separate planning application. Adequate parking provision has been made for the Old Inn proposal within its own application site.

Support:

Mr Paul Zvegintzov, Appin Home Farm, Appin, Oban (09/07/2014)

Mrs Ethel Johnston, Lettershuna Lodge, Appin (25/06/2014)

Mr David Craig, Lettershuna House, Appin (25/06/2014)

(i) Summary of issues raised in support:

- The applicant is originally from the area, helped with stabling nearby, and family members still in the vicinity would enjoy having a closer family relationship.
Comment: This is not a relevant material consideration.
- The proposed building will be an appropriate addition to Portnacraish.
Comment: The site is distinguished apart from existing settlement zone at Portnacraish in the Local 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 zone where a presumption against new housing applies, unless it comprises infill, rounding off, change of use or redevelopment within the CAS zone. The proposal is not infill, rounding off, change of use or redevelopment as defined in the Local Plan.
- The proposal will not cause any residential amenity impacts.
Comment: This is accepted.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

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

(H) PLANNING OBLIGATIONS

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

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

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

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

Argyll and Bute Structure Plan 2002

STRAT 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

- (i) **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
Argyll & Bute Sustainable Design Guidance (2006)
SPP, Scottish Planning Policy, 2014
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 Portnacraish, Appin opposite the Holy Cross Episcopal Church which is a category B listed building. The adjacent memorial is a category C listed.

The house plot measures 38 x 30m approximately with a frontage bounding the A828(T) to the north. The land is currently in agricultural use for grazing and is bounded to the east by a house 'Tigh Na Crois', south by the rest of the agricultural field with the multi-use path beyond and 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 small car park with a footpath providing a link to the house. They also intend to install a private waste water treatment system.

Within Portnacraish, 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 zone, and not to the extension of the Settlement Zone across or into CAS. The agent's presentation of STRAT DC 2 as

applying a presumption in favour of development is a misunderstanding of the policy. 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 the proposal does not qualify as infill, redevelopment, rounding off or change of use as defined in the Local Plan. The applicant has not demonstrated any operational or locational need. To this end the proposal is contrary to 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 to protect the setting of historic buildings. In this regard the proposal is not consistent with the provisions of policy STRAT DC 2 or LP HOU 1.

It remains the view of planning officers now that the proposal would adversely impact on the setting of the category B listed church. To a lesser degree the same is true of impacts on the category C listed monument, because it lies within mature woodland across the main road to the north. The outlook from and to these structures is important given the setting and relationship with Loch Laich. The proposed development would adversely impact on that open setting by encroaching into those open views to and from the church and yard.

The proposal for the house and car park would allow for an improved road safety option allowing users of the church to park and walk up the existing track, cross the road and onto a proposed footpath in the church grounds. Transport Scotland considers that this will improve safety. However, the car park is also subject to a separate application and there is no direct interdependency on the two proposals. The car park could be provided without the house and the community benefit attached to the provision of a car park is not considered sufficient justification to merit supporting the house as a minor departure from the development plan.

There have been 6 objections and 3 letters of support. The issues raised are dealt with above and within this report. There have been no objections from statutory consultees.

In response to the agent's supporting statements, it is important to summarise the following:

- Countryside Around Settlement zone applies a general presumption against housing. It is allocated to control the spread of development beyond the separately allocated Settlement Zones, where development is encouraged.
- The emerging Local Development Plan merges CAS and Sensitive Countryside. Both policy sets in the existing adopted Local Plan (STRAT DC 2 and STRAT DC 5) are similar in their effect. They presume against new development then set out limited exceptions.
- The main obstacle to the development is that it conflicts with policy. The secondary issue is the impact on the setting of the listed church and memorial.
- The proposal does not represent infill as defined in the Local Plan.
- References to a nearby approval relate to land that was within the allocated Settlement Zone, where a presumption in favour of development applied. That differs considerably from the application site and the approved development referenced does not justify the proposal currently under consideration.

The application is hereby recommended for refusal on the basis that the proposal is contrary to 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 and it does not constitute infill, redevelopment, rounding off or change of use as defined in the Local Plan. The applicant has not demonstrated any operational or locational need. The proposal is contrary to Structure Plan policy STRAT DC 2.

The site was subject to the Local Plan enquiry in 2007 for inclusion into the settlement zone and it was determined by the Reporter that the area should remain outwith the settlement area given the dispersed development pattern and to protect the setting of historic buildings. In this regard the proposal is contrary to 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 in the Local Plan by encroaching into one such undeveloped field, which is deliberately allocated as Countryside Around Settlement to prevent encroachment of the settlement. Eroding that boundary would be detrimental to the existing character of the settlement and would impact on the open outlook from and to the category B listed church, and to a lesser degree the category C listed memorial, across the A828(T) to the north.

The open outlook from the church is an important element of its setting by virtue of views to and from the listed buildings across Loch Laich. The monument is generally obscured from view by woodland at present, however the proposal would have the potential to adversely impact on its setting should the vegetation be cleared. 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. The proposal is not consistent with the provisions of the SHEP 2012 and Local Plan policy LP ENV 13(a).

In the absence of any justification to merit supporting the provision of a new house, development of a single house could set a precedent for further development within the Countryside Around Settlement zone that exists within the field boundary.

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

No justification for a departure has been submitted or identified.

(The agent's case is founded on a misunderstanding of STRAT DC 2, whereby he asserts that a presumption in favour of development applies.)

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

Author of Report: David Love

Date: 16/07/14

Reviewing Officer: Stephen Fair

Date: 16/07/14

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

GROUNDINGS OF REFUSAL RELATIVE TO APPLICATION REFERENCE 14/01166/PPP

- 1) 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 and it does not constitute infill, redevelopment, rounding off or change of use as defined in the Local Plan. The applicant has not demonstrated any operational or locational need. The proposal is contrary to Structure Plan policy STRAT DC 2.

The site was subject to the Local Plan enquiry in 2007 for inclusion into the settlement zone and it was determined by the Reporter that the area should remain outwith the settlement area given the dispersed development pattern and to protect the setting of historic buildings. In this regard the proposal is contrary to 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 in the Local Plan by encroaching into one such undeveloped field, which is deliberately allocated as Countryside Around Settlement to prevent encroachment of the settlement. Eroding that boundary would be detrimental to the existing character of the settlement and would impact on the open outlook from and to the category B listed church, and to a lesser degree the category C listed memorial, across the A828(T) to the north.

The open outlook from the church is an important element of its setting by virtue of views to and from the listed buildings across Loch Laich. The monument is generally obscured from view by woodland at present, however the proposal would have the potential to adversely impact on its setting should the vegetation be cleared. 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. The proposal is not consistent with the provisions of the SHEP 2012 and Local Plan policy LP ENV 13(a).

In the absence of any justification to merit supporting the provision of a new house, development of a single house could set a precedent for further development within the Countryside Around Settlement zone that exists within the field boundary.

CHECK SHEET FOR PREPARING AND ISSUING DECISION

Application Number	14/01166/PPP
Decision Date	16/07/14
Issue Latest Date	16/07/2014
Decision	Refuse

Date signed by ATL

*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	Y
Roads	
Ongoing Monitoring – priorities:	
Other:	



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

REFERENCE NUMBER: 14/01166/PPP

Miss Sumie Macalpine-Downie
Houghton Planning
102 High Street
Dunblane
FK15 0ER

I refer to your application dated 13th May 2014 for planning permission 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 Argyll
And Bute**

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

Dated: 16 July 2014

Angus J. Gilmour
Head of Planning and Regulatory Services



REASONS FOR REFUSAL RELATIVE TO APPLICATION NUMBER 14/01166/PPP

- 1) 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 and it does not constitute infill, redevelopment, rounding off or change of use as defined in the Local Plan. The applicant has not demonstrated any operational or locational need. The proposal is contrary to Structure Plan policy STRAT DC 2.

The site was subject to the Local Plan enquiry in 2007 for inclusion into the settlement zone and it was determined by the Reporter that the area should remain outwith the settlement area given the dispersed development pattern and to protect the setting of historic buildings. In this regard the proposal is contrary to 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 in the Local Plan by encroaching into one such undeveloped field, which is deliberately allocated as Countryside Around Settlement to prevent encroachment of the settlement. Eroding that boundary would be detrimental to the existing character of the settlement and would impact on the open outlook from and to the category B listed church, and to a lesser degree the category C listed memorial, across the A828(T) to the north.

The open outlook from the church is an important element of its setting by virtue of views to and from the listed buildings across Loch Laich. The monument is generally obscured from view by woodland at present, however the proposal would have the potential to adversely impact on its setting should the vegetation be cleared. 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. The proposal is not consistent with the provisions of the SHEP 2012 and Local Plan policy LP ENV 13(a).

In the absence of any justification to merit supporting the provision of a new house, development of a single house could set a precedent for further development within the Countryside Around Settlement zone that exists within the field boundary.

NOTES TO APPLICANT (1) RELATIVE TO APPLICATION NUMBER 14/01166/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
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).

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D Craig dated 7 Aug 2014

From: David Craig <shuna828@aol.com>
Sent: 07 August 2014 11:13
To: localreviewprocess
Subject: 14/0006LRB

As a member of the Church of the Holy Cross Vestry, I spent several months discussing with Sumie Macalpine-Downie the parish need for a dedicated car park that would ensure the safety of our parishioners and their cars and perhaps help attract more numbers to our church services, weddings, etc. We agreed that ten spaces would be made available to us in a private car park situated discretely at the western end of the field which could tie in with our safe crossing from the access road across the main road and into our church grounds. This would enable parishioners to walk safely from their car to the church. We also agreed that this car park would be kept securely and maintained by us as and when we needed it. At all other times, the car park will be locked and the key kept by the Church of the Holy Cross Vestry.

David Craig
Lettershuna House

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Mr James Haslam,

Tigh na Crois,

Appin.

PA38 4BL

Your Ref 14/0006/LRB

13th August 2014

I wish to make the following representation regarding planning application 14/01166/PPP

The first planning application for this land was in October 2006 for the development of 4 dwelling houses to be sited adjacent to Station Road. This application was refused, prompting a public enquiry in June 2007 to investigate the land as a possible development site.

Enclosed is a copy of the inquiry with a didactic conclusion; this site to be one of the very last sites in this area to be considered for this purpose (development).

The second application was in November 2013 for a single dwelling house to be sited centrally within the $\frac{3}{4}$ acre site, running parallel to the A828 trunk road. Following refusal a review appeal was lodged. The Local Review Body (LRB) did not have access to the Public Inquiry Report and to gain more information arranged a site visit. Two days before the site visit the applicant withdrew her Appeal.

This is currently the third application to develop this land. This application shows the proposed house at the furthest east end of the site with an access road running the full length of the site (approx 100 meters) adjacent to and parallel to the A828.

There are two possible explanations for this alteration;

- 1) The applicant recognises the impact the property made on the privileges of the Grade II listed Church of the Holy Cross and attempted to minimise the impact (but failed).
- 2) The site then becomes ideal for the development of possibly three further properties.

This application for a single dwelling house located at the most distant point from the road access on a site of approximately $\frac{3}{4}$ acre is not a credible proposition. This is particularly the

case as the property, with an enormous garden, is unlikely to be the permanent residence of the applicant who already owns a dwelling house in Appin which she does not occupy.

It is my understanding that current building regulations require emergency vehicle access via the nearest (adjacent) highway; in this circumstance the property might require yet another access to be made from the house to the A828.

The Local Plan is for the help and guidance of the community, planning and protecting their environment, and is subject to revision on a regular basis. My understanding of a Public Inquiry outcome, such as **17.3.6 Holy Cross Church**, is that it represents a definitive plan as regards development for a particular location. Unless there are exceptional circumstances the community, and particularly those living nearby (there are 4 objections from immediate and close neighbours), should be afforded the confidence of a Public Inquiry outcome whereby the directives have a longevity of at least ten years if not considerably more.

There have been no exceptional circumstances or planning changes in the Appin area which would mitigate a change in use of this land from being designated as countryside surrounding a residential area.

A separate application has been made by the applicant for the construction of a small car park on this same site to be available to the congregation of the Church of the Holy Cross. It is my opinion that this separate application should not be linked in any way to the application for development of a dwelling house.

James Haslam FRCS

Subject: Portnacroish: Holy Cross Church

**Plan Reference: Oban, Lorn and the Isles:
Minor Settlements**

17.3.6

**Objectors: 2473/1 (733); 2761/1 (901);
3004/1 (1193); 3386/1 (1635);
3476/1 (1735); 3681/1 (2078); 3727/1 (2140); 3804/1 (2223);
and 3835/1 (2258)**

Procedure: Hearing and Written Submissions

Background

The objection site is a strip of ground comprising the western fifth of the field lying immediately across the A828 trunk road from the Church of the Holy Cross and the St Cross Churchyard at Portnacroish and sloping away from them. It forms part of a larger National Scenic Area designation. The church is listed Category 'B' in Historic Scotland's List of Buildings of Special Architectural or Historic Interest. To the south, views are obtained over Loch Linnhe and the C16th Castle Stalker (Category 'A'), which lies on a rocky outcrop separate from the mainland. In the consultative draft version of the plan, the objection site was shown to be immediately outwith the boundary of the settlement. In the finalised draft version however, the objection site, together with an additional area along the A828 roadside, has been identified as Potential Development Area 5/166 for low density housing. This was subsequently adjusted to become a rectangular area, adjacent to an unclassified road connecting the A828 with the former railway line which runs parallel to it at this point.

Summary of the objections

The objectors pointed out that the area was one of considerable historic and potential archaeological interest and contained one of the most photographed views in Scotland. The actual location of the Battle of Stalcaire (1463) between the Stewarts and MacDougals remained unknown, except that the latter were on the ridge and the former in the castle, so it almost certainly took place on the area in between. It was known that King James IV included the castle in his hunting trips and the site also possibly concealed a burial ground and perhaps even a former lime kiln. All this was currently being researched and such work should not be pre-empted. In any case, the ground contributed to the setting of the castle and should be protected for this reason alone. The area was inhabited by a great variety of wildlife, including otters and sea eagles. There were already several sites identified for development which were more suitable than the objection site, and which should be developed before encroaching on sensitive areas such as this one.

The council had justified its site selection by confirming that it had been led by the landowner, who would also provide much needed car parking for the church, as well as tidying up and clearing out the former mink farm further to the north. However, the objectors considered it perverse to link this matter to the current objection; while it was certainly important to improve the area around the mink farm, its association with the objection site was merely a convenience. Even if part of the road access were to be improved as a result, this would still merely comprise less than one sixth of the access route.

Accordingly, the objection site should be protected, or at least be designated as Countryside Around Settlement until investigation is carried out. With a recent resurgence of interest in Scottish history, it would be unreasonable to threaten what was probably the most important part of the local heritage and one which was also potentially valuable to tourism.

Council's response to the objections

The council considered the key assessments to be a. the possibility of upgrading the mink farm area; and b. whether there would be a significantly adverse effect on the setting of (i) the church; (ii) the castle; and (iii) any battlefield.

As a result of objections, Potential Development Area 5/166 had been reduced in scale to take account of the setting of the church and the recognised potential was now limited to no more than five dwelling houses. As a gain directly related to this development, access opportunities would be opened up to enable the former mink farm (identified as Area for Action 5/8 in the plan) to be redeveloped. Access to this was only possible via the former railway line, as the alternative route left the A828 at a sharp bend and accordingly would not be acceptable. It was necessary to bring the access road up to an adoptable standard and enabling development would be necessary to provide the necessary finance.

The council did not accept that development would compromise the historic landscape setting of the castle, and it pointed out that the community council shared its view. Historic Scotland could not confirm that the objection site was the site of the battle referred to by the objectors and in any case, there was no current protection afforded by Historic Scotland to battlefields.

Conclusions

Although the objection site is shown as part of the settlement of Portnacroish in both the Finalised and Modified versions of the plan, this appears to be merely as a result of its identification as a Potential Development Area; the remainder of the field of which it forms part is identified as Countryside Around Settlement. There are three other Potential Development Areas in the village which have been identified consistently from the consultative draft stage of the plan, so there is no shortage of potential development land in the village.

This site is integral to the shared setting of both the Category 'A' listed castle and the equally historic Category 'B' listed Holy Cross Church, particularly the latter, which despite the mature trees along the main road below it, directly overlooks the site. It is also misleading for the council merely to state that there is no protection afforded by Historic Scotland to battlefields. That body actually states that it is "...working towards a policy for their protection and management," and continues,

"We hope that our policy and the associated consultation process will encourage local authorities to think about regionally and locally important battle sites as well, and consider them as part of their cultural landscape."

With even the possibility that it was the site of an inter-clan skirmish in the C15th, we consider that for this reason alone, the site should not be considered for development.

In these terms, we consider the problem of the mink farm site and the council's current lack of finance to remedy the situation to be parochial, and certainly one that would not justify the invasion of the open aspect opposite the church. While evidently not supporting the objection, we note that the community council has not identified its position. It seems to us that there must be other means open to the landowner and to the council for achieving a remedy to this problem.

On the other hand, we are in no doubt that this is an historic site; it is important to the setting of the castle; it is vital to the setting of the church; it is important to the tourist potential of the village; it lies within a National Scenic Area; and it is of interest itself as a possible battlefield site. We therefore agree with the objectors that there is no justification for the consideration of the objection site as a Potential Development Area; indeed, we consider this to be one of the very last sites in this area which should be proposed for such a purpose. We have taken into account all the other matters raised in connection with these objections but find that they do not outweigh the issues which have led us to our conclusions.

Recommendation

We therefore recommend that Potential Development Area 5/166 be deleted from the plan.

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Mr and Mrs Carmichael

From: Yahoo! <donaIdcar@btinternet.com>
Sent: 15 August 2014 13:41
To: localreviewprocess
Subject: planning

Grianan,

; Portnacraoish,

Appin, PA38 4BL

Dear Sir/Madam,

Plannning Application Ref: 14/01166/PPP.

We refer to the above planning application and again would like to object to this development.

We attended the public enquiry in June

2007 to support the protection of the land south of Holy Cross Church from development . This

land is crucial to the heritage of Appin.

We expected the outcome of the enquiry to protect the land in this respect for at least our lifetime

and trust that will be the case.we would

also like to bring to your notice the applicant already owns a house in Appin. we would be obliged if

you would please acknowledge this e mail and also inform us of the outcome.

Yours

faithfully,

Donald and Anne Carmichael.

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STATEMENT OF CASE

FOR

**ARGYLL AND BUTE COUNCIL
LOCAL REVIEW BODY**

14/0006/LRB

**REFUSAL OF PLANNING PERMISSION FOR THE
SITE FOR THE ERECTION OF DWELLINGHOUSE
RELATIVE TO PLANNING APPLICATION
REFERENCE 14/01166/PPP**

**LAND WEST OF TIGH NA CROIS, PORTNACROISH,
ARGYLL AND BUTE**

18/08/2014

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 her behalf (“the agent”).

Planning application 14/01166/PPP, which proposed the erection of a single dwelling house (“the appeal site”), was refused under delegated powers on the 16th July 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 Portnacroish, Appin opposite the Holy Cross Episcopal Church which is a category B listed building. The memorial adjacent to the church is category C listed. The house plot measures approximately 38m x 30m with a frontage bounding the A828(T) to the north. The land is currently in agricultural use for grazing and is bounded to the east by a house ‘Tigh Na Crois’, south by the rest of the agricultural field with the multi-use path beyond and there is a private road 90m to the west with further housing beyond.

SITE HISTORY

13/02637/PPP – Site for the erection of a dwelling house – Refused 20/01/14

Adjacent to the site

14/01167/PPP – Site for the formation of a car park – Withdrawn

14/01805/PP – Site for the formation of a car park – Pending consideration and due for determination by 27/09/2014

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

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 there have only been 6 objections and 3 letters of support, it is not considered that a Hearing is required.

COMMENT ON APPELLANTS' SUBMISSION

The appellants' statement can be summarised under four key issues:

- The proposal will not adversely impact on the setting of the listed church and memorial
- The proposed house could be considered partly as infill or rounding-off and therefore partially consistent with policy
- The proposal offers the car park should it be approved which is a form of planning gain
- The proposal would not set a precedent given it is being proposed to provide the car park with the house and due to the appellants local connections.

Issue 1

The council's report of handling details the planning services' concerns relating to the impact on the setting of the church from distanced views at the public footpath and on the opposite side of Loch Laich. These concerns replicate those of a Scottish Government Reporter who has already adjudicated on this point. The applicant has not suitably demonstrated that the setting of the church will not be impacted by the new dwelling house other than to say that views are currently funnelled as a result of existing vegetation. Distance views from and to the church experience a wider angle view and therefore the setting will, in our opinion, be adversely affected by the proposed house. It is accepted that given the existing mature vegetation screening the memorial that there will be a lesser impact on its setting should the house be approved, but as there is no justification for siting a house, it is not necessary to allow these adverse impacts to occur.

Issue 2

The appellants' assertion that the proposal could be considered infill or rounding off represents a misunderstanding of policy STRAT DC 2. This policy does generally support appropriate rounding off and infill proposals; however this site does not represent either of these. A definition from the glossary of the Local Plan is copied below for clarification.

"Infill development – new development positioned largely between other substantial buildings and this new development being of a scale subordinate to the combined scale of the buildings and this new development being of a scale subordinate to the combined scale of the buildings adjacent to the development site."

"Rounding off development – new development positioned largely between substantial building(s) on one side and a substantial ground or natural feature on the

other side and arranged such that the local pattern of development terminates at this point.”

The site sits at the end of a row of houses in Portnacroish which is characterised by a dispersed development pattern generally of small groups of houses with gaps between. The proposal aims to add an additional house beyond the end of an existing row of houses which encroaches onto an undeveloped field. The undeveloped field was explicitly allocated as such by a Scottish Government Reporter during the Local Plan examination. The Reporter determined that the undeveloped nature of the land in question formed an integral part of the settlement character and should be removed from the settlement boundary to prevent its development.

The proposal does not qualify as either infill or redevelopment given that it does not infill a single gap within an existing settled area nor does it round off between existing properties because there are no substantial features that would form a termination point for development.

Issue 3

The proposed car park currently under consideration with the planning service is a separate planning application and will be assessed under its own merits. The applicant is relying on the car park for their parking rather than taking a new access off the trunk road. However, in planning terms the church car park does not necessitate the development of the house and vice versa. The planning authority is generally in favour of the development of the car park. A planning condition could tie the development of the parking area to the house should members be minded to overturn officers' decision, given that the applicant owns the land relating to both applications. However, it should be noted that in planning terms there is no reason to support the house development purely on the basis of the car park provision, and the proposals are not interdependent in planning terms. Each application needs to be assessed on its own merits subject to development plan and all other material considerations.

Issue 4

The proposal has the potential to set a precedent for further development if the principle for development is supported within this field. Impact on the setting of the church will have been deemed acceptable by the planning authority, as will the ability to argue for development beyond the settlement boundary with no planning justification. The appellant asserts that an approval for the dwelling house would be on the basis of planning gain of the car park and that it is unlikely another application could offer a similar package. Although planning gain can be a material consideration it does not outweigh the development plan or other material considerations. In this instance the car park and house are not inter-dependant and neither requires the other, in planning terms. The applicants' personal circumstances, including local connections, are not relevant planning considerations. No land management or operational need has been presented in support of the application and as such it remains unjustified.

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 14/01166/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 and it does not constitute infill, redevelopment, rounding off or change of use as defined in the Local Plan. The applicant has not demonstrated any operational or locational need. The proposal is contrary to Structure Plan policy STRAT DC 2.

The site was subject to the Local Plan enquiry in 2007 for inclusion into the settlement zone and it was determined by the Reporter that the area should remain outwith the settlement area given the dispersed development pattern and to protect the setting of historic buildings. In this regard the proposal is contrary to 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 in the Local Plan by encroaching into one such undeveloped field, which is deliberately allocated as Countryside Around Settlement to prevent encroachment of the settlement. Eroding that boundary would be detrimental to the existing character of the settlement and would impact on the open outlook from and to the category B listed church, and to a lesser degree the category C listed memorial, across the A828(T) to the north.

The open outlook from the church is an important element of its setting by virtue of views to and from the listed buildings across Loch Laich. The monument is generally obscured from view by woodland at present, however the proposal would have the potential to adversely impact on its setting should the vegetation be cleared. 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. The proposal is not consistent with the provisions of the SHEP 2012 and Local Plan policy LP ENV 13(a).

In the absence of any justification to merit supporting the provision of a new house, development of a single house could set a precedent for further development within the Countryside Around Settlement zone that exists within the field boundary.”

The proposed dwelling house is contrary to the adopted development plan policies with regard to the development control zone and historic environment policies. There are no material considerations identified of sufficient weight that justify the

proposal as a departure from the provisions of the development plan. The church car park is a separate matter. The applicants' personal circumstances are not material planning considerations.

It is respectfully requested that the review be dismissed and the refusal be upheld.

Appendix 1

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: 14/01166/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

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 a dwelling house
- Formation of footpath
- Formation of car park (12 spaces)
- Installation of new septic tank

(ii) **Other specified operations**

- Connection to water supply
 - Use of existing access track
-

(B) RECOMMENDATION:

It is recommended that the application is refused for the reasons appended below.

(C) HISTORY:

14/01167/PPP – Site for the formation of a car park – Pending consideration

13/02637/PPP – Site for the erection of a dwelling house – Refused 20/01/14

(D) CONSULTATIONS:

Area Roads Manager

Report dated 13/06/2014

No objection subject to conditions.

West of Scotland Archaeology Service (WoSAS)

Letter dated 05/06/2014

No objection subject to a watching brief condition being attached to any permission.

Transport Scotland

Report and emails dated 05/06/2014, 08/07/2014

No objection subject to conditions. Considers the proposed car park could improve road safety for users of the church.

(E) PUBLICITY:

The proposal has been advertised in terms of regulation 20, closing date 26/06/2014.

(F) REPRESENTATIONS:

There have been 9 representations received: 3 in support and 6 objections. These are summarised below.

Objections:

Dr James Haslam, Tigh Na Crois, Portnacroish, Appin (14/06/14)

Mrs Sandra Haslam, Tigh Na Crois, Portnacroish, Appin (14/06/14)

Mr D Carmichael, Grianan, Portnacroish, Appin, PA38 4BL (10/06/2014)

Mrs C Carmichael, Grianan, Portnacroish, Appin, PA38 4BL (10/06/2014)

Mrs Jessica MacKenzie, Myrtle Cottage, Portnacroish, Appin, PA38 4BN (13/06/2014)

Mrs Sheila Appleby, 1 Station Cottages, Appin, PA38 4BN (18/06/2014)

(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: This concern is noted. 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: Impact on the setting of the listed buildings 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: The application is for a single house. Future applications would need assessed on their merits if such applications were submitted. There is nothing to suggest that future applications are proposed. However, given that the site extends into a Countryside Around

Settlement zone, where a presumption against development applies, a precedent could be created if it were granted without a robust planning justification.

- The site represents a natural break in the development of the settlement representing a sense of character in the dispersed settlement pattern.
Comment: This concern is shared by the planning assessment.
- Site is directly across from the listed Battle of Stalc Memorial which is floodlit at night commemorating the battle in 1486. The memorial should remain visible from Loch Laich and the cycle track with respect of the heritage to the area and the potential for increased heritage related tourism.
Comment: The area is rich in archaeological deposits as advised by WoSAS, and above ground buildings and structures including the C listed memorial. The memorial is currently obscured from wider view by mature trees and is not prominent from the cycle path at present. The impacts of the development on the memorial must therefore be judged in that context. This is assessed in detail below.
- Concerns have been raised over the safety of the access.
Comment: The access has raised no objections from the local Roads Authority or the Trunk Roads Authority.
- Concerns have been raised over use of the proposed car park by patrons of the newly approved restaurant/bar in the Old Inn.
Comment: The proposal is to provide a single house. The associated car park is the subject of a separate planning application. Adequate parking provision has been made for the Old Inn proposal within its own application site.

Support:

Mr Paul Zvegintzov, Appin Home Farm, Appin, Oban (09/07/2014)

Mrs Ethel Johnston, Lettershuna Lodge, Appin (25/06/2014)

Mr David Craig, Lettershuna House, Appin (25/06/2014)

(i) Summary of issues raised in support:

- The applicant is originally from the area, helped with stabling nearby, and family members still in the vicinity would enjoy having a closer family relationship.
Comment: This is not a relevant material consideration.
- The proposed building will be an appropriate addition to Portnacraoish.
Comment: The site is distinguished apart from existing settlement zone at Portnacraoish in the Local 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 zone where a presumption against new housing applies, unless it comprises infill, rounding off, change of use or redevelopment within the CAS zone. The proposal is not infill, rounding off, change of use or redevelopment as defined in the Local Plan.
- The proposal will not cause any residential amenity impacts.
Comment: This is accepted.

Has the application been the subject of:

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

(H) PLANNING OBLIGATIONS

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

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

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

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

Argyll and Bute Structure Plan 2002

STRAT 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
Argyll & Bute Sustainable Design Guidance (2006)
SPP, Scottish Planning Policy, 2014
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 house plot measures 38 x 30m approximately with a frontage bounding the A828(T) to the north. The land is currently in agricultural use for grazing and is bounded to the east by a house 'Tigh Na Crois', south by the rest of the agricultural field with the multi-use path beyond and 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 small car park with a footpath providing a link to the house. They also intend to 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 zone, and not to the extension of the Settlement Zone across or into CAS. The agent's presentation of STRAT DC 2 as applying a presumption in favour of development is a misunderstanding of the policy. 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 the proposal does not qualify as infill, redevelopment, rounding off or change of use as defined in the Local Plan. The applicant has not demonstrated any operational or locational need. To this end the proposal is contrary to 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 to protect the setting of historic buildings. In this regard the proposal is not consistent with the provisions of policy STRAT DC 2 or LP HOU 1.

It remains the view of planning officers now that the proposal would adversely impact on the setting of the category B listed church. To a lesser degree the same is true of impacts on the category C listed monument, because it lies within mature woodland across the main road to the north. The outlook from and to these structures is important given the setting and relationship with Loch Laich. The proposed development would adversely impact on that open setting by encroaching into those open views to and from the church and yard.

The proposal for the house and car park would allow for an improved road safety option allowing users of the church to park and walk up the existing track, cross the road and onto a proposed footpath in the church grounds. Transport Scotland considers that this will improve safety. However, the car park is also subject to a separate application and there is no direct interdependency on the two proposals. The car park could be provided without the house and the community benefit attached to the provision of a car park is not considered sufficient justification to merit supporting the house as a minor departure from the development plan.

There have been 6 objections and 3 letters of support. The issues raised are dealt with above and within this report. There have been no objections from statutory consultees.

In response to the agent's supporting statements, it is important to summarise the following:

- Countryside Around Settlement zone applies a general presumption against housing. It is allocated to control the spread of development beyond the separately allocated Settlement Zones, where development is encouraged.
- The emerging Local Development Plan merges CAS and Sensitive Countryside. Both policy sets in the existing adopted Local Plan (STRAT DC 2 and STRAT DC 5) are similar in their effect. They presume against new development then set out limited exceptions.
- The main obstacle to the development is that it conflicts with policy. The secondary issue is the impact on the setting of the listed church and memorial.
- The proposal does not represent infill as defined in the Local Plan.
- References to a nearby approval relate to land that was within the allocated Settlement Zone, where a presumption in favour of development applied. That differs considerably from the application site and the approved development referenced does not justify the proposal currently under consideration.

The application is hereby recommended for refusal on the basis that the proposal is contrary to 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 and it does not constitute infill, redevelopment, rounding off or change of use as defined in the Local Plan. The applicant has not demonstrated any operational or locational need. The proposal is contrary to Structure Plan policy STRAT DC 2.

The site was subject to the Local Plan enquiry in 2007 for inclusion into the settlement zone and it was determined by the Reporter that the area should remain outwith the settlement area given the dispersed development pattern and to protect the setting of historic buildings. In this regard the proposal is contrary to 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 in the Local Plan by encroaching into one such undeveloped field, which is deliberately allocated as Countryside Around Settlement to prevent encroachment of the settlement. Eroding that boundary would be detrimental to the existing character of the settlement and would impact on the open outlook from and to the category B listed church, and to a lesser degree the category C listed memorial, across the A828(T) to the north.

The open outlook from the church is an important element of its setting by virtue of views to and from the listed buildings across Loch Laich. The monument is generally obscured from view by woodland at present, however the proposal would have the potential to adversely impact on its setting should the vegetation be cleared. 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. The proposal is not consistent with the provisions of the SHEP 2012 and Local Plan policy LP ENV 13(a).

In the absence of any justification to merit supporting the provision of a new house, development of a single house could set a precedent for further development within the Countryside Around Settlement zone that exists within the field boundary.

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

No justification for a departure has been submitted or identified.

(The agent's case is founded on a misunderstanding of STRAT DC 2, whereby he asserts that a presumption in favour of development applies.)

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

Author of Report: David Love

Date: 16/07/14

Reviewing Officer: Stephen Fair

Date: 16/07/14

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

GROUNDINGS OF REFUSAL RELATIVE TO APPLICATION REFERENCE 14/01166/PPP

- 1) 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 and it does not constitute infill, redevelopment, rounding off or change of use as defined in the Local Plan. The applicant has not demonstrated any operational or locational need. The proposal is contrary to Structure Plan policy STRAT DC 2.

The site was subject to the Local Plan enquiry in 2007 for inclusion into the settlement zone and it was determined by the Reporter that the area should remain outwith the settlement area given the dispersed development pattern and to protect the setting of historic buildings. In this regard the proposal is contrary to 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 in the Local Plan by encroaching into one such undeveloped field, which is deliberately allocated as Countryside Around Settlement to prevent encroachment of the settlement. Eroding that boundary would be detrimental to the existing character of the settlement and would impact on the open outlook from and to the category B listed church, and to a lesser degree the category C listed memorial, across the A828(T) to the north.

The open outlook from the church is an important element of its setting by virtue of views to and from the listed buildings across Loch Laich. The monument is generally obscured from view by woodland at present, however the proposal would have the potential to adversely impact on its setting should the vegetation be cleared. 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. The proposal is not consistent with the provisions of the SHEP 2012 and Local Plan policy LP ENV 13(a).

In the absence of any justification to merit supporting the provision of a new house, development of a single house could set a precedent for further development within the Countryside Around Settlement zone that exists within the field boundary.

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