

**Argyll and Bute Council**  
Comhairle Earra Ghaidheal agus Bhoid

Customer Services  
Executive Director: Douglas Hendry



Kilmory, Lochgilphead, PA31 8RT  
Tel: 01546 602127 Fax: 01546 604435  
DX 599700 LOCHGILPHEAD  
e.mail –douglas.hendry@argyll-bute.gov.uk

13 March 2013

## NOTICE OF MEETING

A meeting of the **ARGYLL AND BUTE LOCAL REVIEW BODY** will be held in the **COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD** on **WEDNESDAY, 20 MARCH 2013** at **3:15 PM**, which you are requested to attend.

Douglas Hendry  
Executive Director - Customer Services

## BUSINESS

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATIONS OF INTEREST (IF ANY)**
3. **CONSIDER NOTICE OF REVIEW REQUEST: ARDUAINE FARM, ARDUAINE, KILMELFORD**
  - (a) **Notice of Review and Supporting Documentation (Pages 1 - 34)**
  - (b) **Comments from Interested Parties (Pages 35 - 50)**
  - (c) **Comments by Applicant (Pages 51 - 54)**

## ARGYLL AND BUTE LOCAL REVIEW BODY

Councillor Gordon Blair  
Councillor Sandy Taylor

Councillor Rory Colville

Contact: Hazel MacInnes Tel: 01546 604269

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Ref:  
AB1

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

OFFICIAL USE

6 February 2013  
H MacInnes

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	(2) AGENT (if any)
Name <input style="width: 90%;" type="text" value="MICHAEL CAMPBELL"/>	Name <input style="width: 90%;" type="text" value="JAMES LITSTER"/>
Address <input style="width: 90%;" type="text" value="HILL HOUSE"/>	Address <input style="width: 90%;" type="text" value="HALF ACRE HILL"/>
<input style="width: 90%;" type="text" value="ARDUAIN, KILMELFORD"/>	<input style="width: 90%;" type="text" value="CRAOBH HAVEN"/>
<input style="width: 90%;" type="text" value="BY OBAN"/>	<input style="width: 90%;" type="text" value="LOCHGILPHEAD"/>
Postcode <input style="width: 90%;" type="text" value="PA34 4XQ"/>	Postcode <input style="width: 90%;" type="text" value="PA31 8UA"/>
Tel. No. <input style="width: 90%;" type="text" value="01852-200209"/>	Tel. No. <input style="width: 90%;" type="text" value="01852-500365"/>
Email <input style="width: 90%;" type="text" value="arduainefs@aol.com"/>	Email <input style="width: 90%;" type="text" value="jim.litster@me.com"/>

(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

ARDUAIN FARM  
ARDUAIN  
KILMELFORD  
BY OBAN  
PA34 4XQ

(6) Description of Proposal

SITE FOR THE ERECTION OF A DWELLING HOUSE AND INSTALLATION OF A SEPTIC TANK

(7)

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

THE APPLICANT BELIEVES HE HAS DEMONSTRATED A GENUINE OPERATIONAL AND LOCATIONAL NEED FOR PLANNING CONSENT ON THE PROPOSED SITE.

IT IS TRUE THAT THE APPLICANT HAS RUN HIS BUSINESS SUCCESSFULLY FROM HIS EXISTING RESIDENCE FOR A NUMBER OF YEARS. THIS HOWEVER HAS BEEN DONE AS A MATTER OF NECESSITY AND NOT CHOICE. THE APPLICANT ONLY NOW BEING IN A FINANCIAL POSITION TO CONSIDER A SIGNIFICANT INVESTMENT IN A NEW FARMHOUSE.

THE TWO EXISTING HOUSES REFERRED TO IN THE REPORT OF HANDLING COMPRISE OF A PRE-FABRICATED DORRAN BUNGALOW BUILT IN 1966 AND NOW DEEMED UNSUITABLE FOR PERMANENT HABITATION AND A SMALL TWO ROOM RETIREMENT HOME BUILT IN 1988 AND OCCUPIED BY THE APPLICANT'S MOTHER. THE APPLICANT DOES NOT WISH TO DEMOLISH THE DORRAN BUNGALOW AND REDEVELOP THE SITE AS THE BUILDING STILL SERVES A USEFUL PURPOSE PROVIDING SEASONAL ACCOMMODATION FOR WORKERS AND ADDITIONAL STORAGE FACILITIES FOR THE FARM. HE HAS HOWEVER INDICATED THAT A "CHANGE OF USE" TO NON-RESIDENTIAL USE WOULD BE CONSIDERED FOR THIS BUILDING IF THE PROPOSED HOUSE SITE WERE CONSENTED.

CONTRARY TO THE PLANNERS OPINION, THE RETIREMENT HOME OCCUPIED BY THE APPLICANT'S MOTHER CLEARLY PROVIDES NO OPPORTUNITY FOR REDEVELOPMENT.

THE APPLICANT'S CASE FOR A NEW FARMHOUSE ON THE PROPOSED SITE HAS BEEN DISADVANTAGED BY THE FACT THAT THE WORKING YARD OF ARDUAINE FARM HAS BEEN ARBITRARILY INCLUDED IN THE LOCAL SETTLEMENT ZONE. THE APPLICANT HAS CLEARLY DEMONSTRATED THAT THIS AREA OF THE FARM IS UNSUITABLE AS AN ALTERNATIVE SITE DUE TO IT'S CURRENT USE AS A WORKING FARM YARD. IN THIS DAY AND AGE, THE SUGGESTION THAT A NEW FARMHOUSE COULD BE SITED WITHIN THE CONFINES OF A WORKING FARM YARD IS CLEARLY FARCICAL.

THE TWO SITES WITH PLANNING CONSENT ADJACENT TO THE APPLICANTS CURRENT RESIDENCE WHICH ARE REFERRED TO IN THE REPORT DO NOT CONSTITUTE PART OF ARDUAINE FARM AND IN ANY CASE WOULD PROVIDE NO BETTER A SOLUTION THAN HIS EXISTING RESIDENCE.

LOCAL PLAN STRAT AC1 SEEKS TO SUPPORT DEVELOPMENT WHICH HELPS SUSTAIN THE EXISTENCE OF FARMS IN ARGYLL AND ALLOWS THEM TO CONTINUE TO CONTRIBUTE TO THE ECONOMIC AND SOCIAL WAY OF RURAL LIFE IN ARGYLL. THE APPLICANT VIEWS THE PROVISION OF A NEW ENERGY EFFICIENT FARMHOUSE TO ACCOMMODATE HIMSELF AND HIS FAMILY AS WELL AS PROVIDING FOR FUTURE GENERATIONS ON ARDUAINE FARM, AS A DEVELOPMENT WHICH MEETS THIS CRITERION.

THERE IS ALREADY A PRECEDENT OF EXISTING OR CONSENTED RESIDENTIAL DEVELOPMENT LOCATED OUTSIDE THE LOCAL ARDUAINE SETTLEMENT ZONE.

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

(8) If the Local Review Body determines that it requires further information on "specified matters" please indicate which of the following procedure you would prefer to provide such information :-

- (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

*NB It is a matter solely for the Local Review Body to determine if further information is required and, if so, how it should be obtained.*

(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 paper copies of each of the documents referred to in the schedule below must be attached):**

No.	Detail
1	PLANNING APPLICATION FORM
2	031/P01 LOCATION PLAN
3	031/P02 SITE PLAN
4	031/P03 STATEMENT OF OPERATIONAL AND LOCATIONAL NEED
5	031/P04 ADDITIONAL SUPPORT STATEMENT
6	031/P05 MAP OF ARDUAINNE FARM YARD
7	031/P06 BLOCK PLAN OF ARDUAINNE FARM YARD
8	031/P07 SUPPORTING DOCUMENT
9	031/P08 MAP OF PROPERTY OUTSIDE ARDUAINNE SETTLEMENT ZONE
10	

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

Submitted by  
(Please Sign)

J. L. L. L.

Dated

30/01/13

**Important Notes for Guidance**

1. All matters which the applicant intends to raise in the review must be set out in or accompany this Notice of Review
2. All documents, materials and evidence which the applicant intends to rely on in the Review must accompany the Notice of Review UNLESS further information is required under Regulation 15 or by authority of the Hearing Session Rules.
3. Guidance on the procedures can be found on the Council's website – [www.argyll-bute.gov.uk/](http://www.argyll-bute.gov.uk/)
4. If in doubt how to proceed please contact 01546 604406 or email [localreviewprocess@argyll-bute.gov.uk](mailto:localreviewprocess@argyll-bute.gov.uk)
5. Once completed this form can be either emailed to [localreviewprocess@argyll-bute.gov.uk](mailto:localreviewprocess@argyll-bute.gov.uk) or returned by post to **Committee Services (Local Review Board), Kilmory, Lochgilphead, Argyll, PA31 8RT**
6. You will receive an acknowledgement of this form, usually by electronic mail (if applicable), within 14 days of the receipt of your form and supporting documentation.

If you have any queries relating to the completion of this form please contact Committee Services on 01546 604392 or email [localreviewprocess@argyll-bute.gov.uk](mailto:localreviewprocess@argyll-bute.gov.uk)

**For official use only**

Date form issued

Issued by (please sign)



Planning Services Dalriada House Lochgilphead PA31 8ST

Tel: 01546 604840

Fax: 01546 604822

Email: [planning.hq@argyll-bute.gov.uk](mailto:planning.hq@argyll-bute.gov.uk)

Planning Department

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

Thank you for completing this application form:

ONLINE REFERENCE                      000033907-001

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

## Type of Application

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

We strongly recommend that you refer to the help text before you complete this section.

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

## Description of Proposal

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

Site for the erection of a dwelling house, installation of a septic tank and associated soakaway

Is this a temporary permission? \*

Yes  No

If a change of use is to be included in the proposal has it already taken place?  
(Answer 'No' if there is no change of use.) \*

Yes  No

Have the works already been started or completed? \*

No  Yes - Started  Yes - Completed

## Applicant or Agent Details

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

Applicant  Agent

**Agent Details**

Please enter Agent details

Company/Organisation:	J R Litster Architectural Services
Ref. Number:	
First Name: *	James
Last Name: *	Litster
Telephone Number: *	01852 500365
Extension Number:	
Mobile Number:	
Fax Number:	
Email Address: *	jim.litster@me.com

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

Building Name:	Half Acre Hill
Building Number:	
Address 1 (Street): *	Craobh Haven
Address 2:	
Town/City: *	Lochgilphead
Country: *	UK
Postcode: *	PA31 8UA

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

 Individual
  Organisation/Corporate entity
**Applicant Details**

Please enter Applicant details

Title: *	Mr
Other Title:	
First Name: *	Michael
Last Name: *	Campbell
Company/Organisation:	
Telephone Number:	
Extension Number:	
Mobile Number:	
Fax Number:	
Email Address:	

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

Building Name:	Hill House
Building Number:	
Address 1 (Street): *	Arduaine Farm
Address 2:	Arduaine
Town/City: *	Oban
Country: *	UK
Postcode: *	PA34 4XQ



## Site Address Details

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

Address 1:

Address 5:

Address 2:

Town/City/Settlement:

Address 3:

Post Code:

Address 4:

Please identify/describe the location of the site or sites.

Northing

710700

Easting

179830

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

Yes  No

## Pre-Application Discussion Details

In what format was the feedback given? \*

Meeting  Telephone  Letter  Email

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

During a site visit, the planning officer advised that the application site was designated as "countryside around settlement" in the Local Plan. He agreed that given the applicants circumstances, a case for locational/operational need may justify approval of development in this instance. Notwithstanding the zoning of the site, the Planning officer agreed that the proposed site could in general planning terms, be considered a suitable location for the erection of a dwelling house.

Title:

Mr

Other title:

First Name:

Stephen

Last Name:

Fair

Correspondence Reference Number:

Date (dd/mm/yyyy):

02/11/11

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

## Site Area

Please state the site area:

0.35

Please state the measurement type used:

Hectares (ha)  Square Metres (sq.m)

## Existing Use

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

Farm land

## Access and Parking

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

Yes  No

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

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

Yes  No

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

## Water Supply and Drainage Arrangements

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

Yes  No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? \*

- Yes – connecting to public drainage network
- No – proposing to make private drainage arrangements
- Not Applicable – only arrangements for water supply required

What private arrangements are you proposing? \*

- New/Altered septic tank.
- Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed).
- Other private drainage arrangement (such as chemical toilets or composting toilets).

What private arrangements are you proposing for the New/Altered septic tank? \*

- Discharge to land via soakaway.
- Discharge to watercourse(s) (including partial soakaway).
- Discharge to coastal waters.

Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: \* (Max 500 characters)

Installation of individual septic tank and associated soak away to approved standard

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

Yes  No

Note: -

Please include details of SUDS arrangements on your plans

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

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

- Yes
- No, using a private water supply
- No connection required

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

## Assessment of Flood Risk

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

Yes  No  Don't Know

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

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

Yes  No  Don't Know

## Trees

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

Yes  No

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

## All Types of Non Housing Development - Proposed New Floorspace

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

Yes  No

## Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2008) \*

Yes  No  Don't Know

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

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

## Planning Service Employee/Elected Member Interest

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

Yes  No

## Certificates and Notices

Certificate and Notice under Regulation 15 8 – Town and Country Planning (General Development Management Procedure) (Scotland) Order 1992 (GDPO 1992) Regulations 2008

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

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

Yes  No

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

Yes  No

## Certificate Required

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

Certificate A

## Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

Certificate A

I hereby certify that –

- (1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.
- (2) - None of the land to which the application relates constitutes or forms part of an agricultural holding.

Signed: James Litster

On behalf of: Mr Michael Campbell

Date: 25/01/2012

Please tick here to certify this Certificate. \*

## Checklist - Application for Planning Permission

Town and County Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

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

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

Yes  No  Not applicable to this application

b) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major developments, have you provided a Pre-Application Consultation Report? \*

Yes  No  Not applicable to this application

Town and County Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

c) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, have you provided a Design and Access Statement? \*

Yes  No  Not applicable to this application

d) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2008) have you provided a Design Statement? \*

Yes  No  Not applicable to this application

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

Yes  No  Not applicable to this application

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

- Site Layout Plan or Block plan.
- Elevations.
- Floor plans.
- Cross sections.
- Roof plan.
- Master Plan/Framework Plan.
- Landscape plan.
- Photographs and/or photomontages.
- Other.

Provide copies of the following documents if applicable:

- A copy of an Environmental Statement. \*  Yes  N/A
- A Design Statement or Design and Access Statement. \*  Yes  N/A
- A Flood Risk Assessment. \*  Yes  N/A
- A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). \*  Yes  N/A
- Drainage/SUDS layout. \*  Yes  N/A
- A Transport Assessment or Travel Plan. \*  Yes  N/A
- Contaminated Land Assessment. \*  Yes  N/A
- Habitat Survey. \*  Yes  N/A
- A Processing Agreement \*  Yes  N/A

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

Applicant's Statement of Operational and Locational Need

### Declare - For Application to Planning Authority

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

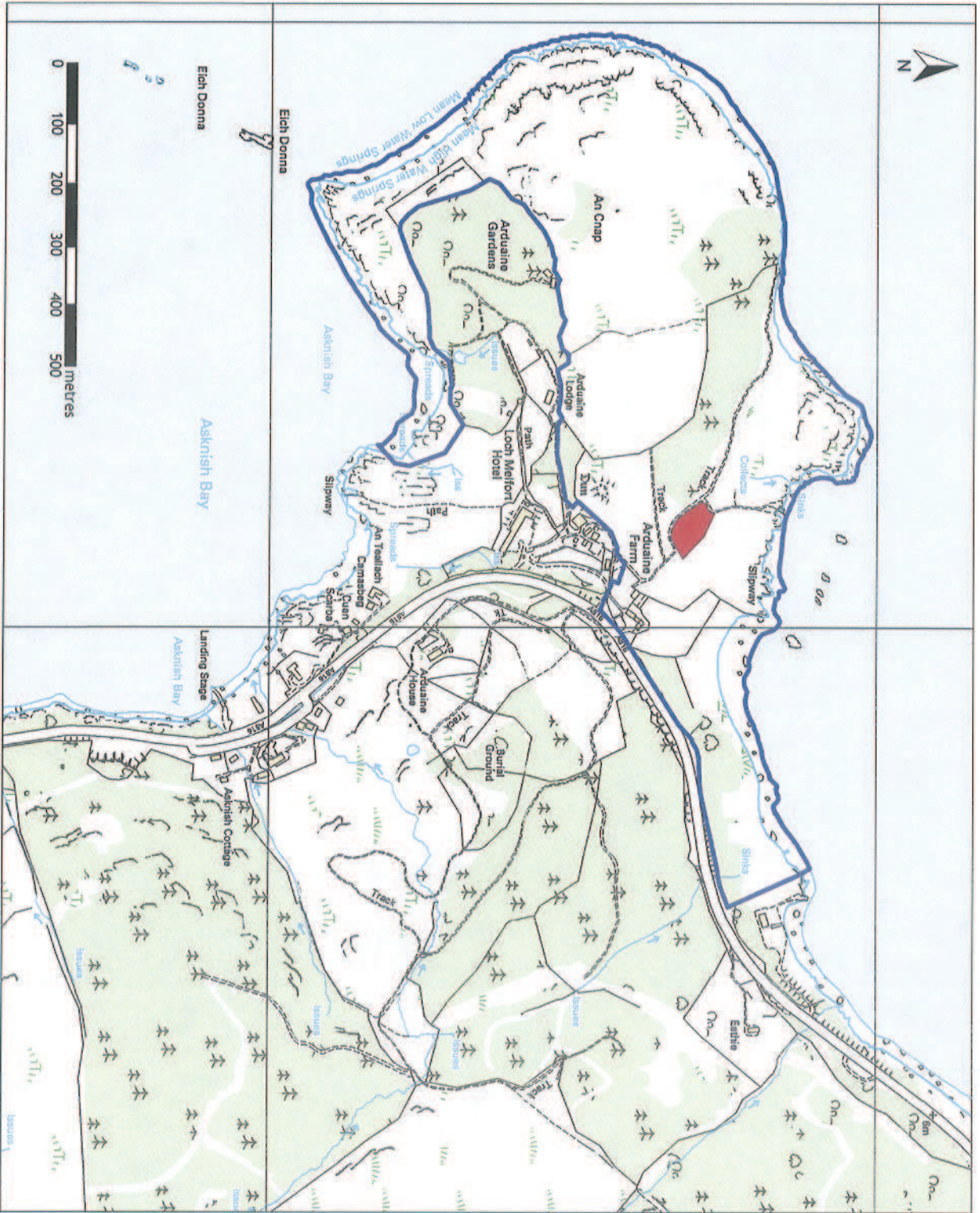
Declaration Name: James Litster  
 Declaration Date: 19/02/2012  
 Submission Date: 19/02/2012

### Payment Details

Cheque: Mr Michael I Campbell, 000627 83-26-04 00617335

Created: 19/02/2012 14:19





notes

- Application Site
- Property Boundary
- Land in same ownership

Site Location: 179830E 710700N

client  
**Mr Michael Campbell**  
 Hill House, Arduaine





project  
**Proposed House Plot**  
 Arduaine Farm, Argyll  
 PA34 4XQ

drawing  
**Location Plan**

project no	drg no	revision	date
031	P01		19.01.12
scale		drawn	checked
1:10000@A4 JRL			19.01.12

**J.R. Ittster architectural services**  
 half acre hill, Craobh haven, lochgilphead pa31 8ua  
 tel: 01852-500365 jim.ittster@me.com

notes

-  Application Site Boundary
-  Water Pipe
-  Indicative House Position
-  SUDS Rainwater Soakaway

Access to site from A816 public road via existing Arduaine Farm vehicular access and existing private metalled track

Area of proposed house site 0.35 Hectares

client

Mr Michael Campbell  
Hill House, Arduaine

project

Proposed House Plot  
Arduaine Farm, PA34 4XQ

drawing

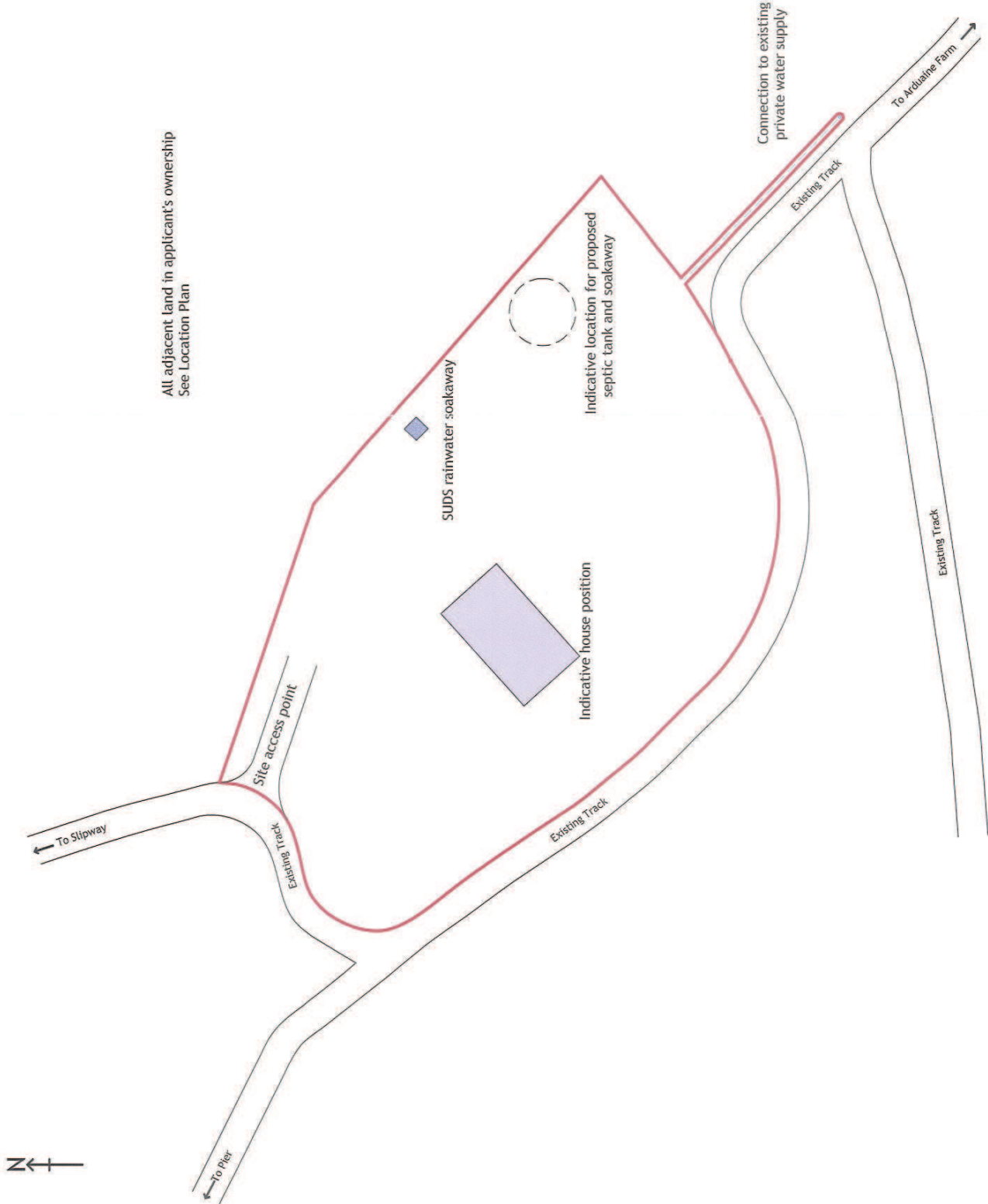
Site Plan

project no. **031**    drg. no. **P02**    revision    date **18.01.12**

scale **1:500 @ A3**    drawn **JRL**    checked    date **18.01.12**

**j.r.litster architectural services**  
half acre hill, craobh haven, lochgilphead pa31 8ua  
tel: 01852-500365    jim.litster@me.com

All adjacent land in applicant's ownership  
See Location Plan



## **Statement of Operational and Locational Need**

**Mr Michael Ian Campbell, Arduaine Farm**

**ePlanning Reference: 000033907-001**



Arduaine Farm is one of three farms purchased in 1897 by James Arthur Campbell, the applicant's great grandfather and constituted part of the original Arduaine Estate. Over the years the estate has become fragmented, as landholding and assets have been gradually divested by the family.

The present day Arduaine Farm now comprises some 360 acres situated either side of the A816 road. The landholding includes the majority of the Arduaine peninsula, the offshore islands of Gamhna and Creagach in Loch Melfort and the hill land to the east, rising to the summit of Beinn Chaorach and the lochan beyond. The farm is predominantly hill land with some forestry and is currently grazed by sheep, cattle and a small herd of pigs. The existing farmyard and associated buildings are located adjacent to the main road on the westward side. Within the farm boundary lies the Campbell's private burial ground which is still in use today and is managed and maintained by the applicant as the present incumbent.

Given the decline of the estate over the years, the applicant Mr Michael Ian Campbell the current owner, has carried out a review of the farm business and landholding. As a consequence of this, the applicant now wishes to take appropriate action to ensure the farm's ongoing financial viability. This is critical, in order to safeguard the farm's existence for the benefit of his immediate family as well as future generations. The process has identified amongst other things, the need to re-establish a suitable family residence in a central location on the farm in order to provide a much needed focal point for the operation. It is believed that this would consolidate the farm and landholding into a cohesive unit resulting in a more efficient and effective operation.

Mr and Mrs Campbell along with their two sons, currently reside in a property on the edge of the farm, about one kilometer along the A816 from the existing farm yard and buildings. The farm business is run by Mr and Mrs Campbell alongside the other family business, Arduaine Farm Services Ltd which also operates from the farm premises. The administration of both operations is carried out by Mrs Campbell from a home office in their current residence.

Arduaine Farm Services Ltd is a contracting business which specialises in the installation and servicing of private water supplies in the Argyll and Islands area. It was started by Mr Michael Campbell in 1997 and is a thriving business which over the past few years has carried out a significant number of upgrades to private water supplies as part of Argyll and Bute Council's drinking water improvement programme. The business provides an important local service, maintaining a large number of private water supplies in the area for both individual householders and commercial properties, as well as providing a call out service for emergency repairs.

The company owns and operates a wide range of vehicles, plant and equipment which are required to carry out these operations. When not in use these are parked in the farm yard or stored in the associated shed. Because of the specialist nature of the work, a wide range of materials and parts are held in stock to ensure the company can provide a quick and efficient service. As a consequence of this, the business receives a number of daily deliveries to the farm. Most deliveries must be checked and signed for and current arrangements result in several trips to and from the farmyard each day. Although the applicant's residence and office are not a huge distance from the farm, these trips still require the use of a vehicle. This constant interruption, generally at short notice, is time consuming and disruptive and certainly results in a less effective operation.

The lack of a permanent on-site presence at the farm makes it more difficult to ensure adequate security of the vehicles, premises and contents which now constitute a considerable value. This situation is aggravated by the fact that the farmyard is located alongside the main road and is open to view from passing traffic.

The business is currently planning to diversify and expand by seeking approval through the Microgeneration Certification Scheme (MCS) which will enable the company to supply and install small wind turbines to approved standards. This type of work requires a range of skills, experience and equipment which already exist within the business. Completion of this approval process will allow the company to take advantage of a growing market for this technology and fulfill the company's "wind and water" business strategy. The successful implementation of this strategy will compound the logistical and security problems already being experienced.

In addition to land based equipment, the applicant also maintains a motor boat which is required to access the two offshore islands in the farm's landholding. Sheep are grazed on the islands on a regular basis to control the spread of bracken. The boat is also used regularly by Arduaine Farm Services Ltd to service and repair private water supplies in island locations which are difficult, costly and time-consuming to reach by road and ferry. When not in use, the boat is kept on a mooring adjacent to the slipway and pier located to the north of the application site. A storage area and shed at the slipway contain additional tools and boating equipment. A permanent on-site presence with an overview of this facility would improve security arrangements for the boat and stored equipment in what is currently considered a fairly remote spot.

The application site for the erection of a new dwelling house is located a short walking distance from the existing farmyard and buildings. The applicant wishes to construct a high-quality, energy-efficient family home which will not only meet the needs of his growing family but go on to serve future generations on the farm. A home office would be incorporated in the design providing a new facility to run the farm and contracting business more effectively.

In conclusion, the applicant believes that re-establishing a central focal point on the farm, will not only eliminate the problems highlighted but strengthen the viability of the farm operation both now and in the future. It will also provide a better platform on which to build and expand his contracting business.

Mr Michael Campbell is of the opinion that the information detailed in this statement justifies a claim of operational and locational need for the proposed new development and hopes that this planning application will be given favourable consideration.

J R Litster

For and on behalf of Mr Michael Ian Campbell

27th January 2012

## Additional Support Statement

Reference: 12/00361/PPP  
Applicant: Mr Michael Campbell, Arduaine Farm  
Date: 28<sup>th</sup> May 2012

This additional Support Statement should be read in conjunction with the applicants original *Statement of Operational and Locational Need* submitted with the above application.

Following the email response from David Love, Senior Planning Officer on the 23<sup>rd</sup> April 2012 and a subsequent office meeting on the 30<sup>th</sup> April 2012, the applicant wishes to provide the following statement.

As previously outlined, Arduaine Farm was one of three farms which constituted the original Arduaine Estate created by the applicant's great grand-father. Arduaine Farm was effectively the "home farm" of the estate being adjacent to Arduaine House, the Campbell family's residence at that time. The associated farm buildings were located in and around this house.

Arduaine House was eventually sold by the family and became The Loch Melfort Hotel. Arduaine Farm remained in the Campbell's ownership but the associated steadings and "farmhouse" were effectively lost in this transition.

To provide accommodation on the farm, a Dorrán pre-cast concrete bungalow was erected in the 1960's. This house still exists but is considered sub-standard and not suitable as a permanent family residence. This type of pre-fabricated bungalow is classed as a "defective house type" in terms of the Housing Act 1985 and does not meet the Decent Homes Standard.

The house does however continue to provide temporary housing for employees helping out on the farm or working for the applicant's contracting business, which also operates from the farm. Some internal refurbishment of the property is currently being carried out in order to improve it's usability for this purpose. For this reason, the applicant does not wish to demolish this property and replace with another.

A small one bedroom granny-annex was constructed on the farm in 1998 under 98/01165/DET . This enabled the applicant's retired mother who had occupied the Dorrán bungalow at that time, to move to more suitable modern accommodation.

The applicant's current residence is located in Arduaine on a separate land-holding and does not constitute part of the farm. Planning consent for an additional house at this location has been granted with a second house site under consideration. The applicant has two sons who will require a place to live and consent for additional housing at this site in Arduaine, is seen as a way of securing their future residence in the local area.

The applicant wishes to invest money in a new farmhouse to provide high quality, low-energy accommodation for himself, his family and future generations who will occupy this farm. The proposed house would constitute an integral part of the farm and provide a focal point for it's operation, a facility which is currently lacking. It would be expected that an investment to improve farm infrastructure would be actively encouraged and supported. This is not a speculative investment but a demonstration of the applicant's commitment to the future of Arduiane Farm which has been in the Campbell's ownership since 1897. A principle house providing suitable family accommodation is viewed as an essential requirement for the farm.

The applicant's proposal seeks to re-establish a facility which was lost in the past and return the farm to a more coherent unit which will help secure it's future. As part of this strategy, the applicant has recently secured planning permission for the erection of two small wind turbines on the farm which will help reduce running costs and provide an additional source of income.

As previously outlined, the applicant operates a successful contracting business alongside the farm operation. Arduaine Farm Service Ltd provides an important local service specialising in the installation and servicing of private water supplies. Over the last few years it has fulfilled a key role in Argyll & Bute Council's private water supply improvement programme and has carried out extensive upgrading of private water supplies in the area.

Having strived to build a successful business which provides an essential local service, the applicant is dismayed by the planning officer's suggestion that he should consider relocating his business to an established industrial estate. This advice seems contrary to Local Plan objectives which clearly seek to encourage locally based enterprises which provide employment opportunities and help safeguard the continued existence of rural communities.

The business is diversifying into the renewable energy market and is currently undertaking a training programme to achieve accreditation as an Approved Installer for small wind turbines. It is anticipated that this will lead to an expansion of the existing business and a greater requirement for a new facility. The company has recently entered a partnership arrangement with

Gaia-Wind Ltd, a Glasgow based manufacturer of small wind turbines and a market leader in this area. The wind turbines to be installed on Arduaine Farm will be used to demonstrate the technology to prospective customers in the Argyll area.

In the circumstances, given the extent of the landholding together with the minimal development which already exists on the farm, it does not seem unreasonable to consider the addition of a new farmhouse as sustainable development. The existence of more than one house on a farm is clearly the norm rather than the exception.

In respect of operational and locational needs, the applicant would consider his circumstances to be every bit as credible as those outlined by Arduaine Farm's immediate neighbour, Celtic Sea Ltd, who were recently granted consent under 11/00704/PP for both a detached house and a separate accommodation block, despite having had their claim for operational need initially rejected.

It is hoped that this proposal may be reassessed prior to a decision, in order to determine a way forward for the applicant to achieve his ambition of providing Arduaine Farm with the new principal family home it requires.




J.R.Litster

For and on behalf of Mr Michael Iain Campbell

28<sup>th</sup> May 2012



notes

-  Farm Boundary
-  Settlement Zone
-  Buildings

Map shows area of Arduaine Farm contained in the Arduaine Settlement Zone as detailed in the Agyll & Bute Local Plan 2009 Map No:38

Farm location: 179973E 710592N

client

Mr Michael Campbell  
Hill House, Arduaine

project

Proposed House Plot  
Arduaine Farm, PA34 4XQ

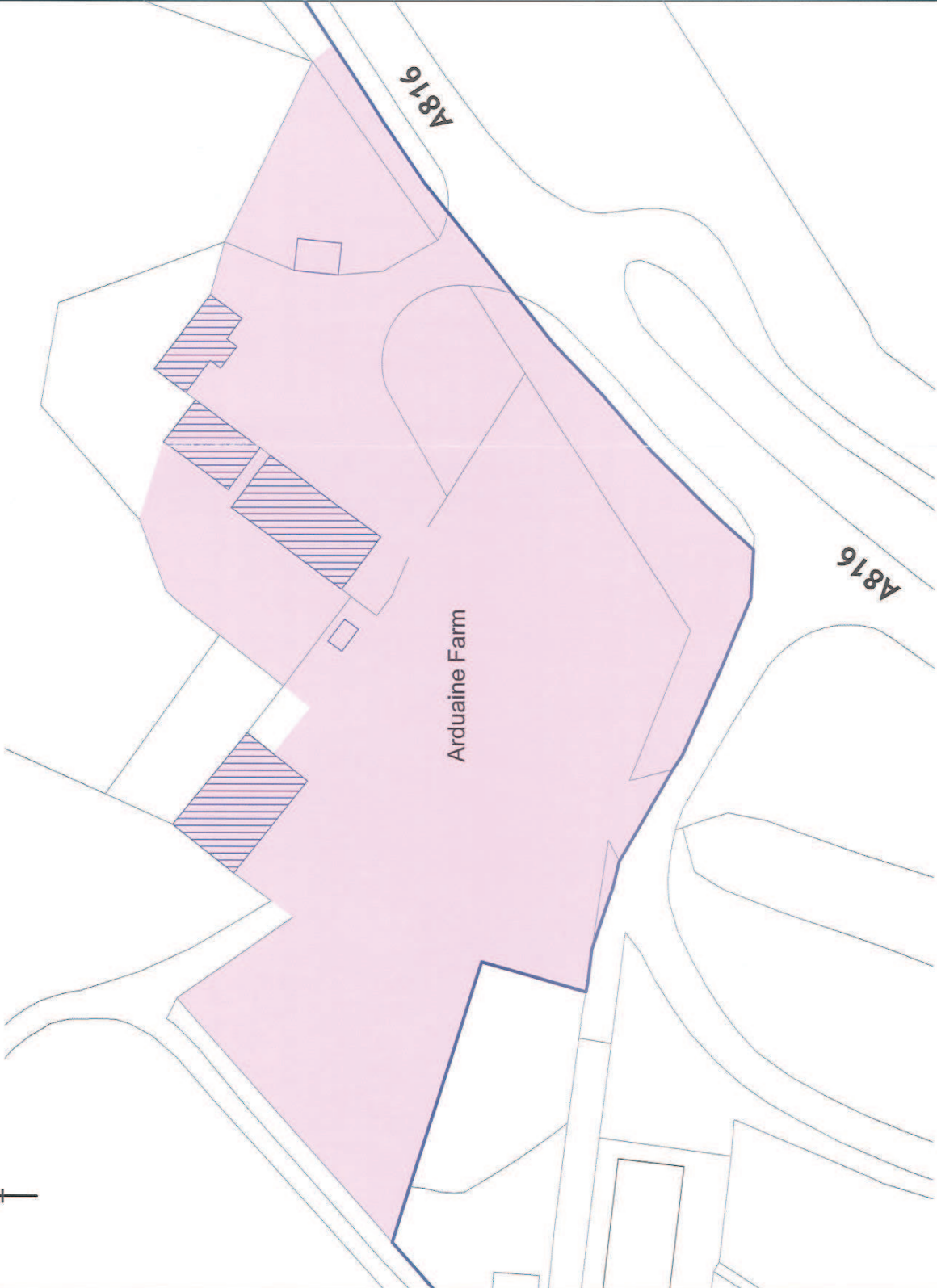
drawing

Map of Arduaine Farm Yard

project no.	drwg no	revision	date
031	031/P05		21.08.12






scale	drawn	checked	date
1:500 @ A3	JRL		21.08.12

**j.r.litster architectural services**  
 half acre hill, craobh haven, lochgilphead pa31 8ua  
 tel: 01852-500365 jim.litster@me.com





notes

-  Farm Boundary
-  Buildings
-  Green areas
-  Vehicle/Plant hard-standing areas
-  Plant and Materials Storage Area

Plan indicates current usage of the area of Arduaine Farm which is contained within the Settlement Zone defined in the Argyll & Bute Local Plan 2009 Map No:38.

client

Mr Michael Campbell  
Hill House, Arduaine

project

Proposed House Plot  
Arduaine Farm, PA34 4XQ

drawing

Block Plan Arduaine Farm Yard

project no.	dra. no.	revision	date
031	031/P06		21.08.12
scale	drawn	checked	date
1:500 @ A3	JRL		21.08.12

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## Supporting Document

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**Mr Michael Campbell, Arduaine Farm  
Planning Reference: 12/00361/PPP**

This document together with the accompanying drawings is offered in support of Planning Application 12/00361/PPP. The Applicant wishes to illustrate that the area of Arduaine Farm which falls within the Arduaine Settlement Zone, does not offer a suitable alternative house site to that proposed in the above application. The submission details the existing use of this area of land and demonstrates it's current utilisation as part of the working farm setup.

### Additional Drawings:

Drawing Ref: 031/P05    Map of Arduaine Farm Yard  
Drawing Ref: 031/P06    Block Plan of Arduaine Farm Yard

### Index of Photographs

- Image 01: Arduaine Farm Lodge
- Image 02: Animal Feed Store
- Image 03: Arduaine Farm House
- Image 04: Link to working farmyard
- Image 05: Farm shed and workshop
- Image 06: Fuel store and refueling area
- Image 07: Plant, equipment and material storage area west
- Image 08: Plant, equipment and material storage area east
- Image 09: Plant, equipment and material storage area west
- Image 10: Vehicle turning and loading area
- Image 11: Livestock gathering and penning area
- Image 12: Livestock shelter and isolation area
- Image 13: Farm entrance east
- Image 14: Farm entrance south west
- Image 15: Access track to lower farm area
- Image 16: Working farmyard overview





**Image 01:** Arduaine Farm Lodge, one bedroomed retirement home.



**Image 02:** Animal feed and equipment store





**Image 03:** Arduaine Farm House, Dorran pre-fabricated bungalow.



**Image 04:** Access to working farmyard from vehicle parking and turning area





**Image 05:** Farm shed and workshop



**Image 06:** Fuel storage and re-fuelling area





Image 07: Plant, equipment and materials storage area west



Image 08: Plant, equipment and materials storage area east





**Image 09:** Plant, equipment and materials storage area west



**Image 10:** Vehicle turning and loading area





**Image 11:** Livestock gathering and penning area



**Image 12:** Livestock shelter and isolation area





**Image 13:** East farm entrance from A816



**Image 14:** South west farm entrance from access road off A816



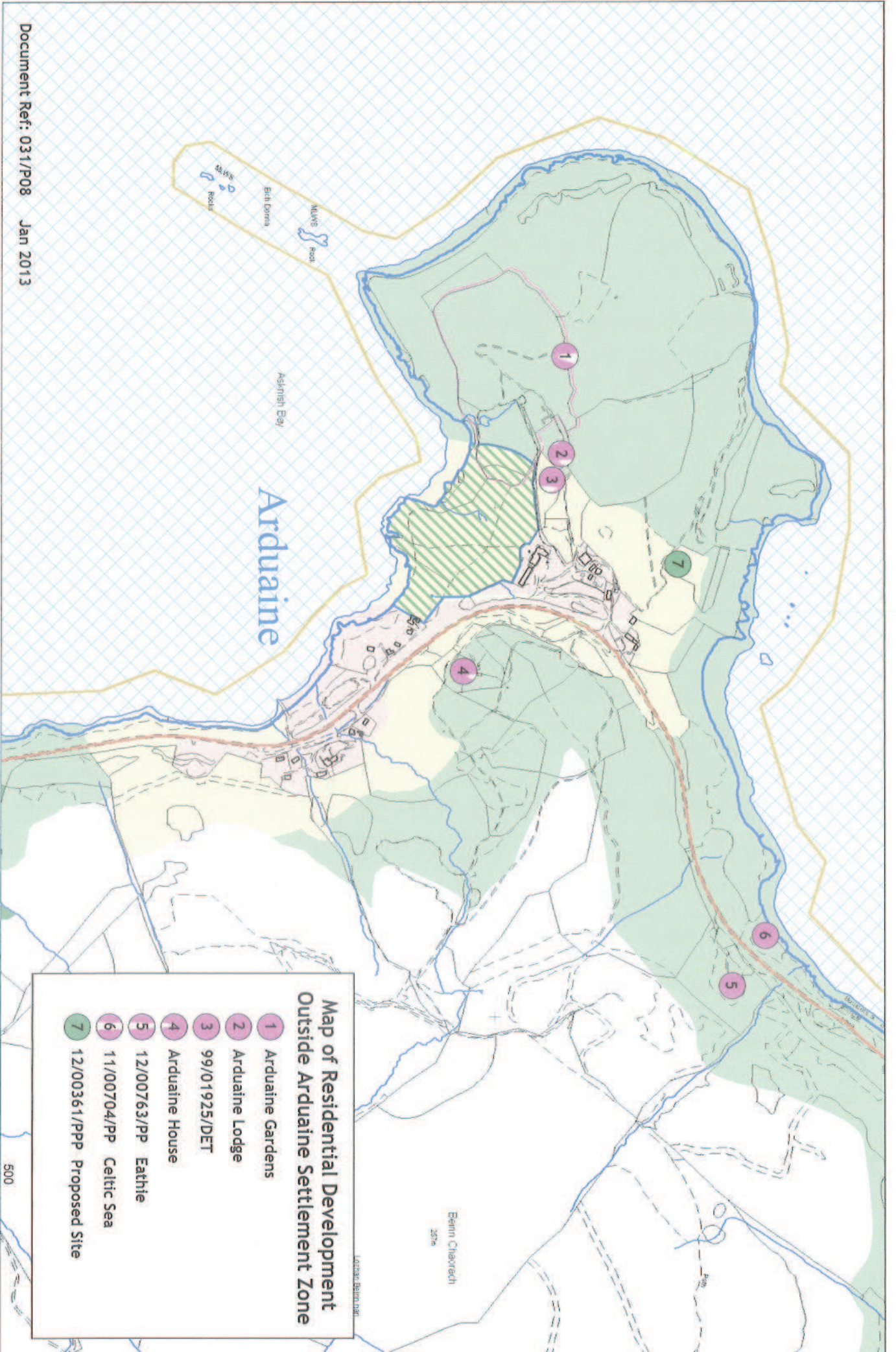


Image 15: Access track to lower farm area



Image 16: Working farmyard overview





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**STATEMENT OF CASE**

**FOR**

**ARGYLL AND BUTE COUNCIL  
LOCAL REVIEW BODY**

**13/0002/LRB**

**REFUSAL OF PLANNING PERMISSION FOR THE  
ERECTION OF A DWELLING HOUSE AND  
INSTALLATION OF SEPTIC TANK**

**LAND NORTH WEST OF ARDUAINE FARM,  
ARDUAINE, OBAN**

**PLANNING PERMISSION IN PRINCIPLE  
REFERENCE NUMBER 12/00361/PPP**

**15<sup>TH</sup> February 2013**

## **STATEMENT OF CASE**

The Planning Authority is Argyll and Bute Council (“the Council”). The appellant is Michael Campbell (“the appellant”).

Planning application 12/00361/PPP which proposed the erection of a dwelling house and installation of septic tank (“the appeal site”) was refused under delegated powers on the 19<sup>th</sup> November 2012.

The planning decision has been challenged and is subject of review by the Local Review Body.

### **DESCRIPTION OF SITE**

The site is located north west from the existing Arduaine Farm within a low lying area of land on the north facing side of a promontory west of the A816 at Arduaine. There is a small caravan on site which is used as a general agricultural store. The supporting statement advises that the farm holding comprises approximately 360 acres situated either side of the A816 main road. The landholding includes the majority of the Arduaine peninsula, the offshore islands of Gamhna and Creagach in Loch Melfort and the hill land to the east, rising to the summit of Beinn Chaorach and the lochan beyond. The farm is predominantly hill land with some forestry and is currently grazed by sheep, cattle and a small herd of pigs. The existing farmyard and associated buildings are grouped together adjacent to the A816 road on its westward side. Within the farm boundary is the family burial ground which is still used and is managed by the applicant.

### **SITE HISTORY**

No history directly relevant to this appeal. Neighbouring developments are referenced in the enclosed Report of Handling.

### **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 and determination shall be made in accordance with the development plan unless material considerations indicate otherwise. This is the test for this planning application.

### **STATEMENT OF CASE**

The determining issues in relation to the case are as follows:-

- Whether the material considerations asserted by the appellant are sufficient to outweigh the fact that the planning application is contrary to the current adopted development plan; or whether in fact the development plan remains the primary determining factor.

The Report of Handling (Appendix 1) sets out Planning Service assessment of the planning application in terms of policy within the current adopted development plan and other material considerations taken into account in determining the planning application.

## **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 covered in the Report of Handling which is contained within Appendix 1. As such it is considered that the Council has all the information required to determine this particular request for review. Given the above and that the proposal is small scale in nature, constitutes a Local Development, has no complex or challenging issues and has not been the subject of any public representation, it is not considered that a Hearing is required.

## **COMMENT ON APPELLANT'S SUBMISSION**

### Existing Situation

The existing situation is that the appellant has successfully run his farm and rural business from within Arduaine at approx.650m from the farm yard. Therefore, this is not a case of a remote rural business requiring additional permanent on-site residence, or a case of a farm requiring a farmhouse to care for livestock. There are two existing properties at the existing farm yard. The appellant has stated that one of the existing properties could be changed to non-residential use should this review be granted. This does not form part of this application, and the building remains available for redevelopment with a replacement house.

### Alternative Sites

The appellant has stated that there are no opportunities for redevelopment within the existing farming area. This is not accepted by the Planning Service. There is an obvious opportunity for redevelopment of an existing house within the land holding, as well as a site within the 'settlement zone' that could allow for a new farmhouse. The land marked as "Livestock gathering and penning area" could readily be developed for a farmhouse and the existing gathering and penning repositioned within the farm without any detriment to the countryside or farming operation.

Farmhouses commonly lie immediately alongside the working farm yards, and the appellant's reference to this as a farcical arrangement appears to be without any foundation. Indeed, it conflicts with the predominant arrangement of farmhouses in the area and conflicts with the existing arrangement of having 2 houses located at the farm yard already.

Whilst the appellant raises concern about the farm yard being included within the settlement boundary, ample opportunity existed to make representation to the Local Plan process at the time. It is not accepted that the settlement boundary was allocated arbitrarily as stated.

A policy assessment against Structure Plan policy STRAT AC1 has been covered in the Report of Handling. The appellant has misinterpreted this policy which clearly states that opportunities for residential development can be supported through

appropriate infill, rounding off, redevelopment and change of use proposals. Other proposals may be considered on more peripheral locations supported by environmental reports. This is not a proposal for infill, rounding off, redevelopment or change of use nor is this a case of a farm requiring a full time residence to grow the business. This is a case of a farm with two residential properties and a land owner wanting to develop a new property on land not supported through the development plan. Local Plan support for farming operations is dependent on ensuring that new housing is located in the right place, and that it accords with the settlement strategy policies. The proposal does not meet the settlement strategy, is contrary to policy, and is not sufficiently justified to merit a departure from policy.

#### Comparison with nearby permission

With regard to the nearby permission at Celtic Sea for a single dwelling house and residential block (reference 11/00704/PP) the applicant, in this case, successfully demonstrated a locational and operational requirement for an on site presence. The site could not be successfully managed remotely, had no pre-existing residential presence, and the confidential supporting information supplied in that case proved the need for the development. There were no practical alternatives in that case and no land available within the settlement boundary to the developer. The circumstances of that example are entirely different from the case under review.

### **CONCLUSION**

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

The applicant has failed to identify a suitable operational requirement to site a third dwelling house on the farm. The business has been supported successfully over a number of years from the appellants existing home just 650m away. There is an opportunity to redevelop at least one of the existing houses at the farm yard which would be an option consistent with the provisions of the development plan. In addition to this, there is a vacant site within the ownership of the appellant and within the 'Settlement Zone', which could readily be developed. Despite the opportunities on the farm holding that would result in a development which is consistent with policy, the applicant has decided to pursue this site only. If the applicant required a new energy efficient property, as is stated in the appeal proposal, any new site provides that option and it is not dependent on the house going on the review site only.

Policy support for farming under STRAT AC 1 is dependent on operational needs being proven, and developments being located in the right places. There is an explicit focus on existing buildings, infill, rounding off and redevelopment opportunities. The appellant is ignoring obvious opportunities within the holding and within the 'Settlement Zone'. The proposal is contrary to STRAT DC 2 and there is no policy support for the proposed house in this case. The proposal is contrary to the adopted development plan and there are no material considerations of such weight that have been identified to justify granting a departure to policy. It is respectfully requested that the review be dismissed and the original refusal be upheld.



## APPENDIX 1

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

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**Reference No:** 12/00361/PPP

**Planning Hierarchy:** Local Development

**Applicant:** Mr Michael Campbell

**Proposal:** Site for the erection of dwelling house and installation of septic tank

**Site Address:** Land North West of Arduaine Farm, Arduaine, Oban

---

### DECISION ROUTE

(i) **Sect 43 (A) of the Town and Country Planning (Scotland) Act 1997 (as amended)**

---

#### (A) THE APPLICATION

(i) **Development Requiring Express Planning Permission**

- Erection of dwelling house
  - Installation of septic tank
  - Installation of new access off existing private access track
  - Installation of sustainable drainage system
- 

#### (B) RECOMMENDATION:

It is recommended that the application is refused for the reasons specified below.

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#### (C) HISTORY:

None relevant to this site, but adjacent developments are referenced later in this report.

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#### (D) CONSULTATIONS:

Area Roads Manager  
Report dated 29/02/12  
No objection.

Public Protection Unit  
Memo dated 13/03/12

No objection but a condition should be attached to any permission requiring the submission of a water report demonstrating the wholesomeness and sufficiency of the supply without impact on other users.

---

**(E) PUBLICITY:**

None

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**(F) REPRESENTATIONS:**

None

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**(G) SUPPORTING INFORMATION**

Has the application been the subject of:

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

General supporting statement provided background to the proposal and argument for operational/locational need.

---

**(H) PLANNING OBLIGATIONS**

- |     |                                     |    |
|-----|-------------------------------------|----|
| (i) | Is a Section 75 agreement required: | No |
|-----|-------------------------------------|----|
- (because application is being recommended for refusal)
- 

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

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

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

Argyll and Bute Structure Plan 2002

STRAT DC 2 – Development within the Countryside Around Settlements

STRAT AC 1 – Development in Support of Farms, Crofts and Estates  
 STRAT SI 1 – Sustainable Development

Argyll and Bute Local Plan 2009

LP ENV 1 – Impact on the General Environment  
 LP ENV 19 – Development Setting, Layout and Design  
 LP HOU 1 – General Housing Development  
 LP SERV 1 – Private Sewage Treatment Plants and Wastewater Systems  
 LP SERV 4 – Water Supply  
 LP TRAN 2 – Development and Public Transport Accessibility  
 LP TRAN 6 – Vehicle Parking Provision  
 Appendix A – Sustainable Siting and Design Principles  
 Appendix C – Access and Parking Standards

- (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.**

Argyll & Bute Sustainable Design Guidance (2006)  
 SPP, Scottish Planning Policy, 2010  
 Secured by Design

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

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

The application is for planning permission in principle for the erection of a dwelling house on land north west of Arduaine Farm, Arduaine. In association with the proposed house, it is intended to install a private foul water system, a sustainable surface water drainage system, and utilise an existing access off the public road.

The site is located north west from the existing Arduaine Farm within a low lying area of land on the north facing side of a promontory west of the A816 at Arduaine. An indicative house position is in the centre of the proposed plot with the septic tank and soakaway in the south east corner. An access point is in the north west corner. There is an existing caravan on the site which is used as a general agricultural store. The supporting statement advises that the farm holding comprises approximately 360 acres situated either side of the A816 main road. The landholding includes the

majority of the Arduaine peninsula, the offshore islands of Gamhna and Creagach in Loch Melfort and the hill land to the east, rising to the summit of Beinn Chaorach and the lochan beyond. The farm is predominantly hill land with some forestry and is currently grazed by sheep, cattle and a small herd of pigs. The existing farmyard and associated buildings are grouped together adjacent to the A816 road on its westward side. Within the farm boundary is the family burial ground which is still used and is managed by the applicant. However, the planning application only identified land on the seaward side of the A816 within the same landholding (as identified by the blue line).

The existing farmyard and the associated buildings are identified within the 'Settlement' development control zone where new or replacement housing would generally be supported.

However, the site is entirely within the 'Countryside Around Settlement' (CAS) development control zone as per the adopted Local Plan 2009. The Argyll and Bute Structure policy STRAT DC 2 applies a general restriction, by only supporting small scale infill, rounding off, redevelopment and change of use proposals to existing built development within the zone, or very limited exceptions as special cases. There is no established built development to apply the infill, rounding off, redevelopment or change of use criteria to in this instance. The application does not satisfy any of the criteria and therefore the principle of the proposal is not supported by STRAT DC 2. This is further enforced through policy LP HOU 1 of the adopted Local Plan. This policy re-iterates the requirements and restrictions of STRAT DC 2. Therefore, the only matter left to assess is whether it warrants support as a 'special case'.

The main policy position is further informed through Structure Plan policy STRAT AC 1 which provides general support to development on farms, crofts and estates to assist in their operational integrity in a sustainable manner consistent with all other policies in the development plan. Subsection (a) comments that small scale residential development shall be supported subject to a focus on existing building, infill, rounding off and redevelopment opportunities. This proposal, as demonstrated above, does not constitute any of these criteria given it is isolated from existing development and there is no opportunity for redevelopment at the site. The policy may also support development in more peripheral locations subject to supporting environmental information. This farm is not in a peripheral location.

It is understood that the livestock management on the farm is limited and that the main source of income is an existing engineering business. This has recently been boosted by an agreement to develop domestic wind turbines. The applicant considers that he needs a new property on the farm estate to serve the needs of the business and to provide a central location for the farm and contracting business. There are no details as to the size of the house, design detail etc at this stage because the application is in principle only.

In support of the application, it is argued there is a need for a new farm house as a focal point for the farming operation and the associated contracting business, Arduaine Farm Services Ltd. Both activities are currently run from the applicant's existing residence in Arduaine which lies around 650m south east of the existing farm yard. Alongside the applicants existing residence, two houses have been granted under 11/02566/PPP on 09/03/12 and 12/01179/PP on 02/08/12. At the farm yard itself, there is a 1960's dorrans style house currently used for temporary workers, and an adjacent house approved under 98/01165/DET which is understood to be occupied by the applicant's mother.

The existing proximity of the applicant's house to the farm yard will obviously create a degree of travel between the two, but it is not considered to be so significant to merit a special case for a new house in the location proposed. The dorrnan house at the farm yar presents an ideal opportunity for redevelopment with a new build farmhouse, immediately at the existing farm yard, but the applicant does not wish to utilise this option. The adjacent 1998 house also offers an opportunity for use by the applicant with some adjustment to existing living arrangements between the family parties involved. In addition, there remains undeveloped land within the farm holding alongside the farm yard, within the allocated 'Settlement' zone, which should be the next preference in terms of additional development at the site. With all of these factors in mind the proposal is not considered consistent with the provisions of STRAT AC 1 not does it meet the requirements to be considered as a 'special case' under Policy STRAT DC 2.

This is not a case of a working farm with no farmhouse; rather, it is a case of farm served by two existing houses, adjacent to a small settlement where the applicant currently resides (650m away), and where two additional plots have been approved already. It is understood that apart from the small inconvenience of having to travel between the applicants residence and the farm yard, there is little else wrong with the existing arrangements, which have been sufficient to operate the farm and engineering business since its inception in 1997. The case in support of the operational and locational need is weakened by:

1. The proximity of the applicants existing house
2. The existence of two houses at the farmyard
3. The existing of land owned by the applicant within the 'Settlement' zone
4. The existence of two approved house plots in the ownership of the applicant.

The applicant has also stated that he requires the additional house for security purposes given his current business operation. There is no evidence to suggest that crime is a particular problem at the site and the presence of two existing houses at the farm yard will undoubtedly deter opportunistic crime. This argument is further weakened because the selected site lies 160m away in a concealed and low lying location relative to the main farmyard, where little benefit of natural surveillance would be provided. It is not accepted that the proposed house would improve security beyond what is already present. It is not accepted that the applicants aspirations to overview their slipway are sufficient to outweigh the fact that the application is contrary to the development plan policy.

It is not accepted that the applicant has demonstrated a 'special case' to justify the proposal or to merit a departure from the general provisions of the development plan. The applicant has specified that he requires the house for security for the existing business but has provided no details as to problems with crime nor is the proposed house located in accordance with the principles of "Secured by Design" or Planning Advice Note (PAN) 77 which advise on this matter. The house will be some distance away from the farmyard providing only a marginal difference in distance and travel time to the existing arrangement where the farm has been managed successfully from the settlement of Arduaine. This is a weak case, which is undermined by the circumstances and options available to the applicant. There is no reason to support the development where so many alternatives exist that would accord with the Local Plan policies which would also meet the applicants stated aspirations.

The proposal is located within the Countryside Around Settlement development control zone as per the adopted Local Plan. Structure Plan policy STRAT DC 2 will only support proposals that are considered infill, rounding off, redevelopment and



change of use. This proposal is none of these. This is further reinforced through policy LP HOU 1 of the adopted Local Plan. The applicant has two existing properties at the farmyard itself. He has declined officer suggestions to redevelop the dorrnan house, which is recognised as being unfit for permanent habitation. In addition, the applicant declines the suggestion to identify an alternative site on land within the allocated 'Settlement' boundary which is also within his ownership. The proposal runs contrary to the development plan and insufficient justification exists to merit supporting the application.

In conclusion the proposal is not consistent with the provisions of the development plan specifically Structure Plan policy STRAT DC 2 and Local Plan policy LP HOU 1. The proposal does not warrant consideration as a special case and is therefore recommended for refusal.

A parallel is drawn by the applicant to an adjacent approval under 11/00704/PP for a house and accommodation unit at Celtic Sea Ltd. However, the circumstances in that case were different. The entire landholding lay within Sensitive Countryside, and a house and accommodation unit were accepted as necessary to support the existing approved business at the site. There was no on site or adjacent site presence which could meet the needs of the business and there was no part of the landholding within an allocated Settlement where development should be directed. The comparison drawn by the applicant is not convincing and does not establish a precedent which is relevant to the assessment of this application.

---

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

**(R) Reasons why planning permission or a Planning Permission in Principle should be refused**

1. The proposal is located within the Countryside Around Settlement development control zone as per the adopted Local Plan. Structure Plan policy STRAT DC 2 will only support proposals that are considered infill, rounding off, redevelopment and change of use or limited specified exceptions. The application does not represent an opportunity for development in accordance with STRAT DC 2, nor does the supporting statement provide sufficient justification for the house to be supported as a 'special case', or to merit a departure from the adopted development plan. This is further reinforced through adopted Local Plan policy LP HOU 1, which the application is also contrary to. Structure Plan policy STRAT AC 1 confirms similar advice, with a preference for farm development in locations that consolidates existing built development. The proposal runs contrary to STRAT DC 2, STRAT AC 1, and LP HOU 1.
2. The applicant has two existing houses at the farmyard itself, either of which could serve as an opportunity for a farmhouse at the existing farmyard, and resolve any issues of inconvenience that arise from the distance of 650m that lies between the existing farmyard and the applicants existing residence, from where the farm and engineering business has been successfully operated for a number of years. In addition, the applicant also owns land within the allocated 'Settlement' boundary, where additional housing would be supported, alongside the existing farmyard. The existing housing and land owned by the applicant all present more favourable options for a new farmhouse in accordance with the adopted development plan than the application as submitted. The applicant has indicated the house is necessary for security but has provided no details as to

problems with crime, nor is the proposed house located with consideration for the principles contained in 'Secured by Design' or Planning Advice Note (PAN) 77. The house will be 160m away from the farmyard in a low lying and concealed position relative to the farmyard providing only a marginal difference in distance and travel time from the existing arrangements, where the farm has been managed successfully over a number of years. The applicant has not demonstrated a sufficiently strong case for the propose house to be deemed a 'special case' with a proven locational/operational need or to merit a departure to the development plan.

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

N/A

---

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

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**Author of Report: David Love Date: 25/10/12**

**Reviewing Officer: Stephen Fair Date: 16/11/12**

**Angus Gilmour  
Head of Planning**

**GROUNDINGS OF REFUSAL RELATIVE TO APPLICATION REFERENCE 12/00361/PPP**

1. The proposal is located within the Countryside Around Settlement development control zone as per the adopted Local Plan. Structure Plan policy STRAT DC 2 will only support proposals that are considered infill, rounding off, redevelopment and change of use or limited specified exceptions. The application does not represent an opportunity for development in accordance with STRAT DC 2, nor does the supporting statement provide sufficient justification for the house to be supported as a 'special case', or to merit a departure from the adopted development plan. This is further reinforced through adopted Local Plan policy LP HOU 1, which the application is also contrary to. Structure Plan policy STRAT AC 1 confirms similar advice, with a preference for farm development in locations that consolidates existing built development. The proposal runs contrary to STRAT DC 2, STRAT AC 1, and LP HOU 1.
2. The applicant has two existing houses at the farmyard itself, either of which could serve as an opportunity for a farmhouse at the existing farmyard, and resolve any issues of inconvenience that arise from the distance of 650m that lies between the existing farmyard and the applicants existing residence, from where the farm and engineering business has been successfully operated for a number of years. In addition, the applicant also owns land within the allocated 'Settlement' boundary, where additional housing would be supported, alongside the existing farmyard. The existing housing and land owned by the applicant all present more favourable options for a new farmhouse in accordance with the adopted development plan than the application as submitted. The applicant has indicated the house is necessary for security but has provided no details as to problems with crime, nor is the proposed house located with consideration for the principles contained in 'Secured by Design' or Planning Advice Note (PAN) 77. The house will be 160m away from the farmyard in a low lying and concealed position relative to the farmyard providing only a marginal difference in distance and travel time from the existing arrangements, where the farm has been managed successfully over a number of years. The applicant has not demonstrated a sufficiently strong case for the propose house to be deemed a 'special case' with a proven locational/operational need or to merit a departure to the development plan.

**APPENDIX TO DECISION REFUSAL NOTICE**

Appendix relative to application **12/00361/PPP**

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- (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**

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

As stated in decision notice.

## Appendix 2

## Area Roads Engineer consultation response

Operational Services  
Oban, Lorn and the Isles Area

**OBSERVATIONS ON PLANNING APPLICATION**

Our Ref: 12/00361/PPP

Contact: John F Heron

Tel: 01631 569170

Planning Application No: 12/00361/PPP Dated: 24/02/12 Received: 24/02/12

Applicant: Mr Michael Campbell

Proposed Development: Site for erection of dwellinghouse and installation of a septic tank

Location: Land North West of Arduaine Farm Arduaine

Type of Consent: Planning Permission in Principle

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

**RECOMMENDATION: No Objections**

Proposals Acceptable	Y/N
<b>1. General</b>	
(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
<b>2. Existing Roads n/a</b>	
(a) Type of connection (Road Junction/Footway Crossing)	
(b) Location(s) of Connection(s)	
(c) Sight-lines	
(d) Pedestrian Provision	

Proposals Acceptable	Y/N
<b>3. New Roads n/a</b>	
(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
<b>4. Servicing and Car Park n/a</b>	
(a) Drainage	
(b) Car parking Provision	
(c) Layout of Parking bays/Garages	
(d) Servicing Arrangements/Driveways	

**5. Signing n/a**

(a) Location	
(b) Illumination	

Item Ref.	COMMENTS
1	The proposal is served by an existing access situated off the A816 Oban-Lochgilthead Road within a rural 60mph speed restriction Existing access is adequate Sightlines are acceptable

Item Ref.	CONDITIONS
	None

## 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

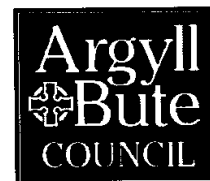
Signed:  Technical Officer

Date: 29 February 2012



Environmental Health consultation response

Argyll and Bute Council  
Comhairle Earra Ghàidheal agus Bhòid



# Memo

Development and Infrastructure Services  
Director: Sandy Mactaggart

Municipal Buildings, Albany Street,  
Oban, Argyll, PA34 4AW

Planning and Regulatory Services

Date: 13<sup>th</sup> March 2012

To: Planning Services  
Municipal Buildings, Oban

Your Ref: 12/00361/PP

From: Sue Stefek  
Oban, Lorn & The Isles

Our Ref: SS/KC  
Extension: 7919

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)**  
**PROPOSAL: SITE FOR THE ERECTION OF DWELLINGHOUSE AND INSTALLATION OF A SEPTIC TANK**  
**SITE ADDRESS: LAND NORTH WEST OF ARDUAIN FARM ARDUAIN OBAN**  
**GRID REFERENCE: 179827 710688**

**DESCRIPTION OF PROPOSAL:** - as above

**COMMENT:** - The applicant has indicated that a 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.*

I would therefore recommend that the applicant submit a report on the private water supply arrangements with any application for detailed consent. The report, which must be prepared by a suitably qualified person, should indicate the suitability of the existing supply with regards to the quality and quantity of water available and include, if necessary, any methods needed to improve the supply.

**CONCLUSIONS:** - Notwithstanding the above, I have no objections to the application.

A handwritten signature in black ink, appearing to read 'SUE STEFEK', written in a cursive style.

**SUE STEFEK  
ENVIRONMENTAL HEALTH OFFICER  
OBAN, LORN AND THE ISLES**

**Argyll and Bute Council****Local Review Body****Reference: 13/0002/LRB**

We would like to comment as follows on the Planning Authority's representations concerning the above LRB Submission.

**Existing Situation**

We would reiterate that although the applicant has run his farm and contracting business successfully from his existing residence for a number of years, this has been through necessity and not choice. It is only now that the applicant is in a financial position to consider alternatives. The efficient running of the farm and business is being hindered by his current residential arrangements hence the desire to improve this situation for the future.

**Alternative Sites**

We would point out that the existing two houses on the farm are adjacent to the working farm yard but have a separate vehicle access to the main road and a separate parking and turning area. They are not located "in" the working farm yard with access "through" it. This would be the case for a house which was located in the "livestock gathering and penning area" which is suggested as a suitable alternative site by Planning. Also, as indicated on the submitted plans, a Hydro Electric 11kv high voltage supply cable passes through this area which would constrain development of this site. The applicant believes that placing a family home within the confines of a busy working yard is nonsensical if a more suitable alternative site is available.

Planning's reference to the predominant arrangement of siting farmhouses immediately alongside a working farm yard certainly holds true for many buildings inherited from the past. The Scottish Government's Planning Advice Note: PAN39: Farm And Forestry Buildings however states that the siting of buildings on farms "should not blindly perpetuate past traditions when in many cases these are no longer appropriate to contemporary farming practice or building technology".

In the applicant's opinion, relocating the existing livestock penning area to another part of the farm would be detrimental to the farming operation. This facility is located within the yard to allow vehicles safe and easy access when loading livestock for transportation. Moving this operation to a less accessible part of the farm, as suggested by Planning and constructing a house on the vacated site, would only result in compromising both facilities. The house site proposed by the applicant has been chosen after careful consideration of the alternatives options available.

### **Comparison with nearby permission**

The applicant makes reference to planning consent 11/00704/PP which was granted to a neighbouring property, as he believes there are parallels with his own application. This consent for residential development was granted to Celtic Sea in recent times on the basis of operational need and is located nearby the applicant's proposed site. The Celtic Sea premises appear to be occupied on a part-time basis and the site farms mussels offshore which require no daily feeding or attendance. The applicant believes his argument for operational need on Arduaine Farm is every bit as valid as that presented by his neighbour Celtic Sea whose application was fully supported by Planning.



## Conclusion

The applicant believes there **are** pertinent material considerations to justify a departure to existing policy.

- The applicant runs a farm and expanding contracting business which provides essential local services and employment.
- The farm has been owned and occupied by the applicant's family for 115 years. This is not speculative house-building but a genuine desire to provide a new family home on Arduaine Farm commensurate with the landholding and sited in an appropriate place.
- The applicant wishes to invest in the renewal of farm infrastructure to help secure it's future, an action he believes should be supported by planning policy.
- The applicant's case has been disadvantaged by the inclusion of the farmyard in the local settlement zone when compared to most "normal" farm situations.
- Existing dwellings on the farm comprise a very small one bedroom retirement home occupied by the applicant's mother and a sub-standard fifty year old Dorran prefabricated bungalow. The farm could hardly be considered over developed.
- The applicant is prepared to effect a non-residential change of use for the Dorran bungalow if consent for the proposed new house site were granted.

- The alternative site identified by Planning is not a credible solution as it places the proposed house in a compromised location and impinges on the existing working arrangements of the farm and business. Acceptance of this proposal would be a major compromise in order to fit a rigid planning policy rather than a pragmatic solution that meet the applicant's needs and circumstances.
- Residential development on the proposed site would not be contrary to the local settlement pattern of Arduaine, as there are already several neighbouring properties located outside the designated Settlement Zone.



J.R.Litster - Agent

For and on behalf of Mr Michael Campbell.

26<sup>th</sup> February 2013