

Ref:  
AB1

**ARGYLL AND BUTE COUNCIL**  
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OFFICIAL USE

21/08/12

H MacInnes

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

Address

Postcode

Tel. No.

Email

(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   
(b) Date of Submission   
(c) Date of Decision Notice (if applicable)

(5) Address of Appeal Property

Land SW of Cill Bheag  
Dervaig  
Isle of Mull  
PA75 6QN

(6) Description of Proposal

Erection of a dwelling house and garage

(7)

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

I believe that the decision to refuse my application for planning permission in principal on the aforementioned site is erroneous and inconsistent with the planning guidance as laid out by Argyll and Bute Council in the policies referred in the determination of my application. As such, I respectfully ask Argyll and Bute Council to overturn this judgement and award planning permission in principal as per my application 12/00050/PPP.

The application is for permission in principal, however, it appears to be that my application has been judged as if I have submitted a detailed planning application. This, I believe has led the responding officer to judge the application on the merits of their imagination rather than fact - something which is not possible, as no designs were submitted as part of the application nor was a footprint marked out due to the advice given to me by a member of the OL&I Planning Team. Indeed, the officers letter (Appendix A - FMS/12/00050/PPP) suggests that my application would impact upon privacy or amenity levels of the neighbouring property. This sentiment is referred to in the grounds for refusal. How could this be judged when there is no intimation of either location or orientation of a building to be built.

The site area is large enough that a house can be situated without impacting upon the amenity or privacy of Cill Bheag, immediately to the north. For several years, I have discussed with the owner of this site my intentions and the design I have in mind. I feel that it should be noted that neither the owner, nor anyone affected by the application, offered no objection to my application on any issue whatsoever.

**STRAT DC 1**

As previously stated in my letter dated 22 March, 2012 (Appendix B) the guidance states that all developments should have some private open space (ideally a minimum of 100 sq m), semi-detached/detached houses (and any extensions) should only occupy a maximum of 33% of their site.

The maximum footprint of a house on my site that could therefore be built would be 240sq m, leaving garden space of approximately 490sq m. This is clearly well in excess of the requirements as set out in Argyll & Bute Adopted Local plan 2009, Appendix A (copy of relevant section enclosed as Appendix C). I feel that it is simply unacceptable that where the Local Plan states an ideal minimum or a maximum percentage, that the Planning Department should arbitrarily decide that some developments must supersede these requirements.

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

## Section 7 Continued...

There are several properties within the immediate area (as referred to in Appendix B) which have a less favourable ratio of house footprint to site area than I intend to have. Additionally, and not referred to in my letter are the numerous buildings at Cill Mhoire approximately 200m eastwards of my site. At this location, the Planning Department has authorised the building of several timber clad buildings (out of keeping with local architecture) that are incredibly close together. This, I feel means that not only are the Planning Department arbitrarily upping the requirements for some applications they are lowering them for others.

Please see the pictures Cill Mhoire 1 and 2 for a plan and front elevation view of this property (Appendix D and E).

It can be clearly seen from pictures Cill Mhoire 1 and 2 that these buildings were situated cheek by jowl and obviously at odds with the grounds for refusal of my application. I have copied the approximate boundary of my property and laid it over the development at Cill Mhoire (yellow box on picture Cill Mhoire 3 - Appendix F). As can be seen, permission was granted recently to allow multiple properties within an area where it is unacceptable for a single house on my site.

I feel that the precedent set in the surrounding properties allows for a higher settlement density than seen on my application. As such, I believe that my application was erroneously refused on the grounds of settlement cramming (as referred to in STRAT DC1 - Appendix G).

It is also clear that this property sits immediately within the village boundary (please see Appendix H - OLI Map Mull 3) and as such, there cannot be development along its southern aspect as this lies outside of the area for development. I feel that this further supports my argument that the refusal of my application on the basis of creating an "unacceptably high density of development" is erroneous.

As referred to in the Argyll and Bute Structure Plan section STRAT DC 1 (Appendix G), applications that go against this policy create "settlement cramming" or "inappropriate rounding off on the edge of settlements". Settlement cramming is defined as "over developing of valuable open space within settlements.

The ground is bordered on three sides by open ground, two of which are within the settlement boundary. The vacant ground within the settlement immediately adjacent to my land is in excess of 2 acres and continues into a large unused field that is several acres in size. To the south, there are thousands of acres of open land. There is, I believe, no issue with lack of amenity to myself. The impact upon Cill Bheag immediately to the north would be the loss of 0.18acre of open land which is a tiny fraction of that available to it currently. Furthermore, any property that I choose to build will not run along the adjoining boundary to Cill Bheag, meaning that they will continue to enjoy a view to the south across the front of anything I build.

In the letter dated 4 April, 2012 (Appendix I - FMS/12/00050/PPP) the officer argues that the higher density of the house at Plot 1, Dervaig is also "relieved by open space which helps integrate them". By looking at Appendix J - picture 'Plot 1 - Plan' (red

line shows approx site boundary) it can be clearly seen that this house is hemmed in closely on two sides and also has a house to the ESE. I find it confusing that this house has acceptable levels of open space around it whilst the significantly larger amounts of open space around Cill Bheag are not adequate and that it relies on the 0.18 acres to the south in order for it to have adequate amenity levels.

The property is on the outskirts of the village and has historically offered little value to the area and has certainly never been used by the village community for anything. The 'loss' of this open land would represent a negligible loss of amenity to the inhabitants of the village, and is certainly not "valuable" to village life.

It is for these reasons that I believe that this application is not in conflict with the conditions set out in STRAT DC1 (Appendix G) of the Argyll and Bute Structure Plan and that the reason for refusal of increased settlement density is erroneous and inconsistent with policy and precedent.

#### LP HOU 1 (Appendix K)

I do not believe that this application conflicts with this policy.

As a young member of the local community seeking to build a home, I believe that I will be helping to maintain the demographic spread of the community which is aging due to the large number of people moving into the village when nearing retirement age. As a result LP HOU 1 could be argued to indirectly support my application as it is countering population decline by helping a young couple return to the village at a child bearing age.

#### LP ENV 1 (Appendix L)

I do not believe that this application conflicts with this policy for the reasons set out above.

#### LP ENV 19 (Appendix M)

I do not believe that this application conflicts with this policy for the reasons set out above.

#### Additional Arguments

On 4 August, 2006 I met with Ewan Stewart on site regarding the potential application for planning permission on this land. At the time, I had thought of building a substantial property. After costing the build and considering the mortgage implications, I now have no desire to build such a property. It would also be larger than the condition I volunteered to abide by above.

In Ewan's reply (Appendix N - DC/15/MCT/ES/Dervaig) his comments were as follows: "the sketch plans of your proposed dwelling indicate a substantial building, which does not altogether accord with the provisions of the Council's draft small scale housing development guide. **However, the general form of the building would not be out of keeping with other residential development in the vicinity** (my bolding

of text) provided that it was set into the hillside with a minimum of under building being required".

I accept that he goes on to state that these comments should not bind or commit the Council. However, I find it concerning that two officers can arrive at such distinctly differing viewpoints, despite the guidance on offer to them regarding 'settlement cramming' remaining the same in the Argyll and Bute Structure Plan 2002 (Appendix G).

From the photos (Appendix O) taken by the officer who visited my property, it can be seen that Cill Bheag would mask my site from the road and with raised ground on the East and South elevations, there is very little opportunity for anyone to be aware of two houses neighbouring each other.

I firmly believe that I have complied with the requirements set out in the Argyll and Bute Structure Plan and Local Plan and that my application is also in keeping with the local trends of development and as such respectfully ask the Council to revisit this refusal and overturn it to grant me planning permission in principal.

(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	Appendix A - FMS/12/00050/PPP 12/03/12
2	Appendix B - 22/03/12 letter to Fiona Scott
3	Appendix C - pg 107 Argyll & Bute Local Area Plan
4	Appendix D - Picture Cill Mhoire 1
5	Appendix E - Picture Cill Mhoire 2
6	Appendix F - Picture Cill Mhoire 3
7	Appendix G - STRAT DC 1
8	Appendix H - OLI Map Mull 3
9	Appendix I - FMS/12/00050/PPP 04/04/12
10	Appendix J - Picture Plot 1
11	Appendix K - LP HOU 1

12	Appendix L - LP ENV 1
13	Appendix M - LP ENV 19
14	Appendix N - Letter from E Stewart DC/15/MCT/ES/Dervaig
15	Appendix O - Photo showing view from road

Submitted by  
(Please Sign)



Dated

17/08/12

### 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/](http://www.argyll-bute.gov.uk/)
4. If in doubt how to proceed please contact 01546 604406 or email [localreviewprocess@argyll-bute.gov.uk](mailto:localreviewprocess@argyll-bute.gov.uk)
5. Once completed this form can be either emailed to [localreviewprocess@argyll-bute.gov.uk](mailto: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 604392 or email [localreviewprocess@argyll-bute.gov.uk](mailto:localreviewprocess@argyll-bute.gov.uk)

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### For official use only

Date form issued

Issued by (please sign)

Argyll and Bute Council  
Comhairle Earra Ghàidheal agus Bhòid



Development and Infrastructure Services  
Director: Sandy Mactaggart

Mr Alexander Loynd  
1 Ransomes Row  
Main Street  
Main Street  
North Dalton  
East Riding Of Yorkshire  
YO25 9XA

Development and Infrastructure Services  
Municipal Buildings, Albany Street, Oban, Argyll,  
PA34 4AW

Tel: (01631) 567968 Fax: (01631) 570366

e mail : [fiona.scott@argyll-bute.gov.uk](mailto:fiona.scott@argyll-bute.gov.uk)

Website: [www.argyll-bute.gov.uk](http://www.argyll-bute.gov.uk)

Ask For: Fiona Scott

Our Ref: FMS/12/00050/PPP

Your Ref:

Date: 12 March 2012

Dear Sir

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997  
12/00050/PPP – SITE FOR ERECTION OF DWELLINGHOUSE  
LAND SOUTH OF CILL BHEAG, DERVAIG, ISLE OF MULL**

I refer to the above application currently with this Service for consideration.

In terms of the adopted Argyll and Bute Local Plan, the site is identified as being within the Settlement Zone of Dervaig where Policy STRAT DC 1 of the approved Argyll and Bute Structure Plan gives encouragement to development on suitable sites on an appropriate infill, rounding off and redevelopment basis, subject to compliance with other relevant Local Plan Policies.

However, whilst the acceptability of the principle of infill development within this area of Dervaig has been established by current policy, this is qualified by the requirement to avoid inappropriate densities and achieve development which is consistent with the established settlement pattern of the area.

Development within this area of Dervaig is generally characterised by single dwellinghouses situated within spacious plots with a high level of private amenity space.

The site shown in the application is not considered suitable for development with a dwellinghouse as it is considered too small to comfortably accommodate a dwellinghouse and associated amenity space which would be out of keeping with the established pattern of the area, contrary to current development plan policy.

Furthermore, the development of this site with a dwellinghouse would have a significant adverse impact on the privacy and amenity levels afforded to the dwellinghouse currently under construction to the north.

In/...



In light of the above, I must advise that this Service is unable to support the proposal and would recommend that you withdraw the application.

However, should you wish the application to be determined as it stands, I must advise that it will be recommended for refusal under delegated powers for the reasons detailed above.

Please advise by **Monday 19 March 2012** how you wish to progress with the matter.

Yours faithfully

Fiona Scott  
Planning Officer  
Oban, Lorn & Isles Area

# Appendix B

Mrs Fiona Scott  
Development & Infrastructure Services  
Municipal Buildings  
Albany Street  
Oban  
PA34 4AW

Alexander Loynd  
1 Ransomes Row  
Main Street  
North Dalton  
YO25 9XA

Thursday 22<sup>nd</sup> March, 2012

Re: 12/00050/PPP

Dear Mrs Scott,

Thank you for your letter dated 12 March, 2012 regarding the above application for planning permission in principal.

I am a little surprised to see that you are recommending rejection of the application. In reading STRAT DC 1, it is clear that the provision for avoiding inappropriate settlement densities refers to "settlement cramming".

When researching densities on the Argyll & Bute website policies section, I have found the following information:

**"Open Space/Density:** all development should have some private open space (ideally a minimum of 100 sq m), semi-detached/detached houses (and any extensions) should only occupy a maximum of 33% of their site, although this may rise to around 45% for terrace and courtyard developments."

As you are aware, my site is 0.18acre in area. This equates to 728sq m. As a requirement, my proposed development cannot exceed a footprint of 33% or 240sq m. I indicated in my application that it was to be a single dwelling house and garage. I can assure you, that I have no intention of building a property that comes close to this footprint and would happily accept a condition limiting me to this.

In line with the comments of one of your colleagues when I made a telephone query regarding the need to mark a house outline on my site plan, I made no indication, as I was told that that would be dealt with on a detailed application. I was specifically told that the point of a PPP application was to get permission in principle and was not to sort out detailed planning matters. With this in mind, I am confused as to your comments when we spoke on the phone to the effect of not knowing where on the site I wish to build a house being a concern.

In your letter, you refer to my application being out of keeping with the established pattern in the local area. I would wish to draw your attention to two neighbouring properties that have been built in the last couple of years, Cill Bheag and Plot 1, Kilmore, Dervaig.

Cill Bheag (the house immediately to the North) is a 3 bedroom house similar in size to the design I have in mind. It is situated on a site area of 0.12acre (2/3 the size of my site) and also has a separate garage unit that the council is aware of.

Furthermore, Plot 1 lies within approximately 100m of my site and is a single dwelling house with garage on a site area of 0.18 acre which is in keeping with my application.

I believe that to raise this matter of overcrowding when there is a recent history of developments that are of higher density in the immediate vicinity to mine to be inconsistent and I would politely ask that you revisit your decision on this matter.

Secondly, as you are aware from the planning permission from Cill Bheag, the primary aspect of this property is facing across Glen Aros and Mr Proud's amenity areas are all to the North of the house itself.

The addition of a property on my site would not impinge on the private amenity space of Mr Proud whatsoever. In addition to this, Mr Proud has received the planning notice that was sent out to himself and has not lodged any formal objection, nor has he made contact with myself to raise any concerns with my application.

For several years, we have in fact discussed the subject of my application and his house, going back to when he originally applied for planning permission so that both houses would lie neatly on our respective sites and not impinge unduly on each others privacy. I find it slightly confusing that the Council has seen fit to raise an objection on the behalf of Mr Proud, regardless of the fact that he has not made any such approach.

The house on Plot 1 sits nested inbetween two other houses and sits in such a way that the primary aspects of both of its neighbouring houses are overlooked by Plot 1. Again, I have to look at the properties in the local area and wonder how my site can affect its neighbours as much as other properties recently granted permission can.

In addition to this, there are countless other examples of houses being built within the settlement zone of Dervaig, both near to my site and further away that have been granted permission whilst being of high density and also much more invasive of peoples privacy.

I intend to build a house that will make best use of the views to the South and West of the property as would be logical considering the location of the site as well as in line with your own requirements that I do so for environmental reasons by making best use of the sun.

In light of this, I would reiterate my polite request that you revisit my application and reconsider your objections as I believe that they are unfounded in light of settlement patterns in the immediate locality and also within the wider Dervaig area.

Yours sincerely,

Alexander Loynd

cc:

Cllr Mary-Jean Devon  
Cllr Gordon Chalmers  
Mr & Mrs S Proud  
Mr & Mrs W Loynd

# Appendix C

6. **Landscaping and Boundaries:** Where privacy and amenity is important, built form should be screened or buffered from viewpoints (e.g. access ways) by using appropriate native planting. Existing planting and hedges should be supplemented and/or retained where possible. Hard-landscaping should be kept to a minimum and will work best when its colour is close to that of the local stone. Boundaries will either integrate a site into the landscape or alienate it. While the ideal of a dry stone dyke may not always be possible, the most unobtrusive alternative is post and wire fencing. Native hedging and/or vertical boarded fences may also be appropriate, but horizontal ranch-style fencing or block-work often appears to look very out-of-place.
7. **Parking:** Car parking areas should not be dominant features which are highly visible from access ways or dominate views from within buildings. Other things to consider are services provision (power, telephone, water and sewerage) as well as proximity to community facilities and services (such as schools, shops or bus-routes).

## Design of New Housing in Settlements

4.1 The location of houses within a settlement is the most critical factor. New development must be compatible with, and consolidate, the existing settlement. Unlike isolated and scattered rural development, the relationship with neighbouring properties will be paramount, as issues such as overlooking and loss of privacy may arise. Bullet points 1, 4, 5, 6 and 7 of section 3.1 can also apply here.

4.2 As a general principle all new proposals should be designed taking the following into account:

- **Location:** new housing must reflect or recreate the traditional building pattern or built form and be sympathetic to the setting landmarks, historical features or views of the local landscape.
- **Layout:** must reflect local character/patterns and be compatible with neighbouring uses. Ideally the house should have a southerly aspect to maximise energy efficiency.
- **Access:** should be designed to maximise vehicular and pedestrian safety and not compromise the amenity of neighbouring properties. In rural areas, isolated sections

of urban-style roads, pavements and lighting are best avoided.

- **Open Space/Density:** all development should have some private open space (ideally a minimum of 100 sq m), semi-detached/detached houses (and any extensions) should only occupy a maximum of 33% of their site, although this may rise to around 45% for terrace and courtyard developments.
- **Services:** connection to electricity, telephone and wastewater i.e. drainage schemes will be a factor – particularly if there is a limited capacity.
- **Design:** The scale, shape and proportion of the development should respect or complement the adjacent buildings and the plot density and size. Colour, materials and detailing are crucial elements to pick up from surrounding properties to integrate a development within its context.

## Development Briefs, Design Statements and Pan 46 Assessments

5.1 Groups of new houses require attention to design and layout if they are to sit well in the landscape and provide the best possible environment for the new residents and existing local householders. Following pre-application discussion, guidance in the form of a development brief or design statement may be prepared by the Planning Authority detailing road layout, service provision, grouping, density, scale, height, sustainability issues, materials, colour and open space requirements.

5.2 In exceptional circumstances, a similar brief may be prepared for the development of a single house, where for example it affects the setting of a listed buildings, is in a woodland setting, or if it is in a prominent, isolated site.

5.3 The decision as to whether or not a development brief is required will normally be taken when an application for outline planning permission is considered, but the Planning Authority may arrange for the preparation of one following an informal proposal by a developer. The Planning Authority may also call for the need to undertake a PAN 46 Assessment.

Appendix D

Cill Mhoire 1 - Plan View



Chalet

Pair semi-detached chalets

House and garage to South

Chalet

Cill Mhoire Lodges

B8073

B8073

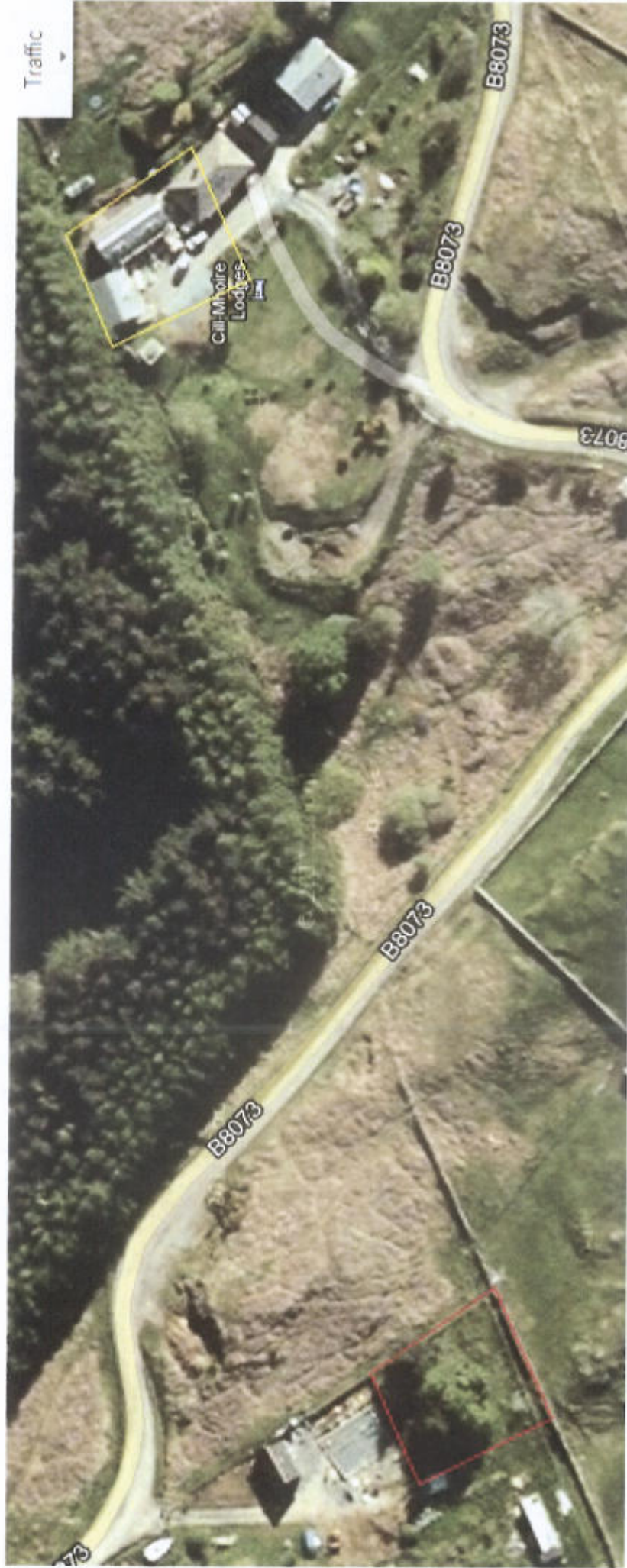
B8073

B8073

**Cill Mhoire 2 - Front Elevation**



Comparison of Cill Mhoire and application site



# Appendix G

## STRAT DC 1 - DEVELOPMENT WITHIN THE SETTLEMENTS

Encouragement shall be given, subject to capacity assessments, to development in the settlements as follows:

- A) Within the Main Towns to development serving a wide community of interest, including large scale development\*, on appropriate infill, rounding-off and redevelopment sites.
- B) Within the Small Towns and Villages to development serving a local community of interest, up to and including medium scale development\*, on appropriate infill, rounding-off and redevelopment sites; in exceptional cases large scale development may be supported.
- C) Within the Minor Settlements to small scale development\* which is compatible with an essentially rural settlement location on appropriate infill, rounding-off, and redevelopment sites; in exceptional cases medium or large scale development may be supported.
- D) Developments which do not accord with this policy are those outwith A), B) and C) above and urban bad neighbour developments which are essentially incompatible with the close configuration of land uses found in settlements eg. mineral extraction development or development which results in excessively high development densities, settlement cramming\*\* or inappropriate rounding-off on the edge of settlements.
- E) Developments in settlements are also subject to consistency with the other policies of this Structure Plan and in the Local Plan.

\* small, medium and large scale development - to be defined in the Local Plan and, in the case of housing, small scale corresponds to developments not exceeding 5 dwelling units, medium scale to development of between 6 and 30 dwelling units inclusive and large scale to development exceeding 30 dwelling units.

\*\*settlement cramming - over developing valuable open space within settlements.

[REDACTED]

[REDACTED]

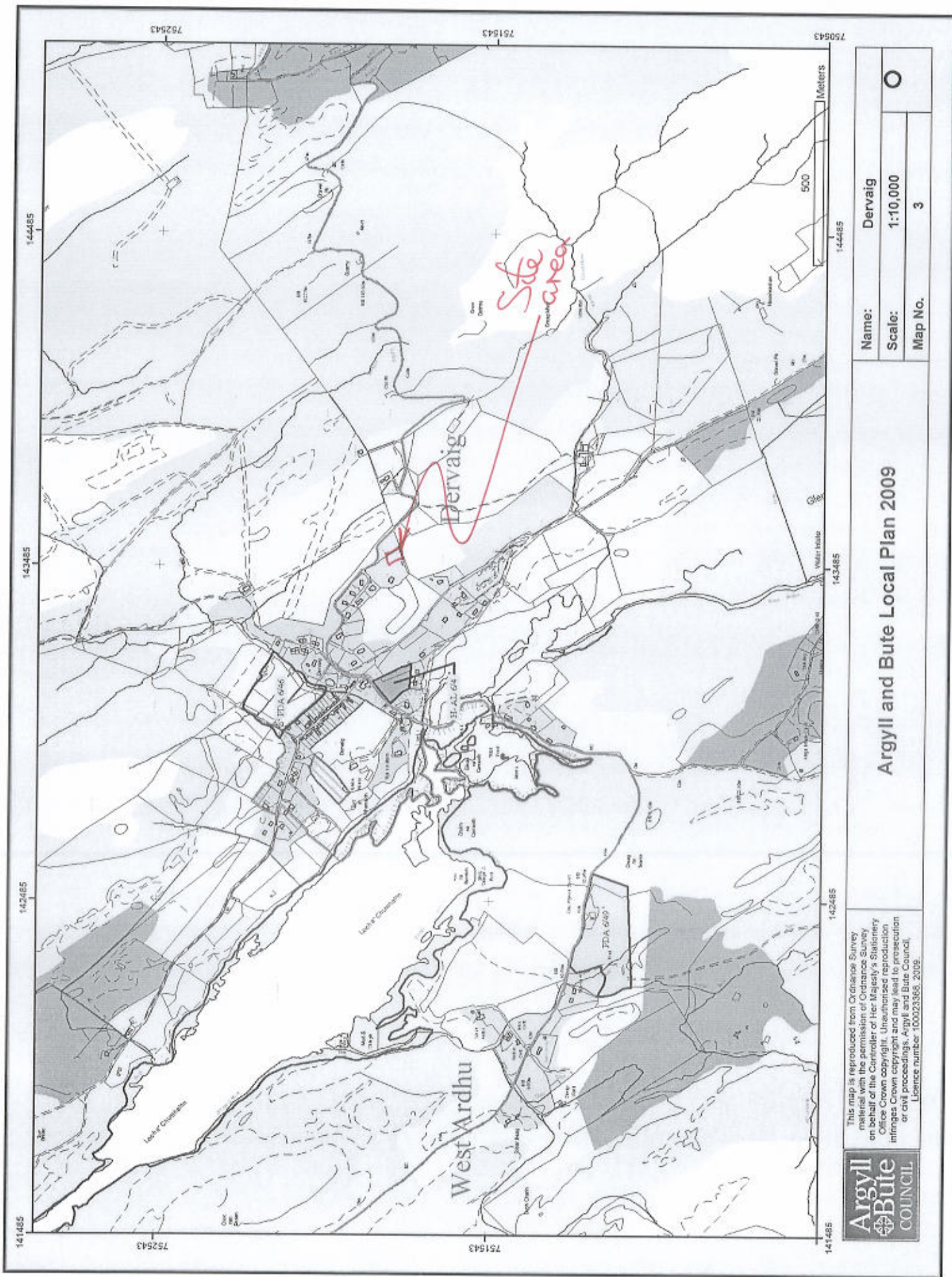
[REDACTED]

[REDACTED]

[REDACTED]



# Appendix H



Name:	Dervaig
Scale:	1:10,000
Map No.	3

## Argyll and Bute Local Plan 2009

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# Appendix I

Argyll and Bute Council  
Comhairle Earra Gháidheal agus Bhóid



**Development and Infrastructure Services**  
Director: Sandy Mactaggart

Mr Alexander Loynd  
1 Ransomes Row  
Main Street  
Main Street  
North Dalton  
East Riding Of Yorkshire  
YO25 9XA

**Development and Infrastructure Services**  
Municipal Buildings, Albany Street, Oban, Argyll,  
PA34 4AW

Tel: (01631) 567968 Fax: (01631) 570366  
e mail : fiona.scott@argyll-bute.gov.uk  
Website: www.argyll-bute.gov.uk

Ask For: Fiona Scott  
Our Ref: FMS/12/00050/PPP  
Your Ref:  
Date: 4 April 2012

Dear Sir

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**  
**12/00050/PPP – SITE FOR ERECTION OF DWELLINGHOUSE**  
**LAND SOUTH OF CILL BHEAG, DERVAIG, ISLE OF MULL**

I refer to your letter of 22 March 2012 regarding the above planning application currently with this Service for consideration.

Whilst your comments are noted, it is still considered that the proposed site is too small relative to development in the surrounding area, and as such, represents a departure from the existing character of development in terms of reduced site size and higher density nature.

Housing around the site generally has an established level of amenity which is contributed to by the size of the plots. With regard to your comments regarding the dwellinghouses at Cill Bheag and Plot 1, these houses may be on smaller plots but are relieved by open space which helps integrate them with the established development in the area.

It is not considered that providing a minimum standard plot size is compatible with the higher spacing and amenity levels that exist around the site at present.

Accordingly, I must advise that the advice contained within the original letter still stands and this Service would advise you to withdraw the application.

If however you wish the application to be determined, I must advise that it will be recommended for refusal under delegated powers.

Please/...



Please advise by 16 April 2012 how you wish to proceed with the matter.

Yours faithfully

Fiona Scott  
Planning Officer  
Oban, Lorn & Isles Area

**Plot 1 - Plan View**



# Appendix K

## Policy LP HOU 1 - General Housing Development

- (A) There is a general presumption in favour of housing development other than those categories, scales and locations of development listed in (B) below. Housing development, for which there is a presumption in favour, will be supported unless there is an unacceptable environmental, servicing or access impact.
- (B) There is a general presumption against housing development when it involves:
- In the settlements:
1. large-scale housing development in small towns and villages and minor settlements;
  2. medium-scale housing development in the minor settlements.
- In the countryside development control zones:
3. large and medium scale housing development in all the countryside development control zones;
  4. small-scale housing development in the Greenbelt, Very Sensitive Countryside and in open/undeveloped areas within Countryside Around Settlements and Sensitive Countryside.
- On croft lands:
5. more than one dwelling house on a bare-land croft; or more than one additional dwelling house on an individual croft containing an existing dwelling house unless the croft is of a size where subdivision could be considered sustainable in terms of Crofters Commission advice.
- (C) Housing development, for which there is a general presumption against, will not be supported unless an exceptional case is successfully demonstrated in accordance with those exceptions listed for each development control zone in the justification for this policy.
- (D) Housing Developments are also subject to consistency with other policies of both the Structure and Local Plan and in particular policy P/DCZ 4 – Rural Opportunity Areas.

## Scales Of Housing Development

Small-scale housing development will not exceed 5 dwelling units.

Medium-scale housing development between 6 and 30 dwelling units inclusive

Large-scale housing development exceeding 30 dwelling units.

## Justification

The main general housing policy sets out general presumptions in favour or against different scales and circumstances of housing within the 8 development control zones.

## Housing in the Settlements

In the case of settlements, the presumptions in favour or against are based largely on whether the housing development is of an appropriate scale (small-, medium- or large-scale) for the size of the settlement (minor settlement, small town and village, or main town). The scales of housing development have been defined in the policy. Where the proposal involves large- scale housing development in a small town or village, or medium -scale in a minor settlement there is a general presumption against. This scale of development would only be supported by a deliberate attempt to counter population decline in the area, to help deliver affordable housing, or else meet a particular local housing need. Such proposals should not overwhelm the townscape character, or the capacity, of the settlement and be consistent with all other policies of the Structure and Local Plan.

## Housing in the Countryside Around Settlements (CAS)

In the case of the countryside around settlements, the presumptions in favour or against are based largely on whether the housing development will be consistent with and, co-ordinated by, the settlement plan that covers this zone. This translates to support in principle (a presumption in favour) for small scale housing development on infill, rounding-off, change of use of building and redevelopment sites provided that this does not result in undesirable forms of settlement coalescence, the extension of the established settlement boundary or ribbon development. There is a resistance to housing development in the open countryside within this zone since this would be inappropriate in the more pressured territory on the periphery of settlements. Exceptions to this are where a strictly limited amount of housing development on croft land may

be acceptable – see (STRAT AC 1 Structure Plan page 32) or where a locational/operational need is successfully demonstrated by the applicant and there is no prejudice to the existing or future settlement plan for the area.

### **Housing in the Greenbelt**

Within the Greenbelt, an even stricter policy regime applies, based on resisting urban expansion and new housing development. Accordingly, there is a presumption against and resistance to new housing development within this zone of any scale. The only exceptions to this are, firstly, where an agricultural operational need has been established and the applicant demonstrates that there is a specific locational need to be on, or in the near vicinity of the proposed site, and secondly, in the very exceptional circumstances of a housing conversion proving to be an acceptable means of securing the future of a valued existing building or community asset, or, in the very exceptional circumstances of housing enabling development, to secure the retention of a highly significant building at risk.

### **Housing in the Rural Opportunity Areas (ROAs)**

The rural opportunity areas have been mapped specifically with a view to identifying areas within which there is a general capacity to successfully absorb small scale housing development. This includes open countryside locations where appropriate forms of small-scale housing development will be in tune with landscape character and development pattern. Development proposals located in the open countryside within Rural Opportunity Areas positioned within National Scenic Areas and Areas of Panoramic Quality will be considered premature until a Landscape Capacity Study covering the relevant Rural Opportunity Area has been completed and approved by the Council. Thereafter, development proposals will be expected to be consistent with the findings contained within the Landscape Capacity Study. Consequently, there is a presumption in favour of small-scale housing development within this zone, subject to on-going capacity evaluation. Conversely, there is a presumption against medium and large-scale housing development that would not be generally appropriate for these countryside areas and would undermine the intentions of the settlement strategy.

### **Housing in the Sensitive Countryside**

The sensitive countryside zone may be viewed as intermediate between rural opportunity areas and very sensitive countryside. This zone does not have the general capacity to successfully absorb any scale of new housing development when it is in the open countryside. Consequently, the presumption in favour is restricted to small-scale housing development in close proximity to existing buildings in infill, rounding-off, change of use of building and redevelopment sites.

Notwithstanding the initial presumption against, in exceptional cases, where an operational need has been established and the applicant demonstrates that there is a specific locational need to be on, or in the near vicinity of the proposed site, small-scale housing may therefore be considered in the open countryside within this zone. This is provided there is sufficient capacity to successfully integrate the proposed housing development within the landscape. The planning authority will conduct an Area Capacity Evaluation (ACE) in order to assess the direct and cumulative impact of any such development. The ACE process is further explained in supplementary planning guidance.

### **Housing in the Very Sensitive Countryside**

The very sensitive countryside corresponds to the isolated coast, relatively high ground, mountain areas and to especially vulnerable lowland areas where there is generally extremely limited capacity to successfully absorb any scale of new housing development. Consequently, there is a presumption against new housing development of any scale in this zone. The only exception made is in the very special circumstance of a house being required for operational reasons and/or where it can utilise an existing building.

#### **This Policy conforms to:**

- SPP 3 (Planning for Housing)
- PAN 38 (Housing land)
- PAN 72 (Housing in the Countryside)
- NPPG 15 (Rural development)
- Structure Plan Economic and Social Objectives SI 1 – b)
- Structure Plan Environmental Objectives SI 2 – a)- d)
- Structure Plan Policy STRAT SI 1; STRAT HO 1.

# Appendix 2

## Policy LP ENV 1 - Development Impact on the General Environment

In all development control zones, the Council will assess applications for planning permission for their impact on the natural, human and built environment, and will resist development proposals which would not take the following considerations into account, namely:

- (A) The development is of a form, location and scale consistent with Structure Plan Policies STRAT DC 1 to 6;
- (B) Likely impacts, including cumulative impacts, on amenity, access to the countryside and the environment as a whole and in particular, the designated sites listed in (I) and (J) of this policy statement;
- (C) All development should protect, restore or where possible enhance the established character and local distinctiveness of the landscape in terms of its location, scale, form and design. The 'Landscape Assessment of Argyll and the Firth of Clyde' (ERM 1996, Review No. 78) will be used to inform assessment of development proposals.
- (D) The location and nature of the proposed development, including land use, layout, design, external appearance, density, landscaping, open space, safety hazards, flood risk, air quality, crime prevention measures and privacy of existing and proposed development;
- (E) The relationship to the road and public transport network, means of access, particularly access for the physically impaired, emergency services, parking provision, and likely scale and type of traffic generation;
- (F) The availability of infrastructure and relationship to existing community facilities;
- (G) Water resources and the marine environment (particularly pollution controlled waters by any contaminants associated with the land); biodiversity; and other land uses in the area;
- (H) Current Government guidance, other policies in the Argyll and Bute Structure and Local Plan and particularly those relating to the proposed type of development.

- (I) Special Areas of Conservation; Special Protection Areas; Ramsar Sites; Sites of Special Scientific Interest; National Nature Reserves; Local Nature Conservation Sites; National Scenic Areas; Greenbelt; Marine Consultation Areas and Areas of Panoramic Quality.
- (J) Listed Buildings; Conservation Areas; Special Built Environment Areas; Scheduled Ancient Monuments and Historic Gardens or Designed Landscapes.

## Justification

The Council wishes to encourage development, while at the same time protecting the natural, human and built environment, recognising the benefits development can bring locally and to the community as a whole. The aim of the planning system must also provide protection from inappropriate development. Its primary objectives are:

- to set the land use framework for promoting sustainable economic development;
- to encourage and support regeneration; and
- to maintain and enhance the quality of the natural heritage, built environment, landscape features and landscape character of the area.

Development and conservation are not mutually exclusive objectives; the aim is to resolve conflicts between the objectives set out above and to manage change.

Policy LP ENV1 sets out the general basis for consideration of all applications for planning permission. This list of criteria will be used in considering all development proposals, but obviously they will not be equally important in all cases. Further specific policy guidance is provided in this Chapter and subsequent topic chapters of the plan.

## This Policy conforms to:

- Scottish Planning Policy and National Planning Policy Guidelines
- The Argyll and Bute Structure Plan
- Structure and Local Plan Economic and Social Objectives SI 1 - a) to d)
- Structure and Local Plan Environmental Objectives SI 2 - a) to d)
- Structure Plan Policies STRAT SI 1; STRAT DC 1 to 10.
- EU Water Framework Directive.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**Policy LP ENV 19 - Development Setting, Layout and Design**

The Council will require developers and their agents to produce and execute a high standard of appropriate design in accordance with the design principles set out in Appendix A of this Local Plan, the Council's sustainable design guide and the following criteria: -

**Development Setting**

(A) Development shall be sited and positioned so as to pay regard to the context within which it is located.

**Development Layout and Density**

(B) Development layout and density shall effectively integrate with the urban, suburban or countryside setting of the development. Layouts shall be adapted, as appropriate, to take into account the location or sensitivity of the area. Developments with poor quality or inappropriate layouts or densities including over-development and overshadowing of sites shall be resisted.

**Development Design**

(C) The design of developments and structures shall be compatible with the surroundings. Particular attention shall be made to massing, form and design details within sensitive locations such as National Scenic Areas, Areas of Panoramic Quality, Greenbelt, Very Sensitive Countryside, Sensitive Countryside, Conservation Areas, Special Built Environment Areas, Historic Landscapes and Archaeologically Sensitive Areas, Historic Gardens and Designed Landscapes and the settings of listed buildings and Scheduled Ancient Monuments. Within such locations, the quality of design will require to be higher than in other less sensitive locations.

(D) The design of buildings shall be suitably adapted to meet the reasonable expectations for special needs groups.

(E) Energy efficient design and sustainable building practice is strongly encouraged.



## Justification

The aim of this policy is to achieve high quality new development that respects the local environment and provides a sense of place. Good design has many benefits. For the developer it can increase sales and rental returns and provide a competitive edge. It could also help reduce public opposition to new development or help release development capacity in sensitive areas. For the community in general, good design can result in less environmental impacts, increased safety and generate greater civic pride. Most importantly it can lead to a better quality of life for everyone.

All new developments must therefore adhere to the principles set out in this policy and **Appendix A** that provides further guidance on matters of sustainable siting and design. It should be noted however that good design does not necessarily mean traditional design. Encouragement will also be given to contemporary and energy efficient design that compliments the surrounding landscape and townscape but also looks to a new architecture for the 21<sup>st</sup> century. Further guidance on these matters will be available through the publication of a new **Argyll and Bute Sustainable Design Guide** based on this policy and the design principles set out in **Appendix A**.

## Development Setting

The setting of a development sets a visual, and sometimes, a cultural context for layout and design considerations. It is important when assessing the impact of the development setting to focus on the regional and local characteristics of the landscape, development pattern, the historic environment and the built environment in general.

## Development Layout and Density

Development layouts raise a wide range of considerations. These include the general forms of layout, development density standards, standards relating to the provision of access, special needs facilities, landscaping, recreation and open space.

## Development Design

The careful design of new buildings, alterations and extensions to existing buildings is important to the quality of both the built and the natural environment. The impact of any new development depends on its size, the details of its design and materials, location, its prominence and its relationship with the surrounding environment including open space.

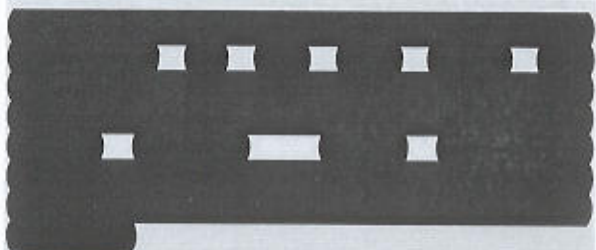
Compatibility with existing nearby development and ensuring a positive contribution to the landscape/townscape of the area will be important factors in the Council's general requirement for a high standard of design throughout Argyll and Bute. The Council will continue to promote design excellence through its Area Committee design competitions that in future will be subject to a public vote.

## This Policy conforms to:

- NPPG 1 (The Planning System), paragraphs 15,16 & 17
- Structure and Local Plan Economic and Social objective SI 1 - d)
- Structure and Local Plan Environmental objectives SI 2 - a) to d)
- Structure Plan policies STRAT SI I; STRAT DC 1 to DC 9.

## Background Information:

- PAN 72 (Housing in the Countryside)
- PAN 44 (Fitting new Housing Development into the Landscape) (Scottish Executive)
- A Policy on Architecture for Scotland (Scottish Executive)
- Argyll and Clyde Landscape Character Assessment (SNH).





**Development Services**

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31<sup>st</sup> August 2006

Our Ref.: DC/15/MCT/ES/Dervaig

Contact: Ewen Stewart  
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Sandy Loynd,  
Kilmore,  
Dervaig,  
Isle of Mull.  
PA75 6QN

Dear Sir,

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997  
PRELIMINARY INQUIRY SITE FOR THE ERECTION OF A DWELLINGHOUSE  
LAND EAST OF KILMORE DERVAIG**

I refer to your meeting with Ewen Stewart on Friday 4<sup>th</sup> August 2006 concerning the above and apologise for the delay in replying.

The sketch plans of your proposed dwelling indicate a substantial building, which does not altogether accord with the provisions of the Council's draft small scale housing development guide. However the general form of the building would not be out of keeping with other residential development in the vicinity provided that it was set into the hillside with a minimum of underbuilding being required.

I have enclosed a copy of part of the draft small scale housing development guide for your information and attention.

These comments are made on an informal basis and should not be taken to bind or commit the Council to dealing with any subsequent planning application in a particular manner. Planning applications require to be considered against Scottish Executive National Planning Guidance and a wide range of other issues that will only become apparent once an application has been submitted.

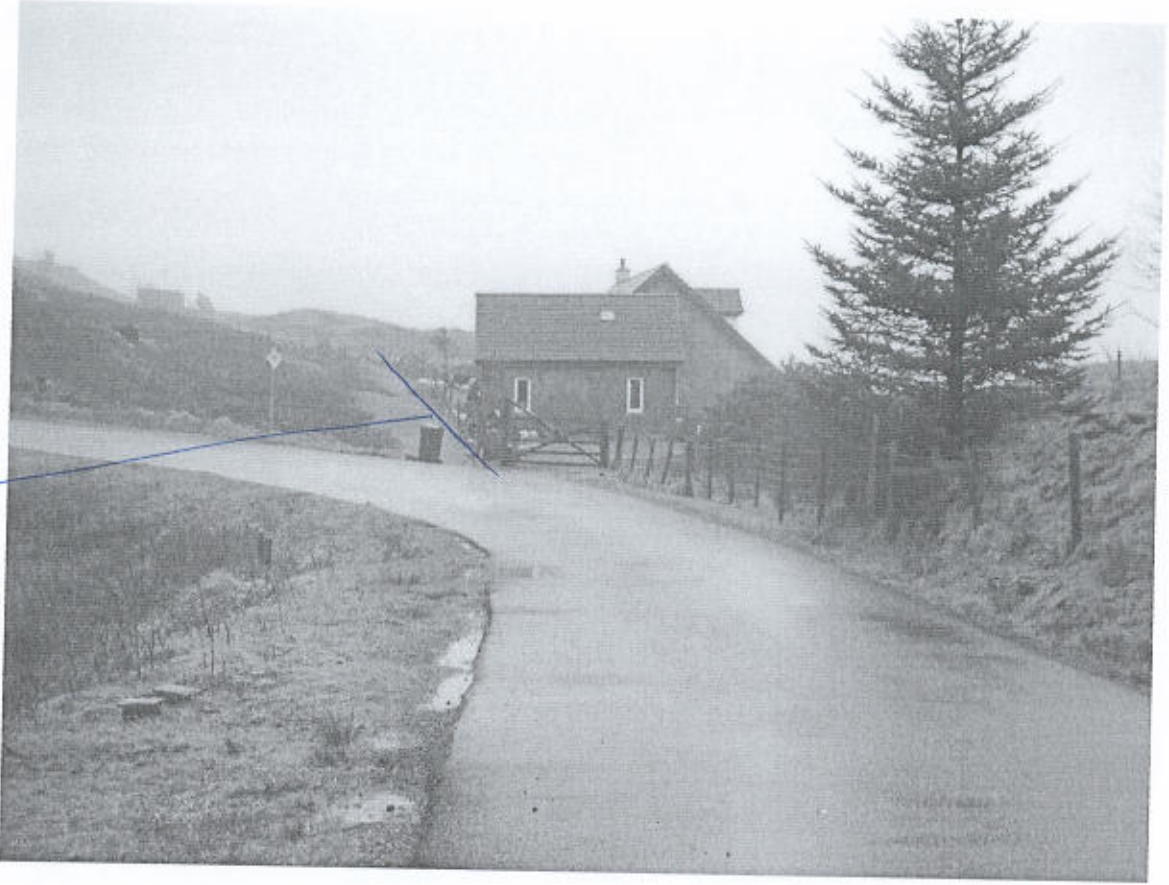
Yours faithfully,

*E. Stewart*

*Man* Ian McIntyre, Area Team Leader,  
Oban, Lorn and the Isles,  
Planning Services.



Appendix 3



Eastern  
Boundary