

Argyll and Bute Council
Comhairle Earra Ghaidheal agus Bhoid

Corporate Services
Director: Nigel Stewart



Kilmory, Lochgilphead, PA31 8RT
Tel: 01546 602127 Fax: 01546 604444
DX 599700 LOCHGILPHEAD
e.mail –nigel.stewart@argyll-bute.gov.uk

5 January 2010

NOTICE OF MEETING

A meeting of the **ARGYLL AND BUTE LOCAL REVIEW BODY** will be held in the **MEMBERS' ROOM, KILMORY, LOCHGILPHEAD** on **TUESDAY, 12 JANUARY 2010** at **2:00 PM**, which you are requested to attend.

Nigel Stewart
Director of Corporate Services

BUSINESS

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATIONS OF INTEREST (IF ANY)**
3. **CONSIDER NOTICE OF REVIEW REQUEST: ARDORAN WOODLAND, LERAGS, BY OBAN**
 - (a) Notice of Review and Supporting Documentation (Pages 1 - 34)
 - (b) Responses by Interested Parties (Pages 35 - 48)
 - (c) Applicant/Agent Response to Comments from Interested Parties (Pages 49 - 50)

ARGYLL AND BUTE LOCAL REVIEW BODY

Councillor Robin Currie
Councillor Roderick McCuish
Ross McLaughlin
Applicant/Agent

Councillor Daniel Kelly (Chair)
Charles Reppke
Susan Mair
Consultees

Contact: Melissa Stewart

Tel. No. 01546 604331

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PLANNING & INVESTIGATIVE
CONSULTANT

Allan Macaskill
5 Ferryfield Road
CONNEL, PA37 1SR
Tel/Fax: 01631 710133
Mobile: 07749754660
Email: emacaskill@btinternet.com

15 MAY 2008

Mr Ian McIntyre
Area Team Leader/Planning Dept.
Argyll & Bute Council
Lorn House
OBAN, PA34 4AR

Dear Mr McIntyre

PROPOSED ERECTION OF DWELLING HOUSE AT ARDORAN WOODLAND
MR & MRS T EVANS


I am enclosing a Planning Application for the erection of a dwelling
house at Ardoran Woodland.

Attached is a letter from John Little of Tilhill underpinning the
Operational Need for a house for the owners.

It is clear that a house is required and I hope permission is granted
within the two months timescale.

I have discussed the application with the Roads Engineer and he does
not have any concerns.

Yours sincerely



Allan Macaskill

PLANNING & INVESTIGATIVE
CONSULTANT

Allan Macaskill
5 Ferryfield Road
CONNEL, PA37 1SR
Tel/Fax: 01631 710133
Mobile: 07749754660
Email: emacaskill@btinternet.com

15 May 2005

PROPOSED DWELLING HOUSE – ARDORAN WOODLAND FOR
MR & MRS T EVANS

DESIGN STATEMENT

The house will sit on the edge of the woodland and enclosed are four designs of appropriate timber cottages.

The "Woodland" is the preferred design as it will sit well in the woodland landscape.

Form D/Agric

FOR OFFICIAL USE ONLY

L.P.A. Ref. No

Date of receipt of application.....

ARGYLL & BUTE COUNCIL

TOWN AND COUNTRY PLANNING ACTS

Supplementary questions to be answered in connection with an application for planning permission to erect an agricultural/forestry dwelling.

<p>1. Please state which of the following types of dwelling you are applying for permission to build:— (a) Farmhouse (b) Farmworker's cottage (c) Estate worker's cottage (d) Dwelling on a smallholding (e) Crofter's cottage (f) Forrester's cottage</p>	<p>1. (f) FORRESTER'S COTTAGE</p>
<p>2. Please state whether the original farmhouse or any cottages have been sold or let away from the farm/croft</p>	<p>2. Answer 'yes' or 'no' If 'yes' please state address(es) and the date(s) of the sale(s) or letting(s) No houses in Woodland</p>
<p>3. If the application relates to an agricultural croft or estate worker's cottage state category of worker (e.g. cowman, shepherd, tractor driver, general worker etc.) who will occupy it</p>	<p>3. Not applicable</p>
<p>4. State the acreage of the holding which is owned or rented (See note overleaf)</p>	<p>4. Owned 115 hectares acres Rented</p>

5. Give below the following details of all dwellings on the holding including the farmhouse and those cottages occupied by (i) the owner or tenant farmer; (ii) workers employed on this holding; (iii) retired workers formerly so employed:

Address of Dwelling	Owned or Rented	Category of occupier, e.g. owner or tenant farmer, cowman, shepherd, tractor driver, general worker, retired worker, tenant not in your employ*	Distance from main set of farm buildings
<p>Not applicable</p>			

* In the case of a tenant not in your employ please state, if known, his place of employment and the nature of the tenancy.

<p>6. Is the proposed dwelling (a) an addition to the existing number of houses owned or rented by you, or (b) is it a replacement for an existing house considered to be unsatisfactory</p>	<p>6. (a) Answer 'yes' or <u>(no)</u> No (b) Answer 'yes' or 'no'</p>																																														
<p>7. If the answer to Question 6(a) is 'yes' state fully your reasons for requiring additional dwelling. A separate sheet may be attached if there is not sufficient room on this form</p>	<p>7. Not applicable</p>																																														
<p>8. If the proposed dwelling is a replacement, state why the existing dwelling is considered to be unsatisfactory and whether it is proposed to demolish it.</p>	<p>8. Not applicable</p>																																														
<p>9. State 'Normal' cropping and stocking of holding</p>	<table border="0"> <tr> <td>9. Crops</td> <td>Acres</td> <td>Sheep</td> <td rowspan="3">Not applicable</td> </tr> <tr> <td>Cereals:</td> <td></td> <td>Ewes:</td> </tr> <tr> <td>Potatoes:</td> <td></td> <td>Others:</td> </tr> <tr> <td>Vegetables:</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Other crops:</td> <td></td> <td>Pigs</td> <td></td> </tr> <tr> <td></td> <td></td> <td>Sows:</td> <td></td> </tr> <tr> <td></td> <td></td> <td>Others:</td> <td></td> </tr> <tr> <td>Cattle</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Beef cows:</td> <td></td> <td>Poultry</td> <td></td> </tr> <tr> <td>Others:</td> <td></td> <td>Over six months:</td> <td></td> </tr> <tr> <td>Dairy cows:</td> <td></td> <td>Under six months:</td> <td></td> </tr> <tr> <td>Others:</td> <td></td> <td></td> <td></td> </tr> </table>	9. Crops	Acres	Sheep	Not applicable	Cereals:		Ewes:	Potatoes:		Others:	Vegetables:				Other crops:		Pigs				Sows:				Others:		Cattle				Beef cows:		Poultry		Others:		Over six months:		Dairy cows:		Under six months:		Others:			
9. Crops	Acres	Sheep	Not applicable																																												
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Potatoes:		Others:																																													
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Others:		Over six months:																																													
Dairy cows:		Under six months:																																													
Others:																																															
<p>10. Give details of any proposed changes in the normal cropping and stocking given in answer to Question 9</p>	<p>10. Not applicable</p>																																														
<p>11. State what steps you have taken to obtain alternative accommodation in the neighbourhood. If 'none', it would be helpful if you could give reasons why you have not</p>	<p>11. /</p>																																														
<p>12. If the proposed dwelling is a forest worker's cottage give details of the planting and felling programme</p>	<p>12. Letter attached</p>																																														

Signed Jill Macmillan
Applicant/Applicant's agent
 Address 5 FERRYFIELD RD
CONDON
PA 37 1SR
 Date 19 May 2008

NOTE:

- A plan should accompany the above information showing:
- (a) the precise boundaries of the entire holding;
 - (b) the location of all buildings currently on the holding together with a note of the use of each building;
 - (c) the location of present cottages, both owned and rented, occupied by your workers and located on the holding or within one mile of the holding's nearest boundary.



PLEASE SEND YOUR COMPLETED APPLICATION FORM TO THE AREA OFFICE CLOSEST TO THE LOCATION OF YOUR PROJECT.

For Official Use Only:	
Reference No.	
Date of Receipt	
Fee Paid	Date of Receipt
Valid Date	

MAINSTREAM PLANNING APPLICATION FORM

The undersigned applicant hereby makes application for express planning consent for the development described on this form and on the accompanying plans.

This form should not be used for applications for Mineral Consent, Listed Building Consent, Conservation Area Consent, Advertisement Consent, Certificates of Lawfulness or Prior Notification as separate application forms are available for these.

Note: There is a simpler 'Householder' application form for domestic extensions, garages, LPG Tanks etc. Important: Please check whether you also require a building warrant, or permission under any other enactment in addition to planning permission.

<p>1(a) Applicant (IN BLOCK CAPITALS) Full Name <u>MR. & MRS T. EVANS</u> Address <u>THE OLD PRESBYTERY</u> <u>1 BRENTWOOD RD, INGRAVE,</u> <u>BRENTWOOD, ESSEX.</u> Post Code <u>CM13 3QH</u> Tel. No. <u>01277 810 347</u></p>	<p>1(b) Agent (see note 1) Full Name <u>ALLAN MACASKILL</u> Address <u>5 FERRYFIELD RD</u> <u>CONNEL</u> <u>BY OBAN</u> Post Code <u>PA37 1SR</u> Tel. No. <u>01631 710 133</u></p>
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2. Description of Proposed Development (see note 2) ERECTION OF DWELLING HOUSE

3. Site Address (see note 3) ARDORAN WOODLAND

4. Application Type (tick one box only)(see note 4)

(a) Outline Permission <input checked="" type="checkbox"/>	(d) Application to Waive/Vary Conditions <input type="checkbox"/>
(b) Approval of Reserved Matters <input type="checkbox"/>	(e) Change of Use of Land / Buildings <input type="checkbox"/>
(c) Detailed Permission <input type="checkbox"/>	(f) Application for Temporary Consent <input type="checkbox"/>
	(g) Renewal of a previous Temporary Consent <input type="checkbox"/>

Ref. No. of Outline Permission.....
 Date of expiry of Original Consent.....

5. Use of Building(s)/Site (see note 5)
 Existing WOODLANDS Proposed ERECTION OF DWELLING HOUSE

6. Site / Floor Area of Development (Complete as appropriate)(see note 6)

(a) Proposed site area of the development..... 0.1 ha/..... acres

(b) Proposed external floor space of building(s) 1st Floor..... sq.m / 2nd Floor.....sq.m / 3rd Floor.....sq.m

7. Demolition (see note 7)
 Will any buildings or Structures be demolished in connection with the proposed development? YES NO
 If YES, the building/structures should be clearly identified on the submitted plans.

8. Operational Need or Special Circumstances (tick appropriate boxes)(see note 8)

(a) Is any claim of agricultural / forestry operational need being made ? YES NO
 If YES, Form D/Agric should be submitted.

(b) Is any other claim of operational need or special circumstances being made ? YES NO
 If YES, please give details in a covering letter or statement.

9. Registered Croft (tick appropriate box)(see note 9)
 Does the Application Site form part of a Registered Croft YES NO

10. Licensed Premises (tick appropriate boxes)(see note 10)

- (a) Are the existing premises used for the sale or consumption of alcohol under a licence granted in terms of the Licensing (Scotland) Act 1976 ? YES NO
 If YES, specify type of licence presently held.....
- (b) Is it intended that the existing and/or proposed premises be used for the sale or consumption of alcohol under a licence granted in terms of the Licensing (Scot.) Act 1972 ? YES NO
 If YES, specify type of licence to be applied for

11. Access Arrangements (see note 11)

- No Change New vehicular access
 Existing vehicular access to be used *& extended*
 Existing vehicular access to be altered/improved
 Separate pedestrian access proposed

12. Parking Arrangements (see note 12)

- No Change
 Number of existing on-site parking places 0
 Number of additional on-site parking places 3
 Only off-site parking available

13. Drainage Arrangements (tick one box only)(see note 13)

- Not Applicable Connection to existing public sewer
 Connection to existing private sewer/septic tank Single septic tank proposed
 Two or more septic tanks proposed Other type of private system (specify on plans)
 Please specify type of outfall for septic tank(s).....

14. Water Supply Arrangements (tick one box only)(see note 14)

- Not Applicable Connection to existing public main Proposed connection to public main
 Existing private supply to be used Proposed private supply
 Please identify proposed private water supply source, pipes and any storage arrangements on the SITE PLAN

15. Building Materials (Complete as appropriate)(see note 15) *To be agreed*

- Outside Walls: Material Colour
- Roof Covering: Material Colour
- Windows: Material Movement Colour

16. Are any trees / shrubs to be cleared from the site ? (see note 16)

- Not Applicable YES NO If YES show details of felling / landscaping / replanting on Site Plan.

17. Are proposed buildings within 8m of overhead powerline ? (see note 17)

- Not Applicable YES NO If YES, has the Electricity Board been consulted ? YES NO

18. This question should be completed for all COMMERCIAL & INDUSTRIAL Applications (see note 18)

- (a) Not applicable
- (b) Nature of proposed uses, operations and processes
- (c) The arrangement for the disposal of waste materials
- (d) Provision for loading and unloading vehicles
- (e) Estimates of vehicle type and movements per day Existing Proposed
- (f) Gross floor space Existing sq.m Proposed sq.m
- (g) Number of employees Existing Additional

19. Estimates of : (see note 19)

- (a) Development Costs £ 130,000
- (b) Start Date As soon as possible (c) Completion Date As soon as possible

THIS SECTION MUST BE COMPLETED IN EVERY CASE (see note 21)
 Ownership Certificates Under Article 8 Of The Town & Country Planning
 (General Development Procedure)(Scotland) Order 1992

I HEREBY CERTIFY THAT 21 DAYS BEFORE THE DATE OF THE APPLICATION: (Tick one box only)

Certificate 1 The applicant OWNS all of the land involved in the application site (see (a) Below).	<input checked="" type="checkbox"/>
Certificate 2 The applicant DOES NOT OWN all the land involved in the application site, but has given a copy of the requisite NOTICE NO.1 to the owner(s) (see (a) below) of any part of the application site, who are listed below.	<input type="checkbox"/>
Certificate 3 The applicant OWNS all of the land involved in the application site (see (a) below). However, part or all of the Site constitutes or forms part of an AGRICULTURAL HOLDING (see (b) below) and the applicant has sent a copy of the requisite NOTICE NO.1 to the AGRICULTURAL TENANT(S) who are listed below.	<input type="checkbox"/>
Certificate 4 The applicant DOES NOT OWN all the land involved in the application site, but has given a copy of the requisite NOTICE NO.1 to the owner(s) (see (a) below) of any part of the application site, who are listed below. Part or all of the site ALSO constitutes or forms part of an AGRICULTURAL HOLDING (see (b) below) and the applicant has sent a copy of the requisite NOTICE NO.1 to the AGRICULTURAL TENANT(S) who are listed below.	<input type="checkbox"/>

Those Notified in terms of Article 8 of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992 are:

Name of Owner	Address	Date Notified
.....
.....
.....
.....

DECLARATION I hereby certify that I, the applicant/applicant's agent, have given correct and complete information and given the requisite notices to all parties who have a notifiable interest in terms of Article 8 and Article 9 of the Town & Country Planning (General Development Procedure)(Scotland) Order 1992.	
SIGNED <u><i>Jillan Macaskill</i></u>	DATE <u>15 May 2008</u>

PERSONAL INFORMATION

Please note that any information included in the application form, including your name, address and phone number is public information in terms of the Freedom of Information Act and will be copied and made available to any member of the public on request and will be published on the Council's Website.

If you do not wish the information within Section 1(a) to be made available you should use a professional agent for your application. Please note, all other information in the application and any other supporting information will be made available to any member of the public, on request, and published on the Council's Website.

Operational Services
Oban, Lorn and the Isles Area

OBSERVATIONS ON PLANNING APPLICATION

Our Ref: 08/01119/OUT
Contact: John F Heron
Tel: 01631 562125

Planning Application No: 08/01119/OUT Dated: 23/06/2008 Received: 24/06/2008

Applicant: Mr & Mrs T Evans

Proposed Development: Site for erection of dwelling house

Location: Ardoran Woodland

Type of Consent: Outline

Ref. No(s) of Drg(s) submitted: Series of Plans

08/01119/OUT
- 1 JUL 2008

RECOMMENDATION: No Objections Subject to Conditions

Proposals Acceptable	Y/N
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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
(c) Sight-lines 60m x 2.4m	Y
(d) Pedestrian Provision	Y

Proposals Acceptable	Y/N
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3. New Roads n/a

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

Proposals Acceptable	Y/N
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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 an existing private access situated off the C33 Lerags Road within a rural 60mph speed restriction.
2a	Existing access at junction of public road is adequate
2c	Sightlines are achievable with the public road, no walls, hedges, fences, etc will be permitted within verge

Item Ref.	CONDITIONS
2a	Commensurate improvements on existing private road will require the construction of 2 passing places which must be intervisible with each other at 150m centres between the road to Ardoran Marina and the dwelling site
2c	No walls, hedges, fences, etc will be permitted or to be greater in height than 1.05m above road level within the first 2.4m from the channel line. Shrubbery to be cleared and maintained.
4c	Parking and turning for vehicles commensurate with size of dwelling to be provided

Notes for intimation to Applicant

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

*Relevant Section of the Roads (Scotland) Act 1984

Signed: 
Technical Officer

Date: 25/06/2008

Argyll and Bute Council
Comhairle Earra Ghàidheal agus Bhòid

Memo

RECEIVED
- 8 JUL 2008



Legal and Protective Services

Date: 8th July 2008.

To: Director of Development Services
FAO. Eimear Heavey

Your Ref: 08/01119/OUT.

From: Sue Stefek
Environmental Health Officer
Oban Lorn and The Isles.

Our Ref: SS/OLI/E8
Extension: 7915

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

APPLICANTS NAME: Mr & Mrs T. Evans
NATURE OF APPLICATION: Erection of Dwelling house.
LOCATION OF WORKS: Ardoran Woodland
GRID REFERENCE: 185790 724409

DESCRIPTION OF PROPOSAL: - as above

COMMENT: -

There is no indication on the plans of any external lighting to be provided and I am concerned about the likelihood of glare and light nuisance to the surrounding area. In order to address this issue and to minimise the potential for light nuisance and glare beyond the boundary of the site, the applicant should follow the guidance issued by the Institution of Lighting Engineers and should ensure that all external lighting provided for the site shall be of the minimum required and shall be so positioned, controlled and shrouded so as to prevent spillage of the light and glare beyond the site boundary.

The applicant has indicated that a proposed private water supply is to be used for the new development. No further information has been given regarding the quality and quantity of this water supply.

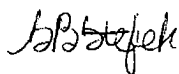
I would therefore recommend that a condition be applied to the application to require a report on the private water supply arrangements.

The condition should require that, prior to the development commencing a full appraisal to demonstrate the wholesomeness and sufficiency of the private water supply to serve the development shall be submitted to and approved in writing by the Planning Authority. This assessment shall be carried out by a qualified and competent person(s). Such appraisal shall include a risk assessment having regard to the requirements of Schedule 4 of the Private Water Supplies (Scotland) Regulations 2006 and shall on the basis of such risk assessment specify the means by which a wholesome and sufficient water supply shall be provided and thereafter maintained to the

development. Such appraisal shall also demonstrate that the wholesomeness and sufficiency of any other supply in the vicinity of the development, or any other person utilising the same source or supply, shall not be compromised by the proposed development. Furthermore, the development itself shall not be brought into use or occupied until the required supply has been installed in accordance with the agreed specification.

Reason: In the interests of public health and in order to ensure that an adequate private water supply in terms of both wholesomeness and sufficiency can be provided to meet the requirements of the proposed development and without compromising the interests of other users of the same or nearby private water supplies.

CONCLUSIONS: - Notwithstanding the above, I have no objections to the application and I herewith return your original enclosures.



Sue Stefek
Environmental Health Officer
Oban Lorn and the Isles.

FURTHER DOCS



Forestry Commission
Scotland

Mr A Swain
Planning Services - Argyll and Bute Council
Lorn House
Albany Street
Oban
Argyll
PA34 4AR

Perth and Argyll Conservancy

Algo Business Centre
Gleneam Road
Perth PH2 0NJ

Tel: 01738 442830

Fax: 01738 441787

panda.cons@forestry.gsi.gov.uk

Conservator
Syd House

10 October 2008

Your ref: 08/01119/OUT

Dear Mr swain

I am writing in response to your letter of 8 October 2008 regarding the proposal to erect a dwellinghouse at Ardoran Woodland, Lerags, Argyll.

Having read the supporting information enclosed with your letter I am of the opinion that there would be sufficient work available in the management of this 115 ha woodland to support at least 2 people on a full-time basis. It would be of benefit with regards to many of the operations proposed such as deer control, planting and further maintenance of the planted trees if these people were resident on the site and could therefore closely supervise and manage the woodland.

Please do not hesitate to contact me if you require any further information.

Yours sincerely

Helen Watt

Helen Watt
Woodland Officer



Ref:
AB1

ARGYLL AND BUTE COUNCIL
WWW.ARGYLL-BUTE.GOV.UK/**

OFFICIAL USE
11/11/09
Date Received

NOTICE OF REVIEW

Notice of Request for Review under Section 43(a)8
of the Town and Country Planning (Scotland) Act 1997 and the Town and
Country Planning (Schemes of Delegation and Local Review Procedures
(Scotland) Regulations 2008

Important – Please read the notes on how to complete this form and use
Block Capitals. Further information is available on the Council's Website.
You should, if you wish, seek advice from a Professional Advisor on how to
complete this form.

(1) APPLICANT FOR REVIEW

Name

Address

Postcode

Tel. No.

Email

(2) AGENT (if any)

Name

Address

Postcode

Tel. No.

Email

(3) Do you wish correspondence to be sent to you or your agent

(4) (a) Reference Number of Planning Application

(b) Date of Submission

(c) Date of Decision Notice (if applicable)

(5) Address of Appeal Property

Ardoran Woodland
Lerags
By OBAN

(6) Description of Proposal

Erection of Dwelling House

(7)

Please set out the detailed reasons for requesting the review:-

Reasons attached.

If insufficient space please continue on a separate page. Is this is attached? (Please tick to confirm)

(8) Please indicate which of the following procedures you would prefer:-

- (a) Dealt with by written submission
- (b) Dealt with by Local Hearing
- (c) Dealt with by written submission and site inspection
- (d) Dealt with by local hearing and site inspection

(9) Please list in the schedule all documentation submitted as part of the application for review ensuring that each document corresponds to the numbering in the sections below:-

Schedule of documents submitted with Notice of Review (Note 3 copies of each of the documents referred to in the schedule below must be attached):

No.	Detail
1	DECISION AND REASONS
2	4 SETS OF PLANS
3	2 LETTERS DATED 28/06/08 AND 09/06/09
4	EMAIL DATED 01/04/09
5	LETTER FROM JOHN LITTLE DATED 01/05/08
6	PHOTOGRAPH OF BOTHY IN WOODLANDS
7	GROUND OF APPEAL
8	
9	
10	

If insufficient space please continue on a separate page. Is this attached? (Please tick to confirm)

Submitted by
(Please Sign)

Allan Macaskill

Dated

9 NOVEMBER 2009

**GROUNDS OF APPEAL 08/01119/OUT
ERECTION OF DWELLING HOUSE, ARDORAN WOODLAND, LERAGS, BY
OBAN**

The above application was validated on 19 May 2008 and the decision notice for Refusal was issued on 27 October 2009. This is an unacceptable performance as a formal decision was due in July 2008 and the applicants require an explanation.

Meetings were convened, letters and emails sent. Why was there such a long delay?

Two reasons are given for refusal and both relate to the statement "nor is it considered to be a 'special case' as no specific locational requirement can be demonstrated".

This is clearly wrong. The woodland covers 115 hectares (284 acres). The forest is currently overseen by UPM Tilhill but the applicants require a house so that they can now supervise the work as felling is due to begin (Letter from John Little) (Production 5). Once felling and restocking plans are approved the following works have to be organised:-

- Road improvements
- Harvesting and timber dispatch
- Traffic management
- Fencing
- Deer control
- Ground preparation for restocking

Mr Little's letter stated "You have already indicated a desired objective for the woodland to be designed to embrace the principles of Continuous Cover forestry in the future. This smaller scale working also give the woodland owner the opportunity to carry out more of the work themselves".

He also states "As you can see the amount of management and supervisory work which will be required at Ardoran will be considerable and it would not be possible for you to play the active role that you have said you would like from your home in Essex. You will need to spend more time at the woodland if you are to be effectively involved in its future management".

The woodland is currently fenced and access is only permissible through a locked gate.

When work begins on felling the applicants will have to be on site. The Planning Department obviously have no idea of all the work which is required when a forest reaches the felling stage.

A dwelling house in the woodland is clearly required by the owners who live in Essex. Prior to the felling stage there was not the same operational need for a house.

Previously there was a bothy in the woodland but this is now a ruin (Production 6).

There are no objections from third parties.

I always believed that Argyll & Bute Council wished to encourage economic development. It would be a severe handicap to the applicants if the Review Panel refused permission.

I urge the members to support the application on the clear basis of an operational and locational requirement.



TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(SCOTLAND) REGULATIONS 2008

REFUSAL OF PLANNING PERMISSION IN PRINCIPLE

REFERENCE NUMBER: 02/01119/OUT

Mr And Mrs T Evans
Mr Allan Macaskill
5 Ferryfield Road
Connel
By Oban
PA37 1SR

I refer to your application dated 19th May 2008 for planning permission in principle under the above mentioned Act and Regulations in respect of the following development:

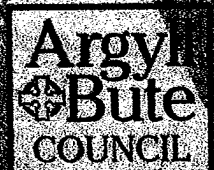
Site for erection of dwellinghouse, at Ardoran Woodland Lerags Argyll And Bute

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: 27 October 2009

Angus J. Gilmour
 Head of Planning

www.argyll-bute.gov.uk

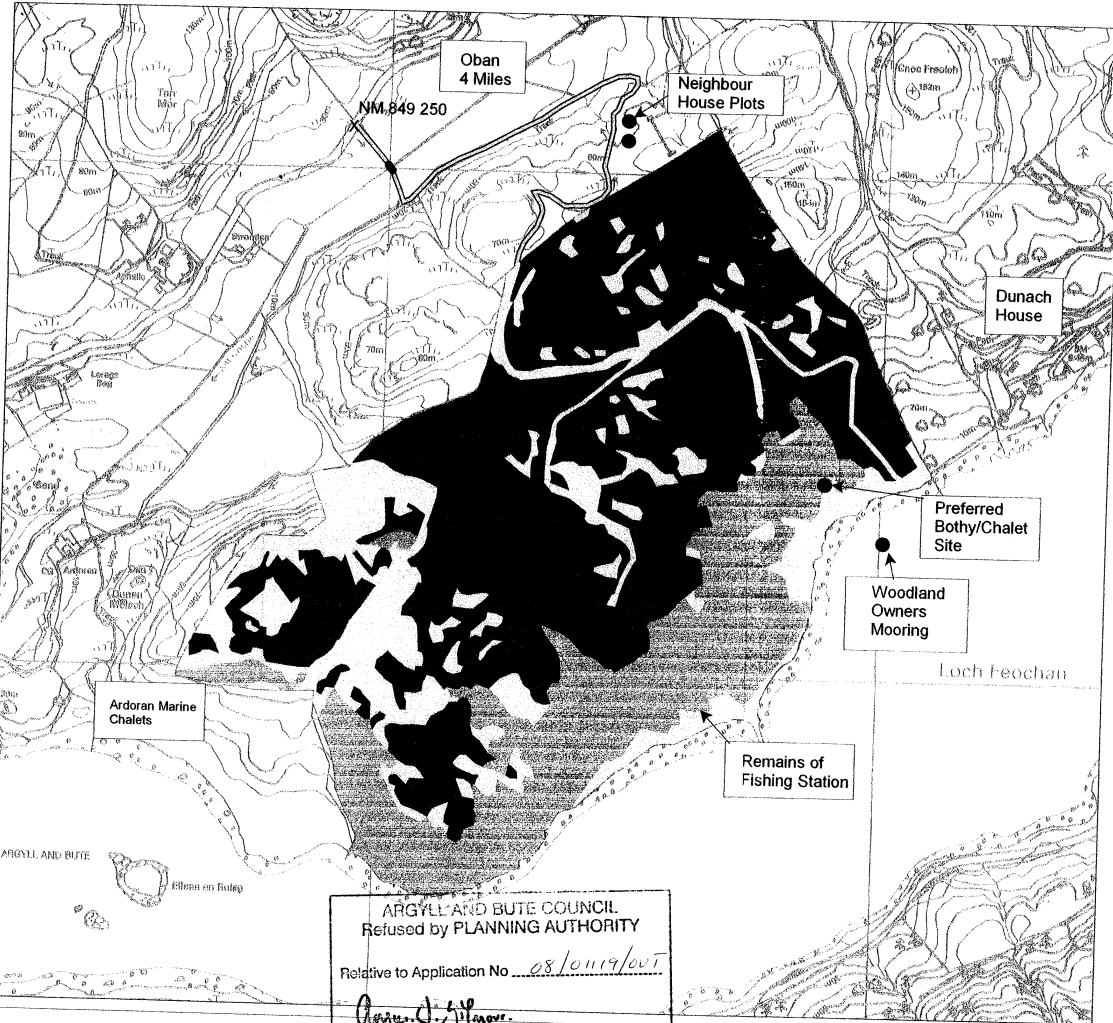


GROUNDS OF REFUSAL RELATIVE TO APPLICATION REF. NO. 08/01119/OUT

1. The application site is located within 'Sensitive Countryside' in the Adopted Argyll and Bute Structure 2002. This allocation establishes a presumption in favour of development provided it is infill, rounding off and/or redevelopment. The proposed development is not considered either of the above, nor is it considered to be a 'special case' as no specific locational requirement can be demonstrated as the proposed development could be located elsewhere in a more suited environment. Therefore the development is contrary to the provisions of the Adopted Argyll and Bute Structure Plan 2002, Policy STRAT DC5.

2. The application site is located within 'Sensitive Countryside' in the Adopted Argyll and Bute Local Plan 2009. This allocation establishes a presumption in favour of development provided it is infill, rounding off and/or redevelopment. The proposed development is not considered either of the above, nor is it considered to be a 'special case' as no specific locational requirement can be demonstrated as the proposed development could be located elsewhere in a more suited environment. Therefore development cannot be justified under the provisions of the Adopted Argyll and Bute Local Plan 2009 Policy ENV1, which requires compliance with Structure Plan 2002, Policy STRAT DC 5.

2



Ardoran

Plan

Access	
	Access track
	Bridge
	Legal Bdy
	Road
	Track
Sppshade	
	Birch
	Open Ground
	Broadleaved Woodland
	Mixed Conifer
	Conifer Woodland

Argyll and Bute Council
Planning Services

Application ref no: 08/01119/OUT
Date received: 19.05.08

Plan no: 2/4
P.O. initials: JES

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OS sheets: NUB257EC

Layout size: A3

Scale 1:7500 09/05/08

Tilhill

Chartered
Civilian
Clerk
Argyll
PLS/AQA
Tel: 01631 56206
Fax: 01631 566751

UPM

ARGYLL AND BUTE COUNCIL
Refused by PLANNING AUTHORITY

Relative to Application No 08/01119/OUT

Angus D. Gilmore
Head of Planning

Date 27.10.09



Argyll and Bute Council
 Planning Services
 Ref: 08/01119/00
 Relative to Application No 08/01119/00
 Approved by Planning Committee
 Head of Planning
 Angus J. Gilmore
 Date 27.10.09

2

08/01119/OUT Erection of Dwelling house, Ardoran woodland, Lerags, Oban

Location Plan

Application Site

Boundary

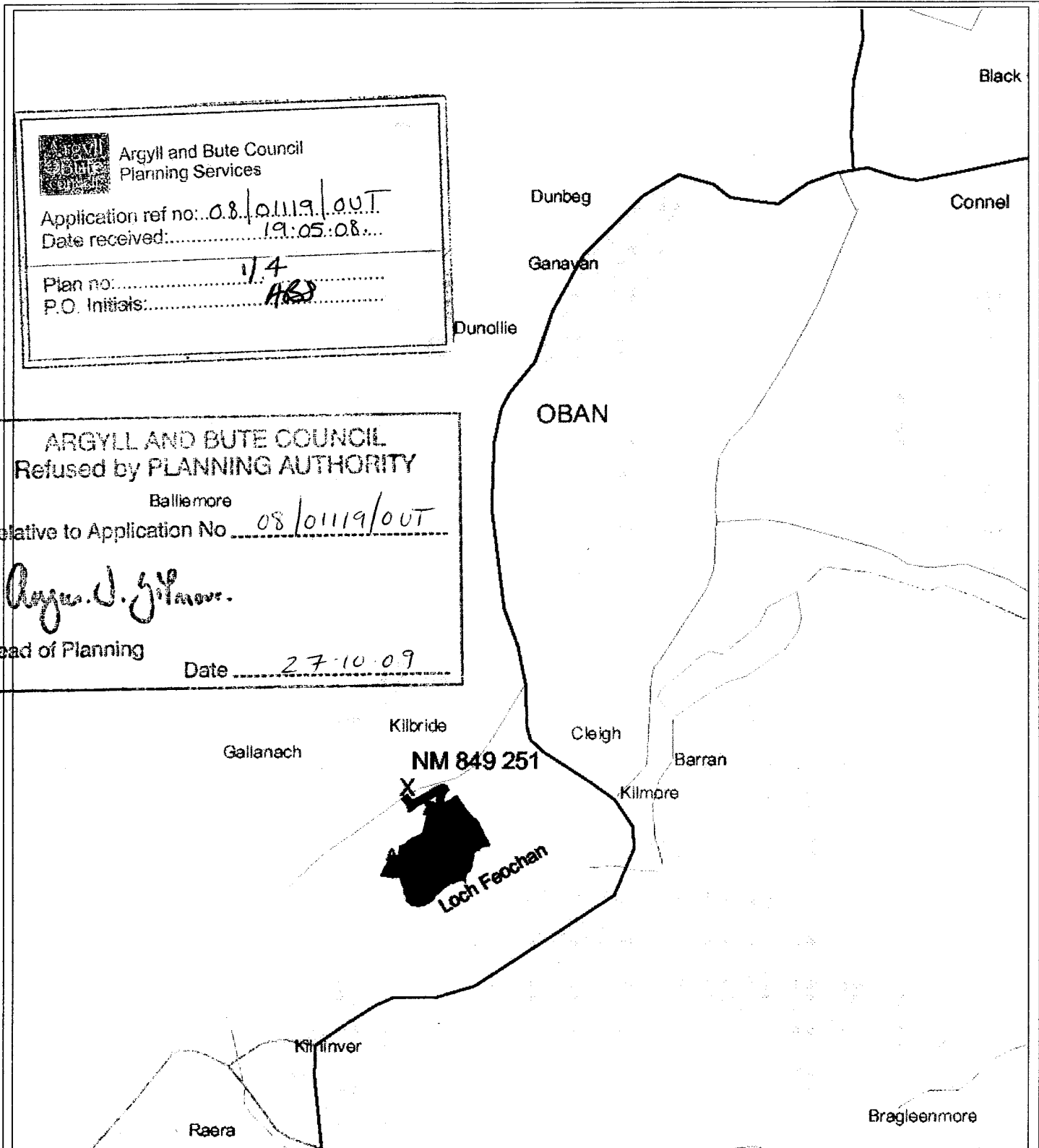
Extent of managed woodland

Argyll and Bute Council
 Planning Services

Application ref no: 08/01119/00
 Date received: 19.05.08

Plan no: 4/4
 P.O. Initials: MBS

ARDORAN LOCATION MAP



Argyll and Bute Council
Planning Services

Application ref no: 08/01119/OUT
Date received: 19:05:08...

Plan no: 1/4
P.O. Initials: HSD

ARGYLL AND BUTE COUNCIL
Refused by PLANNING AUTHORITY

Ballimore
Relative to Application No 08/01119/OUT

Angus J. Gilmore.
Head of Planning

Date 27.10.09

Empty rectangular box for additional information or notes.



Scale 1:75000

09/05/08

UPM

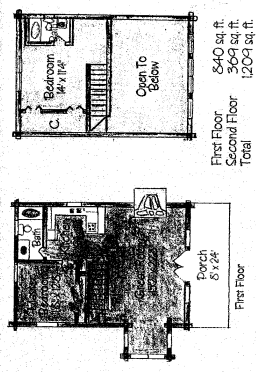
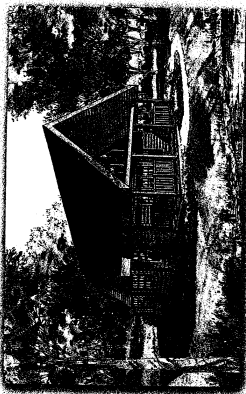
Clarendon
Clarendon
Oban
Argyll
PA34 4QA
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Fax: (01631) 566751

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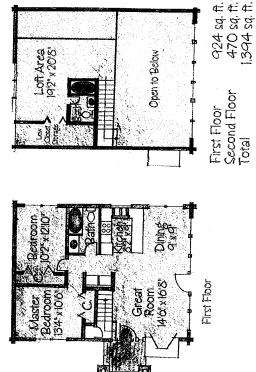
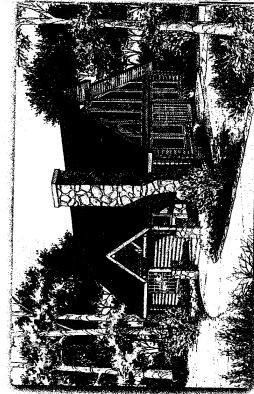
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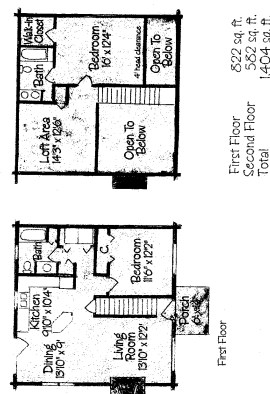
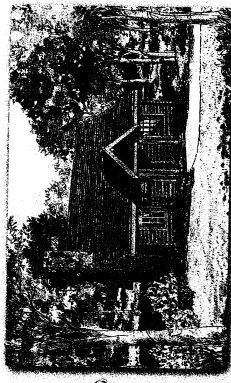
WILDWOOD



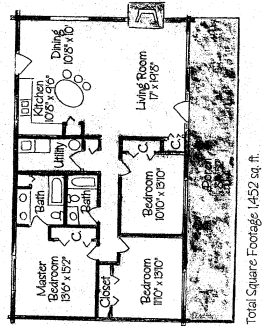
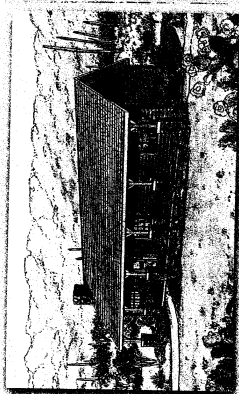
CRESTVIEW



WOODLAND



CUMBERLAND



ARGYLL AND BUTE COUNCIL
Refused by PLANNING AUTHORITY
 Relative to Application No. 08/16/119/607
Argyll J. J. Moore
 Head of Planning

Argyll and Bute Council
 Planning Services
 Application ref no.: 08/10/119/607
 Date received: 17.05.08.
 Plan no.: 3/4
 P.O. Initials: AKS

PLANNING & INVESTIGATIVE
CONSULTANT

Allan Macaskill
5 Ferryfield Road
CONNEL, PA37 1SR
Tel/Fax: 01631 710133
Mobile: 07749754660
Email: emacaskill@btinternet.com

09 June 2009

Mr Angus Gilmour
Head of Planning
Argyll & Bute Council
Kilmory
LOCHGILPHEAD
PA31 8RT

Dear Mr Gilmour

Ref: 08/01119/OUT – Mr & Mrs T Evans

The above application was validated on 19 May 2008 and to date no decision has been intimated.

I have discussed the progress of the application several times with Ian McIntyre in Oban and he has informed me that he is going to discuss the application with you.

I understand there are no objections and that Andrew Swain believes the application could be approved with a Condition tying the house to the woodland.

I referred to the Evan's application in a letter to you dated 28 June 2008 (copy attached).

Ardoran Woodland extends to 284 acres and the application is for one small dwelling house. "Locational Need – should directly relate to supporting the operations of a business and associated land or water use."

I am not criticising the Planning Department or any of the officers but I believe a decision should be made. I hope you will agree that the application should be approved with the appropriate conditions.

Yours sincerely

PLANNING & INVESTIGATIVE
CONSULTANT

Allan Macaskill
5 Ferryfield Road
CONNEL, PA37 1SR
Tel/Fax: 01631 710133
Mobile: 07749754660
Email: emacaskill@btinternet.com

28 June 2008

Mr Angus Gilmour
Head of Planning
Argyll & Bute Council
Kilmory
Lochgilphead
PA31 8RT

Dear Mr Gilmour

I wish to thank you for your assistance and for forwarding a copy of the Appeal Decision regarding South Inverneill, Ardrishaig.

The appeals related to two house sites on a 45 acre area and the Reporter stated "there is no evidence that the 45 acre plantation generates a full time job".

I have filed application No: 08/01119/OUT for Mr & Mrs Tony Evans in Ardoran Woodland for one small dwelling house. This woodland extends to 284 acres over six times the size of South Inverneill. I also included a detailed letter from Mr John Little of UPM Tilhill Forestry. I hope the Planning Department will feel able to recommend approval.

Argyll & Bute's economy depends on the life blood of small businesses. The dependency on tourism is precarious. For example tourist operators have informed me that this June has shown a decrease of 20% from last year for some operators.

The Council's Corporate Plan encourages small businesses and I feel that more should be done to nurture and assist persons willing to invest in this area.

I spoke to you recently about Duncan MacDougall who applied for a house in the Dalmally area. This was refused on a Blue Report. The site chosen was really the only suitable one as the remainder of the ground

in his father's ownership is on a flood plain. The River Orchy floods in the Winter months. The other important factor was that the access chosen was not objected to by Transport Scotland.

I have discovered quite a few anomalies when I have investigated the Finalised Draft of the Argyll & Bute Plan

I shall write to Fergus Murray shortly and I shall enclose a copy to you.

Once again thank you for your assistance.

Yours sincerely

Allan Macaskill



Wednesday, 1 April, 2009 7:38 AM

RE:

From: "McIntyre, Ian" <Ian.McIntyre@argyll-bute.gov.uk>
To: "E MACASKILL" <emacaskill@btinternet.com>

Yes I will try to read the report tomorrow when I will have some spare time on the Clansman

From: E MACASKILL [mailto:emacaskill@btinternet.com]
Sent: 31 March 2009 22:33
To: McIntyre, Ian
Subject:

Hope you are having a nice day - 08/01119/OUT - Evans due 2 July 2008. Mr & Mrs Evans are getting concerned about the time. They are nearly a year older. Please process. T.P.O. at Barbreck House. Any developments?

Regards, Allan

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UPM Tilhill

Mr & Mrs A Evans
1 The Old Presbytery
Brentwood Road
Ingrave
Brentwood
Essex CM13 3QH

1(6) + enc.
01 May 2008
Ref: Ardoran/Reports

Dear Tony & Bettine

Ardoran – Operations Required from 2008.

Thank you for your instruction to advise you on the operations you will need to consider carrying out at Ardoran now that the first crop rotation is increasingly at risk from more extensive wind damage and that felling should be considered within the next couple of years.

You have already indicated a desired objective for the woodland to be designed to embrace the principles of Continuous Cover forestry in the future. Much of the woodland would be suited to this more intensive form of management which has at its heart the aim of sustainable harvesting and regeneration on an annual basis. This smaller scale working also give the woodland owner the opportunity to carry out more of the work themselves if they are able to be available on site over most of the year, including monitoring and protecting the woodland from deer, farm stock and other pests. If you are not available on site more frequently then continuing with a more extensive clearfell and restock method of timber harvesting would be more appropriate.

Current condition of the woodland:

Ardoran Woodland extends to 115 hectares (284 acres). The commercial conifer crop in Ardoran was mainly planted in 1975. Normal commercial rotations for Sitka spruce in Argyll are between 35 and 45 years old, although areas of slower growing trees or areas in which the trees can remain resistant to wind damage can be grown on for longer. When the woodland was bought in 2003 it was expected that the woodland would start to suffer from increasing levels of wind damage in the areas of fastest growing trees from around 2008 with a high risk of significant damage occurring by 2013. Initial objectives were therefore to plan for felling around 2010. Noticeable fresh wind damage has occurred through January, February and March 2008 which supports the predictions that have been made and current weather patterns of high winter rainfall and increasing occurrence of gale force winds suggest that planning a felling and restocking program for these woodlands should now be enacted with the potential for the first felling to take place in 2009.

A member of the UPM Group

UPM Tilhill

Claremont
Glencruitten
Oban
Argyll PA34 4QA
Tel: 01631 562906
Fax: 01631 566751
www.upm-tilhill.com

Registered in England
Number 3242286

Registered Office
Blackham Court
Withyham
East Sussex TN11 4DB



Initial indications are that the felling of this first rotation crop is likely to be mainly carried out between 2009 and 2025. Some slower growing original crop areas will be retained into the second rotation, potentially until 2060.

With the development of an emerging biofuel market (wood/woodchips for local scale heating projects and for electricity generation) it is possible that the next crop rotation at Ardoran can be managed more intensively with the re-established areas being thinned from around 2028 giving the potential of the woodland being managed on a continuous cover basis, much more akin to farming.

Once Felling and restocking plans are approved the on site operations that you will need to organise are:

Forest Long Term Plan/Felling Permissions:

1. Before any felling can take place it is a legal requirement to obtain a Felling Licence from the Forestry Commission. The Felling Licence will include conditions regarding the restocking of the woodland after felling. The Forestry Commission prefer if all the information regarding the woodland (a description of the woodland/ records of consultations with statutory consultees and neighbours/ felling and restocking proposals) is set out as a Long Term Forest Plan (20 year period) so that they can provide felling approvals over a longer period as opposed to individual applications for each separate felling. The same plan can be used to help certify the timber produced from the woodland as being from a sustainable and legally felled resource within the requirements of the UK Woodland Assurance Scheme (UKWAS).
2. The consultation process and the preparation of a plan is normally carried out over a 3 to 6 month period, but if the consultation becomes complex or additional landscape impact analysis, or other surveys are required then planning can take in excess of a year. At Ardoran I would expect that the 3 to 6 month planning period is realistic. During the forest planning process there will need to be frequent meetings with the Forestry Commission, consultees and neighbours.

Road Improvements:

1. The current private access road leading to the woodland and the internal forest track require upgrading to allow suitable timber lorries to access the property. Once timber operations are ongoing the dry bound roads will need to be regularly maintained to ensure they remain in fit condition for purpose.
2. A specification for the access and forest road improvements will need to be drawn up to allow contractors to visit the site and quote to carry out what is required. Even so it is normal to find that significant supervision of the appointed contractor is necessary; both to ensure the work is carried out to specification and to be on hand to agree deviations from the specification/route where appropriate. As the access road is shared and passes through grazing ground and sites with planning permission granted for house development the level of liaison with neighbours and protection of third party interests will be greater than normal. Whilst obtaining quotations

may involve occasional visits over 2 to 3 weeks the actual road improvements themselves are likely to take a further 2 to 4 weeks of intensive work.

Harvesting and Timber Dispatch:

1. It is expected that the first felling area in 2009/10 may take approximately 12 to 15 weeks to fell, and the dispatch of timber is likely to take a further 3 to 9 weeks after completion of felling depending on the timber markets. The period where monitoring of felling and haulage will be required is therefore estimated at approximately 20 weeks.

2. I can provide you with a list of timber harvesting companies (including UPM Tilhill) from whom you can seek competitive tenders to harvest and market the timber from Ardoran. Harvesting companies negotiate access to the various timber markets and coordinate the harvesting and haulage of the timber to these markets. Most timber sales currently are either sold on an out turn price per tonne, either by timber product dispatched or as an averaged price per tonne for all timber products. It is therefore important for the woodland owner to be confident that all marketable timber is removed from the site, promptly dispatched (the timber loses weight as it dries out after it is cut) and delivered to the mills. This can only be done by regular checks of the harvesting as it proceeds and monitoring of the lorry loads being dispatched. Payment is based on the timber weight as it is delivered into the markets. At Ardoran the haulage of the timber from site. This will also require additional monitoring.

Traffic Management:

The public road from Ardoran to the A815 is a Consultation Route under the Argyll Timber Transport Group initiative, there will need to be a management agreement that will identify the most suitable type of timber haulage lorry and the frequency of loads that can be taken out each day/week. It is likely that the Agreement will limit dispatches to around 100 tonnes of timber per day. This may also require the use of smaller lorries to forward the timber to articulated trailers close to the A815. This will require careful monitoring.

Fencing:

1. Current boundary fences are not completely stock proof and many sections will need to be replaced prior to the restocking/regeneration of felled areas. With the north boundary being on the shore of Loch Feochan it is not possible to effectively deer fence the woodland to exclude roe, red and sika deer. Fences will therefore be stock fences to control neighbouring sheep and cattle. These fences will need to be checked regularly and maintained carefully since a break in of sheep or cattle can cause significant damage to planted trees or establishing regeneration.

2. The length of boundary fence adjacent to fields with farm stock in them extends to 2,335m. Renewal of this fence would take a fencing contractor approximately 5 weeks.

Deer Control:

Ardoran will retain a significant area of broadleaved woodland on the loch shore and the retained conifer areas. This type of mixed woodland is very attractive to deer but their numbers need to be carefully controlled to minimise damage to the trees being planted and to regenerating trees. The woodland has resident roe deer at present, but red deer are known in the locality and sika deer have been spreading from the south of the area. Effective deer control must start immediately following clearance of the first felling sites and minimisation of deer damage relies on ongoing monitoring of deer activity on the property, best carried out in early morning and late evening throughout the year (for male deer), and management of deer numbers at a level which will allow broadleaved regeneration to establish. As deer can roam quite widely and damage, especially to establishing trees, can occur very rapidly the more frequent the inspections and shooting activity can take place the better. I understand that you have an interest in shooting and that you may want to carry out the deer control yourself if you can, but I would warn you that to minimise damage you would need to be able to react quickly if any damage to restocked and regenerating trees is seen. This would not be easily achieved from a distance.

Ground preparation for restocking:

1. Once felling and dispatch of the timber has taken place then the site will need to be prepared for the planting or regeneration of the next rotation of trees. Techniques can vary but the branch wood and other felling debris on the site will need to be tidied. There is a developing market to collect this material into bales for transport to the most local biomass furnace, if economic and technically sensible to do so.
2. A tracked excavator would be used to dig trenches across the site and use the trench spoil to create mounds onto which the trees are planted. Any felling debris can then be pulled into the mounding trench where possible. The target is to create 2700 to 2900 mounds per hectare on average.
3. Any drainage and access track work to facilitate planting/tending and protecting the establishing trees will be carried out as part of the ground preparation works.
4. At Ardoran the existing mature native broadleaved woodland area will be increased after the conifers are felled by gathering the harvesting debris into rows and scarifying the ground underneath to create a suitable seed bed for the broadleaves to regenerate into.
5. The above operations require setting out the areas to be worked by using coloured flags to identify boundaries, watercourses, drain lines etc., which would take 1 to 2 days. Finding and negotiating with a suitable plant hire contractor and showing them the site would require occasional visits but is often spread out over a period of a couple of months depending on how many contractors view the site and whether they are able to fit the work in a timeframe to suit replanting or seeding for regeneration. The work itself is likely to take 5 to 6 weeks to complete and would require ongoing supervision to ensure that the marked areas are followed correctly and that water supplies and other hazards and constraints are identified and protected.

Restock Planting:

1. The next rotation of conifer crop trees will be planted onto the mounds which provide a raised/drained and slightly warmer planting site to assist the trees establishment.
2. Planting remains a job for a man and a spade and as a result is time consuming. An experienced planter can plant 2000 trees per day. However, it is a job that an owner occupier can carry out themselves but I would estimate that the additional care they would take with the trees would result in planting rates of no more than 500 trees per day. I would estimate that approximately 50,000 trees will be needed to replant the first felling area at Ardoran. Depending on who planted the trees, the planting will take between 25 days and 100 days to complete. It is not necessary to carry out all the planting in a single year, the program could be carried out over several years if you and your family wanted to carry out the work yourselves.

Regeneration:

1. To ensure successful regeneration the density of seeding and establishment of the regenerating trees will need to be monitored and action taken to either further improve the seed bed or to carry out enrichment planting in areas where there is insufficient regeneration occurring.
2. Broadleaved trees are especially susceptible to browsing damage from deer, voles, rabbits, hares etc. The greater the frequency of inspections to monitor and protect the establishing trees (broadleaved and conifer) the better.

Weevil Control:

1. The large Pine Weevil (a beetle that feeds on the bark of establishing trees which, if untreated, potentially ring barks the tree and kills it) is one of the most serious threats to the successful establishment of the replanted areas. Treatment currently is mainly through top spraying with an approved insecticide at least twice in the first year following planting and once in the year after planting. Milder winters recently have resulted in attacks happening later in the year increasing deaths significantly, where possible outbreaks need to have further top spraying carried out on affected areas.
2. The most successful treatment of weevil to ensure satisfactory establishment is to monitor regularly between March and December and to carry out top spray treatment in dry weather as soon as an outbreak of weevil occurs.

Beat Up:

1. Normal practice is to replace any of the planted trees that have died within the year each spring for the first two years after planting.

As you can see the amount of management and supervisory work which will be required at Ardoran will be considerable and it would not be possible for you to play the active role that you have said you would like to from your home in Essex. You will need to spend more time at the woodland if you are to be effectively involved in its future management.

The initiation of the forest planning process (June – Dec 2008), Roding and Felling (March to Sept 2009), restocking (October 2009 – March 2010) and establishment (April 2010 to April 2015) of the planted and regenerated trees post felling will all require regular availability on site for extended periods over the next 3 to 7 years. After the initial establishment period of 5 years the young trees will still require monitoring and protection. At the same time the preparation required to market and supervise the next area of felling around 2015 will be necessary, followed by the felling of the remainder of the first rotation trees around 2025 (by which time the restocked trees from 2010 will be 15 years old and could potentially be suitable to be thinned). From a situation where, once established, the first rotation of timber at Ardoran has required relatively few inputs or involvement from yourselves you will see that the felling and re-establishment of the woodland will now involve significantly more management and supervisory time being spent on a much more regular basis.

I hope you find the above information useful and that it can form the basis of future discussions regarding the potential costs and returns for these operations, which will depend on the time you can spend on the woodland and your availability to be on site when required.

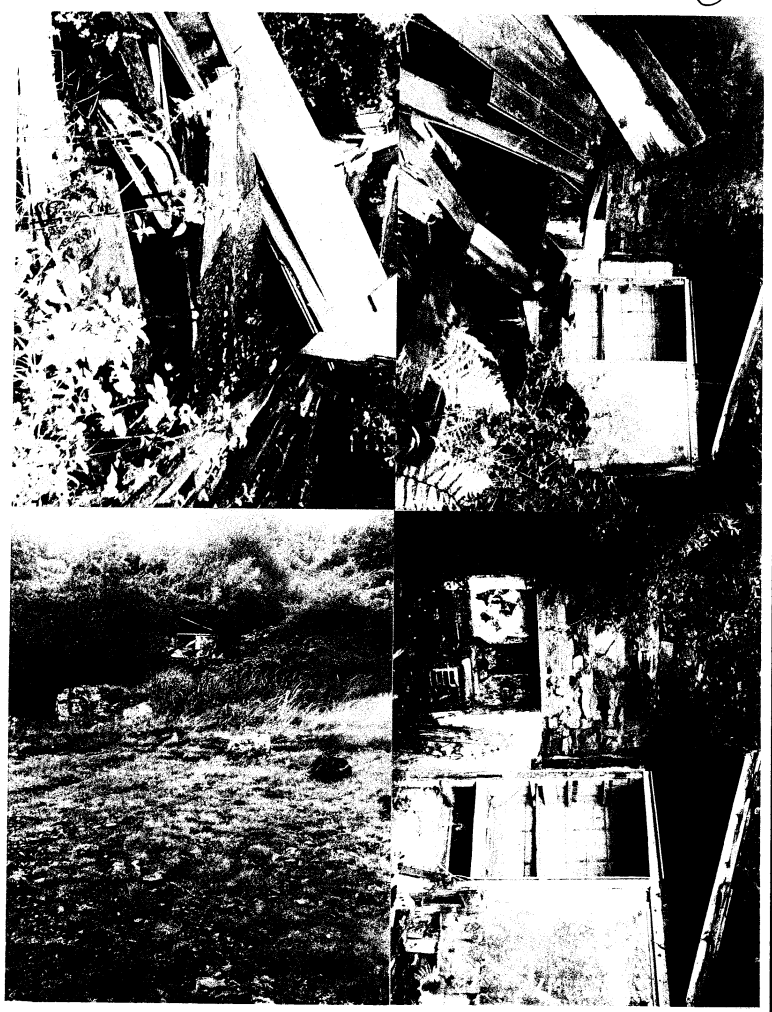
Please do not hesitate to contact me to discuss the issues in more detail.

Yours sincerely,

A handwritten signature in cursive script that reads "John Little". The signature is written in black ink and is positioned above the printed name and title.

John Little BSc (Hons), MICFor.
Deputy District Manager

6



STATEMENT OF CASE

FOR

**ARGYLL AND BUTE COUNCIL
LOCAL REVIEW BODY**

**REFUSAL OF OUTLINE PLANNING
PERMISSION FOR ERECTION OF
DWELLINGHOUSE AT ARDORAN WOODLAND,
LERAGS, BY OBAN, ARGYLL**

**OUTLINE PLANNING APPLICATION
REFERENCE NUMBER 08/01119/OUT**

26th November 2009

STATEMENT OF CASE

The planning authority is Argyll and Bute Council ('the Council'). The appellants are Mr and Mrs T Evans ('the appellants').

The outline planning application, reference number 08/01119/OUT, for the erection of a dwellinghouse at Ardoran Woodland, Lerags, by Oban, Argyll ("the appeal site") was refused under delegated powers on 27 October 2009. The planning application has been appealed and is subject of referral to a Local Review Body.

DESCRIPTION OF SITE

The application site is within woodland on the northern shore of Loch Feochan. Access to the site would be by way of existing forest tracks from the road to Ardoran Marina to the north of the site. The woodland comprises extensive areas of commercial conifers on the higher ground and extensive and visually important deciduous woodland on the lower slopes above the shore line.

SITE HISTORY

None relevant

STATUTORY BASIS ON WHICH THE APPEAL SHOULD BE DECIDED

Section 25 of the Town & Country Planning (Scotland) Act 1997 provides that where, in making any determination under the planning Acts, regard is to be had to the development plan, 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 proposal complies with the Argyll and Bute Local Plan's settlement strategy. In terms of the settlement strategy, the site lies in sensitive countryside where there is a general presumption against open countryside development. Consequently, the Council only presumes in favour of development associated with infill, rounding off and/or redevelopment. If a special case need justification is claimed, an Area Capacity Evaluation (ACE) is required.

The Report of Handling (Appendix 2) sets out the Council's assessment of the application in terms of Development Plan policy and other material considerations.

DEFINITION OF LOCATIONAL NEED

In terms of locational need the Argyll and Bute Local Plan defines it as:

'Locational need – 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 or else supporting the provision of vital infrastructure or else supporting a bad neighbour development at a location where land use conflict will not occur.'

The Forestry Commission were consulted on the application and indicated only a 'benefit' for on-site occupation. They did not agree with the locational/operational need requirement. In an e-mail dated 23 November 2009 they reiterate this view (Appendix 1).

The site is only 4.8Km (3 miles) from Oban, which is not an unreasonable commuting distance from where supervision and an onsite presence could be made available at short notice. The appellants in their submission have failed to demonstrate that there is no potential to use existing accommodation in the area.

Locational and operational need has been used to justify new dwellinghouses in the countryside, particularly for new farmhouses and farm workers' houses. However, no locational or operational need for forestry operations has been used to justify a new dwellinghouse in Argyll and Bute.

A 'locational need' for the proposed dwellinghouse to be located within Sensitive Countryside has not been established and therefore does not have an exceptional case justification to support the proposal in terms of Structure and Local Plan criteria.

REQUIREMENT FOR ADDITIONAL INFORMATION AND A HEARING

It is considered that no new information has been raised in the appellants' submission. The issues raised were covered in the Report of Handling which is contained in Appendix 2. As such it is considered that Members have all the information they need to determine the case. Given the above and that the proposal is small-scale, has no complex or challenging issues and has not been the subject of representations, then it is considered that a Hearing is not required.

COMMENT ON APPELLANTS' SUBMISSION

See Appendix 2.

CONCLUSION

Section 25 of the Town and Country Planning Act 1997 requires that all decisions be made in accordance with the development plan unless material considerations indicate otherwise. The application site is located within 'Sensitive Countryside' in the Adopted Argyll and Bute Structure 2002. This zone establishes a presumption against open countryside development. Consequently, the Council only presumes in favour of development associated with infill, rounding off and/or redevelopment. If a special case need justification is claimed, an Area Capacity Evaluation (ACE) is required. The proposed development is not considered infill, rounding off and/or redevelopment, does not comply with the Argyll and Bute Local Plan's settlement strategy, and is not considered to be a 'special case' as no specific locational requirement has been demonstrated. Therefore the development is contrary to the provisions of Policy STRAT DC5 of the Approved Argyll and Bute Structure Plan 2002 and Policy LP ENV1 of the Adopted Argyll and Bute Local Plan 2009. Taking account of the above, it is respectfully requested that the appeal be dismissed.

Appendix 1

From: Mainprize, Nick [nick.mainprize@forestry.gsi.gov.uk]
Sent: 23 November 2009 16:13
To: Young, Howard
Subject: RE: 08/01119/OUT: OUTLINE PLANNING APPLICATION AT ARDORAN WOODLAND, LEDRAGS, ARGYLL

Howard

I refer you to our telephone conversation of earlier today with regard to the above planning application.

I can confirm that the Forestry Commission's view on this case remains as per Helen Watt's (FC Woodland Officer) of 10 October 2008. It would be beneficial with regards to some of the woodland associated operations to have individuals associated with this work to be resident on site. However it is by no means essential and it is in fact the norm for forestry operations to be carried out by contractors who live remote to woodland sites.

Regards

**Nick Mainprize –
Operations Manager**
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Appendix2

**Argyll and Bute Council
Development Services**

Delegated or Committee Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 08/01119/OUT

Planning Hierarchy: Local Development

Applicant: Mr and Mrs T Evans

Proposal: Erection of dwellinghouse

Site Address: Ardoran Woodland, Lerags, by Oban, Argyll.

DECISION ROUTE (delete as appropriate)

Sect 43 (A) of the Town and Country Planning (Scotland) Act 1997

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of dwelling house
- Formation of septic tank

(ii) Other specified operations

- Upgrading of existing forestry track
-

(B) RECOMMENDATION:

Refuse for the reasons detailed below.

(C) HISTORY:

None relevant

(D) CONSULTATIONS:

Area Roads Manager

Report dated 01/07/08 - No objection subject to improvement to junction of private access with public road

Public Protection Unit

Memo dated 08/07/08 - No objection subject to demonstration of wholesome and adequate water supply and the control of external lighting.

Forestry Commission

Letter dated 10/10/08 - confirmed man power requirements and indicated only a 'benefit' for onsite occupation they did not agree with the locational operational need requirement.

(E) PUBLICITY:

The proposal has been advertised in terms of Potential departure to policy HO25 of Lorn Local Plan, closing date 24/07/08.

(F) REPRESENTATIONS:

None.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

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

(H) PLANNING OBLIGATIONS

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

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

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

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

Argyll and Bute Structure Plan 2002

STRAT DC5 – Supports, small scale infill, rounding off, redevelopment proposals and/or change of use of buildings in Sensitive Countryside, and that in special cases, development in the open countryside may be supported if small scale, has positive local benefits and has a locational need (and subject to an ACE) .

Argyll and Bute Local Plan 2009

LP ENV 1 – Requires that all development should protect, restore or where possible enhance the established character and local distinctiveness of the local landscape in terms of location and scale.

(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 4/2009.**

The Planning etc. (Scotland) Act, 2006

National Planning Framework, 2004 & Monitoring Report 2006

SPP1 The Planning System (Nov 2002)

Argyll and Bute Council, Supplementary Planning Guidance: Area Capacity Evaluation approved, February 2009

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

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

(M) **Has a sustainability check list been submitted:** **No**

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

(O) **Requirement for a hearing (PAN41 or other):** **No**

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

This application is in outline (in principle) for the erection of a dwelling house/log cabin within woodland on the northern shore of Loch Feochan. Access to the site would be by way of existing forest tracks from the road to Ardoran Marina to the north of the site. The proposal is to serve the requirements of the land owner who proposes to work and manage 115ha of mixed woodland which surrounds the site. The woodland comprises extensive areas of commercial conifers on the higher ground and extensive and visually important deciduous woodland on the lower slopes above the shore line.

The application site is located within an area of 'Sensitive Countryside' where Structure Plan Policy STRAT DC5(A) states that, within Areas of 'Sensitive Countryside' encouragement shall be given to small scale infill, rounding off, redevelopment proposals and/or change of use of buildings.

Policy STRAT DC5 (B) states that in special cases, development in the open countryside and medium or large scale development may be supported if this accords with an area capacity evaluation which demonstrates that the specific development proposed will integrate sympathetically with the landscape and settlement pattern and that the development will entail or result in at least one of the following outcomes

- (i) it requires to be small scale, and consistent with an Area Capacity Evaluation.
- (ii) a positive development opportunity yielding significant countryside management or environmental enhancement benefit, or building retention benefit or local community benefit or economic benefit and;
- (iii) a development with a locational need to be on or in the near vicinity of the proposed site.

In respect of an assessment against the policy requirements it is considered that the following applies:-

- (i) Scale – The proposal for 1 dwelling is clearly small scale. Supplementary Planning Guidance: Area Capacity Evaluation approved in February 2009 requires that locational need (iii) below is satisfied before and ACE is required.
- (ii) No positive significant countryside management or environmental enhancement benefits to the local community or wider economic benefits have been demonstrated.
- (iii) In the applicant has submitted a Forest Management Plan' in order to support the 'locational need' criteria. The Forest Management plan has been subject to assessment by the Forestry Commission who conclude:-

“that there would be sufficient work available in the management of this 115ha woodland to support at least 2 people on a full time basis. It would further benefit with regards to many of the operations proposed such as deer control, planting and further maintenance of planted trees if the people were resident on site and could therefore closely supervise and manage the woodland.”

'Locational Need' as defined in the Adopted Local Plan 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...”

In this instance it is clear that whilst there may sufficient work to employ up to 2 people in the management of the woodland, no 'necessity' for an onsite presence has been demonstrated. Furthermore the site is only 4.8Km (3 miles) from Oban, which is not an unreasonable commuting distance from where supervision and an onsite presence could be made available at short notice. This proposal therefore fails to be described as a special case as it does not produce an outcome required by STRAT DC5 (B) and the proposal therefore is contrary to adopted Structure Plan policy STRAT DC5.

The proposal also requires to be assessed against POL ENV1 Requires that all development should protect, restore or where possible enhance the established character and local distinctiveness of the local landscape in terms of location and scale subject to the proposal being in accord with Structure Plan policies. Given that the proposal does not accord with Policy STRAT DC5 it cannot accord with Policy ENV1.

It is considered that a 'locational need' for the proposed dwellinghouse to be located within Sensitive Countryside has not been established and therefore does not have justification to support a departure from existing approved Structure and Local Plan policies.

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

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

N/A

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

Author of Report: Andrew Swain

Date: 01/10/09

Reviewing Officer: Howard Young

Date: 27/10/09

**Angus Gilmour
Head of Planning**

GROUNDINGS OF REFUSAL RELATIVE TO APPLICATION REF. NO. 08/01119/OUT

1. The application site is located within 'Sensitive Countryside' in the Adopted Argyll and Bute Structure 2002. This allocation establishes a presumption in favour of development provided it is infill, rounding off and/or redevelopment. The proposed development is not considered either of the above, nor is it considered to be a 'special case' as no specific locational requirement can be demonstrated as the proposed development could be located elsewhere in a more suited environment. Therefore the development is contrary to the provisions of the Adopted Argyll and Bute Structure Plan 2002, Policy STRAT DC5.

2. The application site is located within 'Sensitive Countryside' in the Adopted Argyll and Bute Local Plan 2009. This allocation establishes a presumption in favour of development provided it is infill, rounding off and/or redevelopment. The proposed development is not considered either of the above, nor is it considered to be a 'special case' as no specific locational requirement can be demonstrated as the proposed development could be located elsewhere in a more suited environment. Therefore development cannot be justified under the provisions of the Adopted Argyll and Bute Local Plan 2009 Policy ENV1, which requires compliance with Structure Plan 2002, Policy STRAT DC 5.

APPENDIX TO DECISION REFUSAL NOTICE

Appendix relative to application **08/01119/OUT**

- (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) The reason why planning permission has been refused.

It is considered that a ‘locational need’ for the proposed dwellinghouse to be located within Sensitive Countryside has not been established and therefore does not have justification to support a departure from existing approved Structure and Local Plan policies.

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**RESPONSE TO ARGYLL & BUTE COUNCIL'S STATEMENT OF CASE
APPLICATION 08/01119/OUT – ARDORAN WOODLAND
ERECTION OF DWELLINGHOUSE**

Firstly, the Council's statement does not address the failure to process the application within a reasonable timescale. Seventeen months to process a straightforward small-scale application is not acceptable and the applicants require an explanation.

Secondly, forestry is a very important part of the economy in Argyll & Bute in the rural areas which dominate the Council area. The sector contributes £1 billion to the Scottish economy and employs 10,000 people. The locational and operational need is overwhelming. I have listed the work that has to be undertaken when felling and restocking commences:- Road improvements, harvesting and timber dispatch, traffic management, fencing, deer control, ground preparation, etc.

The forest is fenced and admittance by vehicles to the forest is through a locked gate. It would be extremely difficult to operate if the applicant had to travel every day from outwith the woodland. Unnecessary vehicular movements should be discouraged.

Does the Council wish to encourage development? Is it a priority? The Council relies on the Forestry Commission for a response which is very brief and does not deal with the application at all. The Commission are not familiar with the management of this particular forest. The email is dated 23 November 2009 and is included after the appeal was lodged and was not part of the original report. The application was validated on 19 May 2008.

The Planning Officer appears to have telephoned the Commission and as a result a brief email was sent. No contact was made with the Company Tilhill which is currently looking after the woodland.

Even the Forestry Commission state that it would be beneficial to have a resident on site. It appears that forestry owners are being penalised by having to undergo a far stricter test of operational need than those in other industries e.g. farmers, crofters, self catering operators, etc.

Thirdly, I request a Hearing because this is an important application. I believe the Review Panel should hear what the Deputy District Manager for Tilhill, Mr John Little, has to say about the locational and operational need and the way a forest is managed.

There are no objections from third parties and I earnestly believe that the application should be granted and treated as a "special case".

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