

Public Document Pack

Argyll and Bute Council

Comhairle Earra-Ghàidheal Agus Bhòid

Executive Director: Douglas Hendry



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2 December 2022

NOTICE OF MEETING

A meeting of the **PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE** will be held **ON A HYBRID BASIS IN THE COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD AND BY MICROSOFT TEAMS** on **FRIDAY, 9 DECEMBER 2022** at **10:30 AM**, which you are requested to attend.

Douglas Hendry
Executive Director

BUSINESS

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATIONS OF INTEREST**
3. **MR RICHARD STEIN: ERECTION OF DETACHED GARDEN ROOM ANCILLARY TO DWELLINGHOUSE: EILEAN DA MHEINN, HARBOUR ISLAND, CRINAN, LOCHGILPHEAD (REF: 22/01248/PP) (Pages 3 - 36)**

Report by Head of Development and Economic Growth

Planning, Protective Services and Licensing Committee

Councillor John Armour	Councillor Jan Brown
Councillor Audrey Forrest	Councillor Kieron Green (Chair)
Councillor Amanda Hampsey (Vice-Chair)	
Councillor Daniel Hampsey	Councillor Graham Hardie
Councillor Fiona Howard	Councillor Willie Hume
Councillor Mark Irvine	Councillor Andrew Kain
Councillor Paul Donald Kennedy	Councillor Liz McCabe
Councillor Luna Martin	Councillor Peter Wallace

Contact: Fiona McCallum

Tel. No. 01546 604392

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**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: 22/01248/PP
Planning Hierarchy: Local Development
Applicant: Mr Richard Stein
Proposal: Erection of detached garden room ancillary to dwellinghouse
Site Address: Eilean Da Mheinn, Harbour Island, Crinan, Lochgilphead, Argyll and Bute, PA31 8SW

SUPPLEMENTARY REPORT NO. 1

1.0 INTRODUCTION

The attention of Members is drawn to the main Report of Handling dated 5th October 2022 that is currently before them for consideration in respect of the above application.

Subsequent to the publication of the main Report of Handling for today's (19th October, 2022) PPSL meeting, officers have received further representations from both residents and the general public.

This has resulted in a total of 126 representations – 64 of which are in objections, 59 in support and 3 neutral comments (including one received from a Local Member). Details of the contributors and comments not addressed in the body of the main report are as follows.

1.1 REPRESENTATIONS

Local Member comment:

- A neutral comment was received from Councillor D. Philand

Further neutral comment received from:

- Ewan Campbell, 32 Keir Street, Glasgow G41 2NW

Support comments were received from:

- Bill Alexander, Blairintibberth, Bellanoch
- John, Sarah and Lindsay Dunlop, Crinan Boatyard Crinan
- Derek Smart, Crinan Boatyard Crinan
- Susan MacLean, Crinan Boatyard Crinan
- Kerrien and Andy Grant Innisfree Achnamara Lochgilphead Argyll And Bute PA31 8PX

Objection comments were received from:

- Cynan Jones, Sangha Aberarth Ceredigion SA46OJX
- Ffion Jones and Rhodri Barker, 5 Penybryn Place Bethesda LL57 3BE
- Aaron Berg, Round Wood Llangattock Vibon -Abel Monmouthshire NP25 5NJ
- Donald McMillan, Clachan Seil Oban Argyll PA34 4TJ
- Owen Barker Flat 2 90 Wyndham Crescent Pontcanna Cardiff CF11 9EF
- Douglas Robertson 92 Fauldshead Road Renfrew PA4 0RU

2.0 SUMMARY OF POINTS RAISED

Neutral comment from Local Member

- Given that there are 111 representations to the proposed development, it is requested that a pre determination hearing takes place to allow this issue to be fully considered in the interests of democracy and transparency with the opportunity to hear both sides of what is a sensitive issue.
- *[Comment: This comment is noted. However, given that the land-use planning related issues raised are not considered to be unduly complex, it is considered that a hearing in this instance would not add value to the determination process. The decision on whether or not to hold a pre-determination hearing does however remain the prerogative of the PPSL Committee.]*

Other Neutral comment:

- The site is potentially an important trading site associated with the royal site of Dunadd. This is shown by the presence of an Irish type of bead dating to the 8/9th Centuries... an archaeological investigation should be carried out prior to work commencement.
- *[Comment: This point is noted, however, the Argyll and Bute LDP map does not depict the site has any archaeological interest and West of Scotland Archaeology Service (WoSAS), the Council's advisors on archaeological issues, has not requested a consultation on the application. Additionally, the development would be sited on an existing ruins footprint which suggests the area would have been subjected to a degree of disturbance.*

Support Comments:

- All raised comments addressed in the main body of the report.

Objection Comments:

- All raised comments addressed in the main body of the report.

Note: All other comments are addressed in the main body of the report. Full details of all representations can be view on the Council's website at www.argyll-bute.gov.uk

3.0 RECOMMENDATION

Officer's recommendation remains as referenced in the main report of handling.

Author of Report: Tiwaah Antwi

Date: 18th October 2022

Reviewing Officer: Sandra Davies

Date: 18th October 2022

Fergus Murray
Head of Development and Economic Growth

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**Argyll and Bute Council
Development & Economic Growth**

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: 22/01248/PP
Planning Hierarchy: Local Development
Applicant: Mr Richard Stein
Proposal: Erection of detached garden room ancillary to dwellinghouse
Site Address: Eilean Da Mheinn Harbour Island Crinan Lochgilphead Argyll And Bute PA31 8SW

DECISION ROUTE

Local Government Scotland Act 1973

(A) THE APPLICATION

- (i) Development Requiring Express Planning Permission**
 - Erection of detached garden room ancillary to dwellinghouse
 - (ii) Other specified operations**
 - None
-

(B) RECOMMENDATION:

It is recommended that:

- i) Members consider the requirement for a pre-determination hearing; and
 - ii) That Planning Permission be granted for the proposal subject to conditions and reasons appended below.
-

(C) CONSULTATIONS:

Environmental Health

No objection – 29/08/2022

(D) HISTORY:

17/01819/PP – Erection of two storey rear extension, replacement conservatory, alterations to dwellinghouse and installation of air source heat pump. Granted – 03.10.2017

21/02308/PP – Erection of detached garden room ancillary to dwellinghouse. Withdrawn – 01.06.2022.

(E) PUBLICITY:

Neighbour notification (expiry date: 15.09.2022)

(F) REPRESENTATIONS:

(i) Representations received from:

A total of 111 representations were received for the application – 57 of which were in objection, 53 in support and a neutral comment. Details of the contributors and contents of representations are summarised below.

Neutral comment received from:

- Fiona Higgins, Boathouse Crinan Lochgilphead Argyll and Bute PA31 8SW

Support comment received from:

All support comments were from received a representative.

- David and Elly Bittleston, Druim Aird, Crinan
- Grace Bergius, Craignish House, Ardfern
- Anna and Edward Hughes, 184 Seaford Road, London
- Cristophe and Jilly Lefebre, 2 Rowanside Terrace, Ardrrossan
- Brendan and Doris Gerrard, Girtrig Cottage, Crinan
- Bennie, Prels, David and Malcolm Bridgeland, Drummond House, Crinan
- Andy and Kerrien Grant, Innisfree, Achnamara
- Chris Perring, Ruadh Sgeir, Crinan
- Cristine Tallon and Adrian Cole, Y Fan, Caerphilly
- Sue Hillman, Kilmory Ross, Tayvallich
- Iain and Kim Ritchie, Crinan House, Crinan
- David Sillar, Tigh na Neul, Crinan
- Janet Foster, Ashfield Farm, Achnamara
- William and Karen Sillar, Island Macaskin, Kilmartin
- Mike, Nina and Daphne Murray, Kilmahumaig, Crinan
- Josef Elias, Kilmahumaig, Crinan
- Jane Jay, 42 Kingsborough Gardens, Glasgow
- Conny Graf, Barnakill Farm, Cairnbaan
- Maitland Black, Cruachan Cottage, Kilmartin
- Mike and Monica Stewart, The School House, Cairnbaan
- Catherine MacLennan, 5 Achnamara
- Derek McKinnon, 8 Crinan Cottages, Crinan
- Sally Wilkin, 5 Slockavullin
- Victoria Winters and John Martin Hall, Barr, Minard, Inveraray
- Olivia Fitzgerald and Will Murray, Kilmahumaig, Crinan

- Max and Louise G Bittleston. 103 Landells Road, London
- Peter Smith and Louise C Bittleston,, 21a Sumatra Road, London
- David Wolfe and Amanda Illing, Wakelyns, Fressingfield
- Richard and Carol Sloan, Ardmore, Crinan
- Sarah Jane Pinkerton, Oliver Sumner and Andy Weston, 7 Crinan Cottages, Crinan

Objection comments received from:

Of the 57 objections, majority were received from two representatives (MKO Ireland and Crinan Harbour Community (CHC)) with 8 from individuals as detailed below.

MKO Ltd Ireland representation

- J MacFarlane, No. 2 Harbour House Crinan Harbour Lochgilphead PA31 8SW
- M MacIntyre, Fuaran Crinan Harbour Lochgilphead PA31 8SW
- A and S Murdoch, Harbour Cottage Crinan Harbour Lochgilphead PA31 8SW
- K Campbell, Shore Cottage Crinan Harbour Lochgilphead PA31
- D Robertson, 92 Fauldshead Road Renfrew PA4 0RU (Also on CHC below)
- L Docherty, Flat 1 19 Myrtle Place Glasgow G42 8UJ (Also on CHC below)
- J Lehmann, Mheall, Kilmichael Glassary, Lochgilphead, PA31 8QJ
- Alexandra Rutland, 43 The Avenue London NW6 7NR (Also on CHC below)
- Robin Pigott, Craignish Castle Craignis Argyll PA31 8QS (Also on CHC below)
- Jesse Mandy, Craignish Castle Craignis Argyll PA31 8QS (Also on CHC below)

Crinan Harbour Community (CHC) representation

- Frances Ryan The Cottage Crinan Argyll PA31 8SR
- Alasdair and Lauren Taylor, 2 Crinan Cottages, PA31 8SS
- Alexi and Savanna Murdoch, Harbour Cottage Crinan Harbour PA31 8SW
- Kristie Campbell, Shore Cottage Crinan Harbour PA31
- Angus, Laura and Jamie Pigott, Dunvullaig, Craignish Argyll PA318QS
- Sarah Phizacklea, Duntaynish Tayvallich PA31 8PW
- Archie, Jock and Julia Spencer, The Dancing Fox, Lunga, Craobh Haven PA31 8UU
- Marina Lewin, 50 Staveley Rd London W4 3ES
- William and Bea Goudy, 1 The Anchorage, Ardfern, Argyll PA31 8QN
- Megan Barker, Moat House Skenfrith Abergavenny NP7 8UH
- Rosamund and Boyd McNab, Crinan Harbour PA31 8SW
- Sophie Barker, 53 Burlington Close, London W9 3LY
- Philip Murdoch and Eleonora Pinzi, Via Barellai 54, 55049 Viareggio, LU Italy
- Louise Boisot, Flat 13, 55-59 Grange Road, London, W5 5BU
- Linda Fitzsimmons, Garway Mill, HR2 8 RL
- Joseph Barker, 57 Duckett Rd, N13 6HY
- Katie Sinfield, 75 Tottenham Rd, N13 6HY
- Richard Barker, Treferwydd Llagaffo, Ynys Mon, LL60 6LP
- Aidan Stephen, 45/2 East Claremont St, Edinburgh EH7 4HU
- Cat Berry, 128 E Trinity Road, Edinburgh, EH5 3PR

- Simon Cook, 6 Orchard Close, Skenfrith, NP78UH
- Jay Griffiths, Bwthyn Afallen Mount Lane, Llanidloes, SY18SEY
- Clem Sandison, 2 Clayton Terrace, Glasgow, G31 2JA

Individual representations

- Hugh Kidd and Katherine Froggatt, 20 Hala Grive, Lancaster LA1 4PS
- Alison Kidd, Corlan Pencelli Brecon Powys LD3 7LX
- Ryan Ross and Ann Rasheva, Westering Crinan Argyll PA 31 8SW
- David and Frances Sedgwick, Tigh-a-Chinil, Badabrie, Fort William PH33 7LX
- Andrew Hugh, Birlinn Ltd West Newington House 10 Newington Road Edinburgh EH9 1QS

(ii) Summary of issues raised:

Summary of support comments:

- We the undersigned write to express our support for this application as proposal is for a small, single storey, single room building designed to provide ancillary facilities for the house on Harbour Island.
- *[Comment: This point raised in support of the application is noted.]*
- As visitors of the island will note, the topography and the proposed location away from the shore, within the long-established garden, will mean that the building will be virtually invisible, day or night, from anywhere off the island. It will have no measurable environmental impact.
- *[Comment: This point raised in support of the application is noted.]*
- To address objections to the original application, the applicants have amended the proposal as follows:
 - All dimensions of the building have been significantly reduced
 - The floor area has been reduced from over 30 sqm to 24 sqm
 - The spire and sleeping loft have been removed completely
 - The ridge height has been reduced from 6.5m to 3.7m
 - The kitchen/preparation area has been removed
 - The skylights have been deleted to reduce the already insignificant potential of light pollution
- *[Comment: This point raised in support of the application is noted.]*
- The only remaining ground of objection raised following the revised proposal relates to the interpretation of the planning policy. However, we support the expert view taken by officers that this ancillary building accords with the policies and therefore support approval of the application.
- *[Comment: This point raised in support of the application is noted.]*

- The applicants have done amazing work to restore the garden and the island. They have worked to clear rubbish from the beaches and garden which was overgrown and in a poor state for the plants that were trying to live there. Having visited the island, the proposed site for the garden room will be well suited – it is an established garden area on the same site as an existing ruins footing where it cannot be seen.
- *[Comment: This point raised in support of the application is noted and verified during site visit. It is however worth noting that the footing as observed on site are not substantial to be given material weighting or consider for a redevelopment]*

Summary of neutral comment:

- Plan of South West beach shows a boat landing/slipway on the west side of the beach which does not appear to exist. The slipway is not shown on the OS map
- *[Comment: This point is noted. However, during site visit, there were signs of the boat landing/slipway's previous existence.]*

Summary of objection comments:

- Reference made relative to the application's description as a 'garden room' being misleading as it appears to be a whole building with cooking and toilet facilities.
- *[Comment: This point is noted and addressed in the main body of the report below. It is worth noting the revised proposal omitted the open plan kitchen area but does require the toilet/shower facility for Island workers to purposefully utilise the building.]*
- Concerns raised regarding the proposal being located outside the existing curtilage as such significantly extending the curtilage of the main dwellinghouse.
- *[Comment: This point is noted and address in the main body of the report below.]*
- Concern raised regarding the proposed building not within the specific categories of development encouraged for the Very Sensitive Countryside zone as per Policy LDP DM 1. This policy is viewed as a reassurance to protect the continual scarcity of invaluable and fragile areas of natural, ancient and unspoilt environment in the country.
- *[Comment: This point is noted and addressed in the main body of the report.]*
- Reference was made to the Supplementary Guidance which states that the Council will resist any development in or affecting National Scenic Areas... unless it is adequately demonstrated that any significant adverse effects on the landscape quality for which the area has been

designated are clearly outweighed by social, environmental or economic benefits of national importance – which we read to reflect that this application should be resisted.

- *[Comment: This point is noted and has been addressed in the main body of the report below.]*
- Concerns raised regarding potential light pollution from the development which would obstruct the dark skies and island's natural beauty – contributor therefore appeals for a hearing to resolve this.
- *[Comment: Due to the further reduced scale of the development and its concealed location, it is considered that light from the development at night will not be visible from any of the neighbouring properties on the harbour road overlooking the Loch. Matters regarding hearing is addressed in the main body of the report below.]*
- Comment refers to the proposal not maximising the community benefits, not respecting the setting and character of the settlement, does not offer a wider range of housing choice and not offering sustainable economic growth.
- *[Comment: In response to this comment, the proposal is not intended for a business or residential accommodation which would warrant such assessments.]*
- The island is central to the area of outstanding scenic beauty and importance with the proposal representing a very substantial damage to the area.
- *[Comment: This point is noted and the detailed report below addresses the development's impact on the designated NSA.]*
- The proposal is incompatible with the overarching designations of the site and if granted would set precedence across the area.
- *[Comment: This has been addressed in the main body of the report below.]*
- Contrary to the applicant's claim in the design report, the previous owners of the island are said to have frequently use the Boat House Bay (which is feasible) to the South Western shore for arriving/departing the island.
- *[Comment: This is noted.]*
- Concerns raised regarding the intended delivery of materials being inaccurately described as no path currently exists on the new boat landing/slipway as shown on the site plan (ref: AR/281/A/03).
- *[Comment: This point is noted. However, it can be confirmed, following a visit to the application site, that a path exists at the referenced the boathouse and through the garden ground to the main house as indicated on the site plan. There were also signs of the boat landing/slipway having been used previously.]*

- The proposed plans does not indicate which paths are intended to be upgraded temporarily to allow the construction and reinstated afterwards.
- *[Comment: This point is noted and clarity has been sought from the agent which confirms the temporary improvement works will be to the existing path which runs between the Boathouse and the application site.]*
- Comment raised seeking clarity as to whether the proposed stove with flue is intended for wood burning or cooking.
- *[Comment: This point is noted and clarity has been sought from the agent which confirms the stove would be for wood burning purposes only.]*
- Further comment pertained to the stone-structure on site. It is noted that this element should not be given weighting as no historic records have been found to indicate there was a building at the location between 1865 to 1971 – though no further maps of a scale large enough to show the structure were published between 1899 and 1971.
- *[Comment: This comment is noted. As per the report, no material weighting is given to this feature in that the ruins are not deemed substantial to allow for a redevelopment of the site.]*
- Reference was made in relation to misinterpretation of Policy LDP DM 1 as per the Committee report for the previous application (21/02308/PP) which stated the policy is not intended to restrict acceptable extension of existing residential dwellings and their gardens within the very sensitive Countryside designation.
- *[Comment: In view of this, officers remain of the view that though this policy seeks to protect the Very Sensitive Countryside zone against new developments, it has been interpreted correctly and the development assessed against it accurately and without compromise.]*
- An appeal has been put forward for a hearing to be upheld prior to determination of the application to allow the contributors a chance to be heard.
- *[Comment: This is noted and addressed in the main body of the report below.]*
- A suggestion was made for the applicant to use the proper channel in bringing forth the proposal... by applying to the council for re-zoning the site in question from the Very Sensitive Countryside designation to a settlement zone to allow the proposed development to go ahead.
- *[Comment: This comment is noted. However, it is noted that the designation is not proposed to change in the proposed LDP2.]*
- The fully serviced building's proposed site is significantly further away from the main dwelling house than is shown in the submitted drawing, thus, inaccurate and misleading therefore misleading to be classed as ancillary.

- *[Comment: With regards to scale and location, it can be confirmed following a site visit that the proposed plans correspond with what is on site. The issue of proximity/curtilage and for which the area is accepted for the development is addressed in the main body of the report below.]*

Note: Full details of all representations can be view on the Council's website at www.argyll-bute.gov.uk

(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: | Yes |

- Although recommended for approval by the planners, the original application (21/02308/PP) was withdrawn and replaced by this revised application in an attempt to address the substantial objections and reintroduce harmonious community relations in Crinan.
- The revised application addresses many of the concerns raised by objectors as follows:
 - All dimensions of the building have been reduced
 - Area of building reduced from 30+ sqm to 24 sqm
 - The spire removed completely
 - The ridge height reduced from 6.5m to 3.7m
 - The sleeping loft deleted
 - The kitchen/preparation area deleted
 - The skylights deleted
- The draft drawings for the revised proposal were circulated electronically to over one hundred local residents and other interested parties inviting comments and a site visit offered to anyone interested before the application re-submitted. However, only two responses were received, and one person visited the site at the time of submission on 14 June 2022.
- The indicated curtilage is by reference to the geological feature made up of the saddle containing the species garden glen located between two clear rock ridges.
- The purpose of the application building is to provide for guests and visitors to the island who may be working in the garden as a toilet/washing facility. The Applicants will also use the building as a quiet room, particularly for writing and as a creative space.

- The unique location of the garden room and very special nature of this hidden glen within the Island requires an equally unique and special design solution. The design here has evolved as a solution which compliments the nature of a very special area of land, using the existing foundation footprint.
- High quality locally sourced materials are to be used for the structure and external aesthetic. This material will have an immediate dialogue within the wooded garden specifically in terms of texture and colour.
- No trees will be affected in the construction of the garden room due to use of the existing foundation, which has itself been used of late for storage of gardening equipment and general detritus.
- The proposal intends use the existing pontoon access to the island. It will not alter existing access from the pontoon, the boathouse nor does it seek to create any new access.
- The proposal cannot be seen from Crinan Harbour to the south or from the house on the Island to the west. Any view toward the north east is substantially obscured by land contours (rocky ridge of some 25 metres in height) and existing trees (Scots Pines and other large conifers which provides further 20m high screen to the mainland) and shrub cover. The Applicants have already planted a substantial number of indigenous trees on the ridges bordering the glen with further planting intended.
- The keenest walker, along the Ardnoe peninsula path opposite the boathouse to the south may, during winter when the trees have no leaves, catch a glimpse of the garden room. But strategic planting and the nature of the materials and colours to be used in the construction will minimise this.
- The Applicant has ensured that the natural habitat will not be disturbed by virtue of its citing and the use of sustainable, locally sourced natural materials, and the design will contribute to, and indeed enhance the interest of an already special environment.
- The Site falls within the National Scenic Area and Very Sensitive Countryside Zone Designations. However, will have no impact on the NSA nor detract from the character of the Island. It will instead enhance the character of the island, habitat through form and function as well as experience of visitors to the island and garden.

(iv) **A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:** No

(H) PLANNING OBLIGATIONS

Is a Section 75 agreement 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' Adopted March 2015

LDP STRAT 1 – Sustainable Development
LDP DM 1 – Development within the Development Management Zones
LDP 3 – Supporting the Protection Conservation and Enhancement of our Environment
LDP 4 – Supporting the Sustainable Development of our Coastal Zone
LDP 9 – Development Setting, Layout and Design
LDP 10 – Maximising our Resources and Reducing our Consumption

Local Development Plan Schedules

'Supplementary Guidance to the Argyll and Bute Local Plan 2015' (Adopted March 2016)

Natural Environment

SG LDP ENV 6 – Impact on Trees / Woodland

Landscape and Design

SG LDP ENV 12 – Impact on National Scenic Areas (NSAs)

Sustainable Siting and Design

SG LDP Sustainable – Sustainable Siting and Design Principles

Resources and Consumption

SG LDP SERV 1 – Private Sewage Treatment Plants & Wastewater Systems
SG LDP SERV 2 – Incorporation of Natural Features / SuDS
SG LDP SERV 6 – Private Water Supplies and Water Conservation

(ii) **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.**

- Scottish Planning Policy

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 58 – Private Water Supplies and Water Conservation

(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.

A total of 111 representations were received for the application – 57 of which were in objection, 53 in support and a neutral comment. It is worth noting that at the April PPSL meeting Members determined, contrary to officer's recommendation, that the previous application (21/02308/PP) should be subject to a site visit and discretionary pre-determination hearing in light of the significant volume of public representation both in support and opposition to the development. Application ref. 21/02308/PP was however withdrawn prior to a hearing being convened.

Whilst officers acknowledge that the proposal has stimulated a significant body of public interest from near and far and the previous consideration of PPSL in respect of the earlier withdrawn application, officers respectfully remain of the opinion that a pre-determination hearing will not add significant value to the planning process in this instance as the proposal relates to a modest householder development that has not been identified as likely to give rise to any significant adverse effects upon the receiving environment or the amenity of the locale. The land-use planning related issues raised by the proposal are not considered to be unduly complex and are addressed in detail within the report of handling.

On this basis, and having regard to the approved guidelines for hearings, it is considered that a hearing would not add value to this assessment, nonetheless, having regard to the PPSL Committee's earlier determination in April 2022 and the level of public representation received in respect of the amended proposal it would be appropriate in this instance that Members consider the requirement for a pre-determination hearing as part of their consideration of this application.

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

This application seeks for planning permission to construct a detached garden room ancillary to the main dwellinghouse on Eilean Da Mheinn, Harbour Island in Crinan. The application site is accessible via a short boat trip from the end of the C39 public road to Crinan. The application has been resubmitted following the withdrawal of the original application (21/02308/PP) which attracted over one hundred representations. During PPSL meeting on 20th April, 2022. That application was continued by PPSL to allow a pre-determination hearing and a site visit however the application was withdrawn prior to the hearing being convened. The current application presents an amended proposal that seeks to address the concerns raised by objectors to the original application.

In terms of the adopted Argyll and Bute Local Development Plan (LDP) the application site includes land within a Very Sensitive Countryside Zone where Policy LDP DM 1 only gives encouragement to specific categories of development on appropriate sites. These comprise: (i) Renewable energy related development (ii) Telecommunication related development. (iii) Development directly supporting agricultural, aquaculture, nature conservation or other established activity. (iv) small scale development related to outdoor sport and recreation.

While the proposed building is not located immediately beside the existing dwellinghouse on the island it has been established that this part of the island is managed and utilised as part of the garden ground of the main dwellinghouse. The application has therefore been deemed a householder application for a domestic garden room ancillary to the main house. Though Policy LDP DM 1 sets out categorical development allowed within Very Sensitive Countryside Zones, it does not seek to restrict extension to established residential dwellings including erection of ancillary annex/outbuildings.

The determining factors in the assessment of this application were to initially establish whether or not the site formed part of the existing garden ground of the main house. Further considerations pertained to the location, scale, massing, design, finishing materials of the proposal and its visual impact on the Island and the National Scenic Area (NSA) as a whole.

In this case, it is accepted that the site forms part of the managed garden ground of the main house. The well concealed location, scale, massing, design and finishing materials are deemed acceptable in that it will not result in a materially detrimental impact on visual character of the Island nor the NSA where it is located.

The application has attracted high volume of representations and is referred to Members to be determined as per the Council's agreed scheme of delegation

(Q) Is the proposal consistent with the Development Plan: Yes

(R) Reasons why Planning Permission or Planning Permission in Principle Should be Granted:

The nature of the proposal constitutes small scale householder development deemed acceptable and consistent with the requirement for the Settlement area. By virtue of its location, massing, design, materials and infrastructure the development will be in keeping with the character of its immediate surrounding and the wider

National Scenic Area. It would not give rise to any detrimental residential or visual amenity concerns.

The proposal, subject to the appended conditions, is deemed compliant with the adopted Argyll and Bute Local Development Plan policies LDP STRAT1, LDP DM1, LDP 3, LDP 9, LDP 10, and Supplementary Guidance SG LDP ENV 6, SG LDP ENV 12, SG LDP SERV 1, SG LDP SERV 2, SG LDP SERV 6, and SG LDP Sustainable. There are therefore no other planning material considerations which would justify refusal of this application for Planning Permission.

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

Not applicable

(T) Need for notification to Scottish Ministers or Historic Environment Scotland:
No

Author of Report: Tiwaah Antwi **Date:** 29/09/2022

Reviewing Officer: Peter Bain **Date:** 05.10.2022

Fergus Murray
Head of Development & Economic Growth

CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 22/01248/PP**1. PP - Approved Details & Standard Notes – Non EIA Development**

The development shall be implemented in accordance with the details specified on the application form dated 14/06/2022, supporting information and, the approved drawings listed in the table below unless the prior written approval of the planning authority is obtained for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

Plan Title.	Plan Ref. No.	Version	Date Received
Proximity and Location Plan	AR/287/A/01		25/08/2022
Site Plan with Curtilage (1:1250)	AR/287/A/02		25/08/2022
Site Plan (1:250)	AR/287/A/03		25/08/2022
Proposed Elevations	AR/287/A/05		26/07/2022
Proposed Elevation, Sections and Plans	AR/287/A/04		26/07/2022

Reason: For the purpose of clarity, to ensure that the development is implemented in accordance with the approved details.

2. Notwithstanding the provisions of Class 9 of the Town and Country Planning (Use Classes) (Scotland) Order 1997, the building hereby permitted shall be utilised solely as a structure ancillary to the occupation of the main dwelling and shall not be occupied independently thereof as a separate dwelling unit.

Reason: To define the permission on the basis of the Planning Authority's assessment of the use applied for.

3. Notwithstanding the provisions of Condition 1, the proposed path improvement to be carried out between the boathouse and the application site for the delivery of materials and construction of the garden room, hereby approved, shall be removed and the ground reinstated within three months following completion of the structure.

Reason: To ensure the development integrates into its surroundings, in the interest of visual amenity.

NOTE TO APPLICANT

For the avoidance of doubt this permission only provides for the occupation of the ancillary building and the main dwelling by a single household and their non-paying guests. Specifically the occupation of the building independently from that of the main dwelling (e.g. as a separate fulltime residence or a holiday letting unit) shall require the benefit of a separate planning permission.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 22/01248/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

The application seeks planning permission to construct a detached garden room ancillary to the main dwellinghouse on Eilean Da Mheinn, Harbour Island in Crinan. The application site is accessible via a short boat trip from the end of the C39 public road to Crinan.

In terms of the adopted Argyll and Bute Local Development Plan (LDP) the application site includes land within a Very Sensitive Countryside Zone where Policy LDP DM 1 only gives encouragement to specific categories of development on appropriate sites. These comprise: (i) Renewable energy related development (ii) Telecommunication related development. (iii) Development directly supporting agricultural, aquaculture, nature conservation or other established activity. (iv) small scale development related to outdoor sport and recreation.

Policy LDP 3 aims to protect, conserve and where possible enhance the built, human and natural environment. SG LDP ENV 6 elaborates on this policy and expects development in and around trees, groups of trees and areas of woodland do not have adverse impact on the trees by ensuring through the development management process that adequate provision is made for the preservation of and where appropriate the planting of new woodland/trees, including compensatory planting and management agreements.

SG LDP ENV 12 also has a presumption against development that would have an adverse effect on the integrity of the area, or that would undermine the special qualities of the area. The application site falls within both a Semi-Natural Ancient Woodland and a NSA designation.

Policy LDP 9 requires developers to produce and execute a high standard of appropriate design and to ensure that development is sited and designed so as to pay regard to the context within which it is located. The SG LDP Sustainable provides further detail to this policy seeking development layouts to be compatible with, and consolidate the existing settlement taking into account the relationship with neighbouring properties to ensure no adverse impact on visual and/or residential amenities. Additionally, the scale, design and building materials should complement the house and not dominate it, or detract from its amenity or the amenity of the surrounding area and properties. The total amount of building on the site should not exceed 33% of the site area.

Detailed below is an assessment of the proposed development against the above referenced policies deemed relevant to the application.

B. Location, Nature and Design of Proposed Development

Eilean Da Mheinn is a small private island which lies approx. 190 metres west of Crinan village in Loch Crinan. The Island's topography is predominantly made up geological features of three rock formations lying almost parallel to each other with two valleys between them. The two glens are connected by a set of reconstructed metallic steps.

The main house is centrally located on the Island in one of the glens contained by rock spurs while the proposed garden room will be sited centrally on the other and narrower glen currently maintained as a domestic garden ground with various plant species. This proposed location for the ancillary building is confined by the rock ridges on the north west and south east boundaries. To the north east (at sea) and south west from the high level grounds of the Core path C130/Ardnoe which lies some 273 metres south east, the proposal will be bounded by established mature trees.

The proposed site includes land within a Very Sensitive Countryside Zone where Policy LDP DM 1 only gives encouragement to specific categories of development on appropriate sites. These comprise: (i) Renewable energy related development (ii) Telecommunication related development. (iii) Development directly supporting agricultural, aquaculture, nature conservation or other established activity. (iv) small scale development related to outdoor sport and recreation.

The nature of the proposed development is small scale and therefore acceptable in that it is intended to be used in conjunction with the main dwellinghouse on the Island. It is worth noting that Policy LDP DM 1 is not intended to restrict acceptable extension of existing residential dwellings within the Very Sensitive Countryside designation – this includes erection of detached ancillary annex/outbuildings within their garden grounds.

While undertaking a site visit and due to the nature of the island, it was noted that the proposed location for the garden room forms part of the managed domestic garden ground of the main dwellinghouse – therefore accepted as part of the main dwelling's curtilage. Due to the constraint of available usable ground around the main dwellinghouse, it is considered that the proposed location for the garden room is appropriate though within the secondary glen. This part of the garden is accessible via a set of steps which connects the two glens yet separated by one of the geological formations which hinders views from both sides. It is considered that the proposed location is carefully chosen where it will be confined in the glen and on a brownfield site with evidence of ruins foundation (approx. 500mm above the ground). Based on the above, the Planning Authority is satisfied that the proposed development is within the curtilage of the main dwellinghouse and its intended domesticated use is acceptable and conforms to Policy LDP DM 1 without compromise.

The revised proposal is a standard single storey rectangular structure measuring 6.5 metres in length, 3.7 metres wide and 3.7 metres high. The structure would have a pitched roof design with a part over hang roof on the East elevation. Externally, the character of unit is uniquely designed to reflect the character of the Island finished in locally sourced larch cladding and Douglas fir or cedar shingles. Internally, the layout consists of a toilet/shower facility and sitting area with stove and associated flue. The supporting statement identifies that the purpose of the building is to provide guests and visitors to the island who may be working in the garden with a toilet/washing facility, the applicants also intend to utilise the building as a quiet room for writing and creative space. The building will replace makeshift facilities which are currently housed in a boat which is beached in the adjacent bay. The applicant has advised that regular visitors to the island include private guests, a gardener and the Woodland Trust.

It is worth noting the existing path which runs between the Boathouse and the application site is propose to be improved as a temporary access for the delivery of building materials and the construction of the garden room. This is intended to be removed and the ground reinstated following completion. For the benefit of doubt, a condition has been appended to ensure the temporary access is removed.

Due to the proposal's restrained location in the glen, its reduced scale and unique design to complement the character of both the Island and the existing dwelling, it is considered acceptable as an ancillary domestic outbuilding. The proposal will not be materially detrimental to any visual or residential amenities already established and enjoyed by neighbours or the general public.

The proposed location for the ancillary building is well confined by the rock ridges with hardly any glimpses from north east at sea and south west from the high level grounds of Ardnoe which lies some 273 metres south east of the proposed site.

It is therefore not considered that the proposal would hinder any views and its finishing materials would naturally blend in the existing natural environment. It is therefore considered acceptable and compliant with policy LDP 9 and SG LDP Sustainable.

C. Natural Environment

The proposal is not located within any site designated for nature conservation purposes. The existing site is a brownfield location that is currently occupied by low stone walls of a former building; the surrounding land is currently being managed as a part of the extended garden ground of the sole dwelling on the island and there is sufficient evidence in the form of non-native tree species, management of ground vegetation and siting of disused cold frames to suggest that such activity has been ongoing for a substantial period of time and predates the current owners interest in the land.

The proposal will not give rise to any significant adverse impact upon biodiversity and is consistent with LDP 3 and SG LDP ENV 1.

D. Landscape Impact

The application site lies within the Knapdale National Scenic Area National Scenic Area wherein the provisions of policy LDP 3 and SG LDP ENV 12 would seek to resist development that would have an adverse effect on the integrity of the area, or which would undermine the Special Qualities of the area.

The Special Qualities of the Knapdale National Scenic Area are defined by Nature Scot as:

- Distinctive ridges and loch-filled trenches
- A landscape of skylines
- A clothing of oak woodland over ridges and hollows
- A profoundly evocative, ancient place
- Ever changing patterns of colour, sound and smell
- In the north, dramatic juxtaposition of ridges and volcanic plugs arising from the flat expanse of Moine Mhor bog
- Long slow journeys to the sea
- Dramatic views in the south
- The Crinan Canal

Whilst Eilean da Mheinn is a key feature within the local landscape setting of Loch Crinan and Crinan Harbour it is not specifically mentioned or identified in the NSA description or list of its Special Qualities. The topography of the island however is somewhat a miniature representation of the wider the ridges and valleys that

characterise the northern part of the NSA along with the general restriction of existing built development to more sheltered locations within valleys.

The proposed development is a modest structure located within land currently managed as part of a domestic garden and will generally be screened from wider view by the surrounding landform and existing tree cover. Whilst it is accepted that the development may be partially visible from an elevated forest walk above Crinan Harbour it will not have a significant presence within the wider landscape setting, and where visible will not appear out of context in relation to existing built development either on the island or the wider locale. The development is backdropped by the settlements of Crinan Harbour and Crinan where built development, including dwellings of significant scale and mass are evident in much more prominent and elevated locations than the current proposal.

The proposal is considered to be acceptable having regard to the provisions of LDP 3 and SG LDP ENV 12.

E. Infrastructure

The proposal intends to rely on the existing public water supply and electricity on site. Surface water drainage will be taken into a soakaway and an existing pond, with any excess flowing to sea through established surface water drains. However, foul water will be taken in a proprietary composting unit with solid waste taken to garden and light fluid discharge to a soakaway.

Policy LDP 10 supports all development proposals that seek to maximise our resources and reduce consumption and where they accord with other relevant policy requirements.

In response to this, private waste water treatment is proposed with clean water to be discharged to a soakaway and therefore is in line with the requirements of SG LDP SERV 1, SG LDP ENV 6. SEPA's Standing Advice has been considered in the assessment as the nature of the proposal falls below SEPA's threshold for consultation. It is worth noting the Sound of Jura (including Loch Crinan) is not designated under EC Shellfish Directives 79/923/EEC or 91/492/EEC. Furthermore, the development has been assessed against the relevant unopposed Policy 58 of the proposed LPD 2 which does not reflect much changes to their currently adopted policies, it is therefore considered that the development also conforms to this policy.

In conclusion, the proposed development has been assessed against all of the above potential constraints and designations and determined to raise no issues or concerns. It is consistent with relevant policies of the adopted LDP subject to the appended conditions.

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Location Plan Relative to Planning Application: 22/01248/PP



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ARGYLL AND BUTE COUNCIL
PROCEDURE NOTE FOR USE AT
HYBRID DISCRETIONARY HEARING

HELD BY THE PLANNING, PROTECTIVE SERVICES & LICENSING COMMITTEE

1. Hybrid meetings are those that will involve a physical location and facilitate attendees joining virtually if they wish.
2. The Executive Director with responsibility for Legal and Regulatory Support will notify the applicant, all representees, supporters and objectors of the Council's decision to hold a Hearing and to indicate the date on which the hearing will take place. The hearing will proceed on that day, unless the Council otherwise decides, whether or not some or all of the parties are represented or not. Statutory consultees (including Community Councils) will be invited to attend the meeting to provide an oral presentation on their written submissions to the Committee, if they so wish. Details on how interested parties can access the meeting will be referenced within the same notification.
3. On receipt of the notification the applicant, all representees, including supporters and objectors will be encouraged to appoint one or a small number of spokespersons to present their views to concentrate on the matters of main concern to them and to avoid repetition. Parties who wish to speak at the meeting shall notify Argyll and Bute Council no less than 2 working Days (excluding public holidays and weekends) prior to the start of the meeting. This is to facilitate remote access (see note 1) and the good conduct of the meeting.
4. The Executive Director with responsibility for Legal and Regulatory Support will give a minimum of 7 days' notice of the date and time for the proposed Hearing to all parties.
5. The hearing will proceed in the following order and as follows.
6. The Chair will introduce the Members of the Committee, confirm the parties present who have indicated their wish to speak and outline the procedure which will be followed. It is therefore imperative that those parties intending to speak join the meeting at its commencement.
7. The Executive Director with responsibility for Development and Economic Growth's representative will present their report and recommendations to the Committee.

Ref: ABH1/2009

8. The applicant will be given an opportunity to present their case for approval of the proposal and may include in their submission any relevant points made by representees supporting the application or in relation to points contained in the written representations of objectors.
9. The consultees, supporters and objectors in that order (see note 1), will be given the opportunity to state their case to the Committee.
10. All parties to the proceedings will be given a period of time to state their case (see note 3). In exceptional circumstances and on good cause shown the Committee may extend the time for a presentation by any of the parties at their sole discretion.
11. Members of the Committee only will have the opportunity to put questions to the Executive Director with responsibility for Development and Economic Growth's representative, the applicant, the consultees, the supporters and the objectors.
12. At the conclusion of the question session the Executive Director with responsibility for Development and Economic Growth's representative, the applicant, any consultees present, the supporters and the objectors (in that order) will each be given an opportunity to comment on any particular information given by any other party after they had made their original submission and sum up their case.
13. If at any stage it appears to the Chair that any of the parties is speaking for an excessive length of time he/she will be entitled to invite them to conclude their presentation forthwith. (see note 3)
14. The Chair will ascertain from the parties present that they have had a reasonable opportunity to state their case.
15. The Committee will then debate the merits of the application and will reach a decision on it. No new information can be introduced after the Committee begins to debate.
16. The Chair or the Governance Officer on his/her behalf will announce the decision.
17. A summary of the proceedings will be recorded by the Committee Services Officer.

NOTE

- (1) If you wish to speak at the hearing you will require to notify the Committee Services Officer no less than 2 working Days (excluding public holidays and weekends) prior to the start of the meeting. This is to facilitate remote access if required and the good conduct of the meeting.

In the event that a party wishes to speak to a visual presentation, this requires to be sent to Committee Services no less than 2 working days (excluding public holidays and weekends) before the commencement of the Hearing; this will not be shared with other parties prior to the meeting but will ensure its availability for the commencement of the Hearing. The Committee Services Officer will control the slides under explicit instruction from the spokesperson(s), it would therefore be helpful if the slides were individually numbered. It would also be helpful if the file size of the presentations is kept to a minimum to mitigate against any potential IT issues – guidance can be provided if required.

If it is your intention to join the hearing to observe the proceedings, please advise the Committee Services Officer no less than 2 working Days (excluding public holidays and weekends) prior to the start of the meeting to facilitate remote access if required.

- (2) Councillors (other than those on the Committee) who have made written representations and who wish to speak at the hearing will do so under note 1 above according to their representations but will be heard by the Committee individually.
- (3) Recognising the level of representation the following time periods have been allocated to the parties involved in the Hearing. For the avoidance of doubt the time allocated will be per party and will include for example all supporters/objectors in the half hour slot except where additional time is agreed by the Chair.

The representative of the Executive Director with responsibility for Development and Economic Growth – not more than half an hour
The Applicant - not more than half an hour.
The Consultees - not more than half an hour.
The Supporters - not more than half an hour.
The Objectors - not more than half an hour.

- (4) The purpose of the meeting is to ensure that all relevant information is before the Committee and this is best achieved when people with similar views co-operate in making their submissions.
- (5) Everyone properly qualified as a representee recorded on the application report who wishes to be given an opportunity to speak will be given such opportunity subject to the requirements for notice herein.
- (6) Should, for any reason, Members of the Committee who are joining remotely lose connection or have any technical issues during the meeting, they will be asked to contact the Governance or Committee Support officer, if possible, by email or instant message. A short adjournment may be taken to try and resolve the connection. If the Members of the Committee are unable to re-join the meeting and a quorum still exists then the meeting will continue to proceed. If a

quorum does not exist the meeting will require to be adjourned. For the avoidance of doubt Members of the Committee have to be present for the whole hearing in order to take part in the decision.

- (7) Should, for any reason, participants joining the hearing remotely lose connection or have any technical issues during the meeting, a short adjournment may be taken to try and resolve the connection. In the event the connection cannot be restored within a reasonable timeframe consideration will be given to the continuation of the meeting.
- (8) Members of the Committee joining remotely will use the hands up function to indicate to the Chair when they wish to speak to ask a question or make a comment. This function will be monitored by the Chair and by governance staff in attendance.
- (9) Where a Councillor who is a member of the PPSL has made or wishes to make a representation (on behalf of any party) during the meeting in relation to the application under consideration, they should make their position clear to the Chair and declare an interest. Having done so, they may, at the appropriate time, make the relevant representation and then must retire fully from the meeting room prior to deliberation of the matter commencing. A Councillor, not a member of the PPSL, may make a representation (on behalf of any party) during the meeting in relation to the application then must retire fully from the meeting room prior to deliberation of the matter commencing.
- (10) The Council has developed guidance for Councillors on the need to compose a competent motion if they consider that they do not support the recommendation from the Executive Director with responsibility for Development and Economic Growth which is attached hereto.

COMPETENT MOTIONS

- Why is there a need for a competent motion?
 - Need to avoid challenge by “third party” to local authority decision which may result in award of expenses and/or decision being overturned.
 - Challenges may arise from: judicial review, planning appeal, ombudsman (maladministration) referral. Expenses may be awarded against unsuccessful parties, or on the basis of one party acting in an unreasonable manner, in appeal/review proceedings.
- Member/Officer protocol for agreeing competent motion:
 - The process that should be followed should Members be minded to go against an officer’s recommendation is set out below.
- The key elements involved in formulating a competent motion:
 - It is preferable to have discussed the component parts of a competent motion with the relevant Member in advance of the Committee (role of professional officers). This does not mean that a Member has prejudged the matter but rather will reflect discussions on whether opinions contrary to that of professional officers have a sound basis as material planning considerations.
 - A motion should relate to material considerations only.
 - A motion must address the issue as to whether proposals are considered consistent with Adopted Policy of justified as a departure to the Development Plan. Departure must be determined as being major or minor.
 - If a motion for approval is on the basis of being consistent with policy reasoned justification for considering why it is consistent with policy contrary to the Head of Development and Economic Growth’s recommendation must be clearly stated and minuted.
 - If a motion for approval is on the basis of a departure from policy, reasoned justification for that departure must be clearly stated and minuted. Consideration should be given to holding a PAN 41 Hearing (determined by policy grounds for objection, how up to date development plan policies are, volume and strength of representation/contention)
 - A motion should also address planning conditions and the need for a Section 75 Agreement.
 - Advice from the Scottish Government as contained within Planning Circular 3/2013: Development management procedures on the definition of a material planning consideration is attached herewith However, interested parties should always seek their own advice on matters relating to legal or

Ref: ABH1/2009

planning considerations as the Council cannot be held liable for any error or omission in the said guidance.

DEFINING A MATERIAL CONSIDERATION

1. Legislation requires decisions on planning applications to be made in accordance with the development plan (and, in the case of national developments, any statement in the National Planning Framework made under section 3A (5) of the 1997 Act) unless material considerations indicate otherwise. The House of Lord's judgement on *City of Edinburgh Council v the Secretary of State for Scotland* (1998) provided the following interpretation. If a proposal accords with the development plan and there are no material considerations indicating that it should be refused, permission should be granted. If the proposal does not accord with the development plan, it should be refused unless there are material considerations indicating that it should be granted.
2. The House of Lord's judgement also set out the following approach to deciding an application:
 - Identify any provisions of the development plan which are relevant to the decision,
 - Interpret them carefully, looking at the aims and objectives of the plan as well as detailed wording of policies,
 - Consider whether or not the proposal accords with the development plan.
 - Identify and consider relevant material considerations for and against the proposal, and
 - Assess whether these considerations warrant a departure from the development plan.
3. There are two main tests in deciding whether a consideration is material and relevant:
 - It should serve or be related to the purpose of planning. It should therefore relate to the development and use of land, and
 - It should fairly and reasonably relate to the particular application.
4. It is for the decision maker to decide if a consideration is material and to assess both the weight to be attached to each material consideration and whether individually or together they are sufficient to outweigh the development plan. Where development plan policies are not directly relevant to the development proposal, material considerations will be of particular importance.
5. The range of considerations which might be considered material in planning terms is very wide and can only be determined in the context of each case. Examples of possible material considerations include:
 - Scottish Government policy, and UK Government policy on reserved matters
 - The National Planning Framework
 - Scottish planning policy, advice and circulars
 - European policy
 - A proposed strategic development plan, a proposed local development plan, or proposed supplementary guidance

Ref: ABH1/2009

- Guidance adopted by a Strategic Development Plan Authority or a planning authority that is not supplementary guidance adopted under section 22(1) of the 1997 Act
 - A National Park Plan
 - The National Waste Management Plan
 - Community plans
 - The Environmental impact of the proposal
 - The design of the proposed development and its relationship to its surroundings
 - Access, provision of infrastructure and planning history of the site
 - Views of statutory and other consultees
 - Legitimate public concern or support expressed on relevant planning matters
6. The planning system operates in the long term public interest. It does not exist to protect the interests of one person or business against the activities of another. In distinguishing between public and private interest, the basic question is whether the proposal would unacceptably affect the amenity and existing use of land and buildings which ought to be protected in the public interest, not whether owners or occupiers of neighbouring or other existing properties would experience financial or other loss from a particular development.