

STATEMENT OF CASE

FOR

**ARGYLL AND BUTE COUNCIL
LOCAL REVIEW BODY**

**REFUSAL OF PLANNING PERMISSION FOR
THE ERECTION OF A DWELLINGHOUSE,
FORMATION OF VEHICULAR ACCESS AND
INSTALLATION OF SEPTIC TANK AT LAND
SOUTH OF CLADACH BOTHAN, TAYINLOAN**

LOCAL REVIEW BODY REF. 13/0006/LRB

**PLANNING PERMISSION APPLICATION
REFERENCE NUMBER 12/01278/PP**

25th March 2013

STATEMENT OF CASE

The planning authority is Argyll and Bute Council ('the Council'). The appellant is Mrs Margaret Campbell.

The planning application, reference number 12/01278/PP, for the erection of a dwellinghouse, formation of a vehicular access and installation of a septic tank ("the appeal site") was refused under delegated powers on the 11th December 2012. The planning application has been appealed and is subject of referral to a Local Review Body.

DESCRIPTION OF SITE LOCATION

The application pertains to a 0.244 hectare site forming a small field between two existing single storey dwellings located to the western side of Ferry Road, approximately 125 metres south of the ferry mustering point at Tayinloan. The property 'Cladach Bothan' which adjoins the northern side of the application site also abuts the boundary with the existing ferry car park.

The site is roughly square in shape and has a public road frontage of some 42 metres. The northern and southern side boundaries of the site are 52m and 64m in length respectively. The site was previously used as a small field for grazing and is generally level. Ferry road runs along the frontage of the site and links the A83 and Tayinloan with the ferry mustering point which serves the island of Gigha.

The application site is located within a wider area of Sensitive Countryside and within an Area of Panoramic Landscape Quality (APQ).

SITE HISTORY

There is no planning history directly relating to the current application site.

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, the determination shall be made in accordance with the plan unless material considerations indicate otherwise. This is the test for this application.

STATEMENT OF CASE

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

- Whether or not the proposal is consistent with the Council's 'Settlement Strategy' as set out in the Development Plan, in this instance policies STRAT DC 5, and LP HOU 1.
- In the event that the proposal were to be considered consistent with the Council's 'Settlement Strategy', whether or not the proposed development and its impact upon an 'Area of Panoramic Landscape Quality' (APQ) and on an area of 'Undeveloped Coast' would give rise to a significant adverse impact upon landscape quality having due regard to the provisions of policies STRAT DC 8, LP ENV 1, LP ENV 10, LP ENV 19 and LP CST 2.
- In the event that the proposal were to be considered consistent with the Council's 'Settlement Strategy', whether or not the proposed development is capable of complying with the minimum technical standards in the Council's Road Development Guide having regard to the provisions of policy LP TRAN 4.

The Report of Handling (Appendix 1) sets out the Council's assessment of the application in terms of Development Plan policy and other material considerations. The consultation comments submitted by statutory and other consultees (Appendix 2) are attached for the purpose of clarity.

POLICY BACKGROUND

The appeal relates to a 'small scale' residential development on an 'open countryside' site within the 'Sensitive Countryside' – the following policy considerations are relevant to the determination of this matter:

Structure Plan Policy DC 5 – Development in Sensitive Countryside

- A) *Within Sensitive Countryside encouragement shall only be given to small scale infill, rounding-off, re-development and change of use building development or to single dwellinghouses on bareland crofts or ingle additional dwellinghouses on individual crofts subject to consistency with STRAT DC 1 C).*
- B) *In special cases, development in the open countryside and medium and large scale development may be supported if this accords with an area capacity evaluation which demonstrates that the specific development proposed will integrate sympathetically with the landscape and settlement pattern and that the development will entail or result in at least one of the following outcomes:*
 1. *a small scale housing development which accords with the area capacity evaluation, OR*
 2. *a positive development opportunity yielding significant countryside management or environmental enhancement benefit, or building retention benefit or local community benefit or economic benefit;*

OR

3. *a development with a locational need to be on or in the near vicinity of the proposed site.*
- C) *Developments which do not accord with this policy are those outwith categories A) and B) above and those with incongruous siting, scale and design characteristics or resulting in unacceptable forms of ribbon development or settlement coalescence.*
- D) *Developments are also subject to consistency with other policies of the Structure Plan and in the Local Plan.*

Local Plan Policy LP HOU 1 – General Housing Development

(A) *There is a general presumption in favour of housing development other than those categories, scales and locations of development listed in (B) below. Housing development for which there is a presumption in favour will be supported unless there is an unacceptable environmental, servicing or access impact.*

(B) *There is a general presumption against housing development when it involves:*

1.-3. – n/a

In the countryside development control zones:

4. *Small-scale housing development in the Greenbelt, Very Sensitive Countryside and in open/undeveloped areas within Countryside Around Settlements and Sensitive Countryside.*

5. n/a

(C) *Housing development, for which there is a general presumption against will not be supported unless an exceptional case is successfully demonstrated in accordance with those exceptions listed for each development control zone in the justification for this policy.*

(D) *Housing developments are also subject to consistency with other policies of both Structure and Local Plan ...*

Justification text for Policy LP HOU 1

The sensitive countryside zone may be viewed as intermediate between rural opportunity areas and very sensitive countryside. This zone does not have the general capacity to successfully absorb any scale of new housing development when it is in the open countryside. Consequently, the

presumption in favour is restricted to small-scale housing development in close proximity to existing buildings in infill, rounding-off, change of use of building and redevelopment sites.

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

Structure Plan Policy STRAT DC 8 – Landscape and Development Control

A) Development which, by reason of location, siting, scale, form, design or cumulative impact, damages or undermines the key environmental features of a visually contained or wider landscape or coastscape shall be treated as 'non-sustainable' and is contrary to policy. Outwith the National Park important and vulnerable landscapes in Argyll and Bute are those associated with:

- 1. National Scenic Areas*
- 2. Historic landscapes and their settings with close links to archaeology and built heritage and/or historic gardens and designed landscapes.*
- 3. Landward and coastal areas with semi-wilderness or isolated or panoramic quality.*

B) Protection, conservation and enhancement to landscape will also be encouraged in association with development and land use proposals.

Local Plan Policy LP ENV 10 – Impact on Areas of Panoramic Quality (APQ)

Development in or adjacent to an Area of Panoramic Quality will be resisted where its scale, location or design will have a significant adverse impact on the character of the landscape unless it is demonstrated that:

(A) Any significant adverse effects on the quality for which the area has been designated are clearly outweighed by social and economic benefits of National or regional importance;

(B) Where acceptable, development must also conform to Appendix A of the Local Plan.

In all cases the highest standards, in terms of location, siting, landscaping, boundary treatment and materials, and detailing will be required within Areas of Panoramic Quality.

Local Plan Policy LP ENV 19 – Development Setting, Layout and Design

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

Development Setting

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

Development Layout and Density

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

Development Design

(C), (D) and (E) relate to scale, massing, form, design details, special needs requirements and energy efficiency.

Local Plan Policy LP CST 2 – Coastal Development on the Undeveloped Coast (Sensitive Countryside Zone)

Applications for development on the Undeveloped Coast will not generally be supported unless:

(A) The development requires a coastal location;

(B) The development is of a form, location and scale consistent with STRAT DC 5;

(C) N/A

(D) N/A

(E) N/A

(F) No part of the development will have an adverse environmental impact on existing development;

(G) The scale of the proposed development respects the landscape character and amenity of the surrounding area

(H) N/A

(I) N/A

(J) *It is in accordance with Policy LP ENV 1.*

Local Plan Policy LP TRAN 4 – New and Existing, Public Roads and Private Access Regimes

Acceptance of development utilising new and existing public roads and private access regimes.

(A) *n/a*

(B) *n/a*

(C) *n/a*

(D) Where a site is served by an existing private access regime (i.e. private road or access) and this is considered to be of such a poor standard as to be unsuitable for additional vehicular traffic the Planning Authority may consider the proposal unacceptable, unless the applicant can either;

(i) Secure ownership of the private road or access to allow for commensurate improvements to be made to the satisfaction of the Planning Authority; OR,

(ii) Demonstrate that an appropriate agreement has been concluded with the existing owner to allow for commensurate improvements to be made to the satisfaction of the Planning Authority.

REQUIREMENT FOR ADDITIONAL INFORMATION AND A HEARING

The issues raised were covered in the Report of Handling which is contained in Appendix 1. As such it is considered that Members have all the information they need to determine the case. Given the above and that the proposal is 'local' development, has no complex or challenging issues and has not been the subject of significant body of conflicting representation, then it is considered that a Hearing is not required.

COMMENT ON APPELLANT'S SUBMISSION

Having regard to part (7) of the appellant's submission the following comments are noted for the record in respect of the specific issues raised:

In (un-numbered) Paragraph 4, the Appellant states that, *'The Planning Department are actively discouraging residential development on plots within 'sensitive countryside' where it would reduce the perceived plot size of the neighbouring buildings. This stance is based on a perception that one of the key settlement patterns in the Kintyre peninsular is single houses sitting alone within substantial plots'*.

The Development Plan seeks to resist inappropriate development within all areas of Sensitive Countryside unless one (or more) very specific exceptions apply. It has been shown that no such exception applies in this case. The site lies outwith the defined settlement of Tayinloan, within an Area of Panoramic Landscape Quality and within an area of 'Undeveloped Coast'. It is of paramount importance to protect these sensitive areas from inappropriate change.

However, it is not correct to imply that in doing so the Council is somehow 'anti-development'. There are extensive areas of 'Rural Opportunity Area' land within the near vicinity of the application site which have been assessed as potentially suitable for appropriate small scale residential development. The Council's settlement strategy policies would direct development to these less sensitive areas rather than compromising the integrity and character of the vulnerable coastal fringes.

Similarly, the general presumption against inappropriate development within the Sensitive Countryside has very little to do with the 'plot size' of neighbouring buildings. The application site is a small field which happens to be bounded at its northern and southern extremities by a single residential property, some 80 metres apart, forming part of a dispersed and sporadic scatter of development. The application site, whilst owned by one of those existing dwellings, is an open field with a distinctly agricultural character and does not form part of its residential curtilage and therefore its 'plot size'. Similar fields divide the few remaining scattered residential properties which punctuate the road leading from the Tayinloan settlement to the Tayinloan/Gigha ferry car park. The open and largely undeveloped character of this important approach to the sole Gigha ferry crossing is considered to be of local, if not regional, importance and the erosion of the existing well defined and extensive gaps between the existing scattered development would permanently and significantly alter the largely open rural character of the area to the gross detriment of its panoramic landscape character.

Whilst the Applicant, at (un-numbered) Paragraph 7 speaks of the site being, *'somewhat compromised by the fact that [it] lies within 100m of a car park, a cafe, a guesthouse, a farm and a ferry terminal'*. This fails to mention that the cafe, guesthouse and farm are, effectively, all one and the same thing; contained within the existing tight cluster of buildings which comprises Ferry Farm, a long-established working agricultural farm which has diversified slightly to offer bed and breakfast facilities within the farm house and a small ancillary tea room. The car park and the 'ferry terminal' are also one and the same thing – a small, open and largely informal vehicle waiting area for the Tayinloan/Gigha passenger ferry, together with a notice board, bus shelter and public toilet.

The Applicant's suggestion at (un-numbered) Paragraphs 8, 9 and 15 that the proposed development is either somehow for tourism development or else will be the inevitable consequence of increased tourism in the area is contested.

Whilst the Applicant suggests that the proposed private dwellinghouse has been '*designed... with the potential to accommodated guests in the future*', the same could be said of any residential development when seeking to justify it against the weight of planning policy. Even if this is the case, either in the short term or the long term, the development would still be considered materially harmful to the character and amenity of the area and contrary to the relevant provisions of the Development Plan.

Whilst it is correct that the ferry mustering point has recently been upgraded, it is not considered that this or any other foreseeable development is likely to materially increase the tourism and/or business activity at this small crossing point between the mainland and the small island of Gigha. It is certainly misleading to describe the ferry car park and slipway as, or having the reasonable potential to become, a '*transport hub*'.

CONCLUSION

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

The proposal is for a 'small scale' housing development in an 'open countryside' location within 'sensitive countryside', the importance of which is acknowledged by its inclusion within an Area of Panoramic Landscape Quality and forming part of an 'Undeveloped Coast', wherein the provisions of STRAT DC 5 and STRAT DC 8 of the Argyll and Bute Structure Plan 2002 and LP HOU 1, LP ENV 10 and LP CST 2 of the adopted Argyll and Bute Local Plan 2009 set out a presumption against development except in specific circumstances relating to the management of land and subject of Area Capacity Evaluation. In this instance the appellant has not presented any overriding claim of locational/operational justification in support of the proposal.

Taking account of the above, it is respectfully requested that the appeal be dismissed.

Appendix 1 – Report of Handling

Argyll and Bute Council
Development & 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

Reference No: 12/01278/PP
Planning Hierarchy: Local
Applicant: Mrs Margaret Campbell
Proposal: Erection of dwellinghouse, formation of vehicular access and installation of septic tank
Site Address: Land South of Claddach Bothan, Tayinloan

DECISION ROUTE

Sect 43 (A) of the Town and Country Planning (Scotland) Act 1997

(A) THE APPLICATION

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

- Erection of detached dwellinghouse
- Installation of single septic tank
- Formation of a new access onto a classified road

(ii) **Other specified operations**

- Connection to public water supply.
-

(B) RECOMMENDATION:

That permission be Refused for the reasons contained in this report.

(C) CONSULTATIONS:

Scottish Water	30.07.2012	No objection.
Area Roads Mid Argyll Kintyre And Islay	15.08.2012	No objection subject to conditions.
Core Paths		No Reply received
Health And Safety Executive	26.07.2012	No objection.

(D) HISTORY:

None.

(E) PUBLICITY:

ADVERT TYPE:

Regulation 20 Advert Local Application

EXPIRY DATE: 24.08.2012

(F) REPRESENTATIONS:

(i) Representations received from:

- Katie Pendreigh, The Whins, Ferry Road, Tayinloan
- Dr. Dave Barry, Cladach Bothan, Ferry Road, Tayinloan
- David Rankin, Monamore, Ferry Road, Tayinloan

(ii) Summary of issues raised:

- Ferry Road is designated as sensitive countryside and is separated from the sea by an Area of Panoramic Quality. Many visitors enjoy the exceptional panorama almost unrestricted.
- When I bought Monamore in 2005, Claddach Bothan had not yet been built. The only other building to the west of the stretch of Ferry Road running parallel to the coastline was The Whins, some distance to the south. This low density of housing in this fine location was, for me, a great asset. I would not want Monamore to become one of a row of buildings. Another new house between Ferry Road and the sea, especially in this prominent location approaching the ferry terminal, would be unfortunate. Over the years, visitors, tourists and ferry passengers have enjoyed sea views over to Gigha, Islay and Jura as they drive past the proposed development site shortly before arriving at the ferry car park. Villagers and Ferry Road residents also make regular use of the single track road, often on foot. It's an exceptionally beautiful spot and because of this the pressure for new development is unlikely to go away. The proposed new house represents ribbon development and could set a precedent for future ribbon development along Ferry Road which would be totally inappropriate.
- The proposal conflicts with the Local Plan – Policy LP CST2 – No part of the development will have an adverse environmental impact on existing development. Policy LP ENV 10 – Areas of Panoramic Quality...are important.. for the environmental assets that they represent. These qualities could easily be destroyed or damaged by even a relatively small, insensitive development. They therefore must be protected. The proposal would have serious impact, by creating a continuous line of 3 house plots and a carpark comprising approximately 168 metres; approximately 40% of the stretch of Ferry Road facing the Area of Panoramic Quality. Policy LP HOU 1 – There is a general presumption against housing development when it involves small scale housing development in the sensitive countryside, with certain exceptions such as 'infill',

'rounding off', 'redevelopment', or if it can be demonstrated that a specific location is required for operational reasons. None of these exceptions appear to apply in this case.

- Sustainable development maintains the balance between the built and the natural environment. Here it's the natural environment which defines the exceptional quality of the place, yet it's the natural environment which is more fragile and under threat. The existing pattern of low density scattered housing needs to be protected. It is my understanding that existing planning policy supports this view.
- At present, in order to maintain reasonable water pressure for the houses north of the village, a tanker full of water has to be delivered into the system daily at Tayinloan. The proposed development would put further pressure on the system.
- The area provides a much sought after over-wintering habitat for a large population of the world's rare and protected Greenland White-fronted Geese. Ornithologists monitor their number and examine them for neck and leg wings, utilising their car as a hide while making use of the quiet road to avoid disturbance. This site is unique in providing such ideal viewing opportunities for bird watchers, eco-tourists and wildlife photographers who visit specifically to enjoy the good views of the geese without frightening them.

(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: | Yes |
| (iv) A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc: | No |

(H) PLANNING OBLIGATIONS

Is a Section 75 agreement required: No

(I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32: No

(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 5 – Development in Sensitive Countryside
STRAT DC 8 – Landscape and Development Control

'Argyll and Bute Local Plan' 2009

LP ENV 1 – Impact on the General Environment
LP ENV 10 – Impact on Areas of Panoramic Quality (APQs)
LP ENV 19 – Development Setting, Layout and Design
LP CST 2 – Coastal Development on the Undeveloped Coast
LP HOU 1 – General Housing Development
LP TRAN 4 – New and Existing Public Roads and Private Access Regimes
LP TRAN 6 – Vehicle Parking Provision

Appendix A – Sustainable Siting and Design Principles

- (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.**

- N/A

(K) **Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment:** No

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

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

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

(O) **Requirement for a hearing (PAN41 or other):** No

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

This application for planning permission relates to a 0.244 hectare site forming a small field between two existing single storey dwellings located to the western side of Ferry Road, approximately 125 metres south of the ferry terminal at Tayinloan. The property 'Cladach Bothan' which adjoins the northern side of the application site also abuts the boundary with the existing ferry terminal car park.

The site is roughly square in shape and has a public road frontage of some 42 metres. The northern and southern side boundaries of the site are 52m and 64m in length respectively. The site was previously used as a small field for grazing and is generally level. Ferry road runs along the frontage of the site and links the A83 and Tayinloan with the ferry terminal which serves the island of Gigha.

The application site is located within a wider area of Sensitive Countryside and within an Area of Panoramic Landscape Quality (APQ).

It is proposed to erect a single storey detached dwellinghouse centrally within the forward part of this field, roughly mid point between the existing dwellings Claddach Bothan to the north and Monamore to the south. At present, these two existing dwellings are set within large residential gardens and are approximately 80 metres apart, separated by the existing field which comprises the current application site. A broadly similar separation distance exists between Monamore and the next dwelling to the south, The Whins; again with intervening agricultural land.

It is proposed to serve the new dwelling by forming a new field access. Water supply would be by connection to an existing public water main and foul sewage would be disposed of to a single septic tank and soakaway.

Settlement strategy policy STRAT DC 5 offers a general presumption against new residential development with the exception of appropriate small scale development of an infill or rounding-off site or a change of use or redevelopment of an existing building; or as crofting development or in special cases where an appropriate operational or locational need can be demonstrated. This settlement strategy stance is echoed by Local Plan policy LP HOU 1.

The applicant's agent is seeking to justify the development on the grounds that it is an 'infill' plot between the existing properties Cladach Bothan and Monamore and has stated that the width of the plot, at 42 metres, is of a similar dimension to the plot widths of the two existing dwellings on either side. Whilst this is true, the actual gap between the existing dwellings is approximately 80 metres. This wide spacing of the small scatter of dispersed dwellings that characterise the settlement pattern within this part of Ferry Road is what gives the area its form and character. It is not considered that the proposed development would be adequately contained by existing built development and would erode part of the spacing between existing dwellings, contrary to the character and amenity of the area.

It is not considered that this exposed and prominent site would be in accordance with the prevailing settlement pattern of sparse roadside development or be sympathetic to the character and appearance of the wider landscape, the importance of which is acknowledged by its inclusion within an Area of Panoramic Landscape Quality.

Local Plan policy LP ENV 1 states that the Council will resist development that is not of a form, location and scale consistent with Structure Plan policies [including] STRAT DC 5 and that all development should protect, restore or, where possible, enhance the established character and local distinctiveness of the landscape in terms of its location, scale, form and design. Similarly, Local Plan policy LP ENV 19 states that the Council will require developers and their agents to produce and execute a high standard of appropriate design in accordance with the design principles set out in Appendix A of the Local Plan, the Council's 'sustainable design guide' and with a set of criteria including, (A) Development shall be sited and positioned so as to pay regard to the context within which it is located and, (C) The design of developments and structures shall be compatible with the surroundings.

In addition to the above, Policies STRAT DC 8 and LP ENV 10 would prohibit development

which by reason of its location and siting would damage or undermine the key environmental features of a visually contained or wider landscape or coastscape; particularly vulnerable landscape being those associated with Areas of Panoramic Landscape Quality. Similarly, policy LP CST 2 states that applications for development on the 'undeveloped coast' (those areas within the sensitive countryside zone) will not generally be supported where it fails to respect the landscape character and amenity of the surrounding area.

It is considered that the proposed development would, by virtue of its erosion of a substantial open and exposed area of agricultural land between existing scattered and sporadic built development be contrary to the prevailing settlement pattern and at odds with the local distinctiveness of the area and therefore contrary to Structure Plan policies STRAT DC 5 and STRAT DC 8, and to Local Plan policies LP ENV 1, LP ENV 10, LP ENV 19, LP HOU 1, LP CST 2 and the design and siting principles contained with Local Plan Appendix A – 'Sustainable Siting and Design Principles'.

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

(R) Reasons why Planning Permission or Planning Permission in Principle Should be Refused:

It is considered that the proposed development would, by virtue of its erosion of a substantial open and exposed area of agricultural land between existing scattered and sporadic built development be contrary to the prevailing settlement pattern and at odds with the local distinctiveness of the area and therefore contrary to Structure Plan policies STRAT DC 5 and STRAT DC 8, and to Local Plan policies LP ENV 1, LP ENV 10, LP ENV 19, LP HOU 1, LP CST 2 and the design and siting principles contained with Local Plan Appendix A – 'Sustainable Siting and Design Principles'.

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

N/A

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

Author of Report: Tim Williams

Date: 10th December 2012

Reviewing Officer:

Date: 11th December 2012



**Angus Gilmour
Head of Planning & Regulatory Services**

REFUSAL REASONS RELATIVE TO APPLICATION REF. NO. 12/01278/PP

1. It is considered that the proposed development would, by virtue of its erosion of a substantial open and exposed area of agricultural land between existing scattered and sporadic built development be contrary to the prevailing settlement pattern and at odds with the local distinctiveness of the area and therefore contrary to Structure Plan policies STRAT DC 5 and STRAT DC 8, and to Local Plan policies LP ENV 1, LP ENV 10, LP ENV 19, LP HOU 1, LP CST 2 and the design and siting principles contained with Local Plan Appendix A – ‘Sustainable Siting and Design Principles’.

APPENDIX TO DECISION REFUSAL NOTICE

Appendix relative to application **12/01278/PP**

(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**

(B) The reason why planning permission has been refused:

It is considered that the proposed development would, by virtue of its erosion of a substantial open and exposed area of agricultural land between existing scattered and sporadic built development be contrary to the prevailing settlement pattern and at odds with the local distinctiveness of the area and therefore contrary to Structure Plan policies STRAT DC 5 and STRAT DC 8, and to Local Plan policies LP ENV 1, LP ENV 10, LP ENV 19, LP HOU 1, LP CST 2 and the design and siting principles contained with Local Plan Appendix A – ‘Sustainable Siting and Design Principles’.