

**REQUEST FOR FURTHER INFORMATION BY
WRITTEN SUBMISSIONS**

FOR

**ARGYLL AND BUTE COUNCIL
LOCAL REVIEW BODY**

14/0008/LRB

**REFUSAL OF PLANNING PERMISSION IN
PRINCIPLE FOR THE ERECTION OF A
DWELLINGHOUSE AND INSTALLATION OF SEPTIC
TANK RELATIVE TO PLANNING APPLICATION
REFERENCE 13/01858/PPP**

**LAND SOUTH OF B.T. MAST, KILNAUGHTON, THE
OA, ISLE OF ISLAY**

19/11/2014

With reference to the above, the following requested information is hereby provided:

1. Detailed plans/maps showing the exact location of the site of the proposed development and information on the policy context within the current Development Plan and the emerging Local Development Plan in sufficient detail to allow the LRB to understand the context of the site in relation to the wider landscape.

Plan attached.

The site the subject of the LRB is located within a wider area of 'Countryside Around Settlement' (CAS) and is situated close to its western boundary. This area of CAS is bounded at this point by an area of 'Sensitive Countryside' to the west and by two areas of 'Very Sensitive Countryside', one to the north (enclosing the high ground surrounding the B.T. telecommunications mast) and one to the south west. The site also falls within an Area of Panoramic Landscape Quality (APQ). The closest 'Rural Opportunity Area' (ROA) to the site is some 375 metres to the west/north west, outwith the APQ and separated from the appeal site by an area of 'Sensitive Countryside'.

The emerging Local Development Plan does not propose to revise these boundaries except that it is proposed that the CAS and 'Sensitive Countryside' development management zones merge to become a contiguous 'Countryside Zone' wherein the provisions of draft policy LDP DM1 and SG LDP HOU 1 would continue to set out a general presumption against development of 'open countryside' locations unless consisting of small scale development on appropriate infill, rounding off or redevelopment sites, or consisting of an appropriate change of use of existing buildings. It has previously been submitted that, in the considered opinion of the Local Planning Authority, no such opportunity exists in this case.

2. Planning views on the materiality of the planning history of the site.

It has previously been submitted that whilst the planning history of the site is indeed a material planning consideration, the amount of weight afforded it is considered small in the context of the current appeal site. This is by virtue of the fact that the previous permission(s) relied upon a now long-replaced and materially different Local Plan, and because the most recent of the two previous permissions had expired some 3 years prior to the submission of the planning application the subject of this Review. Therefore the weight that can be afforded the planning history of this site, whilst material, is not considered sufficient to outweigh the relevant provisions of the current adopted Development Plan (or the emerging Local Development Plan) or to justify a departure to its approved and well-established policies.

The Agent's assertion that the long-expired planning history of the site should, in this instance, be 'afforded significant weight' is robustly disputed given the facts of this case. The Council is unable to find any legal precedent for such a claim.

It would appear that the Appellant's case is based almost entirely upon the premise that the previous historic planning approval for this site should represent an

'exceptional case' sufficient to set aside the general presumption against development that now exists within this 'Countryside Around Settlement' site following the adoption of the Argyll and Bute Local Plan in August 2009. It is claimed that setting aside the provisions of the Development Plan in this manner would not set any 'local precedent for any similar development'. The word 'local' is misleading in this context. It is clear that should this argument be accepted then it would be open to anyone with an expired planning permission to similarly claim an 'administrative error' and argue that significant material weight should be afforded to that previous decision, irrespective of any fundamental change in planning policy that may have occurred in the meantime. It is respectfully suggested that the acceptance of such an argument has the very real potential to undermine the provisions of the Development Plan and would set a harmful precedent with far-reaching implications for the whole of Argyll and Bute.

3. An explanation of Planning's proposal to amend the designation from CAS to 'Countryside Zone' within the emerging Local Development Plan.

The emerging Local Development Plan proposes to replace the current CAS and 'Sensitive Countryside' development management zones with a single 'Countryside Zone' designation. This suggestion was endorsed by Members through the Council's 'Main Issues Report' and was an idea that received generally positive support from the public.

It was/is felt that the development management aims of the existing CAS and 'Sensitive Countryside' zones are almost entirely interchangeable and that the Development Plan could be simplified by merging these two zones into a single 'Countryside Zone' with the same broad policy aims.

4. A copy of Circular 9/1990

It is understood that the reference to Circular 9/1990 is a typographical error. Circular 6/1990 relates to issues of 'unreasonable behaviour' as alleged by the Appellant and is hereby attached without further comment.