



Planning & Regulatory Services

Seirbheisean Planaidh is Riaghlaidh

Development Management • Policy

Building Standards • Animal Health

Trading Standards • Environmental Health
Milton Road, Milton Avenue Dunoon PA23 7DU

DOC JB 38

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS 2008

REFUSAL OF PLANNING PERMISSION

REFERENCE NUMBER: 10/02077/PP

Mr Nicholas Staunton
James Houston Architects
2 Schoolwynd
Kilbirnie
Ayrshire
KA25 7AY

I refer to your application dated 3rd December 2010 for planning permission under the above mentioned Act and Regulations in respect of the following development:

**Erection of dwellinghouse, formation of vehicular access and installation of septic tank at
Land North West Of Ardare Colintrave 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: 26 March 2012

Angus J. Gilmour
Head of Planning and Regulatory Services

www.argyll-bute.gov.uk



REASONS FOR REFUSAL RELATIVE TO APPLICATION NUMBER 10/02077/PP

1. Colintrave 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 curtilage of '*Ardare*' and, given its heavily wooded nature; that it has apparently been unmanaged for a significant number of years; and that there exists a more defined garden ground, there is no evidence to suggest that it was actively used as the curtilage of '*Ardare*' for many years. In this sense, the site is a key environment 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 and 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

NOTES TO APPLICANT (1) RELATIVE TO APPLICATION NUMBER 10/02077/PP

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).

APPENDIX TO DECISION REFUSAL NOTICE

Appendix relative to application 10/02077/PP

(A) Submitted Drawings

For the purpose of clarity it is advised that this decision notice relates to the following refused drawings:

Location Plan (Scale 1:10,00); Drawing No. 1246 – LP1 A; Drawing No. 1246 – SP1 A; Drawing No. 1246 – SP2 B; and Drawing No. 1246 : p 01b.

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

No

PLANNING SERVICES CUSTOMER SATISFACTION SURVEY

Within Planning Services we want to continually improve the service we provide by constantly reviewing and improving what we do.

Our aim is to deliver an efficient, courteous and quality service to all of our customers.

If you feel we haven't achieved this then please tell us. We need to know, in order to put things right.

Of course, we also welcome suggestions and ideas from our customers as to how you think we can improve the service.

If you have any comments or wish to make a suggestion, please complete the tear off portion of this leaflet and return it to us 'Free of Charge'.



COPY
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Planning Services Customer Service Enquiry

APPLICATION REFERENCE NUMBER (where appropriate)..... 10/02077/PP

PLEASE TICK APPROPRIATE BOX

	Unacceptable	Poor	Acceptable	Good	Excellent
1. Was the manner in which your enquiry/application received:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Was the time taken to deal with your enquiry/application:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Was the level and quality of information and advice given:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Was the attitude of the case officer who dealt with you:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Was the overall service:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. What is your ethnic group?	Pakistani <input type="checkbox"/>	Indian <input type="checkbox"/>	Chinese <input type="checkbox"/>	White <input checked="" type="checkbox"/>	Other <input type="checkbox"/>
7. Do you consider yourself to have a disability?		Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>		
8. If you used the Council's new Sustainable Design Guidance as part of your application,					
a. in what format did you use it?	Hardcopy <input checked="" type="checkbox"/>	Web <input type="checkbox"/>	CD <input type="checkbox"/>		
b. and how useful did you find it?	Didn't use <input type="checkbox"/>	Easy <input checked="" type="checkbox"/>	Difficult <input type="checkbox"/>		
9. Did the new design guidance help you put together a better (sustainable) house design?		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>		

Any Further Comments:

THE REASONS GIVEN FOR REFUSAL MUST HAVE BEEN KNOWN AT THE OUTSET. WE FEEL SERIOUSLY MISLED INTO INCURRING SUBSTANTIAL EXPENSES, IN ORDER TO PROVE FAVOURABLE RESPONSES - FOR WHAT TURNS OUT TO BE QUITE IRRELEVANT MATTERS !!