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27<sup>th</sup> January 2012

Your Ref: 12/0007/LRB  
Our Ref: 12/00010/REFPLA  
Contact: Steven Gove  
Direct Line: (01369) 708603

Charles Reppke  
Head of Governance and Law  
Customer Services  
Argyll & Bute Council  
Kilmory  
Lochgilphead  
Argyll  
PA31 8RT

*For the attention of Hazel MacInnes*

Dear Mr Reppke,

**LOCAL REVIEW BODY REF. 12/0007/LRB  
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997  
APPEAL REF. 12/00010/REFPLA  
ERECTION OF DWELLINGHOUSE, LAND TO THE NORTH WEST OF ARDARE,  
COLINTRAIVE**

I refer to your letter dated 19<sup>th</sup> June 2012 in respect of the above appeal to the Local Review Body. Please accept the contents of this letter as being the response of this Department in terms of Paragraph 7 of the 'Notice of Review' Form.

The appellant's agent has provided a comprehensive list of supporting documents, one of which is this Department's Report of Handling which, it is considered, provides an adequate description of the Department's position on the proposal. On this basis, it is not proposed to send further copies of information that will already be in the possession of the Local Review Body when it determines this matter.

One matter which requires some clarification is the allegation made by the agent that the Planning Officer misled the appellant during the course of the processing of the application. In particular, it is alleged that the principle of the development was not raised as an issue at an early stage and that time and expense were expended on the appellant's behalf in attempting to resolve matters such as ecology and tree maintenance when, ultimately, there was no merit in requesting the additional information.

There is no evidence to suggest that the Department clearly and unequivocally stated positive support for the principle of the development in terms of its location within the "Countryside Around Settlement" zone. The issues of ecology and Tree Preservation Order were raised in the

Department's letter to James Houston dated 21<sup>st</sup> March 2012 and it was made explicitly clear that, in accordance with the advice given by the Council's Local Biodiversity Officer, the application would be refused should these issues not be satisfactorily addressed. The appellant opted to attempt to resolve these issues; presumably with the knowledge that these issues were fundamental and would result in refusal of the proposal if they were not properly addressed. If the Department had proceeded to determine the application at that particularly time without seeking any response from the agent (which it would have been entitled to do) then the application could have been refused for a number of reasons, more than were used in the eventual decision notice.

I would be grateful if you could convey the above comments to the Local Review Body.

Yours sincerely

Planning Officer  
Development Management  
Bute and Cowal