

STATEMENT OF CASE

FOR

**ARGYLL AND BUTE COUNCIL
LOCAL REVIEW BODY**

13/0008/LRB

**REFUSAL OF PLANNING PERMISSION IN PRINCIPLE
FOR THE ERECTION OF A DWELLINGHOUSE**

**LAND SITUATED TO THE EAST OF BLARCREEN
HOUSE, BONAWE**

**PLANNING PERMISSION IN PRINCIPLE REFERENCE
NUMBER 13/00123/PPP**

1st May 2013

STATEMENT OF CASE

The Planning Authority is Argyll and Bute Council (“the Council”). The appellant is Mrs E. Struthers (“the appellant”) who has employed an agent Mr P. Houghton, Houghton Planning to act upon her behalf (“the agent”).

Planning application 13/00123/PPP which proposed the erection of a dwellinghouse on land situated to the east of the existing dwellinghouse at Blarcreen House, Bonawe, Argyll and Bute (“the appeal site”) was refused under delegated powers on the 26th March 2013.

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

DESCRIPTION OF SITE

The application site is located on the northern shore of Loch Etive situated between the existing settlements of North Connel and Bonawe. Situated directly to the north and east of the application site is the existing B845 public road and an existing dry stone dyke. Situated further to the north and east is steeply rising scrubland and mixed woodland. Situated directly to the south of the application site is an area of low lying improved pasture which gently slopes down towards the foreshore of Loch Etive. Situated directly to the west of the application site is existing mixed woodland and an existing burn. Beyond the burn and riverbank woodland lies the existing property identified as Blarcreen House which is a large detached house with agricultural buildings. The application site measures approximately 0.35 hectares.

SITE HISTORY

No history on the site itself.

On-land south-east of the application site:

05/00501/OUT

Site for the erection of a dwellinghouse – *application withdrawn 13th April 2005.*

05/00751/OUT

Site for the erection of a dwellinghouse – *application approved 22nd July 2005.*

09/00823/OUT

Site for the erection of a dwellinghouse – *application withdrawn 13th July 2009.*

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 planning considerations asserted by the appellant are sufficient to outweigh the fact that the planning application is contrary to the current adopted Argyll and Bute Development Plan; or whether in fact the Argyll and Bute Development Plan remains the primary determining factor.

The Report of Handling (please refer to Appendix 1) sets out Planning and Regulatory Services assessment of the planning application in terms of policy within the current adopted Argyll and Bute Development Plan and all other material planning 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 Local Review Body 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 in accordance with the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, has no complex or challenging issues and has only been the subject of 1 representation from a member of the public, it is not considered that a Hearing is required.

COMMENT ON APPELLANT'S SUBMISSION

- Mrs E. Struthers had previously obtained outline planning permission 05/00751/OUT for the erection of a dwellinghouse on land situated to the south of the current application site. Outline planning permission was granted as the proposal constituted redevelopment of an existing structure which was formerly known as Kennacraig. However, when Mrs E. Struthers applied to renew outline planning permission 05/00751/OUT via outline planning application 09/00823/OUT, she was advised to withdraw the planning application at the request of Argyll and Bute Council as it was regarded as premature in advance of adoption of the current Argyll and Bute Development Plan as well as the adoption of the Landscape Capacity Study (2010). Mrs E. Struthers agreed with this request and withdrew outline planning application 09/00823/OUT only to now find that the land within her ownership has been withdrawn from the Rural Opportunity Area rendering it difficult for her to secure the permission that she requires for her youngest daughter. Consequently, all of the above prompted the submission of planning application 13/00123/PPP.

Every planning application is assessed on its own merits, tested first against the Development Plan, then taking account of material considerations. Planning history is a material planning consideration and as such, is included within the Report of Handling (Section C). Application 13/00123/PPP has been determined in accordance with relevant policies within the current adopted Argyll and Bute Development Plan. Whilst illustrated within a 'Rural Opportunity Area' (ROA) the site also lies within an 'Area of Panoramic Quality' (APQ). Accordingly, the allocation of a 'Rural Opportunity Area' is refined by the provisions of the Argyll and Bute Landscape Capacity Study (2010) (LCS) which identifies the application site as being situated within an area recommended as unsuitable for development. Local Plan Policy P/DCZ 4 – Rural Opportunity Areas – Areas and Boundaries states that the proposal must be

assessed with regard to the provisions of the Landscape Capacity Study. Reduction in the extent of allocated ROA land was an obligation on the Council when the Scottish Government Reporter approved the Local Plan. Proposals on land excluded from ROA's as a result of the LCS are evaluated against Structure Plan Policy STRAT DC 5 – Development in Sensitive Countryside. STRAT DC 5 states that encouragement shall only be given to small scale 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 1C.

In relation to the above, the proposal does not constitute a form of small scale 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 1C. Furthermore, no special case has been submitted to the Planning Authority where a locational need or exceptional circumstance may justify the development. Accordingly, the application is contrary to the provisions of Policy STRAT DC5, as well as LP ENV 1 and LP HOU1.

Furthermore and with reference to the Landscape Capacity Study (2010), the application site is situated within low lying open landscape alongside improved pastures around Blarcreen House which the LCS advises should not be developed, as there is insufficient tree cover to allow development to be suitably sited. Development here would be visible in the wider landscape and would obstruct open views from the B845 public road across low lying land towards Loch Etive, which is specifically to be safeguarded under the LCS. Therefore, the proposal would be contrary to the provisions of the Landscape Capacity Study and could have an adverse impact upon the 'Area of Panoramic Quality', contrary to Policies P/DCZ 4 and LP ENV 10.

- In relation to the above, Mrs E. Struthers is now submitting a representation respectfully requesting that the land within her ownership is reallocated as a Rural Opportunity Area within the proposed Argyll and Bute Development Plan.

Mrs E. Struthers is entitled to submit a representation through the Local Development Plan process prior to the consultation deadline. That decision can not be made through the LRB process or the planning application process. Irrespective of whether a representation is submitted or not, the future Local Development Plan does not yet constitute a material planning consideration (in accordance with Scottish Planning Series Circular 4/2009: Development Management Procedures) during the determination process any planning application or Local Review Body decision. The subject of this review must be determined against the relevant policies of the adopted development plan unless material considerations indicate otherwise. The proposal is not in accordance with Policies STRAT DC 5, LP ENV 1, LP ENV 10, LP HOU 1 and P/DCZ 4 for the reasons outlined above.

- The Landscape Capacity Study (2010) which was undertaken by Gillespies considered a large number of Rural Opportunity Areas and so inevitably the time they could spend looking at individual sites would have been limited. It is, therefore, respectfully suggested that there are certain parts of the land owned by Mrs E. Struthers that can be developed without any wider landscape and visual impact albeit subject to consideration against other development management policies and supplementary planning guidance.

The Landscape Capacity Study was approved by Argyll and Bute Council on the 5th May 2010. Departures from its provisions are also departures from the current Development Plan, by virtue of Policy P/DCZ 4.

- An area of land situated to the west and within close proximity to the B845 public road which was also subject to the Landscape Capacity Study (2010), has been identified as being situated within a Rural Opportunity Area within the proposed Argyll and Bute Development Plan. It has been stated that further dwellinghouses within this area of land will be 'discreetly sited and associated with existing tree groups'.

This point is correct, but the site differs from the application site in that it does not enable development in a position where it blocks or obstructs views across open land from the road to Loch Etive, which are identified in the LCS as meriting protection.

- A dwellinghouse can be discreetly sited and will relate well to the existing trees situated along the burn. Also, when viewed from further along the B845 public road, development here will also be discreetly set into the landscape.

From some views, the propose dsite would sit comfortably against the trees, but from the road itself as a driver approaches the site, it would block open views from the road to Loch Etive, which is contrary to the Landscape Capacity Study (2010). IOF the land had remained allocated ROA, it is a fairly sensible site, but without a presumption in favour of suitable development, there is no reason to consider the proposal as a departure to the development plan. The landholding has a derelict house which could be redeveloped or replaced in favour with the development plan, and it is considered this is an alternative that the appellant should give further thought to. That option was mentioned in the planning application and the LRB submissions, but as yet, the appellant has given no clarity as to their long term proposals in that regard, choosing instead to apply for this site which runs contrary to the development plan.

- It is respectfully considered that the proposed dwellinghouse can be considered as rounding-off and is thus an acceptable form of development in Sensitive Countryside.

Rounding-off development is defined in the Local Plan as new development positioned largely between substantial buildings 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. The application site does not constitute an appropriate rounding-off development site. Albeit that there is an existing property identified as Blarcreen House situated to the west of the application site, the application site is separated from it by an area of mature woodland and a burn. The site does not lie between Blarcreen House and any substantial features whereby it would round off the existing developed area. On the contrary, by permitting development for the erection of a dwellinghouse within this application site, this would create a pairing of houses where this pattern does not presently exist. Allowing the site to be developed as a departure from the development plan would encourage development into the low lying improved pastures near Blarcreen House where there is insufficient tree cover to enable development to be suitably sited, and in a position where it would interrupt currently open views from the B845 public road across to Loch Etive, which is specifically advised against in the Landscape Capacity Study (2010).

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.

The application site is identified as a Rural Opportunity Area also within an Area of Panoramic Quality, which makes it subject to the approved Landscape Capacity Study (2010). The LCS identifies the site in an area recommended as unsuitable for any further development. It applies to the site under Local Plan Policy P/DCZ 4 – Rural Opportunity Areas – Areas and Boundaries. Proposals on land deleted from allocated ROA's by virtue of the LCS are evaluated against Structure Plan Policy STRAT DC 5 – Development in Sensitive Countryside. The proposal does not satisfy Policy STRAT DC 5 as it does not constitute a form of small scale 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. Also, no special case has been submitted to the Planning Authority where a locational need or exceptional circumstance may justify the development. Accordingly, the application is contrary to the provisions of Policy STRAT DC 5, as well as LP ENV 1 and LP HOU 1.

The Landscape Capacity Study (2010) identifies that the application site is situated within low lying open landscape including the improved pastures around Blarcreen House which should not be developed, as there is insufficient tree cover to allow development to be suitably sited. Development here would be visible in the wider landscape and would obstruct open views from the B845 public road across low lying land towards Loch Etive, which is specifically to be safeguarded in the Landscape Capacity Study (2010). Therefore, the proposal would be contrary to the provisions of the Landscape Capacity Study (2010) and could have an adverse impact upon the 'Area of Panoramic Quality', contrary to Policies P/DCZ 4 and LP ENV 10.

The proposal is contrary to the adopted development plan and there are no material considerations of such weight that have been identified to justify the proposal as a departure from the provisions of the development plan. It is respectfully requested that the review be dismissed and the original refusal be upheld.

In order to meet the appellant's aspirations for a house, she is encouraged to re-visit the option for redevelopment of the derelict property Kennacraig to the south-east within the landholding. To do so would find policy favour under STRAT DC 5.

Appendix 1

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

Reference No: 13/00123/PPP
Planning Hierarchy: Local Development
Applicant: Mrs E Struthers
Proposal: Site for the erection of a dwellinghouse
Site Address: Land east of Blarcreen House, Bonawe, Argyll and Bute

DECISION ROUTE

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

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Site for the erection of a dwellinghouse.
- Construction of a private vehicular access.
- Construction of on-site vehicular parking and associated turning arrangements.
- Installation of a private water supply.
- Installation of a septic tank and partial soakaway.

(ii) Other specified operations

- None
-

(B) RECOMMENDATION:

Having due regard to the Argyll and Bute Development Plan and all other material planning considerations, it is recommended that planning permission in principle be refused for the reasons outlined within this report.

(C) HISTORY:

On-land south-east of the application site

05/00501/OUT

Site for the erection of a dwellinghouse – application withdrawn.

05/00751/OUT

Site for the erection of a dwellinghouse – *application approved 22nd July 2005.*

09/00823/OUT

Site for the erection of a dwellinghouse – *application withdrawn 13th July 2009.*

(D) CONSULTATIONS:

Area Roads Officer

Response received 31st January 2013 – no objection subject to conditions and advisory comments which can be viewed within section 'Note to Applicant' below.

Oban Airport

No response received at the time of writing this 'Report of Handling' and no extension of time was requested.

Public Protection Services

Response received 29th January 2013 – no objection subject to a condition.

Scottish Natural Heritage

Response received 6th February 2013 – no objection subject to a condition.

(E) PUBLICITY:

'Regulation 20 – Advert Local Application' from the 7th to the 28th February 2013.

(F) REPRESENTATIONS:

1 objection was received from;

- Ms Sian Griffiths, Blarcreen House, Ardchattan, Oban, Argyll and Bute, PA37 1RG (e-mail sent 13.03.2013).

The concerns raised are summarised as follows:

- This development is out with the village boundary, in Sensitive Countryside and adjacent to a Site of Special Scientific Interest.

Comment – the later sections of this report fully assess the policies applicable to the site. In essence, the objectors concerns regarding compatibility with policy are founded.

- There are a number of building plots available within Bonawe itself and thus it seems a pity to allow development of open countryside.

Comment – for the reasons stated below, the application is found to be at variance with the adopted development plan. The availability of other plots is not of itself considered to be a critical determining factor in this instance.

(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
(The agent has however submitted a 'Supporting Statement' with this planning application.)
- (iv) **A report on the impact of the proposed development e.g. retail impact, transport impact, noise impact, flood risk, drainage impact etc:** No
-

(H) PLANNING OBLIGATIONS

- (i) **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 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

Policy STRAT HO 1 – Housing – Development Control Policy

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 following 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 12 – Water Quality and Environment

Policy LP ENV 19 – Development Setting, Layout and Design

Policy LP HOU 1 – General Housing Development

P/DCZ 4 – Rural Opportunity Areas – Areas and Boundaries

Appendix A: Sustainable Siting and Design Principles

Appendix C: Access and Parking Standards

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 following 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 Landscape Capacity Study (2010)

Argyll and Bute Sustainable Design Guidance (2006)

Scottish Planning Policy (2010)

(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: No

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

This application is seeking planning permission in principle for the erection of a dwellinghouse on land situated to the east of the existing property at Blarcreen House, Bonawe, Argyll and Bute.

The application site is located on the northern shore of Loch Etive situated between the existing settlements of North Connel and Bonawe. Situated directly to the north and east of the application site is the existing B845 Bonawe public road and an existing dry stone dyke. Situated further to the north and east is steeply rising scrubland and areas of mixed woodland. Situated directly to the south of the application site is an area of low lying improved pasture which gently slopes down towards the foreshore of Loch Etive. Situated directly to the west of the application site is existing mixed woodland and an existing burn, with the Blarcreen House steading beyond, which comprises a large detached dwellinghouse backed by several agricultural/horticultural storage buildings/sheds.

When referring to the 'Argyll and Bute Local Plan' 2009, the application site is situated within a 'Rural Opportunity Area' which is also situated within an 'Area of Panoramic Quality'. Consequently, this particular 'Rural Opportunity Area' was subject to the Landscape Capacity Study which was approved by Argyll and Bute Council on the 5th May 2010, this policy linkage being provided via Local Plan Policy P/DCZ4. The LCS allocates the site in 'Lorn – LN22 Inveresragan' within an area not recommended for development.

Accordingly, as the application site is situated within an area recommended as unsuitable for development and with reference to P/DCZ 4 – Rural Opportunity Areas – Areas and Boundaries of the 'Argyll and Bute Local Plan' 2009, the Council's practice is to assess such proposals against Policy STRAT DC 5 – Development in Sensitive Countryside of the 'Argyll and Bute Structure Plan' 2002. 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 C.”

The Local Plan glossary defines infill, rounding-off, redevelopment and change of use of building development are 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).

With regards to infill development, the application site does not constitute an appropriate infill development site. Albeit that there is an existing property (Blarcreen House) nearby, it comprises a single steading group and there are no other buildings immediately to the north, east or south of the application site. The proposal does not constitute a form of infill development as it would not be positioned largely between other substantial buildings and this new development would not be of scale subordinate to the combined scale of the buildings adjacent to the application site.

With regards to rounding-off development, the application site does not constitute an appropriate rounding-off development site. Albeit that there is an existing property identified as Blarcreen House situated to the west of the application site, there are no substantial ground or natural features against which the application site would terminate the local pattern of development at this point. On the contrary, by permitting development for the erection of a dwellinghouse within this application site, this would create a pairing of houses where this pattern does not presently exist and could encourage development into the low lying improved pastures near Blarcreen House where there is insufficient tree cover to enable development to be suitably sited. Furthermore, permitting development into the low lying improved pastures would interrupt views looking south from the B845 public road across Loch Etive, which is specifically advised against in the LCS. Therefore, the proposal does not constitute a form of rounding-off development as it would not be 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.

With regards to redevelopment, there are no existing buildings situated within the application site which could be demolished or extended and ultimately redeveloped in accordance with the volume calculation as stated above. Therefore, the proposal does not constitute a form of redevelopment.

With regards to a change of use of building development, there are no existing buildings situated within the application site which ensures that a change of use of building development is not possible. Therefore, the proposal does not constitute a change of use of building development.

With regards to 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; the site is not a registered croft so the proposal does not fit this criteria.

If the site had remained within an allocated Rural Opportunity Area, it is a sensible site in which to locate a house, whereby the close arrangement with the steading and mature tree belt along the burn would help to accommodate a house. However, the Reporters decision on the Local Plan forced the reduction in size of allocated ROA's. The impact of the adopted LCS is to shift the policy context significantly in this instance. The agent asserts that the LCS is of lesser weight, but this view is not shared by the Planning Service. The site needs to be assessed against STRAT DC 5, and for the reasons set out above, it meets none of the requirements as infill, rounding off, redevelopment, change of use development, or housing on croft development.

The only other option to consider is whether a special case of locational need or exceptional circumstance has been submitted that may justify a development within STRAT DC 5. No such case has been submitted, and as such, there is no compelling locational need or exceptional circumstance to justify this proposal.

The proposal is therefore contrary to Policy STRAT DC 5.

It is a key aim of the Argyll and Bute Development Plan 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.”

As has been analysed and appraised previously within this 'Report of Handling', the proposal does not constitute an acceptable form of small scale infill, rounding-off, redevelopment or a change of use of building development. The proposal is situated within the development zone identified as 'Sensitive Countryside' which does not have a general capacity to successfully absorb development. Furthermore, with reference to the Argyll and Bute Council Landscape Capacity Study 2010, it states:

"...the low lying improved pastures around Blarcreen should not be developed, as there is insufficient tree cover to allow development to be suitably sited. Development here would be very visible in the wider landscape."

Whilst this site is fenced off from the grazed fields, and contains bracken, it remains part of the open gently sloping landscape over which open views exist from the public road to Loch Etive. The proposed dwellinghouse would be visible within the wider open landscape primarily to the south of the public road.

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."

As the proposal is contrary to Policy STRAT DC 5, it is also contrary to Policy LP ENV 1.

With reference to the '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. With reference to the 'Argyll and Bute Local Plan' 2009, the justification section for Policy LP HOU 1 states:

"The Sensitive Countryside 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."

As the proposal does not constitute an acceptable form of small scale infill, rounding-off, redevelopment or a change of use of building development, the proposal is contrary to Policy LP HOU 1.

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

(R) Reasons why planning permission in principle should be refused
See below

(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.

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

Author of Report: Walter Wyllie

Date: 26th March 2013

Reviewing Officer: Stephen Fair

Date: 26/03/13

**Angus Gilmour
Head of Planning**

GROUNDINGS OF REFUSAL RELATIVE TO APPLICATION 13/00123/PPP

1. The application 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 application site as being situated within an area recommended as unsuitable for development. Having regard to Local Plan Policy P/DCZ 4 – Rural Opportunity Areas – Areas and Boundaries, the proposal must be assessed under Policy STRAT DC 5 – Development in Sensitive Countryside of the 'Argyll and Bute Structure Plan' 2002. Policy STRAT DC 5 – Development in Sensitive Countryside states that 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 C.”

The proposal does not constitute a form of small scale 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. Accordingly, the application is contrary to the provisions of Policy STRAT DC 5, as well as LP ENV 1 and LP HOU 1

2. With reference to the Argyll and Bute Council Landscape Capacity Study 2010 (LCS), the application site is situated within low lying open landscape including the improved pastures around Blarcreen House which should not be developed, as there is insufficient tree cover to allow development to be suitably sited. Development here would be visible in the wider landscape and would obstruct open views from the road across low lying land towards Loch Etive, which is specifically to be safeguarded in the LCS.

The proposal would be contrary to the provisions of the LCS and could have an adverse impact upon the 'Area of Panoramic Quality', contrary to Policies P/DCZ4 and LP ENV 10.

APPENDIX TO DECISION REFUSAL NOTICE

Appendix relative to application 13/00123/PPP

- (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

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

1. The application 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 application site as being situated within an area recommended as unsuitable for development. Having regard to Local Plan Policy P/DCZ 4 – Rural Opportunity Areas – Areas and Boundaries, the proposal must be assessed under Policy STRAT DC 5 – Development in Sensitive Countryside of the ‘Argyll and Bute Structure Plan’ 2002. Policy STRAT DC 5 – Development in Sensitive Countryside states that 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 C.”

The proposal does not constitute a form of small scale 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. Accordingly, the application is contrary to the provisions of Policy STRAT DC 5, as well as LP ENV 1 and LP HOU 1

2. With reference to the Argyll and Bute Council Landscape Capacity Study 2010 (LCS), the application site is situated within low lying open landscape including the improved pastures around Blarcreen House which should not be developed, as there is insufficient tree cover to allow development to be suitably sited. Development here would be visible in the wider landscape and would obstruct open views from the road across low lying land towards Loch Etive, which is specifically to be safeguarded in the LCS.

The proposal would be contrary to the provisions of the LCS and could have an adverse impact upon the ‘Area of Panoramic Quality’, contrary to Policies P/DCZ4 and LP ENV 10.