

Dear Sirs,

With regard to the planning application, refusal and appeal for the Area of Land NW of Ardare, Colintraive.(the Woods)

We are pleased to see that the council declined planning permission and hope that this remains the case, as we feel building in this woodland, protected by a tree preservation order, would set a precedent where other scenic areas in the area and village would become developed over time. This would have a detrimental effect on the village, people and the wildlife that live here and on the scenic beauty of this area.

Other non-woodland 'infill' areas, not covered by mature trees or tree preservation orders, do exist in the Colintraive area that can be and are being developed (such as those close to the Colintraive Hotel, which should provide scope for a small amount of additional property and accommodation, without destroying and depleting natural woodland, beauty and biodiverse areas.

We objected to the proposal to develop the site, as per previous submissions. In light of the refusal and appeal submitted on behalf of the applicant/agent, we have included for the record the following additional information, which is or may be relevant to some aspects. (The reference numbers in the note refer to the Agents appeal document clause numbering).

1. The applicant/agent appears to wish to convey the (incorrect) views that :
 - a. We were aware on our purchase of the Ardare property that they would plan to develop the woods area, and were not selling it with the house for that reason
 - b. That the woods area in question was in simple terms an extension of the Ardare gardens

We are not qualified to see the value of these misleading implications, but below cite information that we trust shows and clarifies these as incorrect.

2. Having purchased the Ardare property in 2006, we had ideally wished to secure the above woodland area also, to ensure it would remain as a woodland and not be developed. We formally offered to buy the woods with the Ardare property. The applicants (Stauntons) refused however, and went to some lengths to state that it was not intended for the woodland area to be developed, as they considered it both a unique woodland area, and one that had specific sentimental aspects (specifically, their mothers' ashes were scattered there)
3. On asking for further clarification of their intentions for the woods, we were finally advised they may camp on it (on occasional trips back to the area from their distant domiciles), and that it was very unlikely, but if any possible (but unlikely) development was to take place, it would be only a small cabin/chalet style building for family holiday use they may intend. This is obviously not the case.
4. We did not at any time agree or accept that future building on the woods was likely or planned by the sellers/applicants, nor was it part of our purchase offer.
5. Further, when advised by SEPA that we may require a septic tank if purchasing Ardare, and advised there may be inadequate or suitable space in the immediate gardens, we asked the sellers (applicants) if they would permit us to place this just inside the woods (no tree removal needed). This was refused, apparently on the grounds they would not wish or need a septic tank within these natural woodlands.
6. Their agents statements in paras. 2.2 and 3.3 we feel infers that we anticipated /agreed with possible building on the woods. **This was and is misleading, not the case, and we object to this incorrect statement. Para 3.3 statement that 'the reason for the split of land was communicates to us as for the purpose of future development is false and untrue. (See point 2 above)**
7. On the advice of our solicitor, we did in the legal offer ask for and obtain the noted pre-emption and restriction on building close to the boundary with Ardare, to try and restrict any future possible

development (we also understand this is largely a legal matter rather than Planning) . Again this action did and does not infer any acceptance of intended building in or on the woods.

8. The applicants state that the land/woods were originally part of the wider garden ground of Ardare. We are aware they were owned by the late Mrs Staunton, but information from Land Restistry indicates they were not originally part of the house feu, and acquired at a date after the original Ardare building works.
9. On our purchase of Ardare, , the woods were (and remain) separated by a substantial fence and large 3 metre high mature hedge from the Ardare gardens - which have previously been opened in the Scottish Open gardens scheme, as of acknowledged interest and beauty.
10. The large hedge separates the land areas and forms a boundary between. The only other connection between Ardare and the woods was a small access gap/gate, blocked over by the applicants at the time of sale.
11. It is our knowledge and observation that the Woods have at no time been managed or used as an extended garden, by any recent previous owners, and they are quite natural and indigenous in form. No paths or formal planting exist there, unlike the Ardare gardens. Note the (very small 5x5m approximately) 'kitchen garden' area mentioned by the applicant was only about 2.5m square (little over 1% of the overall woods area , on our boundary at the shore) had been in disuse in 2006, and has not been used by us or any other party or managed since , and is returned to a wild form.
12. In relation to the amenity and bio diversity, many local residents and visitors also frequent these woodlands to experience the amenity of the area and shore.
13. Regarding the independent habitat report: As can be confirmed by many local residents, Red Squirrels are often seen in the Woods, and use them to access neighbouring gardens. That the report does not confirm this, raises some concerns perhaps over the timing and/ or duration of the study overall. Other species frequently observed in the woods area include Owls, Swans (both protected in Scotland) also woodpecker and heron, which attract birdwatchers and tourists to the area.
14. Point 3.6 suggests a removal of a 'minimal amount of trees' for the proposed development, and a retention of most of the trees. A simple study of the woods site and the proposed plans clearly shows that almost all of the (protected) large, mature trees would have to be removed for the large house and access proposed, plus for the boatshed/bunkhouse (a second large structure?). Most of the trees are healthy and robust, with little damage in the recent heavy storms we endured.
15. On the topic of the Local Plan and infill development, the applicant's agent expresses concern over the clarification and application of these aspects by the Council . Prior to purchasing Ardare in 2006 , we had investigated this, including dialogue with several council and planning officers, to try and determine the potential that the area may become more built up. Our findings were similar to those leading to the current application refusal, ie that whilst the general concept and guide of 'infill' development does exist, other important policies, plans and overall objectives may apply to many and special areas, such as woodland, shoreline, protected areas, and will often result in a planning permission not being granted, for the greater good. We therefore see and respect a consistent message being provided by the council, when adequate and relevant questions are posed.
16. In the appeal, the applicants agent takes a number of pages to list various points and views. We feel only qualified to comment on a few of these, as follows:

3.2 the house proposed is much larger than any recent properties built in the area. Its size and services/outbuildings would necessitate removal and clearance of much of the woods ,losing /breaking the current natural woodland setting and ambiance.

3.3. Incorrect and refuted. This was not the intimated reason for the land split.

3.4 See 3.2.

3.5 Responded to earlier, there are obvious Red Squirrel and Owl presence in the woods.

3.6. One would have hoped the applicant would, on discovering a valid tree preservation order on the area, would respect this and have ceased the application. It may not have been known to all planning staff this was in place also, but once clarified, should surely stand.

The views of the Horticultural officer, assuming they were in context of the application, may also not have been informed re the Tree Protection status, nor the other relating policies of the Kyles of Bute scenic area.

3.7 It is simply naive to suggest that a little replanting of small trees could in any way replace the mature trees, or to provide 'tree cover in the area ... similar to existing, with minimal visual impact'. In our view the planners were quite correct in the statement and findings in the refusal – it would result in the loss of the distinctive woodland appearance of the site and erode the character of Kyles of Bute national scenic area

4.7 The coastline is suggested as 'developed. In reality it is only sparsely developed, with very few properties per mile, and mature woodland amongst them. If the definition of an infill site is any gap between two properties, there may potentially be a dangerous precedent set here if the application succeeds, to seek 'infill' status for any woodland areas (of any size) along the Cowal/Argyll coast, and development plans. Very concerning, and contrary to many eco and biodiverse policies.

4.8 Incorrect, development does not continue down the coast from the site. No new build has occurred there for many years, other than replacing a fire damaged property. The settlement boundary does as the applicants agent states, lie outwith the appeal site. This to us indicates again that this site should be left as a natural beauty area.

4.10 The proposed building plan is we estimate larger than either of the neighbouring buildings in size. It also appears significantly larger than most of the buildings on the coastal strip from Colintraive to Southhall.

4.11 Most of the more recent houses along the costal strip are in fact small wooden chalet /log cabin types, not large two storey stone houses.

4.12. As 3.7 We would also query whether the overall scenic and woodland appearance has been considered as in-scope here when individual specialists have apparently been asked for input on single aspects?

4.13. as 3.7 again, it is naive to suggest the mature woodland can be replaced or replanted and retain the natural setting. The further suggestion that dead and unsafe trees exist is not we believe factual, otherwise (and if the site had been used or managed by the owners), such trees would have been surely removed previously. This line is a little too convenient in our view.

4.17 The statement that the surrounding area is residential in nature is inaccurate and incorrect. The far greater proportion of land use in the area from the village hall to Southhall farm is under woods and fields, not domestic. It has houses sporadically along its length only, most with woodland between, which is the overarching character of the area.

4.20 as 3.7 again, it is naive to suggest the mature woodland can be replaced or replanted and retain the natural setting except in the very long term.

4.21 Property design – we did in fact raise concerns over the size and position of the property, in the original objections to the application.

4.22. As earlier, the woodland was not part of the Ardare gardens (except in title only), but a separate area of unmanaged woods.

4.24-4.26 as 3.7 again, it is naive to suggest the mature woodland can be replaced or replanted and retain or regain the existing and natural setting.

4.32 Justification? Yes - The application clearly states (7) trees would be lost. Other practical views indicate many more would in fact be removed or damaged in the possible development work, and replacement with young small saplings would take 20-40 years to reach any reasonable cover.

5.1 Disagree – our view is the council have considered the matter thoroughly, sensitively and correctly.

5.2 We fail to see what the applicants issue is, apart from having spent time and money trying to push for approval. This was surely high risk from the outset, in a very scenic area, limited development nearby and a tree preservation order relating.

The phrase '*It could be argued that...*' can be applied to many of the overlapping policies and guides that councils have to use, and should not be an argument grasped at in such a case.

5.3 The applicant seems to feel the council mislead him. We feel a greater misleading of us occurred previously as to their intentions for the land, and in the submitting of the application for a large house in the woodland area.

5.4 Trees. As before, the practical impact of a large house, access and outbuilding is we consider being heavily understated, an many points in the appeal. It can take decades to replace trees.

Yours sincerely,

Ian and Ruth Warnock

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Ardare.