

**STATEMENT OF CASE**

**FOR**

**ARGYLL AND BUTE COUNCIL  
LOCAL REVIEW BODY**

**12/0019/LRB**

**REFUSAL OF PLANNING PERMISSION FOR THE  
ERECTION OF A DWELLINGHOUSE, FORMATION  
OF A PRIVATE VEHICULAR ACCESS AND THE  
INSTALLATION OF A SEWAGE TREATMENT PLANT**

**LAND NORTH WEST OF CREAGAN FARM, APPIN,  
ARGYLL AND BUTE, PA38 4BQ**

**PLANNING PERMISSION REFERENCE NUMBER  
12/01234/PP**

**21<sup>st</sup> DECEMBER 2012**

## STATEMENT OF CASE

The Planning Authority is Argyll and Bute Council (“the Council”). The appellant is Achalic Farming Partnership (“the appellant”).

Planning application 12/01234/PP which proposed the erection of a dwellinghouse, formation of a private vehicular access and the installation of a sewage treatment plant on land situated to the north west of the existing property at Creagan Farm, Appin, Argyll and Bute, PA38 4BQ (“the appeal site”) was refused under delegated powers on the 12<sup>th</sup> September 2012.

The planning decision has been challenged and is subject of review by the Local Review Body.

### DESCRIPTION OF SITE

The application site is situated on land located to the north west of the existing property at Creagan Farm, Appin which is situated to the north west of Creagan Bridge and approximately 15 miles north of Oban. Situated directly to the north of the application site is a steep hillside which is predominantly covered by mixed woodland and heather. Situated directly to the east and west of the application site is predominantly open, improved grassland/agricultural grazing land. Situated directly to the south of the application site are small copses of deciduous trees and further to the south is the A828 trunk road. The application site gently slopes from south to north and has been predominantly utilised in the past for agricultural grazing. The application site measures approximately 0.5 hectares.

### SITE HISTORY

#### 03/02255/DET

Formation of a private vehicular access to the A828 trunk road – *application approved 22<sup>nd</sup> April 2004*

#### 07/00467/OUT

Site for the erection of a dwellinghouse – *application approved 7<sup>th</sup> February 2008 but lapsed on the 7<sup>th</sup> February 2011 with no timeous submission of any planning application in detail or for approval of matters specified in conditions.*

### STATUTORY BASIS ON WHICH THE APPEAL SHOULD BE DECIDED

Section 25 of the Town & Country Planning (Scotland) Act 1997 provides that where, in making any determination under the planning Acts, regard is to be had to the development plan and determination shall be made in accordance with the development plan unless material considerations indicate otherwise. This is the test for this planning application.

## STATEMENT OF CASE

Argyll and Bute Council considers the determining issues in relation to the case are as follows:-

- Whether the material considerations asserted by the appellant are sufficient to outweigh the fact that the planning application is contrary to the current adopted development plan; or whether in fact the development plan remains the primary determining factor.

The Report of Handling (Appendix 1) sets out Planning Services assessment of the planning application in terms of policy within the current adopted development plan and other material considerations.

## REQUIREMENT FOR ADDITIONAL INFORMATION AND A HEARING

It is not considered that any additional information is required in light of the appellant's submission. The issues raised were covered in the Report of Handling which is contained within Appendix 1. As such it is considered that the Council has all the information required to determine this particular planning application. Given the above and that the proposal is small scale in nature, constitutes a Local Development, has no complex or challenging issues and has not been the subject of any public representation, it is not considered that a Hearing is required.

## COMMENT ON APPELLANT'S SUBMISSION

- The Argyll and Bute Landscape Capacity Study (2010) has not been subject to any public consultation and should not be recognised as lawful planning policy.

*With reference to the Argyll and Bute Local Plan 2009, Chapter 10 – Planning Areas and Development Control Zones, Policy 'P/DCZ 4 – Rural Opportunity Areas – Areas and Boundaries' states:*

*“Development proposals located in the open countryside, within Rural Opportunity Areas positioned within National Scenic Areas or 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. In such instances development proposals should be considered as if located within Sensitive Countryside”.*

*In relation to the above, it is important to acknowledge that the concept of undertaking a Landscape Capacity Study in respect of all Rural Opportunity Areas positioned within National Scenic Areas or Areas of Panoramic Quality formed a key part of the Scottish Government Reporters decision to adopt the Argyll and Bute Local Plan 2009. On the 5<sup>th</sup> May 2010 the Landscape Capacity Study (2010) was approved by the Council. In essence, the draft Local Plan had shown generous Rural Opportunity Area allocations and the Scottish Government Reporters did not approve those generous allocations. Reduction and refinement of the allocated Rural*

*Opportunity Areas within National Scenic Areas and Area of Panoramic Quality's was necessary in the adoption of the Argyll and Bute Local Plan 2009.*

- The application site was previously granted outline planning permission. The reasons for approval within the Report of Handling for this outline planning application and the reasons for refusal within the Report of Handling for the current planning application contradict one another.

*It is important to acknowledge that outline planning permission 07/00467/OUT was granted on the 7<sup>th</sup> February 2008 for the erection of a dwellinghouse as the proposal was consistent with Policies 'RUR 1' and 'RUR 2' of the previous adopted Lorn Local Plan where the proposal was situated within a Rural Opportunity Area within the emerging Lorn Local Plan which was a material planning consideration at that time. However, following adoption of the Argyll and Bute Local Plan 2009, the application site was situated within a Rural Opportunity Area which was also situated within an Area of Panoramic Quality. Consequently and in accordance with Policy 'P/DCZ 4' after the approval of the Argyll and Bute Landscape Capacity Study (2010) the proposal must now be assessed against Policy 'STRAT DC 5 – Development in Sensitive Countryside' because it is identified 'Red' as an area unsuitable for development. The Landscape Capacity Study (2010) significantly alters the policy aim from creating an expansive dispersed settlement to consolidating only the main settled areas of the existing settlement, largely to be held close to the A828 trunk road. The proposal does not satisfy Policy 'STRAT DC 5' and is therefore contrary to the Argyll and Bute Local Plan 2009 which is why the current proposal has been refused and explains why the assessment differs between 2008 and 2012.*

- The application site represents a discreet, visually unobtrusive and low impact location, shielded by considerable landform and mature trees. The proposal is supported by several policies within the Argyll and Bute Local Plan 2009.

*The application site is situated within 'Sensitive Countryside' where the proposal does not constitute a form of infill, rounding-off, redevelopment, a change of use of building development, a single dwellinghouse on a bareland croft or a single additional dwellinghouse on an individual croft subject to consistency with Policy 'STRAT AC 1 (C)'. Furthermore, no special case has been submitted to the Planning Authority where a locational need or exceptional circumstance may justify the development. Therefore, the proposal is contrary to Policy 'STRAT DC 5'. Although the application site is well contained and the proposal would be low impact, this does not in itself address policy that now pressurises against development in the area. The proposal does not meet current policy objectives to consolidate only those limited areas identified as such in the Landscape Capacity Study (2010).*

- The appellant indicates that the planning officer stated he would recommend approval, before a decision was taken.

*This claim is refuted by Mr Wyllie. Planning officers are bound to not reveal any recommendation and it is not accepted that this occurred. The assertion that senior planners changed the recommendation is simply not true.*

The appellant's statement of case does not conclusively address the reasons for refusal above which are explained fully within the Report of Handling attached within (Appendix 1).

## **CONCLUSION**

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that all decisions be made in accordance with the development plan unless material considerations indicate otherwise.

Although the application site previously benefitted from outline planning permission, it was granted in the context of a Rural Opportunity Area allocation which sought to create a larger dispersed settlement under the emerging Local Plan applicable at the time. The previous outline planning permission has lapsed and the policy context has undergone fundamental change since 2008. The proposal is now contrary to the existing adopted development plan and there are no material considerations of such weight that have been identified to justify the proposal. It is respectfully requested that the review be dismissed and the original refusal be upheld.

# APPENDIX 1

Argyll and Bute Council  
Development and Infrastructure Services

Delegated or Committee Planning Application Report and Report of Handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 relative to applications for Planning Permission or Planning Permission in Principle

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**Reference No:** 12/01234/PP

**Planning Hierarchy:** Local Development

**Applicant:** Achalic Farming Partnership

**Proposal:** Erection of a dwellinghouse, formation of a private vehicular access and the installation of a sewage treatment plant

**Site Address:** Land north west of Creagan Farm, Appin, Argyll and Bute, PA38 4BQ

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## DECISION ROUTE

(i) **Sect 43 (A) of the Town and Country Planning (Scotland) Act 1997 (as amended by the Town and Country Planning Etc. (Scotland) Act 2006)**

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### (A) THE APPLICATION

#### (i) Development Requiring Express Planning Permission

- Erection of a dwellinghouse
- Formation of a private vehicular access
- Construction of on-site vehicular parking spaces and associated turning area(s)
- Installation of a sewage treatment plant

#### (ii) Other specified operations

- Connection to an existing public water main
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### (B) RECOMMENDATION:

Having due regard to the development plan and all other material planning considerations, it is recommended that planning permission be refused for the reasons outlined within this report.

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**(C) HISTORY:**

03/02255/DET

Formation of a private vehicular access to the A828 trunk road – *application approved 22<sup>nd</sup> April 2004*

07/00467/OUT

Site for the erection of a dwellinghouse – *application approved 7<sup>th</sup> February 2008. Lapsed 7<sup>th</sup> February 2011.*

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**(D) CONSULTATIONS:**

Area Roads Manager

Response received 16<sup>th</sup> July 2012 – recommending that Transport Scotland should advise as the proposed private vehicular access adjoins the A828 trunk road.

Outdoor Access Team

No response received at time of writing this report and no extension of time was requested.

Scottish Water

Response received 13<sup>th</sup> July 2012 – recommending no objection subject to advisory comments.

Transport Scotland

Response received 4<sup>th</sup> July 2012 – recommending no objection subject to conditions and advisory comments.

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**(E) PUBLICITY:**

‘Regulation 20 – Advert Local Application’ from the 28<sup>th</sup> June 2012 to the 19<sup>th</sup> July 2012.

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**(F) REPRESENTATIONS:**

None

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**(G) SUPPORTING INFORMATION**

**Has the application been the subject of:**

(i) **Environmental Statement:** No

- (ii) **An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994:** No
- (iii) **A design or design/access statement:** No
- (iv) **A report on the impact of the proposed development e.g. retail impact, transport impact, noise impact, flood risk, drainage impact etc:** No
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**(H) PLANNING OBLIGATIONS**

- (i) **Is a Section 75 agreement required:** No
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- (I) **Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32:** No
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- (J) Section 25 of the Act; Development Plan and any other material considerations over and above those listed above which have been taken into account in the assessment of the application**

- (i) **List of all Development Plan Policy considerations taken into account in the assessment of the application**

Argyll and Bute Structure Plan 2002

Policy 'STRAT SI 1 – Sustainable Development'

Policy 'STRAT DC 4 – Development in Rural Opportunity Areas'

Policy 'STRAT DC 5 – Development in Sensitive Countryside'

Policy 'STRAT DC 8 – Landscape and Development Control'

\* As refined by the approved Landscape Capacity Study (2010)

Full details of the Argyll and Bute Structure Plan 2002, including proposal maps and full policy wording can be viewed on the Council's website by clicking on the link below:

<http://www.argyll-bute.gov.uk/planning-and-environment/argyll-and-bute-structure-plan>.

Argyll and Bute Local Plan 2009

Policy 'LP ENV 1 – Development Impact on the General Environment'

Policy 'LP ENV 10 – Development Impact on Areas of Panoramic Quality'

Policy 'LP ENV 19 – Development Setting, Layout and Design'

Policy 'LP HOU 1 – General Housing Development'

Appendix A – Sustainable Siting and Design Principles

Full details of the Argyll and Bute Local Plan 2009, including proposal maps and full policy wording can be viewed on the Council's website by clicking on the link below:

<http://www.argyll-bute.gov.uk/planning-and-environment/local-plan>.

**(ii) List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 4/2009**

Argyll and Bute Council Landscape Capacity Study (2010)

Argyll & Bute Council Sustainable Design Guidance (2006)

Scottish Planning Policy (2010)

The Planning Etc. (Scotland) Act 2006

The Town & Country Planning (Scotland) Act 1997

Planning history

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**(K) Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment:**

No

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**(L) Has the application been the subject of statutory pre-application consultation (PAC):** No

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**(M) Has a sustainability check list been submitted:** No

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**(N) Does the Council have an interest in the site:** No

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**(O) Requirement for a hearing:** No

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**(P) Assessment and summary of determining issues and material considerations**

This application is seeking planning permission for the erection of a dwellinghouse, formation of a private vehicular access and the installation of a sewage treatment

plant on land situated to the north west of the existing property at Creagan Farm, Appin, Argyll and Bute, PA38 4BQ.

Outline planning permission 07/00467/OUT was granted within the application site on the 7<sup>th</sup> February 2008 for the erection of a dwellinghouse. However, this outline planning permission lapsed on the 7<sup>th</sup> February 2011. Importantly, the current planning application 12/01234/PP was not validated until the 11<sup>th</sup> June 2012 which ensures that the principle of development within the application site has been sacrificed and the previous approval is only to be assessed as planning history. The current planning application must be assessed against policy within the current adopted development plan, which has been changed since the previous consent was granted.

Outline consent 07/00467/OUT was granted on the basis of compliance with the then current Lorn Local Plan policies RUR1 and RUR2, plus weight was given to the identification of the site within a proposed Rural Opportunity Area (ROA) in the then draft Argyll and Bute Local Plan.

Since then, the Argyll and Bute Local Plan has been adopted (2009) and the policies for the area have been refined.

The application site is situated within the development zone identified as a 'Rural Opportunity Area' which is also situated within an 'Area of Panoramic Quality'. As part of the Local Plan approval process, all 'Rural Opportunity Area(s)' which were situated within National Scenic Areas or Areas of Panoramic Quality, were subject to the provisions of the Argyll and Bute Council Landscape Capacity Study 2010 (LCS), approved by Argyll and Bute Council on the 5<sup>th</sup> May 2010. The LCS identifies the site within a 'red area', not recommended for development. This eastern end of the former ROA was considered to be too steep and visible within the wider environment to comfortably accommodate development and it was therefore deleted from the areas where support would be given for development.

The site is situated within an area which has been recommended as unsuitable for development in the LCS, thereby removing the support offered under STRAT DC 4. The Council's practice with such areas is to assess proposals under Structure Plan Policy 'STRAT DC 5 – Development in Sensitive Countryside'. Policy 'STRAT DC 5 – Development in Sensitive Countryside' states:

“Within Sensitive Countryside encouragement shall only be given to small scale (small scale corresponds to developments not exceeding 5 dwelling units) infill, rounding-off, redevelopment and change of use of building development or to single dwellinghouses on bareland crofts or single additional dwellinghouses on individual crofts subject to consistency with STRAT AC 1”.

It is a key aim of the Argyll and Bute Development Plan 2009 to safeguard sensitive areas from inappropriate development. With reference to the Argyll and Bute Structure Plan 2002, Section '4.10 – Sensitive Countryside' states:

“...Sensitive Countryside does not have a general capacity to successfully absorb development in the open countryside...The only locations within the Sensitive Countryside with a general capacity to successfully absorb development are where there are opportunities for sympathetic small scale infill, rounding-off, redevelopment or change of use of building development.”

The Local Plan defines infill, rounding-off, redevelopment and change of use of building development as follows:

- *Infill development* – new development positioned largely between other substantial buildings and this new development being of a scale subordinate to the combined scale of the buildings adjacent to the development site.
- *Rounding-off development* – new development positioned largely between substantial building(s) on one side and a substantial ground or natural feature on the other side and arranged such that the local pattern of development terminates at this point.
- *Redevelopment* – a development of new buildings involving significant demolitions; or the extension of a building involving more than a doubling of the cubic volume of the building but not exceeding three times the cubic volume (less than a doubling being treated as a building extension and more than a trebling, as new build).
- *Change of use* – change of use of land or building as prescribed by the Town and Country Planning (Scotland) Act 1997 (as amended by the Town and Country Planning Etc. (Scotland) Act 2006).

The proposal does not meet any of these defined terms and as such, it is considered that the application runs contrary to Policy STRAT DC 5. No indication of a special case with a locational need has been submitted in support of the planning application.

With reference to the Argyll and Bute Local Plan 2009, Policy 'LP ENV 1 – Development Impact on the General Environment' states:

“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:

(A) The development is of a...location...consistent with Structure Plan Policies 'STRAT DC 1 to 6'”.

In relation to the above, it has been analysed and appraised previously within this report that the proposal is contrary to Policy 'STRAT DC 5'. Consequently, the proposal is also contrary to Policy 'LP ENV 1'.

The proposal is situated within an area of land which rises steeply from south to north to the north of the A828 trunk road where the landscape structure is not capable of accommodating development in a discreet way. Development within this location would be visible within the wider landscape and would be contrary to the existing settlement pattern of the surrounding area which is characterised individual or small clusters of dwellinghouses located in close proximity to the A828 trunk road. By contrast, the application site is well set back from the road at a higher level. The proposal would not conserve the existing natural and built environment, would not respect the landscape character of the immediately surrounding area and the location of the proposed dwellinghouse would have a small but adverse impact upon the 'Area of Panoramic Quality'. The proposal is contrary to Policies 'STRAT SI 1', 'STRAT DC 8', 'LP ENV 1', 'LP ENV 10' and 'LP ENV 19'.

Argyll and Bute Local Plan 2009, Policy 'LP HOU 1 – General Housing Development' states:

“There is a general presumption against housing development when it involves...small scale housing development in...open/undeveloped areas within...Sensitive Countryside”.

In relation to the above, the application site is situated within an area of undeveloped land which is situated within the development zone identified as Sensitive Countryside and as such is contrary to Policy 'LP HOU 1'.

Whilst a previous consent was granted in outline in 2008, that lapsed 16 months before the current application was submitted. It was also granted on the basis of different policies applicable at the time, which regrettably for the site owner, have changed from a generally supportive policy position to a negative policy position. Whilst an individual site might have at one time been considered acceptable in the wider context of further development throughout an intended Rural Opportunity Area, these provisions have largely been removed and as a result the context within which the application must be assessed have changed. A stand alone house in the location proposed would vary from the established settlement pattern and should not be supported. In the absence of a live consent being held on the site, there is not considered to be sufficient justification to depart from the provisions of the current Development Plan.

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**(Q) Is the proposal consistent with the Development Plan:** No

Please see Sections (P) above and (R) below which outline the reasons why the proposal is not consistent with the Argyll and Bute Development Plan 2009.

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**(R) Reasons why planning permission should be refused**

1. The site lies within a Rural Opportunity Area and an Area of Panoramic Quality. Accordingly, the allocation of a Rural Opportunity Area is refined by the provisions of the Argyll and Bute Landscape Capacity Study 2010, which identifies the site within an area recommended as unsuitable for development. The effect of this is to remove the area from the Rural Opportunity Area under Policy STRAT DC 4, and apply the provisions of Policy 'STRAT DC 5 – Development in Sensitive Countryside' of the Argyll and Bute Structure Plan 2002.

Policy 'STRAT DC 5' - 'Sensitive Countryside', does not have a general capacity to successfully absorb development in the open countryside. The only locations within the Sensitive Countryside with a general capacity to successfully absorb development are where there are opportunities for sympathetic small scale infill, rounding-off, redevelopment or change of use of building development.

The proposal does not constitute a form of infill, rounding-off, redevelopment, a change of use of building development, a single dwellinghouse on a bareland croft or a single additional dwellinghouse on an individual croft subject to consistency with Policy 'STRAT AC 1 (C)'. Furthermore, no special case has been submitted to the Planning Authority where a locational need or exceptional circumstance may justify the development. Therefore, the proposal is contrary to Policy 'STRAT DC 5'. Accordingly, the application is contrary to the provisions of the Structure Plan Policy STRAT DC 5.

2. Argyll and Bute Landscape Capacity Study 2010 identifies the site is within an area of land which rises steeply to the north of the A828 trunk road where the landscape structure is not capable of accommodating development in a discreet way. Any development within this location would be visible within the wider landscape and would be contrary to the existing settlement pattern of the surrounding area which is characterised by individual and small clusters of dwellinghouses which are located within close proximity to the A828 trunk road. By contrast, the proposed house would be well set back from the trunk road and at a higher level. The proposal would not conserve the existing natural and built environment, would not respect the landscape character of the immediately surrounding area and the location of the proposed dwellinghouse would have a small but adverse impact upon the 'Area of Panoramic Quality'. Therefore, the proposal is contrary to Policies 'STRAT SI 1', 'STRAT DC 5', 'STRAT DC 8', 'LP ENV 1', 'LP ENV 10' and 'LP ENV 19'.
3. Although outline planning permission 07/00467/OUT was granted within the application site on the 7<sup>th</sup> February 2008, it lapsed on 7<sup>th</sup> February 2011. The principle of development was therefore sacrificed and the proposal must be assessed against current Development Plan policy. The previous consent is a material consideration as part of the planning history. That consent was granted on the basis of different policies applicable at the time, which have in the interim changed from a generally supportive policy position to a negative policy position. Whilst an individual house was considered acceptable in 2008 in the wider context of further development throughout an intended Rural Opportunity Area, these provisions have largely been removed and as a result the context within which the application must be assessed have changed. A stand alone house in the location proposed would vary from the established settlement pattern and is contrary to a range of current adopted development plan policies as listed in reasons for refusal number 1 and 2 above. In the absence of a live consent being held on the site, there is not considered that the planning history is of sufficient weight to justify a departure from the provisions of the current Development Plan.

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**(S) Reasoned justification for a departure to the provisions of the Development Plan**

N/A – the proposal is being recommended for refusal due to the reasons outlined within Sections (P) and (R) above.

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**(T) Need for notification to Scottish Ministers or Historic Scotland:** No

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**Author of Report:** Walter Wyllie

**Date:** 28<sup>th</sup> August 2012

**Reviewing Officer:** Stephen Fair

SF

**Date:** 29/08/12

**Angus Gilmour**  
**Head of Planning**

## GROUNDINGS OF REFUSAL RELATIVE TO APPLICATION 12/01234/PP

1. The site lies within a Rural Opportunity Area and an Area of Panoramic Quality. Accordingly, the allocation of a Rural Opportunity Area is refined by the provisions of the Argyll and Bute Landscape Capacity Study 2010, which identifies the site within an area recommended as unsuitable for development. The effect of this is to remove the area from the Rural Opportunity Area under Policy STRAT DC 4, and apply the provisions of Policy 'STRAT DC 5 – Development in Sensitive Countryside' of the Argyll and Bute Structure Plan 2002.

Policy 'STRAT DC 5' - 'Sensitive Countryside', does not have a general capacity to successfully absorb development in the open countryside. The only locations within the Sensitive Countryside with a general capacity to successfully absorb development are where there are opportunities for sympathetic small scale infill, rounding-off, redevelopment or change of use of building development.

The proposal does not constitute a form of infill, rounding-off, redevelopment, a change of use of building development, a single dwellinghouse on a bareland croft or a single additional dwellinghouse on an individual croft subject to consistency with Policy 'STRAT AC 1 (C)'. Furthermore, no special case has been submitted to the Planning Authority where a locational need or exceptional circumstance may justify the development. Therefore, the proposal is contrary to Policy 'STRAT DC 5'. Accordingly, the application is contrary to the provisions of the Structure Plan Policy STRAT DC 5.

2. Argyll and Bute Landscape Capacity Study 2010 identifies the site is within an area of land which rises steeply to the north of the A828 trunk road where the landscape structure is not capable of accommodating development in a discreet way. Any development within this location would be visible within the wider landscape and would be contrary to the existing settlement pattern of the surrounding area which is characterised by individual and small clusters of dwellinghouses which are located within close proximity to the A828 trunk road. By contrast, the proposed house would be well set back from the trunk road and at a higher level. The proposal would not conserve the existing natural and built environment, would not respect the landscape character of the immediately surrounding area and the location of the proposed dwellinghouse would have a small but adverse impact upon the 'Area of Panoramic Quality'. Therefore, the proposal is contrary to Policies 'STRAT SI 1', 'STRAT DC 5', 'STRAT DC 8', 'LP ENV 1', 'LP ENV 10' and 'LP ENV 19'.
3. Although outline planning permission 07/00467/OUT was granted within the application site on the 7<sup>th</sup> February 2008, it lapsed on 7<sup>th</sup> February 2011. The principle of development was therefore sacrificed and the proposal must be assessed against current Development Plan policy. The previous consent is a material consideration as part of the planning history. That consent was granted on the basis of different policies applicable at the time, which have in the interim changed from a generally supportive policy position to a negative policy position. Whilst an individual house was considered acceptable in 2008 in the wider context of further development throughout an intended Rural Opportunity Area, these provisions have largely been removed and as a result the context within which the application must be assessed have changed. A stand alone house in the location proposed would vary from the established settlement pattern and is contrary to a range of current adopted development plan policies as listed in reasons for refusal number 1 and 2 above. In the absence of a live consent being held on the site, there is not considered that the planning history is of

sufficient weight to justify a departure from the provisions of the current Development Plan.

## **APPENDIX TO DECISION REFUSAL NOTICE**

Appendix relative to application 12/01234/PP

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- (A)** Has the application been the subject of any “non-material” amendment in terms of Section 32A of the Town and Country Planning (Scotland) Act 1997 (as amended by the Town and Country Planning Etc. (Scotland) Act 2006) to the initial submitted plans during its processing.

No

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- (B)** The reasons why planning permission has been refused.

The proposal is contrary to the Argyll and Bute Development Plan 2009 as per the reasons for refusal as recommended above.