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Argyll and Bute Council
Comhairle Earra-Ghàidheal Agus Bhòid

Executive Director: Douglas Hendry



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5 February 2024*

NOTICE OF MEETING

A meeting of the **ARGYLL AND BUTE LOCAL REVIEW BODY** will be held **BY MICROSOFT TEAMS** on **MONDAY, 12 FEBRUARY 2024** at **12:30 PM**, 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: LAND TO THE NORTH OF BALLYHAUGH OUTDOOR CENTRE, ISLE OF COLL, PA78 6TB (REF: 23/0009/LRB)**
 - (a) Notice of Review and Supporting Documentation (Pages 3 - 158)
 - (b) Comments from Interested Parties (Pages 159 - 186)

Argyll and Bute Local Review Body

Councillor Kieron Green (Chair)
Councillor Peter Wallace

Councillor Mark Irvine

Contact: Lynsey Innis, Senior Committee Assistant Tel: 01546 604338

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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 100654812-001

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:	Planning Services UK		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Philip	Building Name:	The Circle
Last Name: *	Landa	Building Number:	
Telephone Number: *		Address 1 (Street): *	Westerwood Business Park
Extension Number:		Address 2:	69-71 Aberdalgie Road
Mobile Number:		Town/City: *	Glasgow
Fax Number:		Country: *	United Kingdom
		Postcode: *	G34 9HJ
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="Ballard Farm"/>
First Name: *	<input type="text" value="Allan"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Brodie"/>	Address 1 (Street): *	<input type="text" value="Land North of Ballyhaugh"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="Outdoor Centre"/>
Telephone Number: *	<input type="text" value="██████████"/>	Town/City: *	<input type="text" value="Isle of Coll"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="PA78 6TB"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="██"/>		

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 Easting

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)

Appeal statement

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.

Appeal Statement to Local Review Body

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)

please refer the attached

Application Details

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

22/02078/PPP

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

14/10/2022

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

12/09/2023

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

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

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.

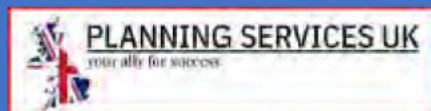
Declaration Name: The Thomas Cochrane

Declaration Date: 12/12/2023

APPEAL STATEMENT FOR: PLANNING IN PRINCIPLE FOR THE ERECTION OF ONE DWELLINGHOUSE

Land to the North of Ballyhaugh Outdoor
Centre Isle of Coll Argyll and Bute
(Reference No: 22/02078/PPP)

Planning Services UK
The Circle
69-71 Aberdalgie Road
Easterhouse, Glasgow
G34 9HJ



EXECUTIVE SUMMARY

Site Description: The proposed development site, situated north of the Ballyhaugh Hebridean Outdoor Centre on the Isle of Coll, Argyll, and Bute, is a greenfield site characterized by its unique topography. Located at the base of a 50-meter hill, it offers distinct environmental advantages, notably protection from northerly and easterly winter winds.

Development Proposal: The planned farmworkers dwelling, encompassing three parking spaces and a new access point, has been meticulously designed to comply with both local and national planning guidelines. The proposal signifies a commitment to sustainable development within an area designated as 'Countryside'.

GROUNDINGS FOR APPEAL

1. Policy Conflict and Resolution:

- **NPF4 Policy 9:** While the proposal appears to conflict with NPF4 Policy 9, we argue it constitutes an "exceptional case" due to the site's unique location and topographical features.
- **LDP and LDP2 Consideration:** While not formally adopted, the Local Authority's recent publication of LDP2 proposals is a significant material planning consideration. Our client's site is situated in a designated '*Countryside Area*', aligning with LDP2's focus on sustainable development in rural settings.

2. Legal and Policy Framework:

- **The primacy of NPF4:** NPF4, as a national policy, overrides local development plans in decision-making processes. Our appeal challenges the refusal's alignment with this legal precedence.
- **Comprehensive Policy Analysis:** A detailed analysis is required to determine if the decision to refuse the application adequately considered the holistic approach mandated by NPF4, as emphasised in the Chief Planner's guidance.

DETAILED ARGUMENT

1. Holistic Application of NPF4

- The Chief Planner's directive states that NPF4 policies should not be isolated to justify planning decisions. The refusal suggests a selective interpretation of these policies, which is inconsistent with the holistic approach required.

2. Alignment with NPF4 and LDP2 Objectives:

- The development aligns with the overarching objectives of NPF4 and emerging policies within LDP2, focusing on sustainable development and ecological preservation.

3. Inadequate Consideration of Material Considerations:

- The refusal indicates a potential oversight in considering the chief planner's guidance and the emerging LDP2 policies. This oversight may render the decision legally questionable.

4. Possibility of Judicial Review:

- Given these legal concerns, the decision may be subject to judicial review, focusing on the compliance of the decision-making process with policy interpretation and material considerations.

CONCLUSION AND RECOMMENDATION

The refusal of the proposed development raises substantial legal questions regarding the application of NPF4 in conjunction with LDP and LDP2. Our analysis suggests that a more comprehensive approach, as advised by the Chief Planner, could lead to an alternative outcome. We propose reconsidering the decision, ensuring it aligns with the legal and policy frameworks governing planning decisions.

Response to Landscape Impact Concerns:

- **Architectural Adaptation:** The design of the proposed dwelling will be sensitively adapted to complement the natural landscape.
- **Sustainability:** The development emphasises eco-friendly design and energy efficiency.
- **Economic and Social Benefits:** The development is projected to impact the local economy and address housing needs positively.
- **Respect for Rural Evolution:** The proposal is designed to balance development with conservation, respecting the changing nature of rural communities.

In summation, our appeal presents a balanced approach that respects the area's character and the broader community interest. We advocate for a decision harmonising preservation with progress, enhancing community well-being and environmental sustainability.

CONTACT INFORMATION

Thomas Cochrane BSc. (Hons) HND, CPC
Planning Services UK
The Circle
69-71 Aberdalgie Road
Easterhouse, Glasgow
G34 9HJ

APPENDIX



- i. Ballyhough Farm, encompassing a significant expanse of land, is home to an impressive livestock collection comprising 120 sheep and 35 cattle, alongside a distinguished herd of native Luing cattle. Under the astute management of Allan Brodie, the farm has been operated as an efficient satellite extension of Ballard Farm. Project Trust initiated this strategic move following the acquisition of the sole residential property on the premises roughly four decades after the passing of Alex Conway. Mr. Brodie has successfully integrated and consistently complied with many designated regulations and standards in the ensuing years, further enhancing the farm's operational excellence.

- ii. The agricultural operations of the farms are now jointly managed through a



partnership between Allan Brodie and Juliet Conway, Alex Conway's daughter. Juliet's partner, John Morrison, predominantly undertakes the day-to-day farm work. The couple resides in a quaint cottage in Uig, a mere three miles from Ballyhough,

where they raise their two children enrolled in the nearby primary school, currently educating a small cohort of only five children.

- iii. Juliet Conway has deep-rooted connections with Ballyhough, having spent her childhood there until her teenage years. The farm holds historical significance for her family, as it has been maintained by her mother's lineage for several generations, embedding a rich familial legacy within its lands.

- iv. The Ballard and Ballyhough Farms, located two miles apart and connected by the rugged CO16/C474 core path, demonstrate a commitment to efficiency and environmental stewardship. While Ballyhough Farm lacks a traditional farmhouse, it is fully equipped with comprehensive livestock management facilities, including a flank and pens, which play a pivotal role in routine agricultural processes such as sheep shearing, veterinary care, and cow calving.

- v. During the demanding calving season, John Morrison skilfully manages multiple daily trips using a quad bike. In intricate calving needs, his dedication extends to overnight stays at the shed. A strategically placed mobile caravan was introduced near the shed last winter to facilitate these operations, complementing his daily silage distribution runs with a tractor and trailer. This

adaptive approach exemplifies the farm's operational resilience and strengthens the case for environmentally conscious development.

vi. The farm has conducted a thorough carbon audit in alignment with its sustainability ethos, underscoring its commitment to reducing carbon emissions. Despite the high petrol costs for quad bike operations, the farm's proactive strategies aim to enhance its economic viability while advancing its sustainability objectives, ensuring a balanced approach to modern, environmentally conscious farming practices.

vii. The selection of the proposed site, although situated outside the designated development area, was meticulously made due to its strategic orientation away from the Project Trust and its two turbines and its proximity to the SSSI. Several key factors influenced this decision. Firstly, as indicated on the left, its



location in a rocky area is ideally suited for the intended purpose. Secondly, the site is conveniently accessible via an existing track leading to a former farm quarry, which enhances logistical efficiency.

viii. Finally, its closeness to the existing tank and electricity supply streamlines operations and reduces the need for extensive infrastructural development, aligning with practical and environmental considerations. This thoughtful site selection process underscores a commitment to balancing development needs with environmental sensitivity and operational practicality.

ix.

x.

- xi. The design chosen for the application, notably the White House design from Heb Homes, has been carefully selected to harmonise with the architectural style of the former farmhouse at Ballyhough. This decision ensures that the new structure seamlessly integrates into the existing landscape, maintaining the area's aesthetic continuity and natural beauty. The design strategy prioritises blending the property with its surroundings, mitigating potential visual discordance.

- xii. In addition to aesthetic considerations, there is a strong emphasis on building an energy-efficient property aligned with a low-impact lifestyle. This approach reflects a commitment to sustainability and environmental responsibility. Given the thoughtful design and sustainability objectives, it is challenging to understand how this property could be perceived as having an 'unacceptable or materially harmful impact on the wider landscape'. The design and construction plans are meticulously crafted to respect and enhance the natural setting, ensuring a minimal ecological footprint and preserving the landscape's integrity.





PLANNING IN PRINCIPLE FOR THE ERECTION OF DWELLING HOUSE FOR AGRICULTURAL ACCOMODATION

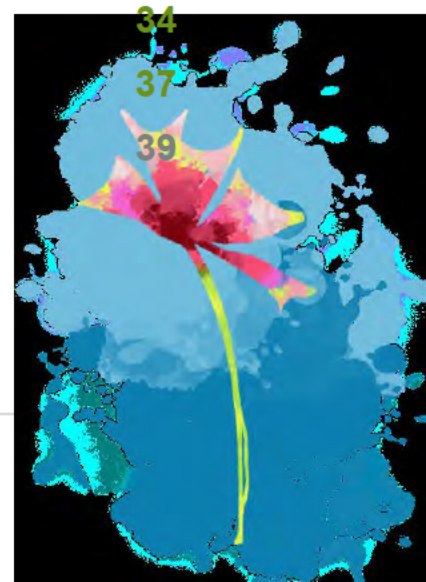
B8071, BALLYHAUGH, ISLE OF COLL,
PA78 6TB



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APPENDIX



1.0 INTRODUCTION

TmC Planning and Property Development Ltd have been asked to provide a statement supporting the planning application for the erection of one dwelling house at Ballyhough, Isle of Coll, PA 78 6TB.

This planning statement aims to set the context for this application by describing the site location, history of the building, development proposal, and all relevant planning policies and supplementary guidance as a guide for this planning proposal.

This application proposes, in principle, the erection of a dwellinghouse on the Isle of Coll in Argyll and Bute, for an agricultural worker, which will be the delegated decision by the planning authority.

This planning statement in support the application.



2.0 SITE BACKGROUND

Ballyhough has been run as a satellite farm by Allan Brodie. The sole house on the land was sold to Project Trust following the death of Alec Conway (Mr. Brodie's uncle and business partner) approximately 40 years ago. Mr. Brodie has since travelled daily between the two holdings.

The farms are now working in partnership between Allan Brodie and Juliet Conway, Alec's daughter, and her partner, John Morrison, who acts as the farm manager. Mr. Morrison is doing most of the working farm as Mr. Brodie has reached retirement age.

Mr. Morrison and Ms. Conway currently live in a small cottage at Uig, three miles away from the Ballyhough, with their two children, who attend the local primary school (a roll of five children). It is hoped the children will continue to live and work on Coll when they are older, in line with the aspirations of the Islands Bill.

The farm at Ballard (where Mr. Brodie lives with his wife) and Ballyhough are two miles apart, through a rough sandy track. There is no farmhouse at Ballyhough, though there is a livestock fank and pens, which are regularly used for sheep shearing, vet visits, and cows calving.

The agricultural/farming policy is based on breeding sheep and cattle, mainly producing store lambs and calves for sale.

The agriculturally active land extends to 91.85 ha- as the annual IACS form claims.

The Hebridean island of Coll has approximately 185 residents and lies 42 miles from Oban. Arinagour is the main settlement in Coll and the most local services here, including in Cridhe and Coll Bunkhouse, the ferry terminal, post office, petrol station, shop, and accommodation.





Transport Links *Figure 1: Site located*



Caledonian MacBrayne ferry leaving Oban

Islanders are heavily reliant on transport links provided by the ferry and plane. The ferry takes less than 3 hours from Oban and there are scheduled flights 2 days a week from Connel. Over the summer months the ferry runs once a day seven days a week, and over the winter five days a week.

In the summer, you can take a day trip to Tiree from Coll on a Wednesday, or, from the mainland, you can take a day trip to Coll. Otherwise any trips to the mainland or inter island require an overnight stay. There is no direct public service link between Coll and Mull and the current timetables do not encourage links between Tiree and Coll.





2.1 SITE LOCATION

The site is located on the Isle of Coll and is under the planning authority jurisdiction of Argyll and Bute Council.

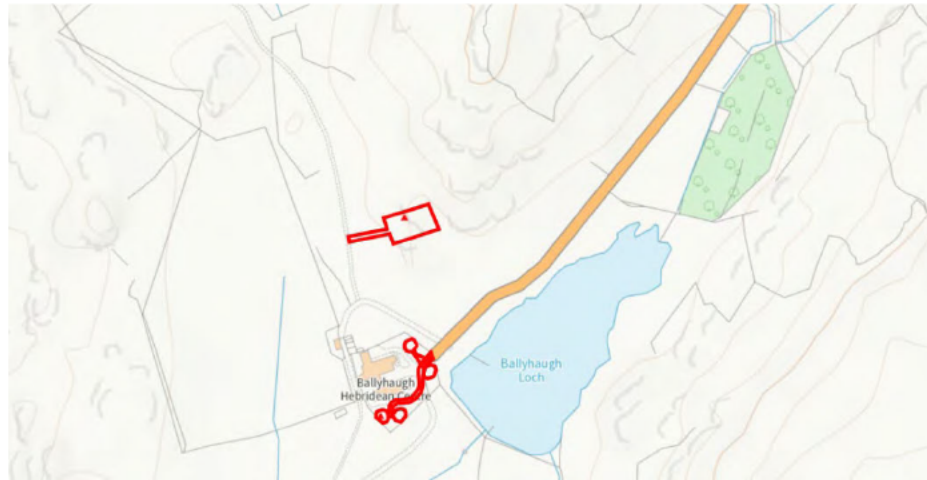


Figure 2&3: Site Location



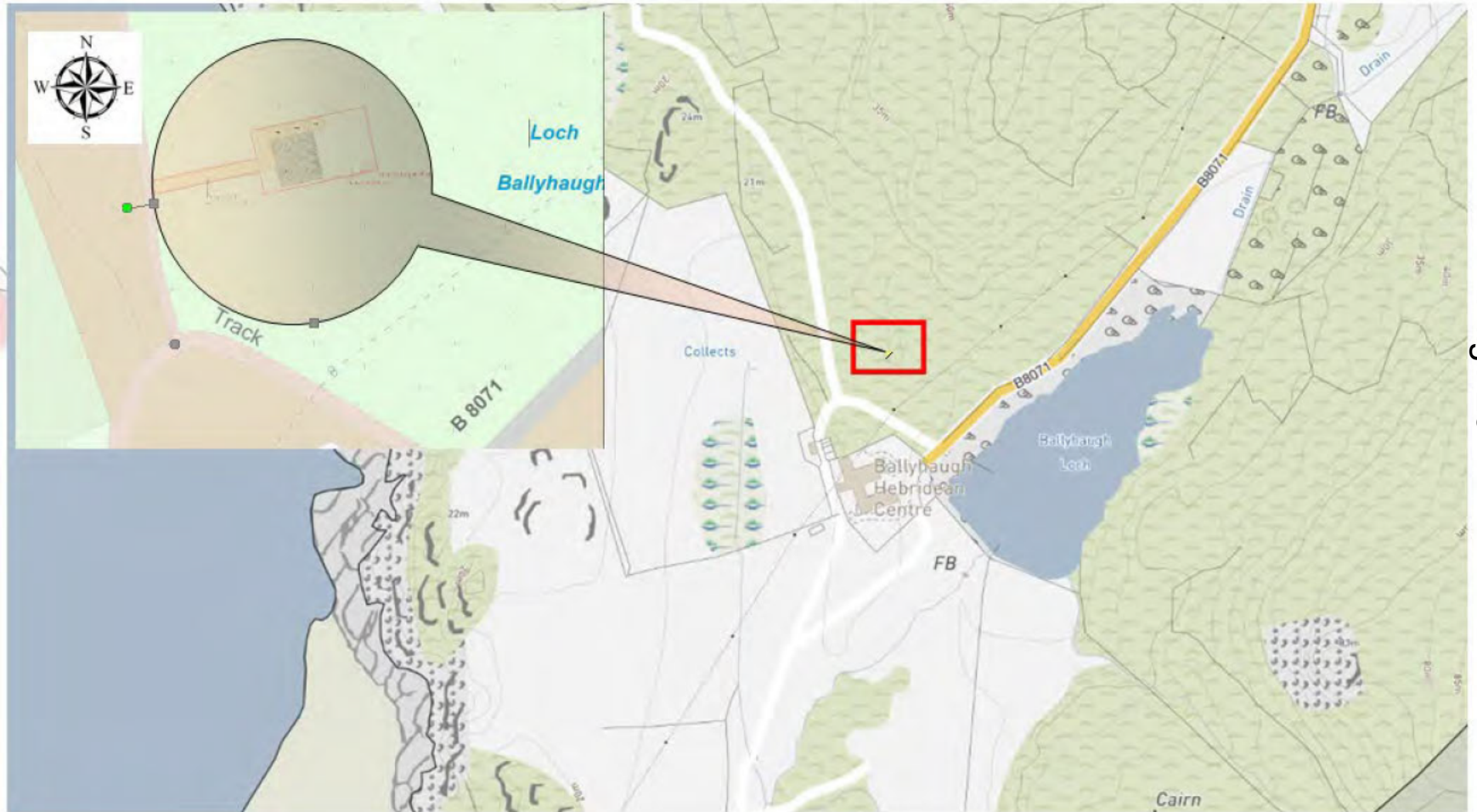
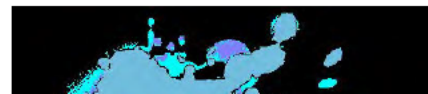


Figure 4: Site location





The site lies on the land to the north of Ballyhaugh Hebridean Outdoor Centre, Isle of Coll, Argyll, and Bute, PA78 6TB, north of the B8071. The site is currently vacant and has never been developed and is located at the foot of a 50-meter hill. The site is located west of the Isle of Coll and 42 miles from the Oban. The site is approximately 5 km (Red line) from the main town of Arinagour and 6 km (yellow line) from the Coll Ferry Terminal. Situated on the island of Coll, Argyll, and Bute, Ballyhaugh lies at the northern end of Hough Bay, 3 miles (5 km) west of Arinagour. Arnabost lies 3 miles (5 km) to the northeast.

2.2 SITE HISTORY

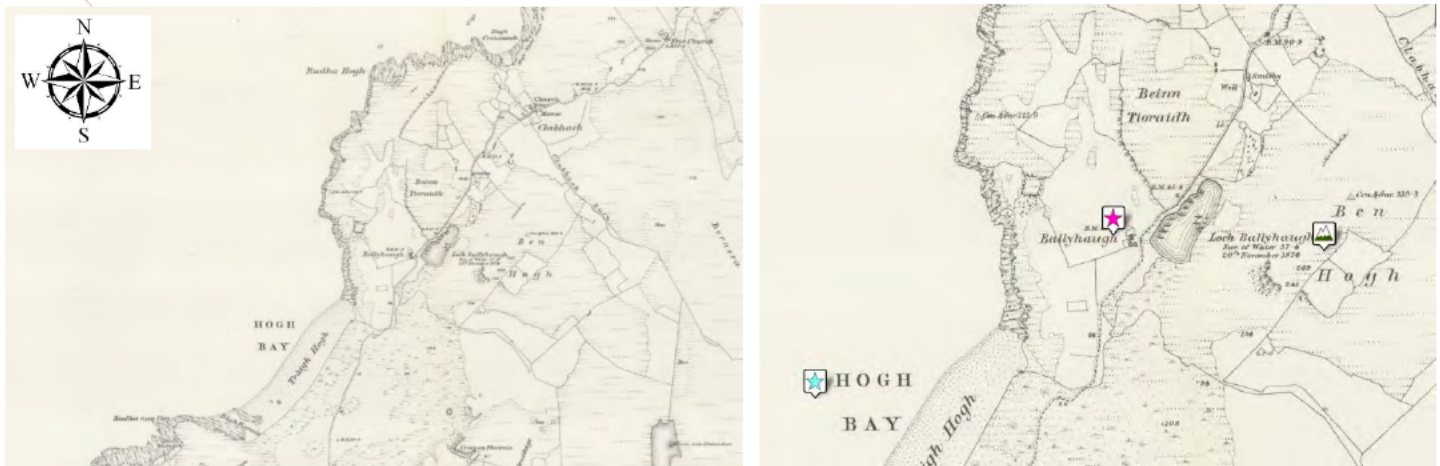
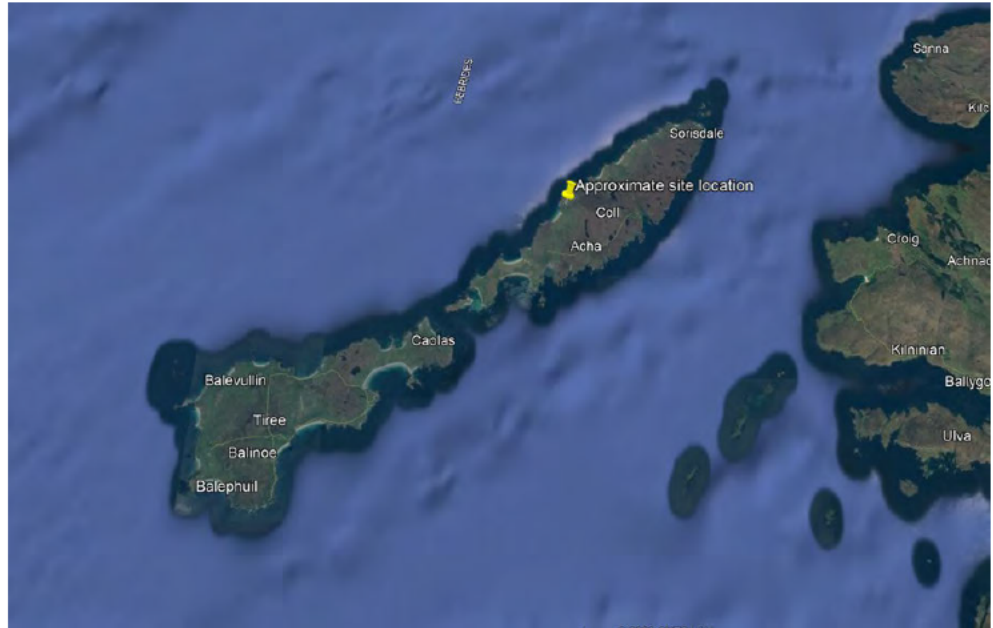


Figure 5&6: Site location history

The Ordnance Survey maps dating back to 1843 show that the proposed site has never been developed.



2.3 SITE ANALYSIS



The surrounding sites of Special Scientific (SSSIs) are those areas of land and water that consider best represent by natural or heritage in terms of:

- i. Flora
- ii. Fauna
- iii. Geology
- iv. Geomorphology
- v. A mixture of these natural features

Well-known for its sandy beaches that rise to form large dunes, Coll is a spectacular Scottish island. It's remote, but a visit is worth it for the abundance of farmland birds, not to mention the peace. It's also one of the best places to see corncrake.

SSSIs: Totamore Dunes and Loch Ballyhaugh and the site are at the foot of a 50 meter hill. According to SEPA, the area is free from flooding and coastal and water surface risk.



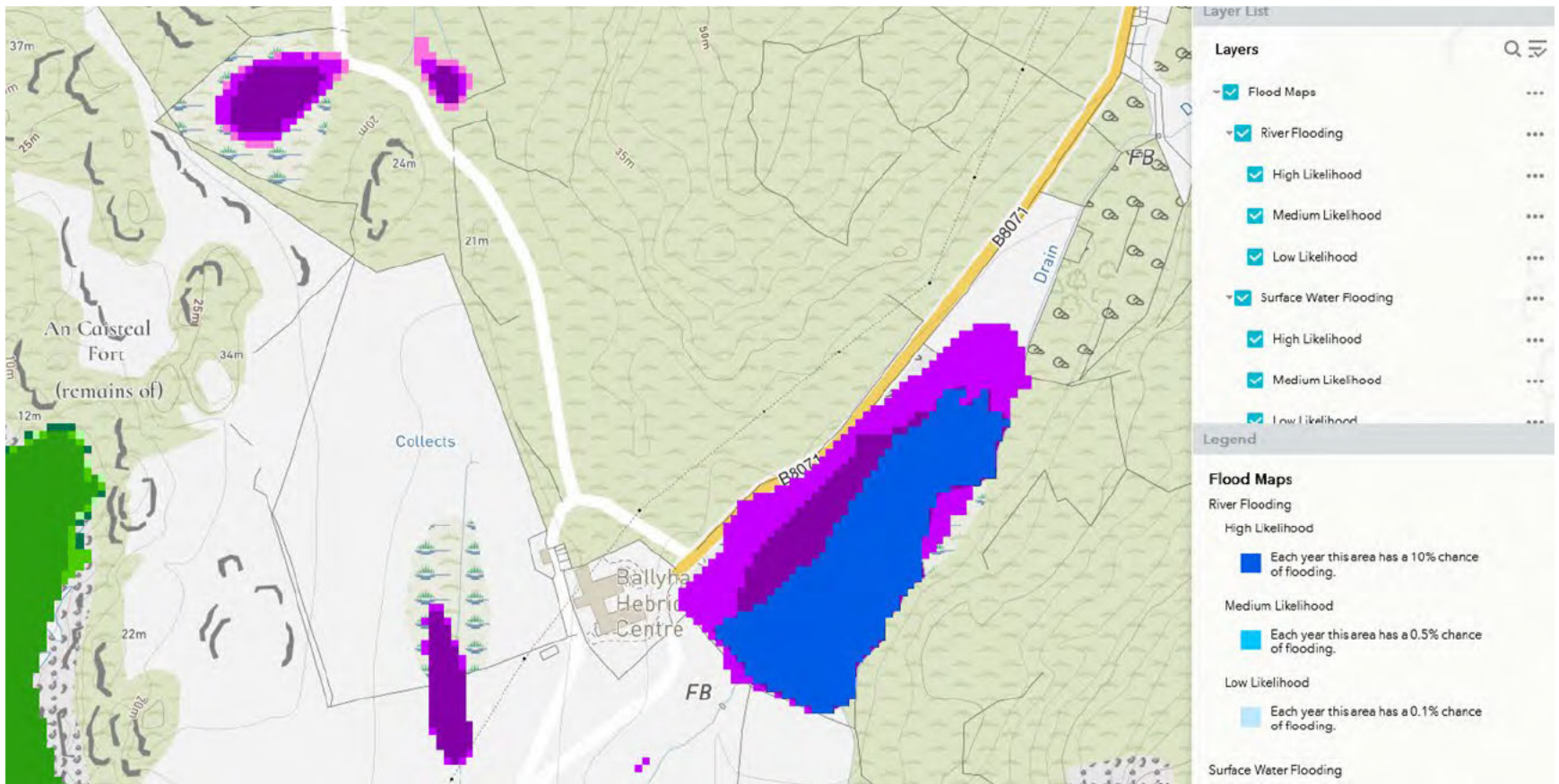
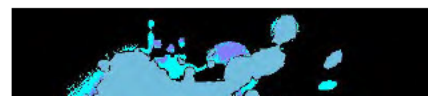


Figure 6: SEPA map





2.4 CURRENT LAND USE

The land currently is a farm. Ballyhaugh Farm extends to 91.85 ha of ground and has been run as a satellite farm to Ballard farm two miles away along the rough track (as claimed in the annual IACS forms).

2.5 SURROUNDING AREA

The site surrounding by an SSSI area, less than a mile from Ballyhaugh Loch and The Hebridean Centre (Project Trust).



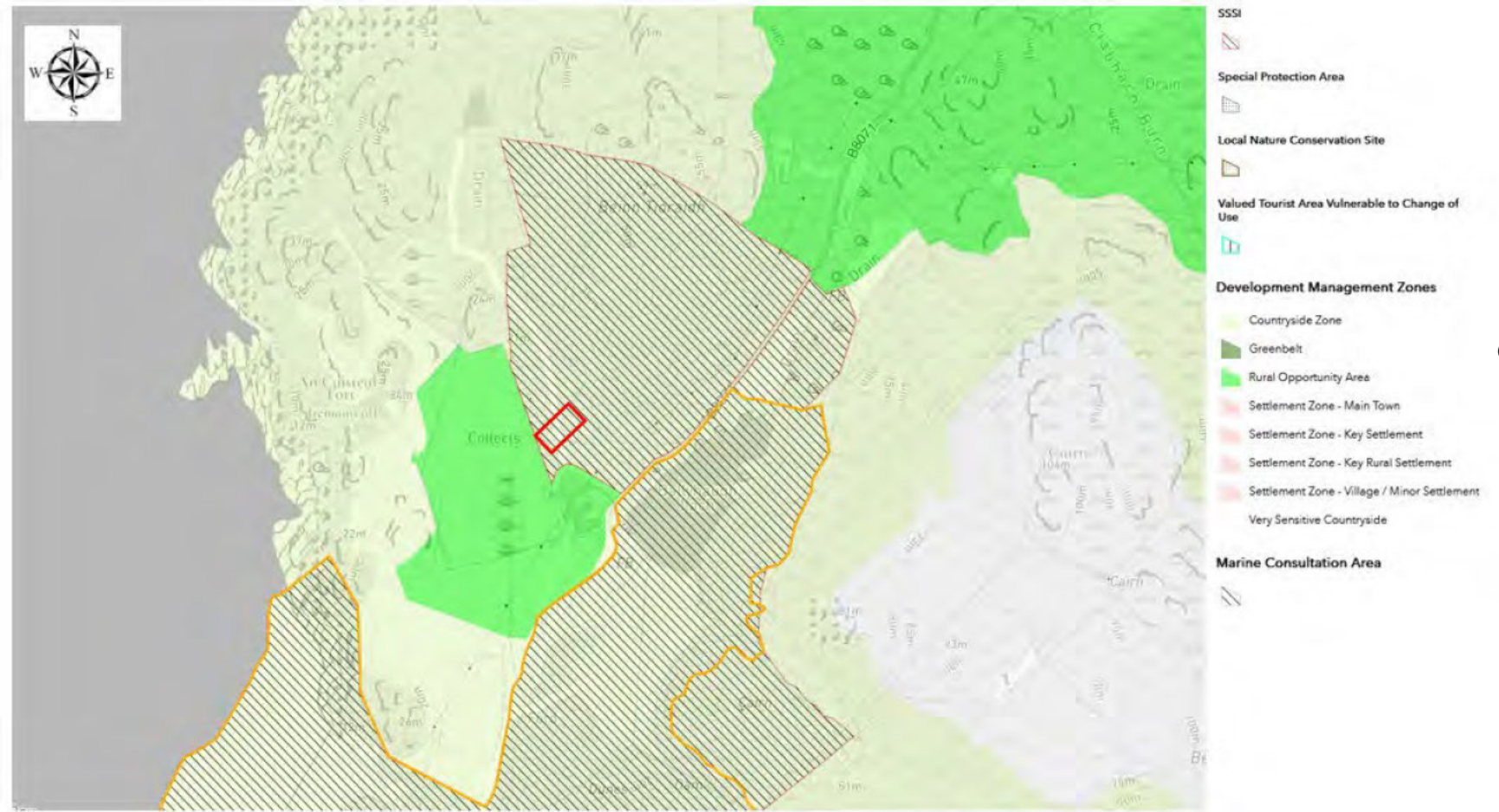
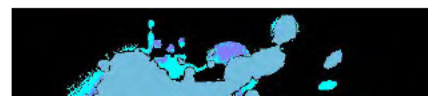


Figure 7: Argyll and Bute Local Development Plan 2015 land use



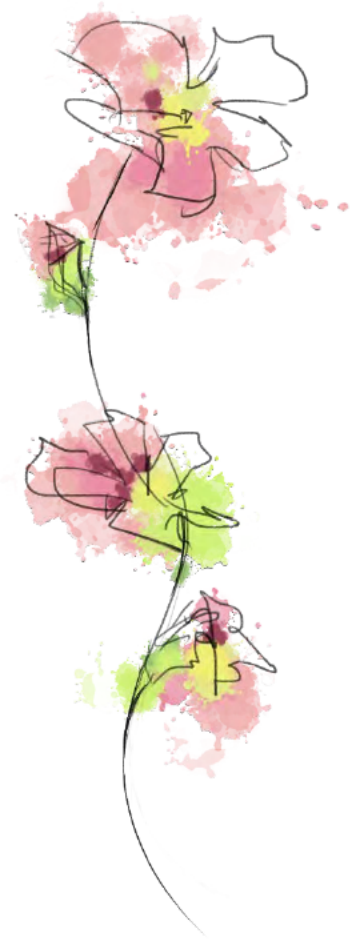
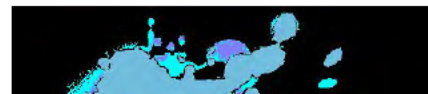
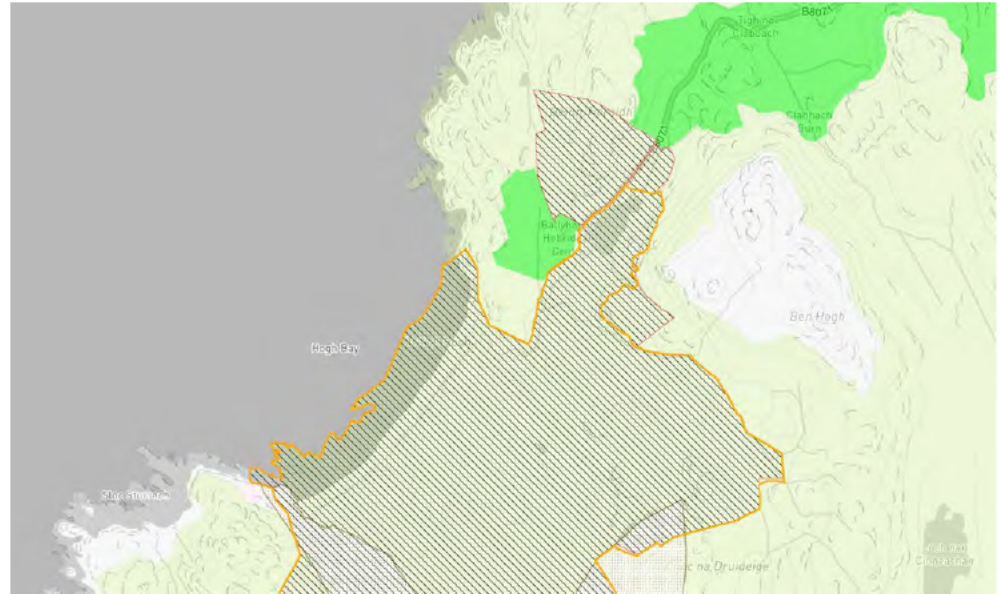


Figure 8: Surrounding area





3.0 LOCAL DEVELOPMENT PLAN



The Local Development Plan groups the settlement area of Oban, Lorn and the Isles. The area in which the proposal is sited is zoned as Countryside. Therefore, development in this area is assessed against LDP DM1.





4.0 PROPOSAL

Outline In Principle

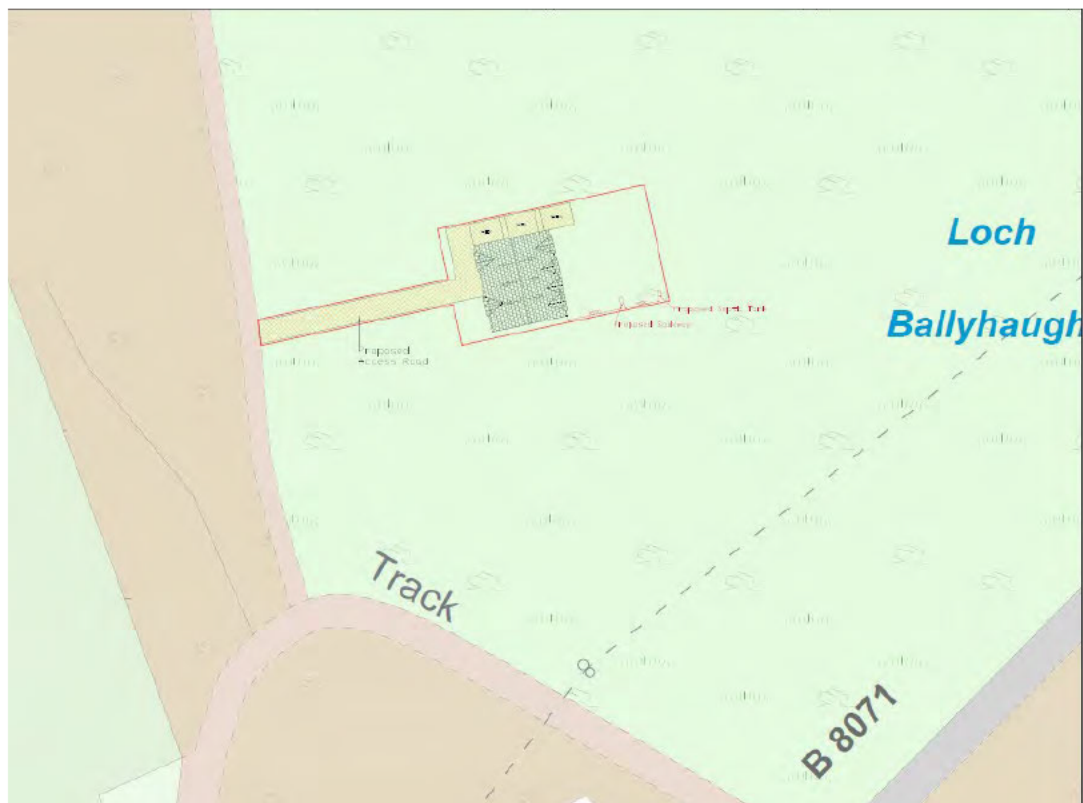
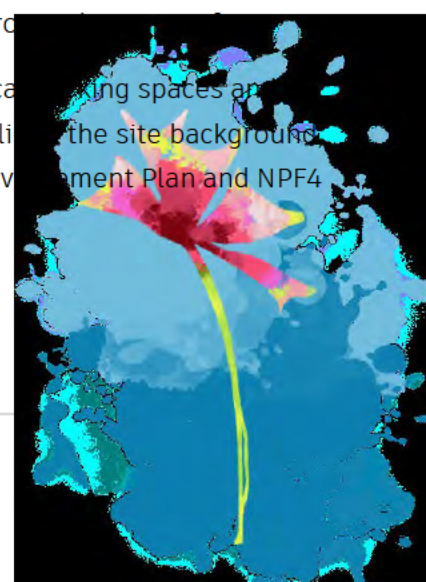


Figure 8: Site Proposal

The applicant is proposing the Erection of one house on the land to the north of the Ballyhaugh Hebridean Centre, north of the B8071.

The proposal is in Principle, so the application has been assessed against Development Plan policies that apply in the development pro

The site layout proposes the new dwelling alongside three car parking spaces and a unique access point. The submitted planning statement outlines the site background, the proposal, and relevant planning policies within the Local Development Plan and NPF4 that the development was in accordance.



4.1 INDICATIVE DESIGN

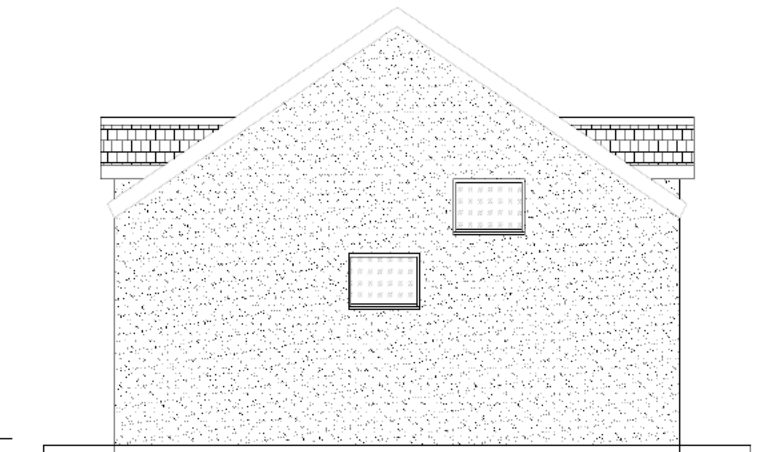
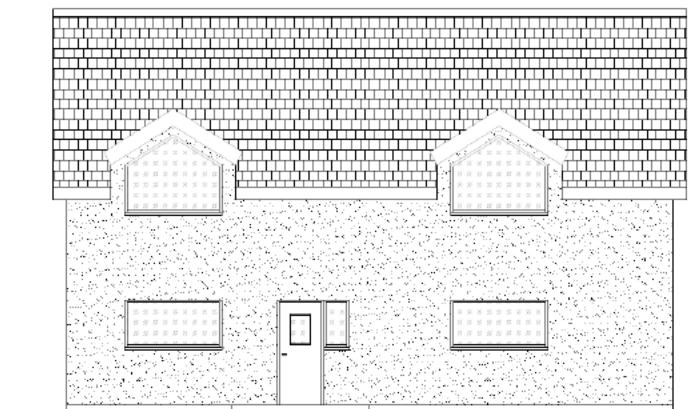
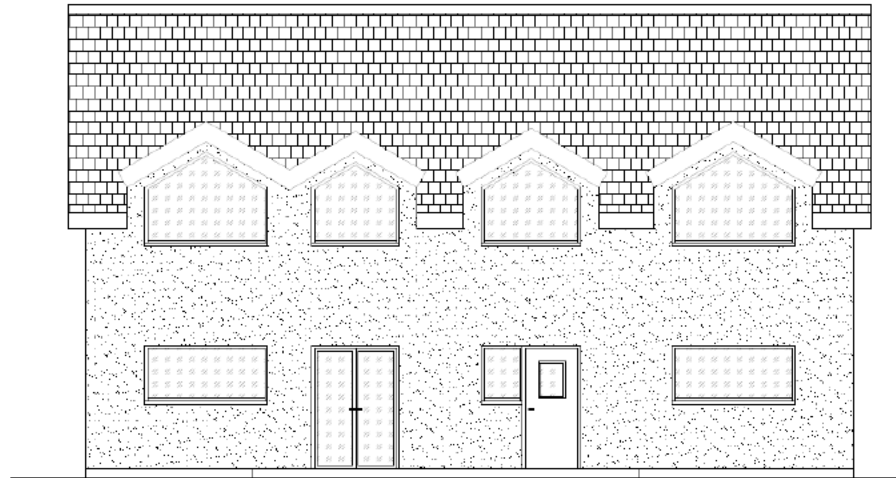
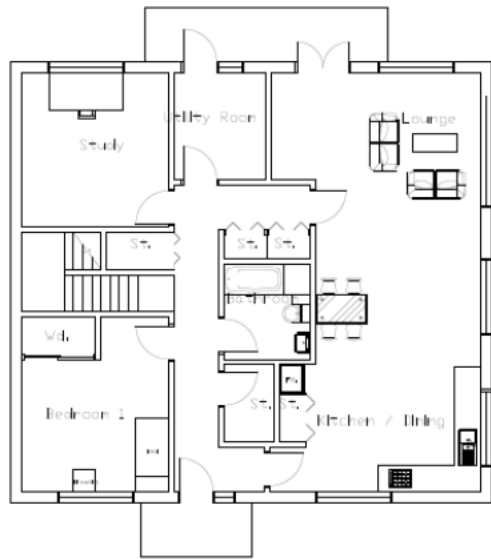
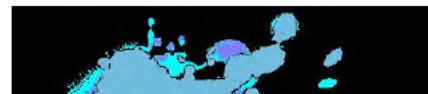


Figure 9: Indicative design for house farm



5.0 RELEVANT POLICIES

5.1 NATIONAL PLANNING FRAMEWORK DRAFT 4 (NPF4)

Scotland's fourth National Planning Framework is in its draft stage. Although developments are still decided against the current planning legislation, NPF4 is the new standard which developments should be assessed against. It is a valuable baseline for what local authorities will have to permit in the future and should be a benchmark for current development proposals. In addition, NPF 4 has been published in draft form. It, therefore, becomes a material planning consideration.

Featured in the spatial principles for Scotland 2045 emphasises encouraging rural and island development so that there is a balance throughout the country. It states that

"We want to support Development across Scotland, so people have more choice about where they live, learn and work. This will create opportunities for communities in areas of decline and manage development more sustainably in areas of high demand. We wish to enable more people to live and remain in rural and island areas, and to actively transform areas of past decline so that we can make the best use of our assets."

Therefore, the upcoming planning framework for Scotland specifies that housing on the islands should be encouraged.

Furthermore, another relevant aim of NPF4 is urban and rural synergy. "Scotland's urban and rural and island areas, and all of the places, can work together and share learning and innovation to achieve better places. Our strategy is for Scotland as a whole, bringing together the contributions of our cities, towns, villages, and countryside areas to achieve shared objectives. As part of this, we will improve green infrastructure to bring nature into our towns and cities, connecting people with nature, building resilience, and helping our biodiversity to recover and flourish.

"To meet this aim in the future, local authorities must permit development that supports this."





This development will increase the island's population and improve connectivity throughout the island by building out an established settlement.

The proposal site is within the North and West Coastal Innovation action area. The overarching aim of development for this area is "to make sustainable use of our coasts and islands to sustain communities and pioneer investment in the blue economy." By supporting housing development in Coll, its population and community are being sustained for the future.

5.2 ARGYLL AND BUTE LOCAL DEVELOPMENT PLAN

Spatial Strategy Area- Oban, Lorn, and The Isles

The key focus areas for the Argyll and Bute LDP are:

Policy LDP DM1- Development within the development Management Zones:

(E) Within the Countryside Zone up to scale on appropriate infill, rounding off and redevelopment sites, and changes of use of existing buildings. In exceptional cases, development in the open Countryside up to and including large scale

may be supported on appropriate sites if this accords with an ACE

There is a presumption against development that seeks to extend an existing settlement into the Countryside Zone.

RESPOND: The proposal is suitable for the Countryside Zone as it is small-scale (assessed against the ACE, which designates small-scale housing developments as less than five houses). In addition, the development is on a green field. However, being located next to the Hebridean Visitor centre, a proposal is appropriate, as there is already developed in the immediate vicinity.





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

In all development management zones, Argyll and Bute Council will assess applications for planning permission with the aim of protecting conserving, and where possible enhancing the built, human, and natural environment. A development proposal will not be supported when it:

(A) does not protect, conserve, or where possible enhance biodiversity, geodiversity, soils and peat, woodland, green networks, wildland, water environment, and the marine environment.

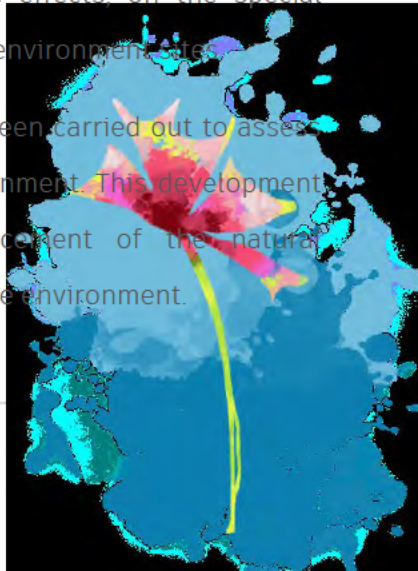
(B) does not protect, conserve, or where possible enhances; (i) the established character and local distinctiveness of the landscape and seascape in terms of its location, scale, form, and design; and (ii) the "Dark Skies" status of the Isle of Coll.

(C) does not protect, conserve, or where possible enhance the established character of the built environment in terms of its location, scale, form, and design.

(D) has not been ascertained that it will avoid adverse effects, including cumulative effects, on the integrity or special qualities of international or nationally designated natural and built environment sites. Further information and detail on matters relating to the natural environment, landscape, and historic environment will be provided in Supplementary Guidance.

(E) has significant adverse effects, including cumulative effects, on the special qualities or integrity of locally designated natural and built environment sites.

RESPOND: The relevant environmental assessments have been carried out to assess and mitigate the effects of this development on the environment. This development will support the protection, conservation, and enhancement of the natural environment. This application will minimize the impact on the environment.



Policy LDP 8 – Supporting the Strength of Our Communities

The Council will support new sustainable development proposals that seek to strengthen the communities of Argyll and Bute, making them better places to live, work and visit. The Council will always maintain a five-year effective housing land supply. Further information and detail will be provided in Supplementary Guidance on the following matters: General housing development, including affordable housing provision and special needs access; housing green space; residential caravans and sites; sport, leisure, recreation, and open space; key rural services; community plans and new or extended crofting townships; planning gain; enforcement action; departures from the local development plan; bad neighbour development.

RESPOND: The LDP has stated that over 10 years there should be 1380 market houses built across Oban, Lorn, and the Isles. This would contribute to this aim.

Section 25 of the Act Development Plan and other material considerations over and above those listed above which have been considered in the assessment of the application:

- i. List of all Development Plan Policy considerations taken into the assessment of the application:

Argyll and Bute Local Development Plan, 2015

- a. LDP STRAT 1: Sustainable Development
- b. LDP DM 1: Development within the Development Management Zones
- c. LDP 3: Supporting the Protection Conservation and Enhancement of our Environment
- d. LDP 8: Supporting the Strength of our Communities
- e. LDP 9: Development Setting, Layout, and Design
- f. LDP 8: Supporting the Strength of our Communities
- g. LDP 11: Improving our Connectivity and Infrastructure



5.3

ANIMAL HEALTH AND WELFARE

Argyll and Bute Council's Animal Health Service is responsible for carrying out the Council's duties in relation to the Animal Health Act 1981 and other associated legislation in relation to Animal Health and Welfare.

Animal Health and Welfare Role

The principal function of the Animal Health and Welfare Section is: -

- a) to prevent the introduction and control the spread of contagious diseases, including some which may constitute a risk to human health and
- b) ensuring the welfare needs of animals and birds are met

Visiting livestock markets

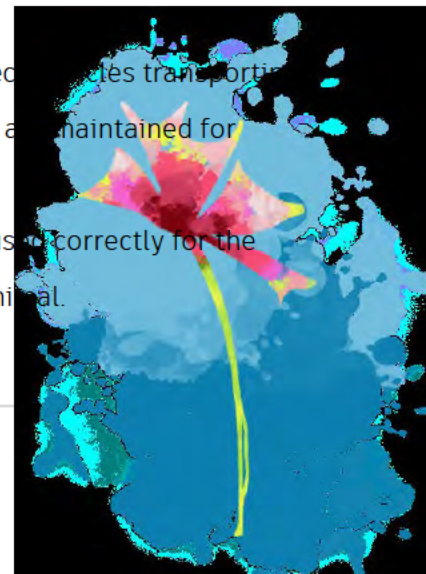
Officers visit livestock markets too.

- ensure high welfare standards are maintained for the livestock in the market and during transportation to and from the market.
- monitor compliance with bio-security rules that are in place to reduce the risk of any potential spread of disease.
- ensure the livestock at the market are correctly identified and are moved with the correct paperwork.
- Look for any sign of disease.

Carry out transit checks

Officers:

- stop (with the support of the police) and inspect vehicles transporting animals to ensure that high welfare standards are maintained for animals during their journey.
- ensure that the vehicles are constructed and used correctly for the transportation of the appropriate species of animal.





Visiting livestock holdings

Officers will carry out an inspection and provide advice and assistance on:

- Farm livestock record
- veterinary medicine records.
- animal movement licences and passports.
 - livestock identification.
 - disposal of livestock carcasses.
- livestock vehicles – construction and cleanliness.

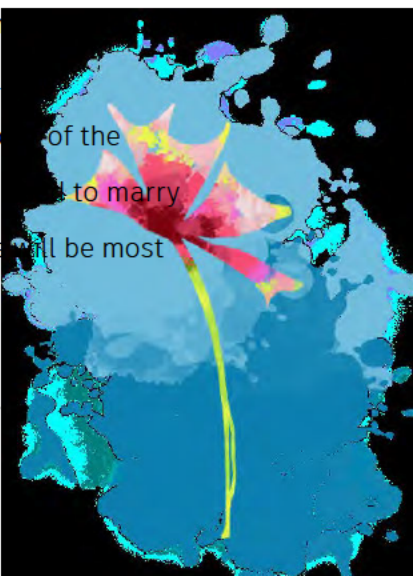
Other areas of work

This includes

- Investigation of complaints in relation to animal health and welfare.
- Helping to maintain Contingency Plans which when deployed assist in the control of diseases such as Rabies and Foot and Mouth Disease.
- Investigation of any import and export of animals alleged to be in breach of regulations.
- Visits to premises which are subject to license conditions such as zoos and premises keeping animals listed as “dangerous wild animals” as requested by Environmental Health.
- Providing advice and assistance on Animal Health and Welfare Legislation.

AGRICULTURAL BUILDINGS

17.1 New agricultural buildings should be sympathetically sited and of a high quality appropriate to their setting in the landscape. When locating agricultural buildings consideration should be given to the local topography and the scale and colour of the building. Sites on the skyline should be avoided, natural contours should be followed to blend the building into the landscape and in most cases, dark/natural matt colours will be most appropriate.



17.2 The erection of all agricultural buildings or significant extensions to existing buildings requires the submission of a Prior Notification form to the Planning Authority. Depending on their size and location, some agricultural buildings also require planning permission

SG LDP SERV 9 – Safeguarding Better Quality Agricultural Land

This policy provides additional detail to policy *LDP 10 Maximising our Resources and Reducing our Consumption* of the Adopted Argyll and Bute Local Development Plan.

Argyll and Bute Council expects new development proposals to minimise the loss of better quality agricultural land including in-bye land and croft land. Consequently, in all development management zones new development proposals will not be supported where it would result in:

- (A) the loss of better quality agricultural land;
- (B) the fragmentation of field systems;
- (C) the loss of access to better quality agricultural land.

If proposals do not meet the above criteria they will only be deemed acceptable where the applicant can adequately demonstrate that:

- (D) there exists a proven and justified significant economic, environmental or social wider community interest to allow the development to proceed; And
- (E) there is no alternative viable land outwith the in-bye or croft land concerned for the development to proceed.

Argyll and Bute have a very limited supply of good quality agricultural land and efforts need to be made to safeguard it to help ensure our future food security, reduce our carbon footprint, and assist in the further development of our economically important food and drink industry.

Therefore, Argyll and Bute Council seek to protect our better-quality agricultural land, including in-bye or croft land, particularly where there are opportunities to protect better quality land in the same community. An exception to this approach may be taken where an applicant concerned can fully justify the loss of better-quality agricultural land where wider economic, environmental and/or social benefits can be delivered to the same community.



RESPOND: The application is to support the farm worker and the welfare of the animals. The remote island location of this farm and its welfare responsibilities will add pressure to labour requirements in addition to the standard figures calculated below. The welfare responsibilities should not be underestimated. This application also concerns animal welfare needs, rural crime and security concerns.

5.4 ISLE OF COLL SUSTAINABLE DESIGN GUIDANCE

This design guidance for Coll sets out to explore why some new developments look out of place whilst some fits happily into its surrounding. It suggests ways to ensure that new developments are attractive, energy-efficient, and flexible. The Guidance suggests how the building can be sited and designed so that they enhance rather than detract from or spoil their landscape setting.

Whilst this guidance aims to illustrate why certain designs will not work well in particular situations, it is not intended to restrict applicants' options for developing innovative and high-quality design solutions for sites on Coll. Instead, its aim is to encourage individual, high-quality design solutions for the very special sites and places within this planning authority area. It describes a sustainable approach to the long-term impact of development.

Argyll and Bute Council have recently completed a new Sustainable Design Guidance for all new housing development taking place within Argyll and Bute. This promotes good quality, sustainable and contemporary building design, and where appropriate innovative solutions, suited to the distinctive landscapes, towns, and villages of Argyll and Bute.



The guidance explains the key principles of quality design and sustainable development applicable to the Argyll and Bute area. It includes a summary of the Planning Application Process.

The Sustainable Design Guides have been adopted by the Council as supplementary planning guidance and are therefore a material consideration when applications for planning consent are considered





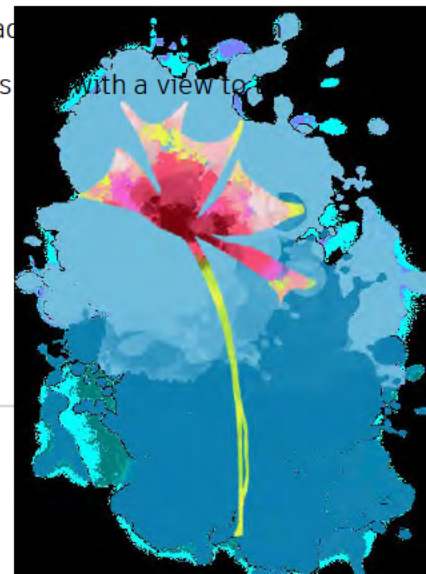
Mid Coll

larger farms sit back from road in a flatter more open landscape

Settlement Pattern

Building and settlement in Mid Coll have a distinctive development pattern, massing, and scale which is closely linked to their location.

- ✚ **Farmed Strath** – The location for a series of substantial farm steadings which overlook the land they serve, such as Ballyhaugh and Cliad. These are seen as "point features and their larger scale units the more open landscape in which they sit. Often these larger farmsteads are located away from the main adopted road.
- ✚ **Hinterland of rocky moorland** – this area is not itself developed but the larger single-storey and one-and-a-half-storey croft houses tend to hug the location between the change in height and cultivated land. For example, the farm at Totamore is sheltered by a hillside with views over more fertile land.
- ✚ **Headlands and bays** – the location for smaller farms and clachans on small stretches of more fertile land sheltered by rocky knolls with a view to sea.



Massing and Scale

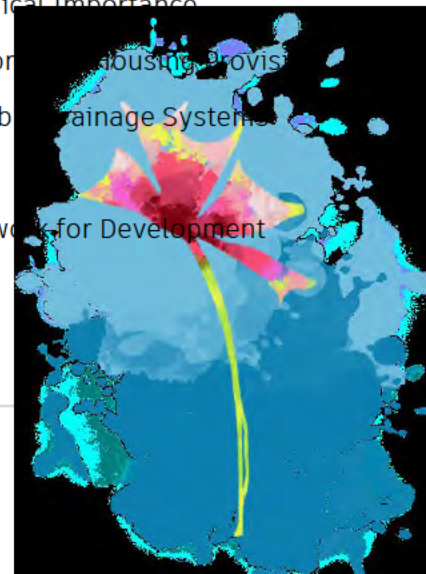
Even though some older properties are larger than others they are made up of components which share the same scale and proportions as their neighbours- such as dormers, window proportions, porches, and entrances.

Where properties vary in height, they still have the same proportions of walls to windows and are made up of flat walls and simple geometric shapes. Although storey height varies, properties have similar proportions because they have a consistent roof pitch and plan depth. They, therefore, complement each other even though they use different materials.

- ✚ **Farm steadings**- symmetrical one-half-storey and two-storey houses tend to form a dense grouping with extensive farm outbuildings. Often their massing is broken down into a series of components of different heights, but which share a common roof pitch, ceiling height and depth of gable
- ✚ **Croft houses** – these share the characteristics of the smaller croft houses described on the preceding pages. These are often larger than their equivalent to the north of the island and their massing is broken up by often smaller extensions to either side.
- ✚ **Clachans** – there is a loose, low-density grouping of houses and outbuildings at Clabhach, linked by a network of drystone walls.

Supplementary Guidance

- a. SG LDP ENV 14: Landscape
- b. SG LDP ENV 20: Development Impact on Sites of Archaeological Importance
- c. SG LDP HOU 1: General Housing Development Including Affordable Housing Provis
- d. SG LDP SERV 2: Incorporation of Natural Features/ Sustainable Drainage Systems (SuDS)
- e. SG LDP SERV 7: Flooding and Land Erosion- The Risk Framework for Development



List of all other material planning considerations considered in the assessment of the application, having due regard to Annex A of Circular 3/2013:

- a. Argyll and Bute Sustainable Design Guidance 2006
- b. Scottish Planning Policy (SPP) 2014
 - c. Planning Advice Note 72 (PAN 72), Housing in the Countryside Consultee Responses
- d. Isle of Coll Sustainable Design Guidelines
 - e. Isle of Coll Landscape Capacity for New Housing Report 2006



6.0 JUSTIFICATION OF PROPOSED DEVELOPMENT

Regarding the Labour Report prepared by SAC Consulting, The Scottish Agricultural College, the results found few justifications why the applicant needs to develop the dwellinghouse on the proposed site.

i. Animal Welfare

Livestock requires management and supervision, especially in systems such as remote Island farming as any drop in production can affect the profitability, and indeed viability, of the business which like many other forms of agriculture runs on very tight profit margins.

When dealing with livestock, welfare requirements are of paramount importance. Without accommodation, a farmer/crofter/stockman is prevented from fulfilling their welfare obligations. This is especially important during:

- a. Lambing and calving time when stock needs to be checked several times during the day and night to deal with any lambing/calving difficulties and sickly stock are dealt with quickly,
- b. The winter months when livestock are required to be fed supplementation daily, as the nutritional value of the grazing has dropped below the minimum required to maintain stock in a healthy condition.

As stewards of the countryside farmers and crofters are responsible for sustaining and maintaining the land to provide a safe and clean environment. Land and stock management factors are more challenging in a remote island location.





On the Isle of Coll, there is a serious issue with the availability of skilled labour to help in an emergency. For a business to be resilient there is a need for backup skilled labour to be available on short notice. It is essential that there is someone present on the unit to ensure animal welfare legislation and cross-compliance measures are being met:

Schedule 1: paragraph 1 of the Welfare of Farmed Animal (Scotland) Regulations 2000 states that:

All animals must be cared for by a sufficient number of staff who possess the appropriate ability knowledge and professional competence.

And Schedule 1 paragraph 2 requires that:

All animals kept in husbandry systems in which their welfare depends on frequent human attention must be thoroughly inspected at least once a day to check that they are in a state of well-being.

The sheep flock and beef herd come with constraints and needs, especially at lambing and calving time when staff must be on call and supervising at all times to ensure animal welfare standards are maintained. The lambing and calving periods are very intensive and 24 hours supervision is a must (especially for indoor lambing) to maintain animal welfare and business viability. This is in addition to the requirements for an enhanced level of shepherding to present at lambing time to ensure losses to predators such as ravens are minimized.



ii. Carbon Emissions

As well as the substantial cost of petrol to operate the quad bike (currently, at a cost of £2.19 per litre), the farm has carried out the carbon audit and is keen to reduce its carbon emissions in line with Government aspirations and the future conditionality of subsidy payments.

The completed carbon audits highlighted that fuel use across the business was comparatively higher than benchmarks (1.16 compared to 0.33kgCO₂e/kg dwt) due to the 3-4 times daily quad trip between holdings and from Mr. Morrison and Ms. Conway's home in Uig to Ballyhaugh. To reduce business emissions, reducing fuel use is of critical importance.

iii. Lack of alternative accommodation

There is currently no accommodation at Ballyhaugh and so Mr. Morrison has had to stay in the shed overnight, or more recently a caravan, during the calving period if any issues arise.

iv. Security

Rural and farm-related crime has been on the increase across Scotland with opportunist and organised theft of machinery, equipment, stock, and fuel becoming a real concern. It is important that staff are always present to act as a deterrent and be able to act upon any occurrences.

worrying on farms is an increasing issue that is detrimental to animal welfare, highly distressing for those involved, and a financial burden. A dwelling on site would mean that dog worrying incidents at any time of day can be responded to rapidly. As can gates being left open by walkers leading to livestock straying on public roads.





Labour Requirements

The below calculation shows that 1.08 Full-Time Equivalent (FTE) labour units are required to run this unit.

The remote and island location of this farm and its welfare responsibilities will add pressure to labour requirements in addition to the standard figures calculated below. The welfare responsibilities in particular should not be underestimated.

It is therefore highly recommended that planning permission be granted on the basis of operational needs.

It has been demonstrated that the business has a high labour requirement. This coupled with the growing rural crime and security concern, the animal welfare needs, and the lack of affordable housing nearby, therefore, illustrates a clear agricultural justification for a house to be built.

Calculation of Standard Hours Worked

Crop / Livestock Category	Number (head / ha)	Standard hours (head / ha)	Hours per Category
Ewes & Rams (LFA)	120	3.7	444.00
Hoggs	40	3.1	124.00
Cows & Bulls	35	26	910.00
Helpers and Youngstock	2	12	24.00
Beef calves	35	12	420.00
Rough Grazing (Region 2)	91.85	1.5	137.78
Total Hours			2059.78
Standard Labour Unit hours for 1 FTE			1900
No of FTE on this Unit			1.08

Standard labour hours are taken from SAC Farm Management Handbook 2021/22 page 390

Figure 10: Standard labour hours from SAC Farm Management handbook 2021/22





The standard work capacity is taken as 1900 hours per man year as revised by SGRPID in 2006. This is calculated on the assumption that a worker would work 237.5 standard working days per year to include an element of overtime as well as considering public holidays, weekends, and illness. A standard man day is taken as 8 hours and is the widely accepted standard in agriculture.

The standards are set for the UK as a whole and do not consider location. As the Isle of Coll is particularly remote, there are agricultural activities that are not considered in these standards.

Using the SGRPID DEFRA and DANI agreed standard Labour Requirement as published in the SAC Farm Management Handbook (October 2021) the agricultural activities carried out by the farming business of Mr. Morrison, the farm manager, can be calculated – **figure 10**

The calculation shows a total labour requirement of 2059.78 hours in total for agricultural activities carried out on the farm on an annual basis. This equates to 1.08 FTE labour units.

The stated figures show that the labour requirements for this business are extensive. It should be noted that no time has been allocated for bookkeeping, quality assurance compliance and other general paperwork.



7.0 PRECEDENT

The following applications have been approved for construction in the area. Each of these is close to the proposed site and is for dwellinghouses or extensions/alternations to dwellinghouses.

The sites are in the Countryside and therefore the same policies would have factored in the decision to approve therefore precedent has been set that the same decision should apply to this application.

- i. **16/02276/PP** | Conversion of the store to form dwellinghouse (retrospective) | Mill Cottage Isle of Coll Argyll and Bute PA78 6TB
- ii. **15/00147/PPP** | Site for the Erection of dwellinghouse | Land Southeast of An Lanntair Isle of Coll Argyll and Bute PA78 6TB
- iii. **14/01765/PPP** | Site for the Erection of dwellinghouse | Land Southwest of An Lanntair Isle of Coll Argyll and Bute PA78 6TB
- iv. **13/01994/PPP** | Site for the Erection of dwellinghouse and installation of the septic tank. | Land Northeast of Lonban Cottage Isle of Coll Argyll and Bute PA78 6TB
- v. **19/00168/PP** | Erection of extension to dwellinghouse | Old Totamore Isle of Coll Argyll and Bute PA78 6TB
- vi. **17/02635/PP** | Formation of black bee project, Erection of dwellinghouse and workshop (Class 4), formation of vehicular access and installation of private drainage system | Land North of Ballard Isle of Coll Argyll PA78 6TB
- vii. **16/03420/PP** | Alterations and extension to dwellinghouse | Mill Cottage of Coll Argyll and Bute PA78 6TB





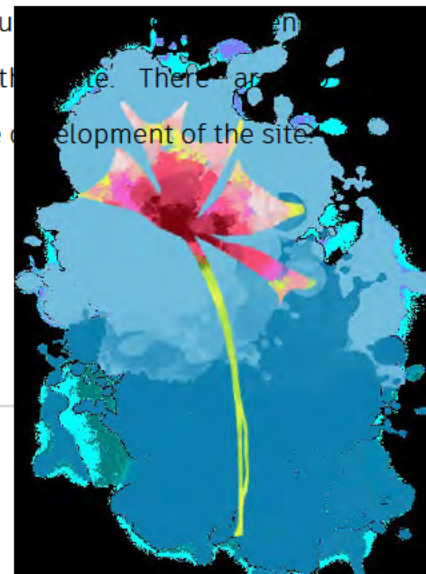
The proposed development is appropriate as there is already developed in the immediate vicinity. Furthermore, the site is located 0.08 metres from the Hebridean Visitor centre, which has involved multiple planning applications for the following:

- Reference: **10/01292/PP** - Alteration and extension to existing office sites within the Hebridean Centre.
- Reference: **21/02333/PP** – erection of two wind turbines up to 18 metres high (to blade tip).

Several applications of similar proposals have been approved for construction in the area close to the proposed. The proposal is small compared to the visitor centre and would be sensitively designed to integrate with the rural character, surrounding buildings and landscape. The dwelling will be single-storey, and the materials used will reflect the traditional materials used for the visitor centre and other facilities in the area to fit in with the surroundings. We are happy to accept conditions relating to the design principles to keep in line with the neighbouring visitor centre.

The Application: **15/00147/PPP** was granted planning permission for the erection of a dwellinghouse and associated works. The reasoning for approval is the following:

1. The site is considered a suitable opportunity for development with a suitably designed and sited dwellinghouse without any undue impact in the broader landscape setting of the area. There are no infrastructural constraints which would preclude the development of the site.





2. The proposal accords with Policies STRAT DC 4, STRAT DC 8 and STRAT SI 1 of the approved Argyll and Bute Structure Plan and Policies LP ENV 1, LP ENV 19, LP HOU 1, LP SERV 1, LP SERV 4, LP TRAN 4, LP TRAN 6 and Appendix A of the adopted Argyll and Bute Local Plan. Therefore, no material considerations warrant anything other than the Application being determined following the provisions of the development plan.

This decision notice states the development conforms to the policy and will not cause a detrimental impact on the broader landscape. The effect is also located in the Countryside, thus setting a form of precedence worthy of reference.



8.0 SUMMARY

To summarise, this development is consistent with Argyll and Bute's Local Development Plan aims. The location and scale of the development are appropriate for the aims of the spatial Strategy area of Oban, Lorn and the Isles as it is a small-scale (>5 houses) development in a countryside zone. The proposal meets the criteria expected of developments in this area such as 'Supporting the Protection, Conservation and Enhancement of our Environment' and 'Supporting the strength of our communities. The development both increases the population of the island and promotes migration to the area as well as being a sustainable design that does not impact the natural environment surrounding it.

This application is to support the applicant, it is essential that there is someone present on the unit to ensure animal welfare legislation and cross-compliance measures are being met. The frequent trips to the farm mean there are high fuel emissions, contributing to the farm's carbon footprint.

Adding accommodation would help to mitigate the animal welfare needs, the farm's carbon footprint and the lack of any housing nearby. Therefore, this illustrates a clear agricultural justification for the proposed one unit of the farmhouse





The development also supports the draft NPF4 which should be a foundation for planning decisions as it outlines what the Scottish Government expects local authorities to shape their communities around towards 2045. There is particular emphasis on sustaining our island communities and encouraging development, ensuring their survival and connectivity.

In respect of this, we would ask that the application be granted permission.

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Appendix:

Siting - what does guidance seek to avoid

Throughout Isle of Coll there are a number of post war or more contemporary houses. Some fit in well in the Isle of Coll landscape and others are more obtrusive.

As elsewhere in Argyll and Bute, where these newer houses do not look appropriate for their setting it tends to be for the following reasons:-

- **undue prominence** - sometimes new homes are located to take advantage of the best views, as a result they are often located much more prominently than their older neighbours which would have been sited to make the most of shelter. Because of this they can have a significant impact on their setting - for example larger properties visible from a long distance or located right beside a beach or historic property.
- **landmark designs** - one exciting or different house is a landmark, but Coll is a small island and a number of wildly different properties are likely to be visually chaotic.

- **buildings are out of scale with their neighbours** - larger two storey properties can become visually dominant in among smaller "croft house" neighbours or within some of Coll's small scale landscapes. Often this is as a result of bigger floor to ceiling heights and/or more extensive underbuilding, often associated with suspended timber floors.
- **massing is significantly different, and is not usually associated with a scottish rural location** - such as suburban semi, log cabin or larger hacienda type bungalow. Even if correctly scaled and sited, properties like this can have a disproportionate effect on their setting
- **different orientation** - houses which are orientated in a significantly different way to their neighbours can stand out and become unduly prominent.
- **using a "standard" timber kit house** - many timber kit manufacturers



before: remote headland - views across water



after: remote headland - out of place larger property dominates view

produce a range of standard house types which are suitable for locations such as suburbs or the edges of a small town. These house types do not provide the best solutions for the Isle of Coll. Because their proportions and scale are different to their neighbours, they become unacceptably prominent in Coll's important landscape setting

Smaller groupings and infill

Even when individual properties have been carefully designed to suit their rural location, a new development can look out of place. This is often because:

- **new development unacceptably alters existing density** Where there is a predominantly low density small scale development pattern, new larger development with a higher density and a uniform layout will not only look out of

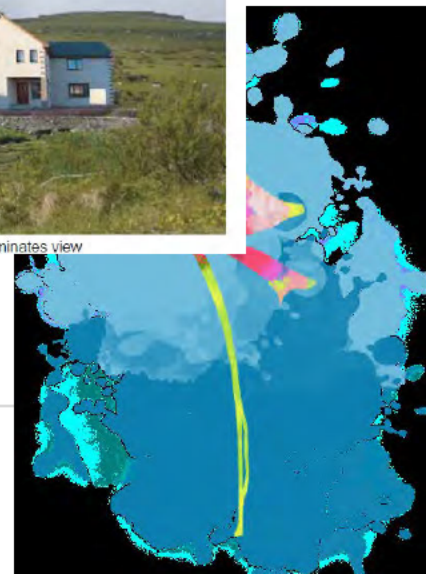
- place itself, but will change the way its neighbours are perceived.
- **development is introverted** - new houses look in towards each other rather than outwards, ignoring Coll's fantastic views. Timber back garden fencing can become an unattractive "face" of development.
- **a standard, uniform "urban" layout is used** - which appears out of place in Coll's remote landscape setting (wider streets, extensive areas of pavement, traffic calming, larger parking courts, intrusive street lighting)
- **standardised suburban gardens dominate** - smaller front gardens and larger enclosed back gardens - associated with timber ranch fencing, brick boundary walls, pavlovas



before: Arinagour, small scale rural character



after: Arinagour, out of place larger property dominates view



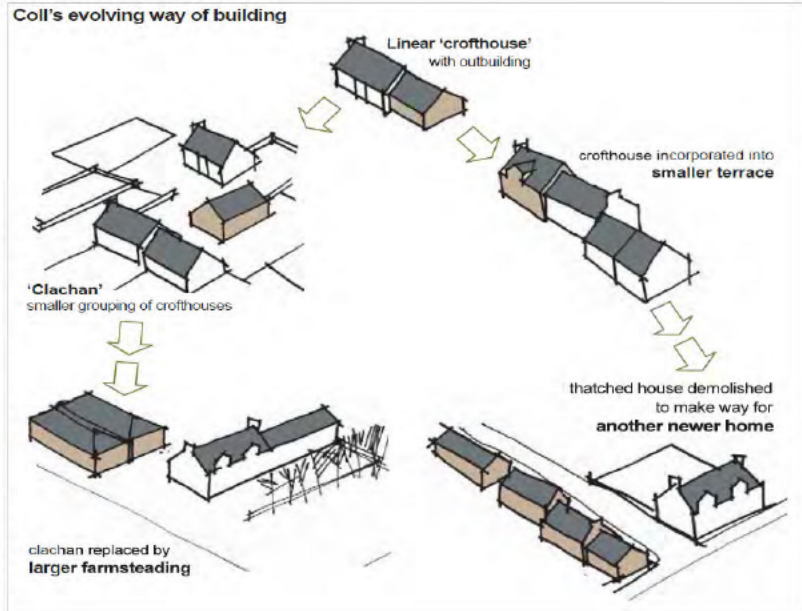


Coll analysis - summary

Colls evolving way of building

There is no single, "typical" settlement pattern or building type associated with the Isle of Coll. Every part of the island reveals different development patterns which reflect its own very local history. They illustrate how Coll's rural houses have developed and how different types of location have influenced the way that land is used and thus the way that building types have evolved. Nevertheless, our analysis has revealed that Coll's buildings and settlements often share common characteristics which developers and designers need to recognise and use as a basis for new proposals.

New buildings should not just be a reflection of traditional buildings, nor should they be copies of buildings elsewhere – rather they should be a contemporary interpretation of Coll's evolving way of building.



Siting Guidance: settlement patterns and their relationship to the landscape

The previous analysis has explained how specific Coll locations are associated with particular way of siting, massing and scale of development.

New development should relate to its specific landscape setting and this Guidance now suggests strategies for designing new houses and smaller groups of dwellings specifically for the Isle of Coll

The Guidance is based upon the previous analysis of the siting, settlement and house types on the island. It suggests where each development type can be most appropriately be used so that it complements its location.

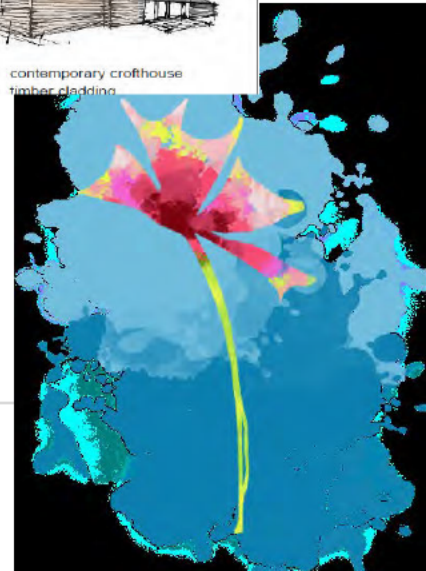
Firstly the Guidance suggests how properties should be sited and it includes four generic settlement types, together with a note of the landscape types with which they are associated, in order to demonstrate broad principles for siting, massing and scaling new development:

- o **Croft houses** -a building type often located close to Coll's rocky knolls and within a more enclosed landscape.
- o **Clachans** - loose groupings of smaller houses - a good model for new development which are again associated with a more enclosed landscape setting -good current examples are Sorisdale and Clabach
- o **Larger houses and farmsteadings** - traditionally associated with more open landscape
- o **Arinagour** - a low density development characterised by clusters each with a different character, but which share a common scale and proportions.

Next the Guidance considers strategies for more detailed design of specific components of new properties such as windows and openings, materials and construction details. These are not intended as an exclusive way of designing new homes on the island but can be used as a useful starting point.

Linear croft house: existing Coll examples

- o Associated with a more enclosed landscape
- o Small scale
- o Simple proportions
- o Dispersed, stands alone in landscape




Clechan: reconstruction
loose grouping, utilising a range of roofing and walling materials



- » Associated with smaller areas of open land
- » Small scale
- » Simple proportions
- » Loose grouping
- » No urban or village spaces (such as streets or squares)
- » Buildings have a direct relationship with the landscape

Farmsteading: existing Coll examples
generally one and half storey or two storey farmhouses with single storey outbuildings



- » Associated with open, fertile land
- » Larger scale
- » Forms complex and compact groupings

Siting, massing and scale: smaller houses



- well designed smaller house**
- » sheltered by contours, does not impact on landscape setting
 - » attractive boundary treatment appropriate for location
 - » parking screened by planting and located away from the front of the house
 - » larger windows based on proportions of existing buildings
 - » minimal difference between external ground level and ground floor


Contemporary precedent



Siting, massing and scale: smaller houses

badly designed smaller house

- » new house sits up above the horizon and is too prominent
- » direct relationship with landscape is lost
- » located too close to existing property
- » parking is more prominent than house and access road impacts on setting



Location: well designed smaller houses are separated by larger areas of landscape



Location

- » This development type is associated with:
 - » small scale rocky and enclosed landscape to the north (East End)
 - » the junction between farmland and rocky moorland in mid Coll
 - » limited linear development to the south.

Siting


- » Sustainable siting of properties in these locations will avoid impacting unduly on their setting through:
 - » Working with the landform rather than against it tucking buildings against rocky outcrops for shelter will reduce energy costs and impact on surroundings
 - » Siting below the horizon rather than impacting on the skyline
 - » Maintaining the spacing between buildings in the area
 - » Avoiding significant visual intrusion onto Coll's shoreline

- » Retain a direct relationship with the landscape use minimal garden boundaries and avoid formal front and back gardens
- Massing and Scale**
New houses in these locations can avoid looking inappropriate for their location through:
- » The use of a narrow plan form and a simple roof shape
 - » Using an appropriate building scale - generally minimising floor to floor heights, and keeping as close to existing ground levels as possible
 - » Where larger properties are proposed they should not dominate their setting. They will complement their location better if they are a maximum of one and a half storeys and their massing is broken down into components based on a narrow plan.

Siting, massing and scale: larger houses

badly designed larger house

- » proportions are not based on rural narrow plan
- » 'character' features lack local distinctiveness
- » unsympathetic materials
- » overlarge dormer windows
- » proportions are not based on rural narrow plan
- » extensive underbuilding increases scale still further
- » extensive hard landscaping and suburban garden features



Location

This development type is associated with more open fertile landscape in mid and south Coll. It can be a good model for the design of a large homes which is in keeping with its Coll context.

Siting

The faster landscape means that these properties can be made more prominent - any new development which looks significantly different to its neighbours will be very conspicuous. To avoid this properties should:

- » maintain the spacing and density associated with a particular location.

Either directly adjoin existing properties in the same way as their older counterparts - for example extending a farmsteading to increase the size of a compact cluster-siting in an open landscape. Or maintain existing spacing between properties:

- » orientate new buildings in the same way as

their older counterparts - for example towards a road

- » minimise the impact of access-ways and parking
- » retain a direct relationship with the landscape - use minimal garden boundaries and avoid formal front and back gardens.

Massing and Scale

New houses in these locations can avoid looking inappropriate for their location through:

- » Maintaining a compact grouping - to give an impression of a dense cluster in the middle of more open landscape.
- » Introduce common proportions, such as common building depth, eaving height, roof pitch, details at eaves and gable.

Location: larger scale property sits in larger area of more open landscape





Labour Report

For

Allan C Brodie and Juliet Conway
Ballyhough
Isle of Coll

*This report was prepared based on figures provided by **Allan Brodie and Juliet Conway***

Prepared by:

Jenny Love
SAC Consulting
The Scottish Agricultural College
Glencruitten Road
Oban
PA34 4DW
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20th September 2022

This report has been prepared exclusively for the use of **Allan Brodie and Juliet Conway** on the basis of information supplied and no responsibility can be accepted for action taken by any third party arising from their interpretation of the information contained in the document. No other party may rely on the report and if they do, then such reliance is at their own risk. No responsibility is accepted for any interpretation that may be made of the contents of the report. In particular SAC accepts no liability in the event of the planning application being turned down. In the event of planning permission being granted, SAC accept no liability for any planning conditions that Councils may impose on the dwelling house

SAC Consulting is a division of SRUC

Leading the way in Agriculture and Rural Research, Education and Consulting

Summary

- This report has been prepared for the purpose of providing agricultural justification to support a planning application to Argyll and Bute council.
- Ballyhough Farm extends to 91.85 ha of ground and has been run as a satellite farm to Ballard farm two miles away along a rough track.
- The couple who work the farm currently, Ms Conway and Mr Morrison, live in a small cottage at Uig, three miles away from Ballyhough as there is no farmhouse at Ballyhough and so Mr Morrison, the farm manager, has had to stay overnight in a shed during calving if there are issues.
- The business puts 35 Luing x Simmental cows to the bull, calving in the spring with most calves being sold store in the autumn.
- The unit also has 120 Cheviot cross breeding ewes/gimmers, plus hogs.
- It is essential that there is someone present on the unit to ensure animal welfare legislation and cross-compliance measures are being met.
- The frequent trips to the farm mean there are high fuel emissions, contributing to the farm's carbon footprint.
- Adding accommodation would help to mitigate the animal welfare needs, the farm's carbon footprint and the lack of any housing nearby. Therefore this illustrates a clear agriculture justification for the proposed dwelling.

1 Introduction

Allan Brodie and Juliet Conway approached SAC consulting for a report to assess the labour requirement of the agricultural enterprise and review the suitability of an agricultural justification for a dwelling on the land at Ballyhough on the Isle of Coll.

The purpose of this report is to:

- Review the farming activities of the business and assess the annual labour requirements.
- Outline and review other issues relevant to the need for housing on the farm.

The report deals only with agricultural issues affecting the justification for a planning application to be considered.

2 Background

Ballyhough has been run as a satellite farm to Ballard farm by Allan Brodie. The sole house on the land was sold to Project Trust following the death of Alec Conway (Mr Brodie's uncle and business partner) approximately 40 years ago. Mr Brodie has since travelled daily between the two holdings.

The farms are now worked in partnership between Allan Brodie and Juliet Conway, Alec's daughter, along with her partner, John Morrison who acts as the farm manager. Mr Morrison is now doing most of the farm work, as Mr Brodie has reached retirement age.

Mr Morrison and Ms Conway currently live in a small cottage at Uig, three miles away from Ballyhough, with their two children, who attend the local primary school (a roll of five children). It is hoped the children will both continue to live and work on Coll when they are older, in line with the aspirations of the Islands Bill.

The farm at Ballard (where Mr Brodie lives with his wife) and Ballyhough are two miles apart, through a rough sandy track. There is no farmhouse at Ballyhough, though there is a livestock bank and pens, which are regularly used for sheep shearing, vet visits and cows calving.

The farming policy is based around breeding sheep and cattle, mainly producing store lambs and calves for sale.

The agriculturally active land extends to a total of 91.85 ha - as claimed in the annual IACS forms.

The labour unit assessment is based on average standard man hours as laid down by the UK Farm Classification Document (Oct 2014). These standards are measured against the projected agricultural activity on the unit.

3 Farming System

The farming system comprise of a spring calving suckler herd, and a sheep flock producing store lambs across 91.85ha of rough grazing region 2 ground.

The business puts 35 Luing xSimmental cows to the bull, running as a spring calving system, with heifers having their first calf at around 36 months. The first cow calves down around February each year, with calving running until June, or sometimes July. Calves are sold as store at both the spring and Christmas sales in Oban and Stirling.

Currently, during calving time, Mr Morrison must make 3-4 trips per day on quad bike. If there are any issues, he must stay at the shed overnight. as there is no accommodation on the farm.

The only cattle that are housed are cows in poor condition, as well as calves who come in in November in preparation for sales. In addition, later calvers come in from around November to March. Other cattle are wintered outside, and need supplemented daily with silage from December until late May. Again, this requires Mr Morrison to make the trip in inclement winter weather to feed stock. The frequent travel is inefficient use of the farmer's time.

It should be noted that the cattle bring significant biodiversity benefits to the ground, and so during the summer months Mr Morrison must make the trip to Ballyhough to rotate cattle. Without grazing or with too low a grazing intensity, it is not possible to maintain some wader populations due to the indirect effects of grazing on habitat quality. Conservation grazing is particularly important in this context due to the species rich machair on the farm.

The unit also has 120 Cheviot cross breeding ewes/gimmers, plus hogs (which are wintered at home). Replacement ewes are kept from females born with fresh genetics being introduced through the purchase of new tups. New tups are now purchased from Lairg as the Cheviot type there tend to be hardier and therefore more suited to island weather on Coll, highlighting Mr Morrison's attention to detail and commitment to the farming system at Ballyhough.

Ewes are lambed inside for welfare reasons, in order to mitigate against predation from ravens, with lambs being sold store in the autumn. This requires Mr Morrison to be present to check stock several times during the day and night over the lambing period from early April through to mid May.

Sheep are supplemented with blocks and concentrates over winter, requiring Mr Morrison to make the trip to Ballyhough to put blocks out and concentrate feeding as required to ensure the nutrition of the breeding ewe is good enough for the ewe to raise a healthy lamb.

Both cattle and sheep are on the rough grazing and machair all year

The family have a real passion for farming. In fact, Ms Conway lived at Ballyhough until she was a teenager. Her maternal ancestors have lived on the farm for generations.

Farming in such a remote location as Coll is very labour intensive, with stock needing constant close supervision and management 365 days a year. Not only for the productivity and viability of the business but also for the welfare of the animals which needs to be kept at a high standard.

4 Labour Requirement

The standard work capacity is taken as 1900 hours per man year as revised by SGRPID in 2006. This is calculated on the assumption that a worker would work 237.5 standard working days per year to include an element of overtime as well as considering public holidays, weekends, and illness. A standard man day is taken as 8 hours and is the widely accepted standard in agriculture.

The standards are set for the UK as a whole and do not consider location. As the Isle of Coll is particularly remote, there are agricultural activities that are not considered in these standards.

Using the SGRPID DEFRA and DANI agreed standard Labour Requirement as published in the SAC Farm Management Handbook (October 2021) the agricultural activities carried out by the farming business of Mr Morrison, the farm manager, can be calculated – see Appendix 1.

The calculation shows a total labour requirement of 2059.78 hours in total for agricultural activities carried out on the farm on an annual basis. This equates to 1.08 FTE labour units.

The stated figures show that the labour requirements for this business are extensive. It should be noted that no time has been allocated for bookkeeping, quality assurance compliance and other general paperwork.

5 Need for On-Farm Accommodation

Animal welfare

Livestock require management and supervision especially in systems such as remote Island farming as any drop in production can affect the profitability, and indeed viability, of the business which like many other forms of agriculture run on very tight profit margins.

When dealing with livestock, welfare requirements are of paramount importance. Without accommodation, a farmer / crofter / stockman is prevented from fulfilling their welfare obligations. This is especially important during:

- Lambing and calving time when stock need to be checked several times during the day and night to deal with any lambing/calving difficulties and sickly stock are dealt with quickly.
- The winter months when livestock are required to be fed supplementation daily, as the nutritional value of the grazing has dropped below the minimum required to maintain stock in a healthy condition.

As stewards of the countryside farmers and crofters are responsible for sustaining and maintaining the land to provide a safe and clean environment.

Land and stock management factors are more challenging in a remote island location. On the Isle of Coll, there is a serious issue with the availability of skilled labour to help in an emergency (or even for routine work when the farmer/crofter is off farm for business or holiday). For a business to be resilient there is a need for back up skilled labour to be available at short notice.

It is essential that there is someone present on the unit in order to ensure animal welfare legislation and cross-compliance measures are being met:

Schedule 1, paragraph 1 of the Welfare of Farmed Animals (Scotland) Regulations 2000 states that:

- All animals must be cared for by a sufficient number of staff who possess the appropriate ability knowledge and professional competence.

and Schedule 1 paragraph 2 requires that:

- All animals kept in husbandry systems in which their welfare depends on frequent human attention must be thoroughly inspected at least once a day to check that they are in a state of well-being

The sheep flock and beef herd come with constraints and needs, especially at lambing and calving time when staff must be on call and supervising at all times to ensure animal welfare standards are maintained. The lambing and calving periods are very intensive and 24hrs supervision is a must (especially for indoor lambing) to maintain animal welfare and business viability. This is in addition to the requirement for an enhanced level of shepherding to be present at lambing time to ensure losses to predators such as ravens are minimised.

Carbon Emissions

As well as the substantial cost of petrol to operate the quad bike (currently, at a cost of £2.19 per litre), the farm has carried out a carbon audit and is keen to reduce its carbon emissions in line with Government aspirations and the future conditionality of subsidy payments.

The completed carbon audit highlighted that fuel use across the business was comparatively higher than benchmarks (1.16 compared to 0.33 kgCO₂e/kg dwt) due to the 3-4x daily quad trip between holdings and from Mr Morrison and Ms Conway's home in Uig to Ballyhough. To reduce the business emissions, reducing fuel use is of critical importance.

Lack of alternative accommodation

There is currently no accommodation at Ballyhough and so Mr Morrison has had to stay in the shed overnight, or more recently a caravan, during the calving period if any issues arise.

Security

Rural and farm related crime has been on the increase across Scotland with opportunist and organised theft of machinery, equipment, stock, and fuel becoming a real concern. It is important that staff are always present to act as a deterrent and be able to act upon any occurrences.

Dog worrying on farms is an increasing issue which is detrimental to animal welfare, highly distressing for those involved and a financial burden. A dwelling on site would mean that dog worrying incidents at any time of day can be responded to rapidly. As can gates being left open by walkers leading to livestock straying on public roads.

6 Conclusion

The above calculation shows that 1.08 Full Time Equivalent (FTE) labour units are required to run this unit.

The remote and island location of this farm and its welfare responsibilities will add pressure to labour requirement in addition to the standard figures calculated above. The welfare responsibilities in particular should not be underestimated.

It is therefore highly recommended that planning permission be granted on the basis of operational needs.

It has been demonstrated that the business has a high labour requirement. This coupled to the growing rural crime and security concerns, the animal welfare needs, and the lack of affordable housing nearby therefore illustrates a clear agriculture justification for a house to be built.

Appendix 1

Calculation of Standard Hours Worked

Crop / Livestock Category	Number (head / ha)	Standard hours (head / ha)	Hours per Category
Ewes & Rams (LFA)	120	3.7	444.00
Hoggs	40	3.1	124.00
Cows & Bulls	35	26	910.00
Heifers and Youngstock	2	12	24.00
Beef calves	35	12	420.00
Rough Grazing (Region 2)	91.85	1.5	137.78
		Total Hours	2059.78
		Standard Labour Unit hours for 1 FTE	1900
		No of FTE on this Unit	1.08

Standard labour hours are taken from SAC Farm Management Handbook 2021/22 page 390

05/09/2023



THOMAS COCHRANE BSC.(HONS), HND, CPC

PRINCIPAL URBAN PLANNER
TMC PLANNING AND PROPERTY DEVELOPMENT LTD

PROJECT COMMUNICATION PLAN

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SITE LOCATION



NATIONAL PLANNING FRAMEWORK 4

In determining the application, it is essential to note that the National Planning Framework Four (NPF4) should be the primary document followed by the Local Development Plan (LDP) whilst considering emerging policies in LDP2. The Chief Planner has highlighted that NPF4 should be read and applied as a whole. It consists of 33 policies that guide decision-making, and conflicts between policies are expected. Therefore, it is necessary to weigh factors for and against development in the balance of planning judgement, and no single policy should be used in isolation.

NPF4 prioritises the global climate and nature emergency while considering all development proposals. It requires that development proposals should be sited and designed to minimise lifecycle greenhouse gas emissions and adapt to current and future risks from climate change. The framework also supports development proposals for new homes in rural areas, provided they are suitably scaled, sited, and designed. It can be demonstrated that the development is necessary to support a viable rural business and is essential for a worker to live permanently at or near their place of work.

NPF4 emphasises sustainable temperature management in development proposals that people will occupy. To achieve this objective, it promotes natural or passive solutions such as siting, orientation,

and materials. Additionally, the framework supports proposals contributing to the viability and diversification of rural communities and the local rural economy by farms.

Supporting policies are shown below.

Policy 1

When considering all development proposals significant weight will be given to the global climate and nature crises.

Policy 2

- a) *Development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible.*
- b) *Development proposals will be sited and designed to adapt to current and future risks from climate change.*
- c) *Development proposals to retrofit measures to existing developments that reduce emissions or support adaptation to climate change will be supported.*

Policy 17

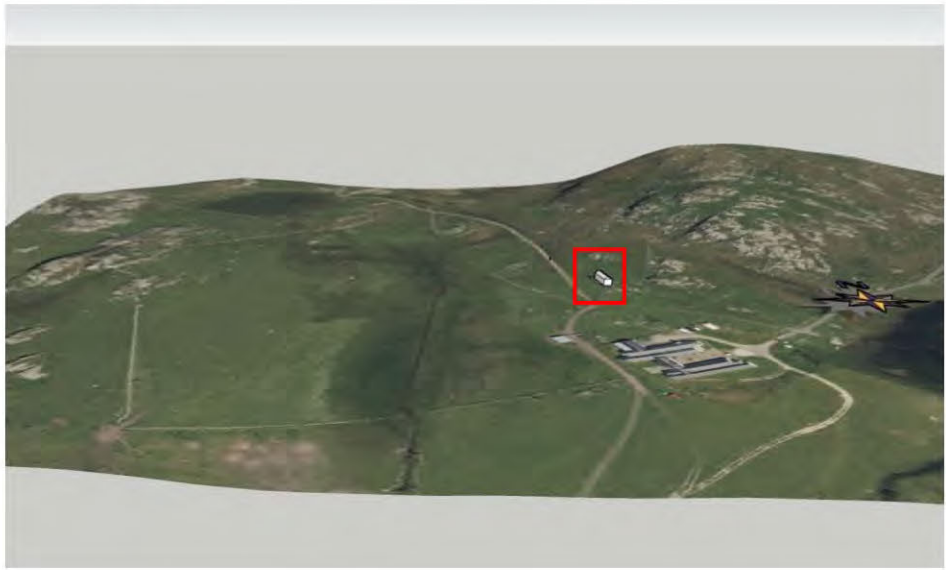
- a) *Development proposals for new homes in rural areas will be supported where the development is suitably scaled, sited and designed to be in keeping with the character of the area and the development:*
- v. *is demonstrated to be necessary to support the sustainable management of a viable rural business or croft, and there is an essential need for a worker (including those taking majority control of a farm business) to live permanently at or near their place of work;*

Policy 19

- f) *Development proposals for buildings that will be occupied by people will be supported where they are designed to promote sustainable temperature management, for example by prioritising natural or passive solutions such as siting, orientation, and materials.*

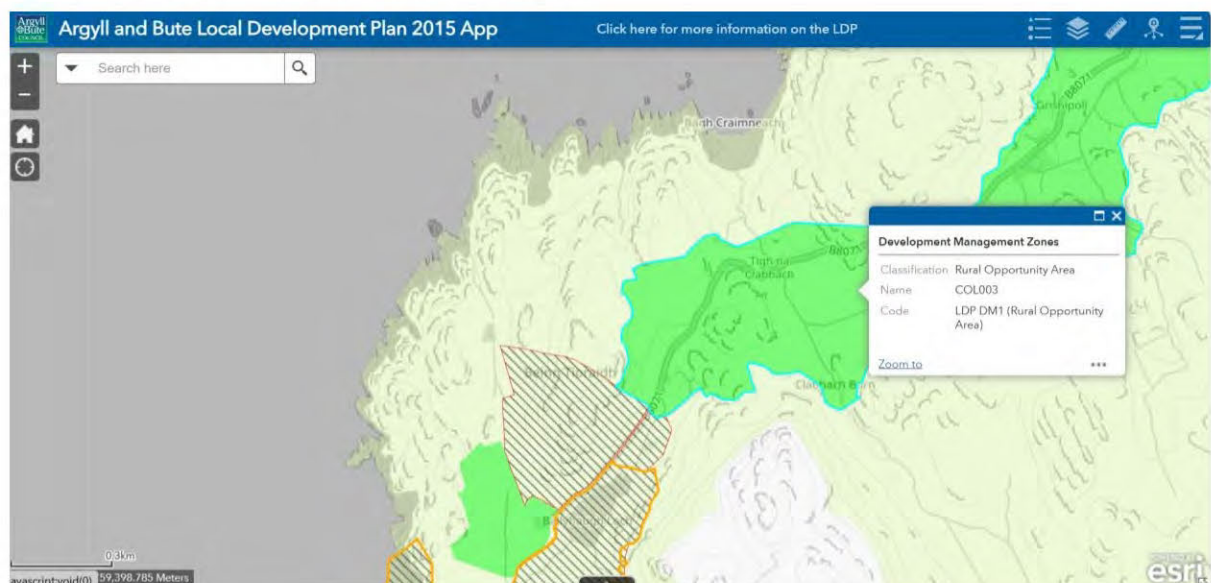
Policy 29

- a) *Development proposals that contribute to the viability, sustainability and diversity of rural communities and local rural economy will be supported, including:*
 - i. *farms, crofts, woodland crofts or other land use businesses, where use of good quality land for development is minimised and business viability is not adversely affected;*



The image above demonstrates that the development will be shielded from the cold, northerly and easterly winds during winter while also taking advantage of the warmer southwesterly winds and solar gain from the southern direction.

ARGYLE AND BUTE CURRENT ADOPTED LDP.



Argyle and Bute planning officers are currently persuading our client to consider a "green with a redline" location on the plan. This is the only feasible location available despite the rocky terrain and land engineering challenges. However, due to the Scottish government's requirements in NPF 4, this area would not be suitable for construction because of its exposure to harsh, northerly and easterly winter winds. The site's elevated position would exacerbate this issue, making it unsuitable for our purposes.

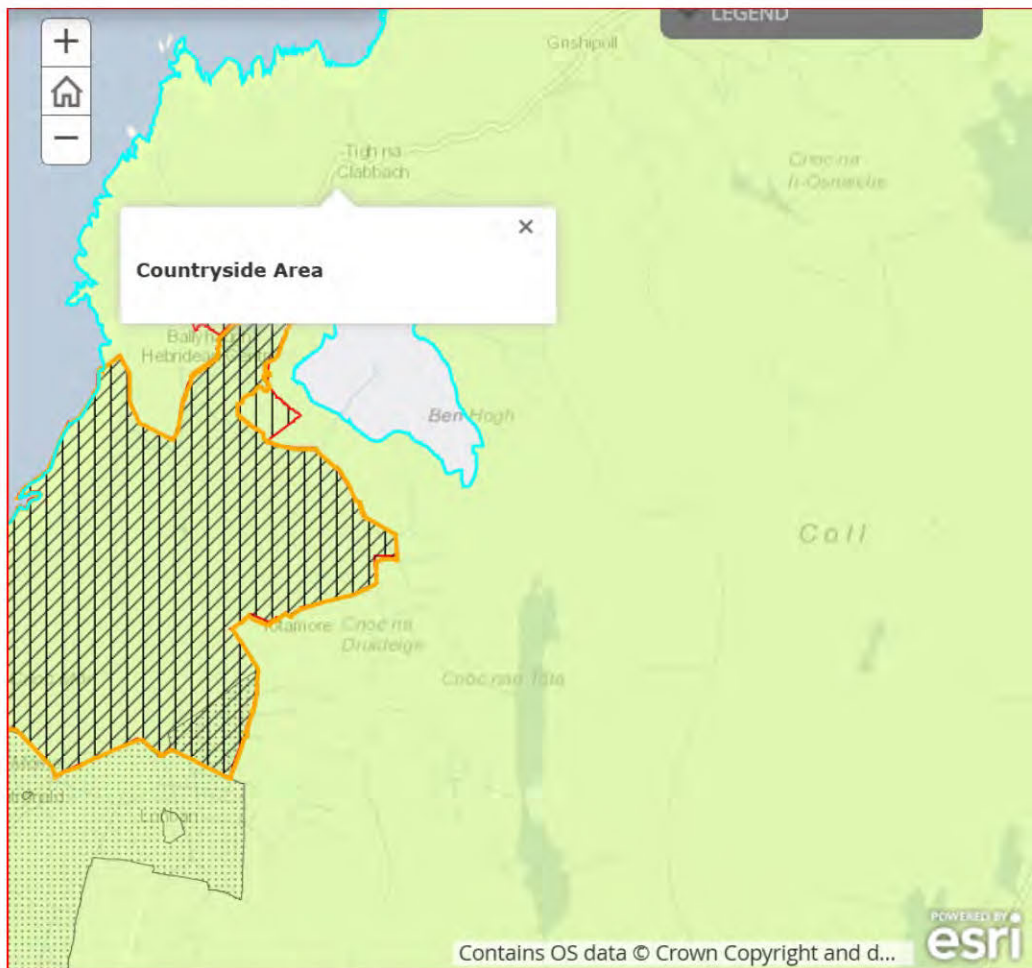




THE PROPOSED LDP 2

The proposed LDP2 includes a preference for sustainable development that is appropriately scaled, designed, sited, and used for its countryside location. However, only specific development categories on suitable sites will be considered in rural areas. This includes development directly supporting existing agricultural units, as with this application.

Moreover, some policies aim to maximise sustainable design opportunities, such as reducing carbon footprint and increasing energy efficiency. The orientation is a critical factor in this application, facilitating sustainable design and climate change mitigation measures at the MSC stage.



It is noticeable that the Rural Opportunity Areas have been eliminated for this area.

Please refer to the following policies.

Policy 02 A

A – Countryside Areas

Within the Countryside Areas there is a presumption in favour of sustainable development where this is of an appropriate scale, design, siting and use for its countryside location, as detailed in the relevant subject policies. All developments will require a Landscape and Visual Impact Assessment demonstrating to the satisfaction of the Planning Authority, that the proposal can be successfully integrated into its land scape setting unless they are:

- Infill; or
- Rounding off; or
- Redevelopment opportunities of clusters; or
- Previously developed sites. Development adjacent to, but outwith settlement boundaries which are delineated in the Proposals Maps will not constitute infill, rounding off or redevelopment.

This moves us forward to policy 02B

B – Remote Countryside Area

Within the Remote Countryside Areas, only specific categories of development on appropriate sites will be considered. These comprise

- Renewable energy related development
- Telecommunications/Digital or other infrastructure where a specific locational requirement has been demonstrated
- Development directly supporting existing
- agricultural units,
- aquaculture, or
- other recognised countryside activity.

Policy 04 – Sustainable Development

In preparing new development proposals, developers should seek to demonstrate the following sustainable development principles, which the planning authority will also use in deciding whether or not to grant planning permission:

- a) Maximise the opportunity for local community benefit;
- b) Make efficient use of vacant and/or derelict land including appropriate buildings;
- c) Support existing communities and maximise the use of existing infrastructure and services;
- d) Maximise the opportunities for sustainable forms of design including minimising waste, reducing our carbon footprint and increasing energy efficiency;
- e) Avoid the use of locally important good quality agricultural land;
- f) Utilise public transport corridors and active travel networks;
- g) Avoid the loss of important recreational and amenity open space;
- h) Conserve and enhance the natural and built environment and avoid significant adverse impacts on biodiversity, natural and built heritage resources;
- i) Respect the landscape character of an area and the setting and character of settlements;
- j) Avoid places with significant risk of flooding, tidal inundation, coastal erosion or ground instability; and
- k) Avoid having significant adverse impacts on land, air and water environment

Policy 05 – Design and Placemaking

To achieve good quality places proposals should, where possible, meet the following placemaking criteria:

- The proposed use should be compatible with surrounding land uses.
- The proposal should, where practicable, be resource efficient by utilising existing infrastructure and facilities.
- The design should respect site topography and any surrounding important landmarks or views.
- The design should create and improve connectivity within, and where practical, beyond the site.
- Green infrastructure should be an integral part of the design process from the outset.

- The design should develop the area's sense of identity by understanding and embracing the existing distinctive characteristics, with the design respecting and complementing its surroundings in terms of density, appearance, height, scale, massing, materials and finishes.
- Where the site contains existing buildings, structures and/or natural features that contribute to the character and identity of the wider area, these should be retained and sensitively integrated into the design unless it has been clearly demonstrated to the planning authority that it is not practicable.
- The siting and design should respond to the natural environment in a sustainable manner.
- The proposal should consider the design of active frontages, and create welcoming, inclusive places with a coherent structure of streets, spaces and buildings which are easy to move around, prioritising the needs of pedestrians and cyclists above motor vehicles.
- The access to and orientation of buildings should reinforce the street or open space to create safe and pleasant places.
- The design should be sustainable in terms of materials and construction and should consider future adaptability, and climate change mitigation measures.

Policy 08 – Sustainable Siting

Each of the following will apply when assessing any proposal for development, including those for outbuildings and extensions:

- The development should integrate into the landscape or existing built form to minimise detrimental effects on the environment. Hilltop, skyline or ridge locations will be resisted.
- Development on a sloping site should be designed sensitively taking account of the topography in order to prevent significant excavation or under-building.
- The siting of a development should take into account the character of the area in terms of its settlement pattern, layout and density.
- All new residential developments are required to consider provision for Growing Spaces – See Policy 06 – Green Infrastructure.

- **Any development should be carefully sited to avoid overshadowing or overlooking of itself or other properties.**
- **The development should be positioned within the landscape to make the best use of solar gain, natural ventilation and shelter from the elements and minimise adverse environmental effects – this need must be balanced with the restrictions and opportunities the topography places on the siting.**
- **The development should be sited within easy access of existing infrastructure and services**
- **Any ancillary development such as parking and service areas, should be sensitively designed and sited.**
- **A co-ordinated approach is required to development in that it must not compromise the effective development of adjacent land or the comprehensive development and regeneration of a wider area as provided for in a masterplan, strategy or development brief approved by the council.**

SUMMARY

After taking the time to carefully examine and assign the appropriate weight to each policy, it is clear that this proposal is entirely in line with NPF4 and the newly developing LDP2. It should be noted that NPF4 carries more weight than the current adopted LDP and that LDP2 is a material consideration.

Given the context and the policies at play, it is doubtful that this application will be refused. As such, we believe that the delegated officer and their senior should be able to approve this application under their delegated powers.

We have thoroughly reviewed the policies and have determined that this development does not go against NPF4 or the emerging LDP2. We are eagerly anticipating a positive determination shortly.

Thomas Cochrane

Principal Urban Planner

TmC Planning and Property Development Ltd.

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Classification: OFFICIAL

From: philip@ [REDACTED]
Sent: 20 March 2023 11:23
To: Shaw, Emma <Emma.Shaw1@argyll-bute.gov.uk>
Subject: RE: Application <22/02078/PPP> at the site of land north of Ballyhough Outdoor Centre, Isle of Coll [OFFICIAL]

Hi, again Emma,

The client needs a house in this vicinity for animal welfare purposes.

He looked at building on the land you suggested, to the west of the proposed site. However, this ground is unsuitable for building due to the boggy nature of the land.

Regards
Philip

From: Shaw, Emma <Emma.Shaw1@argyll-bute.gov.uk>
Sent: 10 March 2023 11:58
To: philip@ [REDACTED]
Subject: Application <22/02078/PPP> at the site of land north of Ballyhough Outdoor Centre, Isle of Coll [OFFICIAL]

Classification: OFFICIAL

Good morning,

Thank you for your email. Please see the following link which highlights the Rural Opportunity Areas: [Argyll and Bute Local Development Plan 2015 App \(arcgis.com\)](#) . Also attached is the Local Development Plan map for Coll.

Kind regards,

Emma

Emma Shaw
Planning Officer – Oban, Lorn and the Isles
Development Management

Development and Economic Growth
Argyll and Bute Council

01631 567870

emma.shaw1@argyll-bute.gov.uk

www.argyll-bute.gov.uk



From: philip@ [REDACTED]
Sent: 09 March 2023 14:20
To: Shaw, Emma <Emma.Shaw1@argyll-bute.gov.uk>
Subject: RE: Application <22/02078/PPP> at the site of land north of Ballyhough Outdoor Centre, Isle of Coll [OFFICIAL]

Good afternoon Emma,

Could you attach the new Local Development Plan, please?
I can't find any about the Rural Opportunity Areas. Thanks

Regards
Philip

From: Shaw, Emma <Emma.Shaw1@argyll-bute.gov.uk>
Sent: 06 March 2023 11:32
To: philip@ [REDACTED]
Cc: 'Tommy Cochrane' < [REDACTED]>
Subject: Application <22/02078/PPP> at the site of land north of Ballyhough Outdoor Centre, Isle of Coll [OFFICIAL]

Classification: OFFICIAL

Good morning,

Thank you for your email.

It is apparent from the plans submitted that the wider site includes a number of areas designated as 'Rural Opportunity Areas'. It is therefore necessary to address these sites in relation to the proposed development. Please could you provide details as to why the development could not be accommodated within the local vicinity of the proposed development site on a more suitable site within these Rural Opportunity Areas.

In 'exceptional cases' development in the open countryside of up to and including large scale may be supported on appropriate sites provided that the applicant has demonstrated a clear locational/operational requirement for the development and one which cannot be accommodated within the reasonable local vicinity of the proposed development on a more suitable site within the settlement zone or in the less-sensitive countryside zone (the Rural Opportunity Area) or elsewhere on an appropriate infill, redevelopment, rounding-off or change of use site. Where no such more appropriate development opportunity exists and where an applicant has successfully demonstrated an overriding 'exceptional case' for that development, such proposals must accord with an Area Capacity Evaluation (ACE).

Kind regards,

Emma

Emma Shaw
Planning Officer – Oban, Lorn and the Isles
Development Management
Development and Economic Growth
Argyll and Bute Council

01631 567870
emma.shaw1@argyll-bute.gov.uk
www.argyll-bute.gov.uk



From: philip@ [REDACTED]
Sent: 06 March 2023 10:35
To: Shaw, Emma <Emma.Shaw1@argyll-bute.gov.uk>
Cc: 'Tommy Cochrane' < [REDACTED] >
Subject: application 22/02078/PPP at the site of land north of Ballyhough Outdoor Centre, Isle of Coll

Application 22/02078/PPP at the site of land north of Ballyhough Outdoor Centre, Isle of Coll

Morning Emma,

I wrote this email regarding the application above. Any status about the application above?

Thanks

Philip

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This email has been scanned for viruses, vandals and malicious content.

Consultation Request Notification

Scottish Water



Planning Authority Name	Argyll and Bute Council
Response Date	30 Nov 2022
Planning Authority Reference	22/02078/PPP
Nature of Proposal (Description)	Site for the erection of dwellinghouse to be used in association with farming business
Site String	Land North Of Ballyhough Outdoor Centre Isle Of Coll Argyll And Bute
Site Gazetteer UPRN	000125062436
Proposal Location Easting	117435
Proposal Location Northing	758145
Area of application site (Ha)	
Clarification of Specific reasons for Consultation	Standard Consultation
Development Hierarchy Level	
Supporting Documentation	Please enter Our Ref (at the top of this letter) into the search field of Argyll and Bute Council's Public Access system at: https://publicaccess.argyll-bute.gov.uk/online-applications/search.do?action=simple&searchType=Application Then navigate through to view the associated document.
List of Available Supporting Documentation	
Offline Documents available?	N
Date of Validation by Planning Authority (MONTH)	9 Nov 2022
Date of Consultation (MONTH)	
Governing Legislation	Town and Country Planning (Scotland) Act 1997
Consultation Type	Planning Application
Consultation Stage	Planning Permission in Principle
Is this a re-consultation of an existing application?	N
EIA Required?	N
EIA Regulations	
Distance from Trunk Road Centre Line	
New/ Amended Vehicle Access to/ from Public Road?	See application Drawings
Does the application conform with the Local Plan	
Additional Comments relating to the Local Plan	
Transport Assessment or Travel Plan	
Applicant Name	Mr Allan Brodie
Applicant Organisation Name	



Applicant Address String	Ballard Farm Land North of Ballyhough Outdoor Centre Isle of Coll Scotland PA78 6TB
Agent Name	TmC Planning And Property Development Ltd
Agent Organisation Name	Philip Landa
Agent Address String	Suite 1:12 Stadium House Alderstone Road Livingston Scotland EH54 7DN
Agent Phone Number	planning-applications@tmcplanning.co.uk
Agent Email Address	
PA Office	Planning Services, Municipal Buildings Albany Street Oban PA34 4AW
Case Officer	Allocated To Area Office
PA Office Phone Number	01546 605518
PA Office email address	planning.olandi@argyll-bute.gov.uk
PA Response to	planning.olandi@argyll-bute.gov.uk

Consultation Request Notification

NatureScot - ARGYLL AND OUTER HEBRIDES



Planning Authority Name	Argyll and Bute Council
Response Date	30 Nov 2022
Planning Authority Reference	22/02078/PPP
Nature of Proposal (Description)	Site for the erection of dwellinghouse to be used in association with farming business
Site String	Land North Of Ballyhough Outdoor Centre Isle Of Coll Argyll And Bute
Site Gazetteer UPRN	000125062436
Proposal Location Easting	117435
Proposal Location Northing	758145
Area of application site (Ha)	
Clarification of Specific reasons for Consultation	Standard Consultation Within SSSI
Development Hierarchy Level	
Supporting Documentation	Please enter Our Ref (at the top of this letter) into the search field of Argyll and Bute Council's Public Access system at: https://publicaccess.argyll-bute.gov.uk/online-applications/search.do?action=simple&searchType=Application Then navigate through to view the associated document.
List of Available Supporting Documentation	
Offline Documents available?	N
Date of Validation by Planning Authority (MONTH)	9 Nov 2022
Date of Consultation (MONTH)	
Governing Legislation	Town and Country Planning (Scotland) Act 1997
Consultation Type	Planning Application
Consultation Stage	Planning Permission in Principle
Is this a re-consultation of an existing application?	N
EIA Required?	N
EIA Regulations	
Distance from Trunk Road Centre Line	
New/ Amended Vehicle Access to/ from Public Road?	See application Drawings
Does the application conform with the Local Plan	
Additional Comments relating to the Local Plan	
Transport Assessment or Travel Plan	
Applicant Name	Mr Allan Brodie
Applicant Organisation Name	



Applicant Address String	Ballard Farm Land North of Ballyhough Outdoor Centre Isle of Coll Scotland PA78 6TB
Agent Name	TmC Planning And Property Development Ltd
Agent Organisation Name	Philip Landa
Agent Address String	Suite 1:12 Stadium House Alderstone Road Livingston Scotland EH54 7DN
Agent Phone Number	planning-applications@tmcplanning.co.uk
Agent Email Address	
PA Office	Planning Services, Municipal Buildings Albany Street Oban PA34 4AW
Case Officer	Allocated To Area Office
PA Office Phone Number	01546 605518
PA Office email address	planning.olandi@argyll-bute.gov.uk
PA Response to	planning.olandi@argyll-bute.gov.uk

Argyll and Bute Council
Comhairle Earra Gháidheal agus Bhóid



Development And Infrastructure Services
Executive Director: Kirsty Flanagan

Municipal Buildings Albany Street Oban PA34 4AW

Our Ref: 22/02078/PPP

4 July 2023

F.A.O. Hugh McBrien
West Of Scotland Archaeologist Service
231 George Street
Glasgow
G1 1RX

Dear Sir/ Madam

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)

PROPOSAL: Site for the erection of dwellinghouse to be used in association with farming business

SITE ADDRESS: Land North Of Ballyhough Outdoor Centre Isle Of Coll Argyll And Bute

GRID REFERENCE: 117435 758145

I attach a copy of the consultation request notification for the above planning application. Please return your observations to Argyll and Bute Council, Development Management, Kilmory Castle, Lochgilphead, Argyll, PA31 8RT or reply to this email by 25 July 2023

If you are unable to reply by this time please advise the local area office on 01546 605518 by 11 July 2023. If we have not received a written reply by 25 July 2023 and no request has been made for an extension to the time period, we shall assume that you have no objections to the proposal and the planning application will be processed accordingly.

Yours faithfully

Central Validation Team

Development and Economic Growth



Consultation Request Notification

Planning Authority Name	Argyll and Bute Council
Response Date	25 July 2023
Planning Authority Reference	22/02078/PPP
Nature of Proposal (Description)	Site for the erection of dwellinghouse to be used in association with farming business
Site (including postcode where available)	Land North Of Ballyhough Outdoor Centre Isle Of Coll Argyll And Bute
Site Gazetteer UPRN	000125062436
Proposal Location Easting	117435
Proposal Location Northing	758145
Area of application site (m ²)	
Clarification of Specific reasons for Consultation	
Development Hierarchy Level	LOCAL
Supporting Documentation	Please enter Our Ref (at the top of this letter) into the search field of Argyll and Bute Council's Public Access system at: https://publicaccess.argyll-bute.gov.uk/online-applications/search.do?action=simple&searchType=Application Then navigate through to view the associated document.
Date of Validation by Planning Authority	9th November 2022
Date of Consultation	
EIA Required?	
Is the application a departure from the Local Plan?	
Applicant Name	Mr Allan Brodie
Applicant Organisation Name	
Applicant Address	Ballard Farm Land North of Ballyhough Outdoor Centre Isle of Coll Scotland PA78 6TB
Agent Name	TmC Planning And Property Development Ltd
Agent Organisation Name (If relevant)	Philip Landa
Agent Address	Suite 1:12 Stadium House Alderstone Road Livingston Scotland EH54 7DN
Planning Office Address	Municipal Buildings Albany Street Oban PA34 4AW
Planning Office Phone Number	01546 605518
Planning Office Email Address	planning.olandi@argyll-bute.gov.uk

Argyll and Bute Council
Comhairle Earra Gháidheal agus Bhóid



Development And Infrastructure Services
Executive Director: Kirsty Flanagan

Municipal Buildings Albany Street Oban PA34 4AW

Our Ref: 22/02078/PPP

14 December 2022

F.A.O. David Kerr
Animal Health And Welfare Officer
Animal Health And Welfare Officer/Environmental Health Officer
Argyll And Bute Council
Planning And Regulatory Services
22 Hill Street
Dunoon
Argyll PA23 7AP

Dear Sir/ Madam

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)

PROPOSAL: Site for the erection of dwellinghouse to be used in association with farming business

SITE ADDRESS: Land North Of Ballyhough Outdoor Centre Isle Of Coll Argyll And Bute

GRID REFERENCE: 117435 758145

I attach a copy of the consultation request notification for the above planning application. Please return your observations to Argyll and Bute Council, Development Management, Kilmory Castle, Lochgilphead, Argyll, PA31 8RT or reply to this email by 4 January 2023

If you are unable to reply by this time please advise the local area office on 01546 605518 by 21 December 2022. If we have not received a written reply by 4 January 2023 and no request has been made for an extension to the time period, we shall assume that you have no objections to the proposal and the planning application will be processed accordingly.

Yours faithfully

Central Validation Team

Development and Economic Growth



Consultation Request Notification

Planning Authority Name	Argyll and Bute Council
Response Date	4 January 2023
Planning Authority Reference	22/02078/PPP
Nature of Proposal (Description)	Site for the erection of dwellinghouse to be used in association with farming business
Site (including postcode where available)	Land North Of Ballyhough Outdoor Centre Isle Of Coll Argyll And Bute
Site Gazetteer UPRN	000125062436
Proposal Location Easting	117435
Proposal Location Northing	758145
Area of application site (m ²)	
Clarification of Specific reasons for Consultation	Labour unit requirement details submitted in application for new dwelling. Comments are sought on the case presented.
Development Hierarchy Level	LOCAL
Supporting Documentation	Please enter Our Ref (at the top of this letter) into the search field of Argyll and Bute Council's Public Access system at: https://publicaccess.argyll-bute.gov.uk/online-applications/search.do?action=simple&searchType=Application Then navigate through to view the associated document.
Date of Validation by Planning Authority	9th November 2022
Date of Consultation	
EIA Required?	
Is the application a departure from the Local Plan?	
Applicant Name	Mr Allan Brodie
Applicant Organisation Name	
Applicant Address	Ballard Farm Land North of Ballyhough Outdoor Centre Isle of Coll Scotland PA78 6TB
Agent Name	TmC Planning And Property Development Ltd
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Agent Address	Suite 1:12 Stadium House Alderstone Road Livingston Scotland EH54 7DN
Planning Office Address	Municipal Buildings Albany Street Oban PA34 4AW
Planning Office Phone Number	01546 605518
Planning Office Email Address	planning.olandi@argyll-bute.gov.uk

Argyll and Bute Council
Comhairle Earra Gháidheal agus Bhóid



Development And Infrastructure Services
Executive Director: Kirsty Flanagan

Municipal Buildings Albany Street Oban PA34 4AW

Our Ref: 22/02078/PPP

9 November 2022

Area Roads Oban
Network And Environment Manager
Municipal Buildings
Albany Street
Oban
PA34 4AW

Dear Sir/ Madam

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)

PROPOSAL: Site for the erection of dwellinghouse to be used in association with farming business

SITE ADDRESS: Land North Of Ballyhough Outdoor Centre Isle Of Coll Argyll And Bute

GRID REFERENCE: 117435 758145

I attach a copy of the consultation request notification for the above planning application. Please return your observations to Argyll and Bute Council, Development Management, Kilmory Castle, Lochgilphead, Argyll, PA31 8RT or reply to this email by 30 November 2022

If you are unable to reply by this time please advise the local area office on 01546 605518 by 16 November 2022. If we have not received a written reply by 30 November 2022 and no request has been made for an extension to the time period, we shall assume that you have no objections to the proposal and the planning application will be processed accordingly.

Yours faithfully

Central Validation Team

Development and Economic Growth



Consultation Request Notification

Planning Authority Name	Argyll and Bute Council
Response Date	30 November 2022
Planning Authority Reference	22/02078/PPP
Nature of Proposal (Description)	Site for the erection of dwellinghouse to be used in association with farming business
Site (including postcode where available)	Land North Of Ballyhough Outdoor Centre Isle Of Coll Argyll And Bute
Site Gazetteer UPRN	000125062436
Proposal Location Easting	117435
Proposal Location Northing	758145
Area of application site (m ²)	
Clarification of Specific reasons for Consultation	Standard Consultation
Development Hierarchy Level	
Supporting Documentation	Please enter Our Ref (at the top of this letter) into the search field of Argyll and Bute Council's Public Access system at: https://publicaccess.argyll-bute.gov.uk/online-applications/search.do?action=simple&searchType=Application Then navigate through to view the associated document.
Date of Validation by Planning Authority	9th November 2022
Date of Consultation	
EIA Required?	
Is the application a departure from the Local Plan?	
Applicant Name	Mr Allan Brodie
Applicant Organisation Name	
Applicant Address	Ballard Farm Land North of Ballyhough Outdoor Centre Isle of Coll Scotland PA78 6TB
Agent Name	TmC Planning And Property Development Ltd
Agent Organisation Name (If relevant)	Philip Landa
Agent Address	Suite 1:12 Stadium House Alderstone Road Livingston Scotland EH54 7DN
Planning Office Address	Municipal Buildings Albany Street Oban PA34 4AW
Planning Office Phone Number	01546 605518
Planning Office Email Address	planning.hq@argyll-bute.gov.uk

Argyll and Bute Council
Comhairle Earra Gháidheal agus Bhóid



Development And Infrastructure Services
Executive Director: Kirsty Flanagan

Municipal Buildings Albany Street Oban PA34 4AW

Our Ref: 22/02078/PPP

4 July 2023

F.A.O. Sheila McKenzie
Development Policy Section
Planning And Regulatory Services
Development And Infrastructure
Argyll And Bute Council
Manse Brae
Lochgilphead
PA31 8RD

Dear Sir/ Madam

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)

PROPOSAL: Site for the erection of dwellinghouse to be used in association with farming business

SITE ADDRESS: Land North Of Ballyhough Outdoor Centre Isle Of Coll Argyll And Bute

GRID REFERENCE: 117435 758145

I attach a copy of the consultation request notification for the above planning application. Please return your observations to Argyll and Bute Council, Development Management, Kilmory Castle, Lochgilphead, Argyll, PA31 8RT or reply to this email by 25 July 2023

If you are unable to reply by this time please advise the local area office on 01546 605518 by 11 July 2023. If we have not received a written reply by 25 July 2023 and no request has been made for an extension to the time period, we shall assume that you have no objections to the proposal and the planning application will be processed accordingly.

Yours faithfully

Central Validation Team

Development and Economic Growth



Consultation Request Notification

Planning Authority Name	Argyll and Bute Council
Response Date	25 July 2023
Planning Authority Reference	22/02078/PPP
Nature of Proposal (Description)	Site for the erection of dwellinghouse to be used in association with farming business
Site (including postcode where available)	Land North Of Ballyhough Outdoor Centre Isle Of Coll Argyll And Bute
Site Gazetteer UPRN	000125062436
Proposal Location Easting	117435
Proposal Location Northing	758145
Area of application site (m ²)	
Clarification of Specific reasons for Consultation	Site is within the CZ within the current LDP and within the Countryside Area of the pLDP2. Seeking comments on the differing policies of the current LDP and the pLDP2.
Development Hierarchy Level	LOCAL
Supporting Documentation	Please enter Our Ref (at the top of this letter) into the search field of Argyll and Bute Council's Public Access system at: https://publicaccess.argyll-bute.gov.uk/online-applications/search.do?action=simple&searchType=Application Then navigate through to view the associated document.
Date of Validation by Planning Authority	9th November 2022
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Is the application a departure from the Local Plan?	
Applicant Name	Mr Allan Brodie
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Agent Name	TmC Planning And Property Development Ltd
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Agent Address	Suite 1:12 Stadium House Alderstone Road Livingston Scotland EH54 7DN
Planning Office Address	Municipal Buildings Albany Street Oban PA34 4AW
Planning Office Phone Number	01546 605518

Planning Office Email Address	planning.olandi@argyll-bute.gov.uk
----------------------------------	------------------------------------

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From: [Kerr, David](#)
To: [olandi, planning](#)
Subject: RE: 22/02078/PPP - Consultation Notification [NOT PROTECTIVELY MARKED]
Date: 14 December 2022 14:35:20

Classification: NOT PROTECTIVELY MARKED

To whom it may concern,

Having reviewed the documentation, I would support this application on the basis of operational need. The following points are relevant in supporting my view.

The area of land and it's stocking capability are sufficient to justify a resident dwelling house especially as the current farmer is approaching retirement age and already has a substantial farm which will make sufficient demands on his time anyway.

There is no availability of contract or casual labour to support the two holding operation if this development does not proceed. This could ultimately threaten the viability of both units (with all due respect to the farmer, old age is a contributory factor to a lot of welfare problems that this service addresses) and the welfare of the livestock.

This development should secure another generation of farmer on the island in a community which is fragile to put it mildly. The number of livestock on the island is crucial to the future of the community (if numbers decline then viable haulage rates etc are threatened).

My understanding is that there is no availability of alternative housing on the island and that when housing comes up for sale, it's affordability to local workers is very low.

I hope that my report is of assistance to you.

Yours sincerely

David Kerr

-----Original Message-----

From: planning.olandi@argyll-bute.gov.uk [<mailto:planning.olandi@argyll-bute.gov.uk>]
Sent: 14 December 2022 10:29
To: Kerr, David <David.Kerr@argyll-bute.gov.uk>
Subject: 22/02078/PPP - Consultation Notification

Please see Consultation Notification for Planning - Attached

Argyll and Bute Council classify the sensitivity of emails according to the Government Security Classifications. The adopted classifications are:

NOT PROTECTIVELY MARKED

Non public sector business i.e. does not require protection.

OFFICIAL

Routine public sector business, operations and services.

OFFICIAL-SENSITIVE

Particularly sensitive information that can be shared on a need to know basis, where inappropriate access or release could have damaging consequences. Disclosure in response to FOISA should be verified with the data owner prior to release.

Operational Services
Oban, Lorn and the Isles Area

OBSERVATIONS ON PLANNING APPLICATION

Our Ref: 22/02078/PPP
Contact: James Jackson
Tel: 01631 567983

Planning Application No: 22/02078/PPP Dated: 9th November 2022 Received:
Applicant: Mr Allan Brodie.
Proposed Development: Site for the erection of dwellinghouse to be used in association with farming business.
Location: Land North Of Ballyhough Outdoor Centre Isle Of Coll Argyll And Bute.
Type of consent: Planning Permission In Principal.
Ref. No(s) of Drg(s) submitted: Series of drawings

RECOMMENDATION: No Objections Subject To Conditions.

Proposals Acceptable	Y
----------------------	---

1. General

(a) General Impact of development	Y
(b) Safety Audit Required	N
(c) Traffic Impact Analysis Required	N
(d) Drainage Impact/Flooding Assessment Required	N
(e) Sustainable Drainage System (SUDS) Provision	N

2. Existing Roads

(a) Type of connection (Road Junction/Footway Crossing)	Y
(b) Location(s) of Connection(s)	Y
(b) Sight-lines. 42m x 2.4m	Y
(d) Pedestrian Provision	Y

Proposals Acceptable	Y/N
----------------------	-----

3. New Roads

(a) Widths	Y
(b) Pedestrian Provision	Y
(c) Layout (Horizontal/Vertical alignment)	Y
(d) Turning Facilities (Circles/Hammerheads)	Y
(e) Junction Details (Locations/radii/sightlines)	Y
(f) Provision for P.U. Services	Y

Proposals Acceptable	Y/N
----------------------	-----

4. Servicing and Car Parking

(a) Drainage	Y
(b) Car parking Provision	Y
(c) Layout of Parking bays/Garages	Y
(d) Servicing Arrangements/Driveways	Y

5. Signing n/a

(a) Location	
(b) Illumination	

Item Ref.	COMMENTS
1	The proposal is served by a private track situated off the B8071 Ballyhough Farm Road within a rural 60mph speed restriction.
2a	Existing access at the connection with the public road requires upgrading.

Item Ref.	CONDITIONS/ REASONS
2a	Access at junction with public road to be constructed in accordance with Operational Services Drg No SD 08/004a.
2c	No walls, fences, hedges etc will be permitted within 2m from the channel line of the public road. Visibility splays measuring 42m x 2m to be cleared and maintained.
4a	A system of surface water drainage is required to prevent the flow of water onto the public road.
4b	Parking and turning commensurate with dwelling to be provided.
4d	Bin store to be provided at the rear of the service lay.

Notes for intimation to Applicant

(i) Construction Consent (S21)*	Not Required
(ii) Road Bond (S17)*	Not Required
(iii) Road openings Permit (S56)*	Required

*Relevant Section of the Roads (Scotland) Act 1984

Signed: James Jackson, Technical Officer

Date: 14/11/2022

Monday, 14 November 2022



Local Planner
Planning Service
Argyll and Bute Council
Helensburgh
G84 7PG

Development Operations
The Bridge
Buchanan Gate Business Park
Cumbernauld Road
Stepps
Glasgow
G33 6FB

Development Operations
Freephone Number - 0800 3890379
E-Mail - DevelopmentOperations@scottishwater.co.uk
www.scottishwater.co.uk



Dear Customer,

North Of Ballyhough Outdoor Centre, Isle Of Coll, Argyll And Bute, PA78 6TB
Planning Ref: 22/02078/PPP
Our Ref: DSCAS-0076266-Y87
Proposal: 22/02078/PPP | Site for the erection of dwellinghouse to be used in association with farming business | Land North Of Ballyhough Outdoor Centre Isle Of Coll Argyll And Bute

Please quote our reference in all future correspondence

Audit of Proposal

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced. Please read the following carefully as there may be further action required. Scottish Water would advise the following:

Water Assessment

- ▶ Unfortunately, according to our records there is no public Scottish Water, Water infrastructure within the vicinity of this proposed development therefore we would advise applicant to investigate private options.

Foul Assessment

- ▶ Unfortunately, according to our records there is no public Scottish Water, Waste Water infrastructure within the vicinity of this proposed development therefore we would advise applicant to investigate private treatment options.



Please Note

- ▶ The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.
-

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

General notes:

- ▶ Scottish Water asset plans can be obtained from our appointed asset plan providers:
 - ▶ Site Investigation Services (UK) Ltd
 - ▶ Tel: 0333 123 1223
 - ▶ Email: sw@sisplan.co.uk
 - ▶ www.sisplan.co.uk
- ▶ Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.
- ▶ If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- ▶ Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.

- ▶ The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
 - ▶ Please find information on how to submit application to Scottish Water at [our Customer Portal](#).
-

Next Steps:

▶ All Proposed Developments

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via [our Customer Portal](#) prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

▶ Non Domestic/Commercial Property:

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at www.scotlandontap.gov.uk

▶ Trade Effluent Discharge from Non-Domestic Property:

Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and laundrettes. Activities not covered include hotels, caravan sites or restaurants.

- ▶ If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found [here](#).
- ▶ Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.
- ▶ For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

- ▶ The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at www.resourceefficientscotland.com

I trust the above is acceptable however if you require any further information regarding this matter please contact me on **0800 389 0379** or via the e-mail address below or at planningconsultations@scottishwater.co.uk.

Yours sincerely,

Ruth Kerr

Development Operations Analyst

Tel: 0800 389 0379

developmentoperations@scottishwater.co.uk

Scottish Water Disclaimer:

"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."



By email only: planning.olandi@argyll-bute.gov.uk

Argyll & Bute Council
Planning Services
1A Manse Brae
Lochgilphead
PA31 8RD

17 February 2023
Your ref: 22/02078/PPP
Our ref: A3922736

Dear Sir/Madam

TOWN AND COUNTRY PLANNING SCOTLAND ACT 1997

PROPOSAL: Site for the erection of dwelling house to be used in association with farming business.

LOCATION: Land North Of Ballyhough Outdoor Centre, Isle Of Coll, Argyll And Bute

Thank you for consulting us on the above proposal dated 9 November 2022 and apologies for the delay in responding to you.

The application is for a single dwelling house on land close to Ballyhough Outdoor Centre Isle Of Coll that forms part of Totamore Dunes and Loch Ballyhaugh Site of Special Scientific Interest (SSSI), designated for its extensive dune and machair system and vascular plant assemblage. The dwelling house is for the farmer of Ballyhough to facilitate the continued farming of the immediate area at Ballyhough.

There are natural heritage interests of national importance on the site, but these will not be affected by the proposal.

The development site is located outside the key machair and dune habitat in an area that is considered important, principally for the nationally-rare orchid, Irish lady's tresses (*Spiranthes romanzoffiana*). This plants preferred habitat is wet grassy places such as marshy meadows. The development site does not appear to be the preferred habitat and our records do not show any sightings closer than 50m from the plot therefore it is unlikely that the integrity of the SSSI will be affected.

Our advice is that the applicant should familiarise themselves with the species and take care to avoid storing building materials on the ground around the plot thereby ensuring any disturbance is contained within the plot boundary or nearby hardstanding.

It is for the planning authority to determine, within the context of its own policies, whether conditions are necessary to secure the mitigation set out above.

If you wish to discuss this further please do not hesitate to get in touch.

Yours faithfully

Sally Weaser

Operations officer - Operations West

sally.weaser@nature.scot

Cameron, Zara

From: Robins, Paul (NRS) <Paul.Robins@glasgow.gov.uk>
Sent: 16 December 2022 14:29
To: olandi, planning; Shaw, Emma
Subject: 22/02078/PPP - Site for the erection of dwellinghouse to be used in association with farming business | Land North Of Ballyhough Outdoor Centre Isle Of Coll Argyll And Bute (OFFICIAL)

OFFICIAL

Dear Emma,

I refer to the above planning application downloaded recently by the West of Scotland Archaeology Service to assess any archaeological issues raised by the proposals.

The application lies within an area of archaeological sensitivity and potential based on the presence of recorded sites of prehistoric, medieval and later date in the surrounding landscape which we consider has the potential to produce buried remains of any period. The site lies some 250m East of and in full view from An Caisteal, a prehistoric fort of national significance (though not currently a Scheduled Ancient Monument) and it seems likely that the proposals will form an additional minor detrimental aspect to its current landscape setting. The proposal is large enough in scale in terms of its proposed ground disturbance and in a greenfield area where construction could well reveal buried archaeological remains of any period. As such a potential archaeological issue is raised by the proposals.

Government policy as set out in Scottish Planning Policy is that planning authorities should ensure that prospective developers arrange for the archaeological issues raised by their proposals to be adequately addressed. Where the degree of archaeological significance or survival is uncertain I would advise the Council to consider attaching an archaeological watching brief condition to any consent they may be minded to grant. The suggested wording of such a condition is given below. This is based on current best practice and experience, and reflects the principles outlined in Planning Advice Note 2/2011:-

“The developer shall secure the implementation of an archaeological watching brief, to be carried out by an archaeological organisation acceptable to the Planning Authority, during all ground disturbance. The retained archaeological organisation shall be afforded access at all reasonable times and allowed to record, recover and report items of interest and finds. A method statement for the watching brief will be submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority prior to commencement of the watching brief. The name of the archaeological organisation retained by the developer shall be given to the Planning Authority and to the West of Scotland Archaeology Service in writing not less than 14 days before development commences.”

The applicant or developer will need to secure the services of a professional archaeological contractor to undertake the watching brief. An informal list of such contractors is available on our website www.wosas.net for the developer's use in securing the required works, should the Council grant consent with the condition recommended above.

The watching brief would be required on the initial stages of proposed ground disturbance associated with the proposals. This will include the initial stages of construction, such as the removal of turf or topsoil. It may be possible for this initial stage of works to show that there are no archaeological remains present on the site, but if not then the subsequent deeper excavations should also be watched. If buried remains are identified there may be a requirement for further stages of archaeological works in order to properly excavate and record them before or during further development as necessary. This could include further excavation and any post excavation analyses or publication of the results if warranted.

Please contact me by email if you require any further information or advice.

Regards

Paul



Paul Robins
Senior Archaeologist
West of Scotland Archaeology Service
231 George Street, Glasgow, G1 1RX
Tel: 0141 287 8335 email:
Paul.Robins@wosas.glasgow.gov.uk



**WoSAS Archaeological Impact Mitigation System – Recipient of a Commendation in Development Management,
2014 Scottish Awards for Quality in Planning**

OFFICIAL

Proud host of [2023 UCI Cycling World Championships](#) 3-13 August 2023

Please print responsibly and, if you do, recycle appropriately.

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Protective Marking

We are using protective marking software to mark all our electronic and paper information based on its content, and the level of security it needs when being shared, handled and stored. You should be aware of what these marks mean for you when information is shared with you:

- 1.OFFICIAL SENSITIVE (plus one of four sub categories: Personal Data, Commercial, Operational, Senior Management) - this is information regarding the business of the council or of an individual which is considered to be sensitive. In some instances an email of this category may be marked as PRIVATE
- 2.OFFICIAL - this is information relating to the business of the council and is considered not to be particularly sensitive
- 3.NOT OFFICIAL – this is not information about the business of the council.

For more information about the Glasgow City Council Protective Marking Policy please visit <https://glasgow.gov.uk/protectivemarking> For further information and to view the council's Privacy Statement(s), please click on link below:www.glasgow.gov.uk/privacy

**TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE
(SCOTLAND) REGULATIONS 2013**

REGULATION 20 (1) ADVERT STATEMENT

The application listed below together with the plans and other documents submitted may be viewed electronically through Argyll and Bute Council website at www.argyll-bute.gov.uk. Having regard to Schedule 6, Part 3, s10 of the Coronavirus (Scotland) Act 2020, documents are only available to inspect electronically at this time. Customers requiring assistance can contact us by e-mail: planning.hq@argyll-bute.gov.uk or tel. 01546 605518.

Written comments for the following applications may be made by e-mail: planning.hq@argyll-bute.gov.uk or Argyll and Bute Council, Development Management, Kilmory Castle, Lochgilphead, Argyll, PA31 8RT by 15.12.2022 for the following list of applications for planning permission.

Ref No: 22/02078/PPP
Applicant: Mr Allan Brodie
Proposal: Site for the erection of dwellinghouse to be used in association with farming business
Site address: Land North Of Ballyhough Outdoor Centre Isle Of Coll Argyll And Bute
Publication Date: 24.11.2022

A weekly list of applications which can be viewed electronically through Argyll and Bute Council website at www.argyll-bute.gov.uk.



**SCOTTISH HYDRO ELECTRIC TRANSMISSION plc
ELECTRICITY ACT 1989
TOWN AND COUNTRY PLANNING (SCOTLAND)
ACT 1997
THE ELECTRICITY WORKS (ENVIRONMENTAL
IMPACT ASSESSMENT) (SCOTLAND)
REGULATIONS 2017**

Notice is hereby given that Scottish Hydro Electric Transmission plc, company registration number SC213461, with its Registered Office at Inveralmond House, 200 Dunkeld Road, Perth, PH1 3AQ, has applied to the Scottish Ministers for consent under Section 37 of the Electricity Act 1989 to install a 275 kV overhead electric line between the proposed Creag Dhuhb Substation at OS Grid Reference NN 08780 19419 and the recently constructed Inveraray-Crossaig 275 kV capable OHL circuit at OS Grid Reference NN 07970 11178. The total length of the line will be approximately 9 km plus associated connections. The proposed development has been subject to Environmental Impact Assessment (EIA). An EIA Report has been produced to accompany the application for consent.

Scottish Hydro Electric Transmission plc has also applied for a direction under Section 57(2) of the Town and Country Planning (Scotland) Act 1997 that planning permission for the development be deemed to be granted.

A copy of the application, with a plan showing the land to which it relates, together with a copy of the EIA Report discussing the Company's proposals in more detail and presenting an analysis of the environmental implications, is available for public inspection, free of charge on the application website <https://www.ssen-transmission.co.uk/projects/creag-dhuhb-inveraray-275kv-overhead-line/> or on the Scottish Government Energy Consents website at www.energyconsents.gov.scot under application reference ECU00003442.

The EIA Report is also available for public inspection in person, free of charge at:

Location	Opening Hours	Address
The Inveraray Inn	Monday-Sunday 8am – 10pm	Front Street East Inveraray PA32 8XB

Copies of the EIA Report may be obtained from Scottish Hydro Electric Transmission plc (tel: 07901135758 / email: caitlin.quinn@sse.com) at a cost of £1,060.00 for a hard copy and free of charge on a DVD/CD or USB. Copies of a Non-Technical Summary are available free of charge. Any representations to the application may be submitted to Scottish Ministers via the Scottish Government Energy Consents Unit, either via the website at <https://www.energyconsents.gov.scot/Register.aspx>; by email to representations@gov.scot; or by post to Scottish Government Energy Consents Unit, 4th Floor, 5 Atlantic Quay, 150 Broomielaw, Glasgow, G2 8LU, identifying the proposal and specifying the grounds for representation. Please note that there may be a delay in the Energy Consents Unit receiving representations by post.

Written or emailed representations should be dated, clearly stating the name (in block capitals) and full return email and postal address of those making representations. Only representations sent by email to representations@gov.scot will receive acknowledgement.

All representations should be received not later than 23rd January 2023 although Scottish Ministers may consider representations received after this date.

Any subsequent additional information which is submitted by the developer will be subject to further public notice in this manner, and representations on such information will be accepted as per this notice.

As a result of a statutory objection from the relevant planning authority, or where Scottish Ministers decide to exercise their discretion to do so, Scottish Ministers can also cause a public inquiry to be held.

Following examination of the environmental information, Scottish Ministers will determine the application for consent in one of two ways:

- Consent the proposal with or without conditions attached; or
- Reject the proposal.

General Data Protection Regulations

The Scottish Government Energy Consents Unit processes consent applications and consultation representations under the Electricity Act 1989. During the process, to support transparency in decision making, the Scottish Government publishes online at www.energyconsents.gov.scot. A privacy notice is published on the help page at www.energyconsents.gov.scot. This explains how the Energy Consents Unit processes your personal information. If you have any concerns about how your personal data is handled, please email Econsents_admin@gov.scot



Scottish Government
Riaghaltas na h-Alba
gov.scot

TRANSPORT SCOTLAND

**NOTICE OF DETERMINATION
A82 SOUTH OF GLENCOE AND GLENCOE
VISITOR CENTRE**

**ENVIRONMENTAL IMPACT ASSESSMENT
DETERMINATION UNDER SECTION 55A
OF THE ROADS (SCOTLAND) ACT 1984**

The Scottish Ministers give notice that they have determined that the project for resurfacing works on the A82 to the south of Glencoe and at Glencoe Visitor Centre, is a relevant project within the meaning of section 55A of the Roads (Scotland) Act 1984 ("the 1984 Act") and falls within Annex II of Directive 2011/92/EU on the assessment of certain public and private projects on the environment, but that having regard to –

- (a) the selection criteria contained in Annex III of that Directive, namely
 - (i) the use of natural resources, in particular land, soil, water and biodiversity;
 - (ii) the production of waste;
 - (iii) pollution and nuisances;
 - (iv) the risks to human health (for example due to water contamination or air pollution);
 - (v) mountain and forest areas;
 - (vi) areas classified or protected under national legislation; Natura 2000 areas designated by Member States pursuant to Directive 92/43/EEC and Directive 2009/147/EC;
- (b) the results of the Environmental Screening Assessment under section 55A(2) of the 1984 Act,
- (c) the information set out in the Record of Determinations dated 1 September 2022 and 6 October 2022, available at <https://www.transport.gov.scot/transport-network/roads/road-orders-and-records-of-determination/#63527>, the project does not require an Environmental Impact Assessment.

The main reasons for the conclusion that no Environmental Impact Assessment is required are:

- (a) The works comprise like-for-like replacement of the road surfacing material;
- (b) Although the works have connectivity to the Ben Nevis and Glen Coe National Scenic Area, Glen Etive and Glen Fyne Special Protection Area, the Glen Coe Site of Special Scientific Interest, the Glen Coe Special Area of Conservation and the Glencoe National Nature Reserve, it has been assessed that there will be no likely significant effects on the sites from the works; and
- (c) Any potential impacts of the works are expected to be temporary, short-term, and limited to the construction phase.

The features of the project which are envisaged to avoid or prevent significant adverse effects on the environment are:

- (a) Mitigation measures and best practice will be implemented to ensure no short-term or long-term significant negative impacts on the environment;
- (b) Materials will be derived from recycled, secondary or re-used origin as far as practicable within the design specifications; and
- (c) Measures will be in place to ensure appropriate removal and disposal of waste.

J DUNLOP

A member of the staff of the Scottish Ministers
Transport Scotland, Roads,
Buchanan House, 58 Port Dundas Road,
Glasgow G4 0HF



Argyll and Bute Council

PLANNING

The applications listed below together with the plans and other documents submitted with them may be viewed electronically through Argyll and Bute Council website at www.argyll-bute.gov.uk. Having regard to Schedule 6, Part 3, s10 of the Coronavirus (Scotland) Act 2020, documents are only available to inspect electronically at this time. Customers requiring assistance can contact us by e-mail: planning.hq@argyll-bute.gov.uk or tel. 01546 605518.

**TOWN AND COUNTRY PLANNING DEVELOPMENT
MANAGEMENT PROCEDURE (SCOTLAND) REGULATIONS
2013 REGULATION 20(1) ADVERT STATEMENT
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
(AS AMENDED), RELATED PLANNING (LISTED BUILDINGS
AND CONSERVATION AREAS) (SCOTLAND) ACT 1997**

Ref. No.	Proposal	Site Address
22/02150/LIB	Installation of replacement stainless steel Brazier	Duart Castle, Lochdon, Isle Of Mull, Argyll And Bute, PA64 6AP
22/01800/PP	Erection of telecommunications equipment compound with 25 metre high lattice tower and associated works	Benmore Estate, Cnoc Donn, North Of A849, Isle Of Mull, Argyll And Bute
22/01139/PP	Alterations and extension to hotel and replacement of external refrigeration unit	Pierhouse Hotel, Port Appin, Argyll And Bute, PA38 4DE
22/01688/PP	Redevelopment of ruinous cottage to form dwellinghouse, installation of septic tank and formation of vehicular access	Dalnarrow Cottage, Isle Of Lismore, Argyll And Bute
22/02078/PPP	Site for the erection of dwellinghouse to be used in association with farming business	Land North Of Ballyhough Outdoor Centre, Isle Of Coll, Argyll And Bute
22/02154/PPP	Site for the erection of dwellinghouse	Plot 1, Land Adjacent To Waterside Cottage, Bruichladdich, Isle Of Islay, Argyll And Bute
22/02155/PPP	Site for the erection of dwellinghouse	Plot 2, Land Adjacent To Taigh Na Tobair Bruichladdich, Isle Of Islay, Argyll And Bute
22/01388/PP	Erection of shed to be used as pop up takeaway cafe	Land South East Of Boatyard House, Portnahaven, Isle Of Islay, Argyll And Bute

Written comments can be submitted online <http://www.argyll-bute.gov.uk/planning-and-environment/find-and-comment-planning-applications> or to Argyll and Bute Council, Development Management, Kilmory Castle, Lochgilphead, Argyll, PA31 8RT within 21 days of this advert. Please quote the reference number in any correspondence. Any letter of representation the Council receives is considered a public document and will be published on our website. Anonymous or marked confidential correspondence will not be considered. A weekly list of all applications can be viewed on the Councils website. Customers are requested to use electronic communication where possible during the coronavirus pandemic as our ability to process postal mail is restricted.

To find out more about living and working in Argyll & Bute visit us at:
www.argyll-bute.gov.uk
Comhairle Earra - Ghàidheal agus Bhòid





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THIS FORM IS TO ADVISE YOU THAT A PLANNING APPLICATION HAS BEEN MADE THAT MAY AFFECT YOU PLEASE READ THE NOTES CAREFULLY

Owner, occupier or lessee

Date: 9 November 2022

**NEIGHBOUR NOTIFICATION
Town and Country Planning (Development Management Procedure)(Scotland)
Regulations 2013**

Ref Number	22/02078/PPP
Location	Land North Of Ballyhough Outdoor Centre Isle Of Coll Argyll And Bute
Proposal	Site for the erection of dwellinghouse to be used in association with farming business
Applicant	Mr Allan Brodie
Agent - if applicable	TmC Planning And Property Development Ltd
Agent's address	Suite 1:12 Stadium House Alderstone Road Livingston Scotland EH54 7DN

Notice is hereby given that an application for planning permission has been received for the above development that may be of interest to you.

VIEWING THE PLANS

The application, plans and other documents submitted may be viewed electronically through Argyll and Bute Council Website at www.argyll-bute.gov.uk.

Having regard to Schedule 6, Part 3, s10 of the Coronavirus (Scotland) Act 2020, documents are only available to inspect electronically at this time. Customers requiring assistance can contact us by e-mail: planning.hq@argyll-bute.gov.uk, or tel. 01546 605518.

SUBMITTING COMMENTS

Comments can be made on the application, either:

- Online through Argyll and Bute Council Website using the Online Planning Information system and searching for the planning reference number above.
- By email to planning.olandi@argyll-bute.gov.uk
- By post to Argyll and Bute Council, Development Management, Kilmory Castle, Lochgilphead, Argyll, PA31 8RT. *Customers are requested to use electronic communication where possible during the coronavirus pandemic as access to Council buildings and processing of postal mail is currently restricted and may take longer to be acknowledged and attached to the planning file.*

You have 21 days from the date on this notice to make comments.

Please read the Advice to Neighbours information which is printed with this letter. A plan of the proposed development is also part of this document.

Why have I received this notice?

This notice has been sent to you because we have received an application for planning permission to carry out the proposals on the front page. Your land is either adjacent to or lies within 20 metres of the site (identified by the cross-hatched area on the attached map). As a result the Council is legally required to inform you of the proposals. You have the right to make comments on the proposals

National and Major Planning Applications

If you have already made comments to the applicant at pre-application stage, you will have to make comments to the Council on this application if you wish us to take them into account.

What can I comment on?

The Council can only consider comments about planning matters. These are called “material considerations” and some examples are listed below (this list is not exhaustive):

- Compliance with Development Plan Policy;
- Appearance (design, materials etc.);
- Traffic, parking or access problems;
- Residential amenity (noise, overshadowing etc.);
- Impact on natural or built environment.

Loss of view, property values and structural problems, for example, are not material planning considerations and cannot be taken into account when determining the application.

What happens if I make representations?

If your comments are in time and relate to planning matters, they will form part of the report by the Head of Planning and will be considered before a decision is made on the planning application. Representations form part of the background papers on the application and will be made public.

If you have made material representations you will be advised of the Council's decision. You **do not** have a right of appeal against this decision.

Further advice on commenting on planning proposals can be found on the Council website or we can send you a copy.

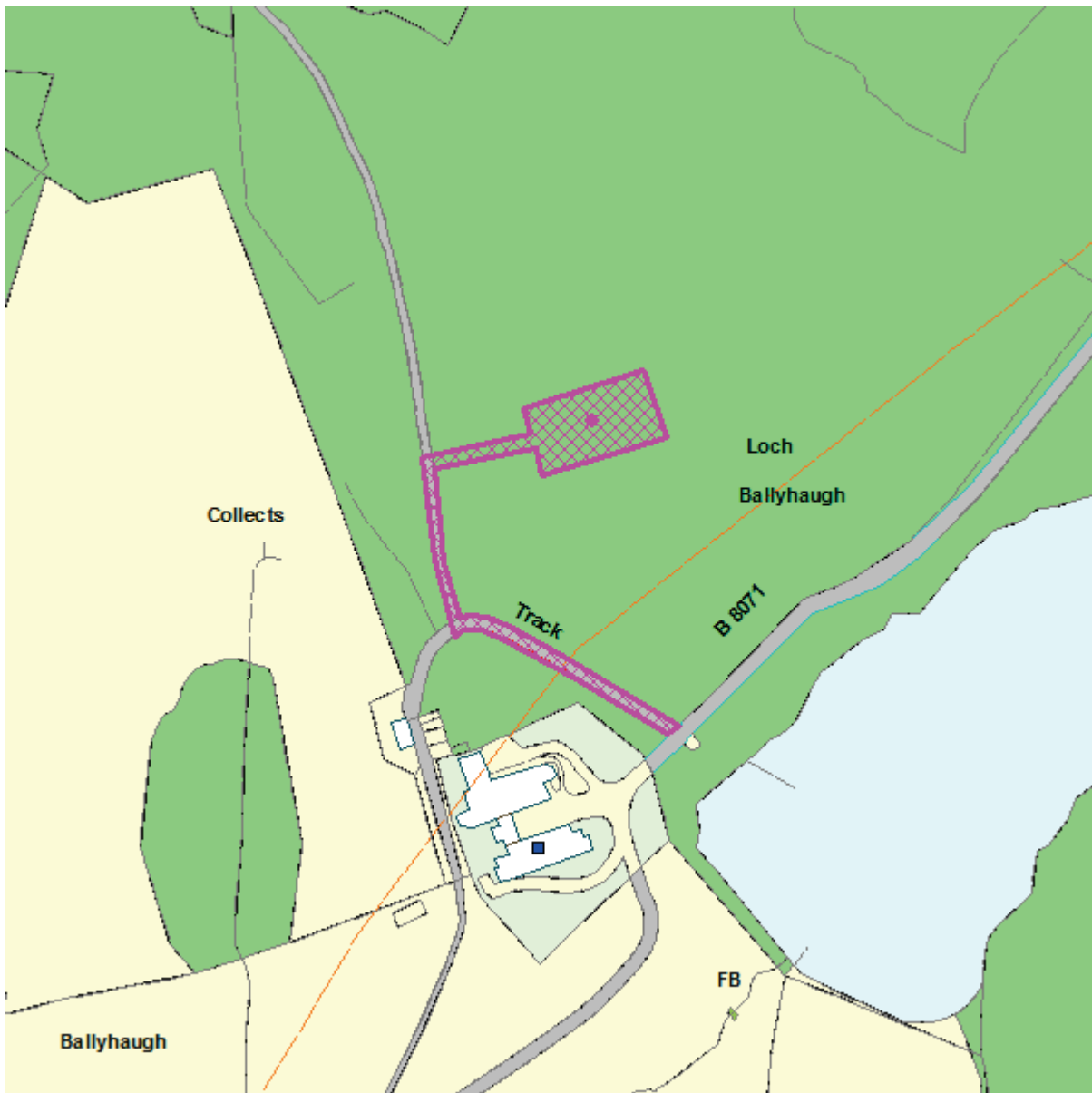
How we handle planning applications

Details of how we handle planning applications and make decisions on them can be found on the Council website.

Contact Details

If you have any questions please contact the Area Office on 01546 605518 or email planning.oland@argyll-bute.gov.uk

Map



Properties notified.

Ballyhough Outdoor Centre Isle Of Coll Argyll And Bute PA78 6TE

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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: 22/02078/PPP
Planning Hierarchy: Local Development
Applicant: Mr Allan Brodie
Proposal: Site for the erection of dwellinghouse to be used in association with farming business
Site Address: Land North Of Ballyhough Outdoor Centre, Isle of Coll

DECISION ROUTE

- Delegated - Sect 43 (A) of the Town and Country Planning (Scotland) Act 1997
- Committee - Local Government Scotland Act 1973
-

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Site for the erection of dwellinghouse
- Formation of access track
- Connection to private water supply
- Installation of private drainage system

(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) CONSULTATIONS:

West of Scotland Archaeology Service

Email dated 16.12.2022 commenting on the application and advising of no objections subject to conditions.

Area Roads Authority

Report dated 14.11.2022 advising of no objections subject to conditions.

Scottish Water

Letter dated 14.11.2022 commenting on the application to advise that there is no Scottish Water infrastructure or Scottish Water waste water infrastructure within the vicinity of the proposed development site.

NatureScot

Letter dated 17.02.2023 commenting on the application.

Animal Health and Welfare Officer

Email dated 14.12.2022 supporting the application on the basis of operational need.

Development Plan Policy

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 to view via the [Public Access](#) section of the Council's website.

(D) HISTORY:

22/00595/PPP

Site for the erection of dwellinghouse

Refused on 18.08.2022

(E) PUBLICITY:

The proposal has been advertised in terms of Regulation 20 and Neighbour Notification procedures, overall closing date 25.07.2023.

(F) REPRESENTATIONS:

(i) Representations received from:

No representations received.

(ii) Summary of issues raised:

- N/A

(G) SUPPORTING INFORMATION

Has the application been the subject of:

(i) Environmental Impact Assessment Report: Yes No

(ii) An Appropriate Assessment under the Conservation (Natural Habitats) Regulations 1994: Yes No

(iii) A Design or Design/Access statement: Yes No

The application has been submitted with a Planning Statement.

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

(H) PLANNING OBLIGATIONS

Is a Section 75 agreement required: Yes No

-
- (I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32: Yes 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.**

[National Planning Framework 4 \(Adopted 13th February 2023\)](#)

Part 2 – National Planning Policy

Sustainable Places

NPF4 Policy 1 – Tackling the Climate and Nature Crises
NPF4 Policy 2 – Climate Mitigation and Adaption
NPF4 Policy 3 – Biodiversity
NPF4 Policy 4 – Natural Places
NPF4 Policy 5 – Soils
NPF4 Policy 7 – Historic Assets and Places
NPF4 Policy 9 – Brownfield, Vacant and Derelict Land and Empty Buildings (*includes provisions relevant to Greenfield Sites*)
NPF4 Policy 12 – Zero Waste
NPF4 Policy 13 – Sustainable Transport

Liveable Places

NPF4 Policy 14 – Design, Quality and Place
NPF4 Policy 15 – Local Living and 20 Minute Neighbourhoods
NPF4 Policy 16 – Quality Homes
NPF4 Policy 17 – Rural Homes
NPF4 Policy 18 – Infrastructure First
NPF4 Policy 22 – Flood Risk and Water Management

Productive Places

NPF4 Policy 29 – Rural Development

[‘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 5 – Supporting the Sustainable Growth of our Economy
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 to the Argyll and Bute Local Plan 2015’ (Adopted March 2016 & December 2016)

Natural Environment

SG LDP ENV 1 – Impact on Habitats, Species and our Biodiversity
SG LDP ENV 4 – Impact on SSSIs and National Nature Reserves
SG LDP ENV 11 – Protection of Soil and Peat Resources

Landscape and Design

SG LDP ENV 14 – Landscape
SG LDP ACE 1 – Area Capacity Evaluation (ACE)

Historic Environment and Archaeology

SG LDP ENV 20 – Impact on Sites of Archaeological Importance

Support for Business & Industry: General

SG LDP BUS 5 – Economically Fragile Areas

General Housing Development

SG LDP HOU 1 – General Housing Development Including Affordable Housing Provision

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 5(b) – Provision of Waste Storage & Collection Facilities within New Development
SG LDP SERV 6 – Private Water Supplies and Water Conservation
SG LDP SERV 9 – Safeguarding Better Quality Agricultural Land

Addressing Climate Change

SG LDP Sust Check – Sustainability Checklist

Transport (Including Core Paths)

SG LDP TRAN 2 – Development and Public Transport Accessibility
SG LDP TRAN 4 – New & Existing, Public Roads & Private Access Regimes
SG LDP TRAN 6 – Vehicle Parking Provision

(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.**

- Consultation Responses
- Planning History
- Argyll and Bute Sustainable Design Guidance, 2006
- Isle of Coll Sustainable Design Guide
- [ABC Technical Note – Biodiversity \(Feb 2017\)](#)
- [ABC draft Technical Note – Argyll and Bute Windows \(April 2018\)](#)

[Argyll and Bute proposed Local Development Plan 2 \(November 2019\)](#) – The Examination by Scottish Government Reporters to the Argyll and Bute Local Development Plan 2 has now concluded and the [Examination Report](#) has been published (13th June 2023). The Examination Report is a material consideration of significant weight and may be used as such until the conclusion of the LDP2 Adoption Process. Consequently, the Proposed Local Development Plan 2 as recommended to be modified by the Examination Report and the published Non Notifiable Modifications is a material consideration in the determination of all planning and related applications.

Spatial and Settlement Strategy

Policy 02 – Outwith Settlement Areas
Policy 04 – Sustainable Development

High Quality Places

Policy 05 – Design and Placemaking
Policy 08 – Sustainable Siting
Policy 09 – Sustainable Design
Policy 10 – Design – All Development
Policy 21 – Sites of Archaeological Importance

Diverse and Sustainable Economy

Policy 22 – Economic Development

Connected Places

Policy 35 – Design of New and Existing, Public Roads and Private Access Regimes
Policy 36 – New Private Accesses
Policy 39 – Construction Standards for Private Accesses
Policy 40 – Vehicle Parking Provision

Sustainable Communities

Policy 58 – Private Water Supplies and Water Conservation

Policy 60 – Private Sewage Treatment Plants and Wastewater Drainage Systems
 Policy 61 – Sustainable Urban Drainage Systems (SUDS)
 Policy 63 – Waste Related Development and Waste Management

High Quality Environment

Policy 73 – Development Impact on Habitats, Species and Biodiversity
 Policy 75 – Development Impact of Sites on Sites of Special Scientific Interest (SSSIs)
 Policy 79 – Protection of Soil and Peat Resources
 Policy 83 – Safeguarding Agricultural and Croft Land

(K) Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment: Yes No

(L) Has the application been the subject of statutory pre-application consultation (PAC): Yes No

(M) Has a Sustainability Checklist been submitted: Yes No

(N) Does the Council have an interest in the site: Yes No

(O) Requirement for a pre-determination hearing: Yes No

(P)(i) Key Constraints/Designations Affected by the Development:

- Totamore Dunes and Loch Ballyhaugh Site of Special Scientific Interest

(P)(ii) Soils

Agricultural Land Classification: Unclassified Land

Peatland/Carbon Rich Soils Classification: Class 1
Class 2
Class 3
Class 5
N/A

Peat Depth Classification: 1 metre

Does the development relate to croft land? Yes No

Would the development restrict access to croft or better quality agricultural land? Yes No N/A

Would the development result in fragmentation of croft / better quality agricultural land? Yes No N/A

(P)(iii) Woodland

Will the proposal result in loss of trees/woodland? Yes
 No

Does the proposal include any replacement or compensatory planting? Yes
 No details to be secured by condition
 N/A

(P)(iv) Land Status / LDP Settlement Strategy

Status of Land within the Application Brownfield
 Brownfield Reclaimed by Nature
 Greenfield

ABC LDP 2015 Settlement Strategy

LDP DM 1

Main Town Settlement Area
 Key Rural Settlement Area
 Village/Minor Settlement Area
 Rural Opportunity Area
 Countryside Zone
 Very Sensitive Countryside Zone
 Greenbelt

ABC LDP 2015 Allocations/PDAs/AFAs etc:

N/A

ABC pLDP2 Settlement Strategy

Settlement Area
 Countryside Area
 Remote Countryside Area
 Helensburgh & Lomond Greenbelt

ABC pLDP2 Allocations/PDAs/AFAs etc:

N/A

(P)(v) Summary assessment and summary of determining issues and material considerations

Planning permission in principle is sought for the erection of a dwellinghouse on a plot of land to the north of Ballyhaugh, Isle of Coll.

The application site comprises an area of undeveloped and open land. The site is located to the north of the long established Ballyhaugh Hebridean Centre and is accessed via a private unmade track spurring from the public B8071 road. The surrounding area is rural and undeveloped in character.

An application for planning permission in principle at the site (our reference 22/00595/PPP) was refused in August 2022. The application related to planning permission in principle for the erection of a dwellinghouse, and was refused as the site the subject of the application was within the 'Countryside Zone' as designated within the adopted Local Development Plan. The proposed development did not represent an appropriate opportunity for infill, rounding-off, redevelopment or the change of use of an existing building, nor was there an 'exceptional case'. This current application now seeks consent for planning permission in principle for a dwellinghouse at the same site. The application has now been submitted with an 'exceptional case' relating to the need for the development to support an agricultural business.

This application is seeking planning permission in principle for a single dwellinghouse. The application has been submitted with indicative details of the proposed dwelling, including its siting within the plot, and indicative design details.

The purpose of this application is to establish the principle of development with the matters of layout and design to be addressed by way of future application(s) for approval of matters specified in conditions.

NPF4 Policy 1 seeks to prioritise the climate and nature crises in all decisions; it requires to be applied together with other policies in NPF4. Guidance from the Scottish Government advises that it is for the decision maker to determine whether the significant weight to be applied tips the balance in favour for, or against a proposal on the basis of its positive or negative contribution to climate and nature crises.

NPF4 Policy 2 seeks to ensure that new development proposals will be sited to minimise lifecycle greenhouse gas emissions as far as possible, and that proposals will be sited and designed to adapt to current and future risks from climate change. Guidance from the Scottish Government confirms that at present there is no single accepted methodology for calculating and / or minimising emissions. The emphasis is on minimising emissions as far as possible, rather than eliminating emissions. It is noted that the provisions of the Settlement Strategy set out within Policy LDP DM 1 of the LDP promotes sustainable levels of growth by steering significant development to our Main Towns and Settlements, rural growth is supported through identification of Key Rural Settlements and safeguards more sensitive and vulnerable areas within its various countryside designations.

NPF4 Policy 3 seeks to protect biodiversity, reverse biodiversity loss and deliver positive effects from development and strengthen nature networks.

In the case of the development proposed by this application, it is considered that there are no issues of compliance with Policy 3. No material biodiversity impacts have been identified in the assessment of this application by the Planning Authority and whilst no specific proposals for biodiversity improvements have been submitted it is considered that adequate and proportionate measures for biodiversity enhancement and protection could be secured via planning condition in the event that planning permission in principle were to be granted. The proposed development is therefore considered to be in compliance with NPF4 Policy 3 as underpinned by Local Development Plan Policy LDP 3, supplementary guidance SG LDP ENV 1, and Policy 73 of the proposed Local Development Plan 2.

NPF4 Policy 4 seeks to protect, restore and enhance natural assets making best use of nature-based solutions.

The application site lies within the Totamore Dunes and Loch Ballyhaugh Site of Special Scientific Interest, designated for its extensive dune and machair system and vascular plant assemblage. NatureScot have been consulted on the application and have stated that there are natural heritage interests of national importance on the site, but these will not be affected by the proposal. The development site is located outside of the key machair and dune habitat in an area that is considered important, principally for the nationally-rare orchid, Irish lady's tresses (*Spiranthes romanzoffiana*). This plant's preferred habitat is wet grassy places such as marshy meadows. The development site is not the preferred habitat and the records from NatureScot do not show any sightings closer than 50m from the proposed development site, therefore it is unlikely that the integrity of the Site of Special Scientific Interest would be affected by the proposed development. In the event that planning permission in principle were to be granted, a suitable condition could be attached to ensure that the storage of all building materials and associated equipment were to be within the boundary of the application site, thereby ensuring

any disturbance would be contained within the plot boundary. The proposed development is considered to be in accordance with NPF4 Policy 4 as underpinned by Local Development Plan Policy LDP 3, supplementary guidance SG LDP ENV 1 and SG LDP ENV 4, and Policy 75 of the proposed Local Development Plan 2.

NPF4 Policy 5 seeks to protect carbon-rich soils, to restore peatlands and to minimise disturbance to soils from development.

The development proposed by the current planning application seeks to develop an area of rough undeveloped ground. Whilst no evidence has been submitted by the applicant to suggest that the site would avoid the better quality agricultural land within the holding, the site itself has no agricultural land classification and is not within an identified area of peatland, carbon-rich soils or priority peatland habitat. The development proposed is therefore considered to be in accordance with NPF4 Policy 5 as underpinned by Local Development Plan Policy LDP 3, supplementary guidance SG LDP ENV 11 and SG LDP SERV 9, and Policies 79 and 83 of the proposed Local Development Plan 2.

NPF4 Policy 7 seeks to protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places.

The site the subject of the application lies within an area of archaeological sensitivity, with the potential for the site to feature buried archaeological remains. Additionally, the site lies approximately 250 metres to the east of, and in full view from, An Caisteal, a prehistoric fort. The consultation response received from the West of Scotland Archaeology Service advises that the proposal would have a minor detrimental impact upon its landscape setting, however the prehistoric fort does not form a Scheduled Ancient Monument. The consultation response further states that the proposed development is of such a scale that ground disturbance could reveal buried archaeological remains. In the case of this application, a suitable condition could be attached to secure an archaeological watching brief in the event that planning permission in principle were to be granted. In this regard, the development would adhere to the requirements of NPF4 Policy 7(o) as underpinned by LDP Policy LDP 9, supplementary guidance SG LDP ENV 20, and Policy 21 of the proposed Local Development Plan 2, which seek to protect and preserve non-designated historic environment assets, places and their setting.

NPF4 Policy 9 seeks to encourage, promote and facilitate the reuse of brownfield, vacant and derelict land and empty buildings, and to help reduce the need for greenfield development.

The development proposed by this planning application is on a greenfield site. The site is located within the 'Countryside Zone' as designated within the Local Development Plan, where LDP Policies LDP STRAT 1 and LDP DM 1 give encouragement only to small scale development on appropriate infill, rounding-off, redevelopment, and change of use of existing buildings. In exceptional cases, development in the open countryside up to and including large scale may be supported on appropriate sites if this accords with an Area Capacity Evaluation. In the case of this application, the proposed site for a dwellinghouse would not represent an opportunity for infill, rounding-off, redevelopment, or the change of use of an existing building.

With regard to 'exceptional cases', development in the open countryside up to and including large scale may occasionally be supported on appropriate sites, provided that the applicant has demonstrated a clear locational/operational requirement for

the development and one which cannot be accommodated within the reasonable local vicinity of the proposed development site on a more suitable site within the settlement zone or in the less-sensitive countryside zone (the 'Rural Opportunity Areas'). Where no such more appropriate development opportunity exists and where an applicant has successfully demonstrated an overriding 'exceptional case' for that development, such proposals are expected to accord with an 'Area Capacity Evaluation'.

SG LDP ACE 1 states that *"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 council, 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 council."* In order for a development to qualify as an exceptional case, the following principles can be applied:

- Exceptional cases should be fairly rare occurrences and should not become a matter of routine;
- Exceptional cases should be supported with a business development plan/reasoned statement of justification;
- Specific locational requirement – i.e. if it's not there, then it can't happen anywhere else;
- Or that it directly supports an existing business whose continued operation would be jeopardised without the proposed development.

The application site is a prominent area of open and gently undulating land slightly elevated above the Ballyhaugh Hebridean Centre. The site is located in mid Coll, which is characterised by open landscapes. There are long views across the distinctive open landscape and the existing settlement pattern is sparse. The Isle of Coll Landscape Capacity for New Housing Report states that the existing built development at Ballyhaugh acts as a point feature, where its scale suits the open landscape in which it sits. The landscape study does not recognise the site the subject of the current application as one within which there is capacity for new residential development and it is considered that the introduction of a dwelling within this location would not be cohesive with the landscape or settlement pattern and would not integrate with the character of the surrounding area. The dwelling would appear as unduly prominent and would therefore have a significant adverse impact upon the setting, and would unacceptably alter the existing settlement density of the area.

The applicant has put forward a justification for the proposed development in an attempt to justify that this application represents an appropriate 'exceptional case' based on a locational/operational need for the development to be located upon this greenfield site within the designated 'Countryside Zone'. This justification is summarised as follows:

- The proposed development of the site with a dwellinghouse is required by the applicant based on a locational/operational need;
- The applicant and the farm manager live two and three miles away from the application site at Ballyhaugh respectively. The farm at Ballyhaugh is

currently run as a satellite farm to Ballard Farm, which is sited two miles away from the application site;

- The applicant requires the dwellinghouse to support the agricultural activity at the site, which comprises breeding sheep and cattle, on the 91 hectare site. The accommodation is required to support the agricultural activity at the site and address the lack of any available nearby housing.

The Council's Animal Health and Welfare Officer has been consulted on the application. The submitted Labour Report has been assessed and the consultation response supports the application on the basis of operational need. The Council's Animal Health and Welfare Officer makes reference to the current farmer approaching retirement age and their association with an existing substantial farm, which is stated to make sufficient demands on his time. Whilst this is acknowledged, it is noted within the supporting information submitted by the applicant that the majority of the farm work surrounding the application site is undertaken by a farm manager, and not the applicant. The response from the Council's Animal Health and Welfare Officer, in this case, does not acknowledge that both the applicant and the farm manager live within 3 miles of the proposed development site, nor is it acknowledged that there may be other suitable sites for development within the landholding. Whilst the application is supported by the Council's Animal Health and Welfare Officer on the basis of operational need, there is no suggestion that the dwellinghouse associated with the farm has to be tied to this precise location, and could not be facilitated elsewhere within the landholding. There is also no suggestion that if the dwelling were to be sited in an alternative, nearby location, that the farming activity would be jeopardised.

In consideration of the claim of an exceptional case based upon a locational/operational need, the evidence submitted is somewhat vague. The information provided with the application indicates that the agricultural holding covers an area of approximately 91 hectares, with both the applicant and the farm manager living within three miles of the proposed development site. The agricultural holding, under the ownership of the applicant, includes a number of 'Rural Opportunity Areas'. The applicant has been advised that there are other potential sites within the wider agricultural holding which would avoid the more sensitive 'Countryside Zone', such as within the designated 'Rural Opportunity Areas', including immediately to the south and west of the site, and approximately 400 metres to the northeast. The applicant has discounted these sites for the following stated reason:

- The area would not be suitable for construction due to its exposure to harsh northerly and easterly winter winds. The site's elevated position would exacerbate this issue.

Notwithstanding this, the Planning Authority remain of the view that the 'Rural Opportunity Areas', both immediately adjacent to the proposed application site, and 400 metres to the northeast of the site, could potentially present an opportunity for the proposed development and that no convincing argument has been put forward to discount these sites. The applicant has been strongly encouraged to investigate development potential of a number of sites within these areas. The 'Rural Opportunity Area' sited approximately 400 metres to the northeast of the application site is located adjacent to the B8071 public road and features a number of existing dwellinghouses. It is not therefore considered that this site is completely unsuitable for construction, based on the claimed exposure to winds. It is not therefore accepted that the 'Rural Opportunity Areas' are undevelopable. There has been no evidence submitted to discount development potential of specific sites within these areas.

Whilst the Planning Authority is keen to support local businesses and the reasonable aspirations of individuals, it is concluded in this case and after substantial effort to secure additional information, the case put forward by the applicant does not meet the 'exceptional case' criteria as the applicant's need could be met from other sites in close proximity to the proposed development site and indeed within the wider agricultural landholding of the applicant. The proposed development does not constitute an 'exceptional case'. There is no locational requirement for the proposed development to be sited within the designated 'Countryside Zone' on a site that does not present any opportunities for infill, rounding-off, redevelopment or a change of use of an existing building. Whilst the applicant has put forward an 'exceptional case', there is very limited established activity at this particular site within the wider landholding to potentially underpin a locational/operational need to justify the principle of the erection of a dwellinghouse at this specific location within the farm. Whilst it may be preferential and beneficial for the applicant to develop this particular site, the proposed case that has been forward by the applicant has not been backed up by sufficient evidence, despite such evidence having been requested. Additionally, the limited evidence provided does not suggest that the farming business would be jeopardised if the development were to be sited elsewhere within the farm holding in a less sensitive location.

The proposed site does not present any opportunities for small scale development on appropriate infill, rounding off and redevelopment sites and changes of use of existing buildings. The proposed development does not constitute an 'exceptional case' which would warrant the undertaking of an Area Capacity Evaluation which could potentially allow the Planning Authority to support development on appropriate sites where the development accords with the Area Capacity Evaluation.

With regard to the proposed Local Development Plan 2, the application site is located within an area designated as 'Countryside Area' where there is a presumption in favour of sustainable development where this is of an appropriate scale, design, siting and use for its countryside location. In the case of this application, the indicative scale and design of the proposed dwelling would be incongruous with the design, character and appearance of the built development that characterises the Isle of Coll. Moreover, the siting of such a large scale dwelling in this sensitive and exposed location would be unsustainable in terms of protecting the expansive landscapes which characterise this area of mid Coll. The siting, design and scale of the development would appear as insensitive and intrusive in this location, and the proposed development of this site would not therefore adhere to the requirements of the proposed Local Development Plan 2 Policy 02.

As outlined above, the proposed development, on a greenfield site, would be contrary to NPF4 Policy 9(b), which requires development proposals on greenfield sites to be explicitly supported by policies in the Local Development Plan. The development would thereby fail to achieve the policy outcome aims which require development to be sited within an appropriate location to maximise the use of existing assets and minimise additional land take.

NPF4 Policy 12 seeks to encourage, promote and facilitate development that is consistent with the waste hierarchy as defined within the policy document.

The development the subject of this planning application seeks planning permission in principle for the erection of a single dwellinghouse. This is a development likely to generate waste when operational. Whilst no details have been provided regarding the proposed management of waste from the site, such details could be secured via

condition in the event that planning permission in principle were to be granted. In this regard, the proposed development is considered to be in compliance with NPF4 Policy 12(c) as underpinned by LDP Policy LDP 10, supplementary guidance SG LDP SERV 5(b), and Policy 63 of the proposed Local Development Plan 2.

NPF4 Policy 13 seeks to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably.

The development the subject of this planning application seeks to establish the principle of a new single dwellinghouse. The application proposes to construct a new private access track connecting to the existing private access track spurring from the B8071 public road. The Area Roads Authority have been consulted on the application and raised no objections to the proposed development subject to conditions regarding the upgrade of the access at the junction with the public road, the clearance and maintenance of visibility splays, the provision of a system or surface water drainage, the provision of a parking and turning area, and the provision of a bin store area. Subject to such details being secured via condition in the event that planning permission in principle were to be granted, the proposal is compliant with the terms of NPF4 Policy 13 as underpinned by Local Development Plan Policy LDP 11, supplementary guidance SG LDP TRAN 2, SG LDP TRAN 4 and SG LDP TRAN 6, and the relevant policies of the proposed Local Development Plan 2, which collectively seek to ensure that developments are served by a safe means of vehicular access and have an appropriate parking and turning area within the site.

NPF4 Policy 14 seeks to encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the 'Place Principle'.

NPF4 Policy 14(c) states that development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful place will not be supported. In this instance, whilst the application is seeking planning permission in principle, indicative details of the siting and design of the dwelling have been submitted. As per the indicative plans, the proposed dwelling would have a large footprint, covering an area of approximately 156 square metres. The large massing of the dwelling would appear as unduly prominent at the site, unsympathetic to the surrounding expansive open landscape. The development would therefore have a significant impact upon the setting, being a large property that would impact upon the existing property at Ballyhaugh and the surrounding landscape. The massing of the proposed development is also considered to be inappropriate; the dwelling would have a deep plan and shallow dual-pitched roof with wide dormer windows. This would further exacerbate the adverse impact upon the setting of the proposed development site. The development would fail to integrate with the local vernacular, which is based on dwellings with a narrow linear plan, with the massing broken down into one and a half storey and single storey elements. The proposed dormer windows upon the principal elevation would be over scaled and would dominate the roof of which they would form a part of. The indicative design of the proposed dwelling would lack local character and in this regard would appear as suburban and inappropriate to the rural location. Whilst it is acknowledged that the exact details of the design of the proposed dwellinghouse could be secured via condition, to be addressed by way of future application(s) for approval of matters specified in conditions, the inappropriate design indicates that there has been insufficient regard to the character and appearance of the immediate and wider surroundings of the application site.

In addition to the above, however, it is important to note that the impact of the proposed development upon the landscape and character of the surrounding area is not the sole determining factor in the consideration of this application. Regardless of any interpretation of the impact of the proposed development upon the landscape, the development does not meet the fundamental key planning policy test for the Council's established and adopted settlement strategy for the planned growth of Argyll and Bute as set out within Policy LDP DM 1. Neither, therefore, does the proposed development accord with the sustainable development aims of the Council as established within adopted key planning Policy LDP STRAT 1 which underpins NPF4 Policy 14.

The proposed development fails to pay regard to the wider surroundings of the site in terms of connectivity, the existing character, scale and density, and views. The site is open and exposed and the proposed development would be incompatible with the existing character of the area, and is therefore contrary to Policies 05, 08, 09 and 10 of the proposed Local Development Plan 2.

NPF4 Policy 15 seeks to encourage, promote and facilitate the application of the Place Principle and create connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home.

In terms of the adopted settlement strategy, the site of the proposed development is within the 'Countryside Zone' where LDP Policies LDP STRAT 1 and LDP DM 1 give encouragement only to small scale development on appropriate infill, rounding-off, redevelopment sites, or changes of use of existing buildings. The proposed development site would fail to respect the existing established settlement pattern and in this regard the development would fail to connect with any existing neighbourhood or settlement. The proposal would therefore fail to meet the requirements of NPF4 Policy 15 as underpinned by the settlement strategy policy contained within Policies LDP DM 1, LDP 8, LDP 10 and LDP 11 of the Local Development Plan.

NPF4 Policy 16 seeks to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable homes in the right locations and providing choice of tenure to meet diverse housing needs.

NPF4 Policy 16(f) states that development proposals for new homes on land not allocated for housing in the LDP will only be supported in limited circumstances where:

- i) the proposal is supported by an agreed timescale for build-out; and
- ii) the proposal is otherwise consistent with the plan spatial strategy and other relevant policies including local living and 20 minute neighbourhoods
- iii) and either:
 - delivery of sites is happening earlier than identified in the deliverable housing land pipeline. This will be determined by reference to two consecutive years of the Housing Land Audit evidencing substantial delivery earlier than pipeline timescales and that general trend being sustained; or
 - the proposal is consistent with policy on rural homes; or

- the proposal is for smaller scale opportunities within an existing settlement boundary; or
- the proposal is for the delivery of less than 50 affordable homes as part of a local authority supported affordable housing plan.

In the case of this application, whilst the timescale for build-out could be secured via condition to be addressed by way of future application(s) for approval of matters specified in conditions, the application site is not consistent with the local development plan spatial strategy or other relevant policies. The development of the site the subject of this application is directly contrary to the local development plan spatial strategy. The proposed development is therefore considered to be inconsistent with NPF4 Policy 16 as underpinned by Local Development Plan Policies LDP DM 1 and LDP 8 and supplementary guidance SG LDP HOU 1.

NPF4 Policy 17 seeks to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable rural homes in the right locations.

The development the subject of this planning application is located within a defined 'remote rural area' where Policy 17(c) offers support only where such proposals:

- i. Support and sustain existing fragile communities;
- ii. Support identified local housing outcomes; and
- iii. Are suitable in terms of location, access and environmental impact.

The proposed development seeks planning permission in principle for a single dwellinghouse. It is acknowledged that the proposed development would contribute to housing for the existing local community, however there has been no overriding evidence to suggest that the dwelling could not be sited elsewhere within the applicant's wider agricultural holding in less sensitive and more sustainable locations. Nor has there been any evidence provided to suggest that if the dwelling were to be sited elsewhere, the existing farming activity would be jeopardised. It is not therefore considered that the proposed development would offer any overriding opportunity to sustain the existing community. In addition, as outlined above, the siting of the development is considered unsustainable due to its prominent location and the resulting impact upon the sensitive and vulnerable isolated landscape. The proposed development would therefore be contrary to the aims of NPF4 Policy 17 as underpinned by Local Development Plan Policy LDP DM 1.

NPF4 Policy 18 seeks to encourage, promote and facilitate an infrastructure first approach to land use planning.

The development the subject of this planning application proposes a private drainage system and connection to the public water supply network. As the application is seeking planning permission in principle, only indicative details of the proposed drainage arrangements have been submitted with the application, with these being subject of approval through a further planning application(s). With a condition to secure the details of the proposed private drainage system, the proposal is considered to be consistent with the broad aims of NPF4 Policy 18 as underpinned by Local Development Plan Policies LDP 11, supplementary guidance SG LDP SERV 1, and Policy 60 of the proposed Local Development Plan 2.

NPF4 Policy 22 seeks to strengthen resilience to flood risk and to ensure that water resources are used efficiently and sustainably.

The development the subject of this planning application proposes connection to the public water supply network. Scottish Water have been consulted on the application and have stated that whilst there is no objection to the application, there is no public Scottish Water water infrastructure within the vicinity of the proposed development site. The applicant has not demonstrated that water for drinking water purposes will be sourced from a sustainable water source that is resilient to periods of water scarcity. In this regard, the proposal would directly fail to meet the requirements of NPF4 Policy 22 as underpinned by LPD Policies LDP 10 and LDP 11, supplementary guidance SG LDP SERV 6, and Policy 58 of the proposed Local Development Plan 2, which seek to ensure the efficient and sustainable use of water resources.

NPF4 Policy 29 seeks to encourage rural economic activity, innovation and diversification whilst ensuring that the distinctive character of the rural area and the service function of small towns, natural assets and cultural heritage are safeguarded and enhanced.

NPF4 Policy 29(a) offers support to development proposals that contribute to the viability, sustainability and diversity of rural communities and the local rural economy. This includes support for farms, crofts and other land use businesses. However, NPF4 Policy 29 also requires such developments to accord with the spatial strategy outlined within the local development plan. In the case of this application, whilst the siting of a dwellinghouse at the application site may be preferential and beneficial for the applicant, the 'exceptional case' presented does not provide sufficient evidence to support an overriding locational need to have the development at this specific site. The development would therefore fail to comply with this aspect of NPF4 Policy 29.

With regard to NPF4 Policy 29(c), development proposals in remote rural areas, where new development can often help to sustain fragile communities, will be supported where the proposal:

- i. will support local employment;
- ii. supports and sustains existing communities, for example through provision of digital infrastructure; and
- iii. is suitable in terms of location, access, siting, design and environmental impact

In the case of this application, it is acknowledged that the siting of a dwellinghouse at the application site may be preferential and beneficial for the applicant to support the existing agricultural activity. However, there is insufficient supporting justification to suggest that the development is required in this exact location. In this regard, the contribution of the proposed development to supporting local employment and the existing community would appear to be limited. The information provided with the application advises that those associated with the agricultural business live no more than 3 miles from the proposed development site. Notwithstanding this, discussions have been undertaken with the applicant in an attempt to find alternative provision for the siting of a dwellinghouse within reasonable proximity to the claimed agricultural activity. The suggested development sites are in locations within the applicant's ownership and on sites that would accord with the adopted settlement strategy. However, in response to such requests for considerations of alternative sites for the proposed development, there has been minimal analysis of other

potential development sites, with the applicant stating that all other sites would be unsuitable for development due to their exposure. This is disputed as at least one of the potential development areas features a number of existing dwellinghouses.

As previously outlined, the proposed development site is unsuitable in terms of location due its undeveloped nature and its sensitivity to inappropriate development that would fail to protect or conserve the important landscape characteristics of the wider area. The proposed development would not therefore adhere to the requirements of NPF4 Policy 29 as underpinned by Local Development Plan Policies LDP 3, LDP 5, LDP 8 and LDP 9, supplementary guidance SG LDP BUS 5, and Policy 22 of the proposed Local Development Plan 2.

Notwithstanding the above requirements of NPF4 Policy 29, this application for planning permission in principle for the development of the site with the erection of a dwellinghouse and associate services would represent an inappropriate form of development within the 'Countryside Zone' designation which would be detrimental to the character and appearance of the wider landscape and contrary to the policies set out within the National Planning Framework 4 and the adopted Local Development Plan and associated supplementary guidance.

There is sufficient alignment in the assessment of the proposal against both provisions of the current Local Development Plan and the Proposed Local Development Plan 2 (as modified) that a decision can be made under the current development plan without giving rise to fundamental conflict with PLDP2 (as modified).

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

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

See reasons for refusal set out 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:
Yes No

Author of Report: Emma Shaw

Date: 07.09.2023

Reviewing Officer: Tim Williams

Date: 12.09.2023

Fergus Murray
Head of Development & Economic Growth

REASONS FOR REFUSAL RELATIVE TO APPLICATION REF. NO. 22/02078/PPP

1. The proposed development on this greenfield site conflicts with National Planning Policy NPF4 Policy 9.

NPF4 Policy 9 (b) states that proposals on greenfield sites will not be supported unless the site has been allocated for development or the proposal is explicitly supported in the LDP.

In this case, the development proposed within this application for planning permission in principle would constitute the introduction of a significant built form onto an open and exposed site designated as 'Countryside Zone' within the adopted Argyll and Bute Local Development Plan 2015, and as 'Countryside Area' within the proposed Argyll and Bute Local Development Plan 2.

The proposed development site has no development allocation in either the current or the proposed LDP.

Adopted LDP Policies LDP STRAT 1 and LDP DM 1 give encouragement within the 'Countryside Zone' to small scale development on appropriate infill, rounding-off, redevelopment or change of use of existing buildings. In 'exceptional cases', development in the open countryside up to and including large scale may occasionally be supported on appropriate sites, provided that the applicant has demonstrated a clear locational/operational requirement for the development and one which cannot be accommodated within the reasonable local vicinity of the proposed development on a more suitable site within the settlement zone or in the less-sensitive countryside zone (the 'Rural Opportunity Areas'). The site does not present an opportunity for infill, rounding-off or redevelopment. The 'exceptional case' presented does not suitably demonstrate a specific locational requirement for the proposed development, or evidence that any existing activity would be jeopardised without the proposed development. Not does the 'exceptional case' sufficiently demonstrate that the development could not be sited within reasonable local vicinity of the proposed development sited on a more suitable site.

With regard to the proposed Local Development Plan 2, the application site is located within an area designated as 'Countryside Area' where there is a presumption in favour of sustainable development where this is of an appropriate scale, design, siting and use for its countryside location. The indicative scale and design of the proposed dwelling would be incongruous with the design, character and appearance of the built development that characterises the Isle of Coll. The siting of such a large scale dwelling in this sensitive and exposed location would be unsustainable in terms of protecting the expansive landscapes which characterise this area of mid Coll. The siting, design and scale of the development would appear as insensitive and intrusive in this location, and the proposed development of this site would not therefore adhere to the requirements of the proposed Local Development Plan 2 Policy 02.

There is therefore no support for the proposed development in this location within either the adopted or proposed LDP and the development is therefore contrary to NPF4 Policy 9 as underpinned by LDP Policies LDP STRAT 1 and LDP DM 1 and LDP2 Policy 02.

2. Notwithstanding Reason 1 above, it is considered that the proposed development would introduce an inappropriate form of built development that would have an unacceptable and materially harmful impact upon the character and quality of the wider landscape.

The proposed dwelling would appear as unduly prominent at the site, unsympathetic to the surrounding expansive open landscape. The development would have a significant impact upon the setting and the surrounding landscape. The indicative design of the proposed dwelling would lack local character and in this regard would appear as suburban and inappropriate to the rural location. The inappropriate design indicates that there has been insufficient regard to the character and appearance of the immediate and wider surroundings of the application site.

The proposed development is therefore considered to be in conflict with NPF4 Policy 14 as underpinned by Local Development Plan Policy 9, supplementary guidance SG LDP ENV 14, and Policies 05, 08, 09 and 10 of the proposed Local Development Plan 2.

APPENDIX TO DECISION REFUSAL NOTICE

Appendix relative to application **22/02078/PPP**

(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

(B) The reason why planning permission has been approved:

See reasons for refusal set out above.

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 IN PRINCIPLE

REFERENCE NUMBER: 22/02078/PPP


Mr Allan Brodie
TmC Planning And Property Development Ltd
Suite 1:12 Stadium House
Alderstone Road
Livingston
Scotland
EH54 7DN

I refer to your application dated 17th October 2022 for planning permission in principle under the above mentioned Act and Regulations in respect of the following development:

Site for the erection of dwellinghouse to be used in association with farming business at Land North Of Ballyhough Outdoor Centre Isle Of Coll Argyll And Bute

Argyll and Bute Council in exercise of their powers under the above mentioned Act and Regulations hereby refuse planning permission in principle for the above development for the **reason(s) contained in the attached appendix.**

Dated: 12 September 2023


Fergus Murray
Head of Development and Economic Growth



REASONS FOR REFUSAL RELATIVE TO APPLICATION NUMBER: 22/02078/PPP

1. The proposed development on this greenfield site conflicts with National Planning Policy NPF4 Policy 9.

NPF4 Policy 9 (b) states that proposals on greenfield sites will not be supported unless the site has been allocated for development or the proposal is explicitly supported in the LDP.

In this case, the development proposed within this application for planning permission in principle would constitute the introduction of a significant built form onto an open and exposed site designated as 'Countryside Zone' within the adopted Argyll and Bute Local Development Plan 2015, and as 'Countryside Area' within the proposed Argyll and Bute Local Development Plan 2.

The proposed development site has no development allocation in either the current or the proposed LDP.

Adopted LDP Policies LDP STRAT 1 and LDP DM 1 give encouragement within the 'Countryside Zone' to small scale development on appropriate infill, rounding-off, redevelopment or change of use of existing buildings. In 'exceptional cases', development in the open countryside up to and including large scale may occasionally be supported on appropriate sites, provided that the applicant has demonstrated a clear locational/operational requirement for the development and one which cannot be accommodated within the reasonable local vicinity of the proposed development on a more suitable site within the settlement zone or in the less-sensitive countryside zone (the 'Rural Opportunity Areas'). The site does not present an opportunity for infill, rounding-off or redevelopment. The 'exceptional case' presented does not suitably demonstrate a specific locational requirement for the proposed development, or evidence that any existing activity would be jeopardised without the proposed development. Not does the 'exceptional case' sufficiently demonstrate that the development could not be sited within reasonable local vicinity of the proposed development sited on a more suitable site.

With regard to the proposed Local Development Plan 2, the application site is located within an area designated as 'Countryside Area' where there is a presumption in favour of sustainable development where this is of an appropriate scale, design, siting and use for its countryside location. The indicative scale and design of the proposed dwelling would be incongruous with the design, character and appearance of the built development that characterises the Isle of Coll. The siting of such a large scale dwelling in this sensitive and exposed location would be unsustainable in terms of protecting the expansive landscapes which characterise this area of mid Coll. The siting, design and scale of the development would appear as insensitive and intrusive in this location, and the proposed development of this site would not therefore adhere to the requirements of the proposed Local Development Plan 2 Policy 02.

There is therefore no support for the proposed development in this location within either the adopted or proposed LDP and the development is therefore contrary to



NPF4 Policy 9 as underpinned by LDP Policies LDP STRAT 1 and LDP DM 1 and LDP2 Policy 02.

2. Notwithstanding Reason 1 above, it is considered that the proposed development would introduce an inappropriate form of built development that would have an unacceptable and materially harmful impact upon the character and quality of the wider landscape.

The proposed dwelling would appear as unduly prominent at the site, unsympathetic to the surrounding expansive open landscape. The development would have a significant impact upon the setting and the surrounding landscape. The indicative design of the proposed dwelling would lack local character and in this regard would appear as suburban and inappropriate to the rural location. The inappropriate design indicates that there has been insufficient regard to the character and appearance of the immediate and wider surroundings of the application site.

The proposed development is therefore considered to be in conflict with NPF4 Policy 14 as underpinned by Local Development Plan Policy 9, supplementary guidance SG LDP ENV 14, and Policies 05, 08, 09 and 10 of the proposed Local Development Plan 2.

NOTES TO APPLICANT (1) RELATIVE TO APPLICATION NUMBER 22/02078/PPP

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: 22/02078/PPP

- 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.**

No

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

No

If yes, state level of departure:

No Departure

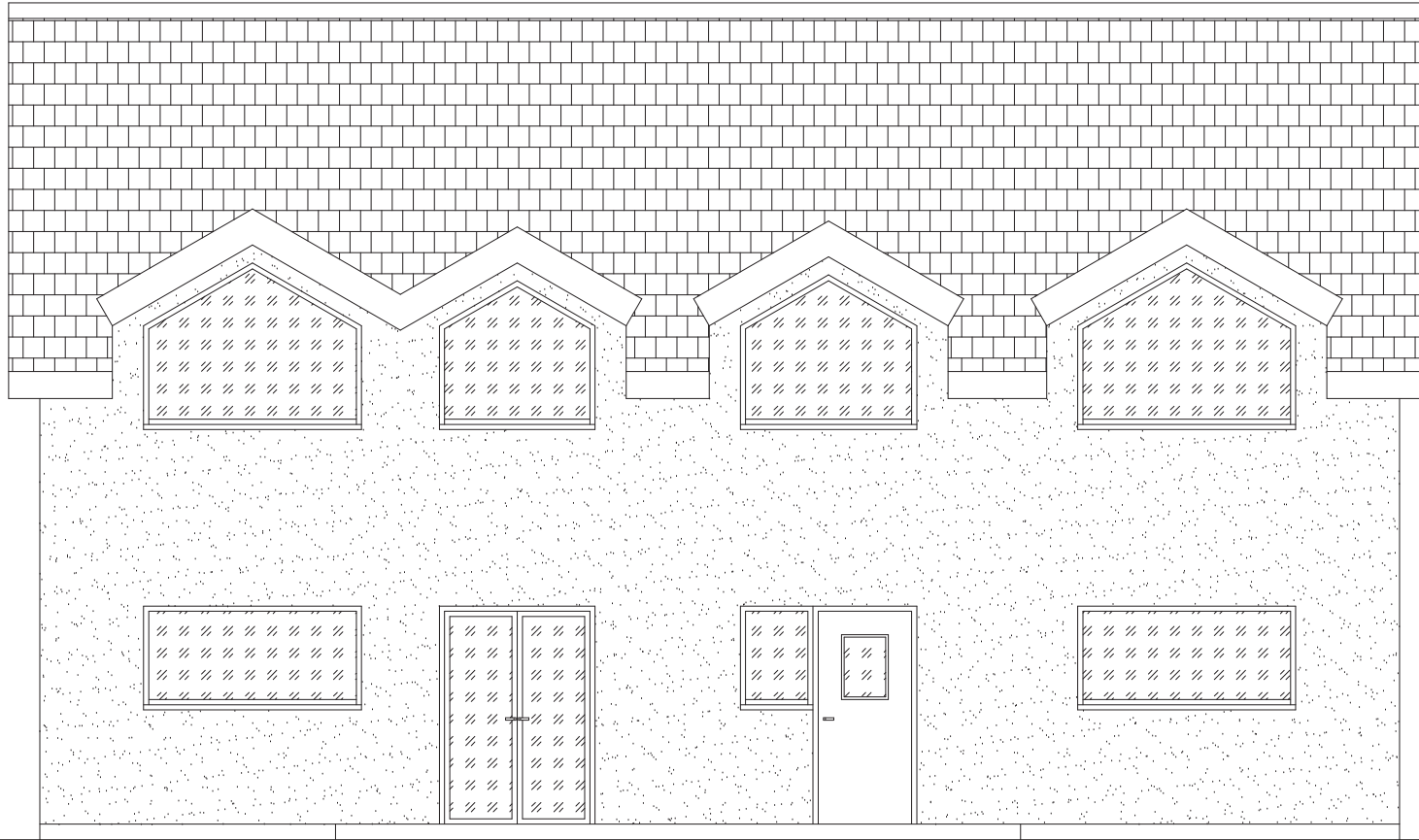
- C. Summary justification statement for refusal of planning permission in principle**

The proposal is considered to be contrary to National Planning Framework 4 Policies 9, 14, 15, 16, 17, 22, and 29 and Policies LDP DM 1, LDP STRAT 1, LDP 3, LDP 5, LDP 8, LDP 9, LDP 10 and LDP 11 and Supplementary Guidance SG LDP ENV 14, SG LDP ACE 1, SG LDP BUS 5, SG LDP HOU 1 and SG LDP SERV 6 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 Section 25 of the Act.

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Notes:

- NOTES
- White Render Walls
 - Slate Roof
 - Redwood Timber Windows



REV.	DESCRIPTION:	BY:	DATE:
	STATUS: DRAWING STAGE		

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	0131 210 0400 www.tmcplanning.co.uk

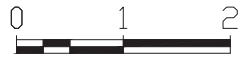
CLIENT: MR MORRISON
 Land North of Ballyhaugh Outdoor
 Centre Isle of Coll Argyle and Bute
 PA78 6TB

DESIGNERS:
**TmC Planning & Property
 Development Ltd**

SITE:
 Land North of Ballyhaugh Outdoor
 Centre Isle of Coll Argyle and Bute

TITLE:
BACK ELEVATION

SCALE AT A3: 1:50	DATE: 19/01/2022	DRAWN: MD	CHECKED: TC
DRAWING NO: 009	PROJECT REF: MORR/22A	REVISION: 00	





Notes:

NOTES

Revision B = Red line boundary added to show access to road B8072

REV:	DESCRIPTION:	BY:	DATE:
STATUS: DRAWING STAGE			



TmC Planning
 Unit 117 Euca Business Centre,
 Craigshill Road,
 Livingston
 EH54 5DT
 0131 210 0400
 www.tmcplanning.co.uk

CLIENT: MR MORRISON
 Land North of Ballyhaugh Outdoor
 Centre Isle of Coll Argyle and Bute
 PA78 6TB

DESIGNERS:
TmC Planning & Property Development Ltd

SITE:
 Land North of Ballyhaugh Outdoor
 Centre Isle of Coll Argyle and Bute

TITLE:
Location Plan 2

SCALE AT A3: 1:12500	DATE: 01/11/2022	DRAWN: MD	CHECKED: TC
DRAWING NO: 002	PROJECT REF: MORR/22A	REVISION: B	





Notes:

NOTES
Revision B = Red line boundary added to show access to road B8072

REV.	DESCRIPTION	BY	DATE

STATUS: DRAWING STAGE



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 Craigshill Road,
 Livingston EH54 5DT
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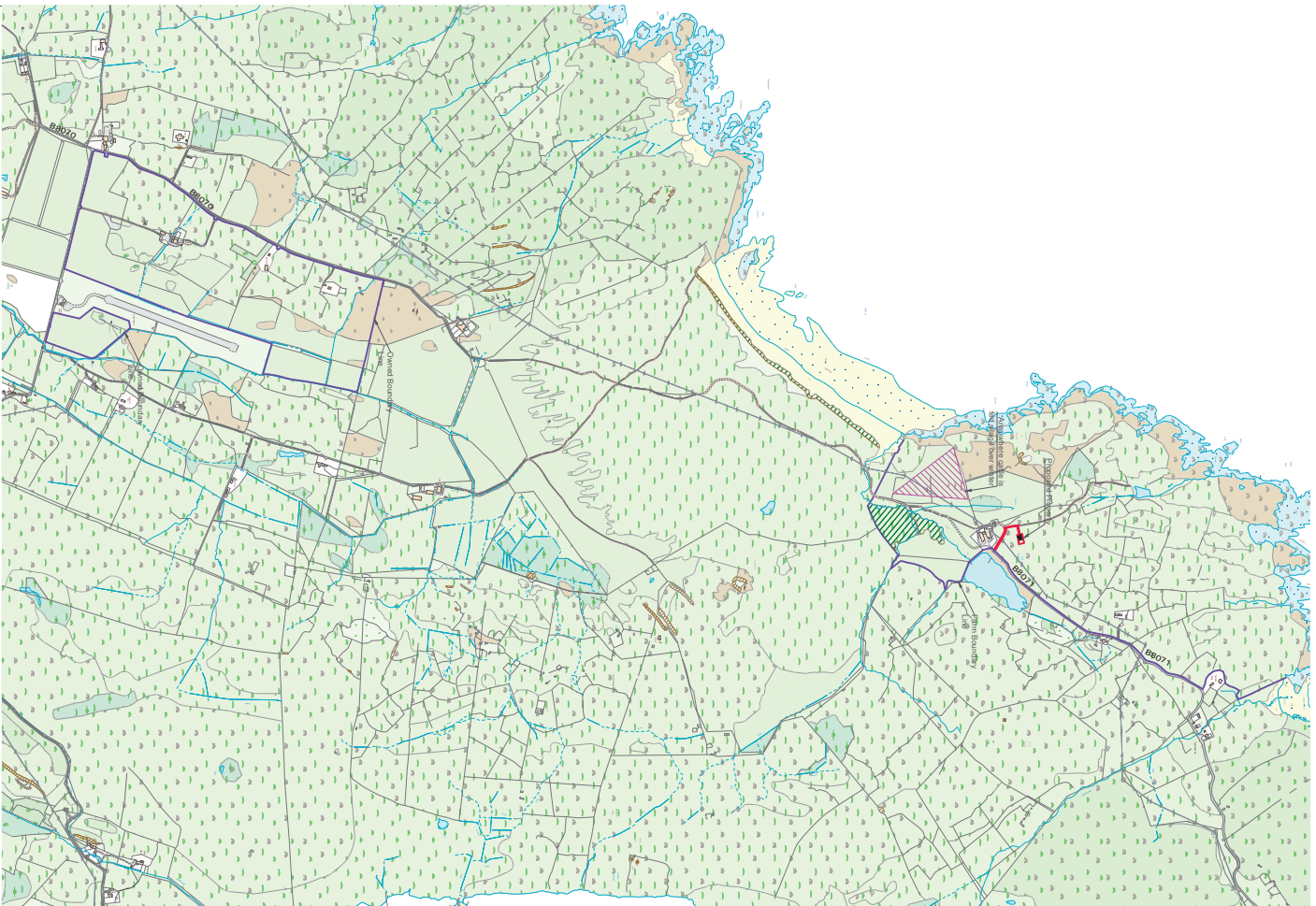
CLIENT: MR MORRISON
 Land North of Ballyhaugh Outdoor Centre
 Isle of Coll Argyll and Bute PA78 6TB

DESIGNERS:
 TmC Planning & Property Development Ltd

SITE:
 Land North of Ballyhaugh Outdoor Centre
 Isle of Coll Argyll and Bute

TITLE:
 Location Plan 2

SCALE AT A3: 1:12500	DATE: 13/12/2022	DRAWN: MD	CHECKED: TC
DRAWING NO: 002	PROJECT REF: MORR/22A	REVISION: C	



01 Location Plan
Scale 1:12500 @ A2

Notes:


1. Do not scale off the drainage network details.
2. All dimensions shown on any drawing to be checked and verified on site by the contractor.
3. All dimensions shown on any drawing to be checked and verified on site by the contractor.
4. All works to be carried out to The Building (Scotland) Regulations 2004 (as amended) and all relevant British Standards and Codes of Practice contained therein.
5. All drainage works to comply with The Building (Scotland) Regulations 2004 (as amended) and all relevant British Standards and Codes of Practice contained therein.
6. This drawing is to be read in conjunction with all relevant structural/drainage/building services/other specifications.



Scale 1:12 500 in meters
0 100 200 300 400 500

1250

REV.	DESCRIPTION	BY	DATE


TMC Planning & Property Development Ltd
 The Barn, Netherburn Farm, Westcraigs Road
 Hurrell, Strath, ML2 5TJ
 Tel: 0131 210 0400
 www.tmcplanning.co.uk

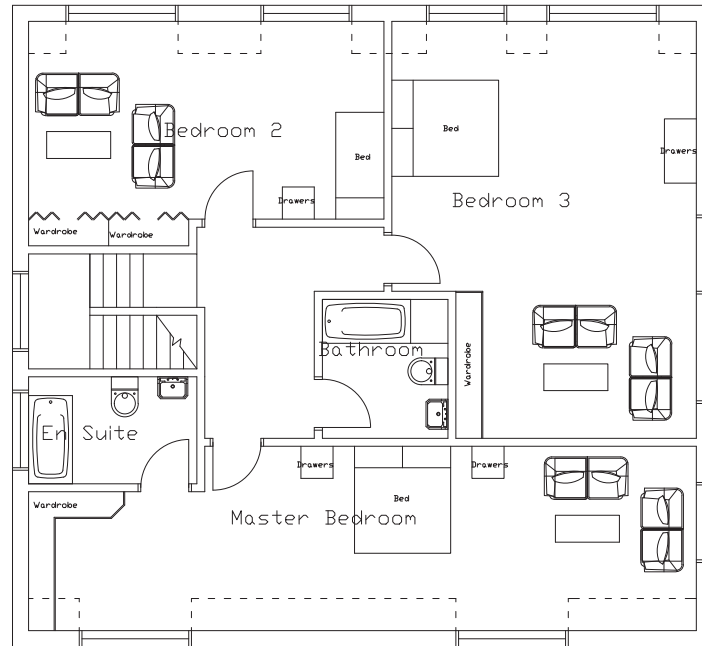
CLIENT: Mr. Morrison
DESIGNER: TMC Planning & Property Development Ltd

SITE: Land North of Ballyvaugh Outdoor Centre Site of Coill Aigle
 PAVS 619
 Centire line of Coil Aigle and Dale,
PROPOSER: Dwelling

TITLE: Location Plan 2

SCALE:	DATE:	DRAWN BY:	CHECKED:
A2 1:12500	05-05-2023	MO	
PROJECT REFERENCE:	DRAWING NUMBER:	REVISION:	
Z20122	002	D	

NOTES



REV.	DESCRIPTION:	BY:	DATE:
STATUS: DRAWING STAGE			

URBAN PLANNING
TmC
&
PROPERTY
DEVELOPMENT

TmC Planning
Unit 117 Eucal Business
Centre, Craigshill Road,
Livingston
EH54 5DT

0131 210 0400
www.tmcplanning.co.uk

CLIENT: MR MORRISON
Land North of Ballyhaugh Outdoor
Centre Isle of Coll Argyle and Bute
PA78 6TB

DESIGNERS:
**TmC Planning & Property
Development Ltd**

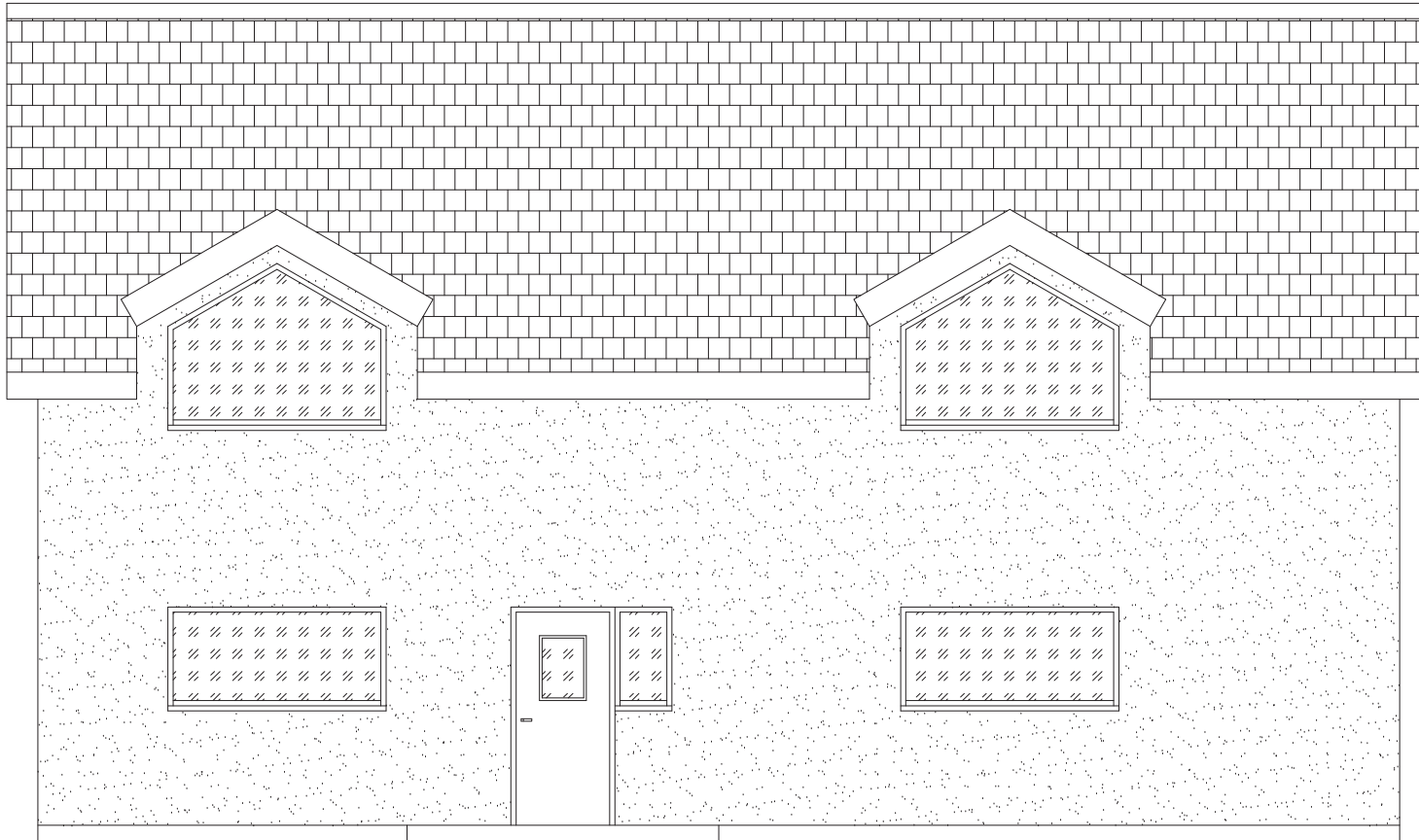
SITE:
Land North of Ballyhaugh Outdoor
Centre Isle of Coll Argyle and Bute

TITLE:
1ST FLOOR PLAN

SCALE AT A3: 1:100	DATE: 19/01/2022	DRAWN: MD	CHECKED: TC
DRAWING NO: 005	PROJECT REF: MORR/22A	REVISION:	00

Notes:

- NOTES
- White Render Walls
 - Slate Roof
 - Redwood Timber Windows



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STATUS: DRAWING STAGE			

	TmC Planning Unit 117 Eucal Business Centre, Craigshill Road, Livingston EH54 5DT 0131 210 0400 www.tmcplanning.co.uk
	CLIENT: MR MORRISON Land North of Ballyhaugh Outdoor Centre Isle of Coll Argyle and Bute PA78 6TB

DESIGNERS:
**TmC Planning & Property
 Development Ltd**

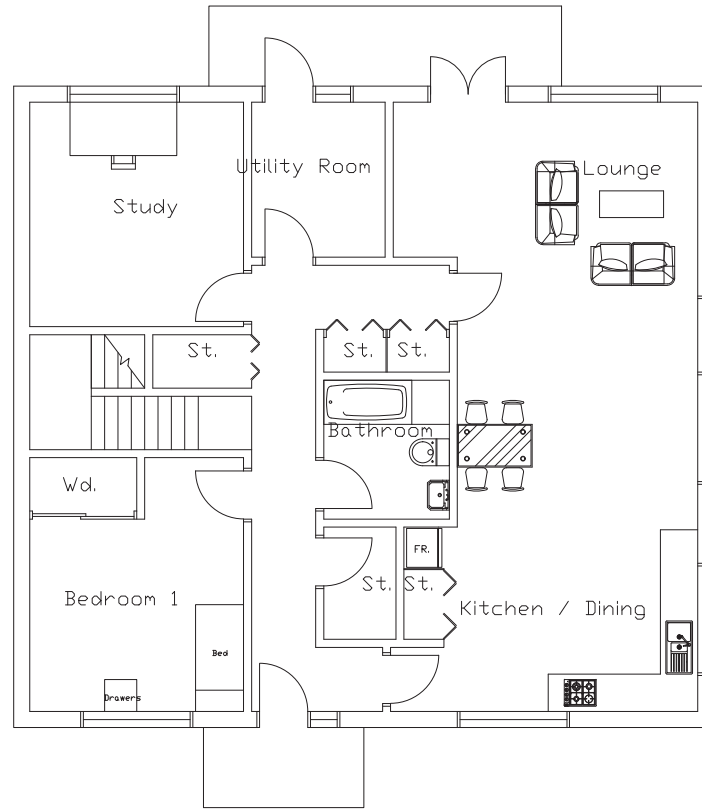
SITE:
 Land North of Ballyhaugh Outdoor
 Centre Isle of Coll Argyle and Bute

TITLE:
FRONT ELEVATION

SCALE AT A3: 1:50	DATE: 19/01/2022	DRAWN: MD	CHECKED: TC
DRAWING NO: 007	PROJECT REF: MORR/22A	REVISION: 00	



NOTES



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STATUS: DRAWING STAGE			

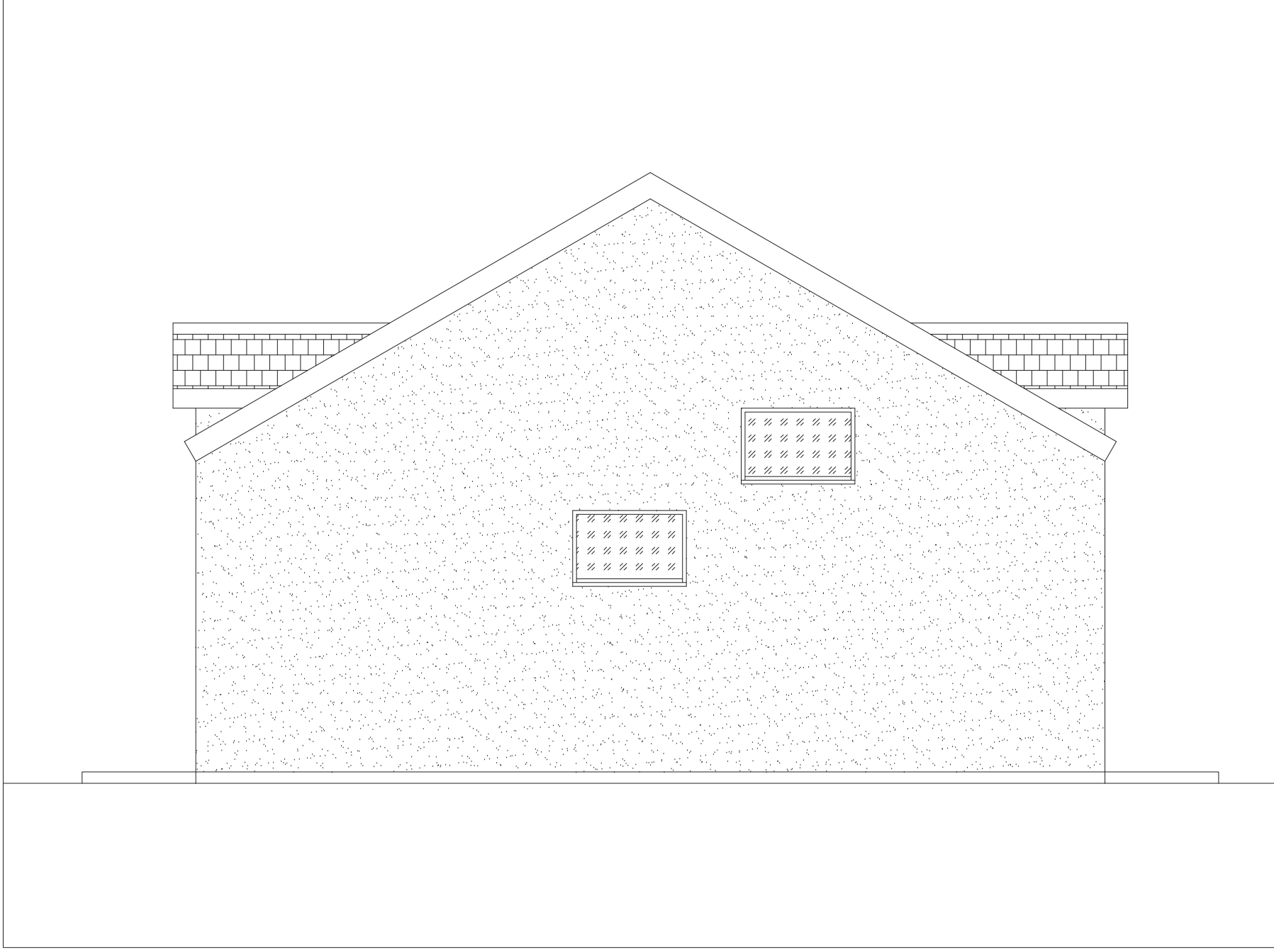
	TmC Planning Unit 117 Eucal Business Centre, Craigshill Road, Livingston EH54 5DT
	0131 210 0400 www.tmcplanning.co.uk

CLIENT: MR MORRISON
 Land North of Ballyhaugh Outdoor
 Centre Isle of Coll Argyle and Bute
 PA78 6TB

DESIGNERS:
**TmC Planning & Property
 Development Ltd**

SITE:
 Land North of Ballyhaugh Outdoor
 Centre Isle of Coll Argyle and Bute

TITLE: GF PLAN			
SCALE AT A3: 1:100	DATE: 19/01/2022	DRAWN: MD	CHECKED: TC
DRAWING NO: 004	PROJECT REF: MORR/22A	REVISION: 00	



Notes:

- NOTES
- White Render Walls
 - Slate Roof
 - Redwood Timber Windows

REV. DESCRIPTION: BY: DATE:
STATUS: DRAWING STAGE

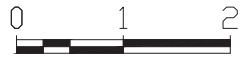
	TmC Planning Unit 117 Euca Business Centre, Craigshill Road, Livingston EH54 5DT 0131 210 0400 www.tmcplanning.co.uk
	CLIENT: MR MORRISON Land North of Ballyhaugh Outdoor Centre Isle of Coll Argyle and Bute PA78 6TB

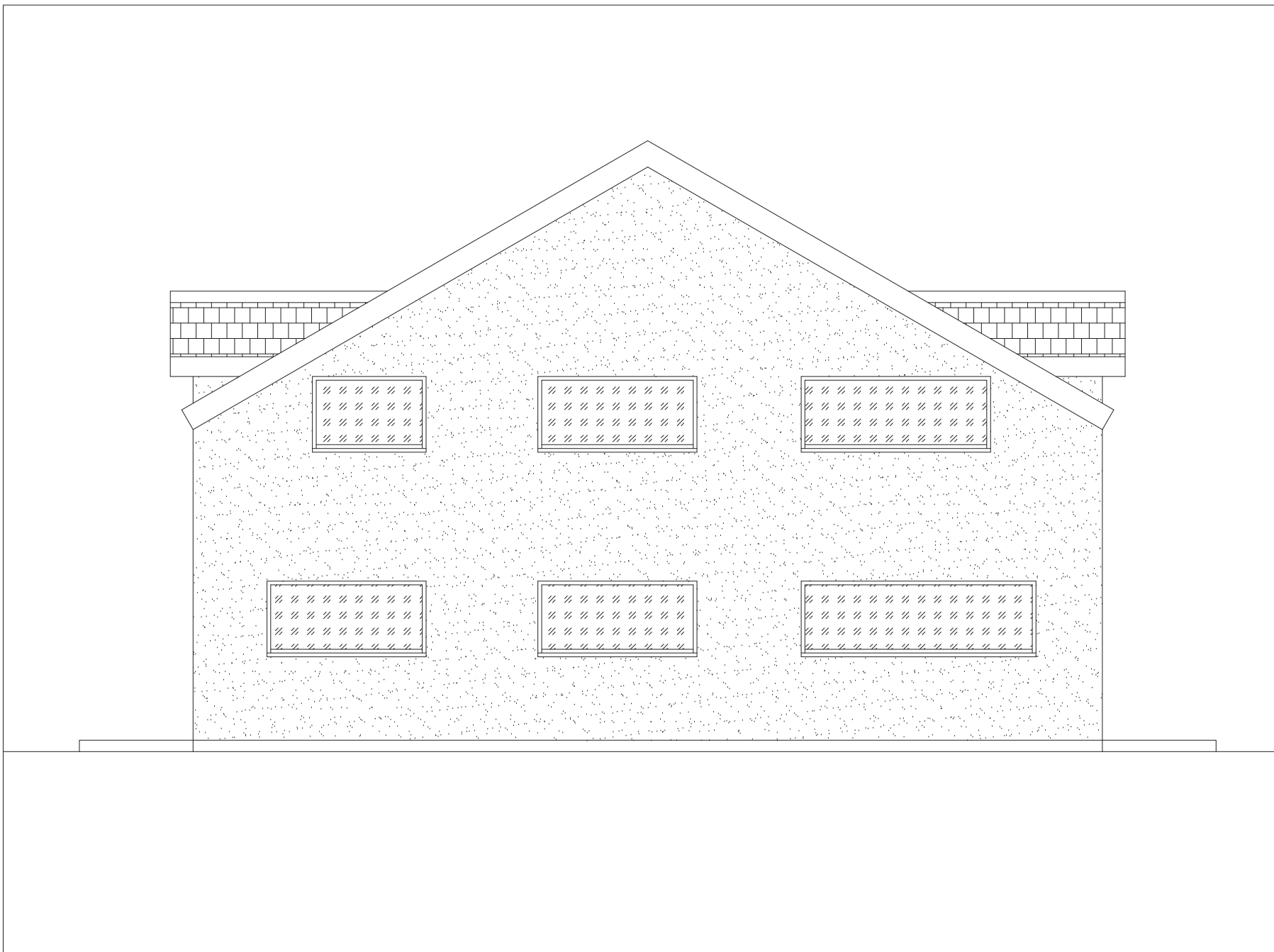
DESIGNERS:
TmC Planning & Property Development Ltd

SITE:
Land North of Ballyhaugh Outdoor Centre Isle of Coll Argyle and Bute

TITLE:
LEFT ELEVATION

SCALE AT A3: 1:50	DATE: 19/01/2022	DRAWN: MD	CHECKED: TC
DRAWING NO: 008	PROJECT REF: MORR/22A	REVISION: 00	





Notes:

- NOTES
- White Render Walls
 - Slate Roof
 - Redwood Timber Windows

REV.	DESCRIPTION:	BY:	DATE:
STATUS: DRAWING STAGE			

	TmC Planning Unit 117 Eucal Business Centre, Craigshill Road, Livingston EH54 5DT
	0131 210 0400 www.tmcplanning.co.uk

CLIENT: MR MORRISON
 Land North of Ballyhaugh Outdoor
 Centre Isle of Coll Argyle and Bute
 PA78 6TB

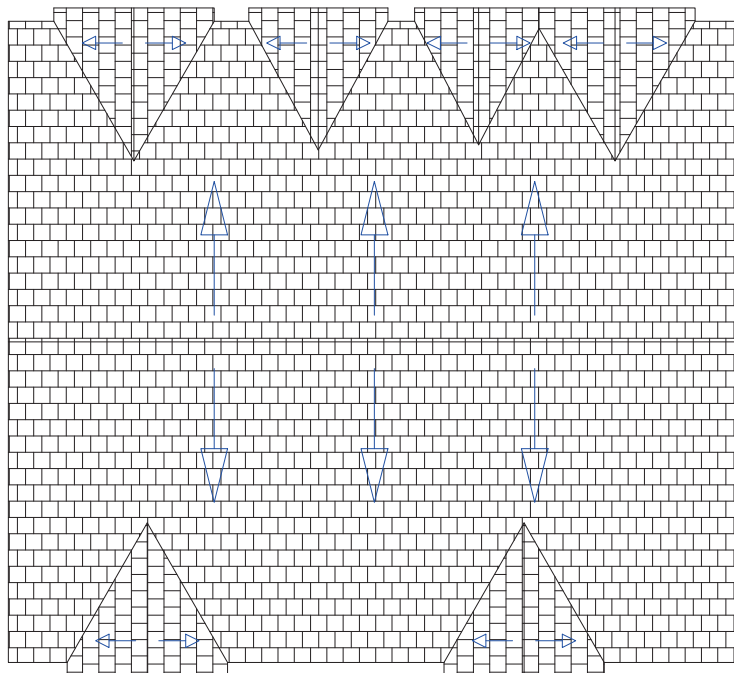
DESIGNERS:
**TmC Planning & Property
 Development Ltd**

SITE:
 Land North of Ballyhaugh Outdoor
 Centre Isle of Coll Argyle and Bute

TITLE:
RIGHT ELEVATION

SCALE AT A3: 1:50	DATE: 19/01/2022	DRAWN: MD	CHECKED: TC
DRAWING NO: 010	PROJECT REF: MORR/22A	REVISION: 00	

NOTES



REV.	DESCRIPTION:	BY:	DATE:
STATUS: DRAWING STAGE			



TmC Planning
 Unit 117 Eucal Business
 Centre, Craigshill Road,
 Livingston
 EH54 5DT
 0131 210 0400
www.tmcplanning.co.uk

CLIENT: MR MORRISON
 Land North of Ballyhaugh Outdoor
 Centre Isle of Coll Argyle and Bute
 PA78 6TB

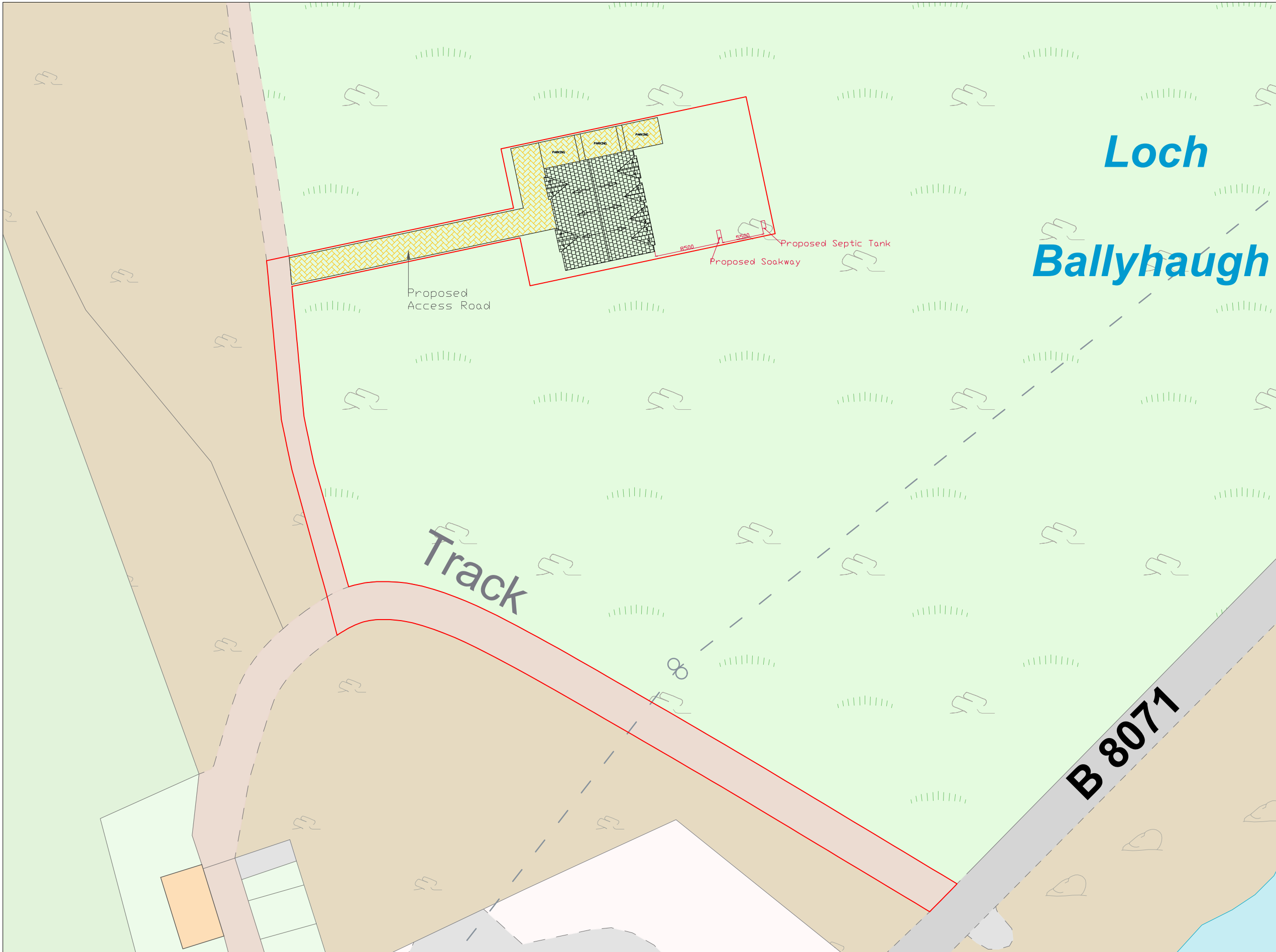
DESIGNERS:
**TmC Planning & Property
 Development Ltd**

SITE:
 Land North of Ballyhaugh Outdoor
 Centre Isle of Coll Argyle and Bute

TITLE:
ROOF PLAN

SCALE AT A3: 1:100	DATE: 19/01/2022	DRAWN: MD	CHECKED: TC
DRAWING NO: 006	PROJECT REF: MORR/22A	REVISION: 00	





Notes:

NOTES

Revision B = Red line boundary added to show access to road B8072

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STATUS: DRAWING STAGE			



TmC Planning
 Unit 117 Eucal Business Centre, Craigshill Road, Livingston EH54 5DT
 0131 210 0400
www.tmcplanning.co.uk

CLIENT: MR MORRISON
 Land North of Ballyhaugh Outdoor Centre Isle of Coll Argyle and Bute PA78 6TB

DESIGNERS: **TmC Planning & Property Development Ltd**

SITE: Land North of Ballyhaugh Outdoor Centre Isle of Coll Argyle and Bute

TITLE: **SITE PLAN**

SCALE AT A3: 1:500	DATE: 01/11/2022	DRAWN: MD	CHECKED: TC
DRAWING NO: 003	PROJECT REF: MORR/22A	REVISION: B	

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**STATEMENT OF CASE
FOR
ARGYLL AND BUTE COUNCIL
LOCAL REVIEW BODY**

23/0009/LRB

**REFUSAL OF PLANNING PERMISSION IN
PRINCIPLE FOR SITE FOR THE ERECTION OF
DWELLINGHOUSE TO BE USED IN ASSOCIATION
WITH FARMING BUSINESS – PLANNING
APPLICATION REFERENCE 22/02078/PPP
LAND NORTH OF BALLYHOUGH OUTDOOR
CENTRE, ISLE OF COLL**

STATEMENT OF CASE

The Planning Authority is Argyll and Bute Council ('the Council'). The appellant is Mr Allan Brodie ('the appellant').

Planning permission in principle 22/02078/PPP for the site for the erection of a dwellinghouse to be used in association with a farming business at land to the north of Ballyhough Outdoor Centre, Isle of Coll, Argyll and Bute ('the appeal site') was refused by the Planning Service under delegated powers on the 12th September 2023.

This decision is the subject of referral to a Local Review Body.

DESCRIPTION OF SITE

The application site comprises an area of undeveloped and open land to the north of the long established Ballyhough Hebridean Centre. The site is accessed via a private unmade track spurring from the public B8071 road. The surrounding area is rural and undeveloped in character.

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 proposed development is acceptable on a greenfield site within the 'Countryside Zone' where National Planning Framework 4 Policy 9(b) requires development proposals on greenfield sites to be explicitly supported by policies in the Local Development Plan, and where Local Development Plan Policies LDP STRAT 1 and LDP DM 1 support small scale development on appropriate infill, rounding off and redevelopment sites and changes of use of existing buildings, and where, in exceptional cases, development in the open countryside up to and including large scale may be supported on appropriate sites if this accords with an Area Capacity Evaluation.*
- *Notwithstanding the above, whether the development is considered to be materially harmful to the landscape character, appearance and qualities of the area and is therefore in conflict with NPF4 Policy 14 as underpinned by Local Development Plan Policy 9, supplementary guidance SG LDP ENV 14, and Policies 05, 08, 09 and 10 of the proposed Local Development Plan 2.*

The Report of Handing (Appendix A) sets out the Council's full assessment of the application in terms of these key determining issues and concludes that:

Firstly, the proposal does not accord with NPF4 Policy 9 as underpinned by Local Development Plan Policies LDP STRAT 1 and LDP DM 1 and Policy 02 of the proposed Local Development Plan 2. The proposed development would be on a greenfield site within the 'Countryside Zone' as designated in the adopted Local Development Plan and within the 'Countryside Area' as designated in the proposed Local Development Plan 2. Within the adopted Local Development Plan, support is given to small scale development on appropriate infill, rounding off and redevelopment sites and changes of use of existing buildings. In exceptional cases, development in the open countryside up to and including large scale may be supported on appropriate sites if this accords with an Area Capacity Evaluation. The proposed development does not relate to infill, rounding off, redevelopment, or the change of use of an existing building. The 'exceptional case' presented does not suitably demonstrate a specific locational or operational need tied to a precise location that is agreed with or acceptable to the Planning Authority, nor is it evidenced that any existing activity would be jeopardised without the proposed development. There is no 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.

Secondly, the proposed development would be sited upon an open site within the surrounding expansive landscape and would be materially harmful to the landscape character and qualities of the area. The proposed development would be in direct conflict with NPF4 Policy 4 which states that development proposals will be designed to improve the quality of an area whether in urban or rural locations, and regardless of scale. In this case, the proposed development would introduce an inappropriate form of built development that would appear as unduly prominent at the site and unsympathetic to the landscape setting; the indicative design of the proposed dwellinghouse would lack local character and in this regard would appear as suburban and inappropriate to the rural location. The proposed development is therefore considered to be in conflict with NPF4 Policy 14 as underpinned by Local Development Plan Policy 9, supplementary guidance SG LDP ENV 14, and Policies 05, 08, 09 and 10 of the proposed Local Development Plan 2.

Furthermore, it is not considered that the highlighted unacceptable impacts of the proposed development can be appropriately mitigated through the use of planning conditions.

REQUIREMENT FOR ADDITIONAL INFORMATION AND A HEARING

It is not considered that any additional information is required in light of the appellant's submission. The issues raised were assessed in the Report of Handling which is contained in Appendix A. As such it is considered that Members have all the information they need to determine the case. Given the above and that the proposal has no complex or challenging issues, and has not been the subject of any significant public representation, it is not considered that a Hearing is required.

COMMENT ON APPELLANT'S SUBMISSION

The appellant's Agent ('the Agent') has submitted a supporting statement. The following comments are made in relation to their submission:

- The Agent states that the proposed development 'constitutes an "exceptional case" due to the site's unique location and topographical features'.

Comment: *The development proposed by this planning application is on a greenfield site. NPF4 Policy 9 clearly states that development proposals on greenfield sites will*

not be supported unless the site has been allocated for development or the proposal is explicitly supported by policies in the LDP. The site is located within the 'Countryside Zone' as designated within the LDP, where LDP Policies LDP STRAT 1 and LDP DM 1 give encouragement only to small scale development on appropriate infill, rounding-off, redevelopment, and change of use of existing buildings. In exceptional cases, development in the open countryside up to and including large scale may be supported on appropriate sites if this accords with an Area Capacity Evaluation. In this case, the proposed site for a dwellinghouse would not represent an opportunity for infill, rounding-off, redevelopment, or the change of use of an existing building.

With regard to 'exceptional cases', development in the open countryside up to and including large scale may occasionally be supported on appropriate sites, provided that the applicant has demonstrated a clear locational/operational requirement for the development and one which cannot be accommodated within the reasonable local vicinity of the proposed development site on a more suitable site within the settlement zone or in the less-sensitive countryside zone (the 'Rural Opportunity Areas'). Where no such more appropriate development opportunity exists and where an applicant has successfully demonstrated an overriding 'exceptional case' for that development, such proposals are expected to accord with an 'Area Capacity Evaluation'.

The supporting information submitted advises that the majority of the farm work surrounding the application site is undertaken by a farm manager, and not the applicant. The information advises that both the applicant and the farm manager live within 3 miles of the proposed development site. The full extent of the agricultural holding was not disclosed until such a time as was requested by the Planning Authority; the subsequently submitted plans indicated that the agricultural holding includes a number of 'Rural Opportunity Areas' (areas less sensitive to the impacts of development). Only very limited information was submitted regarding existing farming practices around the proposed development site and there is no evidence to suggest that a dwellinghouse has to be tied to this precise location and could not be facilitated elsewhere within the wider agricultural holding. Indeed, the adopted Local Development Plan defines 'Locational need' as 'a necessity for a proposed development to be located at or in close vicinity of the development site; 'necessity' in this context means more than 'convenience' and should directly relate to supporting the operations of a business and associated land or water use'. There is no suggestion that if the dwellinghouse were to be sited in an alternative, nearby location, such as within the adjacent 'Rural Opportunity Areas', that the farming activity would be jeopardised.

The information provided indicates that the agricultural holding covers an area of approximately 91 hectares. The agricultural holding, under the ownership of the applicant, includes a number of 'Rural Opportunity Areas'. The applicant was advised that there are other potential sites within the wider agricultural holding which would avoid the more sensitive 'Countryside Zone'. This includes the designated 'Rural Opportunity Areas', which are sited approximately 40 metres to the south of the proposed development site and approximately 400 metres to the northeast of the proposed development site. The applicant was invited to appraise these sites, and responded by discounting all of the land within the 'Rural Opportunity Areas' for the reason that the 'area would not be suitable for construction due to its exposure to harsh northerly and easterly winter winds'. The Planning Authority remain of the view that the 'Rural Opportunity Areas', both immediately adjacent to the proposed application site, and 400 metres to the northeast of the site, could potentially present an opportunity for the proposed development and that no convincing argument has been put forward to discount these sites. The applicant has been strongly encouraged to investigate the development potential of a number of sites within these areas. The 'Rural Opportunity

Area' sited approximately 400 metres to the northeast of the application site is located adjacent to the B8071 public road and features a number of existing dwellinghouses. It is not therefore considered that this site is completely unsuitable for construction, based on the claimed exposure to winds and it is not therefore accepted that the 'Rural Opportunity Areas' are undevelopable. There has been no evidence submitted to discount development potential of specific sites within these areas and the submitted information does not tie the proposed development to a precise location.

- The Agent states that whilst not formally adopted, the proposed Local Development Plan 2 forms a material planning consideration. The site the subject of the application is situated within the designated 'Countryside Area' where there is a presumption in favour of sustainable development where this is of an appropriate scale, design, siting and use for its countryside location.

Comment: *The proposed Local Development Plan 2 formed a material consideration in the determination of the planning application. The site the subject of the application is sited within the 'Countryside Area', where Policy 02 of the proposed Local Development Plan 2 provides a presumption in favour of sustainable development where this is of an appropriate scale, design, siting and use for its countryside location. In this case, the proposed dwellinghouse would be unacceptably large in both scale and massing, and the design would be inappropriate to the sensitive location, incongruous with the design, character and appearance of the built development that characterises the Isle of Coll. The siting of such a large scale dwellinghouse in this sensitive and exposed location would be unsustainable in terms of protecting the expansive landscapes which characterise this area of mid Coll. The siting, design and scale of the development would appear as insensitive and intrusive in this location, and the proposed development of this site would not therefore adhere to the requirements of the proposed Local Development Plan 2 Policy 02.*

- The Agent states that a holistic approach is required when assessing planning applications, and NPF4 Policies should not be isolated to justify planning decisions. The Agent further states that there has been inadequate consideration of material considerations.

Comment: *NPF4 Policy 9 is clear in stating that development proposals on greenfield sites will not be supported unless the site has been allocated for development or the proposal is explicitly supported by policies in the LDP. NPF4 Policy 14 is also clear in stating that development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported. In this instance, the proposed development of a greenfield site is not supported by policies in the LDP, and the proposed design of the development would be unacceptably large in scale and massing and insensitive in terms of design. The application has been assessed against all relevant policies of NPF4, the adopted Local Development Plan and the proposed Local Development Plan 2 and is contrary to a range of key policies, as outlined above.*

- The Agent states that the proposed development would focus on sustainable development and ecological preservation.

Comment: *No information has been submitted to suggest that the proposed development would be sustainable, nor has any information been submitted to suggest that the proposed development would contribute to the ecological preservation of the area. Conversely, the proposed development site is located within an area designated*

as a Site of Special Scientific Interest. NatureScot however, advised that it is unlikely that the integrity of the SSSI would be affected.

- The Agent states that the proposed development would positively impact upon the local economy and address housing needs.

Comment: *Whilst the Planning Authority is keen to support local businesses and the reasonable aspirations of individuals, it is concluded in this case and after substantial effort to secure additional information, the case put forward by the applicant does not meet the 'exceptional case' criteria as the applicant's need could be met from other sites in close proximity to the proposed development site and indeed within the wider agricultural landholding of the applicant. The proposed development does not constitute an 'exceptional case'. There is no locational requirement for the proposed development to be tied to this exact location within the designated 'Countryside Zone' on a site that does not present any opportunities for infill, rounding-off, redevelopment or a change of use of an existing building. Whilst the applicant has put forward an 'exceptional case', there is very limited established activity at this particular site within the wider landholding to potentially underpin a locational/operational need to justify the principle of the erection of a dwellinghouse at this specific location within the farm. Whilst it may be preferential and beneficial for the applicant to develop this particular site, the proposed case that has been forward by the applicant has not been backed up by sufficient evidence, despite such evidence having been requested. Additionally, the limited evidence provided does not suggest that the farming business would be jeopardised if the development were to be sited elsewhere within the farm holding in a less sensitive location.*

- The Agent states that a third party undertakes the day-to-day farm work, and that this person lives 'a mere three miles' from the site the subject of this application.

Comment: *The submitted information advises that the majority of the farm work surrounding the application site is undertaken by a farm manager, and not the applicant. Both the applicant and the farm manager live within 3 miles of the proposed development site. There has been no evidence to suggest that a dwellinghouse has to be tied to this precise location and could not be facilitated elsewhere within the wider landholding. There is no suggestion that if the dwellinghouse were to be sited in an alternative, nearby location, that the farming activity would be jeopardised.*

- The Agent states that the two farms operated by the applicant are located two miles apart, connected by a path. The Agent states that the farm around the application site is fully equipped with comprehensive livestock management facilities. The Agent further states that the proximity of the proposed development site to the existing sheep fank and electricity supply reduces the need for extensive infrastructure development.

Comment: *There is limited built development relating to the farm within the proximity of the proposed development site. There is a small agricultural building adjacent to the Ballyhaugh Hebridean Centre, however it is of a very small scale. The existing small scale agricultural building is sited within the 'Rural Opportunity Area'. If the proposed dwellinghouse would be functionally associated with this existing infrastructure at the site, it is not apparent as to why the proposed dwellinghouse could not be located closer to the existing agricultural infrastructure and thereby also within the designated 'Rural Opportunity Area'. Despite numerous requests, neither the applicant nor the Agent sought to provide a sufficiently detailed site options appraisal. Instead, the site for the proposed dwellinghouse would appear as isolated and the scale would appear as incommensurate to the landscape setting.*

- The Agent states that the proposed development site was selected so as to be away from the long established Ballyhaugh Hebridean Centre. The Agent further states that the location in a rocky area is ideally suited to the intended development and that the site is accessible via an existing access track.

Comment: *The site for the proposed dwellinghouse would not relate physically or functionally to existing buildings associated with the business. Neither would the proposed development reflect the pattern, density, design or appearance of built development in the wider area. Instead, the proposed development would appear as large and obtrusive to the extent that it would detrimentally impact upon the area. It is unclear how the rocky nature of the site would suit development and no details, such as existing and proposed site sections, were included with the submission; it is not therefore apparent how the development would be facilitated within the unfavourable rocky terrain of the proposed development site.*

- The Agent states that the design of the proposed dwellinghouse has been carefully selected to harmonise with the architectural style of the former farmhouse at Ballyhough. The Agent states that this would allow the development to integrate into the landscape.

Comment: *The indicative details submitted with the application show that the proposed dwellinghouse would be unacceptable in scale and massing meaning that the proposed dwellinghouse would appear as unduly prominent at the site, unsympathetic to the surrounding expansive open landscape. The proposed dwellinghouse would have a deep plan and shallow dual-pitched roof with wide dormer windows; this would not be reflective of local architectural styles and the development would thereby fail to integrate with the local vernacular, which is based on dwellings with a narrow linear plan, with the massing broken down into one and a half storey and single storey elements. The design of the proposed dwellinghouse would lack local character and would appear as suburban and wholly inappropriate to the sensitive rural location.*

- The Agent states that the proposal places emphasis on an energy-efficient dwellinghouse.

Comment: *No details have been submitted to suggest how the proposed dwellinghouse would place emphasis on energy efficiency. However, this would not be sufficient to override the fundamental key planning policy test for the Council's established and adopted settlement strategy for the planned growth of Argyll and Bute as set out within Policy LDP DM 1 as supported by NPF4 Policy 9. The proposed development would not therefore accord with the sustainable development aims of the Council as established within adopted key planning Policy LDP STRAT 1 which underpins NPF4 Policy 14.*

CONCLUSION

Section 25 of the Town and Country Planning Act 1997 (as amended) requires that all decisions be made in accordance with the development plan unless material considerations indicate otherwise.

In this case, as detailed in the Report of Handling appended to this submission, the site does not represent an appropriate opportunity for the erection of a dwellinghouse, and there has

been no sufficient or justifiable reason for the development to overcome the concerns outlined above. The proposed development is therefore confirmed as being contrary to National Planning Framework 4 Policies 9, 14, 15, 16, 17, 22, and 29 and Policies LDP DM 1, LDP STRAT 1, LDP 3, LDP 5, LDP 8, LDP 9, LDP 10 and LDP 11 and Supplementary Guidance SG LDP ENV 14, SG LDP ACE 1, SG LDP BUS 5, SG LDP HOU 1 and SG LDP SERV 6 of the Argyll and Bute Local Development Plan 2015.

Taking account of the above, it is respectfully submitted that the application for Review be dismissed.

APPENDIX A – REPORT OF HANDLING

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

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: 22/02078/PPP
Planning Hierarchy: Local Development
Applicant: Mr Allan Brodie
Proposal: Site for the erection of dwellinghouse to be used in association with farming business
Site Address: Land North Of Ballyhough Outdoor Centre, Isle of Coll

DECISION ROUTE

- Delegated - Sect 43 (A) of the Town and Country Planning (Scotland) Act 1997
- Committee - Local Government Scotland Act 1973
-

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Site for the erection of dwellinghouse
- Formation of access track
- Connection to private water supply
- Installation of private drainage system

(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) CONSULTATIONS:

West of Scotland Archaeology Service

Email dated 16.12.2022 commenting on the application and advising of no objections subject to conditions.

Area Roads Authority

Report dated 14.11.2022 advising of no objections subject to conditions.

Scottish Water

Letter dated 14.11.2022 commenting on the application to advise that there is no Scottish Water infrastructure or Scottish Water waste water infrastructure within the vicinity of the proposed development site.

NatureScot

Letter dated 17.02.2023 commenting on the application.

Animal Health and Welfare Officer

Email dated 14.12.2022 supporting the application on the basis of operational need.

Development Plan Policy

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 to view via the [Public Access](#) section of the Council's website.

(D) HISTORY:

22/00595/PPP

Site for the erection of dwellinghouse
Refused on 18.08.2022

(E) PUBLICITY:

The proposal has been advertised in terms of Regulation 20 and Neighbour Notification procedures, overall closing date 25.07.2023.

(F) REPRESENTATIONS:

(i) Representations received from:

No representations received.

(ii) Summary of issues raised:

- N/A

(G) SUPPORTING INFORMATION

Has the application been the subject of:

(i) Environmental Impact Assessment Report: Yes No

(ii) An Appropriate Assessment under the Conservation (Natural Habitats) Regulations 1994: Yes No

(iii) A Design or Design/Access statement: Yes No

The application has been submitted with a Planning Statement.

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

(H) PLANNING OBLIGATIONS

Is a Section 75 agreement required: Yes No

-
- (I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32: Yes 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.

[National Planning Framework 4 \(Adopted 13th February 2023\)](#)

Part 2 – National Planning Policy

Sustainable Places

NPF4 Policy 1 – Tackling the Climate and Nature Crises

NPF4 Policy 2 – Climate Mitigation and Adaption

NPF4 Policy 3 – Biodiversity

NPF4 Policy 4 – Natural Places

NPF4 Policy 5 – Soils

NPF4 Policy 7 – Historic Assets and Places

NPF4 Policy 9 – Brownfield, Vacant and Derelict Land and Empty Buildings (*includes provisions relevant to Greenfield Sites*)

NPF4 Policy 12 – Zero Waste

NPF4 Policy 13 – Sustainable Transport

Liveable Places

NPF4 Policy 14 – Design, Quality and Place

NPF4 Policy 15 – Local Living and 20 Minute Neighbourhoods

NPF4 Policy 16 – Quality Homes

NPF4 Policy 17 – Rural Homes

NPF4 Policy 18 – Infrastructure First

NPF4 Policy 22 – Flood Risk and Water Management

Productive Places

NPF4 Policy 29 – Rural Development

'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 5 – Supporting the Sustainable Growth of our Economy
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 to the Argyll and Bute Local Plan 2015' (Adopted March 2016 & December 2016)

Natural Environment

SG LDP ENV 1 – Impact on Habitats, Species and our Biodiversity
SG LDP ENV 4 – Impact on SSSIs and National Nature Reserves
SG LDP ENV 11 – Protection of Soil and Peat Resources

Landscape and Design

SG LDP ENV 14 – Landscape
SG LDP ACE 1 – Area Capacity Evaluation (ACE)

Historic Environment and Archaeology

SG LDP ENV 20 – Impact on Sites of Archaeological Importance

Support for Business & Industry: General

SG LDP BUS 5 – Economically Fragile Areas

General Housing Development

SG LDP HOU 1 – General Housing Development Including Affordable Housing Provision

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 5(b) – Provision of Waste Storage & Collection Facilities within New Development
SG LDP SERV 6 – Private Water Supplies and Water Conservation
SG LDP SERV 9 – Safeguarding Better Quality Agricultural Land

Addressing Climate Change

SG LDP Sust Check – Sustainability Checklist

Transport (Including Core Paths)

SG LDP TRAN 2 – Development and Public Transport Accessibility
SG LDP TRAN 4 – New & Existing, Public Roads & Private Access Regimes
SG LDP TRAN 6 – Vehicle Parking Provision

(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.

- Consultation Responses
- Planning History
- Argyll and Bute Sustainable Design Guidance, 2006
- Isle of Coll Sustainable Design Guide
- [ABC Technical Note – Biodiversity \(Feb 2017\)](#)
- [ABC draft Technical Note – Argyll and Bute Windows \(April 2018\)](#)

[Argyll and Bute proposed Local Development Plan 2 \(November 2019\)](#) – The Examination by Scottish Government Reporters to the Argyll and Bute Local Development Plan 2 has now concluded and the [Examination Report](#) has been published (13th June 2023). The Examination Report is a material consideration of significant weight and may be used as such until the conclusion of the LDP2 Adoption Process. Consequently, the Proposed Local Development Plan 2 as recommended to be modified by the Examination Report and the published Non Notifiable Modifications is a material consideration in the determination of all planning and related applications.

Spatial and Settlement Strategy

Policy 02 – Outwith Settlement Areas
Policy 04 – Sustainable Development

High Quality Places

Policy 05 – Design and Placemaking
Policy 08 – Sustainable Siting
Policy 09 – Sustainable Design
Policy 10 – Design – All Development
Policy 21 – Sites of Archaeological Importance

Diverse and Sustainable Economy

Policy 22 – Economic Development

Connected Places

Policy 35 – Design of New and Existing, Public Roads and Private Access Regimes
Policy 36 – New Private Accesses
Policy 39 – Construction Standards for Private Accesses
Policy 40 – Vehicle Parking Provision

Sustainable Communities

- Policy 58 – Private Water Supplies and Water Conservation
- Policy 60 – Private Sewage Treatment Plants and Wastewater Drainage Systems
- Policy 61 – Sustainable Urban Drainage Systems (SUDS)
- Policy 63 – Waste Related Development and Waste Management

High Quality Environment

- Policy 73 – Development Impact on Habitats, Species and Biodiversity
- Policy 75 – Development Impact of Sites on Sites of Special Scientific Interest (SSSIs)
- Policy 79 – Protection of Soil and Peat Resources
- Policy 83 – Safeguarding Agricultural and Croft Land

(K) Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment: Yes No

(L) Has the application been the subject of statutory pre-application consultation (PAC): Yes No

(M) Has a Sustainability Checklist been submitted: Yes No

(N) Does the Council have an interest in the site: Yes No

(O) Requirement for a pre-determination hearing: Yes No

(P)(i) Key Constraints/Designations Affected by the Development:

- Totamore Dunes and Loch Ballyhaugh Site of Special Scientific Interest

(P)(ii) Soils

Agricultural Land Classification: Unclassified Land

Peatland/Carbon Rich Soils Classification: Class 1
Class 2
Class 3
Class 5
N/A

Peat Depth Classification: 1 metre

Does the development relate to croft land? Yes No

Would the development restrict access to croft or better quality agricultural land? Yes No N/A

Would the development result in fragmentation of croft / better quality agricultural land? Yes No N/A

(P)(iii) Woodland

Will the proposal result in loss of trees/woodland? Yes
 No

Does the proposal include any replacement or compensatory planting? Yes
 No details to be secured by condition
 N/A

(P)(iv) Land Status / LDP Settlement Strategy

Status of Land within the Application Brownfield
 Brownfield Reclaimed by Nature
 Greenfield

ABC LDP 2015 Settlement Strategy

LDP DM 1

- Main Town Settlement Area
- Key Rural Settlement Area
- Village/Minor Settlement Area
- Rural Opportunity Area
- Countryside Zone
- Very Sensitive Countryside Zone
- Greenbelt

ABC LDP 2015 Allocations/PDAs/AFAs etc:

N/A

ABC pLDP2 Settlement Strategy

- Settlement Area
- Countryside Area
- Remote Countryside Area
- Helensburgh & Lomond Greenbelt

ABC pLDP2 Allocations/PDAs/AFAs etc:

N/A

(P)(v) Summary assessment and summary of determining issues and material considerations

Planning permission in principle is sought for the erection of a dwellinghouse on a plot of land to the north of Ballyhaugh, Isle of Coll.

The application site comprises an area of undeveloped and open land. The site is located to the north of the long established Ballyhaugh Hebridean Centre and is accessed via a private unmade track spurring from the public B8071 road. The surrounding area is rural and undeveloped in character.

An application for planning permission in principle at the site (our reference 22/00595/PPP) was refused in August 2022. The application related to planning permission in principle for the erection of a dwellinghouse, and was refused as the site the subject of the application was within the 'Countryside Zone' as designated within the adopted Local Development Plan. The proposed development did not represent an appropriate opportunity for infill, rounding-off, redevelopment or the change of use of an existing building, nor was there an 'exceptional case'. This current application now seeks consent for planning permission in principle for a dwellinghouse at the same site. The application has now been submitted with an 'exceptional case' relating to the need for the development to support an agricultural business.

This application is seeking planning permission in principle for a single dwellinghouse. The application has been submitted with indicative details of the proposed dwelling, including its siting within the plot, and indicative design details.

The purpose of this application is to establish the principle of development with the matters of layout and design to be addressed by way of future application(s) for approval of matters specified in conditions.

NPF4 Policy 1 seeks to prioritise the climate and nature crises in all decisions; it requires to be applied together with other policies in NPF4. Guidance from the Scottish Government advises that it is for the decision maker to determine whether the significant weight to be applied tips the balance in favour for, or against a proposal on the basis of its positive or negative contribution to climate and nature crises.

NPF4 Policy 2 seeks to ensure that new development proposals will be sited to minimise lifecycle greenhouse gas emissions as far as possible, and that proposals will be sited and designed to adapt to current and future risks from climate change. Guidance from the Scottish Government confirms that at present there is no single accepted methodology for calculating and / or minimising emissions. The emphasis is on minimising emissions as far as possible, rather than eliminating emissions. It is noted that the provisions of the Settlement Strategy set out within Policy LDP DM 1 of the LDP promotes sustainable levels of growth by steering significant development to our Main Towns and Settlements, rural growth is supported through identification of Key Rural Settlements and safeguards more sensitive and vulnerable areas within its various countryside designations.

NPF4 Policy 3 seeks to protect biodiversity, reverse biodiversity loss and deliver positive effects from development and strengthen nature networks.

In the case of the development proposed by this application, it is considered that there are no issues of compliance with Policy 3. No material biodiversity impacts have been identified in the assessment of this application by the Planning Authority and whilst no specific proposals for biodiversity improvements have been submitted it is considered that adequate and proportionate measures for biodiversity enhancement and protection could be secured via planning condition in the event that planning permission in principle were to be granted. The proposed development is therefore considered to be in compliance with NPF4 Policy 3 as underpinned by Local Development Plan Policy LDP 3, supplementary guidance SG LDP ENV 1, and Policy 73 of the proposed Local Development Plan 2.

NPF4 Policy 4 seeks to protect, restore and enhance natural assets making best use of nature-based solutions.

The application site lies within the Totamore Dunes and Loch Ballyhaugh Site of Special Scientific Interest, designated for its extensive dune and machair system and vascular plant assemblage. NatureScot have been consulted on the application and have stated that there are natural heritage interests of national importance on the site, but these will not be affected by the proposal. The development site is located outside of the key machair and dune habitat in an area that is considered important, principally for the nationally-rare orchid, Irish lady's tresses (*Spiranthes romanzoffiana*). This plant's preferred habitat is wet grassy places such as marshy meadows. The development site is not the preferred habitat and the records from NatureScot do not show any sightings closer than 50m from the proposed development site, therefore it is unlikely that the integrity of the Site of Special Scientific Interest would be affected by the proposed development. In the event that planning permission in principle were to be granted, a suitable condition could be attached to ensure that the storage of all building materials and associated equipment were to be within the boundary of the application site, thereby ensuring

any disturbance would be contained within the plot boundary. The proposed development is considered to be in accordance with NPF4 Policy 4 as underpinned by Local Development Plan Policy LDP 3, supplementary guidance SG LDP ENV 1 and SG LDP ENV 4, and Policy 75 of the proposed Local Development Plan 2.

NPF4 Policy 5 seeks to protect carbon-rich soils, to restore peatlands and to minimise disturbance to soils from development.

The development proposed by the current planning application seeks to develop an area of rough undeveloped ground. Whilst no evidence has been submitted by the applicant to suggest that the site would avoid the better quality agricultural land within the holding, the site itself has no agricultural land classification and is not within an identified area of peatland, carbon-rich soils or priority peatland habitat. The development proposed is therefore considered to be in accordance with NPF4 Policy 5 as underpinned by Local Development Plan Policy LDP 3, supplementary guidance SG LDP ENV 11 and SG LDP SERV 9, and Policies 79 and 83 of the proposed Local Development Plan 2.

NPF4 Policy 7 seeks to protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places.

The site the subject of the application lies within an area of archaeological sensitivity, with the potential for the site to feature buried archaeological remains. Additionally, the site lies approximately 250 metres to the east of, and in full view from, An Caisteal, a prehistoric fort. The consultation response received from the West of Scotland Archaeology Service advises that the proposal would have a minor detrimental impact upon its landscape setting, however the prehistoric fort does not form a Scheduled Ancient Monument. The consultation response further states that the proposed development is of such a scale that ground disturbance could reveal buried archaeological remains. In the case of this application, a suitable condition could be attached to secure an archaeological watching brief in the event that planning permission in principle were to be granted. In this regard, the development would adhere to the requirements of NPF4 Policy 7(o) as underpinned by LDP Policy LDP 9, supplementary guidance SG LDP ENV 20, and Policy 21 of the proposed Local Development Plan 2, which seek to protect and preserve non-designated historic environment assets, places and their setting.

NPF4 Policy 9 seeks to encourage, promote and facilitate the reuse of brownfield, vacant and derelict land and empty buildings, and to help reduce the need for greenfield development.

The development proposed by this planning application is on a greenfield site. The site is located within the 'Countryside Zone' as designated within the Local Development Plan, where LDP Policies LDP STRAT 1 and LDP DM 1 give encouragement only to small scale development on appropriate infill, rounding-off, redevelopment, and change of use of existing buildings. In exceptional cases, development in the open countryside up to and including large scale may be supported on appropriate sites if this accords with an Area Capacity Evaluation. In the case of this application, the proposed site for a dwellinghouse would not represent an opportunity for infill, rounding-off, redevelopment, or the change of use of an existing building.

With regard to 'exceptional cases', development in the open countryside up to and including large scale may occasionally be supported on appropriate sites, provided that the applicant has demonstrated a clear locational/operational requirement for

the development and one which cannot be accommodated within the reasonable local vicinity of the proposed development site on a more suitable site within the settlement zone or in the less-sensitive countryside zone (the 'Rural Opportunity Areas'). Where no such more appropriate development opportunity exists and where an applicant has successfully demonstrated an overriding 'exceptional case' for that development, such proposals are expected to accord with an 'Area Capacity Evaluation'.

SG LDP ACE 1 states that *"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 council, 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 council."* In order for a development to qualify as an exceptional case, the following principles can be applied:

- Exceptional cases should be fairly rare occurrences and should not become a matter of routine;
- Exceptional cases should be supported with a business development plan/reasoned statement of justification;
- Specific locational requirement – i.e. if it's not there, then it can't happen anywhere else;
- Or that it directly supports an existing business whose continued operation would be jeopardised without the proposed development.

The application site is a prominent area of open and gently undulating land slightly elevated above the Ballyhaugh Hebridean Centre. The site is located in mid Coll, which is characterised by open landscapes. There are long views across the distinctive open landscape and the existing settlement pattern is sparse. The Isle of Coll Landscape Capacity for New Housing Report states that the existing built development at Ballyhaugh acts as a point feature, where its scale suits the open landscape in which it sits. The landscape study does not recognise the site the subject of the current application as one within which there is capacity for new residential development and it is considered that the introduction of a dwelling within this location would not be cohesive with the landscape or settlement pattern and would not integrate with the character of the surrounding area. The dwelling would appear as unduly prominent and would therefore have a significant adverse impact upon the setting, and would unacceptably alter the existing settlement density of the area.

The applicant has put forward a justification for the proposed development in an attempt to justify that this application represents an appropriate 'exceptional case' based on a locational/operational need for the development to be located upon this greenfield site within the designated 'Countryside Zone'. This justification is summarised as follows:

- The proposed development of the site with a dwellinghouse is required by the applicant based on a locational/operational need;
- The applicant and the farm manager live two and three miles away from the application site at Ballyhaugh respectively. The farm at Ballyhaugh is

currently run as a satellite farm to Ballard Farm, which is sited two miles away from the application site;

- The applicant requires the dwellinghouse to support the agricultural activity at the site, which comprises breeding sheep and cattle, on the 91 hectare site. The accommodation is required to support the agricultural activity at the site and address the lack of any available nearby housing.

The Council's Animal Health and Welfare Officer has been consulted on the application. The submitted Labour Report has been assessed and the consultation response supports the application on the basis of operational need. The Council's Animal Health and Welfare Officer makes reference to the current farmer approaching retirement age and their association with an existing substantial farm, which is stated to make sufficient demands on his time. Whilst this is acknowledged, it is noted within the supporting information submitted by the applicant that the majority of the farm work surrounding the application site is undertaken by a farm manager, and not the applicant. The response from the Council's Animal Health and Welfare Officer, in this case, does not acknowledge that both the applicant and the farm manager live within 3 miles of the proposed development site, nor is it acknowledged that there may be other suitable sites for development within the landholding. Whilst the application is supported by the Council's Animal Health and Welfare Officer on the basis of operational need, there is no suggestion that the dwellinghouse associated with the farm has to be tied to this precise location, and could not be facilitated elsewhere within the landholding. There is also no suggestion that if the dwelling were to be sited in an alternative, nearby location, that the farming activity would be jeopardised.

In consideration of the claim of an exceptional case based upon a locational/operational need, the evidence submitted is somewhat vague. The information provided with the application indicates that the agricultural holding covers an area of approximately 91 hectares, with both the applicant and the farm manager living within three miles of the proposed development site. The agricultural holding, under the ownership of the applicant, includes a number of 'Rural Opportunity Areas'. The applicant has been advised that there are other potential sites within the wider agricultural holding which would avoid the more sensitive 'Countryside Zone', such as within the designated 'Rural Opportunity Areas', including immediately to the south and west of the site, and approximately 400 metres to the northeast. The applicant has discounted these sites for the following stated reason:

- The area would not be suitable for construction due to its exposure to harsh northerly and easterly winter winds. The site's elevated position would exacerbate this issue.

Notwithstanding this, the Planning Authority remain of the view that the 'Rural Opportunity Areas', both immediately adjacent to the proposed application site, and 400 metres to the northeast of the site, could potentially present an opportunity for the proposed development and that no convincing argument has been put forward to discount these sites. The applicant has been strongly encouraged to investigate development potential of a number of sites within these areas. The 'Rural Opportunity Area' sited approximately 400 metres to the northeast of the application site is located adjacent to the B8071 public road and features a number of existing dwellinghouses. It is not therefore considered that this site is completely unsuitable for construction, based on the claimed exposure to winds. It is not therefore accepted that the 'Rural Opportunity Areas' are undevelopable. There has been no evidence submitted to discount development potential of specific sites within these areas.

Whilst the Planning Authority is keen to support local businesses and the reasonable aspirations of individuals, it is concluded in this case and after substantial effort to secure additional information, the case put forward by the applicant does not meet the 'exceptional case' criteria as the applicant's need could be met from other sites in close proximity to the proposed development site and indeed within the wider agricultural landholding of the applicant. The proposed development does not constitute an 'exceptional case'. There is no locational requirement for the proposed development to be sited within the designated 'Countryside Zone' on a site that does not present any opportunities for infill, rounding-off, redevelopment or a change of use of an existing building. Whilst the applicant has put forward an 'exceptional case', there is very limited established activity at this particular site within the wider landholding to potentially underpin a locational/operational need to justify the principle of the erection of a dwellinghouse at this specific location within the farm. Whilst it may be preferential and beneficial for the applicant to develop this particular site, the proposed case that has been forward by the applicant has not been backed up by sufficient evidence, despite such evidence having been requested. Additionally, the limited evidence provided does not suggest that the farming business would be jeopardised if the development were to be sited elsewhere within the farm holding in a less sensitive location.

The proposed site does not present any opportunities for small scale development on appropriate infill, rounding off and redevelopment sites and changes of use of existing buildings. The proposed development does not constitute an 'exceptional case' which would warrant the undertaking of an Area Capacity Evaluation which could potentially allow the Planning Authority to support development on appropriate sites where the development accords with the Area Capacity Evaluation.

With regard to the proposed Local Development Plan 2, the application site is located within an area designated as 'Countryside Area' where there is a presumption in favour of sustainable development where this is of an appropriate scale, design, siting and use for its countryside location. In the case of this application, the indicative scale and design of the proposed dwelling would be incongruous with the design, character and appearance of the built development that characterises the Isle of Coll. Moreover, the siting of such a large scale dwelling in this sensitive and exposed location would be unsustainable in terms of protecting the expansive landscapes which characterise this area of mid Coll. The siting, design and scale of the development would appear as insensitive and intrusive in this location, and the proposed development of this site would not therefore adhere to the requirements of the proposed Local Development Plan 2 Policy 02.

As outlined above, the proposed development, on a greenfield site, would be contrary to NPF4 Policy 9(b), which requires development proposals on greenfield sites to be explicitly supported by policies in the Local Development Plan. The development would thereby fail to achieve the policy outcome aims which require development to be sited within an appropriate location to maximise the use of existing assets and minimise additional land take.

NPF4 Policy 12 seeks to encourage, promote and facilitate development that is consistent with the waste hierarchy as defined within the policy document.

The development the subject of this planning application seeks planning permission in principle for the erection of a single dwellinghouse. This is a development likely to generate waste when operational. Whilst no details have been provided regarding the proposed management of waste from the site, such details could be secured via

condition in the event that planning permission in principle were to be granted. In this regard, the proposed development is considered to be in compliance with NPF4 Policy 12(c) as underpinned by LDP Policy LDP 10, supplementary guidance SG LDP SERV 5(b), and Policy 63 of the proposed Local Development Plan 2.

NPF4 Policy 13 seeks to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably.

The development the subject of this planning application seeks to establish the principle of a new single dwellinghouse. The application proposes to construct a new private access track connecting to the existing private access track spurring from the B8071 public road. The Area Roads Authority have been consulted on the application and raised no objections to the proposed development subject to conditions regarding the upgrade of the access at the junction with the public road, the clearance and maintenance of visibility splays, the provision of a system or surface water drainage, the provision of a parking and turning area, and the provision of a bin store area. Subject to such details being secured via condition in the event that planning permission in principle were to be granted, the proposal is compliant with the terms of NPF4 Policy 13 as underpinned by Local Development Plan Policy LDP 11, supplementary guidance SG LDP TRAN 2, SG LDP TRAN 4 and SG LDP TRAN 6, and the relevant policies of the proposed Local Development Plan 2, which collectively seek to ensure that developments are served by a safe means of vehicular access and have an appropriate parking and turning area within the site.

NPF4 Policy 14 seeks to encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the 'Place Principle'.

NPF4 Policy 14(c) states that development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful place will not be supported. In this instance, whilst the application is seeking planning permission in principle, indicative details of the siting and design of the dwelling have been submitted. As per the indicative plans, the proposed dwelling would have a large footprint, covering an area of approximately 156 square metres. The large massing of the dwelling would appear as unduly prominent at the site, unsympathetic to the surrounding expansive open landscape. The development would therefore have a significant impact upon the setting, being a large property that would impact upon the existing property at Ballyhaugh and the surrounding landscape. The massing of the proposed development is also considered to be inappropriate; the dwelling would have a deep plan and shallow dual-pitched roof with wide dormer windows. This would further exacerbate the adverse impact upon the setting of the proposed development site. The development would fail to integrate with the local vernacular, which is based on dwellings with a narrow linear plan, with the massing broken down into one and a half storey and single storey elements. The proposed dormer windows upon the principal elevation would be over scaled and would dominate the roof of which they would form a part of. The indicative design of the proposed dwelling would lack local character and in this regard would appear as suburban and inappropriate to the rural location. Whilst it is acknowledged that the exact details of the design of the proposed dwellinghouse could be secured via condition, to be addressed by way of future application(s) for approval of matters specified in conditions, the inappropriate design indicates that there has been insufficient regard to the character and appearance of the immediate and wider surroundings of the application site.

In addition to the above, however, it is important to note that the impact of the proposed development upon the landscape and character of the surrounding area is not the sole determining factor in the consideration of this application. Regardless of any interpretation of the impact of the proposed development upon the landscape, the development does not meet the fundamental key planning policy test for the Council's established and adopted settlement strategy for the planned growth of Argyll and Bute as set out within Policy LDP DM 1. Neither, therefore, does the proposed development accord with the sustainable development aims of the Council as established within adopted key planning Policy LDP STRAT 1 which underpins NPF4 Policy 14.

The proposed development fails to pay regard to the wider surroundings of the site in terms of connectivity, the existing character, scale and density, and views. The site is open and exposed and the proposed development would be incompatible with the existing character of the area, and is therefore contrary to Policies 05, 08, 09 and 10 of the proposed Local Development Plan 2.

NPF4 Policy 15 seeks to encourage, promote and facilitate the application of the Place Principle and create connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home.

In terms of the adopted settlement strategy, the site of the proposed development is within the 'Countryside Zone' where LDP Policies LDP STRAT 1 and LDP DM 1 give encouragement only to small scale development on appropriate infill, rounding-off, redevelopment sites, or changes of use of existing buildings. The proposed development site would fail to respect the existing established settlement pattern and in this regard the development would fail to connect with any existing neighbourhood or settlement. The proposal would therefore fail to meet the requirements of NPF4 Policy 15 as underpinned by the settlement strategy policy contained within Policies LDP DM 1, LDP 8, LDP 10 and LDP 11 of the Local Development Plan.

NPF4 Policy 16 seeks to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable homes in the right locations and providing choice of tenure to meet diverse housing needs.

NPF4 Policy 16(f) states that development proposals for new homes on land not allocated for housing in the LDP will only be supported in limited circumstances where:

- i) the proposal is supported by an agreed timescale for build-out; and
- ii) the proposal is otherwise consistent with the plan spatial strategy and other relevant policies including local living and 20 minute neighbourhoods
- iii) and either:
 - delivery of sites is happening earlier than identified in the deliverable housing land pipeline. This will be determined by reference to two consecutive years of the Housing Land Audit evidencing substantial delivery earlier than pipeline timescales and that general trend being sustained; or
 - the proposal is consistent with policy on rural homes; or

- the proposal is for smaller scale opportunities within an existing settlement boundary; or
- the proposal is for the delivery of less than 50 affordable homes as part of a local authority supported affordable housing plan.

In the case of this application, whilst the timescale for build-out could be secured via condition to be addressed by way of future application(s) for approval of matters specified in conditions, the application site is not consistent with the local development plan spatial strategy or other relevant policies. The development of the site the subject of this application is directly contrary to the local development plan spatial strategy. The proposed development is therefore considered to be inconsistent with NPF4 Policy 16 as underpinned by Local Development Plan Policies LDP DM 1 and LDP 8 and supplementary guidance SG LDP HOU 1.

NPF4 Policy 17 seeks to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable rural homes in the right locations.

The development the subject of this planning application is located within a defined 'remote rural area' where Policy 17(c) offers support only where such proposals:

- i. Support and sustain existing fragile communities;
- ii. Support identified local housing outcomes; and
- iii. Are suitable in terms of location, access and environmental impact.

The proposed development seeks planning permission in principle for a single dwellinghouse. It is acknowledged that the proposed development would contribute to housing for the existing local community, however there has been no overriding evidence to suggest that the dwelling could not be sited elsewhere within the applicant's wider agricultural holding in less sensitive and more sustainable locations. Nor has there been any evidence provided to suggest that if the dwelling were to be sited elsewhere, the existing farming activity would be jeopardised. It is not therefore considered that the proposed development would offer any overriding opportunity to sustain the existing community. In addition, as outlined above, the siting of the development is considered unsustainable due to its prominent location and the resulting impact upon the sensitive and vulnerable isolated landscape. The proposed development would therefore be contrary to the aims of NPF4 Policy 17 as underpinned by Local Development Plan Policy LDP DM 1.

NPF4 Policy 18 seeks to encourage, promote and facilitate an infrastructure first approach to land use planning.

The development the subject of this planning application proposes a private drainage system and connection to the public water supply network. As the application is seeking planning permission in principle, only indicative details of the proposed drainage arrangements have been submitted with the application, with these being subject of approval through a further planning application(s). With a condition to secure the details of the proposed private drainage system, the proposal is considered to be consistent with the broad aims of NPF4 Policy 18 as underpinned by Local Development Plan Policies LDP 11, supplementary guidance SG LDP SERV 1, and Policy 60 of the proposed Local Development Plan 2.

NPF4 Policy 22 seeks to strengthen resilience to flood risk and to ensure that water resources are used efficiently and sustainably.

The development the subject of this planning application proposes connection to the public water supply network. Scottish Water have been consulted on the application and have stated that whilst there is no objection to the application, there is no public Scottish Water water infrastructure within the vicinity of the proposed development site. The applicant has not demonstrated that water for drinking water purposes will be sourced from a sustainable water source that is resilient to periods of water scarcity. In this regard, the proposal would directly fail to meet the requirements of NPF4 Policy 22 as underpinned by LPD Policies LDP 10 and LDP 11, supplementary guidance SG LDP SERV 6, and Policy 58 of the proposed Local Development Plan 2, which seek to ensure the efficient and sustainable use of water resources.

NPF4 Policy 29 seeks to encourage rural economic activity, innovation and diversification whilst ensuring that the distinctive character of the rural area and the service function of small towns, natural assets and cultural heritage are safeguarded and enhanced.

NPF4 Policy 29(a) offers support to development proposals that contribute to the viability, sustainability and diversity of rural communities and the local rural economy. This includes support for farms, crofts and other land use businesses. However, NPF4 Policy 29 also requires such developments to accord with the spatial strategy outlined within the local development plan. In the case of this application, whilst the siting of a dwellinghouse at the application site may be preferential and beneficial for the applicant, the 'exceptional case' presented does not provide sufficient evidence to support an overriding locational need to have the development at this specific site. The development would therefore fail to comply with this aspect of NPF4 Policy 29.

With regard to NPF4 Policy 29(c), development proposals in remote rural areas, where new development can often help to sustain fragile communities, will be supported where the proposal:

- i. will support local employment;
- ii. supports and sustains existing communities, for example through provision of digital infrastructure; and
- iii. is suitable in terms of location, access, siting, design and environmental impact

In the case of this application, it is acknowledged that the siting of a dwellinghouse at the application site may be preferential and beneficial for the applicant to support the existing agricultural activity. However, there is insufficient supporting justification to suggest that the development is required in this exact location. In this regard, the contribution of the proposed development to supporting local employment and the existing community would appear to be limited. The information provided with the application advises that those associated with the agricultural business live no more than 3 miles from the proposed development site. Notwithstanding this, discussions have been undertaken with the applicant in an attempt to find alternative provision for the siting of a dwellinghouse within reasonable proximity to the claimed agricultural activity. The suggested development sites are in locations within the applicant's ownership and on sites that would accord with the adopted settlement strategy. However, in response to such requests for considerations of alternative sites for the proposed development, there has been minimal analysis of other

potential development sites, with the applicant stating that all other sites would be unsuitable for development due to their exposure. This is disputed as at least one of the potential development areas features a number of existing dwellinghouses.

As previously outlined, the proposed development site is unsuitable in terms of location due its undeveloped nature and its sensitivity to inappropriate development that would fail to protect or conserve the important landscape characteristics of the wider area. The proposed development would not therefore adhere to the requirements of NPF4 Policy 29 as underpinned by Local Development Plan Policies LDP 3, LDP 5, LDP 8 and LDP 9, supplementary guidance SG LDP BUS 5, and Policy 22 of the proposed Local Development Plan 2.

Notwithstanding the above requirements of NPF4 Policy 29, this application for planning permission in principle for the development of the site with the erection of a dwellinghouse and associate services would represent an inappropriate form of development within the 'Countryside Zone' designation which would be detrimental to the character and appearance of the wider landscape and contrary to the policies set out within the National Planning Framework 4 and the adopted Local Development Plan and associated supplementary guidance.

There is sufficient alignment in the assessment of the proposal against both provisions of the current Local Development Plan and the Proposed Local Development Plan 2 (as modified) that a decision can be made under the current development plan without giving rise to fundamental conflict with PLDP2 (as modified).

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

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

See reasons for refusal set out 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:
Yes No

Author of Report: Emma Shaw **Date:** 07.09.2023

Reviewing Officer: Tim Williams **Date:** 12.09.2023

Fergus Murray
Head of Development & Economic Growth

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McCallum, Fiona

From: Kerr, David
Sent: 05 January 2024 14:48
To: McCallum, Fiona
Subject: FW: Intimation of Receipt of Notice of Review - Reference 23/0009/LRB (Planning Ref: 22/02078/PPP - Land North of Ballyhaugh Outdoor Centre, Isle of Coll, PA78 6TB [OFFICIAL])

“Hi Fiona

I’m not sure about the areas of contention that affect me in this one. I’d say there is a reasonable case for operational need with and agricultural restriction. Mr Brodie is getting older and I can sympathise with his urge to have a young couple on site who can probably be used on his main farm business as well.

Let me know what areas you want me to concentrate on. Keen to help you.

David “.

I hope this helps.

David

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