

Ref:  
AB1

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

**OFFICIAL USE**

23 December 2011

Date Received

**NOTICE OF REVIEW**

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

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

(1) APPLICANT FOR REVIEW	
Name	Ian Rae
Address	8 Shore Street
	Arinagour
	Isle of Coll
Postcode	PA78 6SY
Tel. No.	01879 230216
Email	gillnian@hotmail.com

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

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

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

(5) Address of Appeal Property

Land North West of Benmeanach  
Isle Of Coll  
Argyll And Bute  
PA78 6TE

(6) Description of Proposal

Erection of a dwellinghouse and domestic shed.

(7)

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

In the report of handling (P) para 3, it states *'It is also noted in this Study that gardens associated with new housing should be either left open or should be small and enclosed by low stone walls. A condition will therefore be attached to the grant of permission in order to remove certain permitted development rights in the interests of visual amenity and to protect the open character of the area.'*

Condition 5 of the above planning application which states:

**5. Notwithstanding the provisions of Classes 1, 3, 5 and 7 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended), no development shall take place within the curtilage of the dwellinghouse hereby approved without planning permission first being granted on an application made to the Planning Authority.**

*Reason: In the interests of visual amenity and to protect the open character of the site.*

My request is for the removal of condition 5 of the planning permission for the following reasons:

1. This is a working croft and the low stone walling recommended is not appropriate to control livestock or enclose poultry, we will require stock fencing / netting as is used in the surrounding area of Clabhach.

2. The recommendation of the report to *'remove certain permitted development rights'* has turned into a condition that imposes a blanket ban on permitted development.

3. The site, unlike most of Coll, has no special or sensitive designations and is classed a rural opportunity area in the Local Plan.

4. The development is a croft cottage on a 4 acre working croft and I believe that the application represents a traditional croft cottage look fully supported by the Isle of Coll Design Guide. A considerable effort was expended by me in pre application to ensure the siting of the cottage was the least intrusive visually. This is supported by the planning report of handling, (P) para 3 states *'It is considered that the site is offset from the main coastal views'* and *'The applicant has submitted a site and Design Consideration Statement which successfully demonstrates that a dwellinghouse at the proposal site will not intrude unacceptably on key views from the road to the coast.'*

5. The imposition of this condition is excessive control on a small working croft; planning applications for any minor alterations would manufacture a time consuming and expensive process for both me (despite no application fee being able to be charged) and the council. This does not appear to support the general efficiency drive in the public sector that is particularly topical at the moment.

6. The 'study' mentioned in the report, that is used as the only evidence to support the imposition of a condition, has not been adopted by the council despite being published in 2006 and it's recommendations have generally been ignored or contradicted by the 2009 Local Plan, the Isle of Coll design guide and recent planning decisions.



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

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

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

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

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

No.	Detail
1	Planning Application 11/00732/PP application submission documentation
2	Planning Application 11/00732/PP Report of Handling
3	
4	
5	
6	
7	
8	
9	
10	

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

---

Submitted by  
(Please Sign)

Dated

### Important Notes for Guidance

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

If you have any queries relating to the completion of this form please contact Committee Services on 01546 604406 or email [localreviewprocess@argyll-bute.gov.uk](mailto:localreviewprocess@argyll-bute.gov.uk)

---

### For official use only

Date form issued

Issued by (please sign)