

Public Document Pack

Argyll and Bute Council

Comhairle Earra-Ghàidheal Agus Bhòid

Executive Director: Douglas Hendry



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DX 599700 LOCHGILPHEAD

23 June 2022

NOTICE OF MEETING

A meeting of the **ARGYLL AND BUTE LOCAL REVIEW BODY** will be held **BY MICROSOFT TEAMS** on **THURSDAY, 30 JUNE 2022** at **2:30 PM**, or at the conclusion of the Argyll and Bute Local Review Body at 2.30 pm, whichever is later, which you are requested to attend.

Douglas Hendry
Executive Director

BUSINESS

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATIONS OF INTEREST**
3. **CONSIDER NOTICE OF REVIEW REQUEST: GLENFORSA AIRFIELD, GLENFORSA, ISLE OF MULL, PA72 6JN (REF: 22/0003/LRB)**
 - (a) Notice of Review and Supporting Documentation (Pages 3 - 50)
 - (b) Comments from Interested Parties (Pages 51 - 68)
 - (c) Comments from Applicant (Pages 69 - 76)

Argyll and Bute Local Review Body

Councillor Kieron Green (Chair)
Councillor Liz McCabe

Councillor Mark Irvine

Contact: Fiona McCallum Tel: 01546 604392

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Central Validation Team at Argyll and Bute Council 1A Manse Brae Lochgilphead PA31 8RD Tel: 01546 605518 Email: planning.hq@argyll-bute.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100557416-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:

Ref. Number: You must enter a Building Name or Number, or both: *

First Name: * Building Name:

Last Name: * Building Number:

Telephone Number: * Address 1 (Street): *

Extension Number: Address 2:

Mobile Number: Town/City: *

Fax Number: Country: *

Postcode: *

Email Address: *

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Glenforsa Hotel"/>
First Name: *	<input type="text" value="Brendan"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Walsh"/>	Address 1 (Street): *	<input type="text" value="Salen"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Mull"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="PA72 6JW"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="paul@houghtonplanning.co.uk"/>		

Site Address Details

Planning Authority:

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing	<input type="text" value="743011"/>	Easting	<input type="text" value="159367"/>
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Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Erection of a steel building for the storage of airfield maintenance equipment and aircraft and formation of hardstanding area

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

See attached Local Review Statement

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Application as submitted Report of Handling Decision Notice Local Review Statement

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

21/00018/PP

What date was the application submitted to the planning authority? *

07/01/2021

What date was the decision issued by the planning authority? *

30/03/2022

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be a combination of procedures.

Please select a further procedure *

Holding one or more hearing sessions on specific matters

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

See Local Review Statement

Please select a further procedure *

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

See Local Review Statement

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

If there are reasons why you think the local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)

Site is fenced.

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Paul Houghton MRTPI

Declaration Date: 25/04/2022

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LOCAL REVIEW STATEMENT

Reference No: 21/00018/PP

Applicant: Mr Brendan Walsh

Proposal: Erection of a steel building for the storage of airfield maintenance equipment and aircraft and formation of hardstanding area

**Site Address: Glenforsa Airfield,
Glenforsa, Isle of Mull**

Preliminaries

This Local Review Statement has been prepared in response to the refusal of Planning Permission under delegated powers of Application ref:21/00018/PP 'Erection of a steel building for the storage of airfield maintenance equipment and aircraft and formation of hardstanding area' (hereafter the Application) at Glenforsa Airfield, Glenforsa, Isle of Mull (hereafter the Application Site).

The Applicant is Mr Brendan Walsh (hereafter the Applicant) of Glenforsa Hotel who operates Glenforsa Airfield under a lease from the Estates Department of Argyll & Bute Council.

The Applicant bought Glenforsa Hotel in 2003, and has leased the Airfield since 2015. His current lease runs to 2040. The lease includes maintenance responsibilities that the Applicant must perform to keep the Airfield open, which requires him to have machinery, for which he currently has no storage space (see further below). He is also required to hold third party insurance for the Airfield at a significant cost to himself.

The Airfield is run as a separate business to the hotel under the name Glenforsa Airfield Ltd. This company runs at a loss, but the Applicant is accepting of that because he is an experienced and very enthusiastic flyer himself, and sees running the Airfield as a vocation.

He also has his own plane, which is a vintage Boeing Stearman, an 80-year-old biplane. He is unable to hangar this at the Airfield, and so keeps it at Oban Airfield during the winter, and then brings it to Glenforsa Airfield in the summer. The proposed hangar building will allow the Applicant to keep his plane at the Airfield all year long.

The Application was refused on 30th of March 2022 for a single reason, as follows:

"In terms of the adopted 'Argyll and Bute Local Development Plan' 2015 the application site is located within the 'Countryside Zone' (CZ) where Policy LDP DM 1 normally only gives encouragement to small scale developments on an appropriate infill, rounding off, redevelopment and change of use of building basis.

Within the Countryside Zone all development proposals which are not small scale infill, rounding off, or redevelopment might be supported if it is deemed that an appropriate 'exceptional case' has been made and where the proposed development can be shown to have no materially harmful landscape impact in accordance with an Area Capacity Evaluation (ACE). The 'exceptional case' required to justify carrying out of an ACE is in all circumstances, either; the demonstration of a locational and/or operational need tied to a precise location which is agreed with and acceptable to the planning authority, or; demonstration of an overriding economic or community benefit which outweighs other policies of the Local Development Plan and is agreed with and acceptable to the planning authority.

In the case of the current application, the site for the development does not represent infill, rounding-off or redevelopment.

In this case, no sufficient claim of an exceptional case has been presented by the applicant. Upon request for additional supporting information the applicant has provided justification on landscape terms only. The details submitted are not considered sufficiently substantive so as to underpin the special circumstances of the proposal without which the development would be considered contrary to the provisions of the LDP.

As the current application is not accompanied by the requisite supportive evidence to underpin the claim of an exceptional case, the proposal is considered to be contrary to the provisions of SG LDP DM 1 of the adopted 'Argyll and Bute Local Development Plan' 2015."

It will be obvious straightaway that much of this Statement is addressing the 'exceptional case' that the Applicant considers exists, and justifies Planning Permission being granted. The Applicant accepts that he should have submitted this at the time the Application was being considered. However, due to the case officer changing three times over the course of the year that the Application took to process, and crosswires in what was required, he did not provide the justification that he knew to exist based upon the community and economic importance of the Airfield, and why the hangar building is required to support its ongoing functioning and success. This is expanded upon below.

A site visit and hearing have also been requested, as each will allow councillors to understand why the building is required, and will allow them to question the Applicant on what it is for, and why it is required for the ongoing and future success of the Airfield.

This Statement will start with describing the proposal; then moves on to an introduction to Glenforsa Airfield; it will then explain the need for the proposed building, and why this represents the 'exceptional case' required by policy; and will then continue in the same order as the Report of Handling to address the other matters raised therein.

Proposal

The proposed building is a conventional hangar type building that will be eighteen metres long by twelve metres wide. It will be four metres to the eaves and 5.6 metres to the ridge.

The front of the building will have sliding doors that, like hangars across the world, can be pulled back beyond the main footprint of the building, so that the widest possible opening is available to allow a plane in and out.

The building will be finished in profile sheeting, the colour of which can be green, or whatever colour councillors would prefer to see.

Appearance-wise, with the doors closed, the building will appear like any number of agricultural sheds that can be found elsewhere on the island.

In use terms, the Applicant has applied for a Class 6 storage and distribution building. However, there is no intention of it being used otherwise than in combination with the Airfield. Therefore, if councillors wish, they can specify that by planning condition.

An area of hardstanding will be provided around the hangar building, with vehicular access via the existing grass trackway that connects this part of the Airfield with the gated vehicular access to the Airfield itself, and its parking area, which are situated to the immediate north west of the hotel. The parking area is accessed from the A849 by a part public and part private road that also serves the hotel, a farmyard, and about fourteen private houses, one of which is the Applicant's own home.

Glenforsa Airfield

The airfield was built in 1965 by the army (Royal Engineers) to support the cottage hospital in Salen. It is still used by the air ambulance helicopter to this day, and is thus an important, potentially lifesaving, facility for the island. There were twenty-four medical related flights from the 1st of October 2021 to date this year that used the Airfield, and the Applicant ensures that the helicopter landing pad is always available throughout the year.

It has also, in the past, been used for commercial flights to the island, but these ceased in 1980 when the Loganair flight that served the island, and connected it to Oban and Glasgow, ended.

Today, most of the use of the landing strip is by small aircraft using it to land on Mull between the 1st of May and 1st of October when it is available to general flyers. This includes day trippers and people visiting the island for a longer stay, and some islanders who own planes. It is mainly used by planes, but also sometimes by microlights and helicopters.

It also receives charter flights from Glasgow and further afield for groups coming to the island to play golf, or to stay elsewhere on the island and explore its attractions. The most regular charter flights are by Hebridean Air who fly in with charter flights a few times a year, with up to eight passengers.

Argyll Aeroclub members can also make use of the Airfield, with members flying over from Oban and elsewhere.

It also exists as an attraction for flyers from far and wide who wish to fly to and visit the island, or simply land on one of the few unspoilt grass strips still available in Scotland, and cross this one off their (flying-related) bucket lists.

When the Applicant first bought Glenforsa Hotel in 2003, the Airfield had 192 movements per year (a movement is one flight in and the same plane leaving). In 2021, there were 881

movements, and more are expected this year (2022) as Covid restrictions have now been lifted.

As can be seen, therefore, the Airfield is an important facility for the island offering a lifeline medical facility, and a way for people to visit Mull other than by ferry, whilst it also exists as a tourist attraction in its own right.



It is difficult to say exactly in monetary terms what economic benefit the Airfield brings to the island. The landing fees that are charged are small, but it is clear from reviews online, what the Applicant hears about, and other anecdotal evidence, that people flying into the Airfield are spending money in the wider island economy, as well as the Applicant's hotel. This reaches its maximum around the annual Mull Air Rally in May, which has attracted over 150 aircraft, and famous faces, to the island in past years. The event this year is set to take place on the 28th and 29th of May. There are also other events in August and September.



The photograph above is from the 2021 Mull Air Rally event.



The Applicant runs the Airfield very much as a labour of love. Although landing fees are charged, as mentioned already, these do not cover the cost of maintaining the Airfield, which is, instead, left to the Applicant to do himself. Although the strip is grass, and the wider area is grazed by livestock, or left for silage, there is still a lot of work required to mow the strip and keep it in decent shape and available. This is a never-ending process and requires the Applicant to have machinery both large (a tractor) and small to do the tasks necessary. The Airfield currently has nowhere to store this equipment, which was the reason for this Application in the first place, with the building being used to house existing and new equipment and keep it out of the worst of the weather. The need for the building was so obvious to the Applicant, and he thought to the case officer, that he did not think he would need to explicitly explain this. However, in hindsight he wishes he had, as that may have allowed the Application to have been approved. He now hopes councillors will grant him Planning Permission instead.

Apart from the Applicant's own plane, the building will offer storage for at least the following: a tractor and grass mower, a telehandler, two other smaller mowers, a roller, a harrow, and a mini digger. If someone else's plane gets stuck at the Airfield, which can happen in severe weather, it will also offer temporary storage space for that as well.

As for the location chosen for the building, then the Applicant has carefully chosen it to be away from the operational part of the Airfield, in an area that seems less useful for farming, but in a location that is still accessible by vehicles. It has also been sited away from the Glenforsa Hotel, and the houses that border the Airfield, to avoid noise intrusion, and in a location that is visually discreet against a backdrop of mature conifer trees (see images below).

All the above represents the Applicant's 'exceptional case.'



Consultations

These are noted. In particular, the Applicant accepts what the Council's Estates Department have said, and he is happy to work with them to facilitate the agreement of the agricultural tenant, which is anyway a civil and not planning matter. The Applicant is of the view that there is a good prospect of the tenant agreeing to the building, particularly given its location, and so councillors can be comforted that, if they grant Planning Permission, it can (and will) be implemented.

Representations

The responses of the case officer to the various points raised by objectors are noted and agreed.

Policy and Guidance

The list of policies and guidance in the report of handling is agreed with.

Assessment

The case officer's assessment of the proposal starts and ends with the fact that the Applicant did not submit an 'exceptional case.' That has been accepted above, and the reasons for that explained.

However, it is hoped that, having now read the case presented above, councillors will agree that there is a rationale for why the Airfield needs a hangar building, and why it should be located as indicated. There is thus an 'exceptional case.'

That just leaves the question of the Area Capacity Evaluation (ACE) to be considered, which is explained in detail in Supplementary Guidance. An ACE is described as a *"tool to assess planning applications in the relevant development control zones, in order to establish the capacity of the wider countryside containing the application site to successfully absorb that particular development."* In effect, it is a version of a landscape appraisal where you understand the landscape into which the development is to be located, its ability to absorb development, and consider any visual impacts that the development may have.

To start with, it should be noted that there are no national, regional, or local landscape designations that would be impacted upon by this proposal. The Sound of Mull is a Special

Area of Conservation, but the Application Site is over 160 metres from the sea, and as far away from it as you can get.

The SNH 'Landscape assessment of Argyll and the Firth of Clyde' (1996), which is mentioned in the guidance as a starting point for an ACE, places the Airfield in the 'Coastal Plan' landscape character area. The key characteristics of this area are noted as follows:

Key Characteristics



- **Completely flat, linear coastal plain, backed by a coastal road.**
- **Straight, angular field patterns and lanes.**
- **Gradual transition from agricultural fields to marsh, mud flats and beach.**
- **Open, exposed character.**
- **Post and wire fencing encloses fields.**
- **Predominantly pasture, but some arable fields.**
- **Remnant clumpy gorse hedgerows and stunted, wind-blown trees.**
- **Isolated farmsteads and some development along coastal road.**

Courtesy of SNH 'Landscape assessment of Argyll and the Firth of Clyde' (1996)

In terms of the Specific Landscape Guidelines for the area, then the following list applies, and none of these will be compromised in any way by this development taking place.

Specific Landscape Guidelines

- Beaches, marshes and mudflats should be conserved to retain the ecological balance of these important coastal habitats which support a diverse range of flora and fauna.
- Identify and conserve the traditional setting of isolated farmsteads with characteristic stands of trees and high stone walls.
- Stone walls should be conserved as distinctive landscape features and broken walls restored using local materials and techniques.
- Sprawling linear development along the coastal road should be avoided.
- Built development and caravan parks should be carefully sited, taking account of long views from the coastal road as well as views from adjacent elevated land. Development should always be associated with low, scrubby planting, stands of native trees and stone walls to integrate it with the surrounding landscape. The aim should be partial screening by layers of vegetation, with a relatively wild, natural character; full screening would be difficult and inappropriate. Attention should be given to the massing and silhouette of any new buildings.
- Development of caravan parks should be restricted in particularly open, visually sensitive parts of the *coastal plain*; areas overlooked from adjacent elevated land, such as the raised beach cliffs on the west coast of Kintyre, are also particularly sensitive and development here could not be screened.
- Any large swathes of planting should have ragged, rather open edges and a wild, natural character.
- Conifer plantations should be limited to relatively small blocks which reflect the shelter belts characteristic of the open, windswept landscape.

Courtesy of SNH 'Landscape assessment of Argyll and the Firth of Clyde' (1996)

In landscape terms, the major feature of this area is the Airfield, with the area being flat and grassed to allow planes to land. It is thus a part designed landscape rather than being a wholly natural one. On one side, the Sound of Mull borders the Airfield, and on the other it is bounded by mature woodland. It is, therefore, a landscape that can cope with some built form being added, particularly a building like this that you would expect to anyway see on an Airfield, or, indeed, on a farm. The case officer seems to agree with that view in that, in replying to one of the representations, she comments that "*such a proposal would not be an uncommon addition to this location.*" Hopefully, councillors will concur, and obviously the opportunity is anywhere there for them to visit the Application Site to confirm the acceptability of the siting for themselves.

Furthermore, if there is any lingering concern that the landscape cannot absorb this one building, then the Applicant would be happy to accept a planning condition requiring him to put in some landscaping. The more that things like this are required, however, the more negotiation there will need to be with the tenant, but the Applicant would rather have a consent albeit with a landscaping condition attached than no consent at all.

The other issue that is considered in an ACE is visual impact. In that regard as well, the case officer has helpfully concluded that there will be no visual impact on Salen due to the distance (1500 metres) and that there are no core paths in the immediate vicinity that will be impacted upon. The only views of the building will be localised and from within the Airfield itself. It will be visible from there to locals, but will be the type of building that one would expect to find in such a location. In most cases, it would be there for agricultural purposes, although, in this case, it is there for a specific purpose related to the Airfield.

Conclusion

For the above reasons, it is considered that a robust case has been made that an 'exceptional case' exists. There is a locational and operational need for the building, which is tied to a precise location, i.e. the Airfield. There is also an overriding community (medical-related) and economic benefit. Furthermore, the building itself would anyway pass the ACE test, and will have limited landscape and visual impact. Planning Permission should, therefore, be granted as the Application accords with all development plan policies and related guidance.

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Planning Application Form – Addendum

- *The addendum is a record of any minor amendments to the details contained within the Planning Application Form as originally submitted. The amendments have been instructed by the Applicant/Agent during the validation process and recorded by Council officers.*
- *The detail within the addendum requires to be read in conjunction with, and supersedes the relevant detail contained within the original planning application form unless otherwise stated below.*

Application Ref.		21/00018/PP	
Section of Form Amended		Description of Amendment	Date Amended
Page No.	Section		
1	DESCRIPTION OF PROPOSAL	Erection of a steel building for the storage of airfield maintenance equipment and aircraft and formation of hardstanding area	10/3/21



Central Validation Team at Argyll and Bute Council 1A Manse Brae Lochgilphead PA31 8RD Tel: 01546 605518 Email: planning.hq@argyll-bute.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100348122-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Type of Application

What is this application for? Please select one of the following: *

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Erection of a steel building for the storage of airfield maintenance equipment and aircraft at Glenforsa Airfield Mull

Is this a temporary permission? *

Yes No

If a change of use is to be included in the proposal has it already taken place?

Yes No

(Answer 'No' if there is no change of use.) *

Has the work already been started and/or completed? *

No Yes – Started Yes - Completed

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Glenforsa Hotel"/>
First Name: *	<input type="text" value="Brendan"/>	Building Number:	<input type="text" value="1"/>
Last Name: *	<input type="text" value="Walsh"/>	Address 1 (Street): *	<input type="text" value="Salen"/>
Company/Organisation	<input type="text" value="Glenforsa Hotel Mull"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value="[REDACTED]"/>	Town/City: *	<input type="text" value="Mull"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text" value="[REDACTED]"/>	Postcode: *	<input type="text" value="PA72 6JW"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="[REDACTED]"/>		

Site Address Details

Planning Authority:

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing	<input type="text" value="743061"/>	Easting	<input type="text" value="159674"/>
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Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

Meeting Telephone Letter Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (max 500 characters)

Discussions as the the suitability and position of the building

Title:

Mr

Other title:

Planning Officer

First Name:

Andrew

Last Name:

Barrie

Correspondence Reference Number:

170/01497/PREAPP

Date (dd/mm/yyyy):

06/07/2017

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

Site Area

Please state the site area:

336.00

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

Airfield and Pasture

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? *

Yes No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? *

Yes No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

0

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *

0

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? *

 Yes No

Do your proposals make provision for sustainable drainage of surface water?? * (e.g. SUDS arrangements) *

 Yes No

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

 Yes

 No, using a private water supply

 No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? *

 Yes No Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? *

 Yes No Don't Know

Trees

Are there any trees on or adjacent to the application site? *

 Yes No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? *

 Yes No

If Yes or No, please provide further details: * (Max 500 characters)

1m x 2.5m Area for the storage of waste and recycling bins.

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

 Yes No

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

Yes No

All Types of Non Housing Development – Proposed New Floorspace Details

For planning permission in principle applications, if you are unaware of the exact proposed floorspace dimensions please provide an estimate where necessary and provide a fuller explanation in the 'Don't Know' text box below.

Please state the use type and proposed floorspace (or number of rooms if you are proposing a hotel or residential institution): *

Class 6 Storage or Distribution

Gross (proposed) floorspace (In square meters, sq.m) or number of new (additional) Rooms (If class 7, 8 or 8a): *

216

If Class 1, please give details of internal floorspace:

Net trading spaces:

Non-trading space:

Total:

If Class 'Not in a use class' or 'Don't know' is selected, please give more details: (Max 500 characters)

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013) *

Yes No Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

Yes No

Is any of the land part of an agricultural holding? *

Yes No

Do you have any agricultural tenants? *

Yes No

Are you able to identify and give appropriate notice to ALL the other owners? *

Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate B

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

I hereby certify that

(1) - No person other than myself/the applicant was an owner [Note 4] of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application;

or –

(1) - I have/The Applicant has served notice on every person other than myself/the applicant who, at the beginning of the period of 21 days ending with the date of the accompanying application was owner [Note 4] of any part of the land to which the application relates.

Name:

Ms Sally Morris

Address:

Argyll and Bute Council Argyll and Bute Council, Kilmory, Lochgilphead, Argyll, PA31 8RT

Date of Service of Notice: *

06/01/2021

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding;

or –

(2) - The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have/the applicant has served notice on every person other than myself/himself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant. These persons are:

Name:

Address:

Date of Service of Notice: *

Signed: Mr Brendan Walsh

On behalf of:

Date: 06/01/2021

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

Yes No Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

Yes No Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

Yes No Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

Yes No Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

Yes No Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

Site Layout Plan or Block plan.

Elevations.

Floor plans.

Cross sections.

Roof plan.

Master Plan/Framework Plan.

Landscape plan.

Photographs and/or photomontages.

Other.

If Other, please specify: * (Max 500 characters)

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

Yes N/A

A Design Statement or Design and Access Statement. *

Yes N/A

A Flood Risk Assessment. *

Yes N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *

Yes N/A

Drainage/SUDS layout. *

Yes N/A

A Transport Assessment or Travel Plan

Yes N/A

Contaminated Land Assessment. *

Yes N/A

Habitat Survey. *

Yes N/A

A Processing Agreement. *

Yes N/A

Other Statements (please specify). (Max 500 characters)

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Brendan Walsh

Declaration Date: 06/01/2021

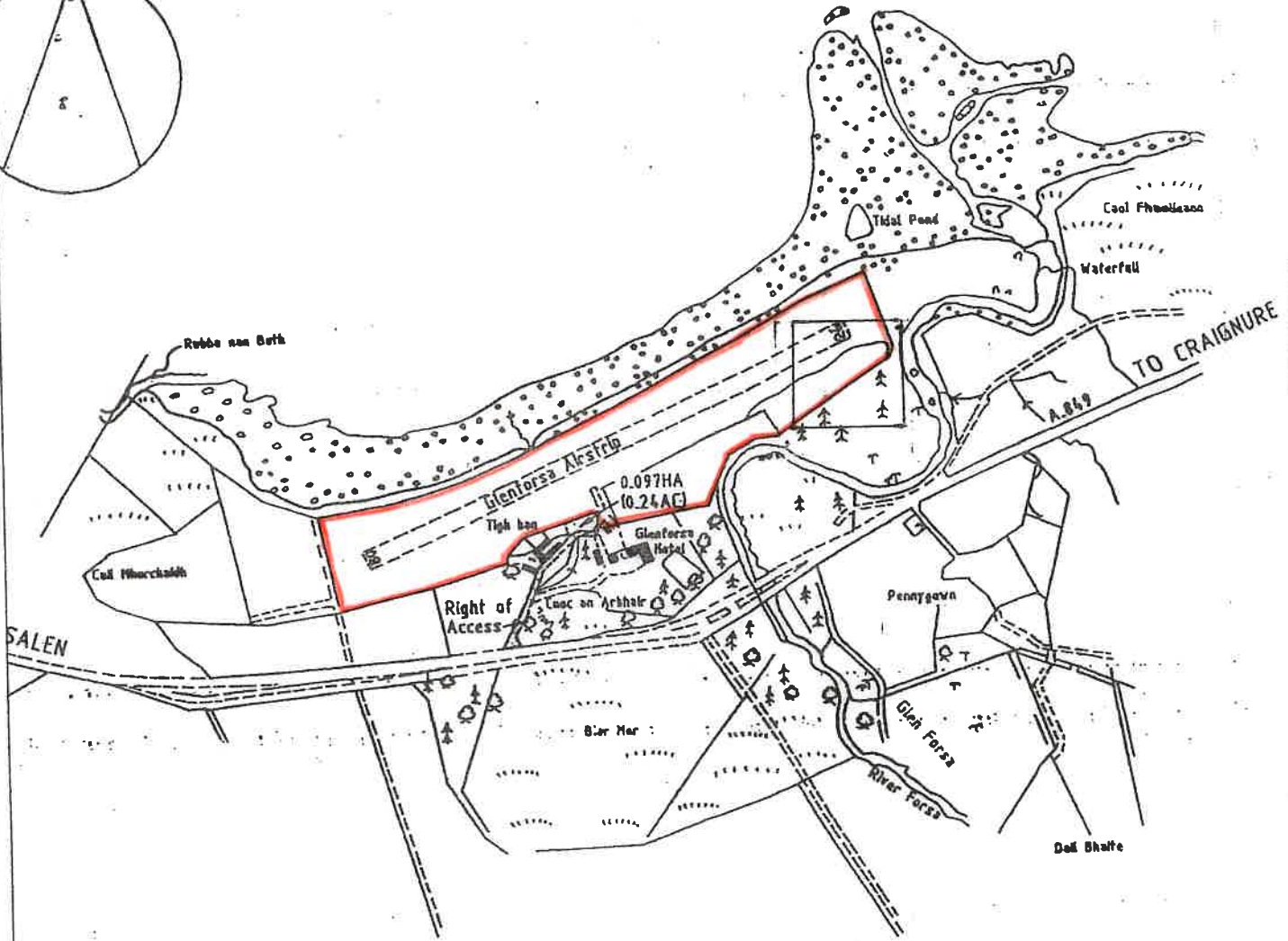
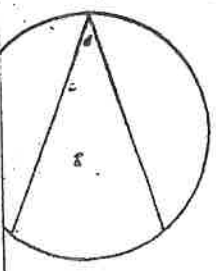
Payment Details

Cheque: Glenforsa Airfield, 000017

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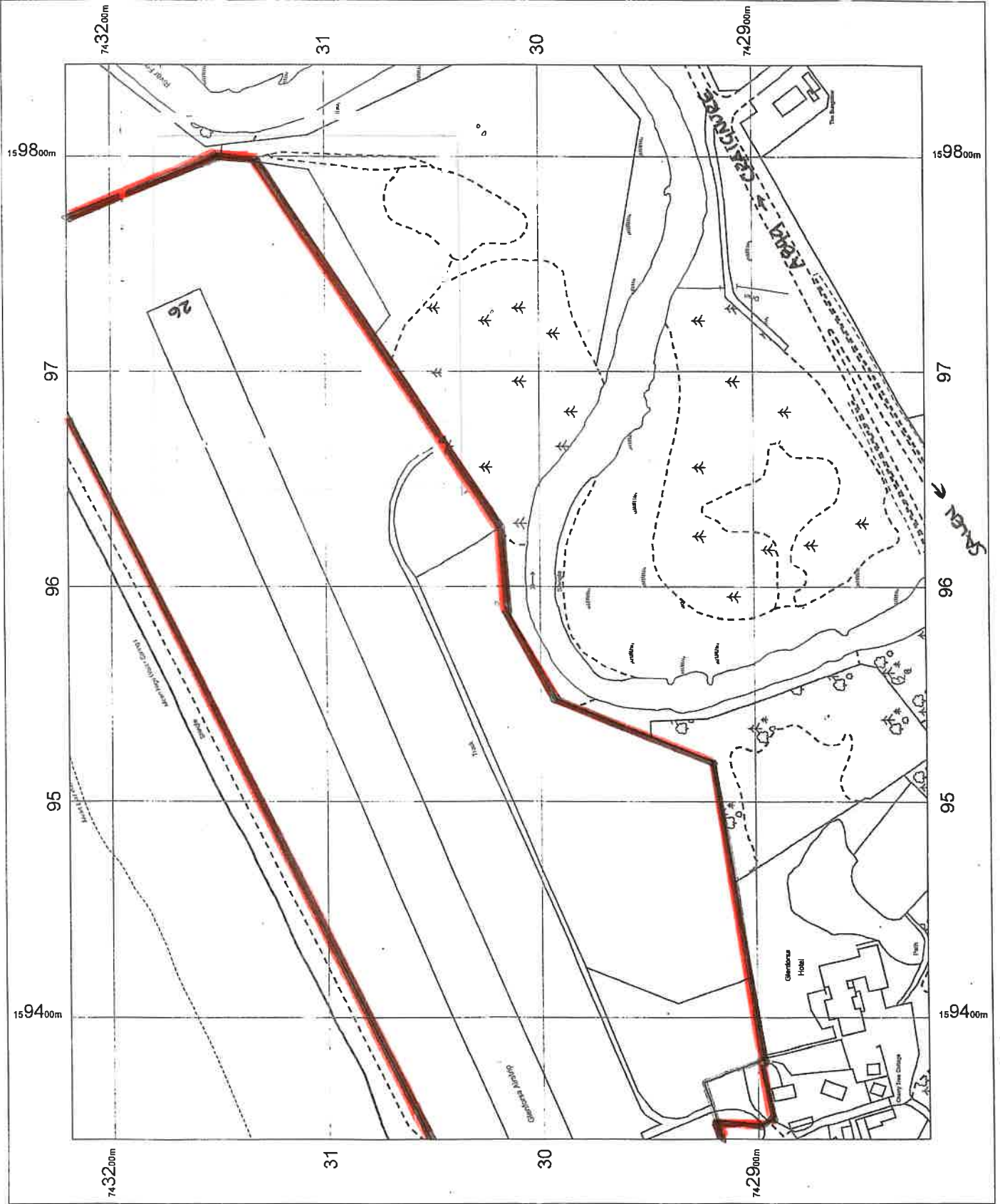
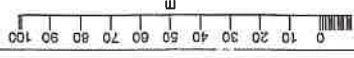
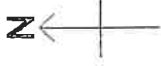
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LOCATION PLAN
SCALE 1:10,000

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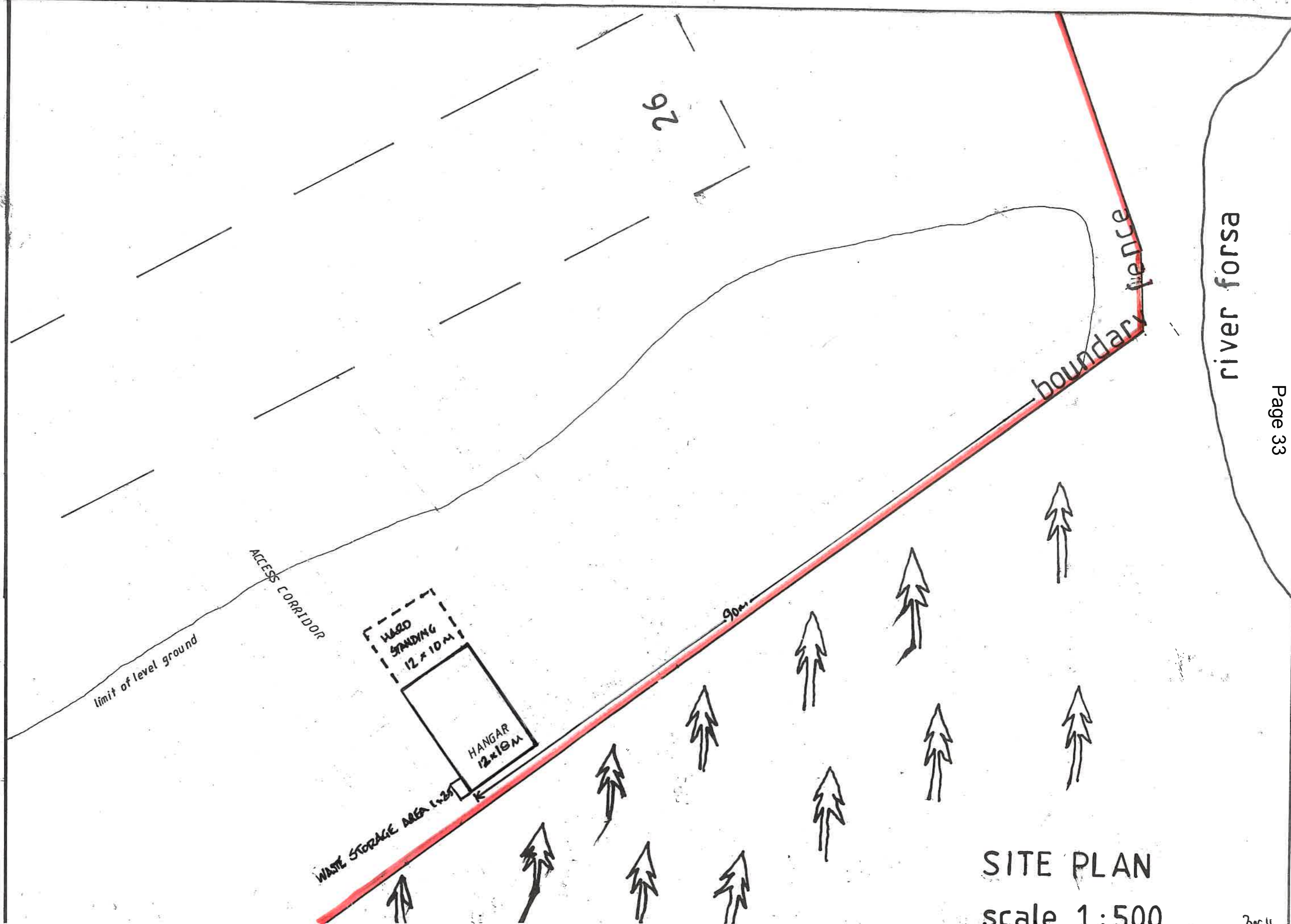
OS MasterMap 1250/2500/10000
scale
22 May 2017, ID: MAP-00625761
Nicolson Digital Limited
1:2500 scale print at A4, Centre:
159593 E, 743020 N
© Crown Copyright and database
rights. OS 100019980



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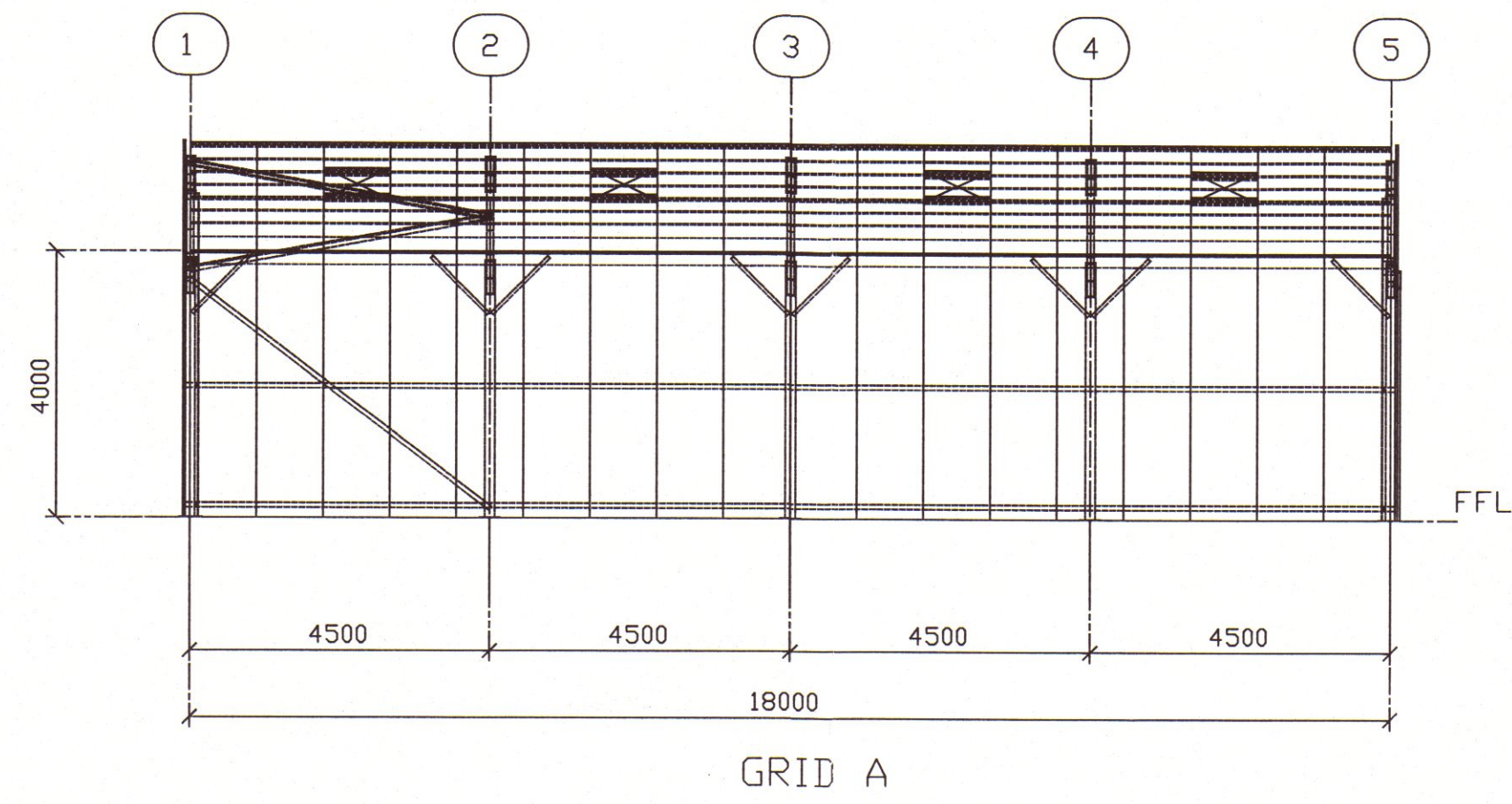
PROPOSED HANGAR AT GLENFORSA AIRFIELD



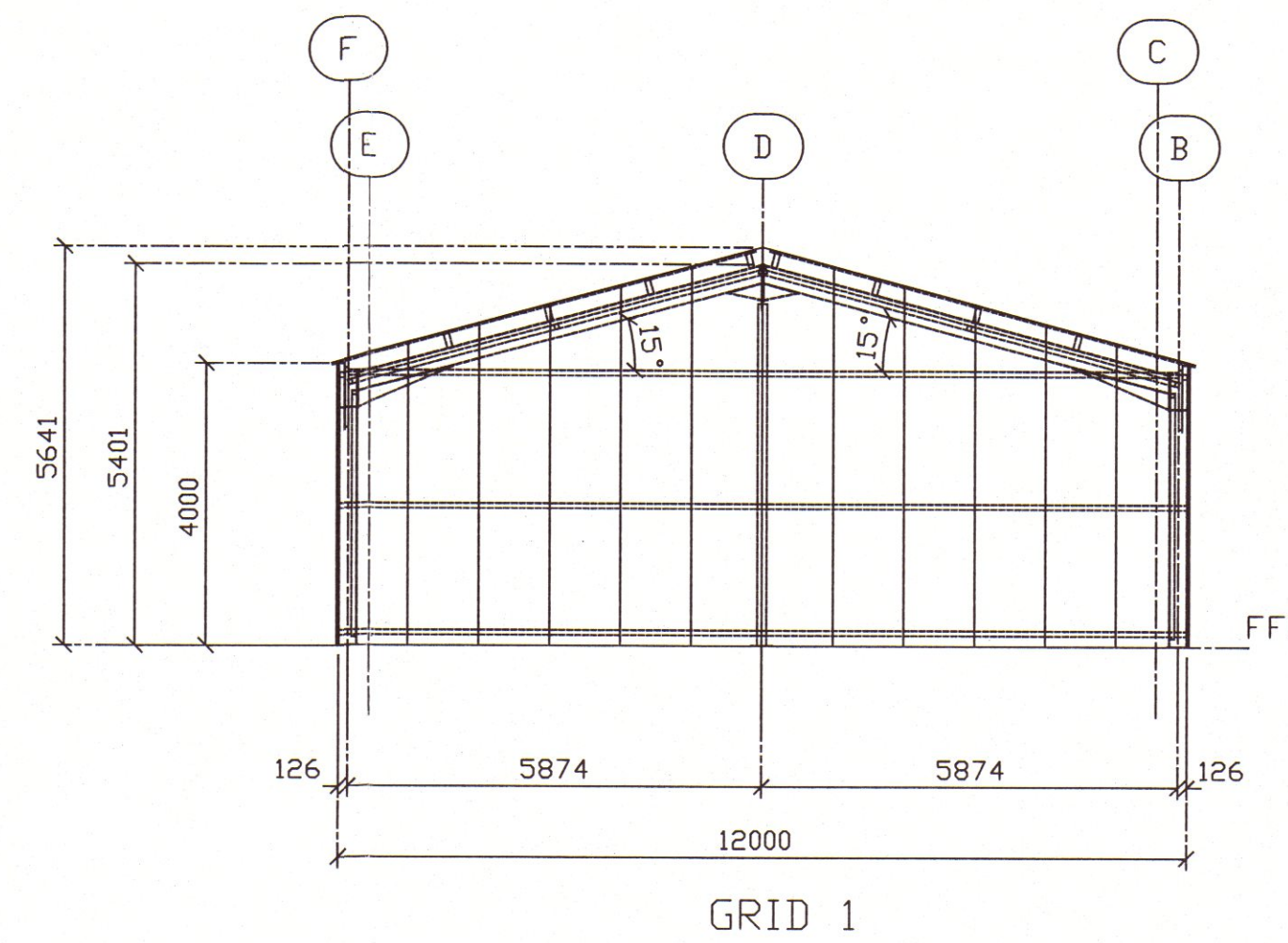
SITE PLAN

scale 1:500

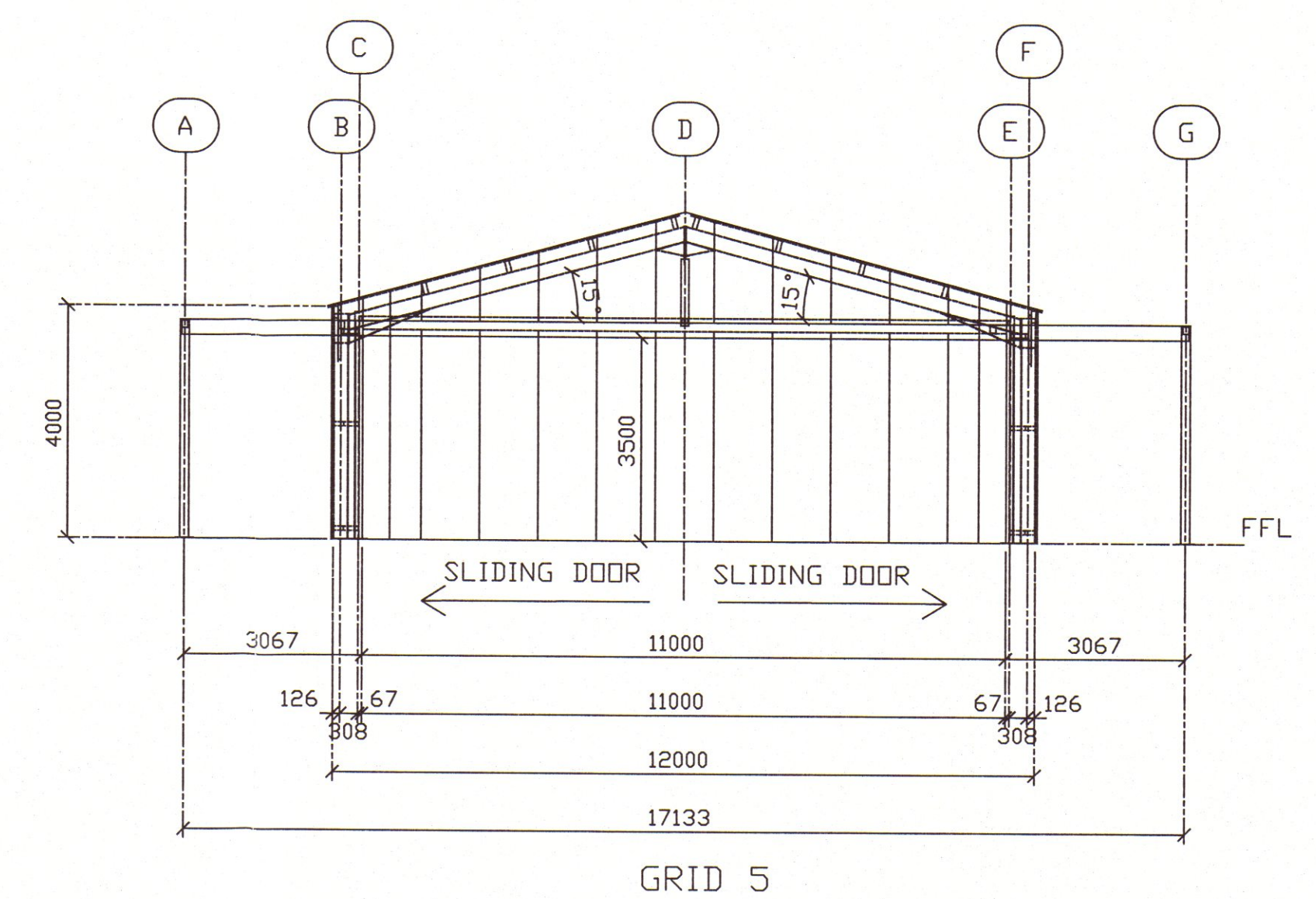
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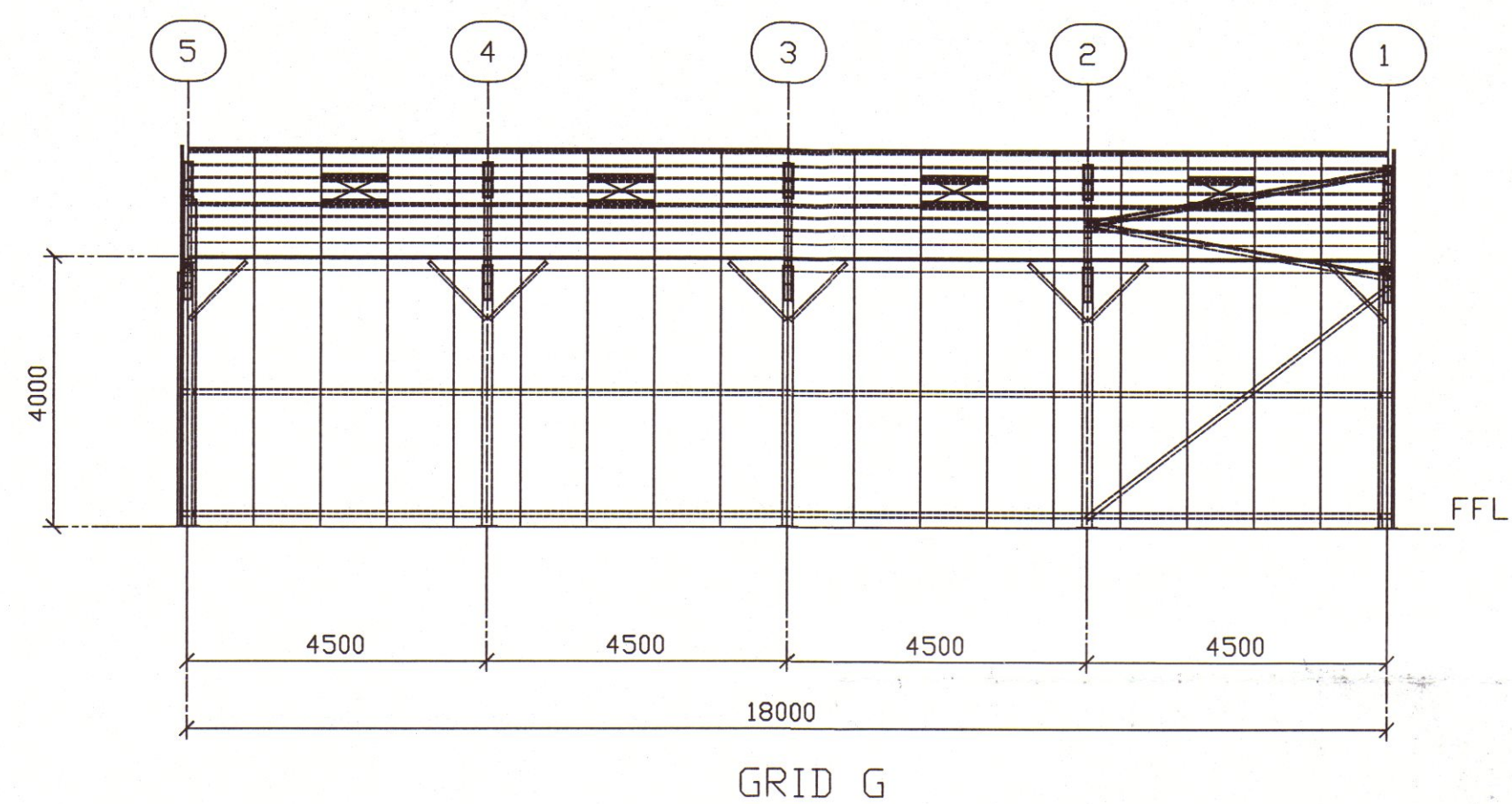
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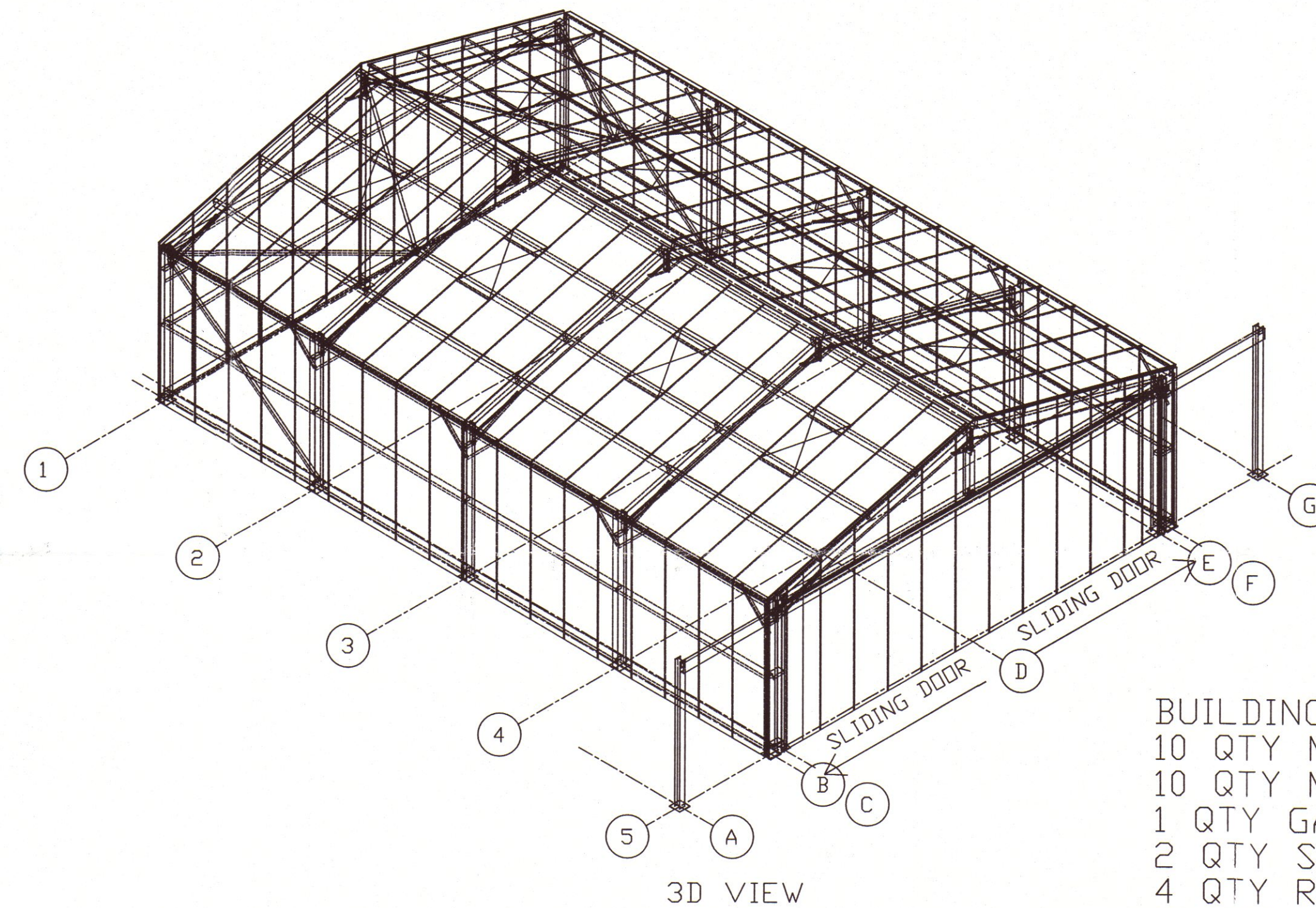
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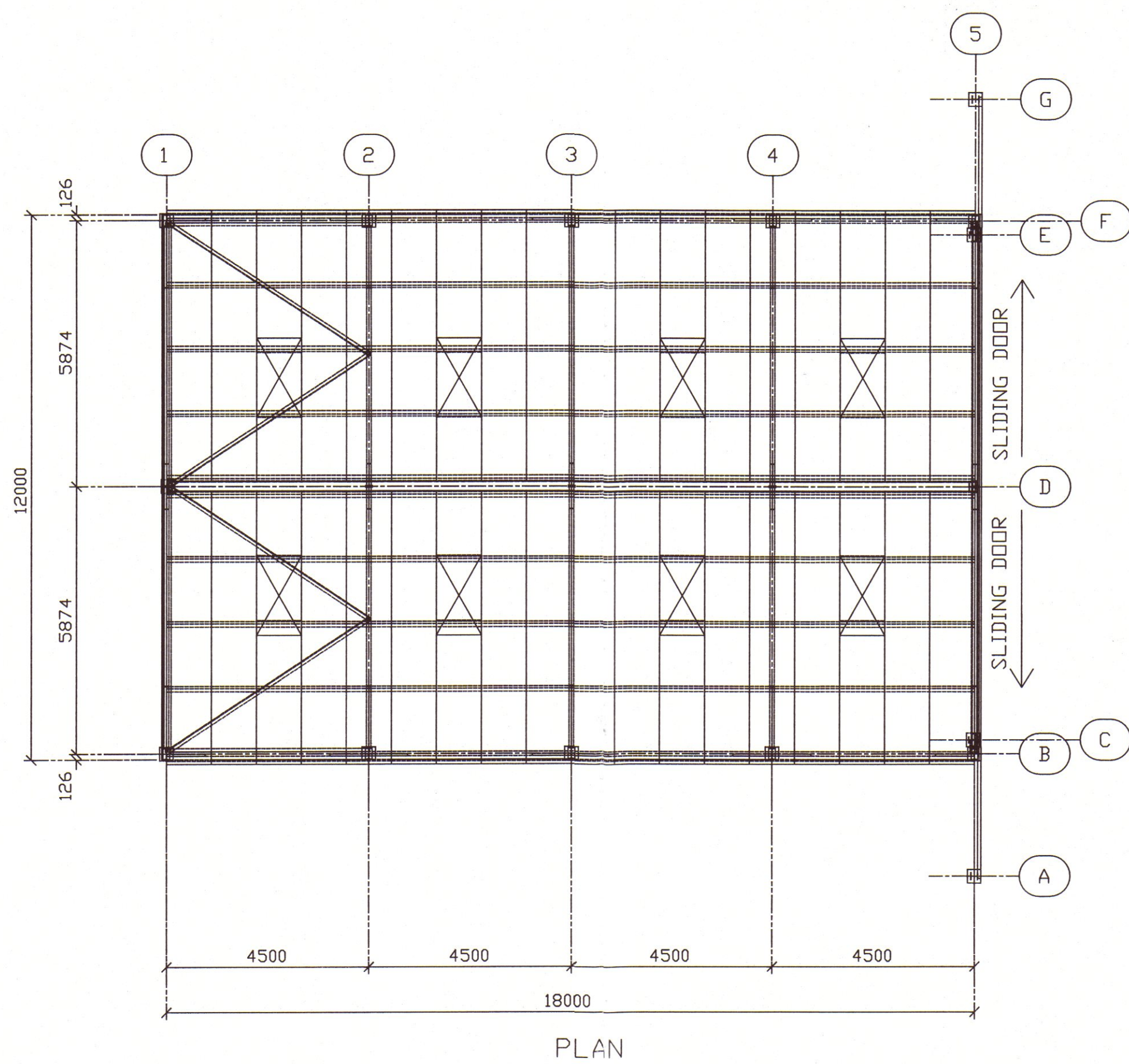
GRID 5



GRID G



3D VIEW



PLAN

- BUILDING 12m SPAN X 18m LONG
- 10 QTY MAIN STANCHIONS 254x146x31UB
- 10 QTY MAIN RAFTERS 254x102x25UB
- 1 QTY GABLE STANCHION 203x133x25UB
- 2 QTY SLIDING DOOR POSTS 203x133x25UB
- 4 QTY ROOF BRACE 70x70SHS
- 2 QTY VERTICAL BRACE 70x70SHS
- 1 QTY CHANNEL DOOR BEAM 260x75PFC
- 2 QTY OUT RIGGER DOOR POSTS 152x152x23UC
- 16 QTY KNEE BRACES 50x50x5RSA
- 1 QTY HANGER 203x133x25UB
- 1 QTY BRACE 70x70SHS
- ALL STEEL PAINTED GREY
- 2 LINES 75x200 TIMBER EAVES BEAMS
- 8 LINES 75x200 TIMBER PURLINS
- 2 LINES 75x175 TIMBER RAILS
- ALL TIMBER TREATED AND STAINED DARK BROWN
- ROOF CLADDING:
- 0.7th PLASTISOL COATED BOX ROOF PROFILE
- 8 QTY 1.5m ROOF LIGHTS BOX ROOF PROFILE
- SIDE CLADDING:
- 0.5th PLASTISOL COATED BOX PROFILE
- 2 QTY SLIDING DOORS 0.5th PLASTISOL BOX PROFILE
- ALL CLADDING JUNIPER GREEN
- 2 LINES 170mm HALF ROUND GUTTERS
- 2 110mm DOWN PIPES

CLIENT	BRENDAN WALSH			DRAWN	DD	08/12/20	KIT BUILDINGS DIRECT	Unit 16, Hilton Industrial Estate, Sutton Lane, Hilton, Derby, DE65 5F Tel:01283 735522 - Mob:07966 440 85 Fax:01283 735806 Email: concludtd@aol.com		
	PROJECT	GLENFORSA AIRFIELD, SALEN MULL, ARGYLL, PA72 6JN			CHECKED					SCALE
TITLE	GENERAL ARRANGEMENT DRAWING						1:100	769	GA001	

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Delegated or Committee Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 21/00018/PPP

Planning Hierarchy: Local Development

Applicant: Mr Brendan Walsh

Proposal: Erection of a steel building for the storage of airfield maintenance equipment and aircraft and formation of hardstanding area

Site Address: Glenforsa Airfield, Glenforsa, Isle of Mull

DECISION ROUTE

Section 43 (A) of the Town and Country Planning (Scotland) Act 1997 (as amended)

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of a steel building
- Formation of an area of hardstanding

(ii) Other specified operations

- None
-

(B) RECOMMENDATION:

Having due regard to the Development Plan and all other material considerations, it is recommended that planning permission in principle be REFUSED for the reasons appended to this report.

(C) HISTORY:

17/01497/PREAPP - Construction of aircraft hangar/ground equipment shed

Prior to the submission of this planning application pre application advice was sought from the department. The pre application response advised that the site did not present any opportunities for infill, rounding-off, redevelopment or change of use of existing buildings and therefore the principle of development could not be supported at the site without an acceptable claim of an 'exceptional case' based on an operational or locational need. It was further advised that there is a Rural Opportunity Area (ROA) lying immediately to the

west of the proposed site and it was suggested that this area may be a more suitable location. The ROA allows for up to small scale development on appropriate site. At that time it was advised what may constitute an exceptional case and that onus would be on the applicant to make those arguments through the submission of a planning application.

(D) CONSULTATIONS:

Roads Authority

Report dated 11.03.2021 advising no objections to the proposal.

Flood Risk Management (JBA)

Memo dated 11.03.2021 advising no objections but recommendations that the applicant may want to ensure the finished floor level of the storage building is above the peak fluvial flood level plus climate change which is calculated to be 9.35AOD and as a further precaution given the proximity to multiple possible sources of flooding, the applicant may wish to ensure maintenance machinery with electrical components are stored off the floor.

Environmental Health

No response at time of report and no request for an extension of time.

Argyll & Bute Council's Estates Department (ED)

E-mail dated 09.12.2021 advising that the proposal would not be out of keeping with the applicant's activities as an airfield operator, however the proposal would require the formal consent of Argyll and Bute Council as landlord which in turn would be dependent upon the removal from the site of an existing agricultural tenancy covering the area.

ED have further advised that if the issue with the agricultural holding was resolved they would consider granting such a consent but further consultations with other sections such as Airport operatives would be required.

Oban Airport

No response at time of report and no request for an extension of time.

The above represents a summary of the issues raised. Full details of the consultation responses are available on the Council's Public Access System by clicking on the following link <http://www.argyll-bute.gov.uk/content/planning/publicaccess>.

(E) PUBLICITY:

The proposal has been advertised in terms of Regulation 20 and Neighbour Notification procedures, overall closing date 15.04.2021.

(F) REPRESENTATIONS:

Three objections and eight representations of support have been received regarding the proposed development:

Support

Victor Norman, Rainbow Barn, Rendcomb, Cirencester, GL7 7DF, dated 07.04.2021.
James Gibson Fleming, Ardvergnish, Pennyghael, Isle of Mull, Argyll, dated 07.04.2021.
William Hall, Gutchpool Farm, Gillingham, SP8 5QP, dated 08.04.2021.
Chris Webb, Lowton Farm, Oake, Taunton, Somerset, TA4 1BD, dated 11.04.2021.

Martin Gosling, Stones Farm, Wickham St. Paul's, Halstead, Essex, CO9 2PS, dated 12.04.2021.

Robin Sedgwick, Crannich, Aros, Isle of Mull, Argyll, dated 15.04.2021.

Gordon Moir, 2 Callow Hill Way, Littleover, Derby, DE23 3RJ, dated 19.04.2021.

Erik Hadley, Corrachie, Salen, Isle of Mull, Argyll, dated 08.08.2021.

- The availability of a hangar for maintenance repairs and storage will provide a secure and sheltered zone for visiting aircraft and will make the logistics of maintaining the airfield much easier particularly during adverse weather conditions and in the event of emergencies.
- The proposal to improve this facility will enhance tourism prospects of the applicants Hotel.
- The proposal will be screened by the dense stand of trees to the south and a sympathetic colour of cladding would render the structure hard to see from anywhere other than directly in front.

Planning Authority Comment: The planning authority acknowledges the support for the proposed development.

Objections

Hugh MacPhail, Callachy Farm, Salen, Aros, Isle of Mull, Argyll, PA72 6JN, dated 29.03.2021.

Alexander Macaulay, 11 Jarvisfield Road, Salen, Isle of Mull, Argyll, dated 31.03.2021.

Alex Jacobs, Bridges Cottage, A848 North of Aros from Drumfin Lodge to the C46 Dervaig Road Junction, Aros, Isle of Mull, dated 04.04.2021.

Summary of issues raised

- Concerns that the site is being turned into an industrial space and the impact of the proposal which will be visible from Salen will upset the balance of the environment.

Planning Authority Comment: The site is currently adjacent to an airstrip and within agricultural use. The proposed building will be sited approximately 1500 metres from Salen and such a proposal would not be an uncommon addition to this location where the existing airstrip is readily viewed from a wider area. Notwithstanding this, however, the proposed development does not comply with planning policy and all attempts to advise the applicant of the need to submit a detailed 'exceptional case' argument to justify the development have failed.

- Concerns that the proposed hanger and any such associated aircraft would have public safety implications as the site is part of the 'falls' walk which forms part of a well-known circular scenic path utilised by locals, dog walkers and visitors.

Planning Authority Comment: Although the site is utilised by locals, dog walkers and visitors the constraints data has been checked and no Core Paths have been identified within the site. Any public safety implications would be a civil matter and not a matter for the planning department. Therefore, this is not a material consideration in the determination of this planning application.

- Concerns that the author of the objection is the Agricultural Tenant on the Airfield and has been farming the area under an Agricultural Holdings (Scotland) Act 1991 tenancy since November 1977 which provides the security of tenure and full rights as per the terms of the lease where the landlord cannot sub-let land under the objectors tenancy to a third party. Argyll and Bute estates department recently referred to Mr Walsh as a tenant and I have correspondence which mentions "both airfield tenants". As the

legal position does not permit the airfield to be sub-let, therefore it is not possible for Argyll and Bute to grant Mr Walsh a tenancy.

Planning Authority Comment: The applicant has correctly submitted the Land Ownership Certificate to Argyll and Bute Council as landowner. The tenancy of the land is a civil matter between Argyll and Bute Council's Estates Department and the tenant. Therefore, this is not a material consideration in the determination of this planning application.

- Concerns that the author of the objection has not been informed of the terms of the current airfield tenancy/maintenance arrangement between Mr Walsh and Argyll and Bute Council. Concerns have been raised with the Argyll and Bute Council estates department with regard to the dilapidated state of the fences. The objector has no detail on whether Mr Walsh's tenancy/maintenance arrangement with Argyll and Bute stretches to the upkeep and replacement of the fences.

Planning Authority Comment: The terms of the current airfield tenancy/maintenance arrangement between Mr Walsh and Argyll and Bute Council is a civil matter between both parties. Therefore, this is not a material consideration in the determination of this planning application.

- Concerns that the site is unsuitable for a shed as it is a prime grazing and silage making area of the field and would greatly compromise the agricultural output.

Planning Authority Comment: The proposed development does not seek to remove areas of protected agricultural land and this would be a private matter between the parties concerned.

- Concerns that the site is the furthest point from a power supply.

Planning Authority Comment: This is not a material consideration in the determination of this planning application.

The above represents a summary of the issues raised. Full details of the letters of representation are available on the Council's Public Access System by clicking on the following link <http://www.argyll-bute.gov.uk/content/planning/publicaccess>.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- | | | |
|-------|--|-----------|
| (i) | Environmental Statement: | No |
| (ii) | An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994: | No |
| (iii) | A design or design/access statement: | No |
| (iv) | A report on the impact of the proposed development e.g. retail impact, transport impact, noise impact, flood risk, drainage impact etc: | No |

(H) PLANNING OBLIGATIONS

- | | | |
|-----|---|-----------|
| (i) | Is a Section 75 obligation required: | No |
|-----|---|-----------|

- | | | |
|-----|--|-----------|
| (I) | Has a Direction been issued by Scottish Ministers in terms of | No |
|-----|--|-----------|

Regulation 30, 31 or 32:

(J) Section 25 of the Act; Development Plan and any other material considerations over and above those listed above which have been taken into account in the assessment of the application

(i) List of all Development Plan Policy considerations taken into account in assessment of the application.

Argyll and Bute Local Development Plan, 2015

LDP STRAT 1 – Sustainable Development

LDP DM 1 – Development within the Development Management Zones
(*Countryside Zone*)

LDP 3 – Supporting the Protection Conservation and Enhancement of our Environment

LDP 8 – Supporting the Strength of our Communities

LDP 9 – Development Setting, Layout and Design

LDP 10 – Maximising our Resources and Reducing our Consumption

LDP 11 – Improving our Connectivity and Infrastructure

Supplementary Guidance

SG 2 – Sustainable Siting and Design Principles

SG LDP ENV 14 – Landscape

SG LDP SERV 2 – Incorporation of Natural Features/Sustainable Drainage Systems (SuDS)

SG LDP TRAN 4 – New and Existing, Public Roads and Private Access Regimes

SG LDP TRAN 6 – Vehicle Parking Provision

SG LDP TRAN 7 – Airport Safeguarding

(i) List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 3/2013.

Argyll and Bute Sustainable Design Guidance, 2006

Scottish Planning Policy (SPP), 2014

Consultation Responses

Third Party Representations

Argyll and Bute proposed Local Development Plan 2 (November 2019)

The unchallenged policies and proposals within pLDP2 may be afforded significant material weighting in the determination of planning applications at this time as the settled and unopposed view of the Council. Elements of the pLDP2 which have been identified as being subject to unresolved objections still require to be subject of Examination by a Scottish Government appointed Reporter and cannot be afforded significant material weighting at this time.

The provisions of pLDP2 that may be afforded significant weighting in the determination of this application are listed below:

- Policy 35 – Design of New and Existing, Public Roads and Private Access Regimes
- Policy 36 – New Private Accesses

- Policy 37 – Development Utilising an Existing Private Access or Existing Private Road
- Policy 39 – Construction Standards for Private Access
- Policy 43 – Safeguarding of Aerodromes

(K)	Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment:	No
(L)	Has the application been the subject of statutory pre-application consultation (PAC):	No
(M)	Has a sustainability check list been submitted:	No
(N)	Does the Council have an interest in the site:	No
(O)	Requirement for a hearing:	No

(P) Assessment and summary of determining issues and material considerations

Planning permission sought for the erection of a steel building for the storage of airfield maintenance equipment and aircraft and the formation of a hardstanding area at Glenforsa Airfield, Glenforsa on the Isle of Mull.

In terms of the adopted 'Argyll and Bute Local Development Plan' 2015 the application site is located within the 'Countryside Zone' (CZ) where Policy LDP DM 1 normally only gives encouragement to small scale developments on an appropriate infill, rounding off, redevelopment and change of use of building basis.

Within the Countryside Zone all development proposals which are not small scale infill, rounding off, or redevelopment might be supported if it is deemed that an appropriate 'exceptional case' has been made and where the proposed development can be shown to have no materially harmful landscape impact in accordance with an Area Capacity Evaluation (ACE). The 'exceptional case' required to justify carrying out of an ACE is in all circumstances, either; the demonstration of a locational and/or operational need tied to a precise location which is agreed with and acceptable to the planning authority, or; demonstration of an overriding economic or community benefit which outweighs other policies of the Local Development Plan and is agreed with and acceptable to the planning authority.

In the case of the current application, the site for the development does not represent infill, rounding-off or redevelopment.

In this case, no sufficient claim of an exceptional case has been presented by the applicant. Upon request for additional supporting information the applicant has provided justification on landscape terms only. The details submitted are not considered sufficiently substantive so as to underpin the special circumstances of the proposal without which the development would be considered contrary to the provisions of the LDP.

Further correspondence was undertaken with the applicant who was formally notified in accordance with Regulation 24 of the Town and Country Planning (Development

Management Procedure) (Scotland) Regulations 2008 that the planning authority cannot positively consider the planning application in the absence of the required details. These details requested were to be submitted within three weeks unless an alternative extended timescale for submission was agreed in writing with the case officer. Additional time was requested and a further three weeks extension was given; giving the applicant six weeks to submit the necessary requested details.

No such requested information has been forthcoming. Without an exceptional case to demonstrate a locational and / or operational need tied to a precise location, there is nothing to underpin the exceptional case argument and the Planning Authority is unable to trigger the ACE process. In this regard the proposal is considered to be contrary to the provisions of SG LDP DM 1 above and no further assessment of the site has been undertaken by the Planning Authority.

Taking all of the above into consideration, the application has not been accompanied by sufficient information to underpin the exceptional case argument to justify the development of the site within the Countryside Zone rendering it contrary to the provisions of Policy LDP DM 1.

In light of the above, it is recommended that the application be refused for the reasons appended to this report. It is recognised that it is open to the applicant to reapply should he so wish and to present a more comprehensive argument that may enable officers to look more favourably upon these proposals.

(Q) Is the proposal consistent with the Development Plan: No

(R) Reasons why planning permission should be refused

See reasons for refusal below.

(S) Reasoned justification for a departure to the provisions of the Development Plan

N/A

(T) Need for notification to Scottish Ministers or Historic Environment Scotland:

No

Author of Report: Judith Stephen Date: 17.03.2022

Reviewing Officer: Tim Williams Date: 29.03.2022

**Fergus Murray
Head of Development and Economic Growth**

REASONS FOR REFUSAL RELATIVE TO APPLICATION REFERENCE 21/00018/PP

1. In terms of the adopted 'Argyll and Bute Local Development Plan' 2015 the application site is located within the 'Countryside Zone' (CZ) where Policy LDP DM 1 normally only gives encouragement to small scale developments on an appropriate infill, rounding off, redevelopment and change of use of building basis.

Within the Countryside Zone all development proposals which are not small scale infill, rounding off, or redevelopment might be supported if it is deemed that an appropriate 'exceptional case' has been made and where the proposed development can be shown to have no materially harmful landscape impact in accordance with an Area Capacity Evaluation (ACE). The 'exceptional case' required to justify carrying out of an ACE is in all circumstances, either; the demonstration of a locational and/or operational need tied to a precise location which is agreed with and acceptable to the planning authority, or; demonstration of an overriding economic or community benefit which outweighs other policies of the Local Development Plan and is agreed with and acceptable to the planning authority.

In the case of the current application, the site for the development does not represent infill, rounding-off or redevelopment.

In this case, no sufficient claim of an exceptional case has been presented by the applicant. Upon request for additional supporting information the applicant has provided justification on landscape terms only. The details submitted are not considered sufficiently substantive so as to underpin the special circumstances of the proposal without which the development would be considered contrary to the provisions of the LDP.

As the current application is not accompanied by the requisite supportive evidence to underpin the claim of an exceptional case, the proposal is considered to be contrary to the provisions of SG LDP DM 1 of the adopted 'Argyll and Bute Local Development Plan' 2015.

APPENDIX TO DECISION REFUSAL NOTICE

Appendix relative to application **21/00018/PPP**

- (A) Has the application required an obligation under Section 75 of the Town and Country Planning (Scotland) Act 1997 (as amended).

No

- (B) Has the application been the subject of any “non-material” amendment in terms of Section 32A of the Town and Country Planning (Scotland) Act 1997 (as amended) to the initial submitted plans during its processing.

No

- (C) Is the proposal consistent with the Development Plan:

No

- (D) Reasons for refusal of planning application.

The proposal is considered to be contrary to policy LDP DM 1 of the Argyll and Bute Local Development Plan 2015, and there are no other material considerations of sufficient significance to indicate that it would be appropriate to grant planning permission in this instance as a departure to the Development Plan having regard to s25 of the Act.

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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: 21/00018/PP

**Mr Brendan Walsh
Glenforsa Hotel
1 Salen
Isle Of Mull
PA72 6JW**

I refer to your application dated 7th January 2021 for planning permission in respect of the following development:

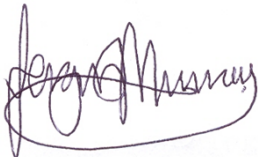
**Erection of a steel building for the storage of airfield maintenance equipment and aircraft
and formation of hardstanding area**

AT:

Glenforsa Airfield Glenforsa Isle Of Mull Argyll And Bute PA72 6JN

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 **reasons(s) contained in the attached appendix.**

Dated: 30 March 2022



Fergus Murray
Head of Development and Economic Growth

REASONS FOR REFUSAL RELATIVE TO APPLICATION NUMBER: 21/00018/PP

1. In terms of the adopted 'Argyll and Bute Local Development Plan' 2015 the application site is located within the 'Countryside Zone' (CZ) where Policy LDP DM 1 normally only gives encouragement to small scale developments on an appropriate infill, rounding off, redevelopment and change of use of building basis.

Within the Countryside Zone all development proposals which are not small scale infill, rounding off, or redevelopment might be supported if it is deemed that an appropriate 'exceptional case' has been made and where the proposed development can be shown to have no materially harmful landscape impact in accordance with an Area Capacity Evaluation (ACE). The 'exceptional case' required to justify carrying out of an ACE is in all circumstances, either; the demonstration of a locational and/or operational need tied to a precise location which is agreed with and acceptable to the planning authority, or; demonstration of an overriding economic or community benefit which outweighs other policies of the Local Development Plan and is agreed with and acceptable to the planning authority.

In the case of the current application, the site for the development does not represent infill, rounding-off or redevelopment.

In this case, no sufficient claim of an exceptional case has been presented by the applicant. Upon request for additional supporting information the applicant has provided justification on landscape terms only. The details submitted are not considered sufficiently substantive so as to underpin the special circumstances of the proposal without which the development would be considered contrary to the provisions of the LDP.

As the current application is not accompanied by the requisite supportive evidence to underpin the claim of an exceptional case, the proposal is considered to be contrary to the provisions of SG LDP DM 1 of the adopted 'Argyll and Bute Local Development Plan' 2015.

NOTES TO APPLICANT (1) RELATIVE TO APPLICATION NUMBER 21/00018/PP

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).

APPENDIX TO DECISION REFUSAL NOTICE

Appendix relative to application: 21/00018/PP

- A. Has the application been the subject of any “non-material” amendment in terms of Section 32A of the Town and Country Planning (Scotland) Act 1997 (as amended) to the initial submitted plans during its processing.**

Yes/No (delete as appropriate) if yes, list amendments

- B. Is the proposal a departure from the Development Plan:**

No

If yes, state level of departure:

No Departure

- C. Summary justification statement for refusal of planning permission**

The proposal is considered to be contrary to policies [enter relevant policies] of the Argyll and Bute Local Development Plan 2015, and there are no other material considerations of sufficient significance to indicate that it would be appropriate to grant planning permission in this instance as a departure to the Development Plan having regard to s25 of the Act.

STATEMENT OF CASE

FOR

**ARGYLL AND BUTE COUNCIL
LOCAL REVIEW BODY**

22/0003/LRB

**REFUSAL OF PLANNING PERMISSION 21/00018/PP
FOR THE ERECTION OF A STEEL BUILDING FOR THE
STORAGE OF AIRFIELD MAINTENANCE EQUIPMENT
AND AIRCRAFT AND FORMATION OF
HARDSTANDING**

GLENFORSA AIRFIELD, GLENFORSA, ISLE OF MULL

27.04.2022

STATEMENT OF CASE

The Planning Authority is Argyll and Bute Council ('the Council'). The appellant is Mr Brendan Walsh ("the appellant").

Planning permission 21/00018/PP for the erection of a steel building for the storage of airfield maintenance equipment and aircraft and formation of hardstanding area at Glenforsa Airfield, Glenforsa, Isle of Mull ("the appeal site") was refused by the Planning Service under delegated powers on 30.03.2022.

The planning application has been appealed and is subject of referral to a Local Review Body.

DESCRIPTION OF SITE

The site is located within the 'Countryside Zone' (CZ) where Policy LDP DM 1 normally only gives encouragement to small scale developments on an appropriate infill, rounding off, redevelopment and change of use of building basis.

Within the Countryside Zone all development proposals which are not small scale infill, rounding off, or redevelopment might be supported if it is deemed that an appropriate 'exceptional case' has been made and where the proposed development can be shown to have no materially harmful landscape impact in accordance with an Area Capacity Evaluation (ACE). The 'exceptional case' required to justify carrying out of an ACE is in all circumstances, either; the demonstration of a locational and/or operational need tied to a precise location which is agreed with and acceptable to the planning authority, or; demonstration of an overriding economic or community benefit which outweighs other policies of the Local Development Plan and is agreed with and acceptable to the planning authority.

The site for the development does not represent infill, rounding-off or redevelopment and no claim of any 'exceptional case' was made during the life of the planning application despite repeated requests for such information should the appellant be relying upon this to support his development proposals.

STATUTORY BASIS ON WHICH THE APPEAL SHOULD BE DECIDED

Section 25 of the Town and Country Planning (Scotland) Act 1997 provides that where, in making any determination under the Planning Act, regard is to be had to the development plan, and all other material planning considerations and the determination shall be made in accordance with the plan unless material considerations indicate otherwise. This is the test for this application.

STATEMENT OF CASE

Argyll and Bute Council considers the determining issues in relation to the case are as follows:

- *Whether the appellant has demonstrated an 'exceptional case' based on an overriding locational or operational need sufficient to warrant the approval of the development in compliance with Policy DM 1 of the adopted Argyll and Bute Local Development Plan 2015.*

The Report of Handling (Appendix 1) sets out the Council's full assessment of the application in terms of Development Plan policy and other material considerations.

REQUIREMENT FOR ADDITIONAL INFORMATION AND A HEARING

The planning application the subject of this Review was properly assessed based on the information submitted. The Appellant is now seeking to support the development through a detailed submission that was not available to officers at the time of their determination. The submitted information is entirely new and raises substantive material issues not previously available. This will require, effectively, a completely fresh assessment including any necessary consultations. This Notice of Review was received on the 27th April 2022 with a statement of case required to be submitted by planning officers by the 11th May. It is not possible for officers to carry out a competent assessment of this new submission within that timeframe.

It is respectfully suggested that the correct mechanism for this new information to be properly and competently assessed would be through the submission of a new formal application for planning permission.

COMMENT ON APPELLANT'S SUBMISSION

- The appellant's agent contends that an 'exceptional case' exists and justifies planning permission being granted. The Appellant accepts that he should have submitted this at the time the planning application was being considered.
- The appellant's agent contends that due to the case officer changing three times over the course of the year that the application took to process, and 'crossed wires' in what was required, he did not provide the justification that he knew to exist based upon the community and economic importance of the Airfield, and why the hangar building is required to support its ongoing functioning and success.

Planning Authority Comment: *The Planning Authority strenuously contests this interpretation of the events.*

Nearly four years prior to the submission of the planning application the subject of this Review, the Appellant submitted a request for pre-application advice for the same development on the same site. He was advised by officers in writing on the 6th July 2017 of the constraints and opportunities applicable to the development; that no appropriate infill, rounding-off or redevelopment opportunities exist and that any formal planning application should, therefore, be accompanied by a detailed statement outlining any 'exceptional case'.

The Appellant then engaged a local planning agent to further this enquiry and that agent was advised in writing on the 22nd August 2017 that officers had met with the Appellant to discuss the development, that they had discussed potential more suitable and more easily supportable alternative sites within his land ownership and again reiterating that any formal planning application for the development on the site the subject of this subsequent Review must be supported by an appropriate exceptional case.

No follow-up planning application was made at that time.

The Appellant then contacted the same planning case officer again in September 2020 seeking to revisit the previous pre-application enquiry and was informed in writing for the third time that any such development would need to be supported by an appropriate exceptional case.

The planning application the subject of this Review was submitted on the 7th January 2021 (and validated on the 24th February 2021). This planning application was not accompanied by any claim of any 'exceptional case' required to justify the development within the Countryside Zone.

Officers sought to secure any missing 'exceptional case' information and whilst some preliminary detail was eventually submitted, it did not meet the necessary threshold tests.

Officers then sought again to require this information; this time formally through the use of Regulation 24 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008. This formal written request for information was issued on the 19th January 2022 with a requirement that any claim of exceptional case that the Appellant may rely upon to offer justification for his proposed development be submitted no later than the 2nd February 2022 unless any extended time period is agreed. The Appellant was advised at this time that his planning application would be determined on the basis of the information submitted unless additional supporting information/evidence was submitted within the agreed (or any agreed extended) timeframe.

It was subsequently agreed to extend the compliance period until the 2nd March 2022.

The 2nd March came and went with no subsequent communication from the Appellant and the planning application was refused on the 29th March 2022, some 13 months after the application was first validated.

It is true that the original planning case officer who handled the various strands of the pre-application advice between July 2017 and September 2020 left the employment of the Council in October 2020.

It is also true that the case officer originally assigned the formal planning application in February 2021 left the employment of the Council before its eventual determination in March 2022.

However, the case files clearly show a consistency and clarity of advice over the best part of four and a half years, during which time every conceivable opportunity has been afforded the Appellant.

CONCLUSION

It is not considered possible or appropriate to carry out a new assessment of the proposed development based on entirely new evidence under the scope and remit of this Review.

It is respectfully submitted that the Review Body should either set aside the new 'exceptional case' justification contained within the Appellant's submission and determine this Review based upon the information submitted with the planning application or else to seek that the Review be withdrawn in favour of the submission of a new planning application to enable officers to properly assess the new information submitted.

APPENDIX 1

Report of Handling Relative to 22/00018/PP

Argyll and Bute Council
Development and Economic Growth

Delegated or Committee Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 21/00018/PP

Planning Hierarchy: Local Development

Applicant: Mr Brendan Walsh

Proposal: Erection of a steel building for the storage of airfield maintenance equipment and aircraft and formation of hardstanding area

Site Address: Glenforsa Airfield, Glenforsa, Isle of Mull

DECISION ROUTE

Section 43 (A) of the Town and Country Planning (Scotland) Act 1997 (as amended)

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of a steel building
- Formation of an area of hardstanding

(ii) Other specified operations

- None
-

(B) RECOMMENDATION:

Having due regard to the Development Plan and all other material considerations, it is recommended that planning permission in principle be REFUSED for the reasons appended to this report.

(C) HISTORY:

17/01497/PREAPP - Construction of aircraft hangar/ground equipment shed

Prior to the submission of this planning application pre application advice was sought from the department. The pre application response advised that the site did not present any opportunities for infill, rounding-off, redevelopment or change of use of existing buildings and therefore the principle of development could not be supported at the site without an acceptable claim of an 'exceptional case' based on an operational or locational need. It was further advised that there is a Rural Opportunity Area (ROA) lying immediately to the west of the proposed site and it was suggested that this area may be a more suitable location. The ROA allows for up to small scale development on appropriate site. At that time it was advised what may constitute an exceptional case and that onus would be on the applicant to make those arguments through the submission of a planning application.

(D) CONSULTATIONS:

Roads Authority

Report dated 11.03.2021 advising no objections to the proposal.

Flood Risk Management (JBA)

Memo dated 11.03.2021 advising no objections but recommendations that the applicant may want to ensure the finished floor level of the storage building is above the peak fluvial flood level plus climate change which is calculated to be 9.35AOD and as a further precaution given the proximity to multiple possible sources of flooding, the applicant may wish to ensure maintenance machinery with electrical components are stored off the floor.

Environmental Health

No response at time of report and no request for an extension of time.

Argyll & Bute Council's Estates Department (ED)

E-mail dated 09.12.2021 advising that the proposal would not be out of keeping with the applicant's activities as an airfield operator, however the proposal would require the formal consent of Argyll and Bute Council as landlord which in turn would be dependent upon the removal from the site of an existing agricultural tenancy covering the area.

ED have further advised that if the issue with the agricultural holding was resolved they would consider granting such a consent but further consultations with other sections such as Airport operatives would be required.

Oban Airport

No response at time of report and no request for an extension of time.

The above represents a summary of the issues raised. Full details of the consultation responses are available on the Council's Public Access System by clicking on the following link <http://www.argyll-bute.gov.uk/content/planning/publicaccess>.

(E) PUBLICITY:

The proposal has been advertised in terms of Regulation 20 and Neighbour Notification procedures, overall closing date 15.04.2021.

(F) REPRESENTATIONS:

Three objections and eight representations of support have been received regarding the proposed development:

Support

Victor Norman, Rainbow Barn, Rendcomb, Cirencester, GL7 7DF, dated 07.04.2021.

James Gibson Fleming, Ardvergnish, Pennyghael, Isle of Mull, Argyll, dated 07.04.2021.

William Hall, Gutchpool Farm, Gillingham, SP8 5QP, dated 08.04.2021.

Chris Webb, Lowton Farm, Oake, Taunton, Somerset, TA4 1BD, dated 11.04.2021.

Martin Gosling, Stones Farm, Wickham St. Paul's, Halstead, Essex, CO9 2PS, dated 12.04.2021.

Robin Sedgwick, Crannich, Aros, Isle of Mull, Argyll, dated 15.04.2021.

Gordon Moir, 2 Callow Hill Way, Littleover, Derby, DE23 3RJ, dated 19.04.2021.

Erik Hadley, Corrachie, Salen, Isle of Mull, Argyll, dated 08.08.2021.

- The availability of a hangar for maintenance repairs and storage will provide a secure and sheltered zone for visiting aircraft and will make the logistics of maintaining the airfield much easier particularly during adverse weather conditions and in the event of emergencies.
- The proposal to improve this facility will enhance tourism prospects of the applicants Hotel.
- The proposal will be screened by the dense stand of trees to the south and a sympathetic colour of cladding would render the structure hard to see from anywhere other than directly in front.

Planning Authority Comment: The planning authority acknowledges the support for the proposed development.

Objections

Hugh MacPhail, Callachy Farm, Salen, Aros, Isle of Mull, Argyll, PA72 6JN, dated 29.03.2021.

Alexander Macaulay, 11 Jarvisfield Road, Salen, Isle of Mull, Argyll, dated 31.03.2021.

Alex Jacobs, Bridges Cottage, A848 North of Aros from Drumfin Lodge to the C46 Dervaig Road Junction, Aros, Isle of Mull, dated 04.04.2021.

Summary of issues raised

- Concerns that the site is being turned into an industrial space and the impact of the proposal which will be visible from Salen will upset the balance of the environment.

Planning Authority Comment: The site is currently adjacent to an airstrip and within agricultural use. The proposed building will be sited approximately 1500 metres from Salen and such a proposal would not be an uncommon addition to this location where the existing airstrip is readily viewed from a wider area. Notwithstanding this, however, the proposed development does not comply with planning policy and all attempts to advise the applicant of the need to submit a detailed 'exceptional case' argument to justify the development have failed.

- Concerns that the proposed hanger and any such associated aircraft would have public safety implications as the site is part of the 'falls' walk which forms part of a well-known circular scenic path utilised by locals, dog walkers and visitors.

Planning Authority Comment: Although the site is utilised by locals, dog walkers and visitors the constraints data has been checked and no Core Paths have been identified within the site. Any public safety implications would be a civil matter and not a matter for the planning department. Therefore, this is not a material consideration in the determination of this planning application.

- Concerns that the author of the objection is the Agricultural Tenant on the Airfield and has been farming the area under an Agricultural Holdings (Scotland) Act 1991 tenancy since November 1977 which provides the security of tenure and full rights as per the terms of the lease where the landlord cannot sub-let land under the objectors tenancy to a third party. Argyll and Bute estates department recently referred to Mr Walsh as a tenant and I have correspondence which mentions "both airfield tenants". As the legal position does not permit the airfield to be sub-let, therefore it is not possible for Argyll and Bute to grant Mr Walsh a tenancy.

Planning Authority Comment: The applicant has correctly submitted the Land Ownership Certificate to Argyll and Bute Council as landowner. The tenancy of the land is a civil matter between Argyll and Bute Council's Estates Department and the tenant. Therefore, this is not a material consideration in the determination of this planning application.

- Concerns that the author of the objection has not been informed of the terms of the current airfield tenancy/maintenance arrangement between Mr Walsh and Argyll and Bute Council. Concerns have been raised with the Argyll and Bute Council estates department with regard to the dilapidated state of the fences. The objector has no detail on whether Mr Walsh's tenancy/maintenance arrangement with Argyll and Bute stretches to the upkeep and replacement of the fences.

Planning Authority Comment: The terms of the current airfield tenancy/maintenance arrangement between Mr Walsh and Argyll and Bute Council is a civil matter between both parties. Therefore, this is not a material consideration in the determination of this planning application.

- Concerns that the site is unsuitable for a shed as it is a prime grazing and silage making area of the field and would greatly compromise the agricultural output.

Planning Authority Comment: The proposed development does not seek to remove areas of protected agricultural land and this would be a private matter between the parties concerned.

- Concerns that the site is the furthest point from a power supply.

Planning Authority Comment: This is not a material consideration in the determination of this planning application.

The above represents a summary of the issues raised. Full details of the letters of representation are available on the Council's Public Access System by clicking on the following link <http://www.argyll-bute.gov.uk/content/planning/publicaccess>.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- | | |
|---|-----------|
| (i) Environmental Statement: | No |
| (ii) An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994: | No |
| (iii) A design or design/access statement: | No |
| (iv) A report on the impact of the proposed development e.g. retail impact, transport impact, noise impact, flood risk, drainage impact etc: | No |
-

(H) PLANNING OBLIGATIONS

(i) Is a Section 75 obligation required: No

(I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32: No

(J) Section 25 of the Act; Development Plan and any other material considerations over and above those listed above which have been taken into account in the assessment of the application

(i) List of all Development Plan Policy considerations taken into account in assessment of the application.

Argyll and Bute Local Development Plan, 2015

LDP STRAT 1 – Sustainable Development

LDP DM 1 – Development within the Development Management Zones (*Countryside Zone*)

LDP 3 – Supporting the Protection Conservation and Enhancement of our Environment

LDP 8 – Supporting the Strength of our Communities

LDP 9 – Development Setting, Layout and Design

LDP 10 – Maximising our Resources and Reducing our Consumption

LDP 11 – Improving our Connectivity and Infrastructure

Supplementary Guidance

SG 2 – Sustainable Siting and Design Principles

SG LDP ENV 14 – Landscape

SG LDP SERV 2 – Incorporation of Natural Features/Sustainable Drainage Systems (SuDS)

SG LDP TRAN 4 – New and Existing, Public Roads and Private Access Regimes

SG LDP TRAN 6 – Vehicle Parking Provision

SG LDP TRAN 7 – Airport Safeguarding

(i) List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 3/2013.

Argyll and Bute Sustainable Design Guidance, 2006

Scottish Planning Policy (SPP), 2014

Consultation Responses

Third Party Representations

Argyll and Bute proposed Local Development Plan 2 (November 2019)

The unchallenged policies and proposals within pLDP2 may be afforded significant material weighting in the determination of planning applications at this time as the settled and unopposed view of the Council. Elements of the pLDP2 which have been identified as being subject to unresolved objections still require to be subject of Examination by a Scottish Government appointed Reporter and cannot be afforded significant material weighting at this time.

The provisions of pLDP2 that may be afforded significant weighting in the determination of this application are listed below:

- Policy 35 – Design of New and Existing, Public Roads and Private Access Regimes
- Policy 36 – New Private Accesses
- Policy 37 – Development Utilising an Existing Private Access or Existing Private Road
- Policy 39 – Construction Standards for Private Access
- Policy 43 – Safeguarding of Aerodromes

(K)	Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment:	No
(L)	Has the application been the subject of statutory pre-application consultation (PAC):	No
(M)	Has a sustainability check list been submitted:	No
(N)	Does the Council have an interest in the site:	No
(O)	Requirement for a hearing:	No

(P) Assessment and summary of determining issues and material considerations

Planning permission sought for the erection of a steel building for the storage of airfield maintenance equipment and aircraft and the formation of a hardstanding area at Glenforsa Airfield, Glenforsa on the Isle of Mull.

In terms of the adopted 'Argyll and Bute Local Development Plan' 2015 the application site is located within the 'Countryside Zone' (CZ) where Policy LDP DM 1 normally only gives encouragement to small scale developments on an appropriate infill, rounding off, redevelopment and change of use of building basis.

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In the case of the current application, the site for the development does not represent infill, rounding-off or redevelopment.

In this case, no sufficient claim of an exceptional case has been presented by the applicant. Upon request for additional supporting information the applicant has provided justification on landscape terms only. The details submitted are not considered sufficiently

substantive so as to underpin the special circumstances of the proposal without which the development would be considered contrary to the provisions of the LDP.

Further correspondence was undertaken with the applicant who was formally notified in accordance with Regulation 24 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 that the planning authority cannot positively consider the planning application in the absence of the required details. These details requested were to be submitted within three weeks unless an alternative extended timescale for submission was agreed in writing with the case officer. Additional time was requested and a further three weeks extension was given; giving the applicant six weeks to submit the necessary requested details.

No such requested information has been forthcoming. Without an exceptional case to demonstrate a locational and / or operational need tied to a precise location, there is nothing to underpin the exceptional case argument and the Planning Authority is unable to trigger the ACE process. In this regard the proposal is considered to be contrary to the provisions of SG LDP DM 1 above and no further assessment of the site has been undertaken by the Planning Authority.

Taking all of the above into consideration, the application has not been accompanied by sufficient information to underpin the exceptional case argument to justify the development of the site within the Countryside Zone rendering it contrary to the provisions of Policy LDP DM 1.

In light of the above, it is recommended that the application be refused for the reasons appended to this report. It is recognised that it is open to the applicant to reapply should he so wish and to present a more comprehensive argument that may enable officers to look more favourably upon these proposals.

(Q) Is the proposal consistent with the Development Plan: No

(R) Reasons why planning permission should be refused

See reasons for refusal below.

(S) Reasoned justification for a departure to the provisions of the Development Plan

N/A

(T) Need for notification to Scottish Ministers or Historic Environment Scotland:

No

Author of Report: Judith Stephen Date: 17.03.2022

Reviewing Officer: Tim Williams Date: 29.03.2022

**Fergus Murray
Head of Development and Economic Growth**

REASONS FOR REFUSAL RELATIVE TO APPLICATION REFERENCE 21/00018/PP

1. In terms of the adopted 'Argyll and Bute Local Development Plan' 2015 the application site is located within the 'Countryside Zone' (CZ) where Policy LDP DM 1 normally only gives encouragement to small scale developments on an appropriate infill, rounding off, redevelopment and change of use of building basis.

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In the case of the current application, the site for the development does not represent infill, rounding-off or redevelopment.

In this case, no sufficient claim of an exceptional case has been presented by the applicant. Upon request for additional supporting information the applicant has provided justification on landscape terms only. The details submitted are not considered sufficiently substantive so as to underpin the special circumstances of the proposal without which the development would be considered contrary to the provisions of the LDP.

As the current application is not accompanied by the requisite supportive evidence to underpin the claim of an exceptional case, the proposal is considered to be contrary to the provisions of SG LDP DM 1 of the adopted 'Argyll and Bute Local Development Plan' 2015.

APPENDIX TO DECISION REFUSAL NOTICE

Appendix relative to application **21/00018/PP**

- (A)** Has the application required an obligation under Section 75 of the Town and Country Planning (Scotland) Act 1997 (as amended).

No

- (B)** Has the application been the subject of any “non-material” amendment in terms of Section 32A of the Town and Country Planning (Scotland) Act 1997 (as amended) to the initial submitted plans during its processing.

No

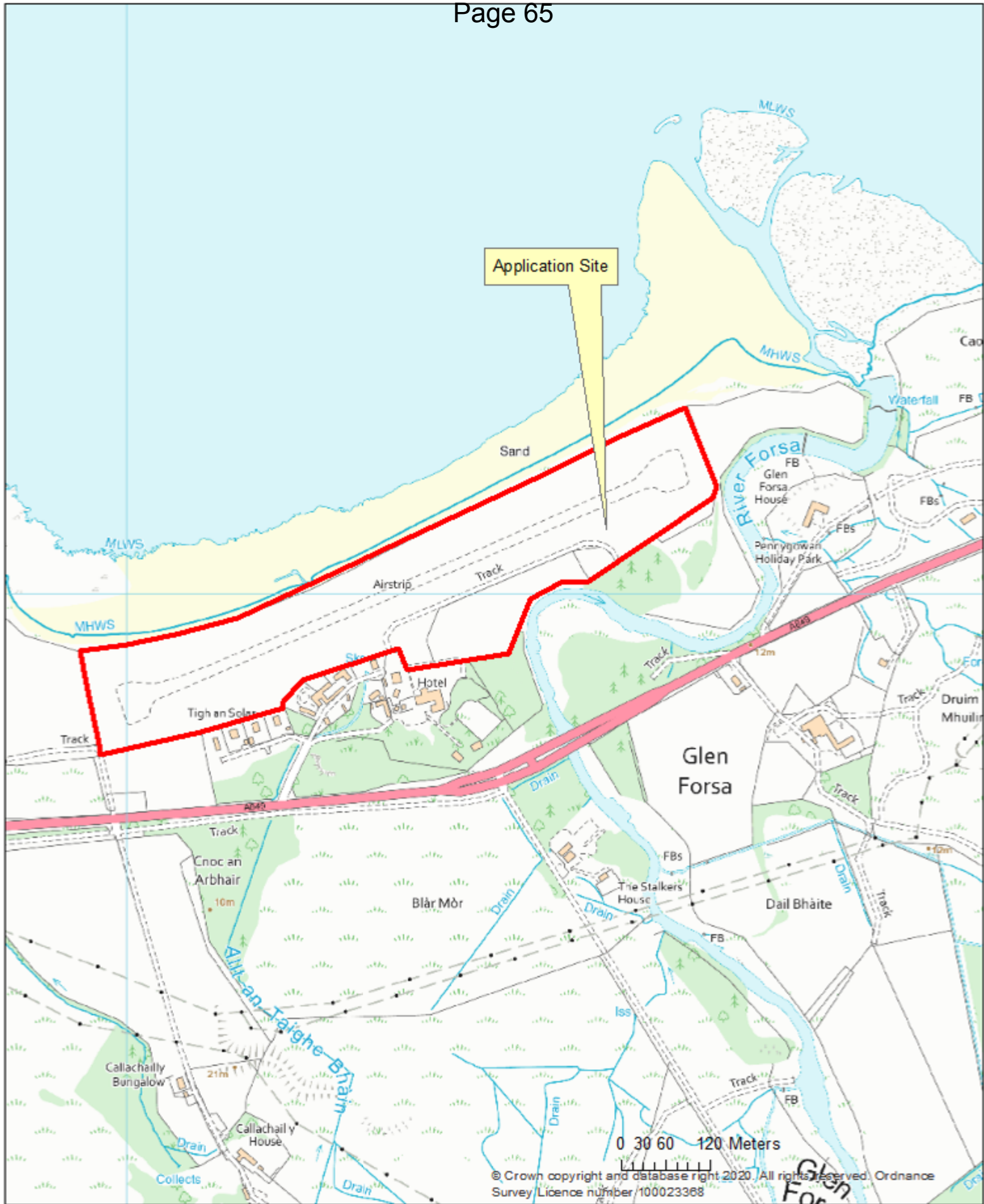
- (C)** Is the proposal consistent with the Development Plan:

No

- (D)** Reasons for refusal of planning application.

The proposal is considered to be contrary to policy LDP DM 1 of the Argyll and Bute Local Development Plan 2015, and there are no other material considerations of sufficient significance to indicate that it would be appropriate to grant planning permission in this instance as a departure to the Development Plan having regard to s25 of the Act.

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Location plan relative to: 22/0003/LRB



1:6,500

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Dear Local Review Panel,

I would like to submit the following comments to the local review process in relation to the Glen Forsa Airfield Planning proposal (21/00018/PP).

I would ask the local review panel to take into account my comments and objections relating to my full secure Pre 1991 agricultural tenancy arrangements on Glenforsa Airfield which I have raised with the Argyll & Bute estates department over the last 18 months. As my lawyers have pointed out to Argyll and Bute, the applicant has no legal right to any lease or tenancy on the airfield and any arrangement granted by Argyll and Bute Council will need to be reversed. Jennifer Crawford in the estates department has sent a reminder of this outstanding matter to the legal department in Argyll and Bute council. This is fundamental to granting any planning application as the applicant has no right to build on the land within my lease and granting any planning permission would be pointless. I would encourage the review panel to establish the tenancy position as part of their wider considerations.

I have also had significant correspondence with the council's estates department regarding upkeep of the boundary fences and the main entrance gate to the airfield which they state is the responsibility of Mr Walsh (the applicant). The fences and entrance gate are in a dilapidated state of repair which is a significant health and safety risk and must also be addressed as part of the wider consideration in this review process.

The Airfield is critical for the emergency services and I have proactively supported this service and the local community for the last 45 years as tenant of Glenforsa airfield and I strongly object to transient users looking to make changes for their personal benefit which has been clearly stated in the local review statement.

As the tenant of Glenforsa Airfield (with a registered right to buy) I would insist that I am invited to any site visits from the planning review panel along with my representatives.

Kind Regards

Hugh MacPhail

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Dear Lynsey,

In response to the case officer's statement, I can comment as follows.

It is entirely proper and acceptable for the applicant to put forward his 'exceptional case' as part of this local review submission. Not only was this matter before the appointed officer in deciding on the application, a fact accepted in the case officer's further statement, but even were it a new matter, which is isn't, it is clearly material to the determination of this case, and advice in Circular 5/2013: Schemes of delegation and local reviews paragraph 25 (copy attached) would allow the admission of the evidence in both circumstances.

I am not sure why the time given to the case officer to consider the applicant's case has not been enough, as the case is reasonably straightforward, and quick to read and understand. However, if more time is required by the case officer to consider the case that has been made, and councillors are willing to grant that time, then the applicant has no objection to that.

The applicant does not wish to withdraw his local review, and is keen to hear councillors' views on the case presented.

The applicant has written a separate response to Mr MacPhail's comments (copy attached).

Regards

Paul Houghton MRTPI
Houghton Planning Ltd

m: 07780 117708

e: paul@houghtonplanning.co.uk w: www.houghtonplanning.co.uk

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From: Innis, Lynsey <Lynsey.Innis@argyll-bute.gov.uk>

Sent: 12 May 2022 10:41

To: paul@houghtonplanning.co.uk

Cc: localreviewprocess <localreviewprocess@argyll-bute.gov.uk>

Subject: Notice of Review Reference 22/0003/LRB (Planning Ref: 21/00018/PP) - Glenforsa Airfield, Glenforsa, Isle of Mull, PA72 6JN [OFFICIAL]

Classification: OFFICIAL

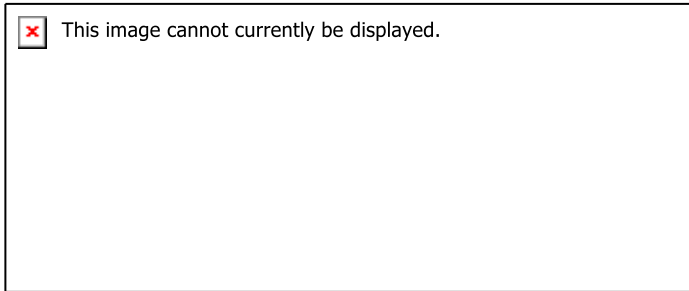
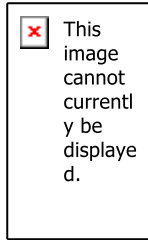
Dear Mr Houghton

Please find attached the AB3a form, together with comments from interested parties in respect of the above case. You should note that you have 14 days to respond and the deadline date of Thursday, 26th May 2022 is detailed on the AB3a form.

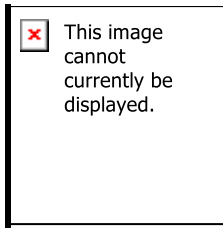
Kind Regards

Lynsey

Lynsey Innis
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Circular 5/2013 Schemes of Delegation and Local Reviews

24. All matters that the applicant intends to raise in the review should be set out in or accompany the notice of review, as should all documents, material and evidence on which the applicant intends to rely.
25. Section 43B restricts the ability of parties to introduce new matters at the review stage unless they are material to the determination of the case. This restriction does not apply to information on matters that were before the appointed officer at the time of the decision on the application or a notice of review relating to its non-determination .
26. Regulation 9(5) makes it clear that, apart from information in the notice of review and accompanying documents, the applicant will only be able to raise matters or submit further documents to the extent permitted by the Regulations. That is either where the local review body request further written evidence or where requested as part of a hearing session. These requirements are intended to ensure that the relevant matters and items of information are provided efficiently at the start of the review process, rather than at varying points throughout the process.
27. Regulation 18 sets out that withholding information from a notice of review which the applicant considers to be national security sensitive does not invalidate that notice. This is subject to the requirement that a written statement is included explaining that this national security consideration (as defined in regulation 18) is the reason for not submitting the information. If the local review body are unable to determine the review without the withheld information, then the case could be called in for determination by Scottish Ministers, and special procedures for dealing with national security sensitive information applied.

Local review body

28. Regulation 7 requires that a review case is to be conducted by a committee of the planning authority comprising at least three members of the authority. The Regulations do not define an upper limit on the number of members that should comprise the local review body: the size will be for the planning authority to determine. In cases where the local review body comprise a small number of elected members, the authority should ensure a larger pool of elected members is available to provide cover where appropriate.
29. Regulation 7 requires that any meeting of the local review body considering how the review, or stages of it, should be conducted and the review itself must be in public. Consistent with the approach on appeals made to Scottish Ministers, the decision on the procedure of how a case should be reviewed will be for the local review body, although the applicant and planning authority can indicate their preferences. While meetings are to be held in public, this does not itself confer any entitlement on the applicant or others to make representations, either orally or in writing. After the initial request for review has been made, it is for the local review body to determine, in accordance with the Regulations, whether and how any further representations or information should be given.

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I would like to respond to Mr MacPhail's portrayal of my stewardship of Glenforsa Airfield.

During my tenure aircraft movements have increased from 192 movements per year to 881. I am expecting this trend to continue due to our continued promotion of Glenforsa Airfield to the General Aviation Sector.

I have carried out extensive drainage works on the airfield which has restored the runway to 100% safe usage from the 50% previously available.

Maintenance of fencing and gates is ongoing and carried out during the season when livestock is not present on the airfield.

I have made a significant investment in equipment for the maintenance of the airfield much of which has had to be replaced due to degradation as a result of being stored outside.

It is my understanding that I am responsible for the maintenance of 50% of any fencing and not 100% as stated on several occasions by Mr Macphail. This has been confirmed by Argyll and Bute Council Estates Department.

I am available to provide a licensed radio service and weather information to the Scottish Air Ambulance Service 24/7. This service is provided free of charge.

I am involved in the installation and maintenance of the Emergency Lighting System that enables the Air Ambulance to safely operate at night.

Hope this helps

Brendan

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