

**James Barr**

**PLANNING STATEMENT - NOTICE OF REVIEW  
LAND NORTH WEST OF ARDARE, COLINTRAVE**

**JUNE 2012**

**PREPARED FOR MR. NICHOLAS STAUNTON**

SUBMISSION OF NOTICE OF REVIEW AGAINST  
REFUSAL OF PLANNING PERMISSION  
ERECTION OF DWELLINGHOUSE, FORMATION OF  
VEHICULAR ACCESS AND INSTALLATION OF  
SEPTIC TANK  
AT LAND NORTH WEST OF ARDARE, COLINTRAIVE  
ON BEHALF OF MR. NICHOLAS STAUNTON

# CONTENTS

|   | <u>Page</u> |
|---|-------------|
| 1.0 INTRODUCTION .....                        | 1           |
| 2.0 SITE DESCRIPTION & PLANNING HISTORY ..... | 3           |
| 3.0 DEVELOPMENT PROPOSAL .....                | 5           |
| 4.0 GROUNDS FOR APPEAL .....                  | 6           |
| 5.0 CONCLUSION .....                          | 12          |

APPENDIX ONE:                    SCHEDULE OF DOCUMENTS SUBMITTED WITH NOTICE OF REVIEW

## 1.0 INTRODUCTION

1.1 James Barr Limited has been instructed by Mr. Nicholas Staunton to appeal against the recent refusal of planning permission by Argyll & Bute Council for the proposed erection of a dwellinghouse, formation of vehicular access and installation of septic tank at Land North West of Ardare, Colintraive.

1.2 Argyll & Bute Council refused planning permission on 26 March 2012, for the following reason:

*"Colintraive is a relatively dispersed settlement and it contains clusters of housing separated by either undeveloped areas or sporadically-placed dwellings. In terms of the location of the site, as noted in the preceding section, the site is within "Countryside Around Settlement" although it is directly adjacent, on its western boundary, to an area termed "Settlement Zone". The plot is the beginning of a linear coastal strip that stretches in a south-easterly direction which is characterised by woodland and the previously mentioned sporadically-placed dwellings.*

*The actual application site was formerly in the ownership of the property known as 'Ardare', which is to the immediate south east. The site is currently not located within the cartilage of 'Ardare', and given its heavily wooded nature; that it has apparently been unmanaged for a significant number of years; and that there exists more defined garden ground, there is no evidence to suggest that it was actively used as the cartilage of 'Ardare' for many years. In this sense, the site is a key environmental feature that acts as a break between the dwelling to the north west ('Milton Wood') and 'Ardare'.*

*On the basis of the foregoing, it is considered that the erection of a dwellinghouse would result in the loss of the distinctive wooded appearance of the site that would erode the character of the Kyles of Bute National Scenic Area.*

*The proposal is, therefore, contrary to the following policies:*

***Argyll & Bute Structure Plan 2002***

*STRAT DC 2 - Development within Countryside Around Settlements*

*STRAT DC 8 - Landscape and Development Control*

*STRAT HO 1 - Housing - Development Control Policy*

***Argyll & Bute Local Plan 2009***

*LP ENV 7 - Development Impact on Trees/Woodland*

*LP ENV 9 - Development Impact on National Scenic Areas*

*LP ENV 19 - Development Layout, Setting & Design*

*LP HOU 1 - General Housing Development"*

- 1.3 We believe that this reason for refusal (Doc JB 38) is neither clear nor concise, and does not specify what is actually contrary to the policies identified. In addition, throughout the planning application process, it was never intimated that the principle of development was contrary to policy, and therefore time and expense went on resolving detailed matters such as ecology reports and tree maintenance. Ultimately, if this proposal was, in principle, contrary to policy, there was no merit in requesting additional information to be lodged in support of the proposed development.
- 1.4 Therefore, the appellant is somewhat confused as to the outcome of the application, and the fact that the reasons for refusal centre around the principle of development on site. In short, it appears that the appellant was misled throughout the application process by the planning officer. This is supported in the documents provided as part of the appeal, specifically letters from Argyll & Bute Council from 25<sup>th</sup> May 2010 (Doc JB 8) and 21<sup>st</sup> March 2011 (Doc JB 23) which stated that the site represents appropriate infill development.
- 1.5 No objections or issues were raised as a result of the additional reports/meetings undertaken that would justify refusal in this instance. The refusal notice is based primarily on the fact that the principle of development is contrary to policy, despite the fact that the application process never raised concerns regarding the principle of development in this location. On that basis, we are appealing against the refusal of planning permission, as we are aggrieved with the decision, and the reason for refusal, issued in this case.
- 1.6 We believe that full consideration needs to be given the proposed development, the site context, and the way which this application was dealt with; and as such the decision issued for this proposal be reconsidered.

### 2.0 SITE DESCRIPTION & PLANNING HISTORY

#### Site Description

- 2.1 The appeal site is located within the settlement of Colintraive. The area of Colintraive is situated on the north east coast of the Kyles of Bute. This settlement has a mixed character, with detached residential properties sitting along the coastline in close proximity to the proposed development site.
- 2.2 The land to the north west of Ardare was originally part of the wider garden ground of Ardare. The house was sold by the family of Mrs. Staunton who inherited the house after her death. Mrs. Staunton had lived in Colintraive for over 14 years. At the time of the house sale, the family decided to retain part of the garden ground, including the kitchen garden area, for the potential option of developing a new family dwelling in the future. This was intimated to the buyers at the time of the sale of the premises, and was the reason for the condition being applied to the land ownership that restricted the distance between the existing house and any proposed development on the land north west of the house (Appendix 2).
- 2.3 The site measures approximately 2160sqm, and is located between the residential properties of Milton Wood and Ardare. Sitting in a coastal position, the site is predominantly covered by trees and planting and is set within a wider residential area, which boasts dwellings from north west to south east, running along the coast of Kyles of Bute.
- 2.4 The land is bounded on each side by existing residential properties. This, by definition can therefore be promoted as an infill site.

#### Planning History

- 2.5 Other than the application now subject of this appeal, there are no relevant applications relevant to this site.
- 2.6 In terms of the planning application now subject to appeal, this was lodged on 2<sup>nd</sup> December 2010 (Doc JB 9 & 15). The submission of the application came after numerous pre-application discussions dating back to 2009 regarding the future development potential of the site.
- 2.7 At no point in the pre-application discussions, or the progression of the planning application, was it identified that the principle of the proposed use would be contrary to local plan policy. In fact, it was stated by the planning officer from Argyll & Bute Council that an argument could be reasonably made that the site represents infill development between two residential properties, due to its location and siting, and is therefore in compliance with local plan policy. In addition, it was accepted that the wooded nature of the site would be retained.

- 2.8 Therefore, it was somewhat disappointing when it was intimated that the proposed development would be recommended for refusal, and subsequently refused. This has led to the submission of an appeal to the Local Review Body. As detailed in Section 1 of this report, we believe that the appellant was misled in the progression of the planning application by Argyll & Bute Council.
- 2.9 We believe that the proposed development can be considered as in compliance with local plan policy, and there are no other matters material to this case that would render the proposal as inappropriate.

### 3.0 DEVELOPMENT PROPOSAL

- 3.1 The application lodged to Argyll & Bute Council promoted the erection of a detached, 2 storey dwelling that would create a 4-bed property for use by the family who previously owned/occupied Ardare.
- 3.2 The property itself takes a design-led approach, reflecting that of the adjoining property, Ardare. It is proposed that the house would have a footprint of approximately 123sqm within a wider 2160sqm site. This creates a dwelling that is wholly appropriate for the size of the site, and provides generous garden ground that ensures the retention of the majority of woodland/planting on site.
- 3.3 As explained in Section 2 of this report, the appellant retained this land for future development at the time of the sale of Ardare, and it was made apparent to the buyers that this was the purpose of the split in land ownership (Doc JB 1).
- 3.4 The scale, design and siting of the development proposed on site has taken full consideration of the wider character of Colintrave, the surrounding residential properties, and the importance of the natural setting and landscape within the area of Colintrave and Kyle of Bute.
- 3.5 Representations lodged to the application raised concerns about wildlife on site. In response, the applicant instructed Wild Surveys Ltd to undertake a Protected Species Survey for the proposed development site (Doc JB 26). There was no evidence of bats roosting, badger activity, otters, water voles, or red squirrel on site. Argyll & Bute Council's Biodiversity Officer stated that she was satisfied that the proposal in terms of the footprint of the building and access will not compromise the biodiversity of the site, providing the integrity of the woodland is maintained (Doc JB 28).
- 3.6 The proposed development requires the removal of a minimal amount of trees, in order to accommodate the proposed dwelling and associated access/parking. As part of the application process, it is recognised that the site is within a wider Tree Preservation Order covering the area known as 'Milton Wood' which covers the coast from Milton Wood, south to Millhouse. Therefore, discussions and a site visit with Argyll & Bute Council's Horticulture Officer were undertaken during the application process to determine the extent of the proposed tree removal and replanting works on site. No objections were raised by the Horticulture Officer in terms of the proposed tree works/planting on site. In fact, it was stated that some trees actually needed to be removed and replanting would be appropriate on site to compensate for the loss of trees on site (Doc JB 33). This would ensure that the site is well screened and that the level of natural woodland and tree provision on site is similar to that which exists on site.
- 3.7 The retention of the majority of trees on site, and replanting of new trees on site means that the tree cover in the area will be similar to as existing, with minimal visual impact on the coast.



## 4.0 GROUNDS FOR APPEAL

- 4.1 One reason for refusal was issued by Argyll & Bute Council in the decision notice dated 26<sup>th</sup> March 2012. It stated the following:

*"Colintraive is a relatively dispersed settlement and it contains clusters of housing separated by either undeveloped areas or sporadically-placed dwellings. In terms of the location of the site, as noted in the preceding section, the site is within "Countryside Around Settlement" although it is directly adjacent, on its western boundary, to an area termed "Settlement Zone". The plot is the beginning of a linear coastal strip that stretches in a south-easterly direction which is characterised by woodland and the previously mentioned sporadically-placed dwellings.*

*The actual application site was formerly in the ownership of the property known as 'Ardare', which is to the immediate south east. The site is currently not located within the cartilage of 'Ardare', and given its heavily wooded nature; that it has apparently been unmanaged for a significant number of years; and that there exists more defined garden ground, there is no evidence to suggest that it was actively used as the cartilage of 'Ardare' for many years. In this sense, the site is a key environmental feature that acts as a break between the dwelling to the north west ('Milton Wood') and 'Ardare'.*

*On the basis of the foregoing, it is considered that the erection of a dwellinghouse would result in the loss of the distinctive wooded appearance of the site that would erode the character of the Kyles of Bute National Scenic Area.*

*The proposal is, therefore, contrary to the following policies:*

***Argyll & Bute Structure Plan 2002***

*STRAT DC 2 - Development within Countryside Around Settlements*

*STRAT DC 8 - Landscape and Development Control*

*STRAT HO 1 - Housing - Development Control Policy*

***Argyll & Bute Local Plan 2009***

*LP ENV 7 - Development Impact on Trees/Woodland*

*LP ENV 9 - Development Impact on National Scenic Areas*

*LP ENV 19 - Development Layout, Setting & Design*

*LP HOU 1 - General Housing Development"*

- 4.2 It is evident that this reason for refusal is neither clear nor concise. The reason for refusal fails to create any link between local plan policies and the statements made in the wider text.
- 4.3 As stated in Section 1 of this report, it was intimated by the planning officer in correspondence to the appellant that the potential of this site as infill development would be appropriate. We

believe that the letters sent by Argyll & Bute Council regarding the development proposed clearly intimate that the principle of development was originally acceptable. There is no other reason to proceed with the requests for additional information to resolve matters relating to wildlife and trees, as the Council would have had sufficient grounds regardless of the outcome of these reports to refuse planning permission.

- 4.4 Due to the numerous issues raised in the one reason for refusal, we wish to take this opportunity to break down the matters raised, and comment as follows:

### Settlement Strategy

- 4.5 The planning officers' report of handling states that the proposal contravenes Policies STRAT DC2, STRAT DC8, and STRAT HO1 of the Structure Plan and Policy LP HOU1 of the Argyll & Bute Local Plan due to the fact that the site is a key environmental feature, and as such the development would result in the expansion of the established settlement boundary into an area of significant landscape value.
- 4.6 However, we believe that the site can be fully described as an infill site, and that the development is appropriate in the zoned Countryside Around Settlement, as development plan policy states that there is a presumption in favour of small-scale development housing on infill, rounding off, change of use of building and redevelopment sites provided it does not result in undesirable forms of settlement coalescence, the extension of an established settlement boundary or ribbon development.
- 4.7 The appeal site is situated between two existing residential properties, along a developed coastline. This constitutes an infill site.
- 4.8 Whilst the "settlement" boundary ends to the northwest of the appeal site, development continues down the coast of residential properties. The fractured nature of the settlement boundary at Colintraive means that locations, such as land to the north west of Ardare, do not benefit from the settlement policies. However, the designation of Countryside Around Settlements does allow for limited development opportunities where appropriate - including infill development.
- 4.9 Infill development can be described, as stated in the glossary of the Argyll & Bute Local Plan, is new development positioned largely between other substantial buildings and this new development being of a scale subordinate to the combined scale of the buildings adjacent to the development site.
- 4.10 In this instance, the proposed erection of a dwellinghouse is situated between two established residential properties on the coastline of Colintraive. The proposed dwelling is of a similar scale and massing to neighbouring properties, and is set within a large plot which provides generous

garden ground and allows retention of the majority of woodland on site. This is similar to surrounding dwellings that exist along the north east coast of the Kyles of Bute.

- 4.11 In terms of the consideration of the proposal against Policy STRAT DC 2 of the Argyll & Bute Structure Plan, it is clearly stated that infill development is appropriate in Countryside Around Settlements where it accords with the settlement plan for the area. In this instance, Argyll & Bute Council have applied settlement boundaries that do not reflect the development boundaries in the area of Colintraive. There is established development along the coastline of Colintraive outwith the designated settlement boundary; and house plots in this area, between Milton Wood and Millhouse, extend southwards along the coastline. The nature of the residential uses in this area promotes large established plots with woodland and trees within the garden ground and adjoining residential plots. The residential plots along the coastline of Colintraive, from Milton Wood to Millhouse, promote an average of 1650m<sup>2</sup> with detached residential properties in a wider established garden ground setting (Doc JB 40).
- 4.12 The nature and extent of the plot promoted for residential development, and subject to this appeal, is of a similar scale and size of the surrounding established residential plots. In addition, the woodland on site will be retained where possible and improvement works will be undertaken with new planting that will retain the "natural" setting and ensure that the woodland in this area is the key feature in the development proposal.
- 4.13 In terms of Policy STRAT DC 8, the location of the site within the Kyles of Bute National Scenic Area means that any development proposal has to take into consideration the environmental aspects and landscape character of the wider area. Again, we wish to stress that the development promoted for land north west of Ardare only seeks the necessary removal of trees required to allow the development to be undertaken. This is compensated with new planting on site (Doc JB 32), which improves the longevity of the woodland through the removal of dead and unsafe trees from the site. This matter has been discussed with the planning officer and horticultural officer in the progression of the application, and no objections were raised from the Horticulture Officer regarding the proposed works. Instead, there was limited tree removal recommended, and new planting proposed to compensate for the loss of trees on site. This would ensure that tree coverage is still an important feature in terms of the visual character of the site, and its relationship to the wider countryside and Scenic Area.
- 4.14 It is the character and nature of the settlement of Colintraive to have houses lined along the road front, creating ribbon development. The nature of the area means that there is one designated access road, and all properties existing and proposed would be accessed from this. It can be argued that the settlement of Colintraive is built on ribbon development along the main access road in this area. The nature of the area, and the characteristics of residential properties benefitting from a coastal location, means that whilst the proposed development may be classed as "ribbon development", this is a feature of development in the area, and the proposal at Ardare

would not have a negative impact on the wider residential character of the area or the wider natural environment.

- 4.15 The fact is that there are already established residential properties along this coastal location, and the site is set between two existing residential properties - making it an appropriate infill site. The fact that the site is enclosed on both sides by existing residential properties means that there are no potential problems of the development proposed encouraging ribbon development, or would lead to undesirable coalescence and the extension of an established settlement boundary.
- 4.16 Ultimately, the Council have control over the allocation of the settlement boundary at Colintrave, and have chosen in other locations to exclude existing properties in this area from the settlement boundary. The fact that the 7 existing houses to the south are also excluded from the settlement area means that Argyll & Bute Council are able to justify exclusion of areas from the settlement boundaries regardless of whether there are existing developments on site. There is no reason that the settlement boundary of Colintrave would be amended as a result of the development proposed.
- 4.17 In summary, the surrounding area around the appeal site is residential in nature, despite its allocation as Countryside Around Settlements. The proposed development works would have a minimal impact on the established trees on site, and would allow for new planting to ensure screening and maintenance of visual character. There is nothing to suggest that the development proposed would have a negative impact on the landscape value of the area, or would increase pressure to extend the settlement of Colintrave.

### Location, Nature and Design of Proposed Development (Including Impact upon Built Environment)

- 4.18 The Report of Handling states that the proposed dwellinghouse would result in the loss of the distinctive wooded appearance of the site that would erode the character of the Kyles of Bute National Scenic Area, and as such in contrary to Policy STRAT DC 8 of the Structure Plan and Policies LP ENV 9, LP ENV 19 and LP HOU 1 of the Argyll & Bute Local Plan.
- 4.19 However, as stated above the matter of trees on site has been discussed with both planning and the Horticulture Officer during the progression of the planning application.
- 4.20 The appeal proposes to remove the minimal number of trees required to allow the development to proceed. In total this amounts to the removal of 7 of the 37 trees that exist on site. This was reviewed by the Horticulture Officer who agreed some trees required to be removed, and proposed that new planting on site would compensate for the loss of the trees removed for the development proposed. New planting amounts to 10 new trees proposed to be planted on site. In response, no concern was raised about the loss of trees within the wider Tree Preservation Order area, and that mitigation measures could be put in place to minimise any impact on the site and surrounding area, as part of the Kyles of Bute Scenic Area.

- 4.21 The similarity of the proposal to the neighbouring property of Ardare has been purposely promoted to ensure that the proposed house would complement the character of the wider residential area. The proposed development of a house similar in style, design and setting is to ensure that there is no conflict in terms of the built environment, or natural environment in this area. It is noted that there were no concerns raised regarding the actual design of the proposed dwelling.
- 4.22 The site is within an established residential area, and the proposed development of this land, which was formerly part of the garden ground of Ardare, is designed to complement the existing residential uses and the visual character of the wider area.
- 4.23 In terms of the proposed development site itself, with a site area of over 2000sqm, this is a large plot which can easily accommodate the scale and nature of the development proposed. The large garden ground associated with the proposed dwelling is similar to that which exists in surrounding properties. In fact, Document JB 40 identifies the plot sizes of the nearby houses situated along the coast, and shows that the scale and nature of the development proposed is wholly in accordance in terms of the scale, situation and massing of neighbouring residential properties.
- 4.24 It is the retention of existing woodland, and proposed replanting of trees on this large plot that assist in creating a sensitive setting for residential development, which will assist in screening the proposed dwelling from view and therefore mitigating any impact on the wider natural environment and designated National Scenic Area.
- 4.25 To allow the development to proceed, it is proposed to remove 7 trees from the appeal site. However, as discussed with the Planning Officer and Horticultural Officer due to the size of the site new planting, totalling 10 trees; can be undertaken within the garden ground to mitigate the impact of the development, and compensate for the loss of trees as required for the development proposed. It was accepted by the Horticulture Officer that new planting on site, which can be dealt with by way of a condition, would assist with the longevity of wood cover. She also stated that in the wider context tree cover is generally good in the immediate area, and management of this portion will not result in the overall deforestation of the wider area (as per email to Steven Gove dated 24 November 2011 - DOC JB 33)).
- 4.26 There is therefore no evidence to suggest that the removal of a limited number of trees would have a negative impact on the visual character of the wider natural environment, or the importance of the woodland on site and in the wider local area. As such, concerns raised in the reason for refusal regarding the erosion of the character of the Kyles of Bute National Scenic Area are unfounded. The proposed erection of a dwelling house, associated with new tree planting has no significant bearing on the wider natural environment. There are established residential uses along the coastline in this location, and the existing houses utilise the woodland within and around their garden ground to retain the woodland feature which is part of the wider Kyles of Bute National Scenic Area. There is no reason to believe that the proposed development now

subject to appeal would diminish the importance of the Kyles of Bute National Scenic Area, or the established woodland in this area.

- 4.27 The concern that the appearance of the proposed housing plot will erode the character of the National Scenic Area is not a valid reason for refusal, as it has been clearly stated, and accepted by the Horticulture Officer, that mitigating measures can be applied to ensure that the natural wooded features on site will be retained and that the longevity of the woodland will be preserved.

### Impact Upon Trees

- 4.28 We recognise that the site is part of a wider Tree Preservation Order Ref: 07/92, which covers the area known as 'Milton Wood'. We also acknowledge that when the property of Ardare was sold, the appellant retained the land to the north west with the view that it could accommodate future development. The ongoing maintenance of the site since the sale of the house is irrelevant to the case.
- 4.29 It is argued that the potential development of one residential dwelling on the large plot under the ownership of Mr. Staunton will ensure the ongoing maintenance and longevity of the established woodland in this area. The development of the site promotes a detached dwelling within a large garden ground. This is similar to the surrounding residential plots in the wider area of Colintraive. The extent of the development also ensures the retention of the majority of the 37 trees on site, with only 7 trees needing to be removed and 10 new trees proposed to be planted. This overcompensates for the loss of the trees as required for the proposed dwelling - as identified in the plan provided by Houston Architects (Doc JB 32) in response to the matter of tree removal.
- 4.30 The proposed maintenance of, and improvement to the trees on site will actually benefit the wider woodland in this area, improving its durability and ensuring its future existence. It is promoted that the tree planting scheme will actually be an improvement to the wider established woodland.
- 4.31 The response from Alison McIlroy, Horticultural Officer (Doc JB 33), regarding the proposed development and tree works on site raised no objections to the proposed removal of trees, but instead provided advice and guidance relating to replanting trees on site. It was stated that the removal of some trees on site will allow for the replanting of younger specimens and this will assist in the longevity of wood cover. In addition, it was recognised by Argyll & Bute Council's Horticultural Officer that tree cover is generally good in the immediate area, and management of this portion will not result in the overall deforestation of the wider area.
- 4.32 There is no justification, based on the comments provided by Argyll & Bute Council's Horticultural Officer, or the proposed replanting offered by the appellant, that the erection of the dwelling house would result in the loss of trees and would therefore significantly alter the wooded character of the site.

### 5.0 CONCLUSION

- 5.1 In conclusion, we do not believe that Argyll & Bute Council have provided sufficient grounds to refuse the application for the proposed dwelling house on land north west of Ardare, Colintraive.
- 5.2 The principle of the development proposed was not raised as an issue throughout the progression of this application, as it was stated by the planning officer that “it could be argued that the site represents an infill development between two existing residential properties” (Doc JB 23) and therefore would be in accordance with development plan policy. It was as a result of this planning officer’s view that the appellant subsequently spent time and considerable expenses on resolving matters relating to ecology and trees.
- 5.3 Therefore, it is somewhat disappointing that after 13 months of correspondence, discussions and negotiations that the Council have stated that principle of the development - in terms of its accordance with local plan policy - is a factor in the reason for refusal. Ultimately, this leads the appellant to believe that he has been misled throughout the planning process, and that the time and expenses spent on resolving matters of ecology and a tree planting scheme has been wasted, as it had no merit in the consideration of the case if ultimately the principle of development wasn’t acceptable.
- 5.4 We believe that concerns regarding loss of trees and impact on the woodland, and wider natural environment are unjustified, and the decision issued by Argyll & Bute Council fails to recognise the proposed tree works as promoted, and discussed throughout the application process. New tree planting - as proposed - can address the Council’s concerns regarding the loss of the established woodland and the impact of the development on the visual character of the wider National Scenic Area. It is promoted that the tree planting scheme will actually be an improvement to the wider established woodland, rather than a loss as detailed in the reason for refusal.
- 5.5 The proposed removal and replanting of trees as part of the wider development proposal now subject to appeal has been discussed with Argyll & Bute Council, and no objections were raised from consultees - including the Local Biodiversity Officer or Horticulture Officer, regarding the proposed works and any negative impact on the local woodland or natural environment.
- 5.6 This matter can ultimately be dealt with by way of conditions.
- 5.7 In addition, the concerns that the development would lead to the extension of the settlement boundary has no basis. As previously stated, this is ultimately an infill site, bounded on each side by existing residential uses. The designation of Settlement Boundaries in the Argyll & Bute Local Development Plan is a matter for the Council to decide. It is evident in the current adopted Argyll & Bute Local Plan that there are existing residential properties situated along the coastline of Colintraive which the Council have chosen to exclude from the designated settlement area. There

is no reason to believe that this would need to change as a result of the development proposed. The siting, scale and location of the appeal site means that there is no concern in terms of future expansion, and the development is unlikely to increase development pressure in the area.

- 5.8 Discussions with the planning officer and relevant consultees were ongoing during the application process, to ensure that all matters identified regarding wildlife and trees were addressed. As a result of the discussions and meetings with relevant parties, no objections were received from consultees in response to the development proposed.
- 5.9 In addition, it was intimated that the principle of development, as an infill site, was justified and therefore this was not a matter of concern as the application progressed - until the appellant was notified of the decision made. This is evident in the documents provided as part of the appeal submission.
- 5.10 In summary, the reason for refusal is not clear or concise, and taking into consideration the context of this appeal - unjustified.
- 5.11 We trust that the Local Review Body will take full consideration of this appeal statement and supporting information in the review of this decision.

**James Barr Limited**  
**On Behalf of**  
**Mr. Nicholas Staunton**

**June 2012**



*APPENDIX 1* 

## SCHEDULE OF DOCUMENTS SUBMITTED WITH NOTICE OF REVIEW

### LAND NORTH WEST OF ARDARE, COLINTRAIVE - 10/02077/PP

|           |   |
|-----------|---|
| DOC JB 1  | Qualified Acceptance for Sale of Ardare, dated 7 <sup>th</sup> July 2006  |
| DOC JB 2  | Pre-Application Enquiry letter from Houston Architects, dated 23 <sup>rd</sup> February 2009                          |
| DOC JB 3  | Letter of Acknowledgement from Argyll & Bute Council to Pre-Application Enquiry, dated 25 <sup>th</sup> February 2009 |
| DOC JB 4  | Letter to Argyll & Bute Council regarding Pre-Application Enquiry, dated 27 <sup>th</sup> April 2009                  |
| DOC JB 5  | Letter from Argyll & Bute Council regarding development opportunity, dated 8 <sup>th</sup> May 2009                   |
| DOC JB 6  | Letter from Houston Architects to Argyll & Bute Council regarding tree survey, dated 3 <sup>rd</sup> March 2010       |
| DOC JB 7  | Letter from Houston Architects to Argyll & Bute Council regarding amended scheme, dated 1 <sup>st</sup> April 2010    |
| DOC JB 8  | Letter from Argyll & Bute Council regarding development proposal, dated 25 <sup>th</sup> May 2010                     |
| DOC JB 9  | Planning Application Forms & Certificates, dated 2 <sup>nd</sup> December 2010  |
| DOC JB 10 | Letter from Argyll & Bute Council regarding invalid application, dated 10 <sup>th</sup> December 2010                 |
| DOC JB 11 | Submission of Additional Information by Houston Architects, dated 20 <sup>th</sup> December 2010                      |
| DOC JB 12 | Letter from Argyll & Bute Council regarding invalid application, dated 11 <sup>th</sup> January 2011                  |
| DOC JB 13 | Letter from Houston Architects to Argyll & Bute Council, dated 17 <sup>th</sup> January 2011                          |
| DOC JB 14 | Validation letter from Argyll & Bute Council, dated 20 <sup>th</sup> January 2011                                     |
| DOC JB 15 | Application Plans, as detailed in attached sheet  |
| DOC JB 16 | Site Photographs  |
| DOC JB 17 | Tree Photographs  |

- DOC JB 18 Roads Consultation Response, dated 20<sup>th</sup> January 2011
- DOC JB 19 Scottish Water Consultation Response, dated 28<sup>th</sup> January 2011
- DOC JB 20 Objection from owners of Ardare, dated 9<sup>th</sup> February 2010
- DOC JB 21 Objection from owners of Milton Wood, dated 10<sup>th</sup> February 2010
- DOC JB 22 Biodiversity Consultation Response, dated 16<sup>th</sup> March 2011
- DOC JB 23 Letter from Argyll & Bute Council to Houston Architects regarding additional information required, dated 21<sup>st</sup> March 2011
- DOC JB 24 Letter from James Barr to Argyll & Bute Council requesting a time extension to allow the instruction of a consultant for ecological reports, dated 8<sup>th</sup> April 2011
- DOC JB 25 Letter from Argyll & Bute Council to James Barr agreeing to time extension, dated 12<sup>th</sup> April 2011
- DOC JB 26 Letter & Documents from Houston Architects - submission of ecological report and response to objections received, dated 23<sup>rd</sup> June 2011
- DOC JB 27 Letter from Steven Gove to Biodiversity Officer regarding submission of ecological report, dated 1<sup>st</sup> July 2011
- DOC JB 28 Email from Argyll & Bute Council Biodiversity Officer regarding ecology & trees, dated 19<sup>th</sup> July 2011
- DOC JB 29 Email from Argyll & Bute Council regarding response to ecological survey & trees, dated 28<sup>th</sup> September 2011
- DOC JB 30 Letter from Argyll & Bute Council to Houston Architects confirming Site Visit, dated 16<sup>th</sup> November 2011
- DOC JB 31 Memo to Argyll & Bute Council regarding Site Visit to discuss tree removal, dated 23<sup>rd</sup> November 2011
- DOC JB 32 Site Plan as Proposed - Tree Planting
- DOC JB 33 Email from Alison McIlroy, Argyll & Bute Council regarding tree removal, replanting and maintenance; dated 24<sup>th</sup> November 2011
- DOC JB 34 Email from Steven Gove regarding progression towards decision, dated 3<sup>rd</sup> February 2012

- DOC JB 35      Email from Steven Gove intimating minded to refuse, dated 10<sup>th</sup> February 2012
- DOC JB 36      Letter from James Barr to Argyll & Bute Council regarding potential reasons for refusal, dated 21<sup>st</sup> February 2012
- DOC JB 37      Report of Handling for Application 10/02077/PP
- DOC JB 38      Refusal of Planning Permission Decision Notice, dated 26<sup>th</sup> March 2012
- DOC JB 39      Refused Plans, stamped 26<sup>th</sup> March 2012 - as detailed on attached sheet
- DOC JB 40      Plan identifying Hous Plot Sizes at Colintraive

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