

**MINUTES of MEETING of ARGYLL AND BUTE LOCAL REVIEW BODY held BY MICROSOFT
TEAMS
on THURSDAY, 28 MARCH 2024**

Present: Councillor Kieron Green (Chair)
Councillor Mark Irvine Councillor Peter Wallace

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

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. DECLARATIONS OF INTEREST

There were no declarations of interest intimated.

3. CONSIDER NOTICE OF REVIEW REQUEST: LAND TO THE NORTH OF BALLYHAUGH OUTDOOR CENTRE, ISLE OF COLL, PA78 6TB (REF: 23/0009/LRB)

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

The Chair asked Mr Jackson to speak to the revised response provided by the Planning authority by way of supplementary pack issued on 26 March 2024, to the submission of further information provided by the applicant. Mr Jackson advised that the original decision to refuse planning permission for the development was made under the provisions of the then extant Local Development Plan (LDP), the National Planning Framework 4 (NPF4) and all other material planning considerations, including the proposed LDP2. He advised that since the original decision was made, a new Local Development Plan (LDP2) had been adopted by the Council. Mr Jackson advised that it was therefore appropriate that the original decision be reconsidered under the relevant provisions of the newly adopted LDP2.

Having considered this information, the Chair advised that his first task would be to establish if the Members of the LRB felt that they had sufficient information before them to come to a decision on the Review.

Both Councillors Irvine and Wallace confirmed that they had sufficient information to come to a decision. The Chair advised that he too felt he had sufficient information to come to a decision.

Councillor Irvine advised that he was disappointed by the supplementary information provided by the applicant. He advised that in his opinion it failed to show substantive data on either wind speed or soil analysis that would evidence the claim of an exceptional case. He advised that he supported the decision of the planners to refuse the application as he believed it to be contrary to both LDP2 and NPF4 Policy 9.

Councillor Wallace agreed with Councillor Irvine and advised that in his opinion, no new information had been submitted that would support the claim of an exceptional case and on that basis he agreed that the refusal should be upheld.

The Chair, Councillor Green advised that he agreed with both Councillors Irvine and Wallace and that in his opinion the information supplied by the applicant was not sufficient and that the application was contradictory to both LDP2 and NPF4 Policy 9 and as such he felt they had no choice but to refuse based on the reasons as outlined in the revised response to the submission of further information.

Decision

The Argyll and Bute Local Review Body, having considered the merits of the case de novo, unanimously agreed to refuse the application and uphold the decision of the Planning authority to refuse planning permission for the following reason(s):-

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 Area' within the adopted Argyll and Bute Local Development Plan 2.

The proposed development site has no development allocation in LDP2.

In terms of the adopted LDP2 the site is defined as 'Outwith Settlement Areas' within an area identified as 'Countryside Area' (CA) where Policy 02 of LDP2 gives a presumption in favour of sustainable development but only where it is of an appropriate scale, design, siting and use for its countryside location, as set out in the relevant sustainable siting and design policies contained within LDP2.

Policy 02 further states that certain development will be supported, generally without the need for detailed environmental assessments, with these comprising, infill, redevelopment opportunities of clusters; or previously developed sites.

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 Local Development Plan 2 Policy 02.

The development is therefore contrary to NPF4 Policy 9 as underpinned by 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 Policies 05, 08, 09 and 10 of Local Development Plan 2.

(Reference: Notice of Review and Supporting Documents; comments from Interested Parties; Further Information requested and comments from Interested Parties, submitted)