

**MINUTES of MEETING of ARGYLL AND BUTE LOCAL REVIEW BODY held in the BY
SKYPE
on FRIDAY, 21 AUGUST 2020**

Present: Councillor David Kinniburgh (Chair)
Councillor Graham Hardie Councillor Alastair Redman

Attending: Iain Jackson, Governance, Risk and Safety Manager (Adviser)
Lynsey Innis, Senior Committee Assistant (Minute Taker)

Members were asked to suspend Standing Order 5.4 – the Member who is presiding at the meeting must do so from the specified location for the meeting and cannot join by video conferencing.

The requisite two thirds of Members present agreed to suspend Standing Order 5.4 to enable discussion of reports on the Agenda.

1. APOLOGIES FOR ABSENCE

There were no apologies for absence intimated.

2. DECLARATIONS OF INTEREST (IF ANY)

There were no declarations of interest intimated.

3. CONSIDER NOTICE OF REVIEW REQUEST: ERECTION OF DWELLINGHOUSE AT LAND AT HUF HAUS, BALMORY ROAD, ASCOG, ISLE OF BUTE (REF: 20/0010/LRB)

The Chair welcomed everyone to the meeting and introductions were made. He explained that no person present would be entitled to speak other than the Members of the Local Review Body (LRB) and Mr Jackson who would provide procedural advice if required.

He advised that his first task would be to establish if the Members of the Local Review Body (LRB) felt that they had sufficient information before them to come to a decision on the Review.

Both Councillor Hardie and Councillor Redman agreed that they had. Councillor Kinniburgh advised that he also felt there was sufficient information to come to a decision on the Review.

Councillor Hardie advised that having considered all evidence he was in agreement with the Planning Officer that neither the application nor the proposed exceptional case meets the criteria of the LDP. He advised that on the basis of the conclusion on page 36 of the agenda pack, which he read out, he was minded to refuse the Notice of Review request.

Councillor Redman advised that he was minded to seek a competent motion in order to approve the request.

The Chair, Councillor Kinniburgh advised that he too was minded to refuse the request on the same basis as Councillor Hardie that the grounds that neither the application nor the proposed exceptional case met the criteria of the LDP. He advised that he believed that the applicants were aware that the request was against the LDP due to the comments made in their representation at page 49 of the agenda pack that 'it is relatively easy to justify refusal using the prescribed guidelines'. He had also noted that there had been a study/review undertaken and the designation of the previous ROAs that had been identified as having no further capacity to absorb new development in the open landscape were re-designated as 'countryside'.

The Chair identified a typing error in page 25 of the agenda pack where the LDP was detailed as being in 2016 when it should have been 2015. He also advised that should Councillor Redman be minded to seek a competent motion an Area Capacity Evaluation would be required to be carried out.

Councillor Kinniburgh moved that the review be refused on the grounds that neither the application nor the proposed exceptional case met with the criteria of the LDP. This was seconded by Councillor Hardie.

Councillor Redman sought advice on the possibility of proposing a competent motion. Mr Jackson advised that at this stage Councillor Redman would require to move that the meeting be adjourned until such time as a competent motion could be reached, and that any such motion would require to be seconded.

Councillor Redman moved to adjourn the meeting until such time as a competent motion could be reached. He failed to find a seconder.

Decision:

The Argyll and Bute Local Review Body, having considered the merits of the case de novo, agreed to refuse the appeal subject to the following reasons:-

Reason - The site lies within the '*countryside*' zone of the Argyll and Bute Local Development Plan 2015 within which Policy LDP DM 1 only supports applications for infill, redevelopment, rounding off and change of use of existing buildings. An application that fails to meet these criteria will be refused unless it can demonstrate an exceptional case and then progress to a successful landscape assessment known as an Area Capacity Evaluation (ACE).

In this instance, the site lies within the garden woodland of the Huf Haus, which is a modern attractive property that was approved in 2007 when the site lay within a Rural Opportunity Area (ROA). Subsequent Development Plans in 2009 and 2015 have placed greater restrictions on this area for development recognising the landscape value and its contribution to the Isle of Bute Area of Panoramic Quality (APQ).

The wider landscape surrounding the application site is located to the south of Rothesay and bisected by the Loch Ascog Reservoir. More specifically, the eastern side of the area is bisected by a minor road and comprises sloping

farmland which rises to 100m Above Ordnance Datum at the Hill of Ascog. The principal character of the larger area is as an open landscape comprising rolling pastureland; however, there are notable areas of woodland that extend in a linear fashion to the north and south of Mid Ascog and the application site is located within one of these wooded areas.

These wooded areas are a key environmental feature that it is desirable to protect and the erection of a dwellinghouse on the subject site would represent an unacceptable degree of intrusion resulting in an undermining of the structure and character of the landscape to the south of Ascog.

On the basis of the foregoing, the application fails the first part of the policy test which is to meet one of the criteria detailed in the opening paragraph above.

In seeking to demonstrate an acceptable exceptional case, the applicant has stated that the current house is too large for them and that he and his wife wish to downsize. He contends that a house in the grounds of the Huf Haus would allow them to remain in the area.

This is not considered an exceptional case as there are appropriate sites within the settlement zones and Rural Opportunity Areas across the island that are suitable for development and would allow the applicant to remain in the area. With this in mind, the applicant has failed to demonstrate an exceptional case to warrant the support of Policy LDP DM 1 and, as a consequence, there is no need for the Planning Authority to carry out an Area Capacity Evaluation.

Considering the above, the proposal does not meet the necessary criteria to be supported through Policy LDP DM 1. Furthermore, failure to demonstrate an exceptional case means that an ACE does not require being carried out.

On the basis that the erection of a dwellinghouse on the subject site would represent an unacceptable degree of intrusion resulting in an undermining of the structure and character of the landscape to the south of Ascog, the proposal would also be contrary to Policies LDP 3 and LDP 9 and Supplementary Guidance policies SG LDP ENV 6, SG LDP ENV 13, SG LDP HOU 1 and SG LDP Sustainable Siting and Design Principles of the Argyll and Bute Local Development Plan 2015.

Councillor Redman, having moved an amendment which failed to find a seconder required his dissent from the foregoing decision to be recorded.