

Ref:  
AB1

**ARGYLL AND BUTE COUNCIL**  
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**OFFICIAL USE**

12 December  
2012

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

(6) Description of Proposal

ERECTION OF A DWELLING-HOUSE, FORMATION OF A PRIVATE VEHICULAR ACCESS AND THE INSTALLATION OF A SEWAGE TREATMENT PLANT

(7)

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

PLEASE REFER TO THE ACCOMPANYING LETTER AND DOCUMENTS.

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



(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   | LETTER STATING CASE FOR REVIEW                              |
| 2   | PLANS APPROVED / REFUSED                                    |
| 3   | ANNOTATED EXERPTS FROM LOCAL PLAN / LCS.                    |
| 4   | NOTE ON POLICY POSITION                                     |
| 5   | REPORT OF HANDLING REF: 07/00467/OUT                        |
| 6   | EXACT PHOTO OF PROPOSED HOUSE                               |
| 7   | SUPPORTING PHOTOGRAPHS 1                                    |
| 8   | SUPPORTING PHOTOGRAPHS 2                                    |
| 9   | SUPPORTING PHOTOGRAPHS 3                                    |
| 10  | EXCERPT FROM ADDITIONAL SITES CONSULTATION + STRUCTURE PLAN |

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

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Submitted by  
(Please Sign)



Dated

11/12/12

**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 604392 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)

# ACHALIC FARMING PARTNERSHIP

Charles Hodge MRICS MRTPI  
Achalic Farm  
Lerags  
Oban  
Argyll, PA34 4SE  
Tel: 01631 566 100 / 07766 918 810  
Email: [cejhodge@gmail.com](mailto:cejhodge@gmail.com)

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6<sup>th</sup> December 2012

The Local Review Body  
Committee Services  
Argyll & Bute Council  
Kilmory, Lochgilphead, PA31 8RT

Dear Sirs,

## **Notice of Review, Refusal of Planning Permission Reference Number: 12/01234/PP**

This letter is submitted as supporting information relative to the above notice of request for review under section 43(a)8 of the Town and Country Planning (Scotland) Act 1997 and Local Review Procedures (Scotland) Regulations 2008.

### **The Applicant**

Achalic Farming Partnership is a farming partnership set up in 2010. The members of the partnership are **Andrew Hodge** (28, farmer, along with part time employment for Oldbaum Services Wind Monitoring), **James Hodge** (35, farmer, along with part time self-employment as an Electricity Wayleave officer for CKD Galbraith/SSE), **Charles Hodge** (33, farm assistance, along with self-employment as a development surveyor), **Elsbeth Hodge** (38, farm accounts, as well as operation of C Hodge Fencing Supplies) and **Colin and Christine Hodge** (semi-retirement, farm and management assistance).

The farming partnership was set up to allow Colin and Christine Hodge to pass the responsibility for farming to the next family generation. The aim of the partnership is to continue and expand existing farming and diversify in a sustainable fashion.

Since commencing the partnership has increased the number of sheep farmed by approximately half with further stock increases planned this coming year. A new cattle herd has been established which will be gradually built up depending on market conditions and as we are able to pay for and build handling facilities to cope with cattle. Applications have been made to participate in conservation based agricultural schemes and after considerable discussion two schemes have been confirmed, including woodland and wetland improvement, wildlife conservation and management and habitat management. Residential and holiday letting was identified as a way to diversify and two houses have been built. An old chalet has been modernised. A farm cottage is being modernised, also with a view to letting. Other diversification has included establishment of a fencing contractor's co-operative and renewable planning, grid and SEPA applications for a micro-hydro scheme in partnership with a neighbour.

The above ventures have been achieved using borrowings and no sites, farmland or farm buildings have been sold off to fund diversification.

Whilst none of the four siblings of the partnership currently make their living exclusively from the farm, and all have other part-time jobs, it is hoped that the partnership can grow to a point where it can sustain one or more members becoming full time in due course. The partnership and associated businesses also employ a number of people on full-time (1), part-time (3) and self-employed contractor basis. The partnership is a relatively young, forward-looking Oban-based business seeking to grow and increase local employment through both farming and associated farm diversification activities.

### **The Proposal**

Following on from an outline planning approval gained in 2008, detailed planning permission was sought in May 2012 for a single dwelling at Creagan farm. The existing farmhouse at Creagan is currently vacant and undergoing modernisation. Once this is complete, it was proposed that the new dwelling be constructed as a further letting property, helping to justify the travel costs involved with regular change-over, management and cleaning as part of a farm holiday let. The partnership has recently entered an agreement to operate a small conservation focused cattle grazing herd on the adjacent hill and this will also assist, as someone will need to be at the farm most days for animal welfare reasons.

The principle reasons for applying for a dwelling as opposed to a restricted occupancy or holiday let property is to allow the completed building to be used to secure lending whilst it is let (either as holiday or long term accommodation) and to allow a degree of flexibility between holiday letting and long term winter letting to satisfy local rented residential demand. It would also allow for possible future accommodation for a shepherd should the farm allow.

As part of the proposals a new access was to be used, which gained planning in 2004 (Ref: 03/02255/DET) and is currently under construction. This new access would serve the proposal as well as the wider farm, which currently has a poor access which is too narrow, tight and low for large articulated hay lorries, due to the presence of a former railway arch bridge.

### **Reasons in favour of granting Planning Permission**

The site was previously granted outline planning permission. The previous Report of Handling and the current Report of Handling and Reasons for Refusal directly contradict each other.

The site represents a discrete, visually unobtrusive and low impact location, shielded by considerable landform and mature trees (as observed by the planning officers who have visited the site, both in terms of the outline planning approval and the recent case officer Walter Wyllie). This is immediately evident when visiting the site.

The refusal is based on a wide-ranging and generalised landscape capacity study which is not specific to the site in question, which runs contrary to the opinion of various planning officers (previous and current application), and contains numerous factual errors. This study was conducted by Glasgow based private consultants, based on limited investigations and without the benefit of local knowledge or sufficient time to carefully consider every last ¼ acre within a large Rural Opportunity Area extending to over five hundred acres.

These landscape capacity studies have not been subject to any public consultation and should not be recognised as lawful planning policy until the public have had the opportunity to consider them through the LDP process and highlight the drafting and factual errors they contain.

This landscape capacity study does not take into account the beneficial effect of the substantial screen provided by the railway embankment and associated mature trees (this may not have been evident from the road, from where the site is invisible). Nor does the landscape study identify or recognise that behind the railway line, lies a large hidden 12 acre area of flat land (half of which was the former home of the Appin Highland Games, prior to the railway arch entrance being deemed substandard), which does not rise steeply, as the landscape study suggests (all situated 5m – 10m above sea level). Nor is there any commercial forestry at the eastern end of the ROA, again as stated by the landscape study – this is at the western end of the ROA.

This landscape capacity study is flawed and should not be solely relied upon in terms of developmental decision making, until such time as it is subjected to public scrutiny and consultation, to allow the issues and errors to be ironed out.

The proposal is in a Rural Opportunity Area which has been the subject of full public consultation and significant public and stakeholder scrutiny prior to formal adoption in the local plan.

The proposal is supported by a wide range of structure plan, local plan and draft LDP policies.

The site is adjacent to a substantial proposed allocation, which will be significantly more visually intrusive, is partly located outwith the ROA, lies within two 'key viewpoints' as identified by the landscape capacity study, and which is located in a prominent position between the road, railway and shore, visible from across the loch and along significant stretches of the trunk road.

The planning history of the site, and the detailed site specific analysis undertaken as part of that planning history, should be accorded significantly greater weight in the determination of this application than has been taken (see accompanying note on Policy Position).

When making his site inspection, the planning officer Walter Wyllie stated to Mr Gilmour (a neighbour) that he viewed the site as completely acceptable from a landscape perspective. This he confirmed to me in a subsequent telephone conversation, indicating he would draft a positive report of handling and recommendation for approval. It was only when his recommendation for approval was submitted to his senior planning officer for signing off, that the landscape capacity study issue was raised. The applicants were not given any opportunity to respond to the subsequent change in sentiment toward the application, of which we were not made aware until the refusal notice was issued.

No risk of adverse precedent exists; the site benefitted from outline planning permission, the landscape capacity study will be the subject of ongoing LDP representation and can be modified accordingly (had the architects who undertook the landscape study assessed the area in terms of existing permissions in place, thereby going to the proposal site and seeing the land behind the railway line, it is likely they would have drawn the boundaries differently).

The plan-led approach taken by sticking rigidly to generalised landscape capacity studies can ignore detailed localised landform and site specific features which are critical to good developmental decision making and good landscape 'fit'. It is accepted that there must be a

policy and landscape framework within which decisions are based, but this should be flexible enough to account for local variance and individual site features – if the proposed dwelling were built tomorrow, irrespective of planning permission, it would go unnoticed (apart from the neighbouring landowner to the west, who did not object to the application).

The panoramic quality of the area would be unaffected by the proposals, which are not visible from any panoramic locations.

The Council's previous Report of Handling to the outline consent (Ref: 07/00467/OUT) states:

"Environmental Impact"

*"The proposed site is in an area of rough pasture which has a slight northerly slope...It is proposed to position the dwelling at the north east corner of the site tucked away neatly with deciduous trees which provide a backdrop allowing the development to be successfully absorbed. At various view points around Loch Creran it can be observed that this site is not very prominent and that the existing trees at the top end of the site provide a significant backdrop which would enable this development to be successfully absorbed. Variable topography and mature vegetation on the site affords an increased capacity, offering landform screening therefore maximising the visual capacity of the landscape. The site is near a small cluster of houses to the west which are set back from the nearby trunk road. The proposal site will fit in with this pattern in that it will also be positioned set back from the nearby trunk road."*

It is contended that the above represents a more accurate assessment of the site's characteristics, landform and potential impact on wider countryside and panoramic views. This view is supported by the opinions voiced by the planning officer both on site and during a subsequent telephone conversation. The above views are based on much more detailed, site specific analysis than the generalised, district-wide overview provided by the landscape capacity study.

Approval of this application would accord with the adopted local plan, and would represent a minor departure from the draft Proposed Local Development Plan, which is itself subject to ongoing public consultation and potential for further refinement and drafting, which may result in the proposals according with a future modified draft.

The proposed dwelling is an attractive vernacular design and would, once established, be a positive addition to the localised area from which it would be visible (Creagan farm fields only).

The granting of permission will help local economic activity during a recession, provide employment and support local services and facilities, without adverse landscape or other environmental impact.

There were no objections whatsoever to the proposals from any member of the public or statutory consultees.

Thank you for your attention to this information. Should any further details be required please do not hesitate to get in touch with the undersigned. An accompanied site visit would confirm the above statements (Highland cattle may be present).

Yours sincerely,

Charles Hodge

Tel: 07766 918 810 Email: [cejhodge@gmail.com](mailto:cejhodge@gmail.com)



ARGYLL AND BUTE COUNCIL  
Refused by PLANNING AUTHORITY

Relative to Application No: 12/01234/PP

*Angus V. Gilmore*

Head of Planning and Regulatory Services

Date: 12.9.12



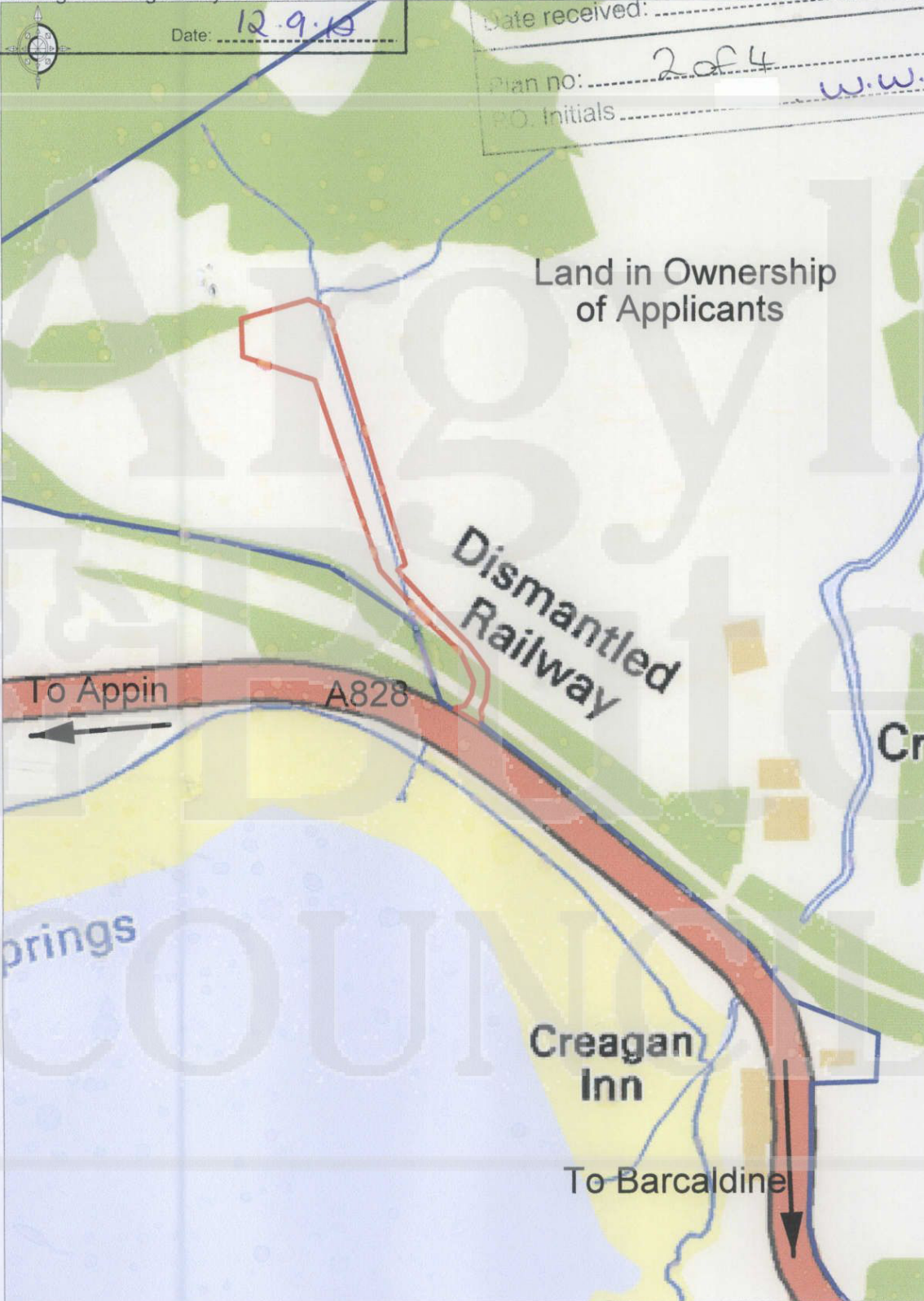
Argyll and Bute Council  
Planning and Regulatory  
Services

Application ref no: 12/01234/PP

Date received: 11/6/12

Plan no: 2 of 4

P.O. Initials: w.w.



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Licence number 100020449. Plotted Scale - 1:2500

Location Plan 1:2,500



ARGYLL AND BUTE COUNCIL  
Refused by PLANNING AUTHORITY

Relative to Application No: 12/01234/PP

*Angus J. Gilmore*

Head of Planning and Regulatory Services

Date: 12.9.12



Argyll and Bute Council  
Planning and Regulatory  
Services

Application ref no: 12/01234/PP

Date received: 11/6/12

Plan no: 1024

P.O. Initials: W.W.



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Location Plan 1:10,000



ARGYLL AND BUTE COUNCIL  
Refused by PLANNING AUTHORITY

Relative to Application No: 12/01234/PP

*Angus V. Gilmore*

Head of Planning and Regulatory Services

Date: 12-9-12



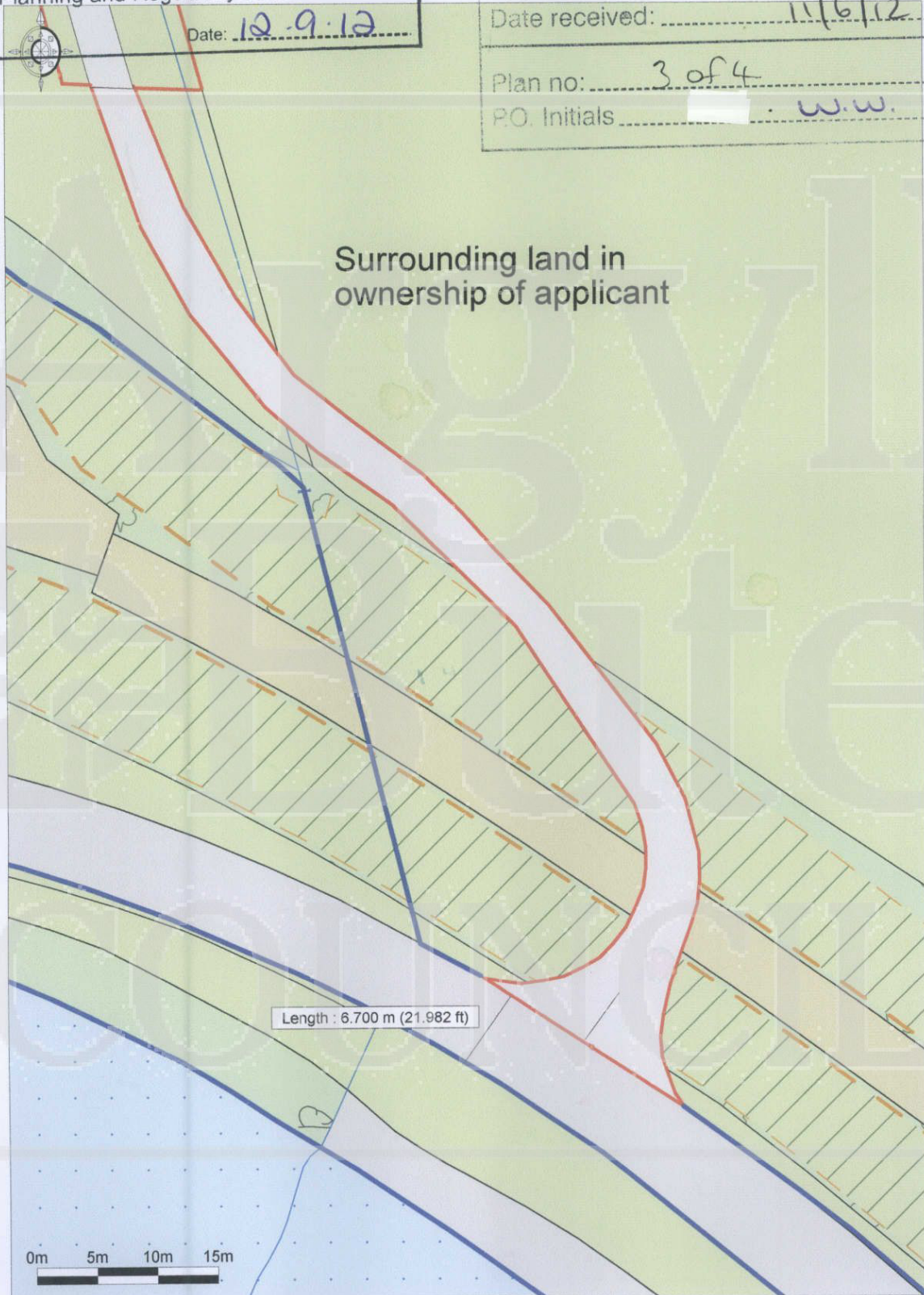
Argyll and Bute Council  
Planning and Regulatory  
Services

Application ref no: 12/01234/PP

Date received: 11/6/12

Plan no: 3 of 4

P.O. Initials: W.W.



Surrounding land in  
ownership of applicant

Length : 6.700 m (21.982 ft)

0m 5m 10m 15m



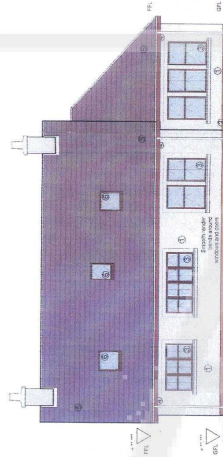
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Bellmouth Inset



Notes

1. Drawings are property of Machin Associates and should not be reproduced without written consent.
- 2.
3. All dimensions to be checked on site prior to ordering materials.
4. Drawings should be read in conjunction with structural and services engineer drawings and specifications.



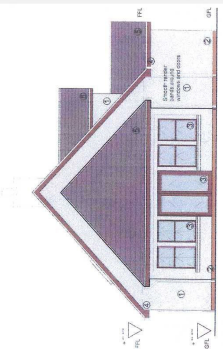
Proposed Side Elevation  
1:100



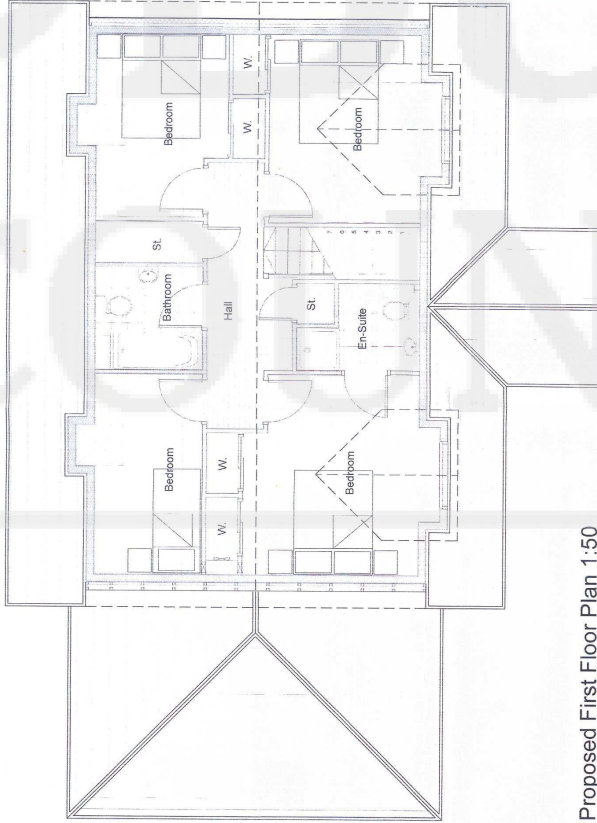
Proposed Side Elevation  
1:100



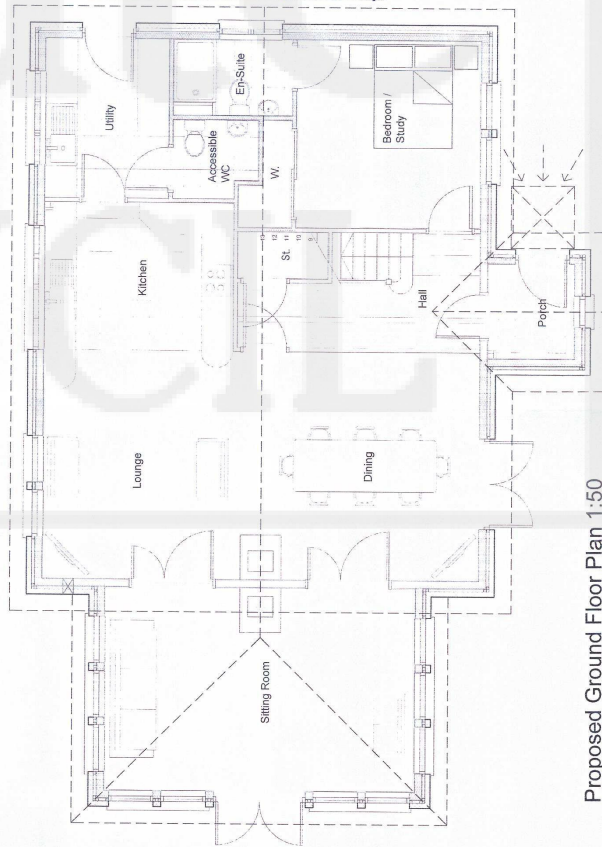
Proposed Front Elevation  
1:100



Proposed Rear Elevation  
1:100

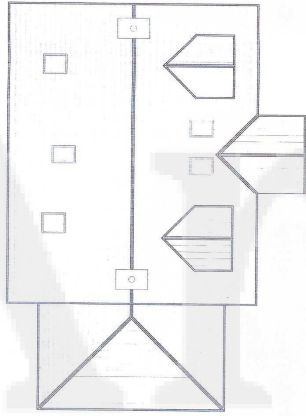


Proposed First Floor Plan 1:50



Proposed Ground Floor Plan 1:50

- Proposed Materials:
- 1 - Render External Wall Finish.
  - 2 - Stone Base Course.
  - 3 - Upvc Windows & Doors.
  - 4 - Upvc gutters & fascias.
  - 5 - Slate look-slate Roof Covering.
  - 6 - Rooflights



Proposed Roof Plan 1:100



Proposed Site Plan 1:500

Apply to the Site Council for Planning and Regulatory Services

Application ref no: 12/0234/FP

Date received: 11/6/11

Plot No: 1, 2, 3, 4

ARCYL AND BUTE COUNCIL  
 Refused by PLANNING AUTHORITY

Application No: 12/0234/FP

Head of Planning and Regulatory Services

Date: 12/01/13

Revisions

THIS IS THE / A TRUE COPY OF THE DRAWING REFERRED TO IN THE BUILDING WARRANT APPLICATION DATED ..... SIGNED ..... PP MACHIN ASSOCIATES

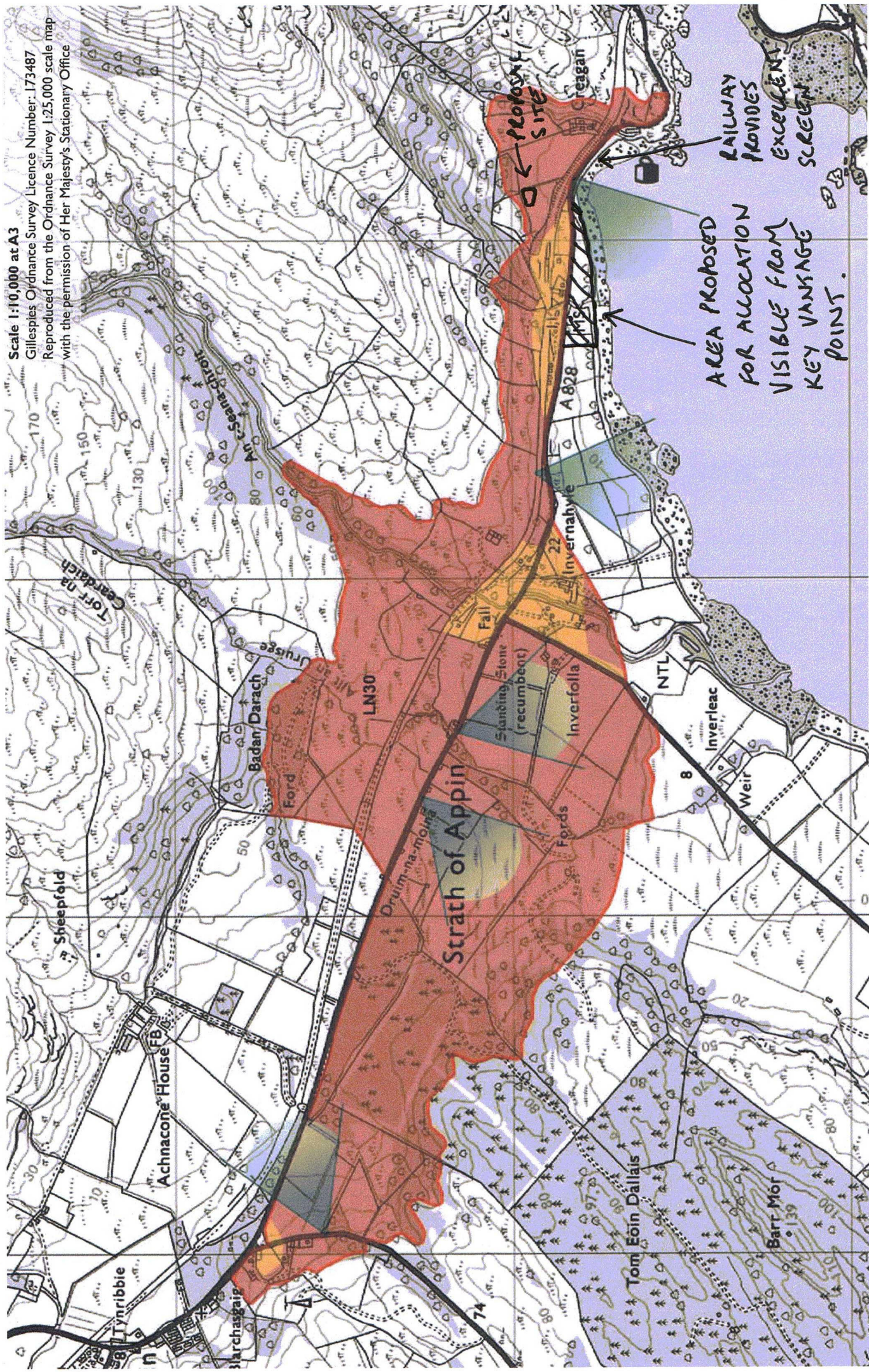
MACHIN ASSOCIATES  
 CHARTERED ARCHITECTS AND PLANNING SUPERVISORS  
 30 Ludgate Alley, Ocakmanonshe, F10 1DS.  
 TEL : 01259 21962 FAX : 01259 722200  
 Email: mail@machin-associates.co.uk

DRAWING TITLE  
 Proposed Plans, Elevations & Site Plan

CLIENT  
 Mr. C. Hodge

SCALE noted DATE February 2010  
 DRG NO. 1496/1.02





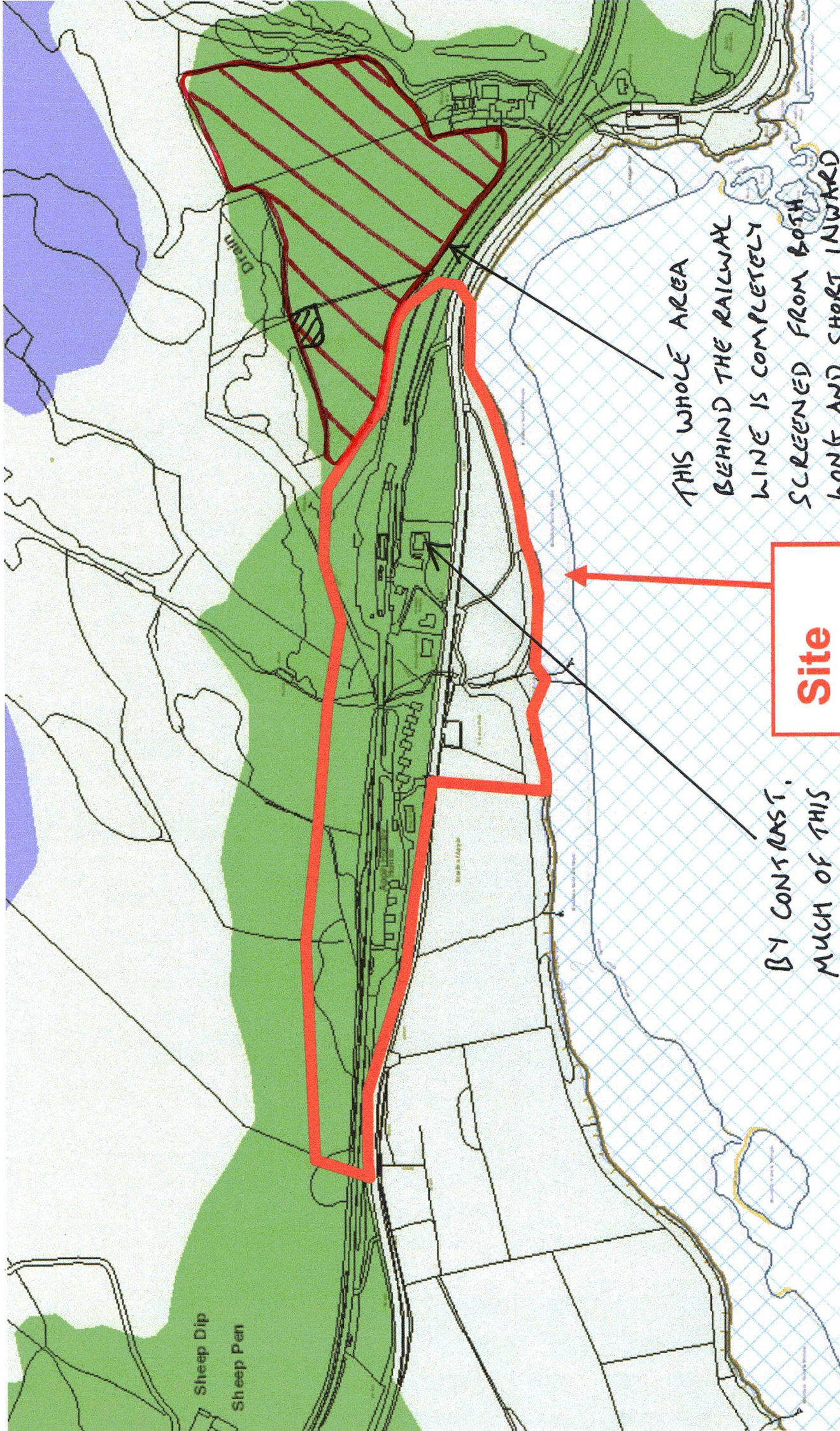
Scale 1:10,000 at A3  
Gillespies Ordnance Survey Licence Number: 173487  
Reproduced from the Ordnance Survey 1:25,000 scale map  
with the permission of Her Majesty's Stationary Office

PROPOSED SITE

RAILWAY PROVIDES EXCELLENT SCREEN

AREA PROPOSED FOR ALLOCATION FOR VISIBLE FROM KEY VANTAGE POINT.



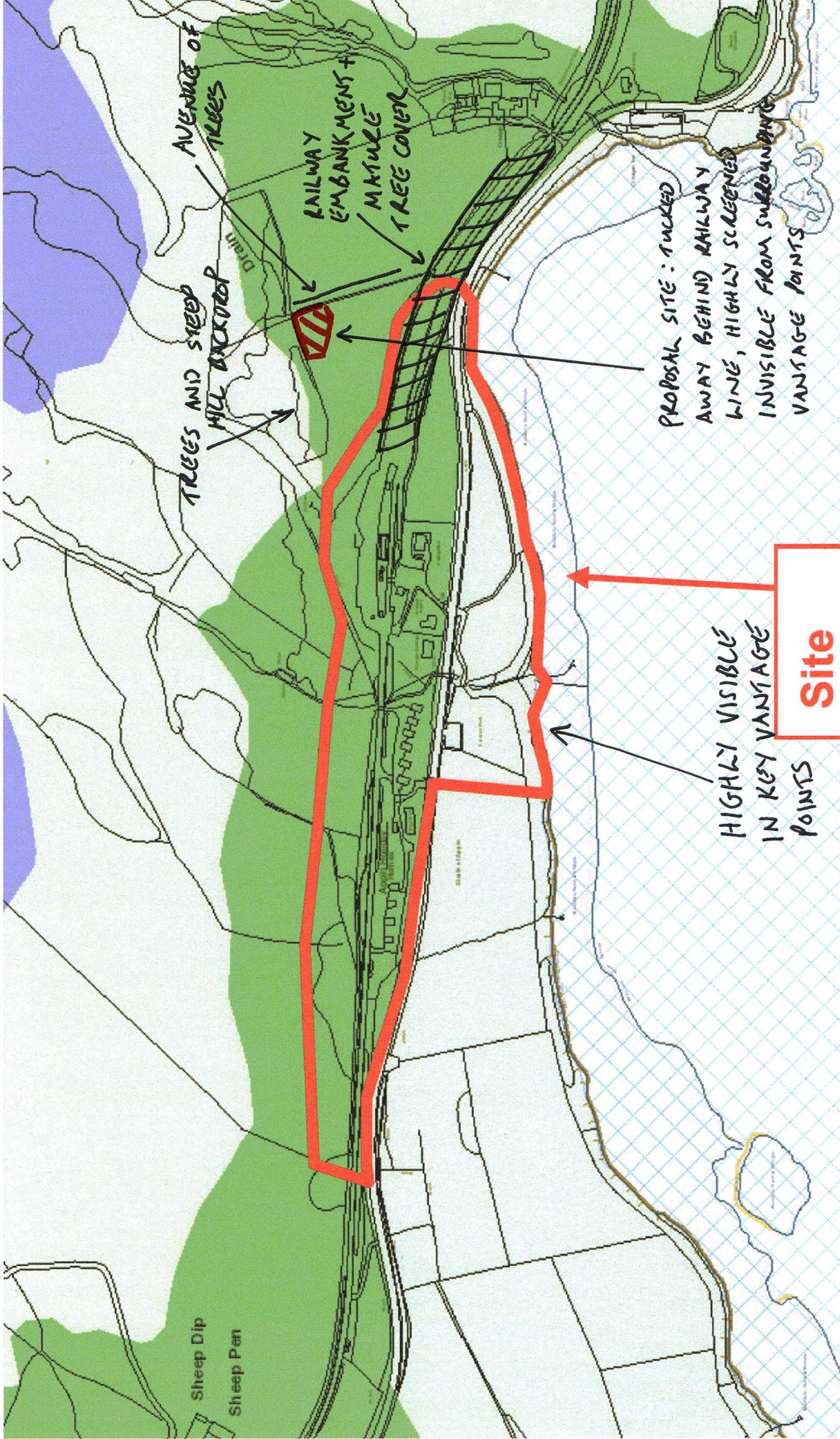


THIS WHOLE AREA BEHIND THE RAILWAY LINE IS COMPLETELY SCREENED FROM BOTH LONG AND SHORT INWARD VIEWS, MAKING IT AN EXTREMELY DISCRETE, SUSTAINABLE LOCATION.

BY CONTRAST, MUCH OF THIS AREA, PARTICULARLY ON THE SEAWARD SIDE OF THE ROAD, IS HIGHLY VISIBLE AND WOULD IMPACT LONG VIEWS.

**Site**





Avenue of Trees

Railway Embankment + Mature Tree Cover

Trees and Steep Hill Backdrop

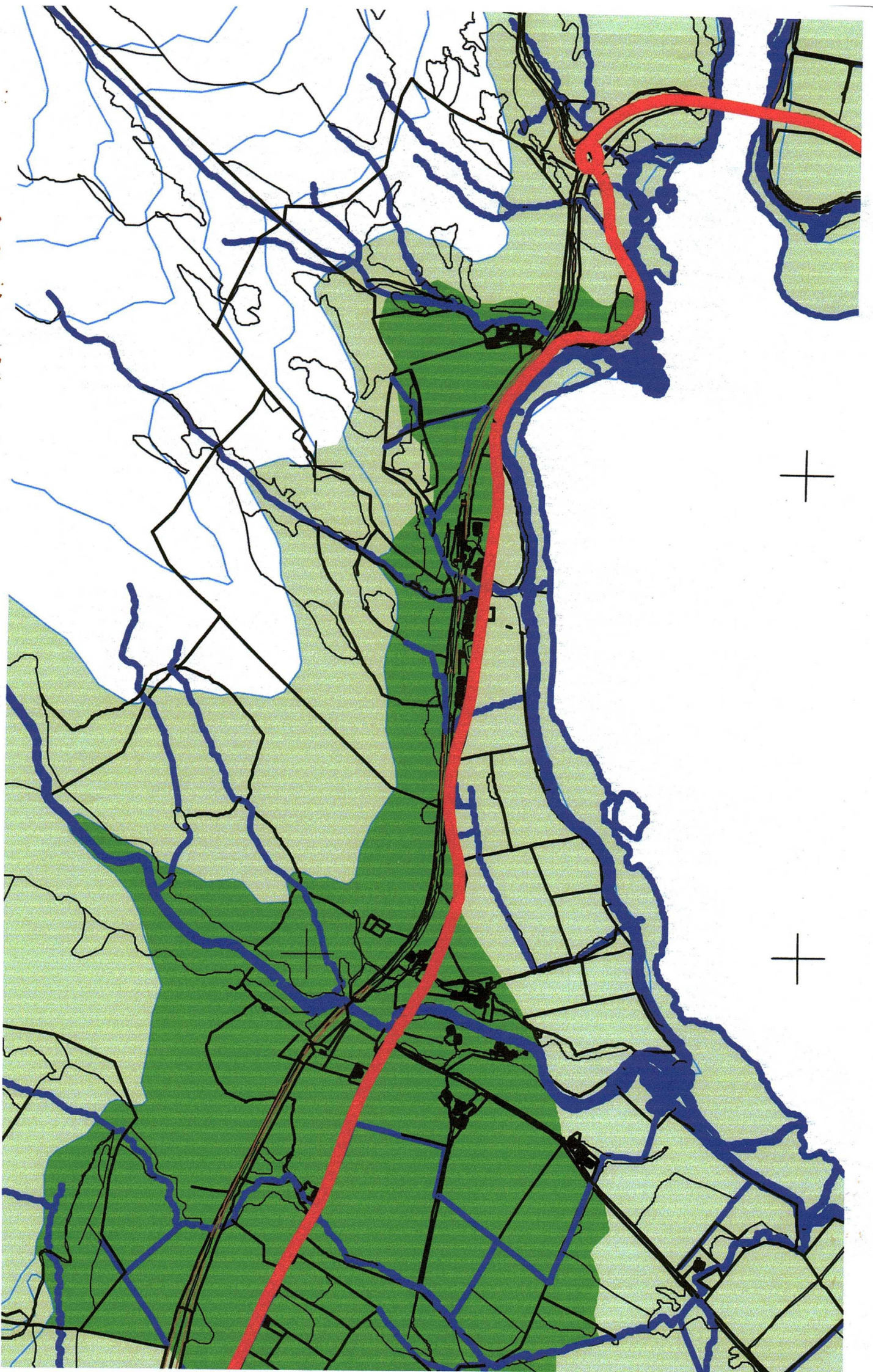
PROPOSAL SITE: TUCKED AWAY BEHIND RAILWAY LINE, HIGHLY SCREENED, INVISIBLE FROM SURROUNDING VANTAGE POINTS

HIGHLY VISIBLE IN KEY VANTAGE POINTS

Site

Sheep Dip  
Sheep Pen







## NOTE ON POLICY POSITION

Section 25 of the Planning Etc (Scotland) Act 2006 states that in making any determination under the planning Acts, regard is to be had to the Development Plan unless material considerations indicate otherwise. This application has been refused as being contrary to the Landscape Capacity Study, and therefore deemed 'Sensitive Countryside' rather than 'Rural Opportunity Area' as identified within the current Local Plan and previous planning approval. However, as described in Circular 4 2009 Development Management Procedures, it is necessary to have regard to wider considerations. This sets out Scottish Government policy and guidance on the requirements for processing planning applications including guidance on defining a material consideration.

Annex A of the Circular provides guidance on material considerations and notes the judgement of the House of Lord's on *City of Edinburgh Council v Secretary of State for Scotland* (1998). This states that 'although priority must be given to the Development Plan in determining a planning application, there is built in flexibility depending on the facts and circumstances of each case'. The judgment set out the following approach to determining a planning application:

- Identify any provisions of the Development Plan that are relevant to the decision.
- Interpret them carefully looking at the aims and objectives of the plan as well as the detailed wording of policies.
- Consider whether the proposal accords with the Development Plan.
- Identify and consider relevant material considerations for and against the proposal.
- Assess whether these considerations warrant a departure from the Development Plan.

Further to this, Circular 4 also provides examples of possible material considerations; these including planning history and relative weighting of adopted/draft planning policy. Therefore it is suggested the previous outline consent is a significant material consideration in the determination of this application. In addition, as the Landscape Capacity Studies do not yet form part of the adopted Development Plan, are contrary to the policy position of the majority of the ROA, contain errors and are subject to ongoing consultation, they should be accorded less weight than current adopted policy.

In light of the above, and in consideration of the previous stance of the Council toward this proposal, it is suggested that significant support can be assigned through reasonable interpretation of the objectives of the adopted development policies, when considered in light of the stated objectives of this current application, the merits of the individual site and the discrete landscape 'fit' afforded within the wider Area of Panoramic Quality.

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**  
**TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE)**  
**(SCOTLAND) ORDER 1992**

**OUTLINE PLANNING PERMISSION**

**REFERENCE NUMBER: 07/00467/OUT**

**Colin E Hodge**  
**Achalic Farm**  
**Lerags**  
**Oban**  
**Argyll**  
**PA34 4SE**

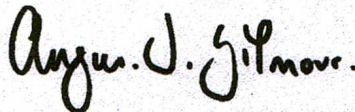
I refer to your application dated 14th March 2007 for outline planning permission for the following development:

**Site for erection of dwelling house**  
**AT:**  
**Land North West Of Creagan Farm Appin Argyll And Bute PA38 4BQ**

Argyll and Bute Council in exercise of their powers under the above mentioned Act and Order hereby grant outline planning permission for the above development in accordance with the particulars given in the application form and docketed plans, subject however to the conditions and reasons on the following page(s).

It should be understood that this permission does not carry with it any necessary consent or approval for the proposed development under other statutory enactments and is not a Building Warrant.

Dated: 7 February 2008



Angus J. Gilmour  
Head of Planning



ISSUE EARLIEST: .....

ISSUE LATEST: 11<sup>th</sup> May 2007



## Development Services

### Delegated Report

|                                   |   |   |
|-----------------------------------|---|---|
| <b>(A) Reference Number</b>       | 07/00467/OUT<br>Mr Colin E Hodge<br>Site for erection of dwellinghouse<br>Land north west of Creagan Farm, Appin, Argyll, PA38 4BQ  |   |
| <b>(B) Consistent With Policy</b> | Yes   |   |
| <b>(C) Consultees</b>             | Trunk roads (No objections, conditions 18.04.07)<br>Area Roads (Trunk roads to advise 14.05.07)<br>Scottish Water (No objections 02.04.07)  |   |
| <b>(D) Planning History</b>       | <u>03/02255/DET</u><br>Formation of access to A828 granted 22.04.04   |   |
| <b>(E) Publicity</b>              | <b>Advert Type:</b><br><b>Closing Date:</b><br><b>Representations:</b>  | Article 18 Lorn Local Plan Potential Departure<br>12.04.07<br>Yes 1 letter of representation has been received from Mr and Mrs I Weir & Son, Dungrianach, Appin, Argyll, PA38 4BQ |
| <b>(F) Comments:</b>              | <p>This is a proposal for outline permission for the erection of a single dwellinghouse at the site known as land north west of Creagan Farm, Appin.</p> <p>This proposed site is within the North Argyll Regional Scenic Area and so will have to be justified against the criteria in POL RUR (2) of the Lorn Local Plan.</p> <p><u>Environmental impact</u></p> <p>The proposed site is in an area of rough pasture which has a slight northerly slope. It is proposed to site the dwellinghouse at the northern corner of a field at the highest point of this slope. It is</p> |   |



proposed to position the dwelling at the north east corner of the site tucked away neatly with deciduous trees which provide a backdrop allowing the development to be successfully absorbed. At various view points around Loch Creran it can be observed that this site is not very prominent and that the existing trees at the top end of the site provide a significant backdrop which would enable this development to be successfully absorbed. Variable topography and mature vegetation on the site affords an increased capacity, offering landform screening therefore maximising the visual capacity of the landscape. The site is near a small cluster of houses to the west which are set back from the nearby trunk road. The proposal site will fit in with this pattern in that it will also be positioned set back from the nearby trunk road.

#### Locational/operational need

There is no known locational or operational need.

#### Economic benefit

This proposal does not imply an economic benefit.

#### Infrastructure and servicing implications

The proposal will be served by a new vehicular access approved previously under 03/02255/DET and will have 3 additional on-site parking spaces. It is proposed to site a single septic tank with a herringbone pattern soakaway. It is proposed to connect the dwelling to the existing public main to which Scottish Water raises no objections.

From this analysis we can see that the proposal can be successfully absorbed into the sensitive landscape within which it is proposed to be situated and so therefore the proposal is found to be in accordance with the provisions of Policy RUR 1 and RUR 2 of the Lorn Local Plan.

The proposed site lies in an area which has been designated a Rural Opportunity Area by the Modified Finalised Draft Local Plan. The landscape character of this area is that of craggy upland. The area consists of plentiful rounded knolls, rock outcrops and numerous lochs in low lying hollows. Settlement patterns of this area consist of isolated farmsteads and small villages in sheltered sites within glens. The proposal site is in very close proximity to existing dwellings and will fit in with the existing pattern in that it will also be positioned set back from the nearby trunk road. Variable topography and mature vegetation at the site will ensure that the site is sheltered. It is considered that this site can successfully absorb small scale development within the landscape and settlement pattern and so this proposal for a single dwelling house meets the requirements of STRAT DC 4 of the Argyll and Bute Structure Plan 2002.

The proposal is situated off the A828 Connel-Glencoe Trunk Road and Trunk Roads have advised that a condition be applied to any planning consent ensuring that the formation of the access with the A828 trunk road should be as planning consent ref 03/002255/DET which was granted on the 22<sup>nd</sup> April 2004.

As this proposal is for outline planning permission no formal plans have been submitted showing exact details of the proposed dwelling. A design guide has been submitted in support of the proposal stating



|   |   |
|---|---|
|   | <p>that the principles and design guidance in the Argyll and Bute Design Guide will be followed. A condition will be applied to any such permission to ensure that these principles are followed.</p> <p>One letter of representation from Mr and Mrs I Weir &amp; Son, Appin Holiday Homes has been received. Comments received are as follows;</p> <p>* The application is a potential departure from RUR 1 and RUR 2 of The Lorn Local Plan<br/> <i>Comment: The proposal is found to be in accordance with the provisions of Policy RUR 1 and RUR 2 of the Lorn Local Plan See main body of report above.</i></p> <p>* We received no neighbour notification for the proposed Development.<br/> <i>Comment: No notification is required in accordance with Article 9 (1) of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992 since there are no parties holding a notifiable interest in neighbouring land/property. The proposal has been advertised under Article 18 in the Oban Times as a potential departure to the Lorn Local Plan.</i></p> <p>* The stream taking waste from the proposed development flows into And through our land.<br/> <i>Comment: This is a legal issue and not a material planning consideration.</i></p> <p>* The access to the proposed development has yet to be Constructed.<br/> <i>Comment: A condition will be applied as requested by Trunk Roads ensuring that the formation of the access with the A828 trunk road should be as planning consent ref 03/002255/DET prior to the commencement of works on site.</i></p> <p>* When Mr Hodge applied for planning permission for new access in 2003, we understood this was a new access to Creagan Farm, with the former access to be sealed off. No mention was made of a new access for a new house development.<br/> <i>Comment: This proposal is considered under its own merits.</i></p> <p>* The proposed development appears to be in the centre of a field on the farm. Is this planning application subject to a Section 75.<br/> <i>Comment: The proposed plot is not part of a croft and so a Section 75 Agreement is not necessary in this case and the land is in the ownership of the applicant.</i></p> |
| <p><b>(G) Recommendation:</b></p>   | <p><b>I recommend that planning permission be granted subject to the standard condition and reason.</b></p>   |
| <p><b>Signature Caseload Officer:</b> ..... <b>Date:</b> .....</p> <p><b>Signature Area Team Leader:</b> ..... <b>Date:</b> .....</p> |   |

## CONDITIONS AND REASONS RELATIVE TO APPLICATION 07/00467/OUT

1. This permission is granted under the provisions of Article 4 of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992 on the basis of an outline application for planning permission and that the further approval of Argyll and Bute Council or of the Scottish Executive on appeal shall be required with respect to the undermentioned reserved matters before any development is commenced:

- (a) the siting, design and external appearance of the proposed development;
- (b) the landscaping of the site of the proposed development;
- (c) details of the access arrangements;
- (d) details of the proposed water supply and drainage arrangements.

*Reason: To comply with Section 59 of the Town and Country Planning (Scotland) Act 1997.*

2. In the case of the reserved matters specified in (1) above, an application for approval of the reserved matters in terms of Article 6 of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992 must be made to Argyll and Bute Council no later than the expiration of 3 years beginning with the date of this permission.

*Reason: To comply with Section 59 of the Town and Country Planning (Scotland) Act 1997.*

3. That the development to which this permission relates must be begun not later than the expiration of 5 years from the date of this permission or within the expiration of 2 years from the final approval of all reserved matters, whichever is the later.

*Reason: To comply with Section 59 of the Town and Country Planning (Scotland) Act 1997.*

4. Prior to the commencement of works on the site the formation of the vehicular access with the A828 trunk road should be in accordance with planning permission ref 03/002255/DET granted on the 22<sup>nd</sup> April 2004.

*Reason: To ensure that the standard of access layout complies with the current standards and that the safety of the traffic on the trunk is not diminished.*

5. Any details pursuant to Condition 1 above shall include a dwelling house:

- i) finished in wet dash render or natural stone or a mixture of both;
- ii) with a roof covering of natural slate or good quality slate substitute;
- iii) of no greater than one and a half storeys in height;
- iv) incorporating windows with a strong vertical emphasis;
- v) a roof pitch of not less than 35° and not greater than 42°;
- vi) incorporating smooth cement window and/or door bands; and
- vii) which is predominantly rectangular shaped with traditional gable ends of no greater than 7 metres width.

*Reason: In the interests of visual amenity in order reflect/retain the vernacular building traditions of the area*



6. Any details pursuant to Condition 1 above shall show a scheme hard and soft landscaping work designed to integrate the development into the landscape. Such details shall include:
- Location and design, including materials of any walls, fences and gates;
  - Surface treatment of means of access and hard standing areas;
  - Soft and hard landscaping works, including the location, type and size of each individual tree and/or shrub; and
  - Programme for completion and subsequent on-going maintenance for a period of at least 10 years.

All the hard and soft landscaping works shall be carried out in accordance with the scheme approved in writing by the Planning Authority. Any trees or plants which within a period of ten years from the completion of the development die, or for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species, unless otherwise agreed in writing with the Planning Authority.

*Reason: In the interests of visual amenity in order to help integrate the proposal into its landscape setting.*

7. Any details pursuant to Condition 1(c) above shall include a number of car parking spaces within the site at a level commensurate with the size of dwelling house proposed, in accordance the Council's Roads Guidelines. Those levels being; 2 spaces for a dwelling house of up to and including 3 bedrooms; 3 spaces for 4 bedrooms; 4 spaces for 5 bedrooms; and so on.

*Reason: To enable vehicles to parked clear of the access road in the interests of road safety by maintaining unimpeded vehicular access over that road.*

## **NOTE TO APPLICANT RELATIVE TO APPLICATION 07/00467/OUT**

**Please note:** Your attention is drawn to the conditions attached to this permission. Any pre-conditions (those requiring certain works/submissions etc. prior to work starting on site) must be fulfilled prior to the commencement of development. Failure to meet these conditions may invalidate your permission or result in enforcement action.

**Scottish Water** has advised as follows:

*Scottish Water has no objections to this planning application. Please note that although Scottish Water has given approval at this stage, this does not guarantee a connection to Scottish Water's infrastructure. A separate application should be made for connection to our infrastructure after full planning has been granted.*

*Scottish Water receives a number of enquiries on a daily basis and is unfortunately unable to reserve capacity at our water and waste treatment works. In view of this, the information provided in this letter will need to be reviewed if this proposal progresses to full planning approval.*

*There are no known public sewers in the vicinity of the proposed development. It is advisable that any septic tank should be sited in such a manner as to allow easy access for emptying by tanker.*

*Tullich Water Treatment Works currently has sufficient capacity to service this proposed development.*

*There are no known issues at present within our Water Network that serves this proposed development.*

*If the connection to the public water main requires to be laid through land outwith your ownership, the developer must provide evidence of formal approval from the affected landowner(s).*

If the developer requires any further assistance or information on our response, please contact:

Alan Steele  
Scottish Water  
Developer Services  
Clyde House  
419 Balmore Road  
Glasgow  
G22 6NU  
Tel: 0845 601 8855

**Transport Scotland Trunk Roads network Management Directorate** has advised as follows:

*In issuing planning permission the applicant should be informed that the consent does not carry with it the right to carry out works within the trunk road boundary and that he must consult with Transport Scotland Trunk Roads Network Management Division through its Management Organisation on the terms and conditions, under Roads legislation, that require to be agreed to enable works within the trunk road boundary to be approved*

Scotland Transerv  
Broxden House  
Broxden Business Park  
Lamberkine Drive  
Perth  
PH1 1RA





EXAMPLE PHOTO OF THE EXACT HOUSE PROPOSED – CONSTRUCTED IN 2011 FOR LETTING





Un-zoomed photo of general area from across Loch Creran, site not visible (hidden by railway line), Appin Holiday Homes site visible to left of proposal site.





Zoomed photo from same location across Loch Creran – site is situated behind railway embankment and trees so not visible from this location.





View from Creagan Inn carpark – site not visible. Site situated beyond red post van in foreground, but behind tree covered embankment.





View towards site from trunk road, showing significant embankment between site and wider panoramic area.





View down into site from top of railway embankment – backdrop of woodland to north behind.





View west from proposal site – trees at boundary to Appin Holiday Homes.





View south from proposal site – railway embankment and trees in foreground.





View east from proposal site – tree/hedge in foreground, Creagan farm hillpark behind blocking long inward/outward views.





View of Trunk Road and Railway embankment behind.





View from road showing cut in Railway embankment where new access is under construction – hidden fields just visible behind, through gap.

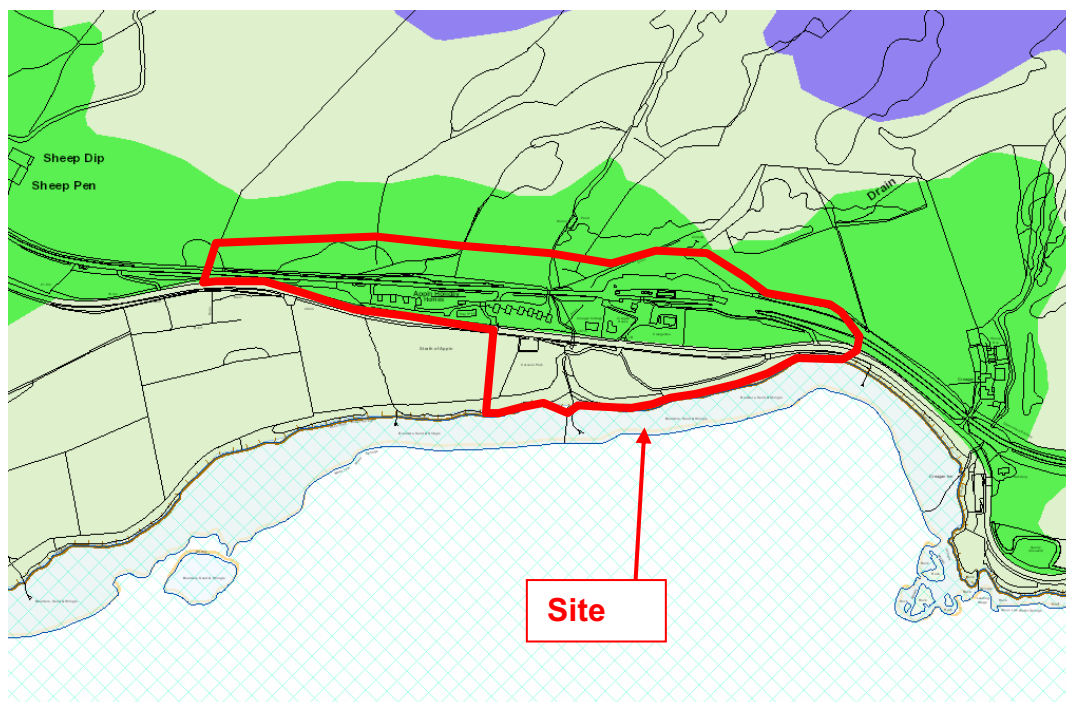


# Oban Lorn and the Isles

## Site 18 – Appin Holiday Homes : Holiday Park West of the Creran Bridge, Appin

Appin Holiday Homes have requested a development opportunity to expand existing holiday park west of the Creran Bridge, Appin. The site is an existing holiday park comprising of a mixture of chalets, static caravans and holiday let buildings located adjacent to the A828 trunk road on the north shore of Loch Creran. The site is located within an Area of Panoramic Quality and the new Oban to Ft. William cycleway runs through the site. The site is currently of moderate scale and would benefit from upgrading to enhance the appeal to visitors. Given that the site already exists, consideration is required on whether its expansion significantly adversely impact on the landscape quality of the wider area. Allowing further development in this area could provide opportunities for environmental and landscape enhancement. Additionally, tourism is a critical economic sector in the Argyll economy and should be encouraged where possible.

## Potential Additional Site – Potential Development Area : Tourism.



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## 2. Agriculture and Crofting

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6.1 Agriculture is a primary industry which is marginalised and undergoing structural change imposed largely by external factors. It is a local industry, however, which will continue to play a long-term and crucial role in sustaining rural community life and the environment of Argyll and Bute. This role, which has a dynamic as well as a stabilising force, is rooted in the working and management of land. Rural development is part of this land management process. The land itself is a primary natural resource and agriculture, crofting and estate infrastructure should be utilised in imaginative and sustainable ways to add value to this resource.

6.2 STRAT AC 1 encourages non-agricultural forms of development to support farms, crofts and estates in contributing to the economic and social way of life in Argyll and Bute. The mechanism of the 'farm, croft or estate development programme' is presented not for control, but as a positive means of informing and engaging rural industries with the development and planning processes more effectively.

### STRAT AC 1 - DEVELOPMENT IN SUPPORT OF FARMS, CROFTS AND ESTATES

Subject to development being consistent with sustaining the key environmental features and the operational integrity of agricultural units, croft land and estate land, encouragement shall be given to:

A) Small scale residential, business and tourism-related development opportunities on farms, crofts and estates; there should be a focus on existing building, infill, rounding-off and redevelopment opportunities but more peripheral farm or estate locations may also prove acceptable subject to environmental assessments.

B) Weight shall be given to 'farm, croft or estate development programmes' which provide supportive information to planning applications; this information may relate to:

1. farm\*, croft\*\* or estate diversification proposals;
2. niche-marketing of Argyll and Bute quality products;
3. cropping, stocking, deer management, woodland planting and operational programmes;
4. the extent and distribution of land quality on farm or croft;
5. family and employment considerations.

\*Farm - the business and land coinciding with an 'agricultural unit'.

\*\*Croft - the land unit established under crofting legislation under the jurisdiction of the Crofters Commission.

C) The principle of a single dwellinghouse on appropriate sites on bareland crofts is supported by this Plan. On crofts with existing dwellinghouse(s), a single additional dwellinghouse accords with this policy subject to its occupation being for crofting purposes. In all cases, development which results in an undesirable break-up of crofts and croft land assets is not supported by this Plan.