

**Argyll and Bute Council  
Development 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:** 12/01692/PPP

**Planning Hierarchy:** Local Development

**Applicant:** Mr and Mrs J Coats

**Proposal:** Site for the erection of dwelling house

**Site Address:** Land South East of St Mary's, Dalsmirren, Southend

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**DECISION ROUTE**

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

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**(A) THE APPLICATION**

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

- Erection of dwelling house
- Installation of private waste water treatment system
- Provision of private water supply

**(ii) Other specified operations**

- Upgrade of existing access
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**(B) RECOMMENDATION:**

It is recommended that the application is refused for the reasons appended to this report.

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**(C) HISTORY:**

07/01471/OUT – Site for erection of dwelling house – Permitted (expired)  
11/02153/PREAPP – Site for erection of dwelling house – Negative advice provided  
12/00460/PREAPP – Site for erection of dwelling house – Negative advice provided

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**(D) CONSULTATIONS:**

Area Roads Manager

Report dated 29/08/12

No objection subject to the following conditions:

- Connection to public road, 53 x 2.40 x 1.05 metres.
- Connection to public road to be constructed as per standard detail drawing ref: SD 08/004 Rev a.
- Turning and parking for 2 vehicles for dwellings with up to three bedrooms and 3 vehicles for dwellings with four or more bedrooms.
- Refuse collection point to be provided adjacent to the public road.

Core Paths

No response received at time of writing report.

Public Protection Unit

No response received at time of writing report.

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**(E) PUBLICITY:**

The proposal has been advertised in terms of regulation 20, closing date 07/09/12.

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**(F) REPRESENTATIONS:**

None

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**(G) SUPPORTING INFORMATION**

Has the application been the subject of:

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|--|----|
| (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**

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|---|----|
| (i) Is a Section 75 agreement required: | No |
|---|----|

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- |  |    |
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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 assessment of the application.**

Argyll and Bute Structure Plan 2002

STRAT DC 4 – Development in Rural Opportunity Areas

STRAT DC 8 – Landscape and Development Control

STRAT SI 1 – Sustainable Development

Argyll and Bute Local Plan 2009

LP ENV 1 – Impact on the General Environment

LP ENV 19 – Development Setting, Layout and Design

LP HOU 1 – General Housing Development

LP SERV 1 – Private Sewage Treatment Plants and Wastewater Systems

LP SERV 4 – Water Supply

LP TRAN 4 – New and Existing Public Roads and Private Access Regimes

Appendix A – Sustainable Siting and Design Principles

Appendix C – Access and Parking Standards

**(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 & Bute Sustainable Design Guidance (2006)

Landscape Capacity Study, North and South Kintyre, 2009

The Town & Country Planning Act (Scotland) 1997

The Planning etc. (Scotland) Act, 2006

SPP, Scottish Planning Policy, 2010

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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**

The proposal is for the erection of a dwelling house at Dalsmirren, Southend. The site is located within a loose and scattered development pattern.

The application is for a single dwelling house as Planning Permission in Principle (PPP). A private water supply will be used as well as a private waste water treatment facility. The existing access will be upgraded consistent with the Area Roads Engineers' consultation response. No details of the house design, size etc has been provided.

The site is located within a Rural Opportunity Area (ROA) and therefore subject to Structure Plan policy STRAT DC 4 (Development in the Rural Opportunity Areas). This policy is generally supportive of small scale, infill, redevelopment, rounding off and change of use. However, the ROAs were subject to a review by landscape architects who produced the Landscape Capacity Study for North and South Kintyre. Within this document this ROA was reviewed under reference South Kintyre 11 B (area 3). This review describes the area as:

*"...narrower valley formed by the Abhainn Breacairigh and is populated by a few residential properties and farmsteadings including Ormsary, Culinlongart and Amod. The mature wooded areas are mostly associated with the river banks and the valley sides are devoid of any woodland cover. There is some forestry plantation on the north facing slopes of Corr nan Long. The northern extremity of the ROA in this valley lies within well wooded areas of forestry plantation."*

The site itself is located in the northern section of the ROA adjacent the minor road that runs through the valley from Homeston Farm to Southend. The site is relatively flat with rising ground to the west and south and well hemmed in by reasonably mature vegetation. The site is relatively open to the east and any development would be extremely visible from the approach road travelling from the north.

According to the Landscape Capacity Study *"areas suitable for development are those to the east side of the valley which could absorb more development. This should be alongside the road to fit the existing pattern of properties in this valley. The west side of the road up to the boundary of the ROA is in a flatter valley bottom, leading to the river and should remain free of development. Additional development in the more remote north west end of the valley around Amod would be possible."* Additionally development should focus on existing clusters, mature trees and existing farms.

The site is to the north and west of the ROA in the flat valley floor. It is fairly remote from clusters of housing and not associated with mature trees. There is a single property to the north east but this was originally approved prior to the adoption of Landscape Capacity Study in 2005 and maintained in perpetuity in subsequent consents.

Areas not recommended for development in Area 3 are "the flat valley bottom should be avoided due to its open aspect and lack of any other development in this area". In this instance the application site is not associated with an existing built cluster and nor is it associated with mature trees. The site is also on the flat valley floor. There is scant built development in the immediate area with the farm at Dalsmirren to the north west and the single house to the north east. Although the site is fairly well contained it presents open aspects to the east which are visible from distanced views travelling from the north. The existing property to the north east was approved prior to the adoption of the Landscape Capacity Study. It is considered that opportunities for some development exist south of this location around Amod and further south.

In summary the application is not consistent with the provisions of the Landscape Capacity Study and therefore not consistent with adopted Local Plan policies LP ENV 1 and LP HOU 1.

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

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**(R) Reasons why planning permission or a Planning Permission in Principle should be refused:**

The site presents fairly open aspect long distance views from the minor road serving the area travelling south. The site is not associated with an existing farm or built cluster nor is it associated with mature planting. The council's Landscape Capacity Study for North and South Kintyre details that new developments should be clear of the valley floor to avoid long distance views into the site and associated with existing clusters of development to maintain the existing settlement pattern. The current application is located on the valley floor offering long distance views from the main road into the site and is not associated with any existing built development. In this regard the application is not consistent with the provisions of the adopted Landscape Capacity Study 2009 and by extension policy STRAT DC 4 of the approved Structure Plan and policies LP ENV 1 and LP HOU 1 of the adopted Local Plan.

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

N/A

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

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**Author of Report: David Love**

**Date: 26/09/12**

**Reviewing Officer:**



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

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

## **GROUNDINGS OF REFUSAL RELATIVE TO APPLICATION REFERENCE 12/01692/PPP**

The site presents fairly open aspect long distance views from the minor road serving the area travelling south. The site is not associated with an existing farm or built cluster nor is it associated with mature planting. The council's Landscape Capacity Study for North and South Kintyre details that new developments should be clear of the valley floor to avoid long distance views into the site and associated with existing clusters of development to maintain the existing settlement pattern. The current application is located on the valley floor offering long distance views from the main road into the site and is not associated with any existing built development. In this regard the application is not consistent with the provisions of the adopted Landscape Capacity Study 2009 and by extension policy STRAT DC 4 of the approved Structure Plan and policies LP ENV 1 and LP HOU 1 of the adopted Local Plan.

## APPENDIX TO DECISION REFUSAL NOTICE

Appendix relative to application 12/01692/PPP

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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) to the initial submitted plans during its processing.

**No**

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

The site presents fairly open aspect long distance views from the minor road serving the area travelling south. The site is not associated with an existing farm or built cluster nor is it associated with mature planting. The council's Landscape Capacity Study for North and South Kintyre details that new developments should be clear of the valley floor to avoid long distance views into the site and associated with existing clusters of development to maintain the existing settlement pattern. The current application is located on the valley floor offering long distance views from the main road into the site and is not associated with any existing built development. In this regard the application is not consistent with the provisions of the adopted Landscape Capacity Study 2009 and by extension policy STRAT DC 4 of the approved Structure Plan and policies LP ENV 1 and LP HOU 1 of the adopted Local Plan.