



Municipal Buildings Albany Street Oban PA34 4AW

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(SCOTLAND) REGULATIONS 2013

REFUSAL OF PLANNING PERMISSION

REFERENCE NUMBER: 14/01166/PPP

Miss Sumie Macalpine-Downie
Houghton Planning
102 High Street
Dunblane
FK15 0ER

I refer to your application dated 13th May 2014 for planning permission under the above mentioned Act and Regulations in respect of the following development:

**Site for the erection of dwellinghouse at Land West Of Tigh Na Crois Portnacroish Argyll
And Bute**

Argyll and Bute Council in exercise of their powers under the above mentioned Act and Regulations hereby refuse planning permission for the above development for the **reason(s) contained in the attached appendix**

Dated: 16 July 2014

Angus J. Gilmour
Head of Planning and Regulatory Services



REASONS FOR REFUSAL RELATIVE TO APPLICATION NUMBER 14/01166/PPP

- 1) The proposal lies within the Countryside Around Settlement development control zone and is subject to Structure Plan policy STRAT DC 2. This policy has a general presumption against development unless it can be demonstrated the proposal will result in an infill, redevelopment, rounding off of developments already within the Countryside Around Settlement zone, or change of use of an existing building. Alternatively, support may be found where the application is in special circumstances on the basis of operational or locational need. In this instance the proposal aims to develop a single dwelling house in an area designated as CAS and it does not constitute infill, redevelopment, rounding off or change of use as defined in the Local Plan. The applicant has not demonstrated any operational or locational need. The proposal is contrary to Structure Plan policy STRAT DC 2.

The site was subject to the Local Plan enquiry in 2007 for inclusion into the settlement zone and it was determined by the Reporter that the area should remain outwith the settlement area given the dispersed development pattern and to protect the setting of historic buildings. In this regard the proposal is contrary to policy STRAT DC 2 and LP HOU 1. The rural character of Appin and Portnacroish is partly based on the staggered pattern of development along both sides of the A828(T), interspersed with open undeveloped fields. The proposal would erode the current defined settlement boundary in the Local Plan by encroaching into one such undeveloped field, which is deliberately allocated as Countryside Around Settlement to prevent encroachment of the settlement. Eroding that boundary would be detrimental to the existing character of the settlement and would impact on the open outlook from and to the category B listed church, and to a lesser degree the category C listed memorial, across the A828(T) to the north.

The open outlook from the church is an important element of its setting by virtue of views to and from the listed buildings across Loch Laich. The monument is generally obscured from view by woodland at present, however the proposal would have the potential to adversely impact on its setting should the vegetation be cleared. Development of the site would adversely impact on that setting by interfering or reducing those open views to and from the church and memorial within the churchyard. The proposal is not consistent with the provisions of the SHEP 2012 and Local Plan policy LP ENV 13(a).

In the absence of any justification to merit supporting the provision of a new house, development of a single house could set a precedent for further development within the Countryside Around Settlement zone that exists within the field boundary.

NOTES TO APPLICANT (1) RELATIVE TO APPLICATION NUMBER 14/01166/PPP

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 (as amended) within three months from the date of this notice. A Notice of Review request must be submitted on an official form which can be obtained by contacting The Local Review Body, Committee Services, Argyll and Bute Council, Kilmory, Lochgilphead, PA31 8RT or by email to localreviewprocess@argyll-bute.gov.uk
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state, and it cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the landowner's interest in the land, in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997 (as amended).