

Ref:
AB1

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

OFFICIAL USE
12/0005/LRB.
18 APRIL
2012
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	MS C PENAREIGH
Address	THE WHINS
	FERRY ROAD
	TAYINLOAN
Postcode	PA29 6XG
Tel. No.	01583 441359
Email	KATIEPENAREIGH @AOL.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 10/020581 PPP

(b) Date of Submission 30.11.2010

(c) Date of Decision Notice (if applicable) 29-2-2012

(5) Address of Appeal Property

PLOT 1, LAND SOUTH WEST OF
NORTH BEACHMORE FARM,
MUNSDALE.

(6) Description of Proposal

ERECTION OF AWELLINGHOUSE
AND INSTALLATION OF SEPTIC
TANK.

(7)

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

PER ENCLOSED SCHEDULE - PAGES 1 TO 5.
NB A WORD DOCUMENT FILE CAN BE EMAILED
IF REQUIRED.

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

PAGES 1-5

(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	SCHEDULE OF DETAILED REASONS FOR REQUESTING A REVIEW. PAGES 1-5.
2	
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)

Catherine Pendreigh

Dated

14-04-2012

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/
4. If in doubt how to proceed please contact 01546 604406 or email localreviewprocess@argyll-bute.gov.uk
5. Once completed this form can be either emailed to localreviewprocess@argyll-bute.gov.uk or returned by post to *Committee Services (Local Review Board), Kilmory, Lochgilphead, Argyll, PA31 8RT*
6. You will receive an acknowledgement of this form, usually by electronic mail (if applicable), within 14 days of the receipt of your form and supporting documentation.

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

For official use only

Date form issued

7 March 2012

Issued by (please sign)

Fiona McCallum

DETAILED REASONS FOR REQUESTING A REVIEW OF REFUSAL OF PLANNING PERMISSION IN PRINCIPLE

**REF. NO.: 10/02058PPP ERECTION OF DWELLING HOUSE on PLOT 1, LAND SOUTH WEST
OF BEACHMORE FARM, MUASDALE, ARGYLL.**

SUMMARY

During April 2006 I purchased, for £70,000, a plot of land together with its outline planning consent [Ref. No.: 05/00857/OUT, granted on 9 June 2005]. Having worked and lived in Kintyre for over 10 years, it was my intention to build my dream cottage when I retired. As a keen amateur naturalist and honorary secretary of the Argyll Bird Club, I planned to manage the land surrounding the house in a way which would improve the habitat for birds and other wildlife.

The original planning consent expired in June 2008. Unfortunately, this was a particularly challenging time in my life and resulted in my failing to submit detailed plans within the required three year time period, which led to the lapse of my planning consent. As soon as I realised that I had missed this very important date, I spoke with the Planning Officer who informed me that I would have to make a new planning application. He also informed me that my plot of land had, in the interim, been re-designated from being within a 'Rural Opportunity Area' to being within an 'Area of Sensitive Countryside'. He further informed me that should I submit a new application at this time, it was likely to be turned down. He suggested that I should wait until the next Review of the Local Plan, which would afford me the opportunity to make representations to have my plot of land returned to its original designation of 'Rural Opportunity Area'.

As the months of my retirement passed, the waiting and uncertainty about the future of the plot, in which I had invested a considerable part of my life savings, began to cause me tremendous worry and stress. A friend with experience of rural planning applications suggested that it might be less distressing for me to take action, to lodge a new application, and, if consent was not forthcoming, to argue my case with the Local Review Board. I therefore submitted a new application in November 2010 [Ref.No.: 10/02058/PPP], which was eventually turned down on 29 Feb 2012.

My relatively small, triangular-shaped piece of land is the low-lying western section of the higher, larger field which lies to the south-west of North Beachmore farmhouse. The entire field originally fell within an area designated as a Rural Opportunity Area. After the adoption of the new Local Plan, only the well-screened lower basin of the field, i.e. my small triangular piece of land, was re-designated as being within an area of Sensitive Countryside. The remainder of the field remained designated as a Rural Opportunity Area, even although any building on it would have far greater visual impact when viewed from the coast than a building on my plot. This is because my plot is at a much lower level, and so any building on

it would be screened by the surrounding hills, the willow scrub and the existing recently-built agricultural shed to the west. There is therefore no obvious rational justification for the re-designation of my section of the field. It would appear that I have been the victim of a blanket, arbitrary, desk-top decision to designate everything west of the 50 metre contour line as falling within an area of Sensitive Countryside, regardless of whether a site there is more appropriate for development than an adjoining site on the east of the 50 metre contour line.

To penalise a pensioner so severely for missing the deadline for the submission of detailed plans is punitive. It is tantamount to a £70,000 fine. A site visit by Local Review Board members would immediately clarify the absurdity of this situation.

Should the members of the Local Review Board be instructed by their legal advisor that it would not be appropriate for them to overturn the planning decision, I would hope that they would make absolutely sure that the designation of my area of land is returned to its original designation of Rural Opportunity Area in the next Local Plan. Further, when the new Local Plan is being formulated, it should be built in that in certain unique situations, where blanket methods of establishing boundaries can create absurd anomalies in terms of appropriateness for development [as in my case at North Beachmore], site visits should be made to determine these boundaries.

DETAILED REASONS FOR REQUESTING A REVIEW OF REFUSAL OF PLANNING PERMISSION IN PRINCIPLE:

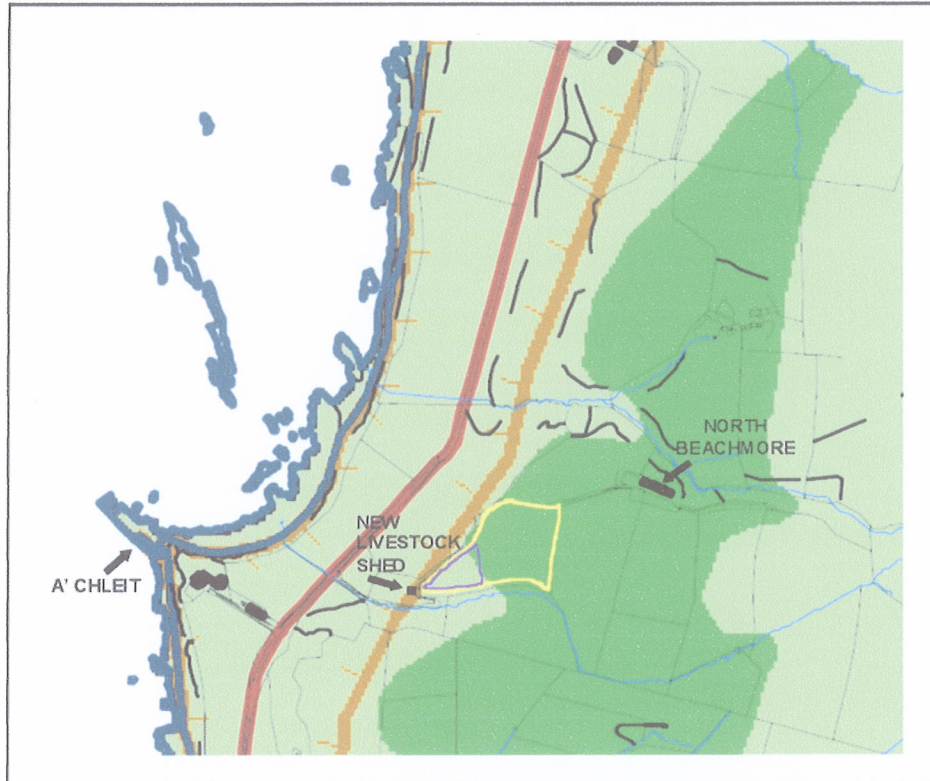
1 Part of my plot lies within the Rural Opportunity Area

After having a measurement survey carried out on my plot, in relation to the border between 'Rural Opportunity Area' and 'Sensitive Countryside', I was able to determine that a small area in the north-east corner of my plot actually lies within the 'Rural Opportunity Area'. Unfortunately, this area is not quite large enough to accommodate the footprint of a dwelling house, and even if it had been, this area is at the highest part of my plot so that any development on it would have a greater visual impact than a development at the lower level [where I propose to build].

2 My plot previously had building consent

The annotated Local Plan Map on the following page shows the original field bordered in yellow. This whole area was previously designated a 'Rural Opportunity Area', as a result of which outline planning consent was received in 2005. [Ref. No.: 05/00857/OUT]. Under the new Local Plan, my plot within this field, shown bordered in purple below, was, for no apparent justifiable reason, re-designated 'Sensitive Countryside'. It would appear that the only reason for the re-designation was the general use of the 50 metre contour line to provide a convenient boundary between the 'Rural Opportunity Area and 'Sensitive Countryside'

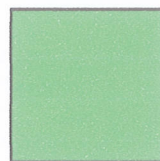
**SECTION OF ARGYLL AND BUTE LOCAL PLAN 2009 SOUTH KINTYRE 3
SCALE: 1:35,000 MAP NO 3
SHOWING SECTION OF FIELD OWNED BY K. PENDREIGH, SOUTH-WEST
OF NORTH BEACHMORE**



KEY



Outline of field originally designated 'Rural Opportunity Area'



Section of field now designated 'Rural Opportunity Area'



Section of field owned by K. Pendreigh now re-designated 'Area of Sensitive Countryside'

3 Planning officers have considered my plot as an appropriate place for building

As mentioned in point 2 above, my plot already had planning consent. To quote from the planning officer's Delegated Report, 8 June, 2005:

"the finalised draft area wide local plan has designated this area as a Rural Opportunity Area where single dwellings or small scale proposals are deemed acceptable."

In October 2009, planning consent was given for the construction of an agricultural shed on the seaward side of the track leading to North Beachmore, immediately opposite, and at a similar level to the area of my plot where I intend to build. The shed falls within the same area of 'Sensitive Countryside' as my plot. To quote from the Report of Handling, 2 October 2009, Ref. No.: 09/00874/DET:

"Although occupying an elevated position, the shed is well screened by existing natural vegetation such that its impact upon the wider landscape, particularly upon views from the A83 public road, is minimal".

As the area of my plot in which I intend to build is at a similar level to the shed, and would form a 'cluster' with it, the above planning officer's comment equally applies to my plot.

4 The site has a narrow window of visibility and is screened by a willow scrub

The site can only be seen from a small section of the A83 public road, A'Chleit Church Car Park and foreshore, as the top photograph on the following page shows. Beyond this narrow window, the site is totally screened to the north, south and east by the surrounding hills, and to the west by the steep coastal escarpment which runs parallel and close to the A83. The narrow window of visibility occurs due to the gorge created by the burn which breaches the escarpment at this point.

However, as the same photograph shows, the site and existing agricultural shed are well-screened by the existing willow scrub. This woodland willow scrub could be extended to provide even greater screening if required.

The top photograph demonstrates clearly the absurdity of the existing designations. My site lies low, in a well-screened basin, yet is designated as being within "Sensitive Countryside" while the area above my plot, which includes an area to the west of North Beachmore Farmhouse where recent development breaches the skyline and creates a huge visual impact, is designated as a Rural Opportunity Area. If any part of a building on my plot were to be visible [eg the roof] behind the screening of existing woodland and agricultural shed, it could be constructed of natural materials [eg slate] which would allow it to virtually disappear into the hillside behind.

The lower photograph below shows my intended building site within my plot. This site is on a similar level to the agricultural shed, also shown, and shows how well-screened the site is by the woodland and the shed from the A83 public road and the church at A'Chleit. The site cannot be seen from the front of the church.

