

**MINUTES of MEETING of ARGYLL AND BUTE LOCAL REVIEW BODY BY MICROSOFT TEAMS  
on MONDAY, 21 MARCH 2022**

**Present:** Councillor Rory Colville (Chair)  
Councillor Audrey Forrest Councillor Graham Hardie

**Attending:** Iain Jackson, Governance, Risk and Safety Manager (Adviser)  
Fiona McCallum, Committee Services Officer (Minutes)

**1. APOLOGIES FOR ABSENCE**

There were no apologies for absence.

**2. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**3. CONSIDER NOTICE OF REVIEW REQUEST: LAND SOUTH WEST OF  
LETRUALT FARMHOUSE, LETRUALT FARM LANE, RHU, G84 (REF:  
21/0007/LRB)**

The Chair, Councillor Rory Colville, welcomed everyone to the meeting. 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.

Referring to the further information received, which had been requested at the previous meeting, and to the site inspection held on 18 March 2022 (note of site inspection attached at Appendix A of this Minute), Councillor Colville advised that his first task would be to establish if the Members of the LRB felt that they had sufficient information before them to come to a decision on the Review.

The Members of the LRB all agreed that they had enough information to come to a decision on the Review.

Councillor Hardie advised that the site visit had helped him to clarify his decision on the application before him. He said he felt the road issues that the Roads Officer had identified in both her report and at the site, could be suitably and satisfactorily addressed by conditions; however with regard to the green belt, he said he got a much clearer understanding of the issue as raised by the Planners at the site visit. He advised that the fact that the green belt boundaries at Letrualt Farm in the proposed LDP2 were different from those in the adopted LDP 2015, and as this change has been specifically objected to, this meant that this element of the proposed LDP2 could not be given weight as a material consideration in relation to the current application. He said that bearing this in mind, he was therefore going to refuse the application.

Councillor Forrest said that the road issues were a problem. She referred to road safety issues, in particular the sight lines at the bends on the road, and said that these issues could possibly be addressed by condition. She advised, however, that she did not think the LRB could pre-empt the decision of the Reporter in respect of LDP2 so sufficient

weight could not be given to the proposed LDP2 to allow development on the green belt area.

Councillor Colville read out the following Motion:

Having had the benefit of the site visit on Friday and having taken full consideration of all the representations received by the LRB, I am of the view that the determining factors in this Appeal are twofold.

Firstly, the road safety concerns. It may be possible to address some of these through the proposed siting of passing places on the road, in particular, the developer has agreed to put in a passing place at the lower end of the site. However, the demonstration by roads of the sight lines at the bend in the road has convinced me that the road safety concerns at that part of the road cannot be overcome.

I also have a concern that the proposed turning circle at the top of the road, which as I understand it, could be addressed by a condition, could be removed should the ownership of the land change.

Secondly, the advice received to the request for further information regarding the new greenbelt/settlement boundary proposed by the Council in LDP2 and the weighting that can be given to the proposals within LDP2.

This would see the development site within the settlement boundary, however, I have noted there have been 3 separate representations recorded as objections to the proposed designation.

This issue has been identified as a matter which requires to be referred for examination/consideration by the Reporter and the information provided to the Board makes clear that it is open to the Reporter to make whatever recommendation/decision they see fit.

This means that they do not necessarily have to agree with either the objectors' or the Council's position and I don't think that the LRB can pre-empt the decision of the Reporter and add sufficient weight to LDP2 at this stage and the application has to be considered in terms of the current local development plan.

On the basis of my comments above, I therefore support the recommendation of the planning department that this application should be refused and move that the LRB refuse the Appeal for the reasons stated by the planning department in the original report of handling.

This was seconded by Councillor Hardie and also supported by Councillor Forrest.

## **Decision**

The Argyll and Bute Local Review Body, having considered the merits of the case de novo, unanimously agreed to refuse the Appeal and uphold the decision of the Planning Officer to refuse planning permission for the following reasons:

1. Policy LDP DM1 (G) seeks to ensure that new development in the greenbelt is acceptable only where they relate to, and fulfil, an essential or important function associated with operational characteristics of the green belt to help sustain and

enhance the use of greenbelt. In order to manage the pressure for development new residential developments must meet one of the exemption criteria set out in policy LDP DM1 (G). Private housing which does not meet a greenbelt need or meet a policy exception does not contribute positively to the function or operation of the greenbelt and its objectives. The current proposal is considered to represent the provision of sporadic new housing development in an unsustainable location, which fails to positively contribute to the objectives of the greenbelt. The dwellinghouse does not comply with any of the permissible forms of development set out at LDP DM1 (G) and therefore it is considered that the proposed residential development should be refused. The introduction of an inappropriate and unjustified form of new development into the greenbelt will be visually intrusive, visually discordant, result in sporadic development in the greenbelt and will therefore have a detrimental impact upon the character and appearance of the area. As such the proposal is contrary Policy LDP DM1 (G) of the adopted Argyll and Bute Local Development Plan 2015.

2. Under Policies LDP 11 and SG LDP TRAN 4 further development that utilises an existing private access or private road will only be accepted if:-

(i) the access is capable of commensurate improvements considered by the Roads Authority to be appropriate to the scale and nature of the proposed new development and that takes into account the current access issues (informed by an assessment of usage);

AND the applicant can;

(ii) Secure ownership of the private road or access to allow for commensurate improvements to be made to the satisfaction of the Planning Authority; OR,

(iii) Demonstrate that appropriate agreements have been concluded with the existing owners to allow commensurate improvements to be made to the satisfaction of the Planning Authority.

The existing private road (Letrault Farm Road) serves 7 dwellinghouses and is already at capacity. The existing private road does not have the capacity for the development of any additional dwellinghouses without improvement works to bring the road up to adoptable standard as required by the Area Roads Manager. The works require Letrault Farm Road to be a width of 5.5m for the first 10m thereafter a minimum of 3.7m with passing places every 100m, localised widenings to 5.5m where forward visibility is not achieved and a vehicle turning facility at the road end. These off-site measures cannot be secured by way of planning conditions and therefore a legal agreement is required. The applicant has been unable to confirm ownership of the private road or demonstrate that an appropriate agreement has been concluded with existing owner(s) to implement the commensurate improvements. In the absence of such an agreement, vehicular and pedestrian safety on the approach road to the site would be compromised by the traffic generated by the scale of development proposed, contrary to the requirements of Policies LDP 11 and SG LDP TRAN 4 of the 'Argyll and Bute Local Development Plan'.

(Reference: Further Information Received and Comments made, submitted)

**ARGYLL AND BUTE LOCAL REVIEW BODY**

**NOTE OF MEETING OF SITE INSPECTION RE CASE 20/0007/LRB  
LAND SOUTH WEST OF LETRUALT FARMHOUSE, LETRUALT FARM LANE, RHU  
FRIDAY 18 MARCH 2022**

In attendance:                      Councillor Rory Colville, Argyll and Bute LRB (Chair)  
    Councillor Audrey Forrest, Argyll and Bute LRB  
    Councillor Graham Hardie, Argyll and Bute LRB  
    Iain Jackson, Governance, Risk and Safety Manager (Adviser)  
    Hazel MacInnes, Committee Services Officer (Minutes)  
    Steven Cameron - Applicant's Agent  
    Douglas Black, on behalf of Applicant  
    Emma Lane, Planning Officer  
    Howard Young, Area Team Leader, Development Control  
    Donna Lawson, Traffic and Development Officer  
    Paul Farrell, Technical Officer

The Argyll and Bute Local Review Body agreed on 9 February 2022 to conduct a site inspection in order to view the access to the proposed site and the existing and proposed greenbelt/settlement boundary.

The Local Review Body convened at 10.30am on 18 March 2022 at Land South West of Letrualt Farm House, Letrualt Farm Lane, Rhu. The Chair welcomed everyone to the site inspection and introductions were made.

Roads officers set up equipment to demonstrate the difficulties with visibility around the sharp bend on the access road.

The following points were discussed and noted at the site inspection –

1. Noted the current green belt boundary and that the majority of the proposal site was within the current green belt area.
2. Noted that the proposal within the new LDP2 was to move the green belt boundary further up the hill to the front of the farm house, and that an objection to this had been lodged requesting that the green belt boundary be moved from in front of the farm house to behind the farm house.
3. Noted the location of the turning head, that it was on private land, and that it was currently used by public services such as the refuse lorry and Royal Mail; noted that emergency services vehicles had been able to access the turning point in the past.
4. Noted that future use of the turning head could not be guaranteed due to the fact that it was privately owned.
5. Noted the serious concerns of roads around traffic and pedestrian safety as the road did not meet the standards in terms of forward visibility and inter-visible passing places.

6. Noted that there was no visibility up or down the hill around the sharp bend.
7. Noted that for the road to meet these standards it would need to be widened to 5.5m in various places including at the access from the A814, and around the sharp bend; and passing places be provided that were inter-visible (visible from one passing place to the next)
8. Noted the area of ground that the applicant proposed to provide a passing place on.
9. Noted that the road was not currently a busy road but this could change if there was further development in the future.