

## **Local Review Statement**

**Reference No:** 14/01166/PPP

**Applicant:** Miss Sumie Macalpine-Downie

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

**Site Address:** Land West of Tigh Na Crois, Portnacroish, Appin

### **Introduction**

This Local Review Statement has been prepared in response to the Council's recent refusal of a Planning Permission in Principle (PPP) application for the erection of a dwellinghouse for Miss Sumie Macalpine-Downie.

The exact details for the proposed dwelling have yet to be decided upon, but the intention is to build a traditionally designed house, which will suit the local vernacular.

The application was submitted following the withdrawal of a local review for a similar proposal. It was decided to withdraw that local review to allow for changes to the scheme, comprising a significant reduction in the size of the plot for the dwelling, and the introduction of a small car park for users of Holy Cross Church and the proposed dwelling.

The application has been refused for a single reason, covering a number of issues, which can be summarised as follows:

- compliance with housing policy;
- encroachment into countryside outside of a defined settlement;
- impact on the setting of Holy Cross Church; and
- precedent for further development.

It is requested that the Local Review Body (LRB) visit the site, as the outlook from the church, and the relationship of the application site to the remainder of the settlement, are key issues. These are best understood by viewing the application site and its context.

It should be stressed at the outset that the intended dwelling is for Miss Macalpine-Downie to live in herself. She has no intention of applying for any further dwellings on the land, and the remaining land she owns will remain in agricultural use.

She does not own any other land locally, and so this field represents her only opportunity to build a house in this locale. She is not aware of any other sites within the settlement boundary that are available, and these would anyway significantly increase the cost to her of building a house, as she would both need to pay a market value for the plot, and then fund the build. There is currently a paucity of self-build mortgages available for people to build in Argyll and Bute, and while the applicant is able to secure funding to build a modest house, in addition to paying for the construction of the car park, she is unlikely to be able to borrow to fund purchase of an open market plot as well.

It should also be noted that Miss Macalpine-Downie's family have owned this land for many years, and she still has many relatives living in the locality who are keen to see her move to the area. She has also been supported in her endeavours by local residents, who have written in support of her application. It is hoped that the LRB will give weight to these letters and the views expressed within them.

The only other preliminary matters we wish to raise are the size and position of the proposed plot, and to introduce the opportunity of the applicant providing a small car park that would be available to people using Holy Cross Church and for the proposed dwelling.

The size and position of the proposed plot was an issue when the previous application was submitted. In response to that, the current application reduces the size of the plot considerably, and locates it next to existing development fronting the A828, and adjoining Tigh-na-Crois. This site has been deliberately chosen; as it will mean that the new dwelling will relate closely to existing development, and will not impact upon the setting of Holy Cross Church, in our opinion.

Parking is currently a particular problem for those using Holy Cross Church because the only available parking is on the minor (private) road to the west of the application site, which is also the access for a number of existing dwellings and other local recreational and tourism related uses. To help address this, therefore, Miss Macalpine-Downie is prepared to fund the construction of a small car park on her land to accommodate 12 cars. This would be a significant community benefit, which she would deliver alongside building a house for herself.

The construction of the car park will be funded by Miss Macalpine-Downie, but she is entering into an agreement with the church that they will have 10 of the 12 spaces provided.

Anyone parking here would then walk up the minor road, cross the A828, and can now use a new footpath, which the church has constructed along the western edge of the churchyard

(see submitted photographs). The remaining two spaces are for Miss Macalpine-Downie, as parking in relation to her dwelling. Parking is being provided here for the dwelling to avoid the need for a separate new access from the A828 for it.

The car park will be gated, with keys held by the church and Miss Macalpine-Downie. It will be finished in rolled gravel.

A planning application was originally submitted for the car park simultaneously with the application for the dwelling, but this application had to be withdrawn and re-submitted in July for administrative reasons. That said, the previous application was being considered favourably by the case officer, who advised by email that he was *“generally positively disposed toward the proposal given the road safety benefits it will bring for those users of the church and it will be generally set down in the landscape reducing any impact on the church and its setting.”* It is hoped that the re-submitted car park application will have been determined, and approved, by the time this local review is heard.

The car park is being put forward as a planning gain, providing a community benefit to the community that will only come forward in combination with a new dwelling for Miss Macalpine-Downie. In that regard, Miss Macalpine-Downie is happy to accept a planning condition, which requires the car park to be constructed, and made available for the use of the Holy Cross Church, prior to development commencing on the dwelling.

It should be noted that the car park will not be available for patrons of the newly approved restaurant/bar in the Old Inn.

## **The Site**

The land lies immediately south of the A828 at Portnacraoish. It forms the north western part of a field, which slopes down from the main A828 road to the former railway line, now used as a footpath and cycleway.

The land is currently used for grazing, and is bounded by hedgerows and trees, other than where it is fenced to form the rear boundaries of properties fronting the A road. Those properties comprise: Tigh-Na-Crois, Grianan and nos 1-4 Appin Terrace.

Access to the field is currently taken from a minor road, forming the western boundary of the application site and field, and close to the junction of this with the A road. It is proposed to close this field access, and create a new one from the rear of the proposed car park. This access relocation will be of benefit to the area by reducing the opportunity for vehicular conflicts within the existing junction bell mouth.

The minor road, from which access is proposed, is privately owned, but over which the applicant has a right of way. The road already serves a number of residential properties, including: Myrtle Cottage, Tigh Sithe and nos 1-4 Railway Cottages, and is considered to be appropriate for the minor access necessary to serve the proposed car park. This has been confirmed by Transport Scotland and the Council's Area Roads Manager.

Transport Scotland has gone further and sees the car park as actually improving highway safety for church users.

### **Response to Reasons for Refusal**

Turning to the issues raised in the reason for refusal, our response to each is as follows.

- Matter 1 - compliance with housing policy.
- Matter 2- encroachment into countryside outside of a defined settlement.
- Matter 3- impact on the setting of Holy Cross Church.
- Matter 4 - precedent for further development.

Reason 1 – This suggests that the site does not comply with prevailing planning policy in that it is not infill, redevelopment, or rounding off, and nor has it been justified as meeting a particular operational or locational need.

It is accepted that there isn't a particular operational or locational need, although the applicant is from a long established local family and would be welcomed to the area. Neither is it a form of redevelopment. However, it is disputed that it can't be defined as infill and/or rounding off, at least to some extent.

In our opinion, it can be seen as, in a sense, partly infilling a gap in a built-up frontage, or perhaps as a sensitive rounding-off of the settlement, and, as such, can find some support in housing policy. Importantly, however, it will only partly fill this gap, and so there will remain an obvious (and considerable) physical and visual gap in the settlement pattern, at this point, opposite the church.

It is accepted that the site is not within the existing settlement boundary, but we would ask the councillors to look at the area in the round, and conclude that the development of the site will fit with the existing pattern of development.

It is accepted that both the Local Plan and Local Development Plan Proposals Maps draw the settlement boundary tightly around existing development, and exclude the application site from it. However, on the ground, the field clearly appears as part of, central even, to a linear

settlement form extending from Glen Stockdale Burn, to the east, to West Dallens, to the north west.

The application site appears as much part of the settlement as the field to the rear of Myrtle Cottage wherein Detailed Planning Permission was granted for a dwelling in 2012 (ref: 12/01181/PP), and an earlier PPP application was approved in 2011 (ref: 11/01339/PPP), with the case officer concluding, in the Report of Handling for that earlier application, that a dwelling on this site would *“be compatible with the settlement pattern of the immediately surrounding area”*. If that site is deemed compatible, with a substantial detached house set back from the existing road frontage, then so could a dwelling on the current application site. It is accepted that this previous consented site is within the defined ABLP settlement boundary, but we would ask the councillors to view this site and compare this with the application site, which we consider would also be ‘compatible with the settlement pattern’.

Matter 2 – As stated already, it is appreciated that the application site is not within the settlement boundary, as drawn on the two Proposals Maps, and, indeed, we can understand why the 2007 Local Plan Reporter might have concluded that the settlement had a dispersed and staggered quality. However, given that the applicant is not proposing to develop the whole of the frontage, but only a small part of it, and with the remainder staying in agricultural use and open, it is considered that little impact will be apparent. Even then this will be more than compensated for by the provision of a small car park, which meets a known local need.

Matter 3 – It was appreciated that a dwelling sited centrally on the field could have an impact on the church, although even then, with the drop in levels, the visual impact would have been limited. However, by taking the dwelling, and car park, to the sides of the field, close to Tigh-na-Crois and the minor road, it is firmly considered that any impact on the outlook from the church will be minimal. The view from the church is already funnelled by mature trees within the grounds, and filtered by trees and hedgerows along the A828, and any development in those two areas identified will be very much on the periphery of the view out, and thus of limited visual impact. Similarly, the view from the footpath is filtered by vegetation along the fringes of it, and, from those points where the church can be seen, development placed to the sides of the field will ensure that the setting of the church is protected.

The case officer is worried that intervisibility may increase, if trees are removed, but there are no proposals to do this. Even if this extremely unlikely situation occurred, the impact on the church from a slightly increased intervisibility with the dwelling would be minimal.

It is also appreciated that the site is close to the Battle of Stalc Memorial. However, this memorial is not that visible due to dense existing tree cover. Again, there are no proposals that any trees are to be removed increasing its visibility.

Matter 4- Finally, it is not considered that allowing this dwelling will be a precedent. The councillors are invited to support this dwelling, as a minor departure from the development plan, because of the community benefit of the proposed car park, and to a minor extent the personal background of the applicant. Any future application here, or elsewhere, would need to be able to replicate the same circumstances, which seems highly unlikely.

For the above reasons, therefore, it is respectfully requested that the LRB grant the planning application before them.