



**Argyll and Bute Council**  
**Comhairle Earra-Ghàidheal Agus Bhòid**

*Customer Services*  
*Executive Director: Douglas Hendry*

*Kilmory, Lochgilphead, PA31 8RT*  
*Tel: 01546 602127 Fax: 01546 604435*  
*DX 599700 LOCHGILPHEAD*  
*7 June 2018*

**NOTICE OF MEETING**

A meeting of the **ARGYLL AND BUTE LOCAL REVIEW BODY** will be held in the **COMMITTEE ROOM 1, KILMORY, LOCHGILPHEAD** on **THURSDAY, 14 JUNE 2018** at **9:15 AM**, which you are requested to attend.

Douglas Hendry  
Executive Director of Customer Services

**BUSINESS**

- 1. APOLOGIES FOR ABSENCE**
- 2. DECLARATIONS OF INTEREST (IF ANY)**
- 3. CONSIDER NOTICE OF REVIEW REQUEST: REQUEST FOR REMOVAL OF CONDITION 11 OF PLANNING CONSENT REFERENCE NUMBER 17/00420/PP AT CASTLE TOWARD ESTATE, DUNOON, PA23 7UH (18/0004/LRB)**
  - (a) Notice of Review and Supporting Documentation (Pages 3 - 64)
  - (b) Comments from Interested Parties (Pages 65 - 106)
    - I. Planning Authority (Pages 65 - 92)
    - II. Environmental Health, Argyll and Bute Council (Pages 93 - 96)
    - III. Historic Environment Scotland (Pages 97 - 100)
    - IV. Robert Trybis (Neighbour) (Pages 101 - 106)
  - (c) Comments from Applicant (Pages 107 - 108)

**ARGYLL AND BUTE LOCAL REVIEW BODY**

Councillor Mary-Jean Devon                      Councillor Lorna Douglas  
Councillor David Kinniburgh (Chair)

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

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Ref:  
AB1

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

OFFICIAL USE

L. Innis

24/04/18

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 Procedure)  
(Scotland) Regulations 2013

**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

(6) Description of Proposal

ERECTOR OF 2 LODGES

(7)

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

CONDITION 11 OF THE CURRENT STATES "THE LODGES HOUSES APPLIED SHALL BE USED FOR HOLIDAY OCCUPATIONS ONLY AND SHALL NOT BE USED AS A PRINCIPAL OR MAIN DWELLING"

NO DISCUSSIONS HAD TAKEN PLACE WITH THE PLANNING AUTHORITY WITH REGARD TO THIS MATTER AND AS A RESULT THE IMPOSITION OF THE CONDITION WAS A SURPRISE. THE APPLICATION IS PART OF A WIDER REDEVELOPMENT OF THE ESTATE, WHICH WAS ONCE ONE OF SCOTLAND'S GRANDEST PRIVATE ESTATES. THE ESTATE REDEVELOPMENT IS A MULTI-MILLION POUND INVESTMENT IN THE RESTORATION OF A GRADE B LISTED MANSION. THE TWO LODGES THAT FORM PART OF THE APPLICATION ARE LOCATED ON THE SITES OF PREVIOUS HOUSES, HEATHCOTE COTTAGE HAVING BELONGED TO HAVE BEEN THE RESIDENCE OF EITHER THE ESTATE HEAD CALDWELL OR FALCONER.

(CONTINUED)

SEE PAPER APPAT ①

If insufficient space please continue on a separate page. Is this 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	SEE ATTACHED SHEET
2	
3	
4	
5	
6	
7	
8	
9	
10	

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

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Submitted by  
(Please Sign)

Dated

**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 604392/604269 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.

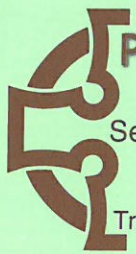
If you have any queries relating to the completion of this form please contact Committee Services on 01546 604392/604269 or email [localreviewprocess@argyll-bute.gov.uk](mailto:localreviewprocess@argyll-bute.gov.uk)

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**For official use only**

Date form issued

Issued by (please sign)



**Planning & Regulatory Services**

Seirbheisean Planaidh is Riaghlaidh  
Development Management•Policy  
Building Standards•Animal Health  
Trading Standards•Environmental Health

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)  
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)  
(SCOTLAND) REGULATIONS 2013**

**PLANNING PERMISSION**

**REFERENCE NUMBER: 17/00420/PP**

**Mr And Mrs Keith And Denice Punler  
LDN Architects  
57-59 Bread Street  
Edinburgh  
Scotland  
EH3 9AH**

I refer to your application dated 16th February 2017 for planning permission in respect of the following development:

**Erection of 2 lodges  
AT:  
Castle Toward Toward Argyll And Bute**

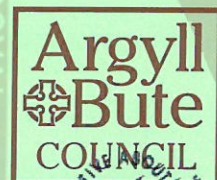
Argyll and Bute Council in exercise of their powers under the above mentioned Act and Regulations hereby grant planning permission for the above development in accordance with the particulars given in the application form and docketed plans subject however to the conditions and reasons detailed on the following page(s).

It should be understood that this permission does not carry with it any necessary consent or approval for the proposed development under other statutory enactments and is not a Building Warrant.

Dated: 25 January 2018

Angus J. Gilmour  
Head of Planning, Housing and Regulatory Services

[www.argyll-bute.gov.uk](http://www.argyll-bute.gov.uk)



**REFERENCE NUMBER: 17/00420/PP**

**Erection of 2 lodges  
AT:  
Castle Toward Toward Argyll And Bute**

The planning application as detailed above is subject to the following conditions:

1. The development shall be implemented in accordance with the details specified on the application form dated 14th February 2017 and the approved drawing reference numbers: 1544\_L(P.4)400, 1544\_L(P.4)401, 1544\_L(P.4)402, unless the prior written approval of the planning authority is obtained for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

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

2. Notwithstanding the provisions of Condition 1 above, no development shall commence until the proposed footprints of the dwellings hereby approved have been clearly demarcated on site, inspected by and approved in writing by the Planning Authority. The Planning Authority shall be afforded a period of 21 days to allow a site inspection to be undertaken upon receiving notification from the developer that the demarcation has occurred. Thereafter the development shall be implemented in accordance with the agreed details.

Reason: For the purpose of clarity, there being a degree of ambiguity within the submitted plans as to the exact position of the dwellings within the application site.

3. Prior to the commencement of any development works on site, full details of proposed sewage treatment plants including soakaway details shall be submitted to and approved in writing by the Planning Authority.

Reason: In the interest of public health and amenity and to ensure a method of foul drainage.

4. Notwithstanding the submitted information and prior to any construction works on site (including demolition), full details shall be submitted for the prior written approval of the Planning Authority of a drainage scheme that shall incorporate the basic principles of Sustainable Urban Drainage Systems identified in 'Planning Advice Note 61' which shall provide details of a totally separate drainage system with the surface water discharging to a suitable outlet. The drainage system shall include measures to slow down run-off; methods of treatments and its release into the system, existing and proposed drainage of the site and temporary surface water drainage system during construction phases; unless prior written consent for variation is obtained in writing from the Planning Authority. The scheme, as may be approved shall be implemented commensurate with this development at a timescale as may be agreed in writing with the Planning Authority.

Reason: In order to provide for a sustainable drainage scheme for the development.



5. No development including any tree works shall commence until the developer has secured a programme for the management of woodland within a 30m radius of the centre point of the proposed dwellinghouses. Such a woodland management plan shall clearly indicate the selective felling, management and re-stocking of this area in accordance with details to be submitted to and approved by the Planning Authority. The plan should also include details of construction activities and mitigation measures to safeguard the surrounding woodland habitats. Thereafter this area shall be retained and managed in accordance with the duly approved programme, unless otherwise agreed in writing with the Planning Authority.

Reason: In order to ensure tree management and replacement in the interests of visual amenity.

6. No tree felling works shall take place during the bird breeding season (March to July inclusive), unless otherwise agreed in writing by the Planning Authority.

Reason: To minimise the impact of the development on breeding birds within the application site.

7. No development (including any land engineering works or any associated operations) shall commence until pre-construction surveys and proposed mitigation measures to prevent disturbance towards bats, bird species, Red Squirrel and Badger have been undertaken and submitted to and approved in writing by the Planning Authority.

Reason: In order to safeguard and protect wildlife interests.

8. The proposed access onto the C10 Glenstriven Road shall be constructed as per SD08/002a Private Drive Way and shall have minimum sightlines of 75 x 2.4 m in both directions. All walls fences and hedges within the visibility splays to be maintained at a height not greater than 1.0 metre above the road.

Reason: In the interests of road safety and to ensure that an adequate level of access is provided for the proposed dwellinghouses.

9. The driveway access from the individual properties shall have sightlines of 20m x 2m on the internal estate road in both directions. All walls fences and hedges within the visibility splays to be maintained at a height not greater than 1.0 metre above the road.

Reason: In the interests of road and pedestrian safety and to ensure that an adequate level of access is provided for the proposed dwellinghouses.

10. The lodges hereby approved shall not be occupied until on-site parking for a minimum of two vehicles have been provided for the Single Lodge and provision for one parking space to serve Heather Cottage located close to that holiday let, unless otherwise agreed in writing by The Planning Authority.

Reason: To ensure that there is sufficient car parking for the proposed holiday accommodation.

11. The lodges hereby approved shall be used for holiday occupancy only and shall not be used as a principal or main dwelling.

Reason: In order to define the permitted occupancy having regard to the amenities available and in order to comply with the provisions of policy SG LDP TOUR 1 of the Argyll and Bute Local Development Plan.

12. Prior to the commencement of works details of the boundary treatment that will demark the garden / curtilage ground of the lodges shall be submitted to the planning authority for approval.

Reason: To ensure the development is designed in accordance within the larger estate setting and to separate and provide clarity as to the extent of the curtilage to which members of the public will not have a right of access.

**NOTES TO APPLICANT (1) RELATIVE TO APPLICATION NUMBER 17/00420/PP**

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 (as amended) within three months from the date of this notice. A Notice of Review request must be submitted on an official form which can be obtained by contacting The Local Review Body, Committee Services, Argyll and Bute Council, Kilmory, Lochgilphead, PA31 8RT or by email to [localreviewprocess@argyll-bute.gov.uk](mailto:localreviewprocess@argyll-bute.gov.uk)
  
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state, and it cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the landowner's interest in the land, in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997 (as amended).
  
3. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. [See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).]
  
4. In order to comply with Section 27A(1) of the Town and Country Planning (Scotland) Act 1997, prior to works commencing on site it is the responsibility of the developer to complete and submit the attached 'Notice of Initiation of Development' to the Planning Authority specifying the date on which the development will start.
  
5. In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 it is the responsibility of the developer to submit the attached 'Notice of Completion' to the Planning Authority specifying the date upon which the development was completed.
  
6. The attention of the applicant / developer is drawn to comment made by Scottish Water in their response dated 3rd March 2017 and comments regarding connection to public water supply, surface water drainage and general advice. The applicant/developer is advised to contact Scottish Water directly concerning connection to public water supply - Planning and Development Services, The Bridge, Buchanan Gate Business Park, Cumbernauld Road, Stepps, Glasgow G33 6FB; Development Operations, Tel. 0800 3890379 or at [DevelopmentOperations@scottishwater.co.uk](mailto:DevelopmentOperations@scottishwater.co.uk)

7. The applicant/developer is advised by Scottish Natural Heritage (SNH) that all bats and their roosts are legally protected in Scotland by the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) - "the Habitats Regulations" (for details of this protection, see Protected mammals - Bats and Regulations 39-41 and 44-46 of the Habitats Regulations).

If bats are found to be roosting in any trees to be removed or within buildings to be renovated as part of this proposed development, under the Habitats Regulations the developer will need to apply to the Scottish Government for a licence to disturb/destroy bat roost(s) before works can commence. Any licence would need to be in place prior to any works affecting the roosts taking place. SNH can provide further advice as necessary.

8. The Area Roads Manager advises that Roads Construction Consent (S21) may be required for the section potentially serving future residential scheme to the west of the access. A Road Opening Permit (S56) will be required for all works within the road corridor. The applicant is advised to contact the Area Roads Manager (Mr. Paul Farrell, tel. 01369 708613) directly upon these matters.

APPENDIX TO DECISION APPROVAL NOTICE

Appendix relative to application 17/00420/PP

(A) Has the application required an obligation under Section 75 of the Town and Country Planning (Scotland) Act 1997 (as amended).

No

(B) 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

(C) The reason why planning permission has been approved.

The proposed development meets with the aims of both the Potential Development Area and Strategic Masterplan Area designations applicable to Castle Toward as defined by the Argyll and Bute Local Development Plan. The development of these proposals would result in the positive regeneration of Castle Toward, the wider estate and secure a sustainable future for the preservation of the building, as well as delivering tourism and other economic development benefits. The proposals accord with all other relevant development plan policies and it is therefore appropriate that planning permission be granted in line with development plan policy, subject to recommended safeguarding conditions.



**LDN**

Architects

57 59 Bread Street Edinburgh EH3 9AH

T: 0131 222 2900

E: architects@ldn.co.uk

ARGYLL AND BUTE COUNCIL  
This plan been APPROVED by the  
PLANNING AUTHORITY and MUST be read in  
conjunction with the Planning Conditions of  
Consent No:  
17/00420/PP  
*Angus J. Gilmore*  
Head of Planning and Regulatory Services  
Date: 25 JAN 2018

Job Title:

**1544: CASTLE TOWARD**

Drawing Title:

Single Lodge and Heather Cottage Site  
Layouts

Drawing Status:

**PLANNING SUBMISSION**

Drawing Number:

**1544\_L(P.4)401**

Scale:

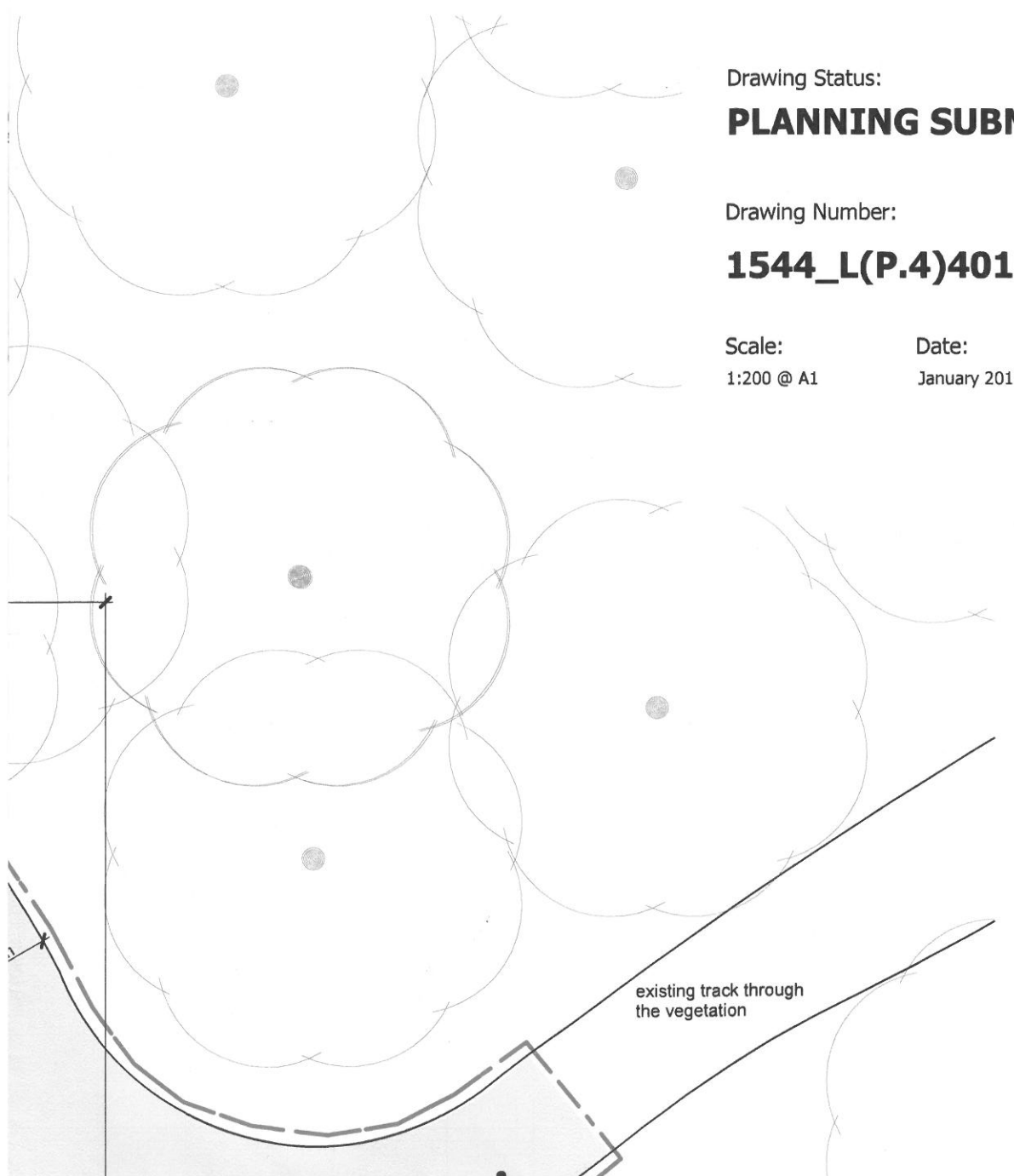
1:200 @ A1

Date:

January 2017

Drawn:

GP



existing track through  
the vegetation

**LDN**  
Architects

57 59 Bread Street Edinburgh EH3 9AH  
T: 0131 222 2900  
E: architects@ldn.co.uk

- 3.535 ridge level
- slate covered roof with lead ridge and hip flashings, pitch 25deg.
- 2.370 eaves level
- exposed timber rafter ends, 350mm overhanging eaves at the bay window
- 2.100 underside of window lintel
- timber framed glazed screen, astragals to match the windows, colour white
- vertical timber lining boards
- dressed stone cill and thresholds
- 0.000 floor level
- 0.150 perimeter ground level

Job Title:

**1544: CASTLE TOWARD**

Drawing Title:

**Single Lodge and Heather Cottage  
Proposed Plans & Elevations**

Drawing Status:

**PLANNING SUBMISSION**

Drawing Number:

**1544\_L(P.4)402**

Scale:

1:50 @ A1

Date:

January 2017

Drawn:

GP

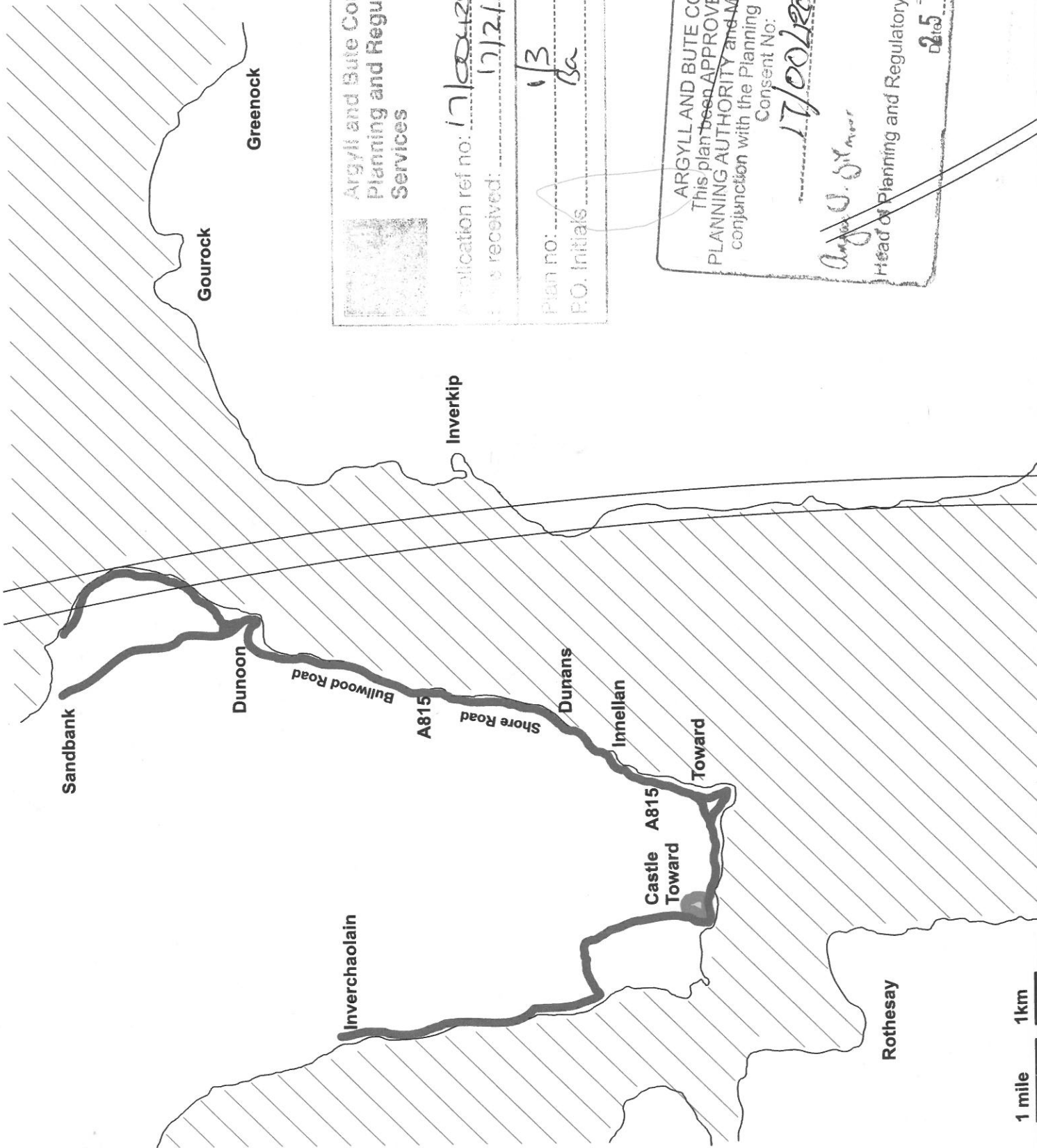
ARGYLL AND BUTE COUNCIL  
This plan has been APPROVED by the  
PLANNING AUTHORITY and MUST be read in  
conjunction with the Planning Conditions of  
Consent No:  
17/00420/18P  
*Angus J. Gilmore*  
Head of Planning and Regulatory Services  
Date: 25 JAN 2018

Argyll and Bute Council  
Planning and Regulatory  
Services

Application ref no: 17/00420/18P  
Date received: 17/2/17

Plan no: 3/3  
PO. Inside: Ba





Argyll and Bute Council  
Planning and Regulatory  
Services

Application ref no: 17/00220/RF  
Date received: 17/2/17

Plan no: 1/3  
P.O. Initials: Ba

ARGYLL AND BUTE COUNCIL  
This plan has been APPROVED by the  
PLANNING AUTHORITY and MUST be read in  
conjunction with the Planning Conditions of  
Consent No:  
17/00220/RF

Angus J. Gilmore  
Head of Planning and Regulatory Services

25 JAN 2018

1 mile 1km

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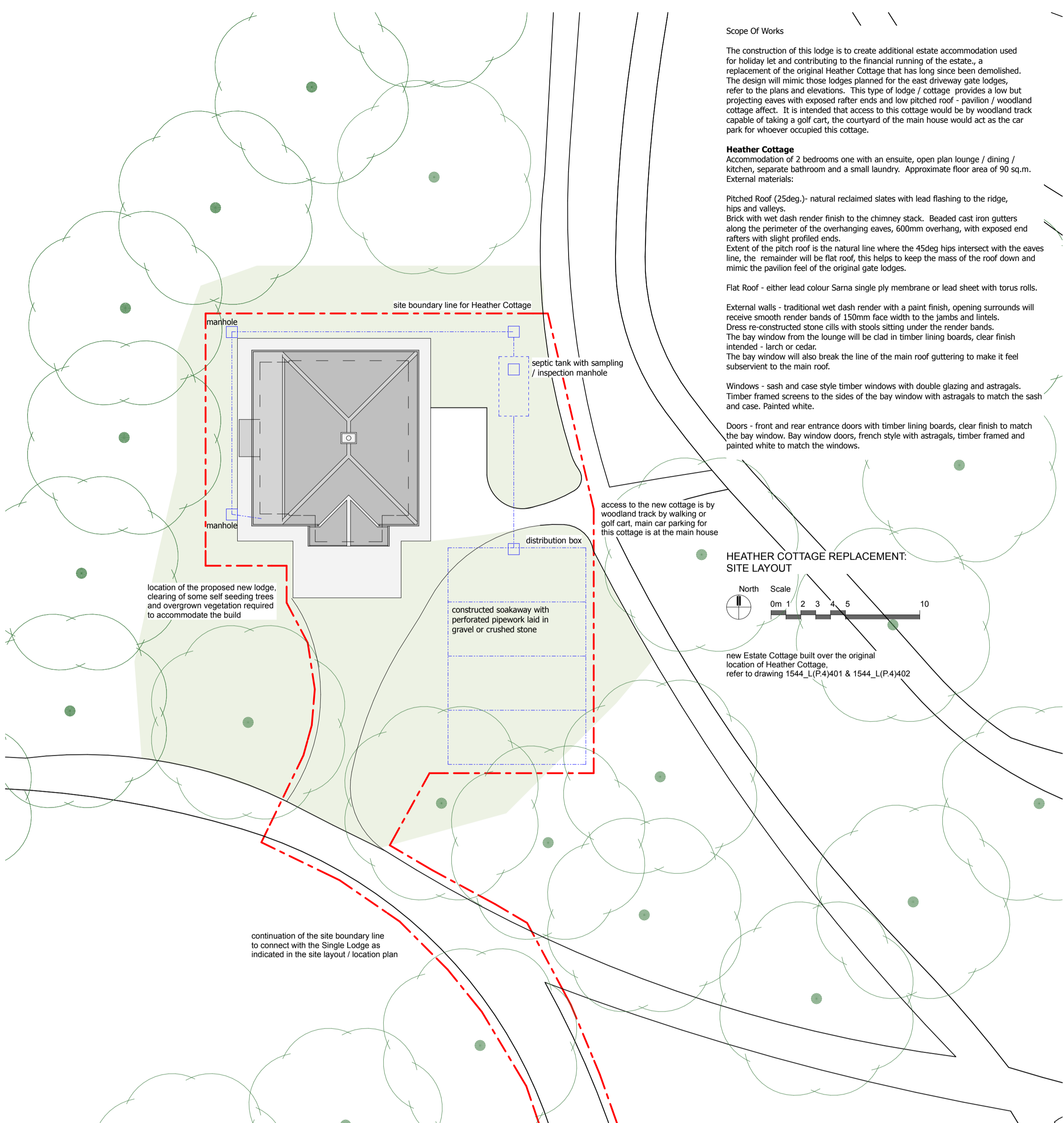
Job Title:  
**1544: CASTLE TOWARD**

Drawing Title:  
 Single Lodge and Heather Cottage Site  
 Layouts

Drawing Status:  
**PLANNING SUBMISSION**

Drawing Number:  
**1544\_L(P.4)401**

Scale: 1:200 @ A1 Date: January 2017 Drawn: GP



**Scope Of Works**

The construction of this lodge is to create additional estate accommodation used for holiday let and contributing to the financial running of the estate, a replacement of the original Heather Cottage that has long since been demolished. The design will mimic those lodges planned for the east driveway gate lodges, refer to the plans and elevations. This type of lodge / cottage provides a low but projecting eaves with exposed rafter ends and low pitched roof - pavilion / woodland cottage affect. It is intended that access to this cottage would be by woodland track capable of taking a golf cart, the courtyard of the main house would act as the car park for whoever occupied this cottage.

**Heather Cottage**  
 Accommodation of 2 bedrooms one with an ensuite, open plan lounge / dining / kitchen, separate bathroom and a small laundry. Approximate floor area of 90 sq.m. External materials:

**Pitched Roof (25deg.)** - natural reclaimed slates with lead flashing to the ridge, hips and valleys.  
 Brick with wet dash render finish to the chimney stack. Beaded cast iron gutters along the perimeter of the overhanging eaves, 600mm overhang, with exposed end rafters with slight profiled ends.  
 Extent of the pitch roof is the natural line where the 45deg hips intersect with the eaves line, the remainder will be flat roof, this helps to keep the mass of the roof down and mimic the pavilion feel of the original gate lodges.

**Flat Roof** - either lead colour Sama single ply membrane or lead sheet with torus rolls.

**External walls** - traditional wet dash render with a paint finish, opening surrounds will receive smooth render bands of 150mm face width to the jambs and lintels. Dress re-constructed stone cills with stools sitting under the render bands. The bay window from the lounge will be clad in timber lining boards, clear finish intended - larch or cedar.  
 The bay window will also break the line of the main roof guttering to make it feel subservient to the main roof.

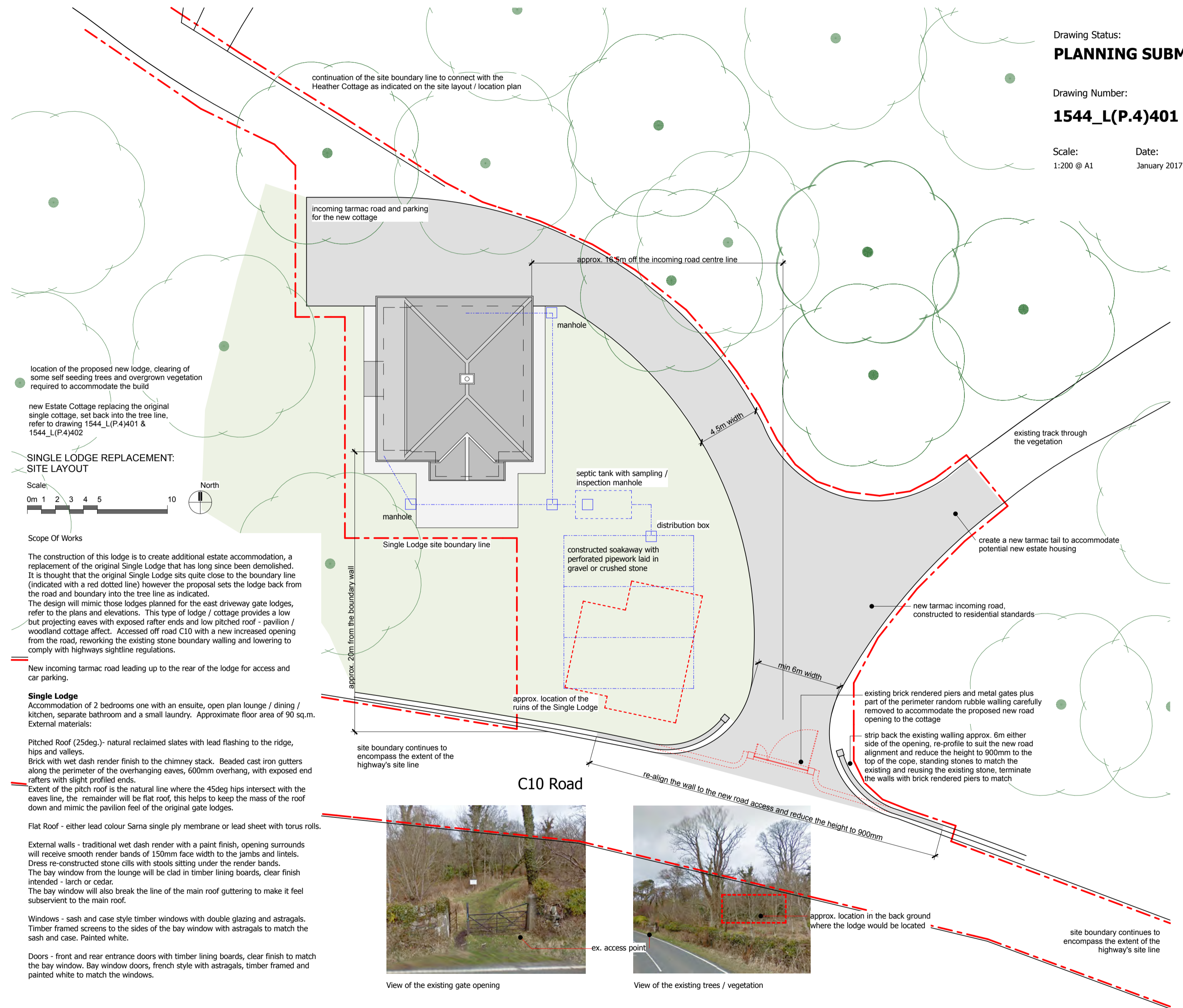
**Windows** - sash and case style timber windows with double glazing and astragals. Timber framed screens to the sides of the bay window with astragals to match the sash and case. Painted white.

**Doors** - front and rear entrance doors with timber lining boards, clear finish to match the bay window. Bay window doors, french style with astragals, timber framed and painted white to match the windows.

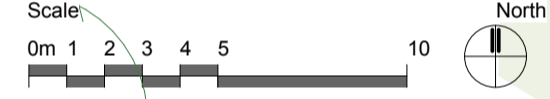
**HEATHER COTTAGE REPLACEMENT: SITE LAYOUT**



new Estate Cottage built over the original location of Heather Cottage refer to drawing 1544\_L(P.4)401 & 1544\_L(P.4)402



**SINGLE LODGE REPLACEMENT: SITE LAYOUT**



**Scope Of Works**

The construction of this lodge is to create additional estate accommodation, a replacement of the original Single Lodge that has long since been demolished. It is thought that the original Single Lodge sits quite close to the boundary line (indicated with a red dotted line) however the proposal sets the lodge back from the road and boundary into the tree line as indicated. The design will mimic those lodges planned for the east driveway gate lodges, refer to the plans and elevations. This type of lodge / cottage provides a low but projecting eaves with exposed rafter ends and low pitched roof - pavilion / woodland cottage affect. Accessed off road C10 with a new increased opening from the road, reworking the existing stone boundary walling and lowering to comply with highways sightline regulations.

**New incoming tarmac road** leading up to the rear of the lodge for access and car parking.

**Single Lodge**  
 Accommodation of 2 bedrooms one with an ensuite, open plan lounge / dining / kitchen, separate bathroom and a small laundry. Approximate floor area of 90 sq.m. External materials:

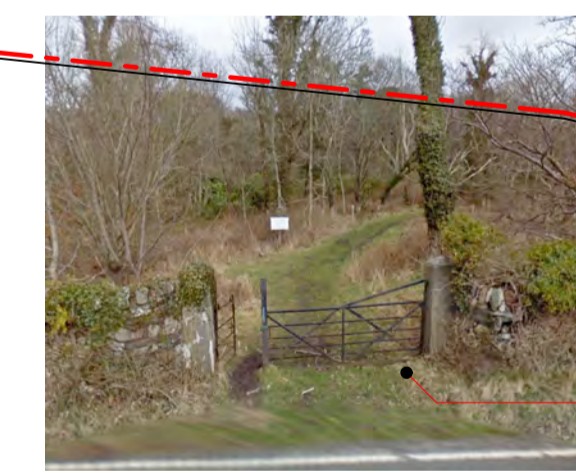
**Pitched Roof (25deg.)** - natural reclaimed slates with lead flashing to the ridge, hips and valleys.  
 Brick with wet dash render finish to the chimney stack. Beaded cast iron gutters along the perimeter of the overhanging eaves, 600mm overhang, with exposed end rafters with slight profiled ends.  
 Extent of the pitch roof is the natural line where the 45deg hips intersect with the eaves line, the remainder will be flat roof, this helps to keep the mass of the roof down and mimic the pavilion feel of the original gate lodges.

**Flat Roof** - either lead colour Sama single ply membrane or lead sheet with torus rolls.

**External walls** - traditional wet dash render with a paint finish, opening surrounds will receive smooth render bands of 150mm face width to the jambs and lintels. Dress re-constructed stone cills with stools sitting under the render bands. The bay window from the lounge will be clad in timber lining boards, clear finish intended - larch or cedar.  
 The bay window will also break the line of the main roof guttering to make it feel subservient to the main roof.

**Windows** - sash and case style timber windows with double glazing and astragals. Timber framed screens to the sides of the bay window with astragals to match the sash and case. Painted white.

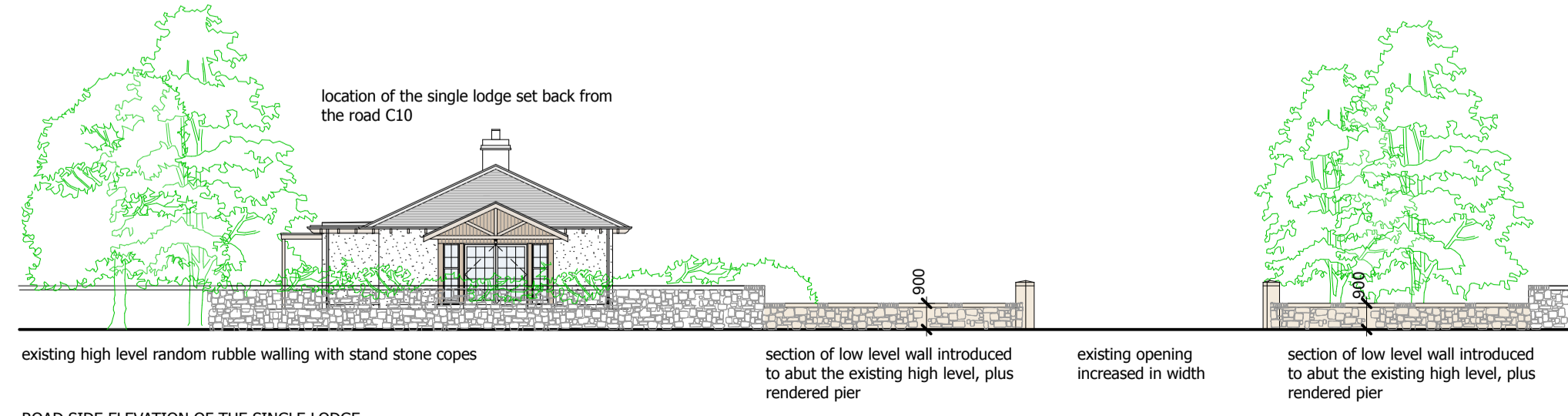
**Doors** - front and rear entrance doors with timber lining boards, clear finish to match the bay window. Bay window doors, french style with astragals, timber framed and painted white to match the windows.



View of the existing gate opening



View of the existing trees / vegetation



ROAD SIDE ELEVATION OF THE SINGLE LODGE  
 Scale 1:200

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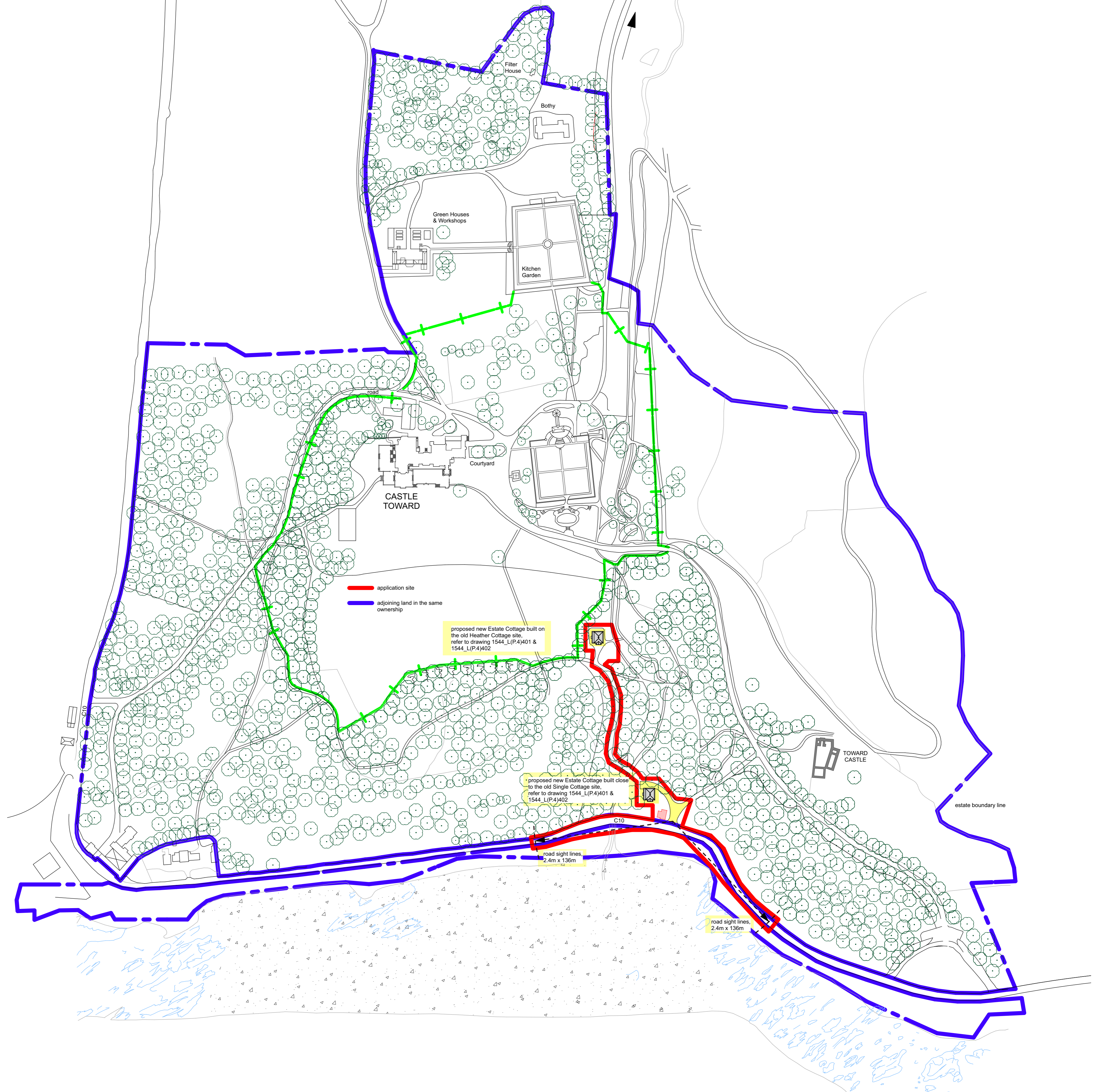
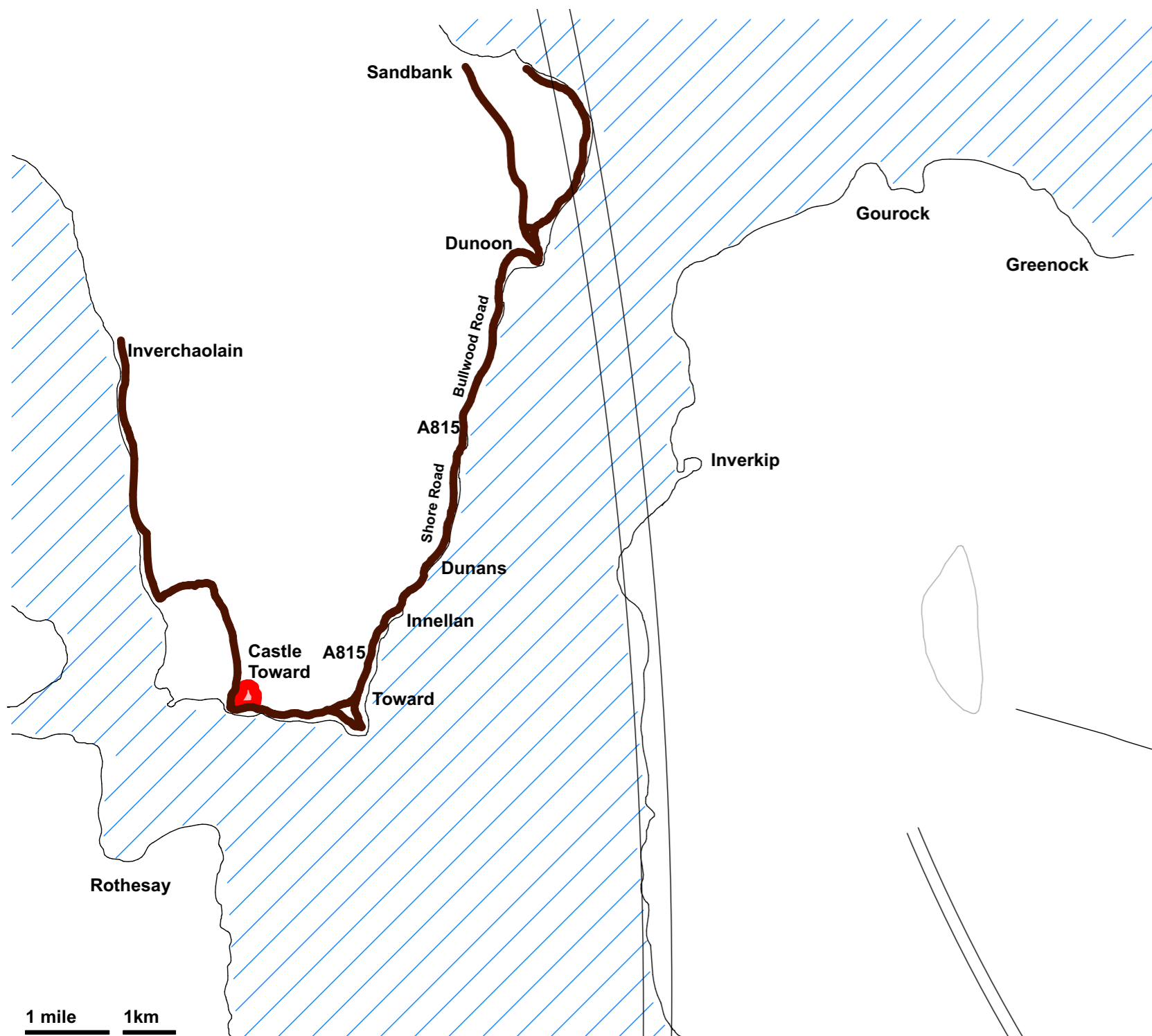
Job Title:  
**1544: CASTLE TOWARD**

Drawing Title:  
Proposed Cottages to Replace the Lost Single Lodge and Heather Cottage

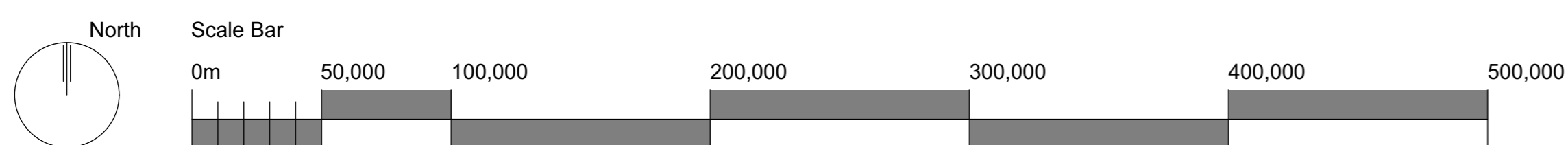
Drawing Status:  
**PLANNING SUBMISSION**

Drawing Number:  
**1544\_L(P.4)400**

Scale: 1:2000 @ A1 Date: January 2017 Drawn: GP



SITE LAYOUT: PROPOSED ESTATE COTTAGES TO REPLACE THE LOST SINGLE LODGE AND HEATHER COTTAGE  
SCALE 1:2000



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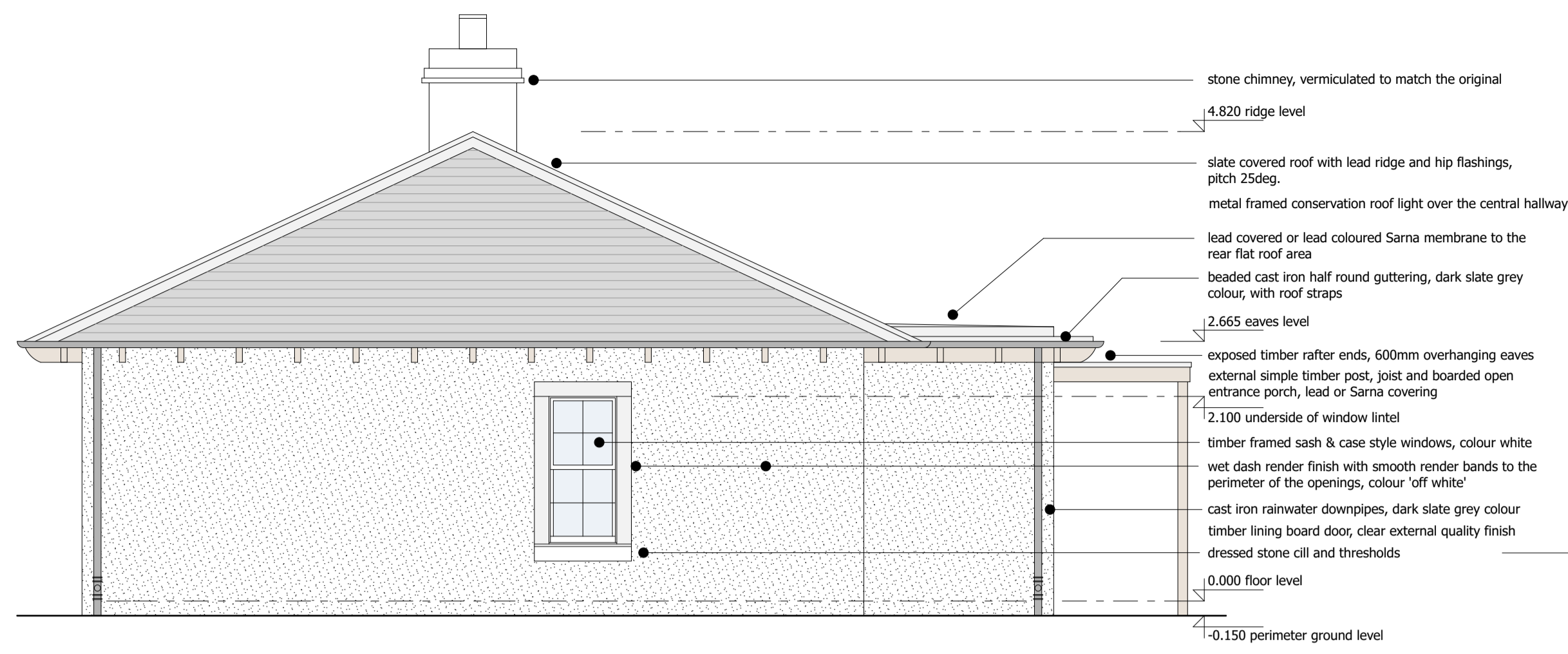
Job Title:  
**1544: CASTLE TOWARD**

Drawing Title:  
 Single Lodge and Heather Cottage  
 Proposed Plans & Elevations

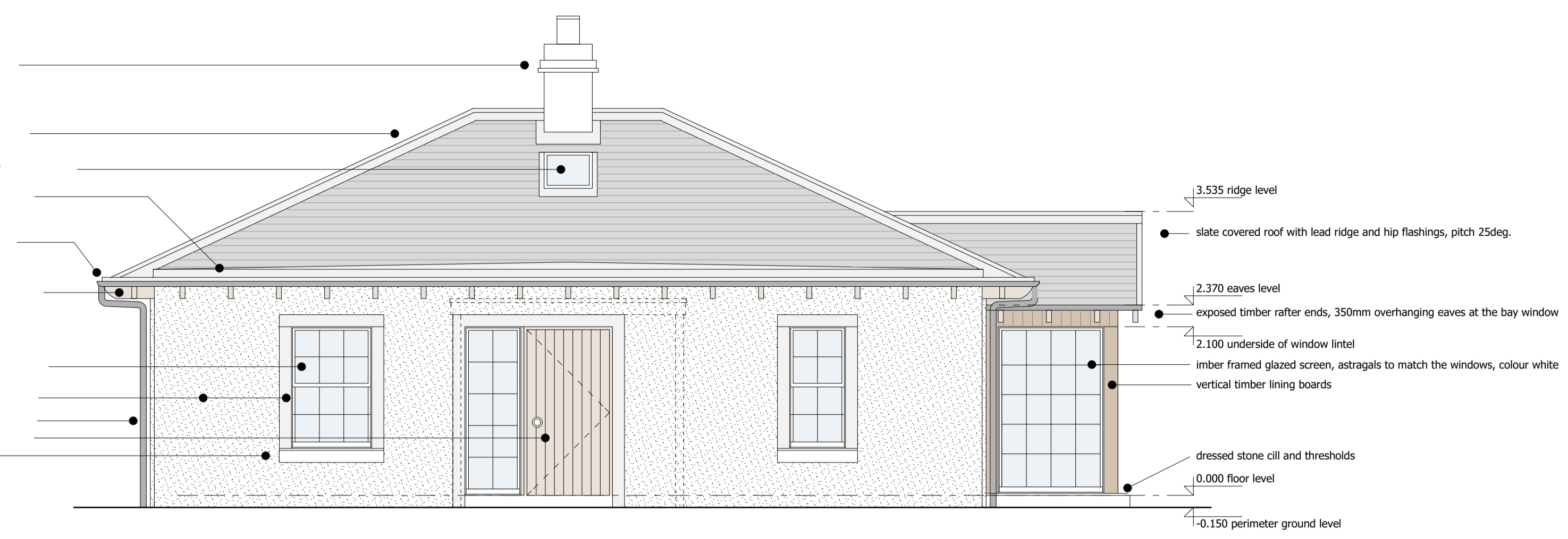
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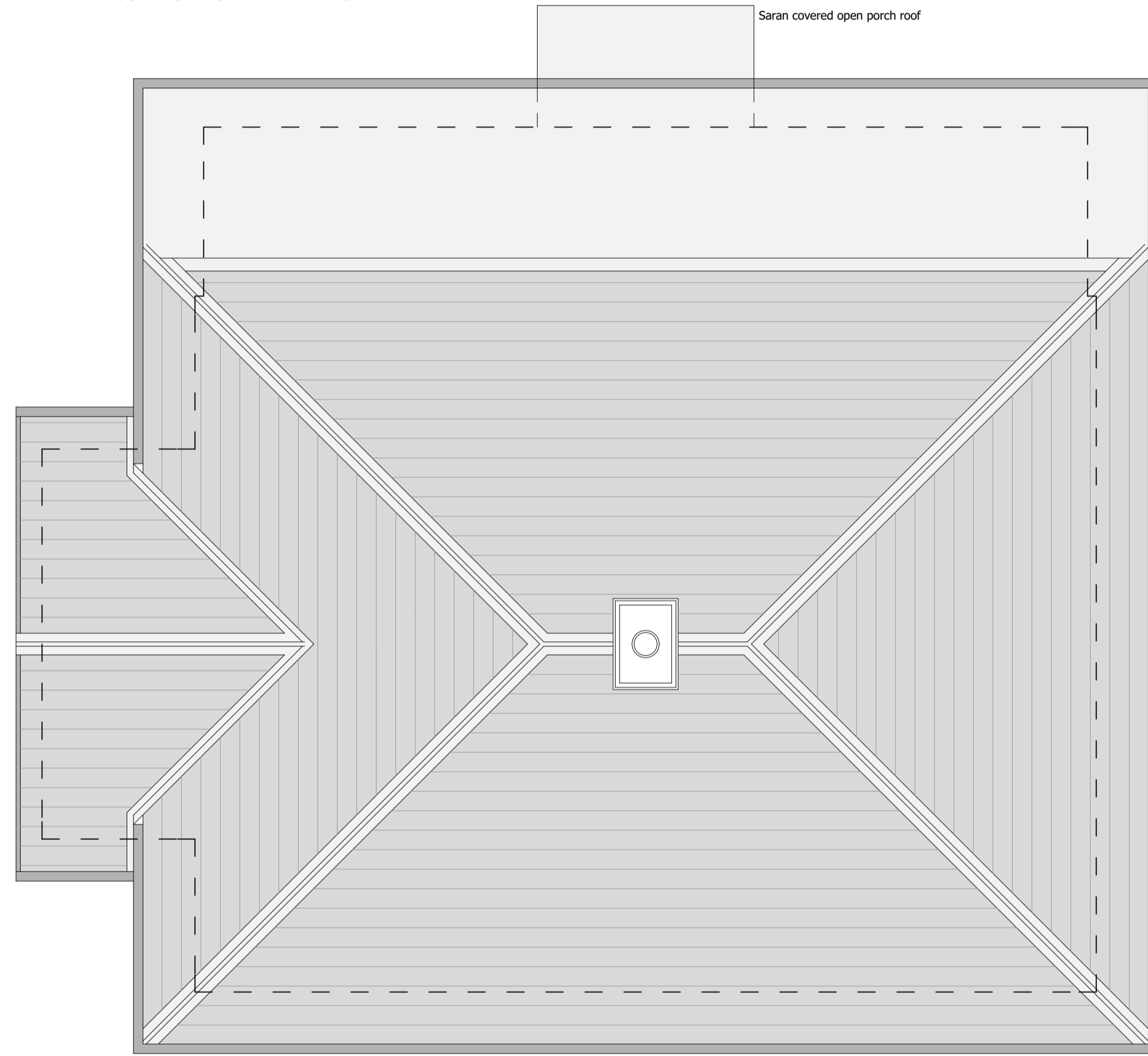
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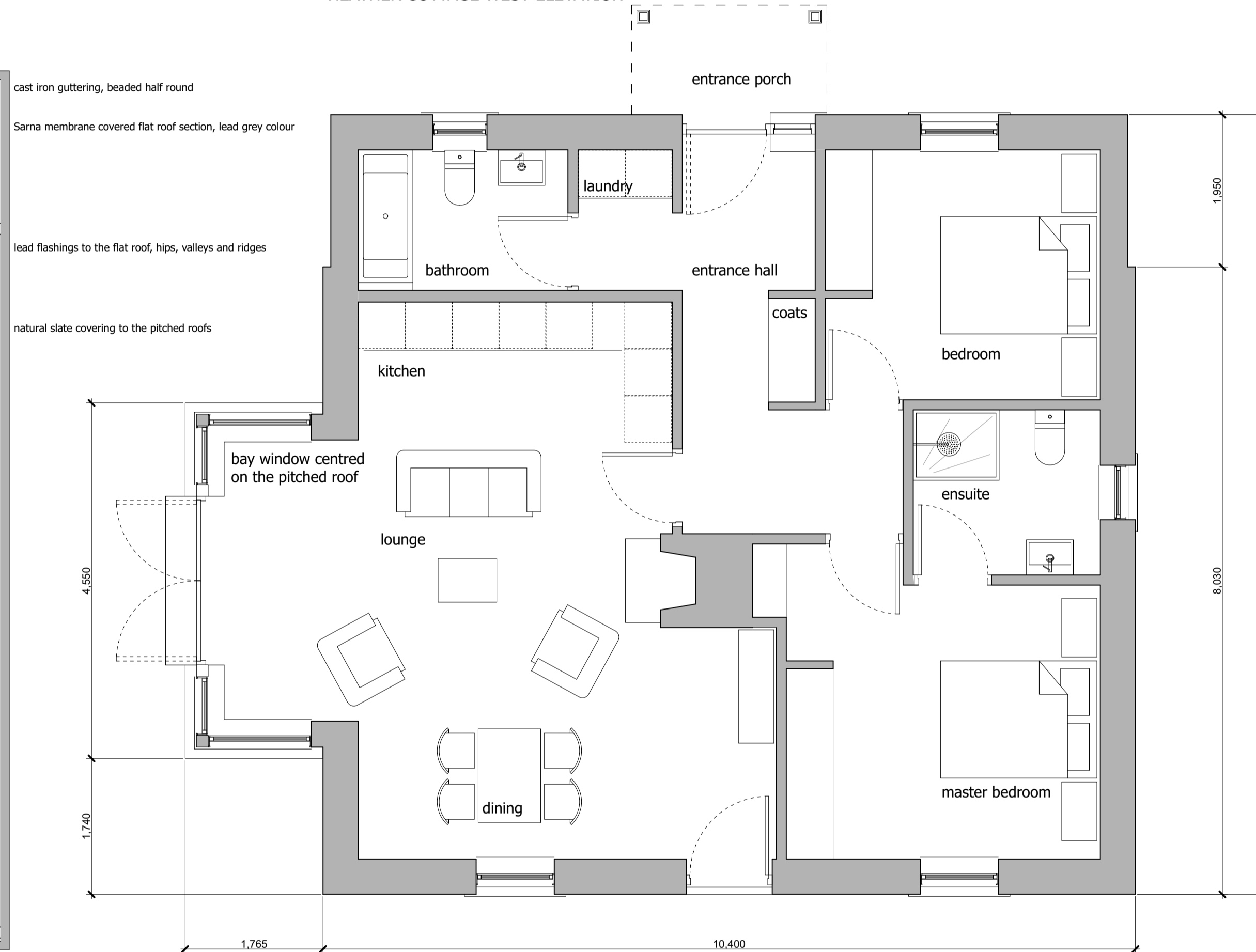
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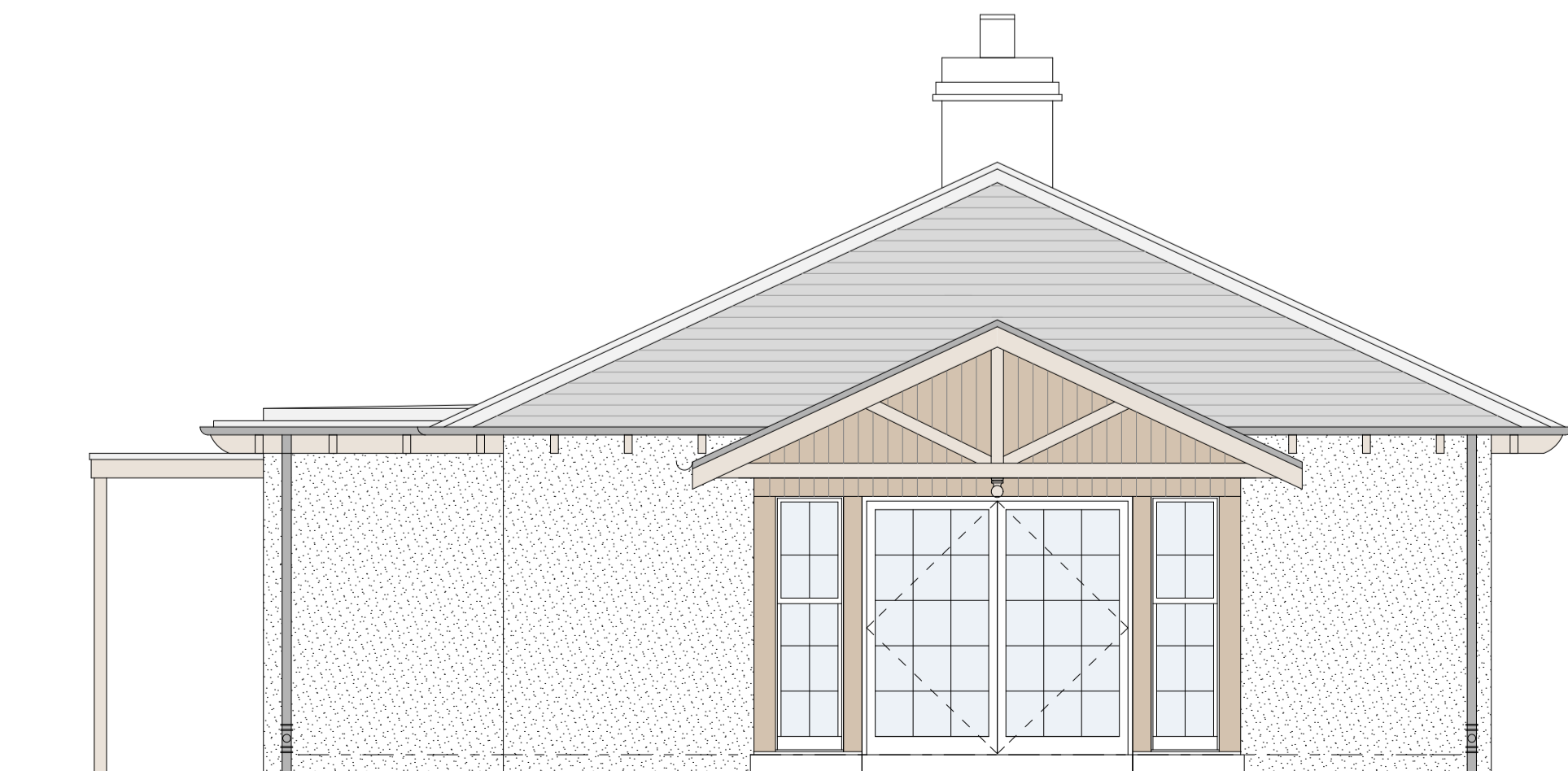
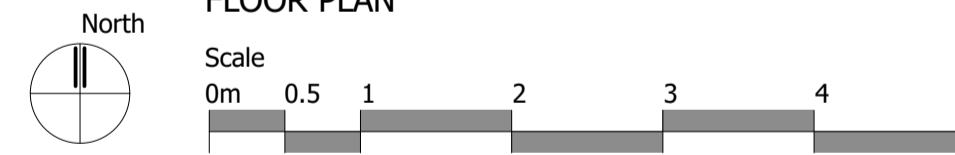
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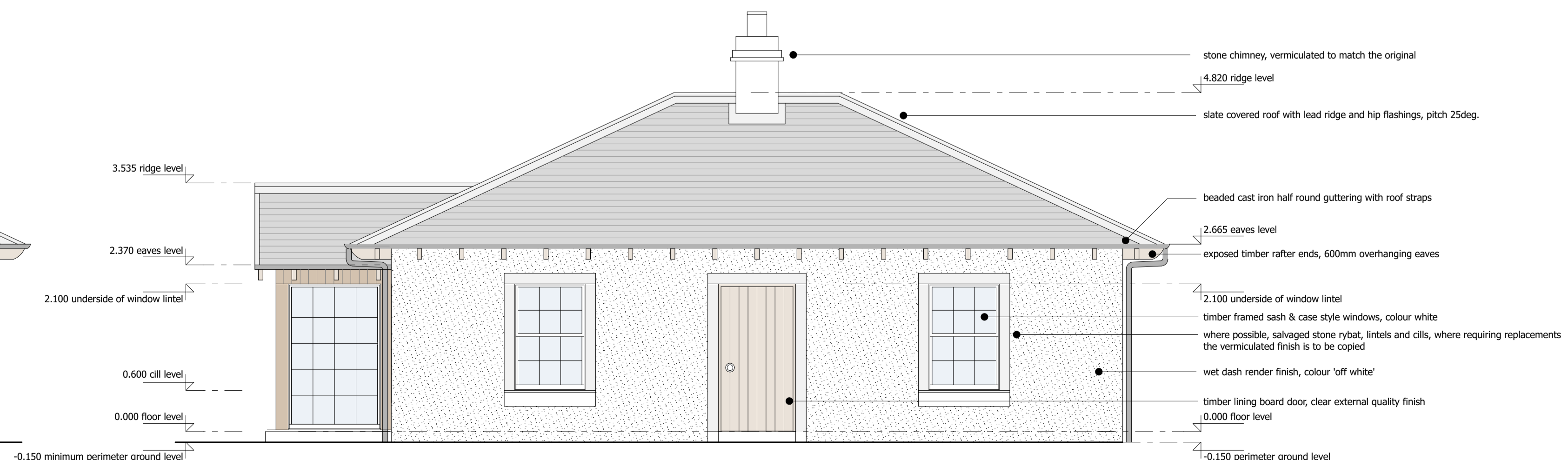
ROOF PLAN



FLOOR PLAN



SINGLE LODGE SOUTH ELEVATION  
 HEATHER COTTAGE SOUTH ELEVATION



SINGLE LODGE EAST ELEVATION  
 HEATHER COTTAGE EAST ELEVATION

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Castle Toward Estate

## Restoration and Development Masterplan



August 2016

*Date of Issue: 22nd August 2016*

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## 1.0 Introduction

The Castle Toward Estate Restoration and Development Masterplan was prepared for Denice Purdie and Keith Punler by LDN Architects. Their vision for the future of Castle Toward Estate is to create an economic and cultural asset for the Cowal peninsula that provides local employment opportunities by addressing the neglect of the 20th century and restoring the Estate's buildings, structures and designed landscape to their former glory and creating new financially sustainable beneficial long-term uses for each.

The Masterplan drawings within this report are illustrative only and the report should be read with the accompanying large scale drawings which provide greater detail.



## 2.0 Location and Estate Boundary

The Castle Toward Estate covers 147 acres of the Cowal Peninsula and is located approximately 43 miles to the west of Glasgow. It is accessed by following the A815 Shore Road from Dunoon (6.5 miles) after taking a 30-minute journey on a ferry from Gourock. The original Castle Toward, a ruined tower house dating back from the 15th century, is a Scheduled Ancient Monument. It lies south-east of the now principal building of the estate, the Scottish Baronial Mansion House boasting 100 rooms and dating from 1821.

The Estate is a Designed Landscape listed by Historic Scotland and is unique being located within outstanding scenery on a south-facing slope with its own shore frontage (Toward Lighthouse, Quay and Pier are nearby) and looking out towards the Firth of Clyde Rothesay and the Isle of Bute and. The extensive gardens are home to an impressive collection of ornamental plants- kitchen gardens with wall-trained plants, bamboos, specimen trees, shrubs and many habitats- woodland, meadows, rivers and pastures. The Estate also incorporates the ruins of Auchawilling Chapel, a viaduct, a tunnel, two cottages and the following B listed structures:

- Castle Toward
- Gatehouse (Court of Offices) and Garage
- Two Walled Gardens with Glasshouse and Workshop Range
- Chinese Lakes with Islands and Bridges (previously reservoirs to supply the estate).

The original Castle Toward Estate covered 7000 acres and has a rich and varied history, having served as a family residence to important owners (Kirkman Finlay and Andrew Coats), World War II training centre (visited by Winston Churchill), a residential school for Glasgow children, training centre for famous musicians, conductors, composers and artists and more recently as a residential outdoor education centre for children.



Aerial view showing the extent of Castle Toward estate

Note: Red line denotes extent of estate boundary



*Toward Castle Ruins*



*Gate House*



*West Entrance*



*Castle Toward*



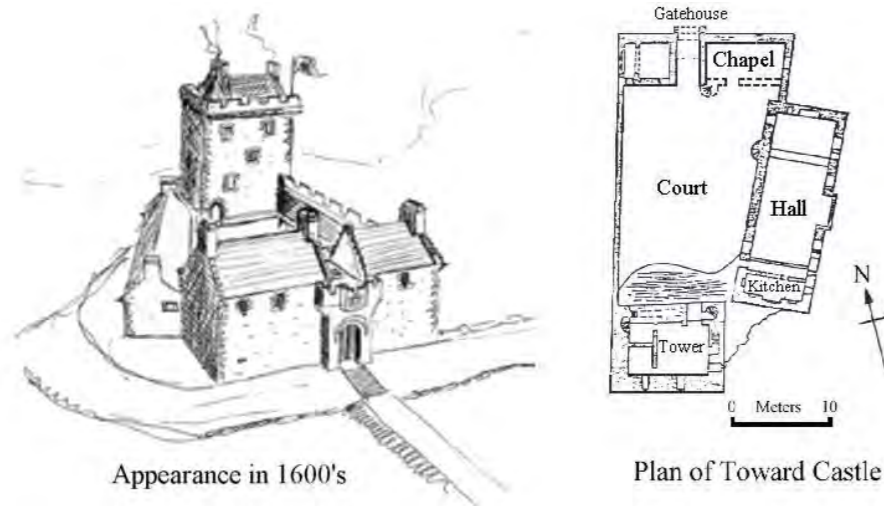
*Walled Garden*



*East Entrance*

### 3.0 History

Toward Castle, a 15th century stronghold for Clan Lamont, is situated on the old Eastern driveway, where it's ruins are evident today. With a chequered and violent past, Toward Castle was left in ruins following the siege and clan massacre by the Campbells in 1646.



Kirkman Finlay, a Glasgow businessman, MP and later Lord Provost of Glasgow, acquired the estate in 1818 from the Campbells, as his country seat, for what was to become the Clyde's grandest example of the Marine Villa. At the time of sale, the estate comprised of 6000 acres and cost £14,050.

Kirkman Finlay employed a leading Glasgow architect David Hamilton to design the new mansion, in the castellated picturesque Gothic style that was fashionable at the time. No expense was spared in this endeavor as the house was to be the pinnacle and representation of his success.



*Mansion house in its initial form by David Hamilton*

Kirkman also began work on the re-modeling of the estate soon after its acquisition that included a substantial amount of tree planting. The full history of the garden design is unclear but it is known that Edward Latrobe Bateman, an Anglo-Australian with Scottish connections, instigated landscaping changes around 1887-1888. One recorded and most important change was the realigning of the east drive that necessitated the removal of half the kitchen garden.

After Kirkman's death in 1842, the estate remained in the Finlay family for many years passing through various male heirs until the property went up for sale during the 1st war after the death of the then Finlay owner.

The estate was acquired by Major Andrew Coats in the early 20th Century. Major Andrew Coats and his wife Alice quickly set to work to increase the size of the already extensive property at Castle Toward doubling its size. The entire building was restored and enlarged over the course of the 1920s by the architect Francis William Deas, who also laid out most of the current landscaping.



*Mansion house enlarged by Frank Deas*

The ornate Italian plasterwork was installed in the public rooms in 1920 by a company that still exists today, and remarkably still holds the plaster moulds used on the property. The Gate House complex was substantially enlarged and remodeled at the same time, to incorporate a large laundry complex together with further garaging and chauffeurs accommodation. A large swimming pool complex (one of the world's first private pools) was built on the foreshore on the site where Toward Sailing Club now stands (the original swimming pool is still there, the clubhouse having been built over the top of it).

The Coats / Deas partnership had a major impact on the landscaping that included formal paved terraces, the north walled garden & glasshouses, loggia & workshops, ornamental water garden and lily ponds added to the south side of the walled garden, ha-ha walling in the south parklands and the construction of reservoirs in a Chinese style and called the Chinese Lakes (ponds).

Coats died in 1930 and the house was requisitioned by the Government, from Mrs Coats, in 1939 for use by the special services operation during World War II. Castle Toward became H.M.S. Brontosaurus over this period of history.

After the war the property was sold by Mrs Coats and purchased by the Corporation of Glasgow in 1948. The building was used initially as a residential school for children recovering from illness or living in deprived home conditions. It then became available for residential education for children from all Glasgow Primary Schools and operated for 50 years as an outdoor education centre for children from Glasgow and Renfrewshire. With the reorganisation of local government in Scotland in 1996, ownership passed to Argyll and Bute Council where it was used as both a residential school and during the summer months for gifted children.

Since closing, the gradual decline has seen the progressive abandonment of many elements, the demolition of two gate lodges and neglect of the landscaping. Historic Environment Scotland summarises the site "This estate is an important example of a 19th century designed landscape on the Firth of Clyde made possible through mercantile money generated in the industrial revolution. It has suffered neglect since 1945 but is still an impressive and intact designed landscape. Much of importance and value remains of what was an important Victorian estate with equally significant Edwardian additions."

The ruin of Toward Castle is a Scheduled Ancient Monument and Castle Toward itself is Category B Listed along with a number of the other buildings and structures in the estate. The Designed Landscape is listed in the Inventory of Gardens and Designed Landscapes which describes Scotland's most important sites of national importance. There are no nature conservation designations within the site. However, statutorily protected species may well be present and these could pose a constraint upon the location or timing of any development, and could require licensing by SNH in the event of works which would displace such species.

A copy of the Historic Scotland Listing descriptions are included on the following pages.



## Toward Castle Monuments


### Scheduled Monument

You can download copies of legal documents. These are the documents that must be used to determine what is scheduled.

### Toward Castle SM300

Status: Designated

### Documents

 [Legal Documents](#) [SM300\\_Legal.Doc](#)  
(<http://portal.historicenvironment.scot/document/600003218>)

### Summary

Information	Location	National Grid Reference
<b>Category:</b> N/A	<b>Local Authority:</b> Argyll And Bute	<b>NGR:</b> NS 118 678
<b>Date Added:</b> 20/02/1948	<b>Parish:</b> Dunoon And Kilmun	<b>Coordinates:</b> 211800, 667800
<b>Last Date Amended:</b> 13/03/2001		
<b>Type:</b> Secular: castle		

### Description

The monument consists of the remains of Toward Castle, a 15th century tower house with a later courtyard extending to the NE. The castle stands on a steeply-scarped rock promontory associated with old sea-cliffs 150m N of the shore of the Firth of Clyde, commanding a wide view of the Ayrshire mainland and the islands of Bute and Cumbrae. The monument was first scheduled in 1948. The monument is being rescheduled in order to define more clearly the extent of the scheduling.

The castle was the principal stronghold of the Lamont family. Due the Sir James Lamont's support for the royalist cause and his association with Alasdair Mac Donald's attacks on the Campbells, the castle was besieged in 1645 by the Marquis of Argyll. Despite an artillery bombardment and the castle's lack of artillery defence, the Lamonts refuse to surrender. In May 1646 however, 'the whole power of the Campbells' commanded by James Campbell of Ardkinglas, landed from Ayrshire 'with shippes, boats and great cannons, and beleaguered (Sir James) by sea and land within his own principall house'. After two weeks Sir James agreed to 'overgive his house at Toward' after the walls of the castle had been breached. Despite agreeing to honourable terms, many from the garrisons at Toward, and another Lamont stronghold, Asgog Castle, were imprisoned in Toward's 'house and yards' for several days, and were subsequently massacred in Dunoon churchyard. Both castles were then plundered and burnt. The attack on Toward and Asgog were among the charges which led to the execution of the Marquis of Argyll. Tradition suggests that the castle was not reoccupied after it had been burnt by the Campbells. The castle was partially excavated and consolidated in the 1970s.

The core of the castle comprises an oblong tower house occupying the S edge of the promontory; it stands fully three storeys in height at the SE angle, including a corbelled parapet, but much of the remainder has collapsed. The principal entrance appears to have been the first floor doorway at the S end of the E wall, which has a round-arched head formed in two stones. The ground floor was divided

<http://portal.historicenvironment.scot/designation/SM300>

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into two unequal chambers, each with a vaulted ceiling. The first floor also appears to have been vaulted.

The tower is associated with a rectangular courtyard whose N side incorporates a gatehouse range, while its E side is occupied by a single-storeyed hall-and-kitchen range. These elements apparently date to the late 16th or early 17th century. The courtyard is entered through a gatehouse passage with a projecting gate entrance, faced in ashlar with very fine decorative arch surround.

The area to be scheduled includes the scarped promontory and the remains of the castle. The area is irregular in shape and has maximum dimensions of 78m NW-SE and 81m NE-SW as marked in red on the attached map.

### About Designations

#### Scheduled Monuments

Historic Environment Scotland is responsible for the designation of buildings, monuments, gardens and designed landscapes and historic battlefields. We also advise Scottish Ministers on the designation of historic marine protected areas.

Scheduling is the way that a monument or archaeological site of national importance is recognised by law through the Ancient Monuments and Archaeological Areas Act 1979.

We schedule sites and monuments of national importance using the criteria published in the Historic Environment Scotland Policy Statement.

The description and map showing the scheduled area is the legal part of the scheduling. The additional information in the scheduled monument record gives an indication of the national importance of the monument(s). It is not a definitive account or a complete description of the monument(s). The format of scheduled monument records has changed over time. Earlier records will usually be brief and some information will not have been recorded. Scheduled monument consent is required to carry out certain work, including repairs, to scheduled monuments. Applications for scheduled monument consent are made to us. We are happy to discuss your proposals with you before you apply and we do not charge for advice or consent. More information about consent and how to apply for it can be found on our website at [www.historicenvironment.scot](http://www.historicenvironment.scot).

Find out more about scheduling and our other designations at [www.historicenvironment.scot](http://www.historicenvironment.scot). You can contact us on 0131 668 8716 or at [designations@hes.scot](mailto:designations@hes.scot).

### Images

There are no images available for this record.

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<http://portal.historicenvironment.scot/designation/SM300>

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## Garden and Landscape

 Inventory Garden & Designed Landscape

### CASTLE TOWARD GDL00097

Status: Designated

### Documents

 [Map](#) [Map for CASTLE TOWARD \(GDL00097\)](#)  
(<http://portal.historicenvironment.scot/document/600000476>)

### Summary

Information	Location	National Grid Reference
<b>Category:</b> N/A	<b>Local Authority:</b> Argyll And Bute	<b>NGR:</b> NS 11638 68300
<b>Date Added:</b> 31/03/2007	<b>Parish:</b> Dunoon And Kilmun	<b>Coordinates:</b> 211638, 668300

#### Summary

This estate is an important example of a 19th century designed landscape on the Firth of Clyde made possible through mercantile money generated in the industrial revolution. It has suffered neglect since 1945 but is still an impressive and intact designed landscape. Much of importance and value remains of what was an important Victorian estate with equally significant Edwardian additions.

#### Type of Site

Extensive 19th century estate incorporating the ruined 15th century Toward Castle and with many Edwardian and inter-war additions.

#### Main Phases of Landscape Development

The designed landscape dates primarily from the 19th century with many additions made during the 1930s.

### Importance of Site

A site included in the Inventory is assessed for its condition and integrity and for its level of importance. The criteria used are set out in Annex 5 of the Scottish Historic Environment Policy (December 2011). The principles are represented by the following value-based criteria and we have assigned a value for each on a scale ranging from outstanding value to no value. Criteria not applicable to a particular site have been omitted. All sites included in the Inventory are considered to be of national importance.

#### Work of Art

Value: High

A fine 19th century estate with a design which intelligently incorporates many pre-park features and contains other interesting 19th and 20th century additions.

#### Historical

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Value: High

The site's historical value stems primarily from the involvement of important owners Kirkman Finlay and Andrew Coats, and is one of the few Scottish sites to have been worked on by Anglo-Australian landscape architect Edward Latrobe Bateman.

#### Horticultural, Arboricultural, Silvicultural

Value: High

There are interesting elements such as the collection of bamboos sited throughout the landscape, and the wall-trained plants in the 19th century kitchen garden. Some of the shrub groups and specimen trees are also of high value.

#### Architectural

Value: High

The combination of David Hamilton's 19th century castellated mansion, the ruined Toward Castle and other architectural elements make this a site of high importance.

#### Scenic

Value: Outstanding

The site is at a focal point within the Firth of Clyde with superb views from within the designed landscape.

#### Nature Conservation

Value: Some

The variety of habitats including woodland, meadows, rivers and pasture give this site some value for nature conservation.

#### Archaeological

Value: High

The 15th century Toward Castle and Auchawilling Chapel give the site high archaeological value.

### Location and Setting

The Castle Toward designed landscape occupies a site at the southern end of the Toward Peninsula, 10km (6.2miles) southwest of Dunoon and accessed from the A815. The house and grounds occupy the lower south-facing slopes of Toward Hill, at the southernmost point of the Toward Peninsula with views south to the Island of Bute and beyond to the Firth of Clyde.

The designed landscape at Castle Toward extends northwards up Toward Hill to include the Chinese Lakes (reservoirs to supply the estate which were made into an attractive landscape feature) and Ardyne Farm to the northwest. The A815 road forms the southern and western boundaries, and to the east, the boundary takes in old estate parkland and is bounded by a commercial coniferous plantation on what was probably former policy woodland. A belt of old policy woodland is included in the designed landscape, which stretches east of the old ruins of Toward Castle. The principal features of the designed landscape, except for the Chinese lakes (reservoirs constructed on Toward Hill), are contained within the current estate boundary comprising approximately 150ha (370 acres).

<http://portal.historicenvironment.scot/designation/GDL00097>

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### Site History

The 15th century Toward Castle began as the Lamont stronghold, was added to in the 17th century and then left in ruins following a siege and clan massacre by the Campbells in 1646.

General Roy's Military Survey (c.1750), the first accurate large scale landscape survey does not show any evidence of an 18th century designed landscape at the southern end of the Toward Peninsula.

The Glasgow businessman, MP and later Lord Provost of Glasgow, Kirkman Finlay acquired the estate in 1818 from the Campbells. He employed the Glasgow architect David Hamilton to design a new mansion, a marine villa called Castle Toward, to be designed in the castellated picturesque Gothic style that was fashionable at the time. Kirkman Finlay made a huge fortune exploiting new Asian markets for cotton, and did much to improve Glasgow's international trade, including breaking through Napoleon's Continental blockade. He was also made Lord Rector of the university and a statue of Finlay stands in the vestibule of Glasgow's Merchants' House. He began work on the remodelling of the estate soon after its acquisition. Although the figure may be exaggerated and is more likely to be in the tens of thousands, an 1854 account in the Scottish Gardener states that 5 million trees were planted by 1841, covering an area of nine hundred to a thousand acres.

The first edition Ordnance Survey map of 1864 shows the mansion in an elevated position at the centre point of a planting composition which frames views south to the Firth of Clyde. The primary approach passes a pair of lodges via the 15th century ruins of Toward Castle arriving at the dramatic forecourt of the mansion. Features evident at this time included a viaduct across the burn, a walled kitchen garden, an ornamental rock garden and burnside walks with associated ornamental planting.

During the late 19th century various changes were made to the estate, most importantly the realigning of the east drive, necessitating the removal of half the kitchen garden. This and other changes are recorded on the 2nd edition Ordnance Survey map of 1899. Edward Latrobe Bateman, an Anglo-Australian with Scottish connections, probably instigated further landscaping changes around 1887-1888. There is evidence of his correspondence with the Finlay Family at this time, and he was known to be involved with landscaping works at Ascog House on Bute, a short distance across the water from Castle Toward. Bateman was a graphic artist and interior designer who had made a name as a landscape designer in Australia when he was commissioned to design Fitzroy Gardens, a major park in Melbourne, in 1864. However, with the multiple layers of improvements in the grounds of Castle Toward it is extremely difficult to pinpoint exactly which improvements Bateman would have been responsible for.

In 1919 Castle Toward was sold to Major Andrew Coats, who with his younger brother James, ran a Paisley-based thread manufacturing business. Between 1919 and 1945 Coats invested enormous sums of money in the estate. The mansion was doubled in size and formal paved terraces were built to the south and west of the house. A new walled garden was built to the north of the house and new glasshouses were constructed in it by Mackenzie and Moncur. A new loggia and workshops were built against the north wall of the existing 19th century walled kitchen garden to the east of the house. An ornamental water garden with lily pond built added to the south side in what constituted a complete remodelling of this older walled garden. The architect of these structural improvements and alterations was Frank W. Deas, a 'pupil' of the well-known architect Sir Robert Lorimer. A new ha-ha was constructed in the parkland and trees and shrubs were planted extensively throughout the grounds. New stone-lined water supply reservoirs incorporating designs in the Chinese style and called the Chinese Lakes were constructed much higher up Toward Hill to the north of the house. These supplied water to the estate and are outwith the designed landscape boundary.

<http://portal.historicenvironment.scot/designation/GDL00097>

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In 1939, the Government requisitioned the house from Coats for use by the Special Services Operations during World War II. Castle Toward became 'H.M.S. Brontosaurus' during this period in its history, and there are Nissen Huts in the grounds and an Anderson Shelter beside the house. After the war the site was sold to Glasgow Corporation for use as a convalescent school and then outdoor centre. The gradual decline since then has seen the progressive abandonment of many elements, the demolition of two gate lodges and the felling of many important trees.

### Landscape Components

#### Architectural Features

**Castle Toward** is a large castellated mansion of ashlar with octagonal tower at the rear. It was designed by David Hamilton and built in 1821 for Kirkman Finlay, a Glasgow merchant and MP. Extensions were added to this building in the 1920s in a style in keeping with the original building. **Toward Castle** is a Scheduled Ancient Monument which was built in 1475 with bailey and domestic range added in the seventeenth century. The surviving masonry is three storeys high and built of random rubble. It is presently roofless and in a ruinous state. **Auchawilling Chapel** is a small chapel to the northeast of the modern Castle Toward and is presently ruinous.

The **East Walled Garden** was built by Finlay in the 19th century. In the 1920s an ogee-roofed glass-fronted loggia, octagonal conservatory and wrought-iron gates were added, very much in the style of Robert Lorimer. **Old Auchavoulin House** is the end or side of a building situated at the north east angle of the **Walled Garden**, with a notable group of *Crinodendron hookerianum* shrubs growing here. There is a formal water garden to the south of the 19th century walled garden. This contains a lily pond and is believed to have been built on top of an old vegetable garden at the instigation of Mrs Coats. There is a large 20th century **North Walled Garden** to the north of the house which is now abandoned. Both walled gardens and their associated additions are constructed from the same dark grey schist and were designed by the architect Frank W. Deas. A range of heated glasshouses and cold frames which were built by Mackenzie and Moncur beside the **North Walled Garden**, and workshops were added to the northeast of the house, incorporating the west gate with a finely detailed set of steps incorporating decorative carving in the style of Sir Robert Lorimer with flowers, fruit and animals. **West Lodge** which incorporates estate offices and garages is positioned to the south west of the house. All other lodges have been demolished.

The **Viaduct**, which carries the Main Drive across the burn, features rustic stone balustrades, gothic stonework and a pedestrian route below. The **Chinese Lakes** which lie to the north on Toward Hill are a series of stone-lined ponds with islands, linked by finely detailed semi-circular bridges. They are linked to the other landscape features of Castle Toward by a path network. Evidence of a stone-built summerhouse ahs been uncovered beside the Chinese Lakes. This would have afforded a very impressive sweeping view over the entire estate and over to Bute and the Hebrides. There are two other architectural features that are linked to the estate historically but lie outwith the southwestern designed landscape boundary: **Toward Lighthouse** was built in 1812 and is a circular tower of ashlar; **Toward Quay** is an early 19th century rubble built pier.

#### Drives & Approaches

The Main Drive and approach originally came past the now demolished East Lodges. This route passes the rock garden and travels below the foot of Toward Castle crossing the burn across the **Viaduct**. Passing the south side of the water garden, the drive ends at the forecourt of Castle Toward. This drive is currently not used by vehicles because the viaduct is believed to be unsafe. A secondary drive runs around the north side of the mansion and then southwest through woodland, leaving the site via the **West Lodge** and giving direct access to **Toward Quay**. Originally the two drives met at the front (i.e. the south side) of the house, but were replaced by the present terrace.

#### Paths & Walks

<http://portal.historicenvironment.scot/designation/GDL00097>

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Footpaths are primarily concentrated around the burn in the valley to the east of the house. These connect features including Toward Castle, the rock garden, the walled garden, a summer house (demolished) and the Chinese Lakes to the north. A tunnel carries the burnside path beneath the viaduct and east drive.

There are many specimen Rhododendrons throughout the burnside area, alongside *Gunnera manicata*. South of the approach road viaduct there are large clumps of bamboo, forming a tunnel effect through parts of the burnside walks. Some clumps are quite overgrown but still in good health. There are extensive clumps of bamboos throughout the designed landscape at Castle Toward, and sale particulars of 1919 refer to the bamboos as '...possibly the finest collection in the west of Scotland.'

#### Parkland

Parkland areas originally extended north, south and east of the mansion. The area to the south was planted with parkland specimen trees and featured a ha-ha. However the ha-ha was filled in and the trees felled to create playing fields. The area remains open today as lawn and a specimen cypress survives from the old parkland planting. To the north of the house and walled garden, the area of parkland is kept as grazed land, rising steeply above the mansion. A modern dwelling has been built in this area. North of the old Toward Castle ruin (to the east of the house) is a small area of parkland with some notable specimen trees including sycamore and cedar of Lebanon.

#### Woodland

East and west of the mansion, there are two north-south strips of woodland extending from the high ground to the north down to the shore-line road A815. From a line to the north of the mansion the 19th century plantations have been removed and replanted with commercial coniferous forestry of Sitka spruce, except for the area around Chinese lakes where birch, beech, oak and Scots pine predominate. From a line roughly south of the mansion, mature deciduous woodland predominates with beech, oak, elm, sycamore, lime and horse chestnut. Locally there are also ornamental conifers including Scots pine, Western hemlock and Douglas fir.

There are some notable specimen trees still surviving in the Castle Toward landscape, including a remarkable huge-girthed *Griselinia littoralis* immediately beside the old ruins of Toward Castle, and some interesting cut-leaved Japanese maples to the north of the old East drive near the viaduct. A mixture of broad-leaved trees including sycamore and oak grow on either side of the burn, providing a sheltered canopy.

#### Walled Gardens

The **North Walled Garden** is abandoned while the East Walled Garden contains little of plant interest. There is, however, an interesting collection of wall-mounted shrubs on the outer west wall of the **East Walled Garden**, including an unusual wall-trained *Ginkgo biloba*, the maidenhair tree more commonly grown as a tree. The south walled garden and loggia are currently (2005) leased to the BBC for the making of a children's television series. To the east of this walled garden and towards the burn are good specimens of Crinodendron and some large-leaved Rhododendrons.

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Roy's Military Survey c.1750

<http://portal.historicenvironment.scot/designation/GDL00097>

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First Edition 6" to 1 mile O.S.

Second Edition 6" to 1 mile O.S.

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## About Designations

### Inventory of Gardens and Designed Landscapes

Historic Environment Scotland is responsible for the designation of buildings, monuments, gardens and designed landscapes and historic battlefields. We also advise Scottish Ministers on the designation of historic marine protected areas.

The inventory is a list of Scotland's most important gardens and designed landscapes. We maintain the inventory under the terms of the Ancient Monuments and Archaeological Areas Act 1979.

We add sites of national importance to the inventory using the criteria published in the Historic Environment Scotland Policy Statement.

The information in the inventory record gives an indication of the national importance of the site(s). It is not a definitive account or a complete description of the site(s). The format of records has changed over time. Earlier records may be brief and some information will not have been recorded.

Enquiries about development proposals, such as those requiring planning permission, on or around inventory sites should be made to the planning authority. The planning authority is the main point of contact for all applications of this type.

<http://portal.historicenvironment.scot/designation/GDL00097>

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## Castle Toward

### 🏠 Listed Building

The legal part of the listing is the address/name of site only. All other information in the record is not statutory.

### CASTLE TOWARD LB5068

Status: Designated

### Documents

### Summary

Information	Location	National Grid Reference
<b>Category:</b> B	<b>Local Authority:</b> Argyll And Bute	<b>NGR:</b> NS 11513 68172
<b>Group Category Details:</b> B - SEE NOTES	<b>Planning Authority:</b> Argyll And Bute	<b>Coordinates:</b> 211513, 668172
<b>Date Added:</b> 20/07/1971	<b>Parish:</b> Dunoon And Kilmun	

### Description

David Hamilton, dated 1821 with significant later additions and alterations circa 1921 by Francis W Deas (see Notes). Large and impressive, 2-storey with attic and basement, asymmetric-plan, castellated Gothic Revival mansion house located at southerly point of the Cowal Peninsula. Stugged, pale sandstone ashlar with earlier sections of building slightly warmer in colour. Cill courses, hood mouldings. Turreted corner angles. Crenellated parapets. Raised terrace to S.

S (PRINCIPAL) ELEVATION: turreted porte-cochere to SE corner; square-plan tower behind with large pointed-arch window. Slightly advanced bay to centre with corbelled out stone balcony at 1st floor. Projecting wing to far left with canted windows at basement, ground and 1st floors.

E ELEVATION: pair of moulded shields with date and initials KF/JS. Rounded, castellated tower to NE corner angle with mullioned and transomed window. Small octagonal tower to segmental-arched entrance to rear courtyard. Tall, machicolated octagonal tower to centre of N (rear) elevation. W ELEVATION: bifurcated T-plan staircase with stone balustrade rising to large recessed loggia with 3 four-centre arches and crenellated parapet set between advanced square-plan towers.

Predominantly 2-pane glazing pattern to timber sash and case windows. Pointed-arch windows with octagonal leaded glass. Slated roofs behind crenellated parapets. Octagonal chimneystacks arranged in groups of six.

INTERIOR: remodelled with decorative work predominantly early 20th century in a variety of historicist classical styles - some original Gothic Revival elements intact. Plaster rib-vaulting to SE porch, hall and staircase is early 19th century. Ornate Louis XVI decorative plasterwork, fluted mouldings and brass fittings to former music/drawing room; Adamesque, segmental plasterwork ceiling to library, full-height timber bookcases; heavy and ornate timber Jacobean fireplace to ballroom. Curved timber staircase to E range and large stair with central well and upper loggia to W wing. Some marble fireplaces to ground floor; largely timber fireplaces to 1st and 2nd floors. Timber panelling; extensive use of parquet flooring. Stone flags to basement.

### Statement of Special Interest

Part of a B-Group comprising - Castle Toward; Castle Toward, Gate Lodge and Garage; Castle Toward, Walled Garden To East, Walled Garden To North and Glasshouse and Workshop Range; Castle Toward, Chinese Lakes including Bridges (See separate listings).

Castle Toward is a large and impressive castellated Gothic-Revival mansion house characterised by its wealth of towers, turrets and good stonework detail. Among numerous architectural features adding to its interest are the porte-cochère, corbelled balcony and tower and garden terrace to S elevation, round tower and courtyard entrance to E and the loggia to W elevation. The early 20th century additions and remodelling faithfully adhere to the Gothic-Revival style of the earlier building while collectively, the programme of aggrandisement at Toward works as an ensemble and is an excellent example of large-scale estate development in Scotland during the inter-war period.

The original mansion house, or 'marine villa' was built by David Hamilton for Kirkman Finlay, a successful merchant and former Lord Provost of Glasgow, who bought the estate of Auchavoulin from the Campbell family in 1818 and renamed it Toward. The New Statistical Account of Scotland notes that there can be "few specimens of modern Gothic more happily conceived" than Hamilton's original design. Between 1919 and 1945, new owner Major Andrew Coats, a member of a wealthy Paisley threadmaking family, invested huge sums of money into the estate. The mansion house more than doubled in size with additional towers to the E and N and the creation of a large W wing including ballroom, billiard room, music room and numerous additional bedrooms. Following its use as a military outpost during WW2, during which the building was known as 'HMS Brontosaurus', a residential school was founded at Toward in the 1940s following its purchase by Strathclyde Regional Council and continues to be run as an outdoor education centre. Some of the nissan huts installed by the Navy remain and are used as stores.

Francis W Deas was a very close friend of renowned Scottish architect Robert Lorimer and favoured a similar Arts and Crafts approach to design as reflected in Deas's Lorimeresque garden ancillary buildings at Toward (see separate listings). Kellas House (see separate listing) in Moray is probably his finest work in the Scottish Art and Crafts manner.

The ruinous remains of the 15th century 'Toward Castle', (located on the estate at OS Map Ref: NS 1161, 6815) is a Scheduled Ancient Monument.

### References

#### Bibliography

1st Edition Ordnance Survey Map (1862). Groome's Gazetteer. New Statistical Account of Scotland (1845), pp609, 610, 616. Frank A Walker, Buildings of Scotland - Argyll and Bute (2000) pp493-496.

### About Designations

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### Images

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### Map

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## Chinese Lakes including Bridges

### Listed Building

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## CASTLE TOWARD, CHINESE LAKES INCLUDING BRIDGES LB51863

Status: Designated

### Documents

### Summary

Information	Location	National Grid Reference
<b>Category:</b> B	<b>Local Authority:</b> Argyll And Bute	<b>NGR:</b> NS 11777 68987
<b>Group Category Details:</b> B - SEE NOTES	<b>Planning Authority:</b> Argyll And Bute	<b>Coordinates:</b> 211777, 668987
<b>Date Added:</b> 20/07/1971	<b>Parish:</b> Dunoon And Kilmun	

### Description

Circa 1930. Pair of man-made, crescent-plan, stone-lined reservoir ponds in picturesque style, each with its own island. Pond to S with pair of ornamental round-arched pedestrian bridges and stone-lined boat mooring cut. Bridge arches are of shuttered concrete construction overlaid with grey schist stone steps and rubble voussoirs.

### Statement of Special Interest

Part of a B-Group comprising - Castle Toward; Castle Toward, Gate Lodge and Garage; Castle Toward, Walled Garden To East, Walled Garden To North and Glasshouse and Workshop Range; Castle Toward, Chinese Lakes including Bridges (See separate listings).

This pair of man-made ponds, each with its own small island reached by ornamental round-arched pedestrian bridges occupy a secluded, wooded location on high ground to the N of Toward estate and are an interesting element of the early 20th century designed landscape. They are commonly referred to as the 'Chinese Lakes' due to the island/bridge design being reminiscent of oriental forms. Toward Estate is notable for its innovative use of stone-lined channels for water courses supplying water throughout the estate. The spring that feeds the two ponds runs down to the house and provides its water supply.

Collectively, the early 20th century programme of aggrandisement at Toward Estate, including the ancillary additions within the designed landscape, provide an excellent and rare example of estate building on a significant scale in Scotland during the inter-war period.

Castle Toward was built by David Hamilton for Kirkman Finlay, a successful merchant and former Lord Provost in Glasgow. Between 1919 and 1945 new owner Major Andrew Coats, a member of a wealthy Paisley threadmaking family, invested huge sums of money enlarging the estate at Toward. The large castellated Gothic mansion house (see separate listing) doubled in size and new buildings, additions and alterations to the existing estate and grounds were carried out by Coats's architect, Frank W Deas.

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Deas was a very close friend of renowned Scottish architect Robert Lorimer and whose Arts and Crafts approach to design was much akin as demonstrated in Deas' garden ancillary buildings at Toward which are notable for their distinctive use of grey schist stone, layered in thin courses, providing a distinctive character to the 20th century re-modelling at Toward and clearly distinguishing them from the earlier 19th century fabric.

### References

#### Bibliography

1st Edition Ordnance Survey Map (1862). Groome's Gazetteer. New Statistical Account of Scotland (1845), pp609, 610, 616. Frank A Walker, Buildings of Scotland - Argyll and Bute (2000) pp493-496.

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### Images

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### Map

There is no map available for this record.

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## Gatehouse and Garage

### Listed Building

The legal part of the listing is the address/name of site only. All other information in the record is not statutory.

## CASTLE TOWARD, GATEHOUSE (COURT OF OFFICES) AND GARAGE LB51864

Status: Designated

### Documents

### Summary

Information	Location	National Grid Reference
<b>Category:</b> B	<b>Local Authority:</b> Argyll And Bute	<b>NGR:</b> NS 11157 67787
<b>Group Category Details:</b> B - SEE NOTES	<b>Planning Authority:</b> Argyll And Bute	<b>Coordinates:</b> 211157, 667787
<b>Date Added:</b> 20/07/1971	<b>Parish:</b> Dunoon And Kilmun	

### Description

David Hamilton, 1820-21 with later additions and alterations circa 1921 by Francis W Deas (see Notes). Long and imposing, 2-storey gatehouse with accommodation range to E, in castellated Gothic-Revival manner. Stugged, pale sandstone ashlar. Turreted corner angles to entrance tower. Battlemented parapets. Canted corner angles. Hood mouldings with distinctive carved figurative corbels.

S (PRINCIPAL) ELEVATION: double-leaf, timber gates to four-centre entrance archway with moulded surround in square-plan, octagonal-turreted entrance tower. Slightly lower, battlemented wing to W with tri-partite window to ground. Long 7-bay range to E terminating in square-plan pavilion block, returning to 7-bay range to E elevation with pedimented dormers breaking eaves; square bartizan to NE corner angle. Garden wall projects from E elevation with timber door and small tower to far E.

GARAGE RANGE: single-storey, rectangular-plan, red sandstone block with battlemented parapet and corner towers with buttressed corner angles. Canted stone cills. Large metal framed, multi-pane windows; pitched roof with grey slate. Pitched, half-timbered canopy over courtyard joining gatehouse and garage range.

### Statement of Special Interest

Part of a B-Group comprising - Castle Toward; Castle Toward, Gate Lodge and Garage; Castle Toward, Walled Garden To East, Walled Garden To North and Glasshouse and Workshop Range; Castle Toward, Chinese Lakes including Bridges (See separate listings).

The Castle Toward Gatehouse is a distinctive, imposing and prominently sited example of ancillary estate architecture. Located at the southerly point of the Cowal Peninsula opposite Toward Quay, the building takes the form of a castle in miniature offering a wealth of figurative detail in the castellated Gothic Revival manner. It is notable for its carved details and its high quality, early 20th century additions to rear in a similar style. The single-storey red sandstone workshop range with covered

motor garage component is in keeping with the Revival style of the earlier gatehouse and mansion house while functionally it illustrates changing attitudes to travel in the inter-war years.

Castle Toward was built by David Hamilton for Kirkman Finlay, a successful merchant and former Lord Provost in Glasgow. Between 1919 and 1945, the new owner of Castle Toward, Major Andrew Coats, a member of a wealthy Paisley threadmaking family, invested huge sums of money into the estate. The mansion house doubled in size with additional towers to the E and N and the creation of a large West wing in the same castellated style. Following its use as a military outpost during WW2, a residential school was founded at Toward in the 1940s following its purchase by Strathclyde Regional Council and continues to be run as an outdoor education centre.

Coats's architect was Frank W Deas, a very close friend of renowned Scottish architect Robert Lorimer whose Arts and Crafts approach to design influenced Deas' garden ancillary buildings at Toward. Collectively, the early 20th century programme of aggrandisement at Toward's designed landscape provides an excellent and rare example of large-scale estate development during the inter-war period in Scotland.

### References

#### Bibliography

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### Images

There are no images available for this record.

### Map

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## Walled Garden, Glasshouse and Workshop

### Listed Building

The legal part of the listing is the address/name of site only. All other information in the record is not statutory.

## CASTLE TOWARD, WALLED GARDEN TO EAST, WALLED GARDEN TO NORTH AND GLASSHOUSE AND WORKSHOP RANGE LB51865

Status: Designated

### Documents

### Summary

Information	Location	National Grid Reference
<b>Category:</b> B	<b>Local Authority:</b> Argyll And Bute	<b>NGR:</b> NS 11616 68153
<b>Group Category Details:</b> B - SEE NOTES	<b>Planning Authority:</b> Argyll And Bute	<b>Coordinates:</b> 211616, 668153
<b>Date Added:</b> 20/07/1971	<b>Parish:</b> Dunoon And Kilmun	

### Description

WALLED GARDEN TO EAST: 1820s (probably David Hamilton); remodelled circa 1921 by F W Deas. Earlier E, W and S walls are rubble with stepped pediments and round-arched pedestrian gate with ornamental wrought-iron work to S wall.

N wall re-modelled circa 1921: bowed section of layered dark grey schist with engaged pillars at corner angles; glazed, garden loggia breaching wall to centre with bellcast roof and wolf and lamb sculpture to ridge. Glazed link between loggia and octagonal glasshouse to N.

Formal water garden with associated hard and soft landscaping to S of walled garden. Remnants of earlier 18th century building (possibly old Auchavoulin House) at NE corner of walled garden with various carved stonework fragments incorporated into round-arched opening to E.

WALLED GARDEN TO NORTH: circa 1920s by F W Deas. Large, square-plan walled garden. Dark grey schist stone. Double-staircase with decorative carving in the style of Robert Lorimer rising to pedestrian entrance in W wall; carved panel above doorway depicting Greek god Pan surrounded by grape vines; elaborate fruit and flower carving to rounded pier caps; carved lions flanking doorway. Simple doorway to S wall. Single-storey lean-to range to N wall with multi-pane glazing to timber frame windows and grey slate to roof.

FORMER GLASSHOUSE AND WORKSHOP RANGE: circa 1930 by F W Deas with heated glasshouses by engineers, Mackenzie and Moncur. U-plan arrangement of garden offices, workshops and former heated glasshouses. Predominantly dark grey schist stonework. SOUTH WALL: 3 large, fan-lit, round-arched windows to central section; stepped gables to N (formerly glazed roof); flanked by half-piend slate roofed stores. Former greenhouse foundations and remnants of heating system to S. Tall chimney stack to right. Further workshops and office wings advancing to E and W, forming U-plan. Timber windows and grey slate.

### Statement of Special Interest

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Part of a B-Group comprising - Castle Toward; Castle Toward, Gate Lodge and Garage; Castle Toward, Walled Garden To East, Walled Garden To North and Glasshouse and Workshop Range; Castle Toward, Chinese Lakes including Bridges (See separate listings).

Collectively, the early 20th century re-modelling and extension of Toward's designed landscape provides an excellent and rare example of large scale estate development during the inter-war period in Scotland.

The walled gardens and former glasshouse and office range form an intervisible group of related garden structures, each with its own features of particular interest. The Lorimeresque loggia at the East walled garden and the staircase at the N walled garden are of particular architectural quality. The early 20th century work is also notable for its distinctive use of grey schist stone, layered in thin courses, providing a homogenous character to the 20th century ancillaries at Toward, distinguishing them from the earlier 19th century work. The U-plan range retains some elements of its heated glasshouses and the workshop buildings are constructed of the same quality schist.

Castle Toward was built by David Hamilton for Kirkman Finlay, a successful merchant and former Lord Provost in Glasgow. Between 1919 and 1945, new owner Major Andrew Coats, a member of a wealthy Paisley threadmaking family, invested huge sums of money into enlarging the estate at Toward. The house doubled in size and new buildings, additions and re-modelling of the existing estate and grounds were carried out by Coats's architect, Frank W Deas. Deas was a close friend of renowned Scottish architect Robert Lorimer whose Arts and Crafts approach had many similarities as seen in Deas ancillary garden buildings at Toward. Kellas House (see separate listing) in Moray is probably his finest work in the Scottish Art and Crafts manner.

### References

#### Bibliography

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### Images

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### Map

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#### 4.0 Restoration and Development Vision

*“Castle Toward is an important example of a 19th century designed landscape set at a focal point on the Firth of Clyde and funded by mercantile success. It is of significance due to its castellated mansion, its designed landscape incorporating pre-park woodland, and the fact that it incorporates earlier castle ruins. This is recognised in the various designations protecting its historic environment. As an estate, it has suffered latterly from wartime requisitioning, the demolition of some curtilage structures and the abandonment of others, the loss of important trees, garden features and horticultural interest, the introduction of inappropriate conifer plantation, and a general lack of maintenance. However, the parkland/woodland setting of the site and the built features which remain still afford the potential for there to be sensitive restoration of the estate underpinned by enabling development, although care is required to ensure that the nature and scale of such development does not undermine the very qualities which give rise to the landscape qualities and the and historic importance of this site.”*

Argyll and Bute Council, 2015

Denice Purdie and Keith Punler’s vision for the future of Castle Toward Estate is to create an economic and cultural asset for the Cowal peninsula that provides local employment opportunities by addressing the neglect of the 20th century and restoring the Estate’s buildings, structures and designed landscape to their former glory and creating new financially sustainable beneficial long-term uses for each.

The development vision includes:

- the restoration of Castle Toward and the other significant buildings around the estate and their conversion to a beneficial new long-term uses
- the restoration of the designed landscape including the re-opening of the east drive and the enhancement of the setting of the Castle
- development of commercial and revenue generating opportunities around the estate
- promotion of managed public access

In developing the masterplan Denice and Keith have taken into account the following issues:

#### No adverse effects on other local businesses:

Discussions have identified what is considered lacking within the area, as well as what would be detrimental to other businesses. For example, hotels in the area struggle so the concept of another hotel, no matter how good it is, would create an adverse impact on current local hotel businesses. It was decided there was no sense developing one in the castle that hinders or possibly shuts down another.

#### Comparisons:

Various estates around Scotland have been identified that are similar to Castle Toward and demonstrate a range of sympathetic development approaches. These estates include Kinross House, in the East of Scotland, where the historic building has undergone substantial renovation and is run as a residence that offers events and also has a spa facility. They cater for corporate group bookings as well as events such as weddings, but are also very much part of the local community where they have community days with events. Inveraray Castle also falls into a similar category where it is very much still the home of the current Duke and his young family. They have the Castle open to the public during certain months of the year and they use the Castle for events, weddings and even photo/film shoots. Hopetoun House - one of Scotland’s best loved and most visited - is also home to the current Earl and his family while being one of the most popular wedding and event hosts. Locally to the area are Ardkinglas and Knockdow who have similar offerings.

Castle Toward Estate will be developed in a similar manner tailored to meet its unique location and the needs of the local community.

#### Phasing:

It is intended first to repair and develop the Castle Toward itself as it is the heart of the estate and key to its financial future but is very much now in disrepair and its condition is getting worse with every year.

At the same time it also intend to reinstate the east drive way so that any visitors will be welcomed and impressed by the front façade of the Castle upon their arrival, rather than the current situation of arriving at the rear of the building. The upgrading of this driveway will open up views of the ancient Castle ruins for people walking around the east side of the estate and will be a major enhancement of the existing overgrown and wet dirt track that covers the route of the drive.

Whilst Castle Toward and the driveway will be getting restored, much needed maintenance and land management of the grounds will be being carried out including clearing gullies and dead trees as well as re-establishing the old Ha-ha, Chinese fountain garden, the top garden as well as the path garden which sit directly outside the curtilage of the Castle. These are also the areas most needed for events which it is hoped will take place in and around the Castle and grounds.

Clan Lamont have been offered (when purchase is completed) the lease of the ancient castle at £1 per annum to allow them the opportunity to have substantially larger and more frequent events at their family seat which in turn should encourage more tourism within the area. New directional signage as well as educational and interpretation boards will also be installed. This will make the ancient castle so much more accessible and visible visitors.

Other developments around the state will be programmed as funding allows and revenue opportunities arise

#### The Secret Garden:

It is intended to create an events space in the South Walled Garden so that visitors can enjoy the experience of being surrounded by both sea view and flower garden. This will be used for events for the community also.

#### Livestock:

Talks about the husbandry of the Estate are on-going and advice is being taken with regards to the size and quality of the land within the estate. A small scale deer farm is envisioned where it is intended to incorporate a small abattoir as well as other livestock which will allow food to be produced with its own label from the estate.

#### Wider Designed Landscape:

The wooded area of the estate will be upgraded and land managed to identify and protect the specimen trees as this estate has some rather special and rare species within the grounds. An arborist has carried out an initial inspection and a detailed survey of what is actually on the estate as well as its condition will be carried out.

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### **Public Events:**

It is intended to have local and public events for music, sport and art throughout the year and musicians who have had a previous involvement with Castle Toward have expressed an interest in doing a future event here. Making Castle Toward a preferred venue for both events and displays is a key objective of the masterplan.

### **Future public access:**

It is hoped to increase this in the future as it is hoped to restore the designed landscape as well as planting concepts which represent today's horticultural designs. A small charge will be made for access which will help with the upkeep and renovation of the garden. Some areas may need to be closed off from general access at times when events are being held.

### **Holiday Cottages:**

The spectacular views and natural beauty of the restate make it an ideal vacation spot that should attract tourists and visitors to the region, providing another source of income and further employment opportunities. There are a number of dwellings around the estate and it is intended to convert some into holiday lets encouraging weekly visitors into the area. Additional holiday accommodation will also be created in the northern most part of the estate if a viable market can be identified.

### **The Gate house:**

The Gate House is amazing structure in its own right and is ideally placed to be a commercial development showcasing local produce. The development would also include a café with a gift shop to entice visitors.

### **New Homes:**

It is intended to develop small-scale housing around the estate. The scope of such proposals will be limited to the west and south boundaries of the estate and provide a mix of restoration of residential flats within the Coach House, estate style tenement cottages along the west boundary and larger detached housing to the south boundary.

The proposed developments will target a mixed housing market and tenures, with some of the new homes being aimed at the affordable market. It is intended that these properties would be similar to mid-market rental properties delivered by the Scottish Futures Trust in partnership with the Scottish Government.

The concept is to create homes that working families get the opportunity to live in for at least 10% below the market value rent, and allow them to save for a deposit for the property between 5 and 10 years.

We see the development of more homes within this area as a benefit, and would look to sell to local families who might otherwise need to leave the area. With an increase in population the local transport and schools may also feel the benefit of more people coming into the area.

The success of the Castle Toward Estate Development relies ultimately on it being both community orientated and financially self-sustainable through the various ventures outlined within the masterplan. The proposals outlined in this masterplan, which may be subject to change as opportunities arise, describe how such a success can be achieved

## 5.0 Masterplan

An overall view of the estate development is contained on the masterplan drawing. This provides an indication of the proposed works throughout from upgrading, restoration and new build.

Due to the importance of the landscaping and features within the estate, the masterplan seeks to conserve and enhance these landscape features through upgrading and restoration. Neglect and lack of maintenance over the years has allowed most areas to be overrun with ground vegetation and self seeding trees that has detracted from the splendor of the original design. Through careful consideration it is the intension to carry out such works that would restore the grounds, whether it is landscaping, a feature or associated outbuilding.

The estate wide network of woodland footpaths and informal walkways that provide access around the estate and out with the private grounds of the house will also be upgraded.

A parterre, or formal garden associated with the house, will be formed to the West of the Castle and over the south lawns. Typical planting beds and lawns will be set out in symmetrical patterns including water features and interlinked with footpaths.

The original eastern driveway, currently overgrown, including the entrance gates, pedestrian gate and gatehouses, will be reinstated.

Opportunities for additional accommodation on the estate either associated with the house or for private ownership, through restoration of old properties and new build will be developed.

Commercial enterprise ventures within the Gate House, Greenhouse / Workshops and development of prestige holiday lodges at the north end of the estate will provide revenue to safeguard the future of the estate and provide local employment.



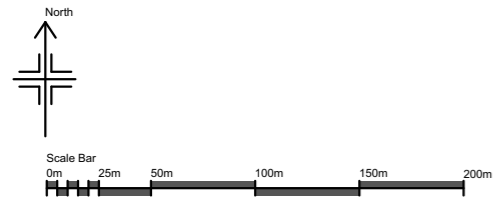
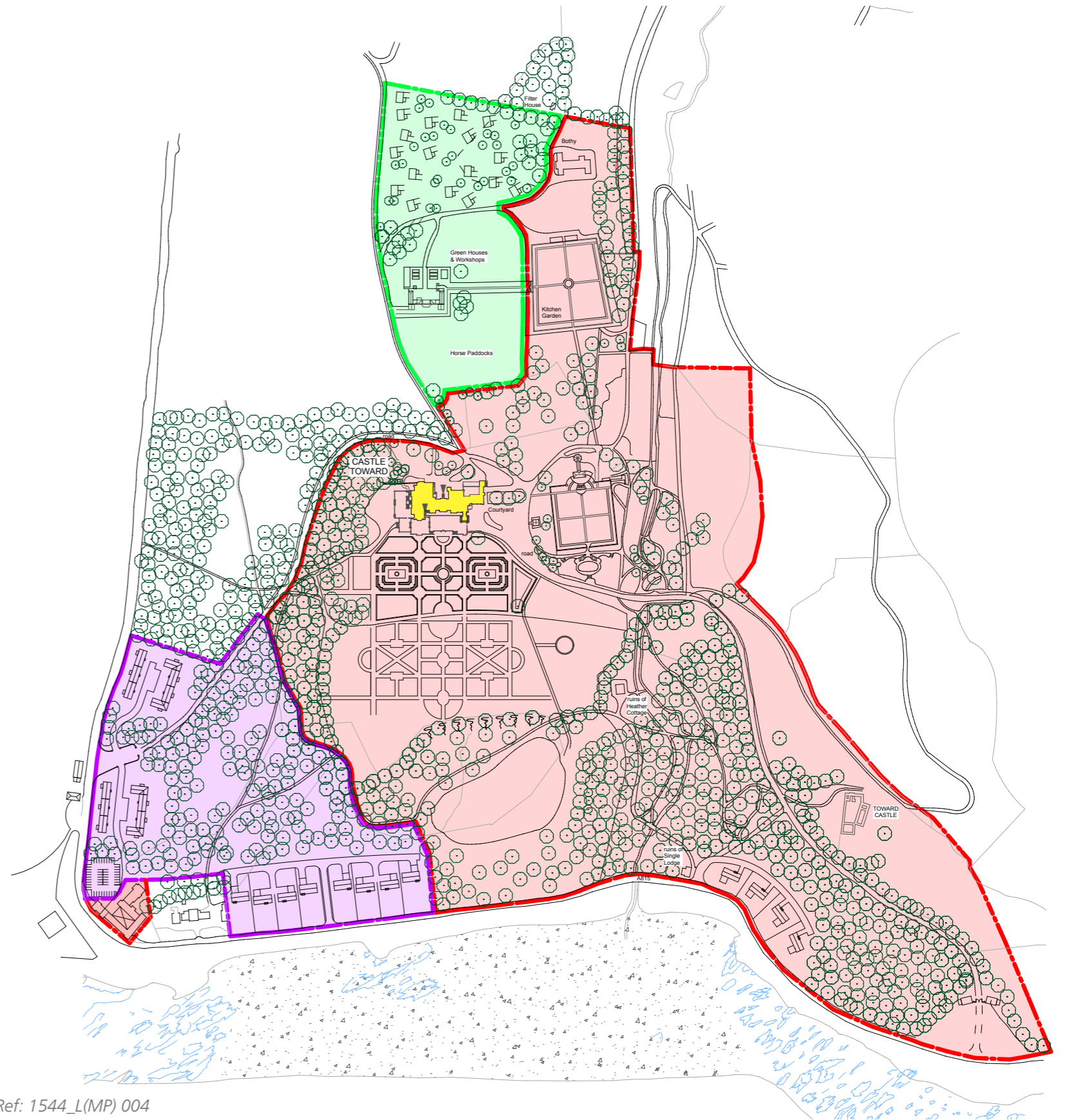
Masterplan Drawing  
Full Scale A1 Drawing Ref: 1544\_L(MP) 001

Note: The Masterplan drawing is shown as an indication within this report, please refer to the full scale A1 drawing attached for descriptive text

## Phasing Development Plan

The Phasing Development Plan outlines the strategy for the restoration and development of the estate. Timescales will depend on market demand and revenue generation from the initial phase of work.

The following pages summarise the anticipated content of each phase. The detailed scope of work for each phase will be developed over coming months and will be developed as a series of detailed planning applications in due course.



### Legend

#### Phase 1 (proposed scope)

- Formal gardens to the south lawns and restoring of the hard and soft landscaping currently overgrown and neglected, particularly along the Eastern boundary.
- Restoring and upgrading of various outbuildings.
- Reinstatement of the Eastern driveway and horseshoe access off the A815, subject to the Highways Department.
- Promote public access to Toward Castle ruins.
- Promote public access along the East boundary with informal access through the woodlands utilising previous estate paths.
- Upgrading of the estate access network of footpaths within this zone.
- Reinstatement of the estate fence line and the re-exposure of the Ha Ha walling currently buried in the South lawn.
- Thinning of the trees to the South boundary for open views of Castle Toward from the A815 and the inclusions of an informal fishing lake adjacent to the estate access footpaths.
- Reinstatement of Heather Cottage.
- Reinstatement of the East driveway gatehouses, entrance gates and piers.
- Reinstatement of the Single Lodge and access driveway off the A815, in addition, 4 individual houses served from this access point along the South boundary.
- Restoration of the existing 4 residential units that form part of the historic Coach House.
- Upgrade of the North lodge.
- Upgrade of both the flower and kitchen walled gardens.

#### Phase 2 (proposed scope)

- Possible housing sites to the West and South boundaries, including upgrading the existing West entrance off the A815.
- The restoration and upgrade of the historic Coach House to accommodate commercial opportunities - manufacture, retail, cafe, visitor & historic centre.
- Visitors car parking.

#### Phase 3 (proposed scope)

- Existing greenhouses and workshop developed to provide a garden market and shop.
- Possible development of prestige holiday lodges.

Note: The Phasing drawing is shown as an indication within this report, please refer to the full scale A1 drawing attached for descriptive text

Phasing Drawing  
Full Scale A1 Drawing Ref: 1544\_L(MP) 004

## 6.0 Castle Toward

### Phase 1.

It is proposed to repair the fabric of Castle Toward, upgrade its building services infrastructure and make various alterations that allow it to be used as a house and as a venue for a range of events including weddings, location filming, exhibitions and as support for outdoor events.

A Spa and treatment area is planned for a second phase of development which will be supplementary to events. Spa facilities are increasingly important for corporate and wedding events. The facilities will have treatment rooms, a gym, a pool, and a sauna, steam room and therapy pods. A Listed Building Consent Application has been submitted to Argyll and Bute Council to cover these proposed alterations.

A planning application for a “change of use” in relation to Castle Toward and its immediate grounds from Class 8 Residential Institution to a Class 9 house with ancillary housekeeper accommodation and Sui Generis commercial and leisure uses is also currently lodged with Argyll and Bute Council.

To allow the house to function under the Sui Generis use class and offer accommodation that reflects today's standards, certain internal alterations will be carried out to meet these expectations.

The first and second floors contain bedrooms but lack bathroom provision, therefore the inclusion of en-suite accommodation to all bedrooms is vital. Also within a number of the suites, separate tea prep areas will be included.

The Principal Rooms will be restored and sympathetically altered to suit their new uses. Ad hoc utilitarian alterations carried out in the past will be removed.

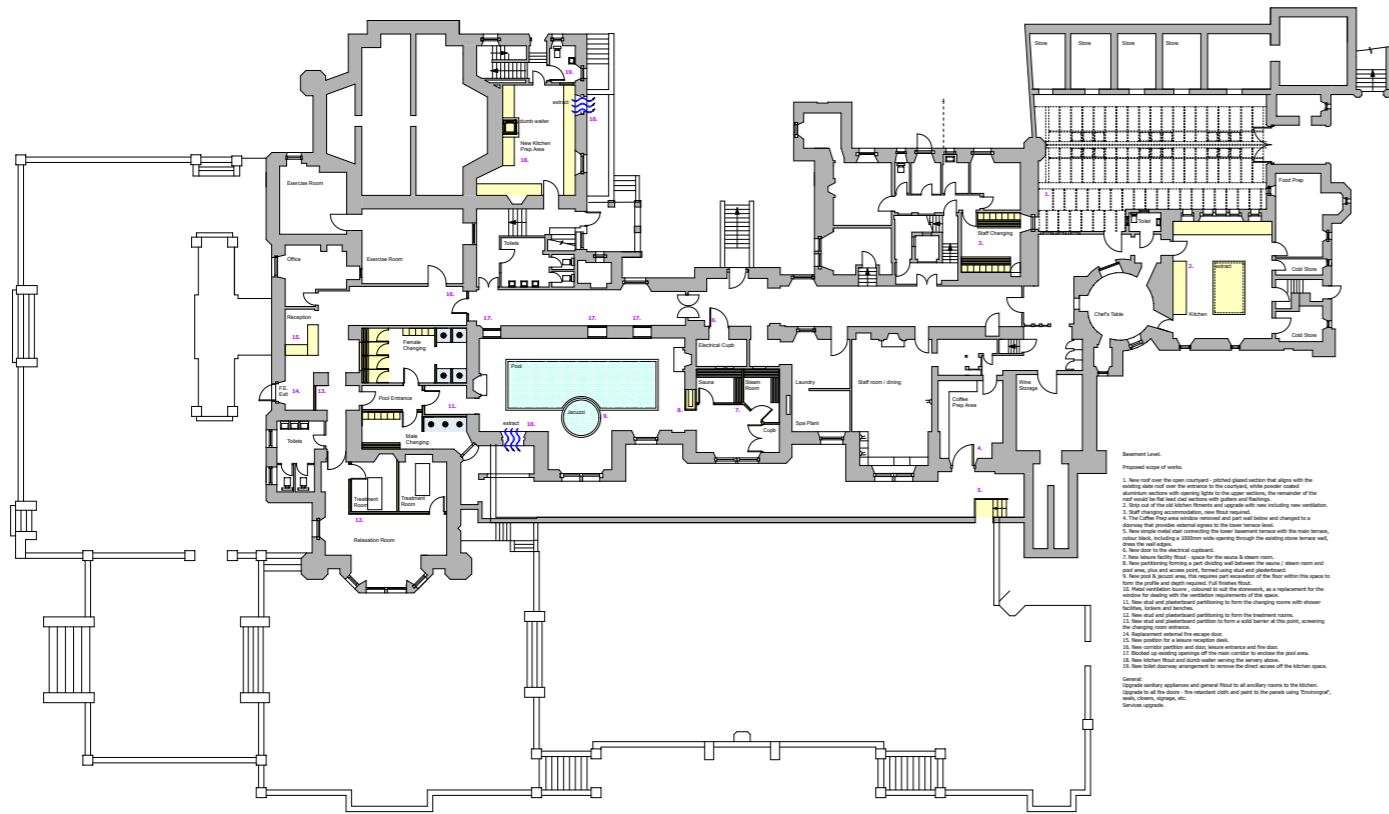
The basement level will be altered to form new kitchens and leisure facilities.

Both fire escape staircases, one exposed metal staircase on the west elevation and one enclosed by concrete block to the north elevation are no longer required and will be removed. When removed, the elevations will be again fully exposed.

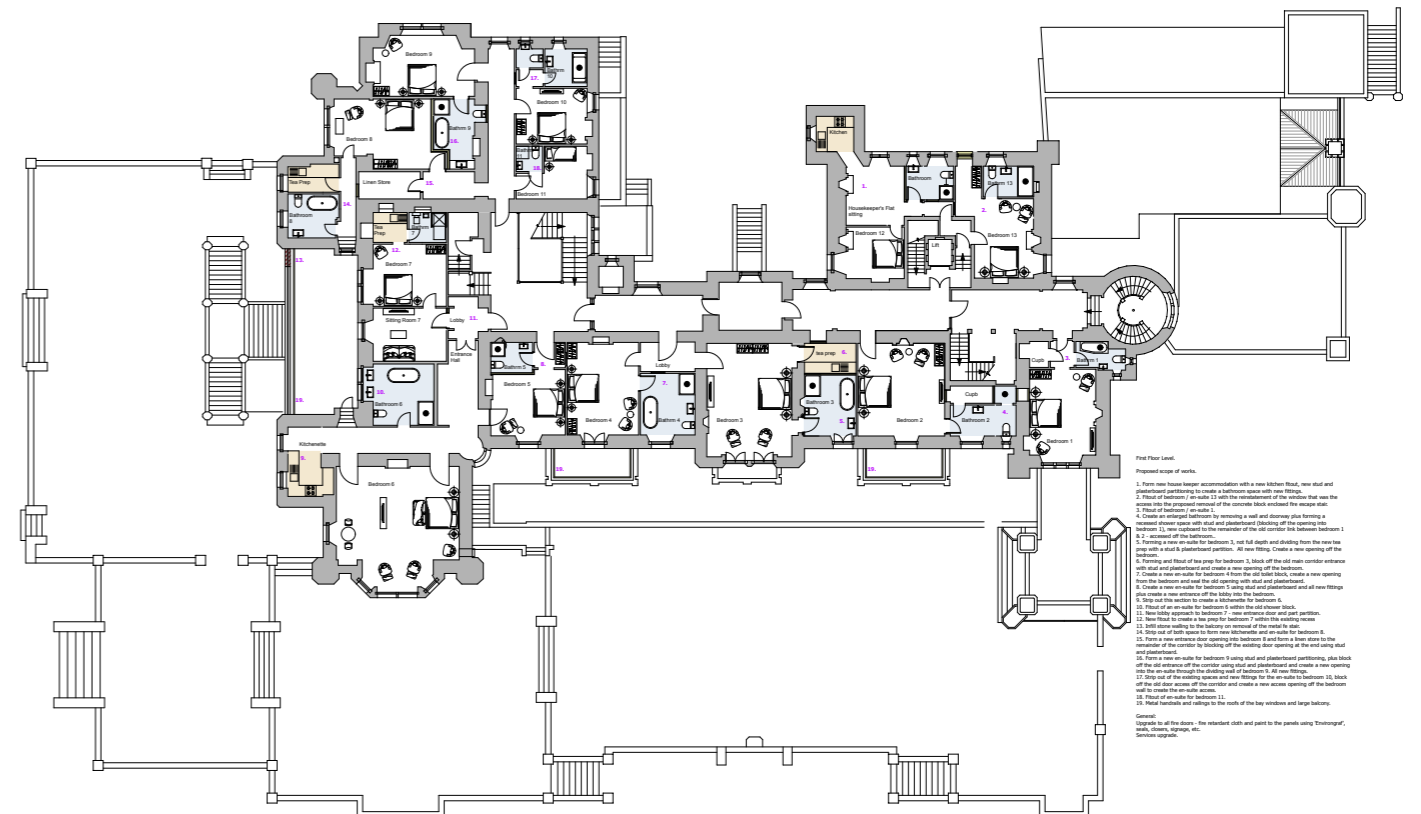
Open doors and windows lead to standing platforms and balconies on the first and second floor, whilst the windows within the principal rooms on the ground floor start at skirting height. To ensure health and safety compliance, metal railings are proposed for the balconies and across the external face of the windows to the principal rooms. The design is sympathetic and be coloured out with the stonework to lessen any impact.



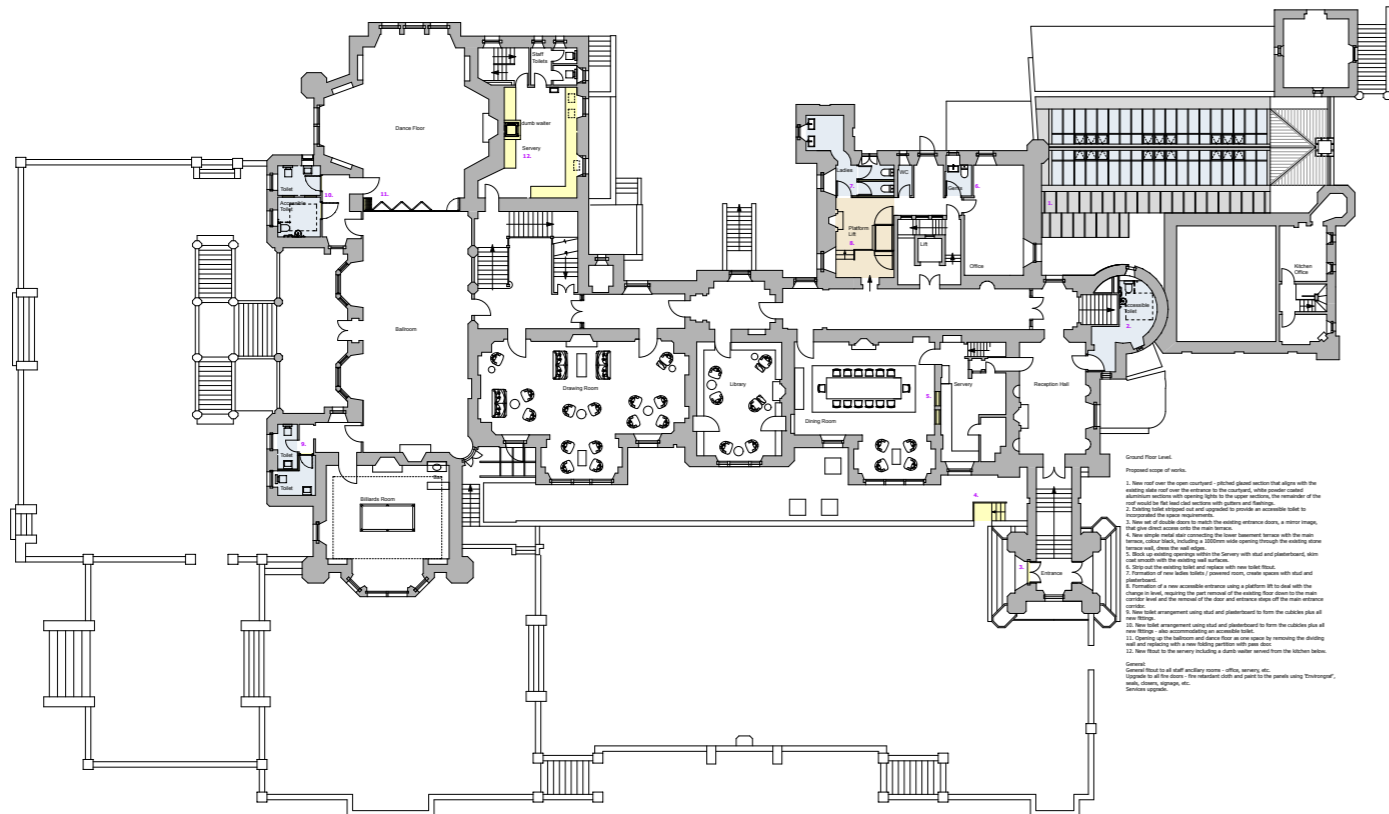
Note: The drawings shown are an indication within this report, please refer to the full scale A1 drawing attached for descriptive text



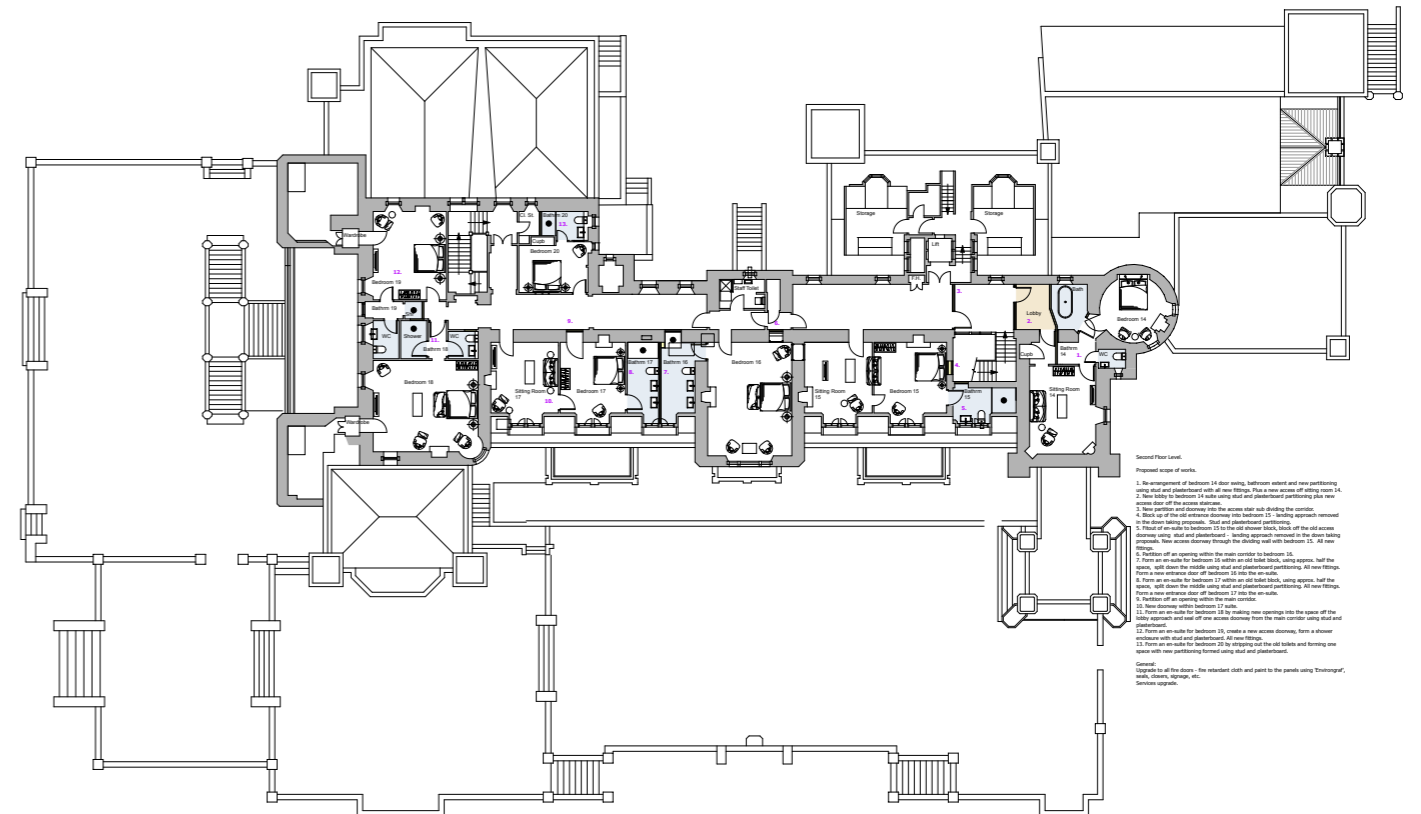
Basement Floor



First Floor



Ground Floor



Second Floor



Dining Room



BallRoom



Basement Kitchen



Library



Billiard Room



Covered west access from the Ballroom



Drawing Room



Tower Staircase



First Floor West Balcony

## Eastern Driveway and Gatehouse Entrance

It is the intention to reinstate the eastern driveway, accessed off the A815 from the south / east corner of the estate boundary as a 'horseshoe' shaped turn off. It will follow the original route that skirts past the ruins of the 15th century Toward Castle and arrives at Castle Toward's main entrance courtyard on the South / West corner of the house. The original designed approach presents the Castle's main elevations to all visitors and is typical of its time. Upgrading this driveway will also provide and promote public footpath access around the east side of the estate taking in the ruins of Toward Castle, which currently is accessed via an overgrown dirt track.

The reinstatement would negate the need to use the current western driveway which delivers visitors to the rear of the Castle, a less than impressive arrival given the splendour and richness of the main elevations. This will also lessen / ease the traffic to the western driveway and entrance, where the existing core path runs.

Plans also exist to rebuild the east driveway gatehouses and entrance gates. The foundations of both gatehouses are evident where they were incorporated into the boundary wall and images exist showing as they originally were.

The potential for re-building the gatehouses and gates, in addition to providing more estate accommodation, would re-establish a proper entrance to the estate with the visual importance and grandeur of what lies beyond.



Image of the original gatehouses and entrance gates



Recent image of the current condition to the eastern driveway



Design views of Toward Castle along the drive will be opened up

Note: The drawing is shown as an indication within this report, please refer to the full scale A1 drawing attached for descriptive text



## 7.0 Designed Landscape

The historical importance of the designed landscape is well recorded and key to the overall restoration of the estate. Many features exist that are either buried, overrun or dilapidated and require sensitive and considered approaches to their rescued and restoration.

The ha-ha walling running east to west is presently buried within the south lawns. The intention is to fully expose the wall and carry out restoration works including the steps that deal with the change in level.

The line of the original estate fencing has been determined and noted on plans, plus part sections of the fence found. Full reinstatement and part restoration of those sections that remain, following the established route west, south and east of the house, terminating high up on the East boundary on the north / east corner of the kitchen garden will be carried out. This fence line defines the boundary of the private gardens associated with the house.

Restoration of the viaduct bridge with its gothic stonework with a new gate at the eastern driveway will be carried out.

The Japanese Water Garden south of the Walled Flower Garden has suffered from lack of maintenance. The Lily pond is overgrown, needs drained and cleaned and the fountain no longer operates. The surrounding flagstones, walling and steps are likewise overgrown with grass and weeds. Those elements that have fallen into disrepair will be restored.

The Himalayan gardens are currently overgrown and require careful clearing of overgrown vegetation and thinning out of re-seeded trees. They will be restored as part of the designed landscape making them once again an important element of the gardens.

Perimeter vegetation to the Walled Flower Garden and within the ground of the garden has been left unchecked and has taken root in the stone walling. The south entrance gate appears intact, but some repairs required. The Loggia and attached greenhouse require repair to restore them properly. The ambition for the Flower garden is to host events that could include the erection of a marquee within the enclosure.

The old Achouclin House ruins and 'hermits' cave on the North / East corner of the Walled Flower Garden could be carefully restored and put to use under the Sui Generis consent. This restoration could form a likely Chapel for weddings, using the Flower Garden with marquee for the reception.

Estate perimeter access points along the estate boundary leading to the network of pathways within the grounds will be enhanced. The network of estate footpaths and informal woodland walks that thread through the estate masterplan area that is open to public access will also be upgraded.

General thinning of re-seeding vegetation due to the neglect of the landscaping will enhance the mature specimens throughout the estate.

The creation of formal gardens within the South lawns of the house will provide grandeur to the setting of the Castle. This would also include reinstatement of the tennis court to its original location and a helipad, both associated and linked to the intended use of house owners and guests.

The creation of an informal fishing lake south of the new formal gardens is also proposed. This will be accessed from the estate footpaths out with the private grounds and open to public access.



*Flower Garden and Loggia*



*Hermit's Cave*

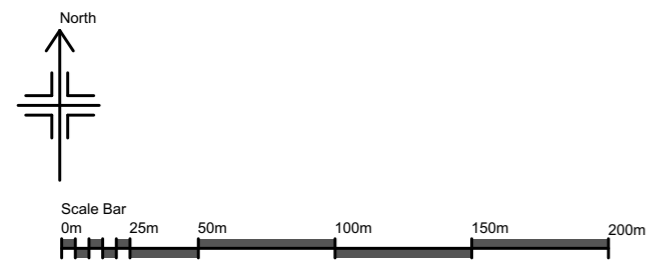


*Flower Garden and Greenhouse*

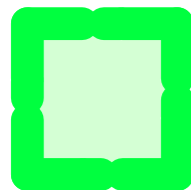


*Japanese Water Garden*

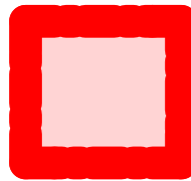
The adjacent estate plan shows the extent of ground around the castle required to support the Sui Generis use of the castle and surrounding gardens as well as the extent of unrestricted public access around the rest of the estate.



Legend



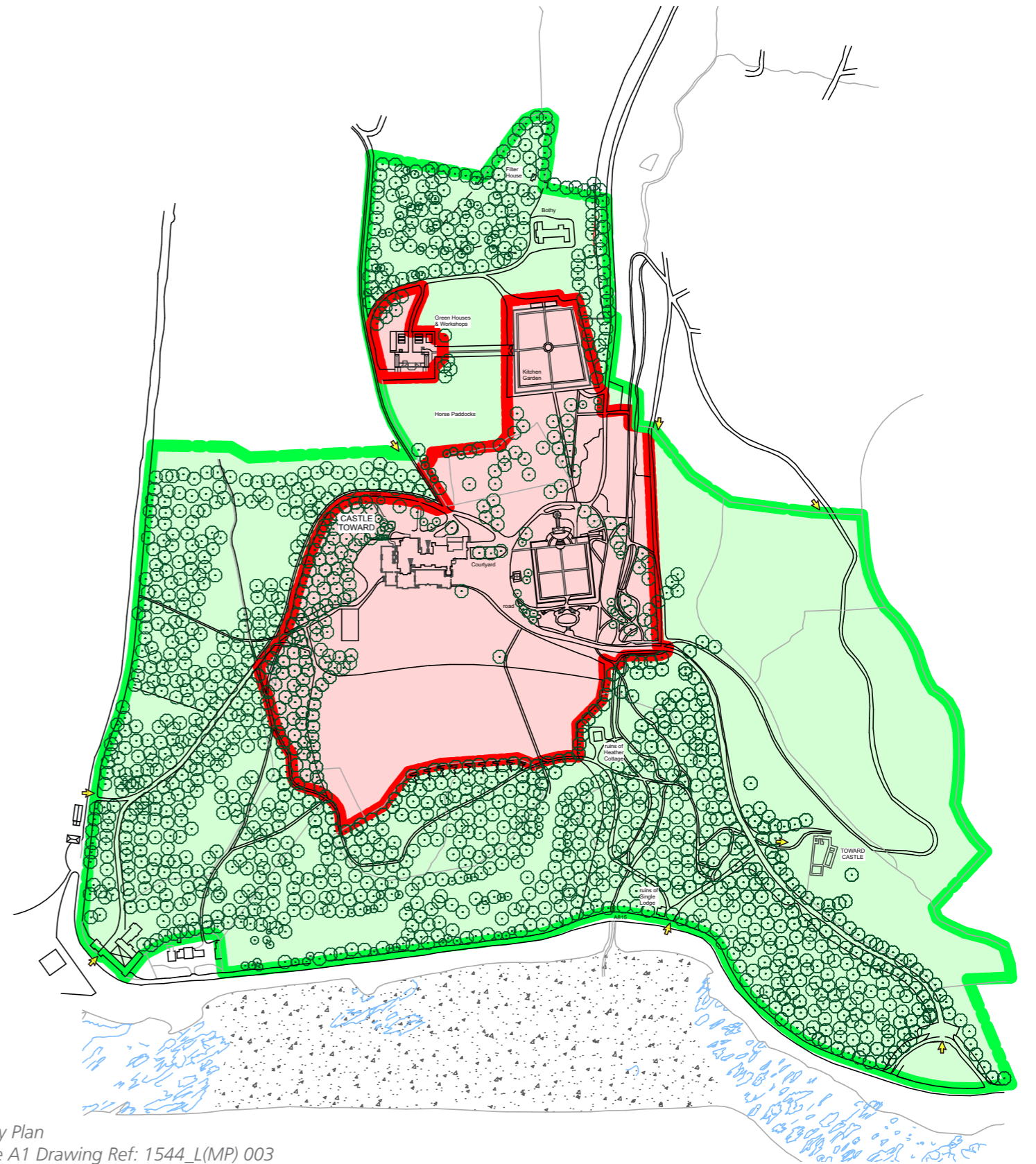
denotes the Estate boundary and area outwith the designated private grounds attributed to Castle Toward



denotes the boundary of the private grounds attributed to Castle Toward



promotion of public footpath access points into the estate outwith the designated boundary of the private grounds



Boundary Plan  
Full Scale A1 Drawing Ref: 1544\_L(MP) 003

## 8.0 Accommodation

### Phase 1

Within the grounds of the estate a number of opportunities present themselves for the provision of additional accommodation. This will be achieved through restoration, rebuild and new build developments.

Heather Cottage, the Single Lodge and the Eastern driveway gatehouses no longer stand but there is an ambition to rebuild on these sites. The scale of the buildings can be almost replicated as the footprints of most of these buildings is still evident and the style of the gatehouses known from old photographic records.

To the North of the estate lies a disused lodge and within the Gate House exist 4 disused residential flats. All properties have suffered from neglect and lack of maintenance. The upgrade and restoration of these buildings would provide additional accommodation, with the owners / tenants providing the much needed maintenance and security.

### Phase 2.

Four distinct sites to the West and South boundaries have been identified for developing new dwellings. The chosen sites take advantage of the spectacular open views from both boundaries. The impact of these development will be minimal and not affect the setting of Castle Toward.

The West boundary developments would be accessed from the existing western estate entrance. This would be enlarged and enhanced providing a more formal traditional approach with much need space for vehicle and safe pedestrian access to the new housing sites and the western driveway into the estate and core footpath.

The building forms on either side of the entrance are envisaged as a formal courtyard layout with traditional style estate cottage housing using traditional materials, reflective of the Smithy on the south boundary adjacent to the Gate House and sample image. The proposed formal entrance off the A815 provides a strong linkage to the use of traditional materials to these dwellings.

Such a development will greatly enhance the west entrance to the Estate.

The South boundary developments would accommodate larger detached houses set into their own gardens with open sea views, typical to that found along the A815 from Dunoon.

Access for both site would be off the A815, one utilizing the existing entrance to the Single Lodge that would required widening and upgrading to accommodate the highways standards, the other would be a new access point on a straight section of the road to maximize the sight lines for access / egress.

The adopted design language to the south boundary would engage a more contemporary architecture approach to the house design and use of materials that would compliment and sit comfortably within the surrounding landscaping.



North Lodge accommodation upgrade Phase 1



Gate House residential flats Phase 1



Sample image of the Estate Cottage Housing proposed to the west boundary developments



Eastern driveway gatehouses and entrance gates



Archerfield Estate sample image



Proposed new housing development around the West South corner of the Estate Boundaries



Proposed new housing development on the Estate South Boundary adjacent to the Eastern Driveway

## 9.0 Commercial Opportunities.

### Phase 3.

The Gate House complex offers the opportunity to create a tourist centre which will attract visitors and provide local employment to local artisans and crafts people. Areas not developed as residential accommodation will be converted to café, retail, craft manufacture and visitor centre accommodation. A new carpark and childrens playpark will also be formed.

Elsewhere in the Estate, it is intended to develop the Greenhouses and Workshop west of the Walled Kitchen Garden as a market garden and shop selling produce grown in the Kitchen Garden and from other local producers.

The hillside at the north of the estate adjacent to the North Lodge has magnificent views across the Firth of Clyde to Bute. It is intended to develop a complex of sympathetically sited prestige holiday lodges there. These lodges will be constructed of local materials and be of high quality contemporary design and will attract tourism and income to the area as well as generating local employment.



*Gate House main elevation*



*Greenhouse and workshop*



*Gate House rear elevation*



*Sample image of prestige holiday lodge*



*Gate House covered yard*



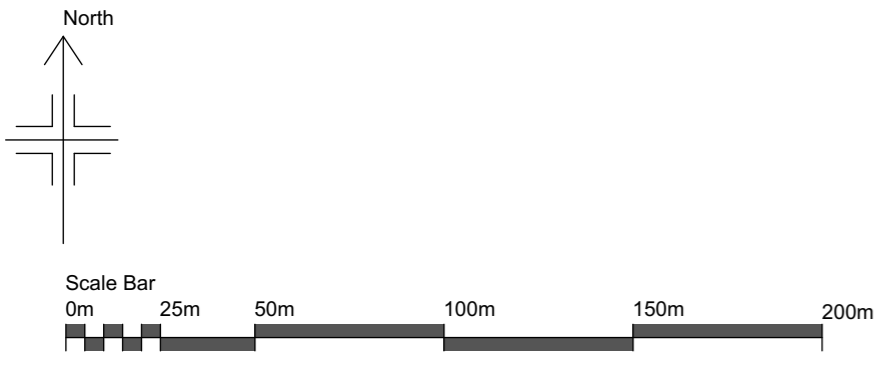
*Sample image of prestige holiday lodge*

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Job Title:  
**1544: CASTLE TOWARD**

Drawing Title:  
**Proposed Site Master Plan**

Drawing Status:  
**MASTERPLAN INFORMATION**

Drawing Number:  
**1544\_L(MP)001**

Scale: 1:2000 @ A1 Date: June 2016 Drawn: GP



public access promoted

future development to provide West facing prestige holiday lodges

Greenhouses and workshops developed to accommodate a garden market & shop

consideration given to a possible reinstatement of the original path from the access off the A815, green dotted line

public access promoted

proposed ornamental fountain with formal garden

existing tennis court reinstated

the existing estate fence line reinstated

proposed Parterre garden to the entire front lawns

lawn for events including Falconry

new traditional estate housing development in the form of a courtyard

existing road and footpath entrance enlarged & enhanced to accommodate the proposed new formal courtyard developments plus a recessed formal entrance to Castle Toward away from the immediate access point off the A815

new traditional estate housing development in the form of a courtyard

upgrade and reinstatement of the informal footpath network that lies outwith the private grounds of Castle Toward, plus linking to the core footpath

children play area to the rear of the Coach House associated car parking for the Coach House development

historic Coach House restored and upgraded for part commercial use

restoration of the existing 4 residential units that form part of the historic Coach House

detached housing development, 8no units, access from a new spur road taken from the rear of the gatehouse and behind the old Smithy

new access road to the new detached housing off the A815

public access promoted

Filler House

Bothy

Green Houses & Workshops

Kitchen Garden

Horse Paddocks

public access promoted

CASTLE TOWARD

Courtyard

road

ha-ha wall

ha-ha wall

new Helipad

ruins of Heather Cottage

create an informal fishing lake

public access promoted

ruins of Single Lodge

A815

where areas of woods are over run with self seeding trees that are having an inverse impact on the mature specimen trees, proposed thinning out of these self seeding trees base on arborist advice

possible reinstatement of the Single Lodge and access road off the A815

upgrading the estate footpath network

4 new individual housing plots access from the Single Lodge driveway off the A815

Chinese Lakes

public access promoted

developed to accommodate holiday cottages

allotments within the Walled Kitchen Garden

the existing estate fence line reinstated

public access promoted to the Eastern side of the reinstated Himalayan Gardens

Himalayan Glen restored to its former glory

reinstated the Loggia

the Old Achouiclin House, ruin, redeveloped as a Chapel incorporating the existing 'hermits' cave - proposed location for Wedding ceremonies as an extension to any erected Marquee

Planting bed formed to create separate driveway access to the front door from the carpark

Flower Garden with room for a marquee

existing specimen trees to be inspected and if recommended trimmed, pruned to enhance their appearance and growth

restore the Japanese water garden

reinstatement of the existing bridge and tunnel with the stream feature

new gate feature at the original bridge location

re-exposed the existing Ha-ha wall including all steps

possible reinstatement of Heather Cottage to provide additional guest accommodation

public access promoted

TOWARD CASTLE

promote the access to Toward Castle ruins

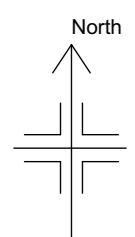
reinstated Eastern driveway

possible reinstatement of the entrance gates with pedestrian pass gates and gate houses

reinstatement of the Eastern driveway old horseshoe entrance

original access points to the eastern driveway

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Existing Estate & Masterplan Boundary



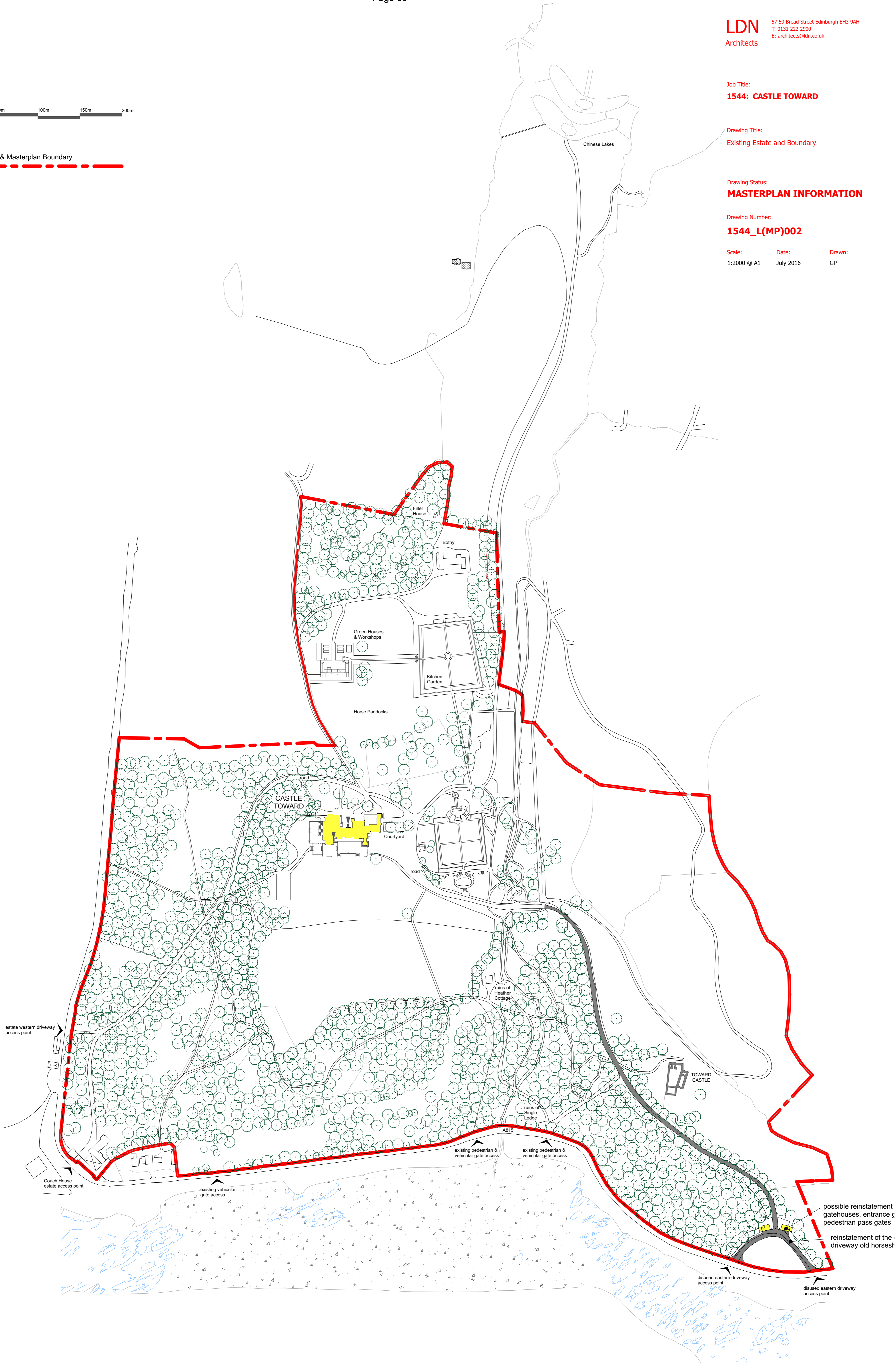
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**1544: CASTLE TOWARD**

Drawing Title:  
Existing Estate and Boundary

Drawing Status:  
**MASTERPLAN INFORMATION**

Drawing Number:  
**1544\_L(MP)002**

Scale: 1:2000 @ A1 Date: July 2016 Drawn: GP



estate western driveway access point

Coach House estate access point

existing vehicular gate access

existing pedestrian & vehicular gate access

existing pedestrian & vehicular gate access

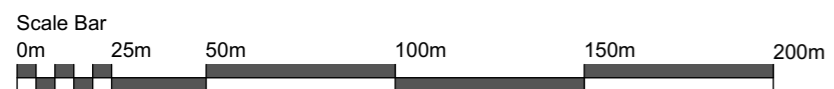
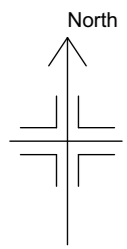
disused eastern driveway access point

disused eastern driveway access point

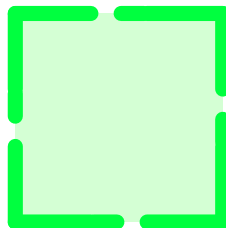
possible reinstatement gatehouses, entrance & pedestrian pass gates

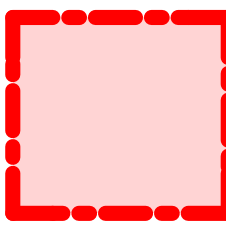
reinstatement of the driveway old horses


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Legend

 denotes the Estate boundary and area outwith the designated private grounds attributed to Castle Toward

 denotes the boundary of the private grounds attributed to Castle Toward

 promotion of public footpath access points into the estate outwith the designated boundary of the private grounds

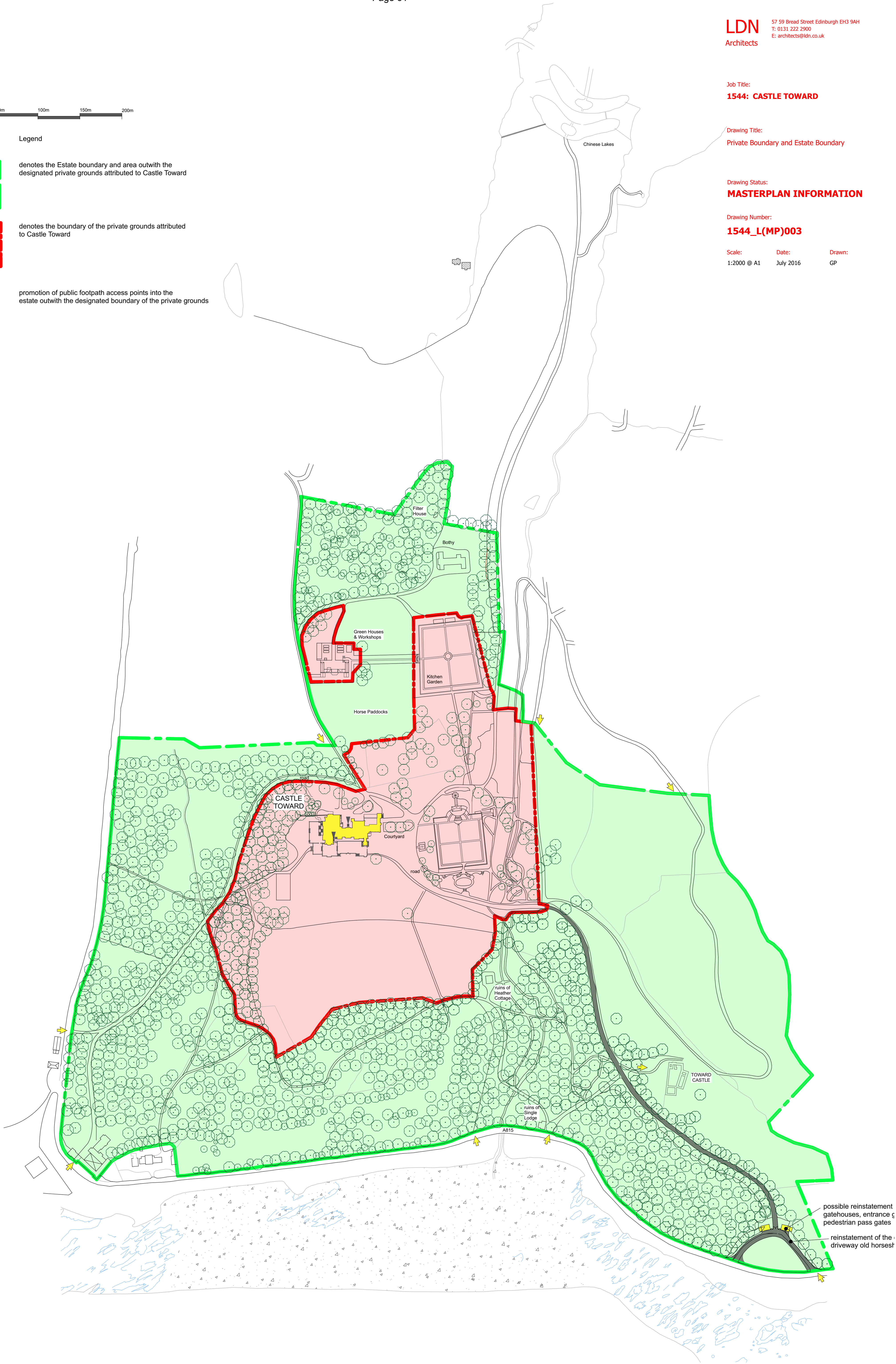
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**1544: CASTLE TOWARD**

Drawing Title:  
Private Boundary and Estate Boundary

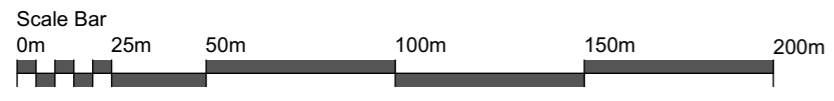
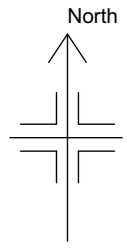
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**MASTERPLAN INFORMATION**

Drawing Number:  
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Legend

Phase 1 (proposed scope)

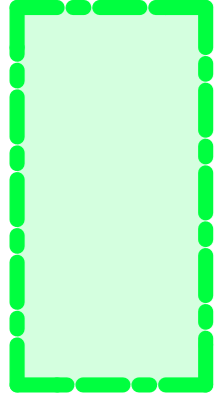
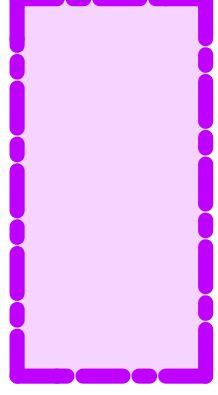
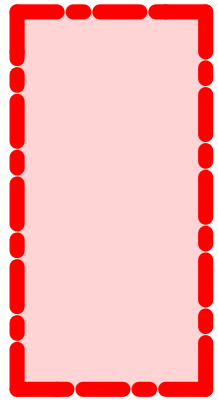
- Formal gardens to the south lawns and restoring of the hard and soft landscaping currently overgrown and neglected, particularly along the Eastern boundary.
- Restoring and upgrading of various outbuildings.
- Reinstatement of the Eastern driveway and horseshoe access off the A815, subject to the Highways Department.
- Promote public access to Toward Castle ruins.
- Promote public access along the East boundary with informal access through the woodlands utilising previous estate paths.
- Upgrading of the estate access network of footpaths within this zone.
- Reinstatement of the estate fence line and the re-exposure of the Ha Ha walling currently buried in the South lawn.
- Thinning of the trees to the South boundary for open views of Castle Toward from the A815 and the inclusions of an informal fishing lake adjacent to the estate access footpaths.
- Reinstatement of Heather Cottage.
- Reinstatement of the East driveway gatehouses, entrance gates and piers.
- Reinstatement of the Single Lodge and access driveway off the A815, in addition, 4 individual houses served from this access point along the South boundary.
- Restoration of the existing 4 residential units that form part of the historic Coach House.
- Upgrade of the North lodge.
- Upgrade of both the flower and kitchen walled gardens.

Phase 2 (proposed scope)

- Possible housing sites to the West and South boundaries, including upgrading the existing West entrance off the A815.
- The restoration and upgrade of the historic Coach House to accommodate commercial opportunities - manufacture, retail, cafe, visitor & historic centre.
- Visitors car parking & Children's play area.

Phase 3 (proposed scope)

- Existing greenhouses and workshop developed to provide a garden market and shop.
- Possible development of prestige holiday lodges.



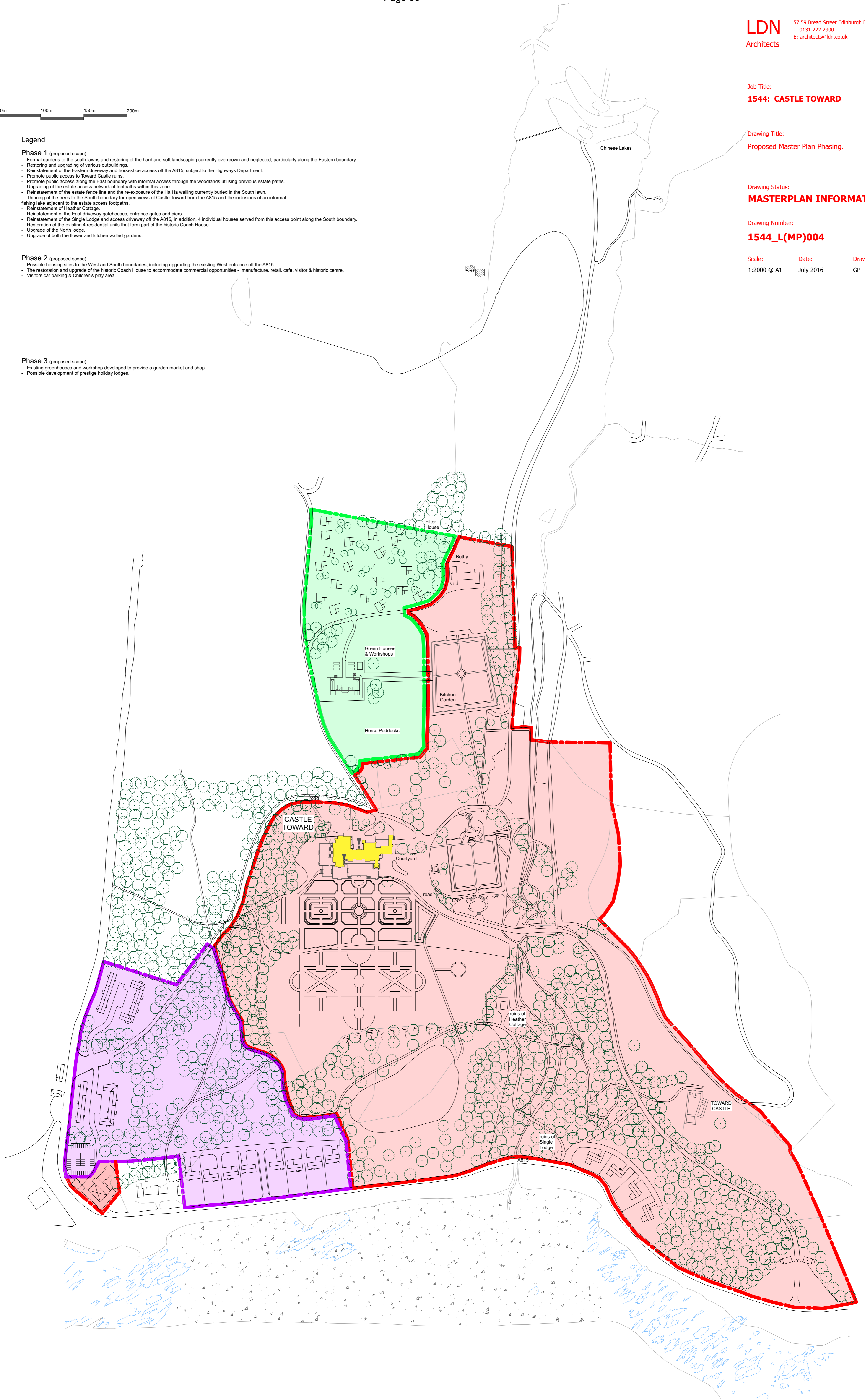
Job Title:  
**1544: CASTLE TOWARD**

Drawing Title:  
Proposed Master Plan Phasing.

Drawing Status:  
**MASTERPLAN INFORMATION**

Drawing Number:  
**1544\_L(MP)004**

Scale: 1:2000 @ A1 Date: July 2016 Drawn: GP



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**STATEMENT OF CASE**

**FOR**

**ARGYLL AND BUTE COUNCIL  
LOCAL REVIEW BODY**

**18/0004/LRB**

**REVIEW AGAINST CONDITION 11 ON APPROVAL 17/00420/PP FOR THE ERECTION  
OF TWO LODGE HOUSES**

**CASTLE TOWARD ESTATE, TOWARD**

**11/05/2018**

## STATEMENT OF CASE

The Planning Authority is Argyll and Bute Council (“the Council”). The appellant is Mr and Mrs Keith Punler (“the appellant”) who are acting on their own behalf.

Planning application 17/00420/PP, which proposed the erection of two lodge houses within the grounds of Castle Toward Estate (“the appeal site”), was approved subject to conditions on 25/01/2018.

The planning decision has been challenged on the basis of condition 11 which restricts the occupancy. This condition is replicated below:

*The lodges hereby approved shall be used for holiday occupancy only and shall not be used as a principal or main dwelling.*

*Reason: In order to define the permitted occupancy having regard to the amenities available and in order to comply with the provisions of policy SG LDP TOUR 1 of the Argyll and Bute Local Development Plan.*

It is the use of this condition that is subject of review by the Local Review Body.

### **Description of Site**

The Castle Toward designed landscape occupies a site at the southern end of the Toward Peninsula, 10km south-west of Dunoon and is accessed via the A815. The mansion house and grounds occupy the lower south-facing slopes of Toward Hill, at the southernmost point of the Toward Peninsula with views south to the Island of Bute and beyond to the Firth of Clyde.

It is proposed to erect two new estate lodges within existing wooded areas on or close to sites of two previous cottages that have long since disappeared.

#### *Heather Cottage replacement proposal*

It is proposed to erect a new estate cottage on the site of the former Heather Cottage. The site is located at the south-eastern end of the front lawn of Castle Toward within existing dense woodland. The site has no existing vehicular access although a series of discrete and informal footpaths surround the site.

#### *Single Cottage replacement proposal*

It is proposed to erect a new estate cottage close to the site of the former Single Cottage. The site is located west of the old southern entrance gate adjacent to the C10 within existing woodland. The site currently has no existing vehicular access but a former vehicular access exists from the gate north-east to Toward Castle then north to Castle Toward.

### **Site History**

A masterplan proposal (ref. 16/02356/MPLAN) in respect of Strategic Masterplan Area 1/2 and Potential Development Area 2/42 relating to mixed use development (including tourism/leisure/housing/business) was endorsed by the PPSL Committee at a discretionary hearing on 13th December 2016.

Listed Building Consent (ref. 16/01405/LIB) for the demolition of enclosed fire escape, metal fire escape and metal clad sheds. Installation of new doorway, ventilation louvre, balcony railings, 3 new windows, 2 sets of external doors, new glazed roof over existing courtyard. Internal alterations to accommodate leisure facilities at basement level, removal of wall between ballroom and function room, installation of lift and toilets at ground floor level, removal of partitions and installation of partition walls to provide en-

suites to first and second floor bedrooms was granted on 24th November 2016.

Planning permission (ref. 16/00996/PP) for a change of use from Class 8 (residential institution) to Class 9 (dwellinghouse), including ancillary housekeeper's accommodation and Sui Generis use as a commercial/leisure events venue was granted 14th December 2016.

An application for the reinstatement of the east driveway, erection of 2 gate lodges, vehicular and pedestrian entrance gates with stone piers and a secondary set of vehicular gates at the head of the driveway with stone piers (ref.17/00400/PP) was granted 24th November 2017.

An application for the erection of wedding venue comprising, storage building with gateway entrance to timber decking enclosed with decorative metal panels with posts and a decorative pergola for the wedding ceremony (ref.17/00401/PP) has been submitted and currently under consideration.

An application for the erection of metal gates for vehicular and pedestrian access on the existing west driveway at the road junction and additional set of gates further along the west driveway (ref. 17/00402/PP) was granted 16th October 2017.

An application for the erection of an 1800mm high deer fence (ref.17/02052/PP) has been submitted and currently under consideration.

#### **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**

Argyll and Bute Council considers the determining issues in relation to the case are as follows:-

- Whether the material planning considerations asserted by the appellant are sufficient to outweigh the fact that the planning application was correctly assessed on the basis of the information submitted and that the recommended conditions are all still applicable.

The Report of Handling (please refer to Appendix 1) sets out Planning and Regulatory Services assessment of the planning application in terms of policy within the current adopted Argyll and Bute Development Plan and all other material planning considerations.

#### **REQUIREMENT FOR ADDITIONAL INFORMATION AND A HEARING**

The proposal constitutes a Local Development in accordance with the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, has no complex or challenging issues and has only been the subject of 1 objection from local residents, it is not considered that a Hearing is required.

#### **THE APPELLANTS' SUBMISSION**

The appellants' statement can be summarised under the following key issues:

- Condition 11 of the consent states that, "*the lodges shall only be used for holiday occupation only and shall not be used as a principal or main dwelling*". No discussion

had taken place with the Planning Authority with regard to this matter and as a result, the imposition of the condition was a surprise. The application is part of a wider redevelopment of the estate which is a multi-million pound investment in the restoration of a Grade B Listed mansion. The two lodges that form part of the application are located on the sites of previous houses, Heather Cottage having believed to have been the residence of either the estate head gardener or falconer. The second unit of the application known as single lodge is believed to be on the location of a former gate lodge, the ruins of which remain. Both lodges are shown on old Ordnance Survey plans.

- The proposed plans and elevations for the lodges are identical and have been designed in a manner to be in keeping with the historic origins of what once may have stood on the site. The design of the lodges is similar to two lodges granted planning permission (ref. 17/00400/PP) at the former Eastern Gateway. This permission does not have any occupancy restriction which would appear to demonstrate that the design of the units under application ref/ 17/00420/PP would be suitable as a permanent dwelling.

The reason given for the condition is *“in order to define the permitted occupancy having regard to the amenities available and in order to comply with the provisions of Policy SG LDP TOUR 1 of the Argyll and Bute Local Development Plan.* This policy states a presumption in favour of new and improved tourist facilities and accommodation and is to be welcomed but we do not consider that it is correctly attributable here.

We are unsure as to the reference *“having regard to the amenities available”* as the properties are proposed to be located in their own gardens within the general policies of the wider estate which is in the same ownership as the applicants.

- Heather Cottage is shown on the application as being accessed through a network of private paths and access ways. Reference is made on drawing no. 1544\_L(P.4) 401 to access the new cottage *“is by woodland track or by walking or golf cart. Main car parking for this cottage is at the main house”*. However a programme of improvements to the access ways within the estate is underway and vehicular access direct to the cottage would be easy to achieve should this be a requirement. In deleting Condition 11 (see drawing no. 1544\_L(P.4) 400 showing application site includes a link road to serve both cottages.

Other properties within the estate do not have any occupancy restrictions. Furthermore, several cottages (such as Strathclyde Cottage and The Old Smiddy) have been sold off historically many years ago, believed with no occupancy restrictions.

Allocated garden space can be increased if necessary but would not seem to be required to meet required standards.

- A site meeting between Mrs. Denice Punler and Planning Officers took place prior to the determination of the application and no reference was made by the Officers to the likelihood of an occupancy restriction being included. Had it been mentioned then we would have entered dialogue with the Officers to determine why the imposition of this condition might have been under consideration.

The implication of the condition is that the development finance for construction is effectively unavailable and that the long term occupation of the dwelling is excluded. This will mean that the implementation of the consent is highly unlikely.

- Condition 10 of the consent requires on-site parking for a minimum of two cars / vehicles at single lodge and one space to serve Heather Cottage located close by. As previously advised, vehicular access to Heather Cottage is straightforward and a number of parking spaces adjacent to the cottage can be achieved. We therefore do not believe that this is what is being referred to with reference to “*amenities*”.
- In the circumstances, we do not believe that the inclusion of Condition 11 is either justified or warranted. The properties would appear to meet the test of all requirements for permanent occupation in terms of standards of accommodation, access, garden amenity space, drainage, utilities etc. (this being supported by the Local Authorities consent ref. 17/00400PP for near identical properties in similar locations. The application should also be considered with relevance to other proposed development within the overall estate including the Estate Masterplan which was considered and endorsed by Argyll and Bute Council Planning, Protective Services and Licensing (PPSL) Committee on 13<sup>th</sup> December 2016 and application 16/00996/PP for change of use of the mansion house to Class 9 with sui generis.

### **COMMENT ON APPELLANTS’ SUBMISSION**

The Planning Department can only respond to information made available at the time of an application and the crux of this matter relates to information provided by the applicants and their agents in the submission of Planning Permission ref. 17/00420/PP which includes the Planning Application Form and submitted drawings.

In the Planning Application Form dated 14<sup>th</sup> February 2017, the applicants’ agent stated that, *“Heather Cottage is in a slightly remote location and access by foot or golf cart, this accommodation will form part of the running of the main house as a holiday lodge, therefore refuse and recycling will be collected and encompassed within the main house (Castle Toward) waste storage. The Single Lodge will act as a stand-alone cottage, with bins for waste and recycling to be put out for refuse collection by the council on the incoming road off road C10”*.

The agents also stated that only one space is proposed for the two lodges and it was presumed that this would be for the proposed Single Cottage as Heather Cottage is in a remote inaccessible location with no direct access proposed. The application for also stated that trees are to be removed although no details were provided at that time.

Additionally, Drawing no. 1544\_L(P.4) 401 dated January 2017 received 17<sup>th</sup> February 2017 included annotated notes for Heather Cottage which clearly states in the Scope of Works, *“The construction of this lodge is to create additional estate accommodation used for holiday let and contributing to the financial running of the estate.....It is intended that access to this cottage would be by woodland track capable of taking a golf cart, the courtyard of the main house would act as the car park for whoever occupied this cottage”*.

The starting point for the department in assessing and determining all applications is the information provided by applicants or their agents in the Planning Application Form, submitted drawings and other supporting information. In this particular case, the department (and external consultees) correctly assessed the proposed lodges on the basis of the information submitted i.e. as additional estate accommodation and in the case of Heather Cottage, as holiday accommodation as proposed. Whilst the proposed buildings are considered to be acceptable as holiday lets they lacked sufficient details on what would normally be expected for mainstream dwellinghouses i.e. clearly defined domestic curtilage, clearly defined amenity spaces (which should include an external drying area), vehicular and

pedestrian access to the application site, parking and turning provision and boundary treatments.

Whilst the department would have no objection to the insertion of sensitively designed dwellinghouse within the woodland to be used for either mainstream or holiday purposes, this would be materially different to what was originally submitted, proposed and approved under Planning Permission ref. 17/00420/PP. Therefore, this would require a fresh planning application and to be re-assessed when all of the details and expected amenities highlighted above would be submitted for consideration.

The pair of replacement gate lodge dwellings at the former Eastern Driveway (ref. 17/00400/PP) were assessed and approved as mainstream dwellings as there was no mention of 'holiday use' in the application form or submitted drawings. An extract from the Report of Handling for this permission clarifies, "*The original gate lodges were single-storey with shallow hipped slated roofs. It is proposed to recreate these traditional cottages with new versions based on the original footprints and designs. The lodges will have two bedrooms with open plan lounge/ dining/ kitchen area. The lodges will be built into the boundary wall with their main entrances facing north. Whilst the lodges will be sited close to each other there are no privacy or overlooking issues as there are no habitable room windows on the internal elevations. The use of the lodges are not stated but they could be used for either mainstream use, staff or holiday accommodation. For the purposes of the Town and Country Planning (Scotland) 1997 (as amended) they are considered use class 9.*"

In the approved Masterplan (ref. 16/02356/MPLAN), mention is made in the Development Concept drawing of converting existing cottages into holiday lets. The approved Masterplan document dated August 2016 also indicates that new holiday cottages will be created within the estate.

## **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 department considers that it was correct in its assessment and determination of the information and supporting details as part of Planning Permission ref. 17/00420/PP. The applicants and their agent clearly stated that the purpose of the properties were for either holiday lets or staff accommodation.

The department has consistently discussed the Masterplan proposals within the applicants and would have no objection in principle to the siting of two suitably designed dwellings on the former sites of Heather Cottage and Single Cottage but with appropriate vehicular access provision, defined curtilages and meaningful amenity spaces. Such a proposal would however require to be the subject of separate application(s) for Planning Permission.

It is respectfully requested that the review be dismissed and the original conditions remain as per the existing approval.

**Appendix 1**

**Delegated or Committee Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 relative to applications for Planning Permission or Planning Permission in Principle**

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**Reference No:** 17/00420/PP  
**Planning Hierarchy:** Local Application  
**Applicant:** Mr and Mrs Keith and Denice Punler  
**Proposal:** Erection of 2 lodges  
**Site Address:** Castle Toward, Toward, Argyll

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**DECISION ROUTE**

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

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**(A) THE APPLICATION**

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

- Erection of 2 lodges;
- Installation of septic tanks and soakaway systems.

**(ii) Other specified operations**

- Connection to public water supply network;
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**(B) RECOMMENDATION:**

It is recommended that Planning Permission be granted subject to the conditions, reasons and advisory notes set out below.

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**(C) HISTORY:**

Listed Building Consent (ref. 97/00883/LIB) for internal alterations and installation of wheelchair ramp was granted on 25<sup>th</sup> July 1997 and implemented.

A masterplan proposal (ref. 16/02356/MPLAN) in respect of Strategic Masterplan Area 1/2 and Potential Development Area 2/42 relating to mixed use development (including tourism/leisure/housing/business) was endorsed by the PPSL Committee at a discretionary hearing on 13<sup>th</sup> December 2016.

Listed Building Consent (ref. 16/01405/LIB) for the demolition of enclosed fire escape, metal fire escape and metal clad sheds. Installation of new doorway, ventilation louvre, balcony railings, 3 new windows, 2 sets of external doors, new

glazed roof over existing courtyard. Internal alterations to accommodate leisure facilities at basement level, removal of wall between ballroom and function room, installation of lift and toilets at ground floor level, removal of partitions and installation of partition walls to provide en-suites to first and second floor bedrooms was granted on 24<sup>th</sup> November 2016.

Planning permission (ref. 16/00996/PP) for a change of use from Class 8 (residential institution) to Class 9 (dwellinghouse), including ancillary housekeeper's accommodation and Sui Generis use as a commercial/leisure events venue was granted 14<sup>th</sup> December 2016.

An application for the reinstatement of the east driveway, erection of 2 gate lodges, vehicular and pedestrian entrance gates with stone piers and a secondary set of vehicular gates at the head of the driveway with stone piers (ref.17/00400/PP) was granted 24<sup>th</sup> November 2017.

An application for the erection of wedding venue comprising, storage building with gateway entrance to timber decking enclosed with decorative metal panels with posts and a decorative pergola for the wedding ceremony (ref.17/00401/PP) has been submitted and currently under consideration.

An application for the erection of metal gates for vehicular and pedestrian access on the existing west driveway at the road junction and additional set of gates further along the west driveway (ref. 17/00402/PP) was granted 16<sup>th</sup> October 2017.

An application for the erection of an 1800mm high deer fence (ref.17/02052/PP) has been submitted and currently under consideration.

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**(D) CONSULTATIONS:**

**Roads Bute and Cowal** (response dated 20<sup>th</sup> February 2017): No objections subject to conditions regarding sightlines, access design, car parking and requirement for Roads Construction Consent and Road Opening Permit.

**Public Protection** - (response dated 23<sup>rd</sup> February 2017): Comments regarding foul drainage, water supply, operating hours during construction and demolition and construction activities.

**Historic Environment Scotland** (response dated 3<sup>rd</sup> March 2017): Advise contacting Archaeology Service. No comments to make. Advice on national policy guidance.

**Scottish Water** (response dated 3<sup>rd</sup> March 2017): No objection in principle. No Scottish Water infrastructure in the vicinity so applicant advised to investigate private treatment options. Advisory comments.

**Local Biodiversity Officer** (response dated 27<sup>th</sup> June 2017): Recommendations in respect of tree protection, ecology survey report, programme for Rhododendron ponticum and other Invasive Non-Native Species eradication, Landscape Planting Plan.

**Forestry Commission Scotland** (response dated 19<sup>th</sup> July 2017): Area to be felled likely to be small in context to the woodland. Area to be felled should be quantified in the application and if appropriate compensatory planting should be sought.

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- (E) **PUBLICITY:** Regulation 20 advert (publication date 3<sup>rd</sup> March 2017, expiry date 24<sup>th</sup> March 2017). Site notice advertising development affecting the setting of a listed building publication date 3<sup>rd</sup> March 2017, expiry date 24<sup>th</sup> March 2017. Neighbour notification expired 10<sup>th</sup> March 2017.
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(F) **REPRESENTATIONS:**

One letter of objection has been received from Mr R Trybis, Stonewood, Toward (email dated 10<sup>th</sup> March 2017). The concerns raised relate to the proposed two lodges acting as a barrier to public access between the east and west sides of the estate in an area where it was claimed that the public would still have access. The construction will also result in further loss of natural woods.

The application does not include an ecological report where protected species are known to be present nor does it include an eradication and restoration plan for invasive species which are also known to be present on the estate.

**Comment:** The Core Path C208(c) is confirmed by the Council as the only recognised public right of way. Parts of the estate are outwith the scope of access for reasons of privacy and commercial requirements. The applicants' previously commented that by summer 2017 they intend to provide an additional footpath from the Chinese Lakes down the eastern side of the estate. However, due to poor weather and ground conditions, this aspect of the development has been delayed but addressed via planning conditions contained in other associated permissions (i.e. ref. 17/02052/PP) which also require the formation of an alternative southern access route. The development would not affect the designated Core Path C208 (c) which affords the public access to the western side of the estate.

The proposed lodges will be key-holed within the woodland settings but subject to conditions requiring further details to be submitted on habitats and species and in this instance such concerns can be addressed via planning conditions. Refer to report below.

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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:** No
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(H) **PLANNING OBLIGATIONS**

**Is a Section 75 obligation required:** No.

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

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

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

Argyll and Bute Local Development Plan (26<sup>th</sup> March 2015)

LDP STRAT 1 Sustainable Development;  
LDP DM1 Development within the Development Management Zones (the application site is located within PDA 2/42 and MAST 1/2);  
LDP PROP 3 The Proposed Potential Development Areas;  
LDP 3 Supporting the Protection, Conservation and Enhancement of our Environment;  
LDP 5 Supporting the Sustainable Growth of our Economy;  
LDP 9 Development Setting, Layout and Design;  
LDP 11 Improving our Connectivity and Infrastructure

Argyll and Bute Supplementary Guidance (March 2016)

SG LDP ENV 1 Development Impact on Habitats, Species and our Biodiversity;  
SG LDP ENV 6 Development Impact on Trees / Woodland;  
SG LDP ENV13 Development Impact on Areas of Panoramic Quality (APQs);  
SG LDP ENV 15 Development Impact on Historic Gardens and Designed Landscapes;  
SG LDP ENV 16(a) Development Impact on Listed Buildings;  
SG LDP ENV 20 Development Impact on Sites of Archaeological Importance;  
SG LDP SERV 1 Private Sewage Treatment Plants and Wastewater (i.e. drainage) Systems;  
SG LDP TRAN1 Access to the Outdoors;  
SG LDP TRAN3 Special Needs Access Provision;  
SG LDP TRAN 4 New and Existing, Public Roads and Private Access Regimes;  
SG LDP TRAN 6 Vehicle Parking Provision;  
SG2 Sustainable Siting and Design Principles;

**(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.**

Scottish Planning Policy (SPP) (June 2014);  
Scottish Historic Environment Policy 2014;  
Land Reform (Scotland) Act 2003;  
Planning history;  
Views of statutory and other consultees;  
Legitimate public concern expressed on 'material' planning issues.

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

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

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

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(N) **Does the Council have an interest in the site:** No. The Castle Toward Estate was purchased from the Council by Mr. and Mrs. Punler on 21<sup>st</sup> October 2016.

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(O) **Requirement for a hearing:** No

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

Settlement Strategy

The Castle Toward estate is identified as Potential Development Area (PDA) 2/42 within the adopted LDP as being suitable for mixed uses, comprising tourism, education, leisure, housing and business. Castle Toward is also identified as a Strategic Masterplan Area (SMA) MAST 1/ 2 which is identified for the same uses as the PDA. The PDA and SMA areas are bounded by the C10 Glenstriven Road to the west and south and by Ardyne Farm and Strathclyde Cottage to the north. The site is bounded to the east by farmland belonging to Toward Farm.

The Castle Toward estate is identified as being within a Garden and Designed Landscape that stretches north and east beyond the PDA / SMA boundaries. With the exception of land around Toward Castle, the majority of the PDA / SMA site also lies within a wider Area of Panoramic Quality.

Policy LDP STRAT 1 – Sustainable Development sets out sustainable development principles. It is considered that the proposed development would make efficient use of dilapidated estate buildings with proposed uses that would be compatible within the range of potential uses prescribed for PDA 2/42. The proposed initial phase of development would be consistent with the settlement strategy and visions for the successful long term development of PDA 2/42 and MAST 1 / 2 as set out in the accompanying Masterplan submission.

Policy LDP DM 1 establishes the acceptable scales of development in each of the zones with the boundaries of all the settlements and countryside zones mapped in the LDP's Proposal Maps. It should be noted that where specific proposals such as Allocations, PDAs or Areas for Action are defined these would override the general stance towards development for a particular development management zone. That is the case here given the PDA designation of the site.

Policy LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment allows sustainable forms of development to proceed within a clear policy and SG framework that provides protection from inappropriate forms of development; that encourages and supports regeneration; and maintains and enhances the quality of the natural heritage, built environment, landscape features and landscape character of the area.

Policy LDP 5 – Supporting the Sustainable Growth of Our Economy supports the development of new business which helps deliver sustainable economic growth by taking full account of the economic benefits of any proposed development and focussing regeneration activity and promoting environmental enhancement.

The proposal is for the erection of two new estate lodges which are to be sited close to previous estate cottages that are no longer standing. The principle of limited residential development within the estate grounds would be consistent with the settlement strategy and preferred uses prescribed in the PDA / SMA briefs and approved Masterplan covering the whole of the PDA site (ref. 16/02356/MPLAN).

### Location, Nature and Design of Proposed Development

The Toward – Castle Toward PDA site is located on the south eastern coast of the Cowal Peninsula and bounded by the Firth of Clyde to the east and south and by farmland and woodland to the west, north and east. In a wider context, the PDA is bounded by Ardyne PDA 2/43 and Knockdow Estate PDA 2/44 to the west. The nearest settlement is Toward which lies some 2km to the south-east.

The Castle Toward designed landscape occupies a site at the southern end of the Toward Peninsula, 10km south-west of Dunoon and is accessed via the A815. The mansion house and grounds occupy the lower south-facing slopes of Toward Hill, at the southernmost point of the Toward Peninsula with views south to the Island of Bute and beyond to the Firth of Clyde.

The designed landscape designation at Castle Toward extends northwards up Toward Hill to include the Chinese Lakes (reservoirs on Toward Hill to supply the estate which were made into an attractive landscape feature) and Ardyne Farm to the north-west. The C10 Glenstriven Road forms the southern and western boundaries, and to the east, the boundary takes in old estate parkland and is bounded by a commercial coniferous plantation on what was probably former policy woodland. A belt of old policy woodland is included in the designed landscape, which stretches east of the old ruins of Toward Castle. The principal features of the designed landscape, except for the Chinese lakes, are contained within the current estate boundary comprising approximately 150ha (370 acres).

### The Proposal

It is proposed to erect two new estate lodges within existing wooded areas on or close to sites of two previous cottages that have long since disappeared. No drainage systems exist at both locations and it is therefore proposed to install two new septic tanks with soakaway systems but connect to the public water supply network.

The application form indicates that Heather Cottage is in a slightly remote location with access by foot or by golf cart. This accommodation will form part of the running of Castle Toward mansion house as a holiday lodge.

Scale and design for the two lodges are identical. The proposed 2-bedroom holiday dwellings would be single storey traditional cottages with slate shallow hipped roofs and chimney. Proposed materials are off-white render for external walls, timber windows and doors and natural slates for roofs with Sarna membrane for flat roof sections over entrance porches.

### *Heather Cottage replacement proposal*

It is proposed to erect a new estate cottage on the site of the former Heather Cottage. The site is located at the south-eastern end of the front lawn of Castle Toward within existing woodland. The site has no existing vehicular access although a series of discrete and informal footpaths surround the site.

### *Single Cottage replacement proposal*

It is proposed to erect a new estate cottage close to the site of the former Single Cottage. The site is located west of the old southern entrance gate adjacent to the C10 within existing woodland. The site currently has no existing vehicular access but a former vehicular access exists from the gate north-east to Toward Castle then north to Castle Toward.

The erection of two isolated cottages within the woodland would be consistent with the masterplan approach for the Castle Toward estate which seeks to introduce limited forms of holiday and residential accommodation in less conspicuous parts of the estate grounds. Such development would assist in safeguarding the future of Castle Toward mansion house and estate, whilst providing a catalyst for investment in other associated buildings and neglected estate land. The proposal would serve to both conserve the natural and built heritage resource as well as creating local economic development and employment opportunities.

### Natural Environment

Policy LDP 3 seeks to protect the natural environment. The proposal for the erection of two lodges within the woodland area to the south of Castle Toward mansion house will result in the removal of mainly sycamore and other self-seeding trees although no firm details have been submitted. A suspensive condition states that no development can take place until a specific habitat, tree and construction environment management plan has been submitted for the written approval of the Planning Authority. This will allow an area of development to be identified precisely and suitably key-holed into the woodland with appropriate buffer zone which will dictate the area for habitat and species surveys.

### Impact on Trees

Policy LDP 3 states a presumption in favour of development which will protect, conserve or where possible enhance biodiversity, woodland and green networks. The proposal for the erection of two lodges within the woodland area to the south of Castle Toward mansion house will result in the removal of mainly sycamore and other self-seeding trees although no firm details have been submitted. Whilst The Forestry Commission consider that the removal of trees will be small in the context of the woodland, the actual development area should be quantified and if necessary compensatory planting should be sought. A suspensive condition states that no development can take place until a specific tree survey including and construction environment plan has been submitted for the written approval of the Planning Authority. This will allow an area of development to be suitably key-holed into the woodland with no adverse impact on the surrounding habitats.

The approved Masterplan envisages woodland management for the entire PDA area. It is considered that with suitable safeguarding conditions, the scope of the proposal will have limited impact on existing trees or woodland.

### Built Environment – Listed Buildings and Designed Landscape

Policy LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment, seeks to protect, conserve and enhance the built, human and natural environment.

The isolated siting of the two holiday lodges within dense woodland would have no significant impact on the setting or Gardens and Designed Landscape of Castle Toward or Toward Castle. Access to the proposed lodges would be via existing or improved path networks.

### Road Network, Parking and Associated Transport Matters

The proposed development is accessed from the C10 Glenstriven Road which begins at the Toward Lighthouse junction. No objections are raised subject to conditions regarding sightlines, access design and car parking. Advisory notes concerning Road Construction Consent for the section east of The Single Lodge potentially serving new estate housing.

## Public Access

The scope of public access arrangements is outwith the terms of this application but access details have already been assessed as part of the Masterplan application ref. 16/02356/MPLAN and other associated application ref. 17/02052/PP.

In summary, Core Path C208(c) runs up the western side of the estate whilst objectors have suggested that a further public right of way exists through the estate from the eastern side. The Council have taken independent legal advice which confirms that only the Core Path is a legitimate right of way. The applicants have however confirmed that the existing track which leads from Toward Castle around the walled garden then up to the Chinese Lakes on the western side of the burn will be re-routed to provide a new alternative access on the eastern side of the burn which would maintain a link on from Toward Castle to the Chinese Lakes.

For information the applicant previously agreed a curtilage area with the council as offered by the Land Reform (Scotland) Act. This includes the site boundary minus the paddock areas to the north of the house. This is shown within the Masterplan submission drawings 1544 L (MP) 003 and 1544 L (MP) 005 of 16/02356/MPLAN.

A planning condition will seek to improve access around the estate by requiring a footpath along the southern edge linking the east and west driveways. This, coupled with other access improvements elsewhere, will ensure that there is the ability for the public to walk around the estate without having to walk along the public road. This is a considerable improvement over the existing situation.

## Landscape

The site is located within an Area of Panoramic Quality which derives from the scenic qualities of the wider landscape and the interrelationship between narrow sea channels, sea lochs and surrounding steep sided hills. The Kyles of Bute National Scenic Area is to the north-west but does not cover the site.

The proposal for two dwellinghouses in discrete locations within the established woodland to the south of the mansion house would not impact in any material way on the immediate Garden and Designed Landscape, the surrounding Area of Panoramic Quality or the wider National Scenic Area (Kyles of Bute).

## Infrastructure

Policy LDP 11 – ‘Improving our Connectivity and Infrastructure’ seeks to make best use of our existing infrastructure by ensuring that:

- *the location and design of new infrastructure is appropriate; and*
- *standards for drainage, sewage, waste water and water supply are applied.*

Castle Toward is currently served by a private water supply. The applicants have however confirmed that they are in discussion with Scottish Water to connect to the public water main. Regardless of this the applicants can opt to maintain the status quo of water supply without the need for further authorisation.

The applicant has advised that the foul drainage system is currently served by septic tanks with a sea outfall. This would remain appropriate for the intended uses which would not impose a greater loading than that associated with past uses. The system would not however be adequate to serve the wider Masterplan proposals and future planning applications would be expected to demonstrate a new system of foul water treatment requiring the benefit of planning permission and authorisation from SEPA.

A condition requires the submission of detailed information regarding the installation of septic tanks and suitable discharge arrangements.

#### Conclusion

Whilst the application is for detailed Planning Permission, the general principle of erecting two traditionally designed holiday lodges within the southern woodland area of Castle Toward Estate on or close to the site of former estate cottages, is acceptable. However, the precise siting of these two lodges and area of development to provide a suitable buffer needs to be quantified. Appropriate suspensive conditions are recommended in respect of tree surveys, habitat and species surveys and requirement for compensatory planting.

The main issue associated with this application would appear to be concerns about potential obstruction to continuous public access through the Castle Toward Estate. Presently, there is an existing Core Path route which runs through the estate and this will be retained in full. Suggestions that other rights of way exist have been investigated and whilst they may have been used by members of the public they do not constitute formal rights of way. In order to assist with continued access, the applicants propose that an existing track leading from the walled garden to the Chinese Lakes will be re-routed to the eastern side of the Himalayan Glen, ensuring that a continuous path will be available around the estate. A planning condition will allow for a path along the southern boundary therefore encouraging a route all the way round the estate.

The proposal is subject to safeguarding suspensive conditions consistent with the relevant development plan policies. There are no other material considerations, including responses from consultees and representations from third parties, nor matters raised in the assessment of the proposals, which would warrant the setting aside of the presumption in favour of the development established by development plan policy.

---

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

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**(R) Reasons why Planning Permission should be granted**

The proposed development meets with the aims of both the Potential Development Area and Strategic Masterplan Area designations applicable to Castle Toward as defined by the Argyll and Bute Local Development Plan. The development of these proposals would result in the positive regeneration of Castle Toward, the wider estate and secure a sustainable future for the preservation of the building, as well as delivering tourism and other economic development benefits. The proposals accord with all other relevant development plan policies and it is therefore appropriate that planning permission be granted in line with development plan policy, subject to recommended safeguarding conditions.

---

(S) Reasoned justification for a departure from the provisions of the Development Plan N/a

---

(T) Need for notification to Scottish Ministers: No

---

Author of Report: Brian Close

Date: 24<sup>th</sup> January 2018

Reviewing Officer: *David Love*

Date: 25<sup>th</sup> January 2018

Angus Gilmour  
Head of Planning & Regulatory Services



**CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 17/00420/PP**

1. The development shall be implemented in accordance with the details specified on the application form dated 14<sup>th</sup> February 2017 and the approved drawing reference numbers: 1544\_L(P.4)400, 1544\_L(P.4)401, 1544\_L(P.4)402, unless the prior written approval of the planning authority is obtained for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

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

2. Notwithstanding the provisions of Condition 1 above, no development shall commence until the proposed footprints of the dwellings hereby approved have been clearly demarcated on site, inspected by and approved in writing by the Planning Authority. The Planning Authority shall be afforded a period of 21 days to allow a site inspection to be undertaken upon receiving notification from the developer that the demarcation has occurred. Thereafter the development shall be implemented in accordance with the agreed details.

**Reason:** *For the purpose of clarity, there being a degree of ambiguity within the submitted plans as to the exact position of the dwellings within the application site.*

3. Prior to the commencement of any development works on site, full details of proposed sewage treatment plants including soakaway details shall be submitted to and approved in writing by the Planning Authority.

**Reason:** *In the interest of public health and amenity and to ensure a method of foul drainage.*

4. Notwithstanding the submitted information and prior to any construction works on site (including demolition), full details shall be submitted for the prior written approval of the Planning Authority of a drainage scheme that shall incorporate the basic principles of Sustainable Urban Drainage Systems identified in 'Planning Advice Note 61' which shall provide details of a totally separate drainage system with the surface water discharging to a suitable outlet. The drainage system shall include measures to slow down run-off; methods of treatments and its release into the system, existing and proposed drainage of the site and temporary surface water drainage system during construction phases; unless prior written consent for variation is obtained in writing from the Planning Authority. The scheme, as may be approved shall be implemented commensurate with this development at a timescale as may be agreed in writing with the Planning Authority.

**Reason:** *In order to provide for a sustainable drainage scheme for the development.*

5. No development including any tree works shall commence until the developer has secured a programme for the management of woodland within a 30m radius of the centre point of the proposed dwellinghouses. Such a woodland management plan shall clearly indicate the selective felling, management and re-stocking of this area in accordance with details to be submitted to and approved by the Planning Authority. The plan should also include details of construction activities and mitigation measures to safeguard the surrounding woodland habitats. Thereafter this area shall be retained and managed in accordance with the duly approved programme, unless otherwise agreed in writing with the Planning Authority.

**Reason:** *In order to ensure tree management and replacement in the interests of visual amenity.*

6. No tree felling works shall take place during the bird breeding season (March to July inclusive), unless otherwise agreed in writing by the Planning Authority.

**Reason:** *To minimise the impact of the development on breeding birds within the application site.*

7. No development (including any land engineering works or any associated operations) shall commence until pre-construction surveys and proposed mitigation measures to prevent disturbance towards protected species have been undertaken and submitted to and approved in writing by the Planning Authority.

**Reason:** *In order to safeguard and protect wildlife interests.*

8. The proposed access onto the C10 Glenstriven Road shall be constructed as per SD08/002a Private Drive Way and shall have minimum sightlines of 75 x 2.4 m in both directions. All walls fences and hedges within the visibility splays to be maintained at a height not greater than 1.0 meter above the road.

**Reason:** *In the interests of road safety and to ensure that an adequate level of access is provided for the proposed dwellinghouses.*

9. The driveway access from the individual properties shall have sightlines of 20m x 2m on the internal estate road in both directions. All walls fences and hedges within the visibility splays to be maintained at a height not greater than 1.0 meter above the road.

**Reason:** *In the interests of road and pedestrian safety and to ensure that an adequate level of access is provided for the proposed dwellinghouses.*

10. The lodges hereby approved shall not be occupied until on-site parking for a minimum of two vehicles have been provided for the Single Lodge and provision for one parking space to serve Heather Cottage located close to that holiday let to reasonably allow access, unless otherwise agreed in writing by the Planning Authority.

**Reason:** *To ensure that there is sufficient car parking for the proposed holiday accommodation.*

11. The lodges hereby approved shall be used for holiday occupancy only and shall not be used as a principal or main dwelling.

**Reason:** *In order to define the permitted occupancy having regard to the amenities available and in order to comply with the provisions of policy SG LDP TOUR 1 of the Argyll and Bute Local Development Plan.*

12. Prior to the commencement of works details of the boundary treatment that will demark the garden / curtilage ground of the lodges shall be submitted to the planning authority for approval.

**Reason:** *To ensure the development is designed in accordance within the larger estate setting and to separate and provide clarity as to the extent of the curtilage to which members of the public will not have a right of access.*

13. Prior to the commencement of works details shall be provided of a footpath that will link the east and west driveways within the southern area of the estate below to the 'haha'. Such details shall include but are not limited to:

- Location including start and finishing points,
- Construction details that shall include suitable drainage, 1.8m width and a type one finish,
- Timetable of works with the footpath to be completed within three months of the details approved.

The full details shall be submitted to the planning authority for approval and the works complete within three months from the date of approval unless otherwise agreed in writing with the planning authority.

***Reason:*** *To improve access around the estate and address any loss of access resulting from the development hereby approved.*

**ADVISORY NOTES TO APPLICANT**

3. This planning permission will last only for **three years** from the date of this decision notice, unless the development has been started within that period. [See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).]
4. In order to comply with Section 27A(1) of the Town and Country Planning (Scotland) Act 1997, prior to works commencing on site it is the responsibility of the developer to complete and submit the attached 'Notice of Initiation of Development' to the Planning Authority specifying the date on which the development will start.
5. In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 it is the responsibility of the developer to submit the attached 'Notice of Completion' to the Planning Authority specifying the date upon which the development was completed.
6. The attention of the applicant / developer is drawn to comment made by Scottish Water in their response dated 3<sup>rd</sup> March 2017 and comments regarding connection to public water supply, surface water drainage and general advice. The applicant/developer is advised to contact Scottish Water directly concerning connection to public water supply - Planning and Development Services, The Bridge, Buchanan Gate Business Park, Cumbernauld Road, Stepps, Glasgow G33 6FB; Development Operations, Tel. 0800 3890379 or at DevelopmentOperations@scottishwater.co.uk
7. The applicant/developer is advised by Scottish Natural Heritage (SNH) that all bats and their roosts are legally protected in Scotland by the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) - "the Habitats Regulations" (for details of this protection, see Protected mammals - Bats and Regulations 39-41 and 44-46 of the Habitats Regulations).  
  
If bats are found to be roosting in any trees to be removed or within buildings to be renovated as part of this proposed development, under the Habitats Regulations the developer will need to apply to the Scottish Government for a licence to disturb/destroy bat roost(s) before works can commence. Any licence would need to be in place prior to any works affecting the roosts taking place. SNH can provide further advice as necessary.
8. The Area Roads Manager advises that Roads Construction Consent (S21) may be required for the section potentially serving future residential scheme to the west of the access. A Road Opening Permit (S56) will be required for all works within the road corridor. The applicant is advised to contact the Area Roads Manager (Mr. Paul Farrell, tel. 01369 708613) directly upon these matters.

**APPENDIX TO DECISION APPROVAL NOTICE**

Appendix relative to application 17/00420/PP

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- (A) Has the application required an obligation under Section 75 of the Town and Country Planning (Scotland) Act 1997 (as amended).

**No**

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- (B) 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**

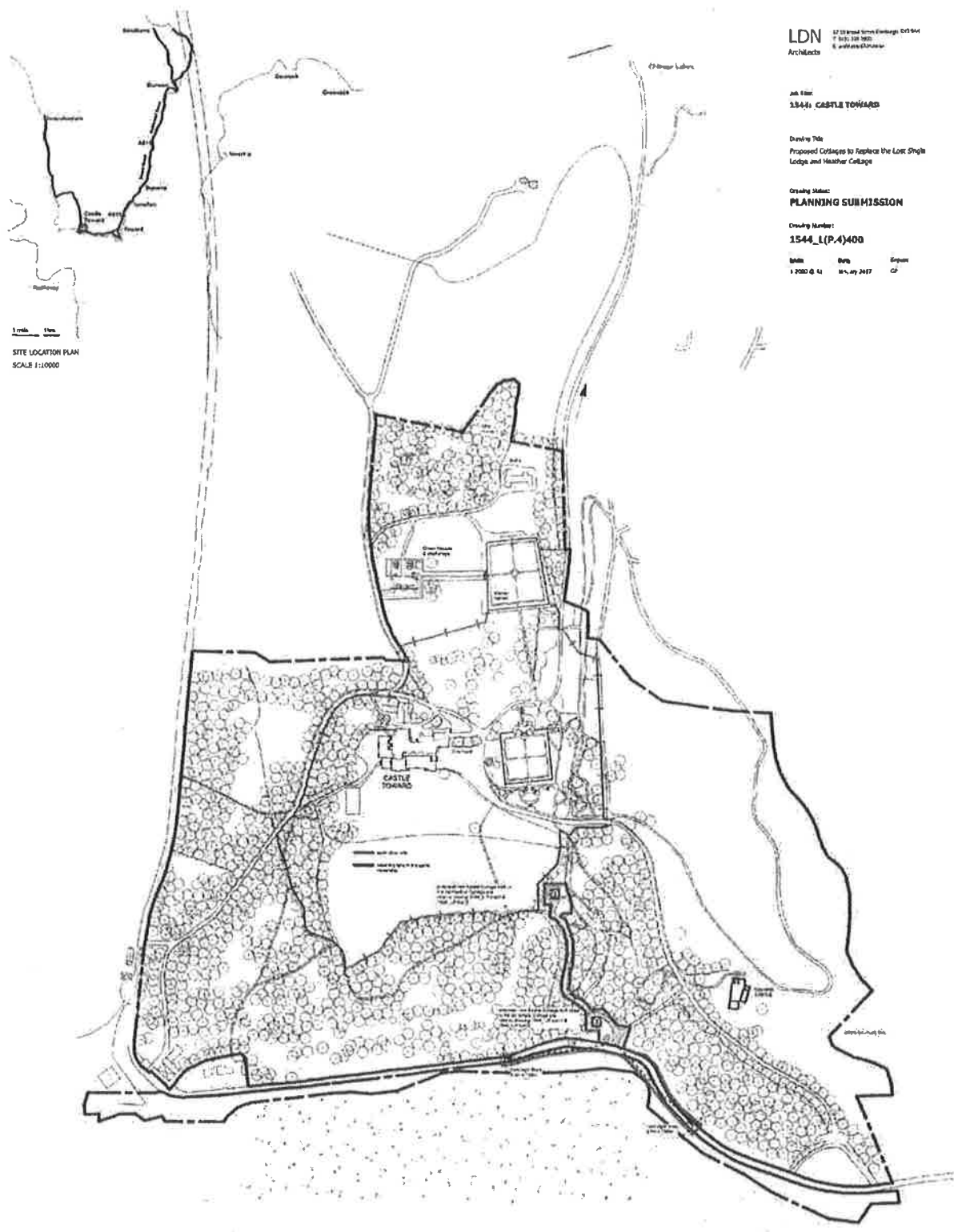
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- (C) The reason why planning permission has been approved.

The proposed development meets with the aims of both the Potential Development Area and Strategic Masterplan Area designations applicable to Castle Toward as defined by the Argyll and Bute Local Development Plan. The development of these proposals would result in the positive regeneration of Castle Toward, the wider estate and secure a sustainable future for the preservation of the building, as well as delivering tourism and other economic development benefits. The proposals accord with all other relevant development plan policies and it is therefore appropriate that planning permission be granted in line with development plan policy, subject to recommended safeguarding conditions.

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17/00420/PP



**LDN** 27 St Paul Street, Edinburgh, CV1 9AA  
 T 0131 338 9822  
 E [info@ldn.co.uk](mailto:info@ldn.co.uk)  
 Architects

Job Title:  
**1544: CASTLE TOWARD**

Drawing Title:  
 Proposed Cottages to Replace the Lost Single Lodge and Heather Cottage

Drawing Status:  
**PLANNING SUBMISSION**

Drawing Number:  
**1544\_L(P-1)400**

Date	By	Checked
1/2000 @ 11	W.A. AY 2417	CP

1:10000  
 SITE LOCATION PLAN  
 SCALE 1:10000

SITE LAYOUT: PROPOSED ESTATE COTTAGES TO REPLACE THE LOST SINGLE LODGE AND HEATHER COTTAGE  
 SCALE 1:2000



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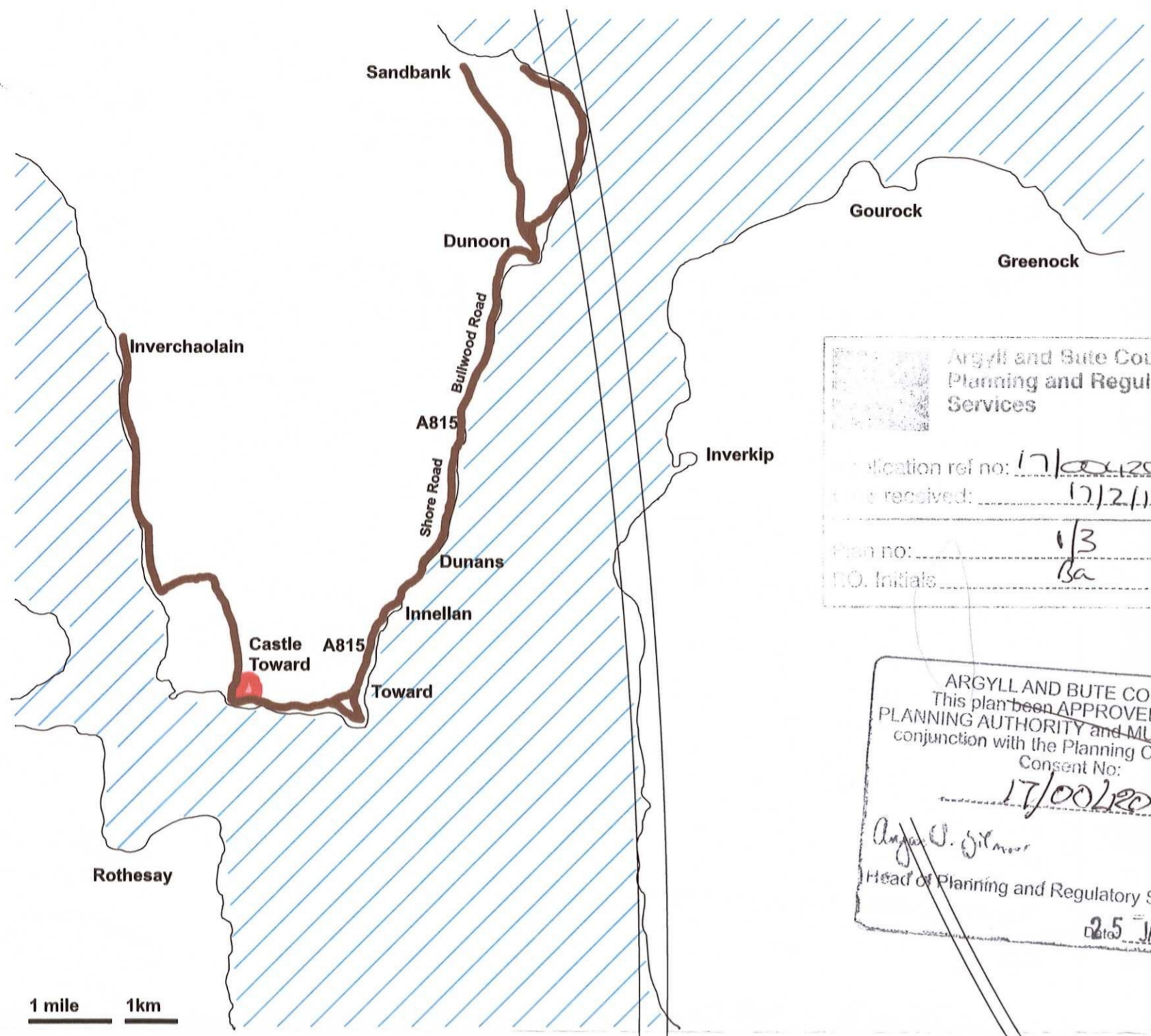
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**1544: CASTLE TOWARD**

Drawing Title:  
Proposed Cottages to Replace the Lost Single Lodge and Heather Cottage

Drawing Status:  
**PLANNING SUBMISSION**

Drawing Number:  
**1544\_L(P.4)400**

Scale: 1:2000 @ A1 Date: January 2017 Drawn: GP



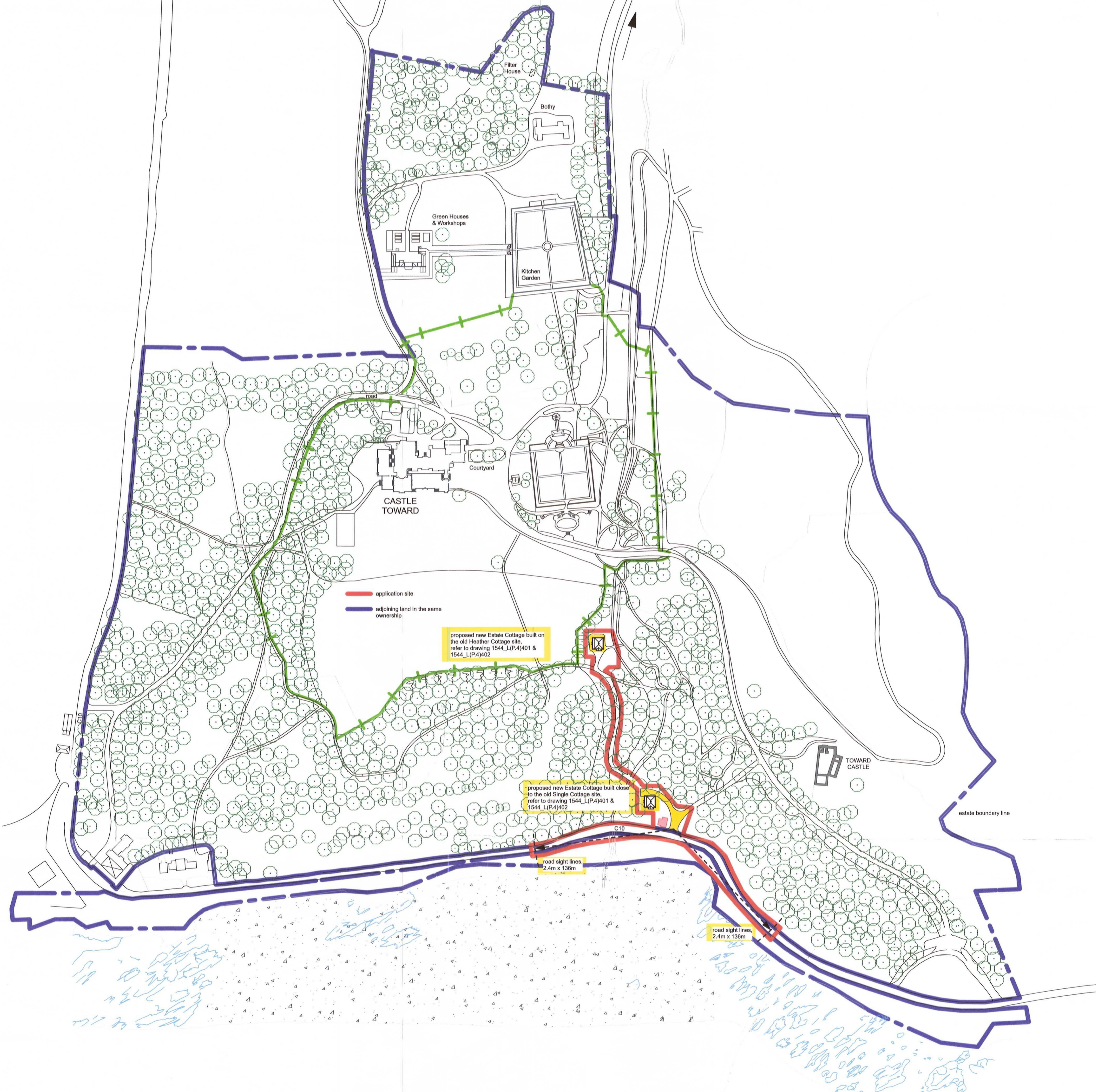
Argyll and Bute Council  
Planning and Regulatory  
Services

Application ref no: 17/00120/100  
Date received: 17/12/17

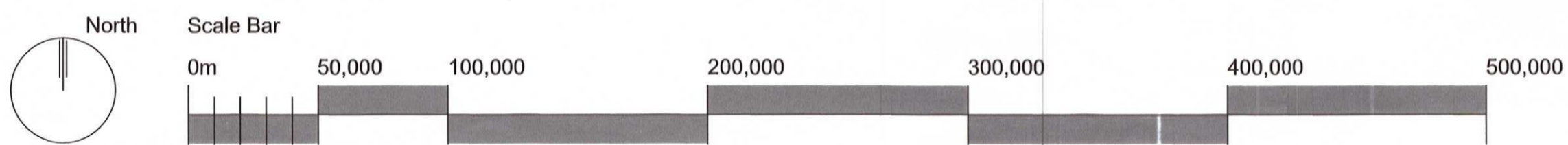
Plan No: 1/3  
D.O. Initials: [Signature]

ARGYLL AND BUTE COUNCIL  
This plan has been APPROVED by the  
PLANNING AUTHORITY and MUST be read in  
conjunction with the Planning Conditions of  
Consent No: 17/00120/100

[Signature]  
Head of Planning and Regulatory Services  
25 JAN 2018



SITE LAYOUT: PROPOSED ESTATE COTTAGES TO REPLACE THE LOST SINGLE LODGE AND HEATHER COTTAGE  
SCALE 1:2000



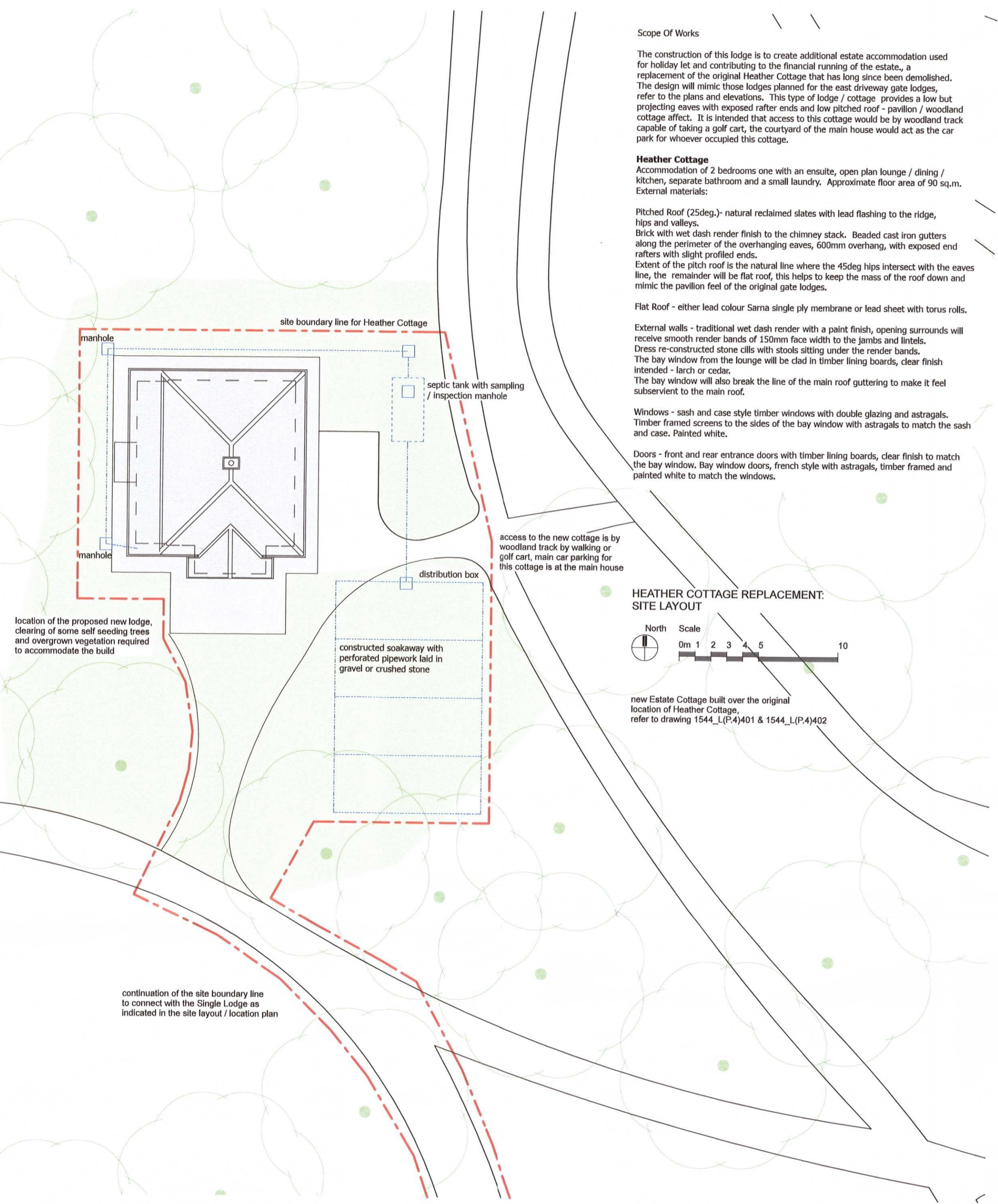
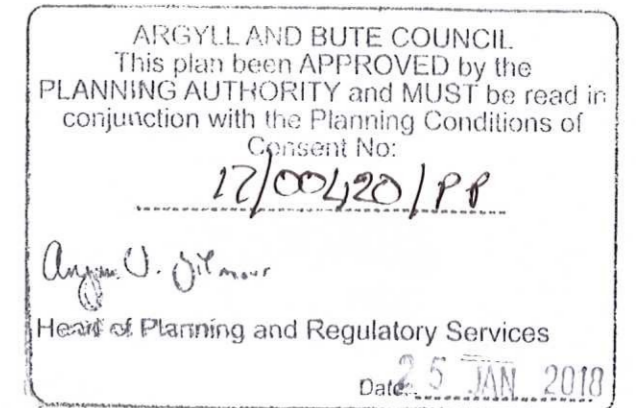
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**1544: CASTLE TOWARD**

Drawing Title:  
**Single Lodge and Heather Cottage Site Layouts**

Drawing Status:  
**PLANNING SUBMISSION**

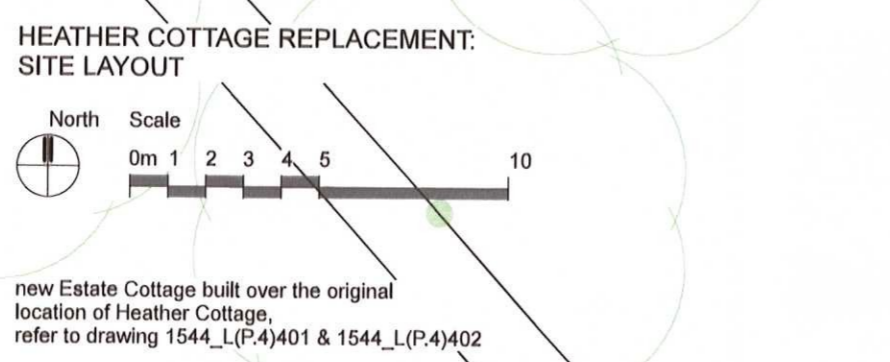
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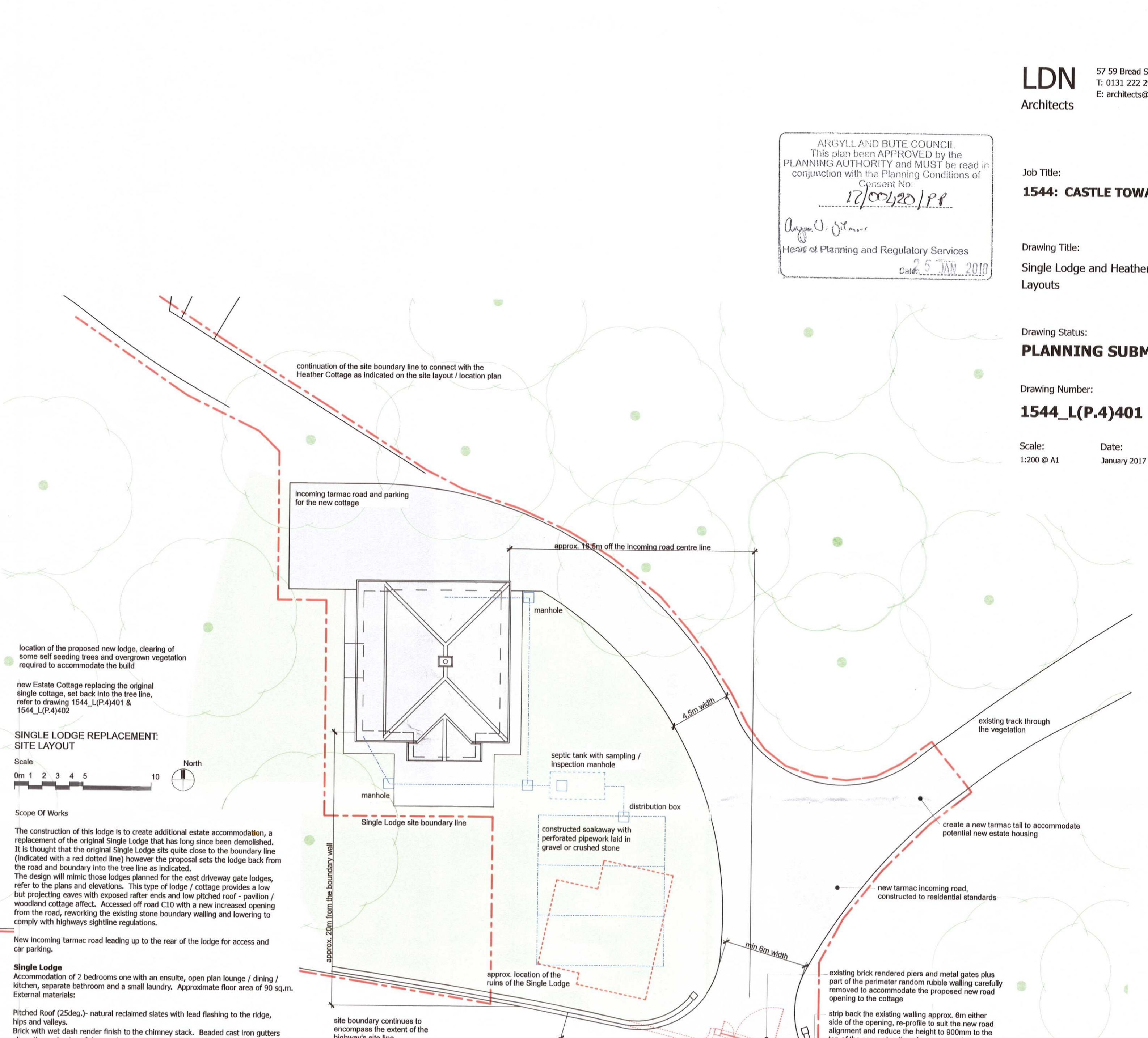


**Scope Of Works**  
 The construction of this lodge is to create additional estate accommodation used for holiday let and contributing to the financial running of the estate, a replacement of the original Heather Cottage that has long since been demolished. The design will mimic those lodges planned for the east driveway gate lodges, refer to the plans and elevations. This type of lodge / cottage provides a low but projecting eaves with exposed rafter ends and low pitched roof - pavilion / woodland cottage effect. It is intended that access to this cottage would be by woodland track capable of taking a golf cart, the courtyard of the main house would act as the car park for whoever occupied this cottage.

**Heather Cottage**  
 Accommodation of 2 bedrooms one with an ensuite, open plan lounge / dining / kitchen, separate bathroom and a small laundry. Approximate floor area of 90 sq.m.  
 External materials:  
 Pitched Roof (25deg.) - natural reclaimed slates with lead flashing to the ridge, hips and valleys.  
 Brick with wet dash render finish to the chimney stack. Beaded cast iron gutters along the perimeter of the overhanging eaves, 600mm overhang, with exposed end rafters with slight profiled ends.  
 Extent of the pitch roof is the natural line where the 45deg hips intersect with the eaves line, the remainder will be flat roof, this helps to keep the mass of the roof down and mimic the pavilion feel of the original gate lodges.  
 Flat Roof - either lead colour Sarna single ply membrane or lead sheet with torus rolls.  
 External walls - traditional wet dash render with a paint finish, opening surrounds will receive smooth render bands of 150mm face width to the jambs and lintels.  
 Dress re-constructed stone cills with stools sitting under the render bands.  
 The bay window from the lounge will be clad in timber lining boards, clear finish intended - larch or cedar.  
 The bay window will also break the line of the main roof guttering to make it feel subservient to the main roof.  
 Windows - sash and case style timber windows with double glazing and astragals. Timber framed screens to the sides of the bay window with astragals to match the sash and case. Painted white.  
 Doors - front and rear entrance doors with timber lining boards, clear finish to match the bay window. Bay window doors, french style with astragals, timber framed and painted white to match the windows.



new Estate Cottage built over the original location of Heather Cottage, refer to drawing 1544\_L(P.4)401 & 1544\_L(P.4)402



**Scope Of Works**  
 The construction of this lodge is to create additional estate accommodation, a replacement of the original Single Lodge that has long since been demolished. It is thought that the original Single Lodge sits quite close to the boundary line (indicated with a red dotted line) however the proposal sets the lodge back from the road and boundary into the tree line as indicated. The design will mimic those lodges planned for the east driveway gate lodges, refer to the plans and elevations. This type of lodge / cottage provides a low but projecting eaves with exposed rafter ends and low pitched roof - pavilion / woodland cottage effect. Accessed off road C10 with a new increased opening from the road, reworking the existing stone boundary walling and lowering to comply with highway sightline regulations.

**Single Lodge**  
 Accommodation of 2 bedrooms one with an ensuite, open plan lounge / dining / kitchen, separate bathroom and a small laundry. Approximate floor area of 90 sq.m.  
 External materials:  
 Pitched Roof (25deg.) - natural reclaimed slates with lead flashing to the ridge, hips and valleys.  
 Brick with wet dash render finish to the chimney stack. Beaded cast iron gutters along the perimeter of the overhanging eaves, 600mm overhang, with exposed end rafters with slight profiled ends.  
 Extent of the pitch roof is the natural line where the 45deg hips intersect with the eaves line, the remainder will be flat roof, this helps to keep the mass of the roof down and mimic the pavilion feel of the original gate lodges.  
 Flat Roof - either lead colour Sarna single ply membrane or lead sheet with torus rolls.  
 External walls - traditional wet dash render with a paint finish, opening surrounds will receive smooth render bands of 150mm face width to the jambs and lintels.  
 Dress re-constructed stone cills with stools sitting under the render bands.  
 The bay window from the lounge will be clad in timber lining boards, clear finish intended - larch or cedar.  
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 Doors - front and rear entrance doors with timber lining boards, clear finish to match the bay window. Bay window doors, french style with astragals, timber framed and painted white to match the windows.

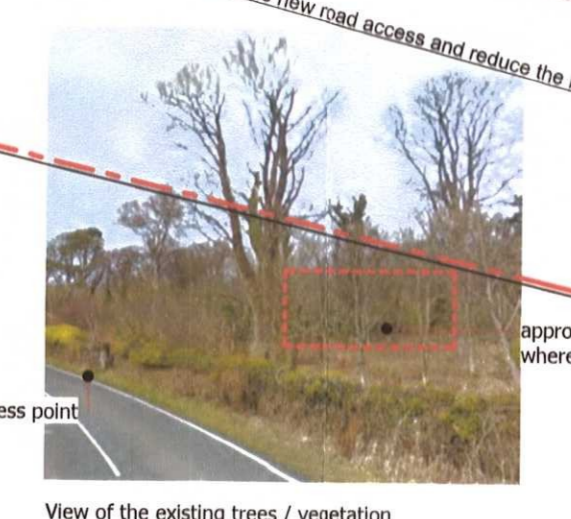


location of the proposed new lodge, clearing of some self seeding trees and overgrown vegetation required to accommodate the build

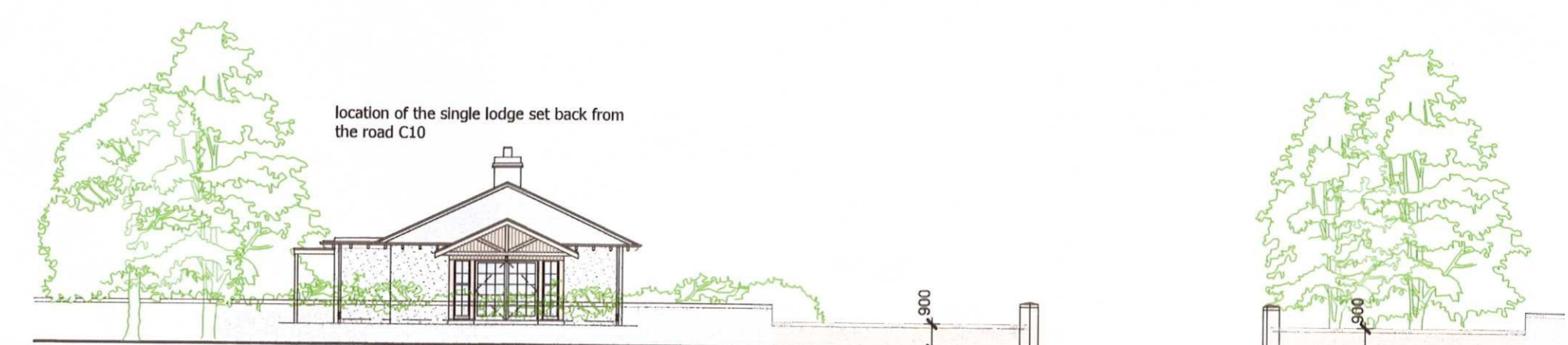
new Estate Cottage replacing the original single cottage, set back into the tree line, refer to drawing 1544\_L(P.4)401 & 1544\_L(P.4)402



View of the existing gate opening

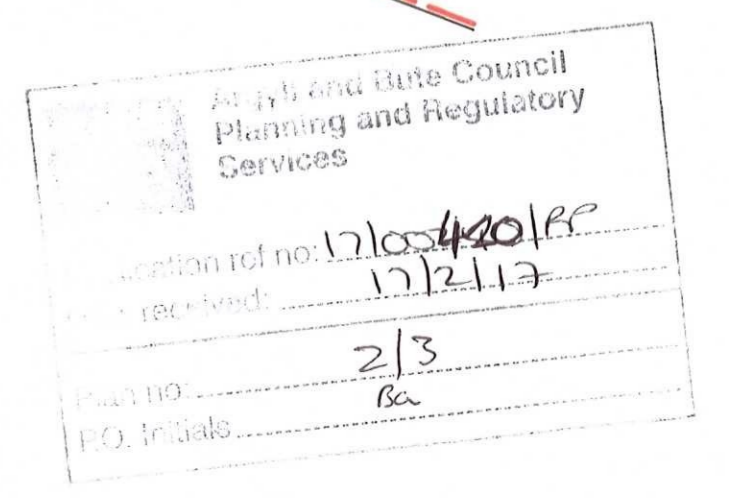


View of the existing trees / vegetation



ROAD SIDE ELEVATION OF THE SINGLE LODGE Scale 1:200

existing high level random rubble walling with stand stone copes  
 section of low level wall introduced to abut the existing high level, plus rendered pier  
 existing opening increased in width  
 section of low level wall introduced to abut the existing high level, plus rendered pier



Job Title:  
**1544: CASTLE TOWARD**

Drawing Title:  
 Single Lodge and Heather Cottage  
 Proposed Plans & Elevations

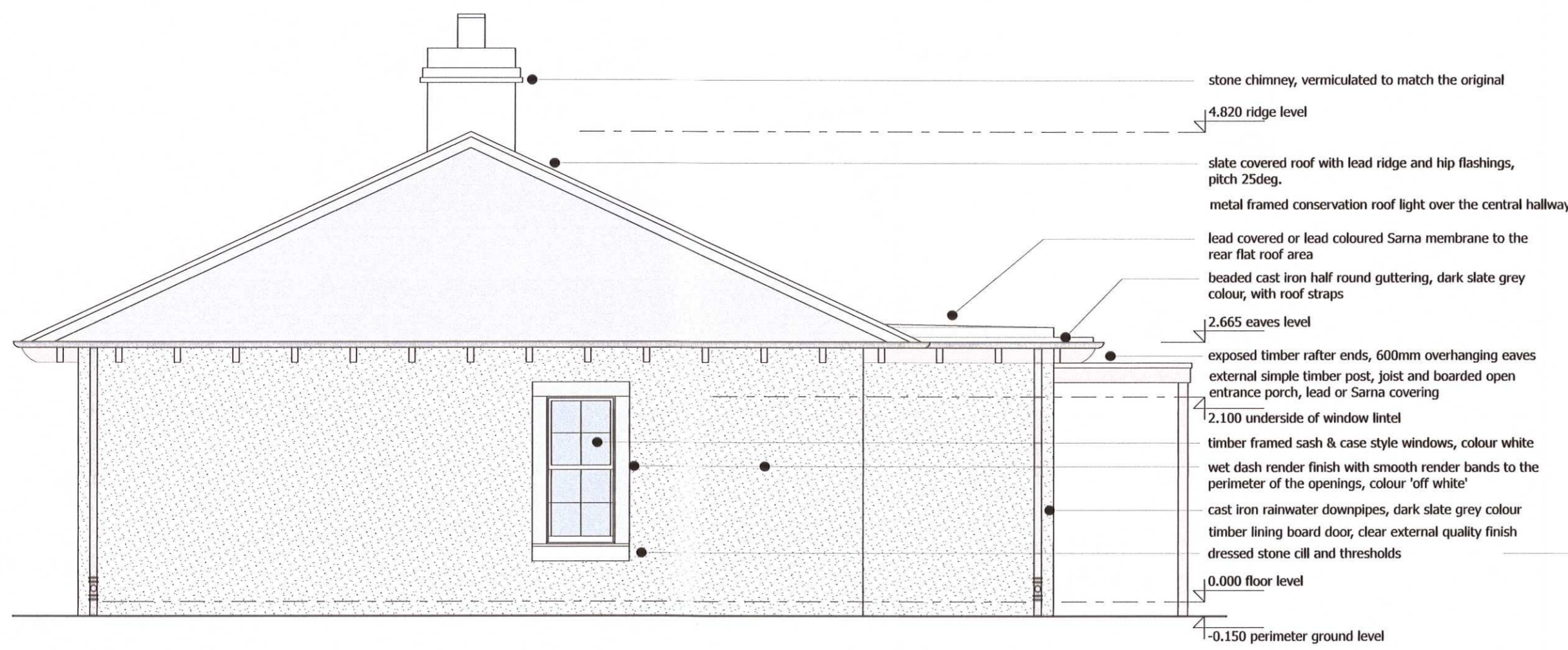
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**PLANNING SUBMISSION**

Drawing Number:  
**1544\_L(P.4)402**

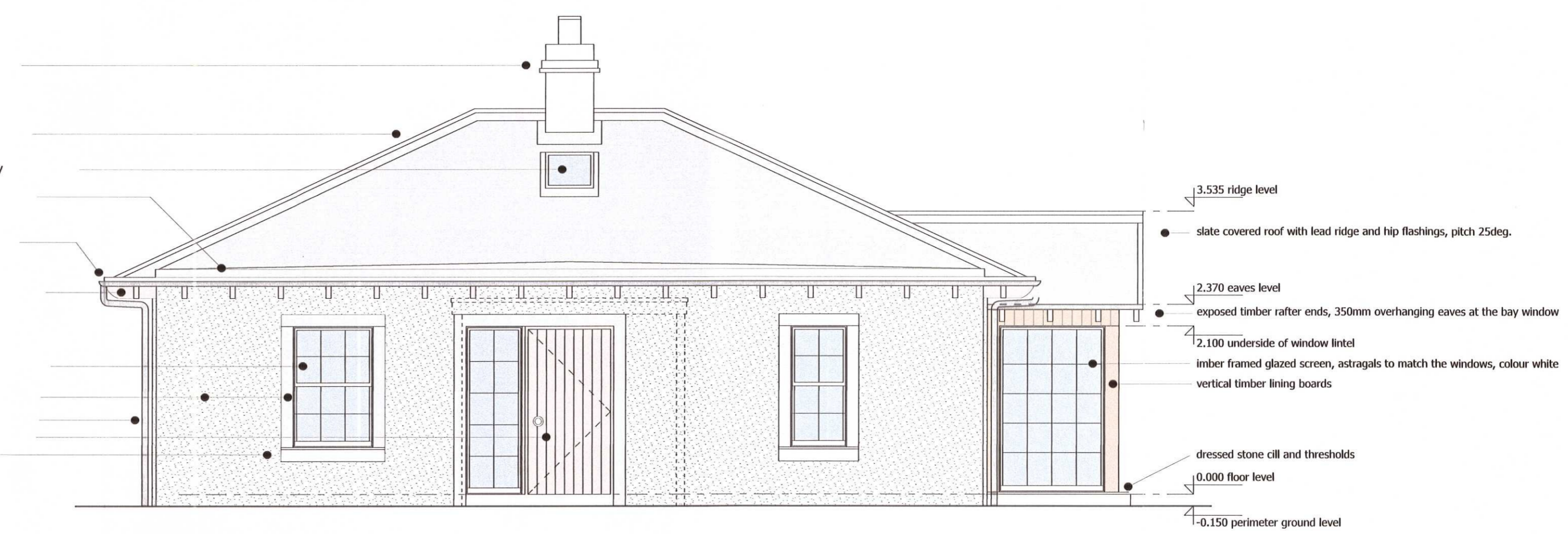
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ARGYLL AND BUTE COUNCIL  
 This plan has been APPROVED by the  
 PLANNING AUTHORITY and MUST be read in  
 conjunction with the Planning Conditions of  
 Consent No:  
 17/00620 JRP  
 C. J. Wilson  
 Head of Planning and Regulatory Services  
 Date: 17/12/13

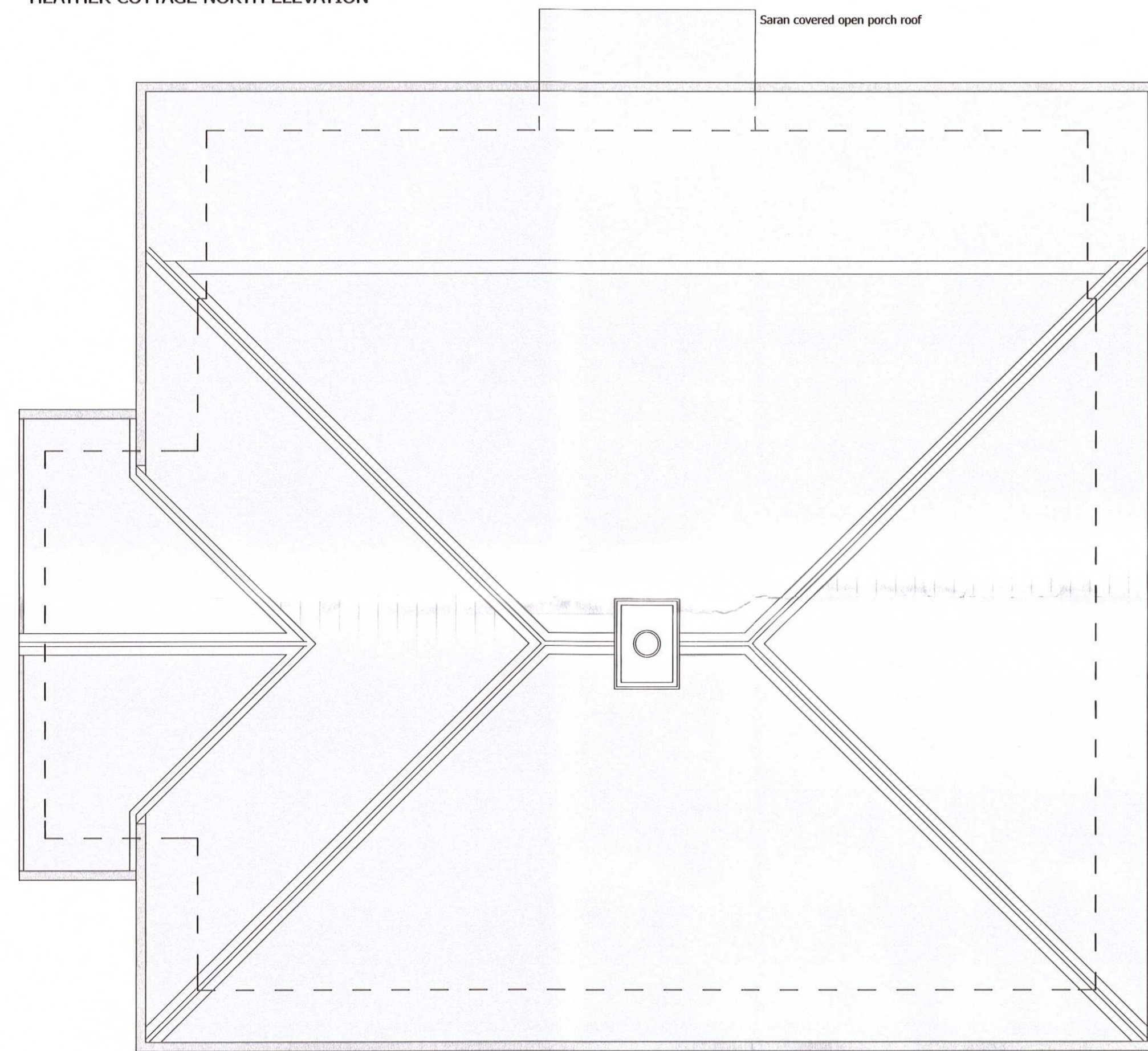
Application ref no: 17/00620 JRP  
 Date received: 17/12/13  
 Plan no: 3/3  
 P.O. in: Ba



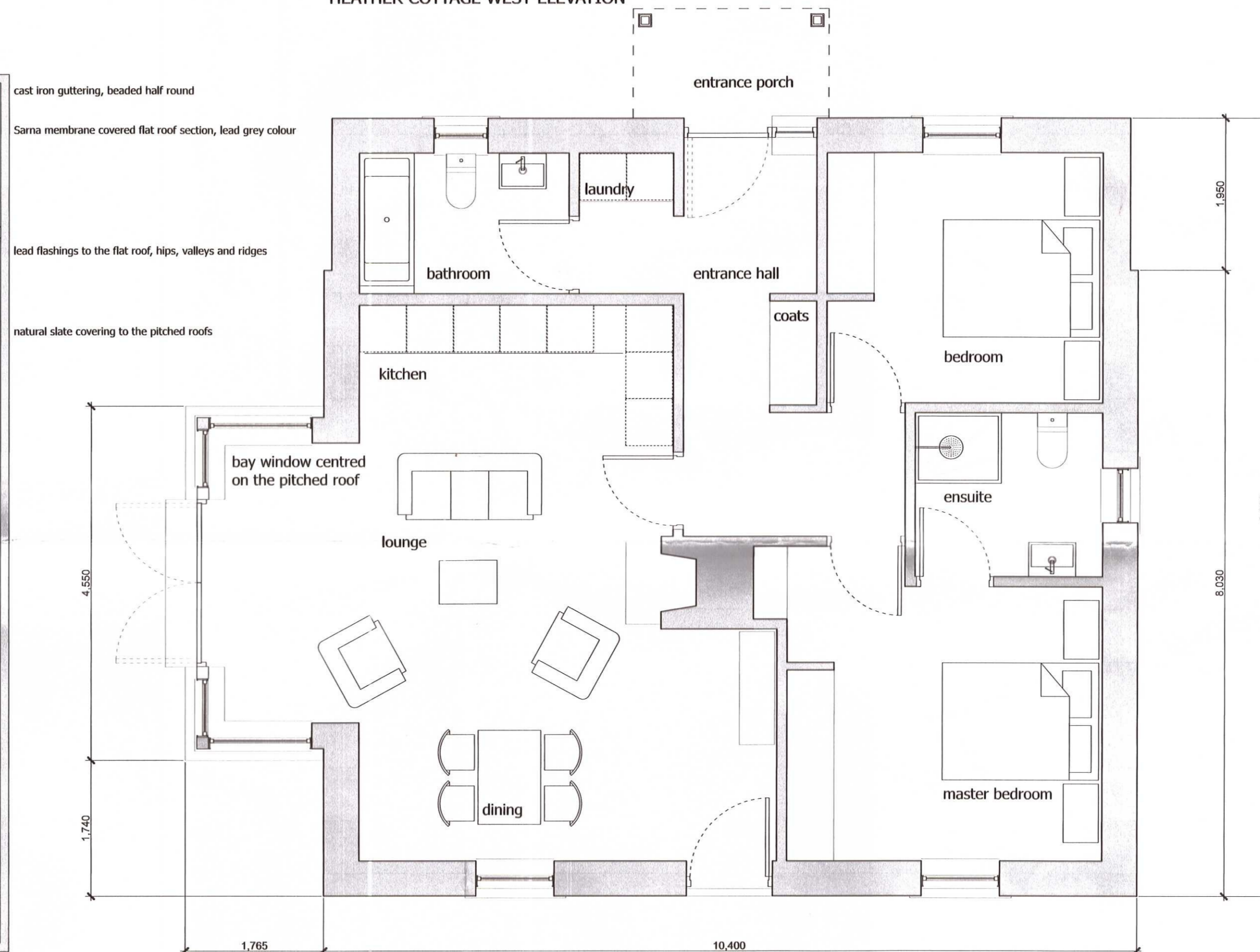
SINGLE LODGE NORTH ELEVATION  
 HEATHER COTTAGE NORTH ELEVATION



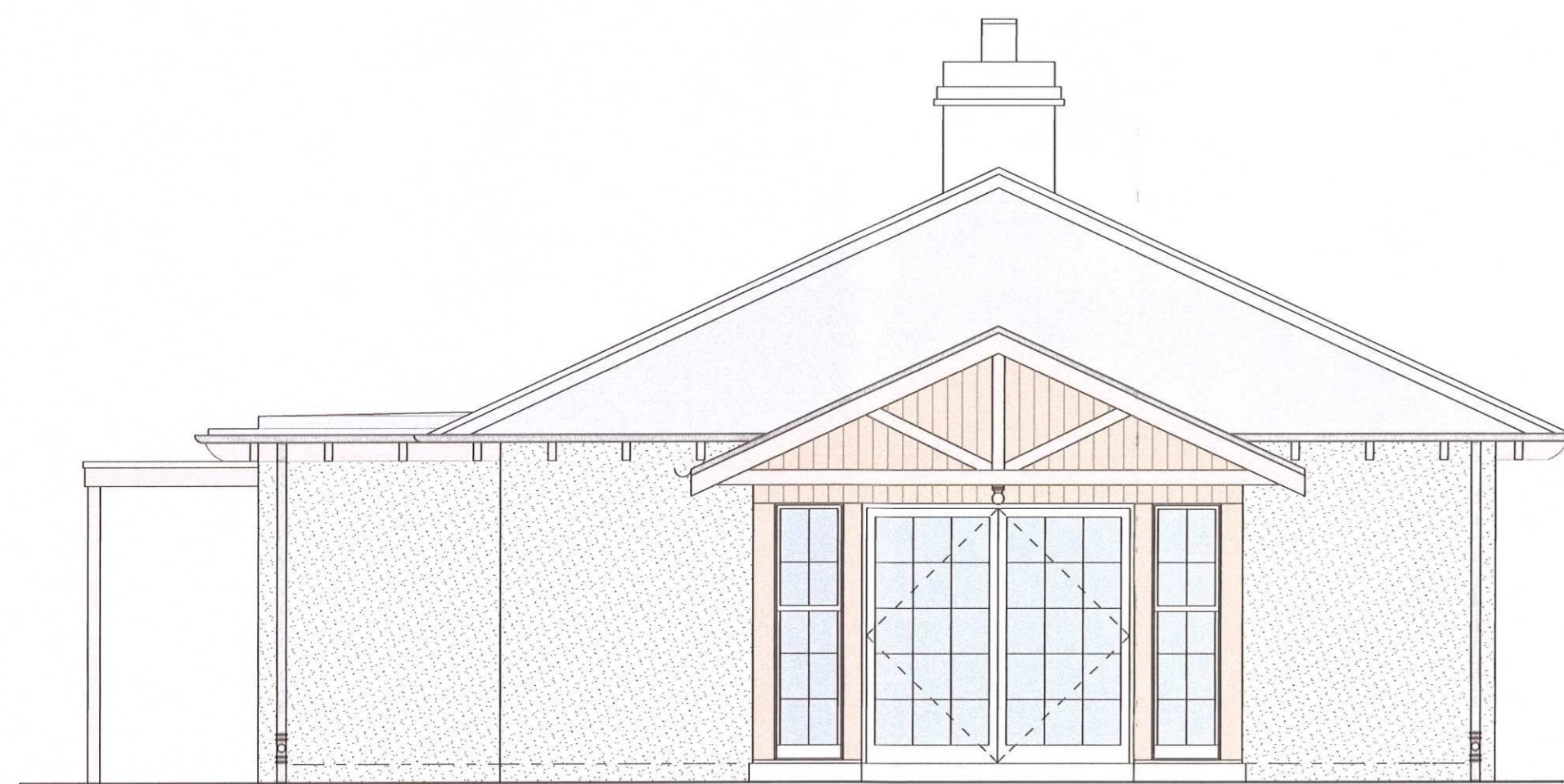
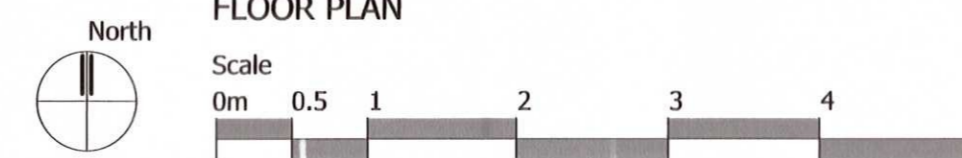
SINGLE LODGE WEST ELEVATION  
 HEATHER COTTAGE WEST ELEVATION



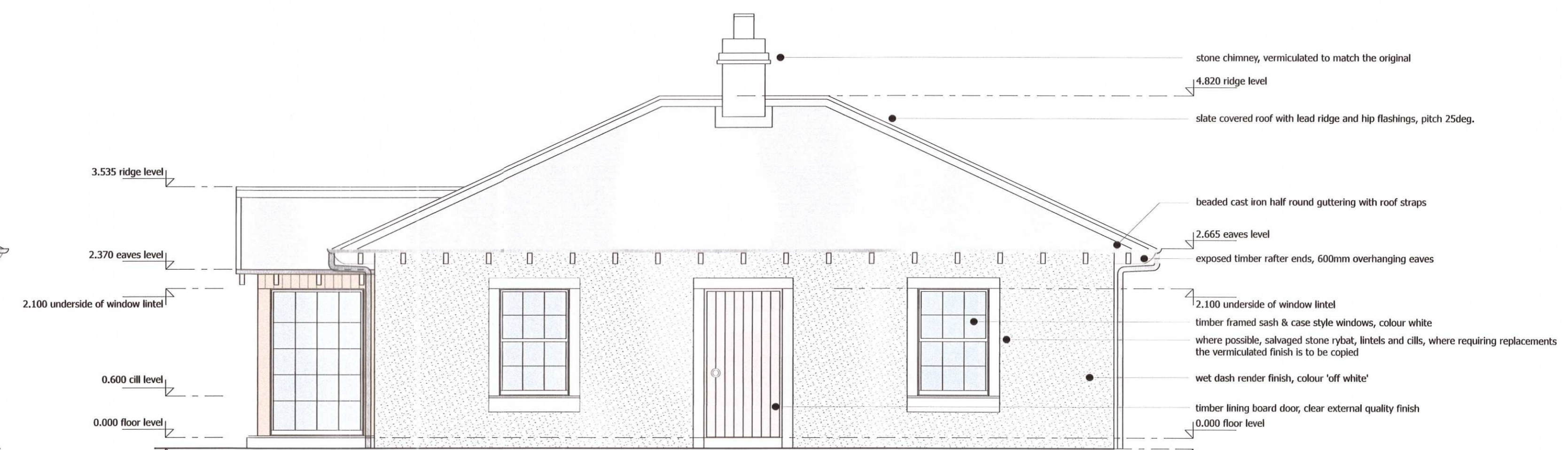
ROOF PLAN



FLOOR PLAN



SINGLE LODGE SOUTH ELEVATION  
 HEATHER COTTAGE SOUTH ELEVATION



SINGLE LODGE EAST ELEVATION  
 HEATHER COTTAGE EAST ELEVATION

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**Innis, Lynsey**

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**From:** Fraser, Pamela  
**Sent:** 27 April 2018 16:32  
**To:** Innis, Lynsey  
**Subject:** FW: Local Review Body Reference: 18/0004/LRB, PLanning Application Reference: 17/00420/PP [OFFICIAL]  
**Attachments:** Notice of Review and supporting documentation 1.pdf; Notice of Review and supporting documentation 2.pdf; Notice of Review and supporting documentation 3.pdf; Signed letter to interested parties.pdf; Signed AB3 form.pdf

Good afternoon Lynsey

In response to your e-mail below please treat this as notification that Env. Health will not be submitting a representation in connection with this review.

Kind regards

Pamela Fraser  
Environmental Health Officer  
Environmental Health East  
Planning Housing & Regulatory Services  
Argyll & Bute Council  
22 Hill Street  
Dunoon PA23 7AP

T: 01369 708686

E: [Pamela.Fraser@argyll-bute.gov.uk](mailto:Pamela.Fraser@argyll-bute.gov.uk)

W: [www.argyll-bute.gov.uk](http://www.argyll-bute.gov.uk)

---

**From:** envhealtheast  
**Sent:** 25 April 2018 11:48  
**To:** Fraser, Pamela <[Pamela.Fraser@argyll-bute.gov.uk](mailto:Pamela.Fraser@argyll-bute.gov.uk)>  
**Subject:** FW: Local Review Body Reference: 18/0004/LRB, PLanning Application Reference: 17/00420/PP [OFFICIAL]

**Classification: OFFICIAL**

Hi Pamela

I have attached this as a service request under the original planning consultation request which was 17/00405/PLANS

Di

---

**From:** EnvHealth\_BandC  
**Sent:** 24 April 2018 13:57  
**To:** envhealtheast  
**Subject:** FW: Local Review Body Reference: 18/0004/LRB, PLanning Application Reference: 17/00420/PP

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**From:** Innis, Lynsey  
**Sent:** 24 April 2018 13:56:28 (UTC) Dublin, Edinburgh, Lisbon, London  
**To:** 'roadsconBC@argyll-bute.gov.uk'; [planningconsultations@scottishwater.co.uk](mailto:planningconsultations@scottishwater.co.uk); EnvHealth\_BandC; 'hmconsultations@hes.scot'; Curran-Colthart, Marina; 'panda.cons@forestry.gsi.gov.uk'; 'trybis@yahoo.co.uk'  
**Subject:** Local Review Body Reference: 18/0004/LRB, PLanning Application Reference: 17/00420/PP

Good Afternoon

**LOCAL REVIEW BODY REFERENCE: 18/0004/LRB**  
**PLANNING APPLICATION REFERENCE: 17/00420/PP**  
**CASTLE TOWARD ESTATE, DUNOON, PA23 7UH**

Please find attached the intimation to interested parties of receipt of Notice of Request for review (AB3 form), letter and copy of the AB1 form together with supporting documentation. I would advise that the deadline for representations is Tuesday, 8<sup>th</sup> May 2018. Should you not wish to submit representations, I would be obliged if you could make contact advising of this at your earliest convenience.

Kind Regards

**Lynsey**

Lynsey Innis  
Senior Committee Assistant  
Kilmory  
Lochgilphead  
PA31 8RT  
Tel: 01546 604338  
Email: [lynsey.innis@argyll-bute.gov.uk](mailto:lynsey.innis@argyll-bute.gov.uk)



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

**NOT PROTECTIVELY MARKED**

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

**OFFICIAL**

*Routine public sector business, operations and services.*

**OFFICIAL-SENSITIVE**

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

**OFFICIAL-SENSITIVE PERSONAL**

*Particularly sensitive information that can be shared on a need to know basis relating to an identifiable individual, where inappropriate access or release could have damaging consequences. For example, where relating to investigations, vulnerable individuals, or the personal / medical records of people.*

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**By email to: [lynsey.innis@argyll-bute.gov.uk](mailto:lynsey.innis@argyll-bute.gov.uk)**

Longmore House  
Salisbury Place  
Edinburgh  
EH9 1SH

Lynsey Innis  
Senior Committee Assistant  
Kilmory  
Lochgilphead  
PA31 8RT

Enquiry Line: 0131 668 8716  
[HMAppeals@hes.scot](mailto:HMAppeals@hes.scot)

Our ref: HGP/D/SA/10  
Our Case ID:300027875  
Your ref:18/0004/LRB  
07 May 2018

Dear Sir/Madam

**Notification of Local Review Body Hearing on:  
Castle Toward Estate, Dunoon**

We have been notified of the above review of the decision to approve planning permission with conditions.

We have made previous comments in relation to this proposal and have nothing further to add. I attach a copy of our previous correspondence for ease of reference.

If the Review Body has specific questions where our expertise would be useful we will be happy to provide further submissions in response to these.

Yours faithfully

**Historic Environment Scotland**

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**By email to: [planning.bandc@argyll-bute.gov.uk](mailto:planning.bandc@argyll-bute.gov.uk)**

Longmore House  
Salisbury Place  
Edinburgh  
EH9 1SH

Argyll & Bute Council (Dunoon)  
Milton House  
Milton Avenue  
Dunoon  
PA23 7DU

Enquiry Line: 0131-668-8716  
HMConsultations@hes.scot

Our ref: HGP/D/SA/16  
Our Case ID: 201606124  
Your ref: 17/00420/PP  
03 March 2017

Dear Sirs

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

Castle Toward, Toward, Argyll and Bute -

Thank you for your consultation which we received on 20 February. We have assessed it for our historic environment interests and consider that the proposals have the potential to affect the following:

<b>Ref</b>	<b>Name</b>	<b>Designation Type</b>
M300	Toward Castle	Scheduled Monument
B51865	CASTLE TOWARD, WALLED GARDEN TO EAST, WALLED GARDEN TO NORTH AND GLASSHOUSE AND WORKSHOP RANGE	Listed Building
G00097	CASTLE TOWARD	Inventory Garden and Designed Landscape

You should also seek advice from your archaeology and conservation service for matters including unscheduled archaeology and category B and C-listed buildings.

**Our Advice**

We have considered the information received and do not have any comments to make on the proposals. Our decision not to provide comments should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance.

**Further Information**

This response applies to the application currently proposed. An amended scheme may

require another consultation with us.

Guidance about national policy can be found in our 'Managing Change in the Historic Environment' series available online at [www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes](http://www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes). Technical advice is available on our Technical Conservation website at <http://conservation.historic-scotland.gov.uk>.

Please contact us if you have any questions about this response.

Yours faithfully

**Historic Environment Scotland**

**Innis, Lynsey**

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**From:**  
**Sent:** 07 May 2018 09:19  
**To:** localreviewprocess  
**Cc:** Innis, Lynsey; Price-Williams, Adele  
**Subject:** Representation - 18-0004-LRB 17-00420-PP Erection of 2 lodges  
**Attachments:** Response to 18-0004-LRB 17-00420-PP Erection of of 2 lodges.pdf

I wish to make a representation concerning "18-0004-LRB 17-00420-PP Erection of 2 lodges", please see the attached pdf file.

Can you please confirm receipt of this email, that you have been able to read the attachment, and that the representation will be considered by the LRB.

Mr R Trybis  
Toward  
PA23 7UA

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**Response to 18-0004-LRB 17-00420-PP Erection of 2 lodges**

It is requested that condition 11 of the consent be retained as allowing the properties to be used as Principal or Main Dwellings would reduce public access, be detrimental to the countryside and open spaces and lead to the fragmentation of Castle Toward estate.

**Comments on Conditions**

**Condition 11:**

11. The lodges hereby approved shall be used for holiday occupancy only and shall not be used as a principal or main dwelling.

Reason: In order to define the permitted occupancy having regard to the amenities available and in order to comply with the provisions of policy SG LDP TOUR 1 of the Argyll and Bute Local Development Plan.

**Comment on 11:**

Appendix A below clearly shows how the two lodges and associated access abut with the A815 on one side and the Deer Fencing on the other. The effect is to cleave the east and west sides of the estate apart. At present there is no Access Plan for the estate although such a plan is a condition of a retrospective planning consent granted for the Deer Fencing.

The drawing in Appendix A shows some but not all of the estate paths, and the lodge development affects a number of them. It also impacts the band that can be seen which is relatively free from trees. That band follows the general line of electricity supply poles, it is used as a path and it has a gate (not shown), at its west end, giving entry from the A815. Appendix B more clearly show the band and the location of its gate.

Permitting the lodges to become principal or main dwellings would result in much reduced public access as there would be claims of curtilage and private property etc. In this regard the Applicants are actually suggesting that the properties could have larger gardens and increased road access which would make the situation worse.

Whilst some properties may have been granted planning without a restriction on becoming main dwellings these have been peripheral to the estate. **The lodges are fundamentally different because of the way they sub-divide the estate.**

It is also worth considering that the Applicants intend to construct a lake in the area. Regarding the lake Historic Scotland comment that it;

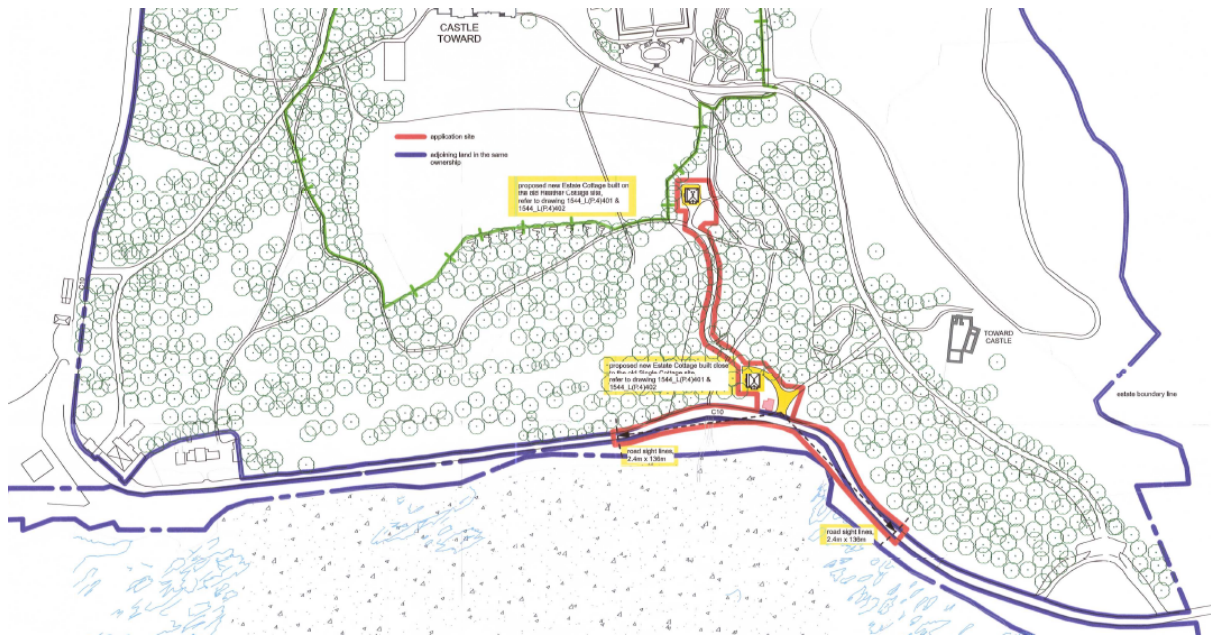
“...would represent a significant change to the area south of the house, **of which there is no historical precedent.** This area is currently wooded, but is shown on 19th century maps as parkland partially enclosed by woodland, which acted as a frame for views of Castle Toward from the south. Creating a lake in this location will require a large amount of earth movement and landscaping.

The lake will further restrict public access.

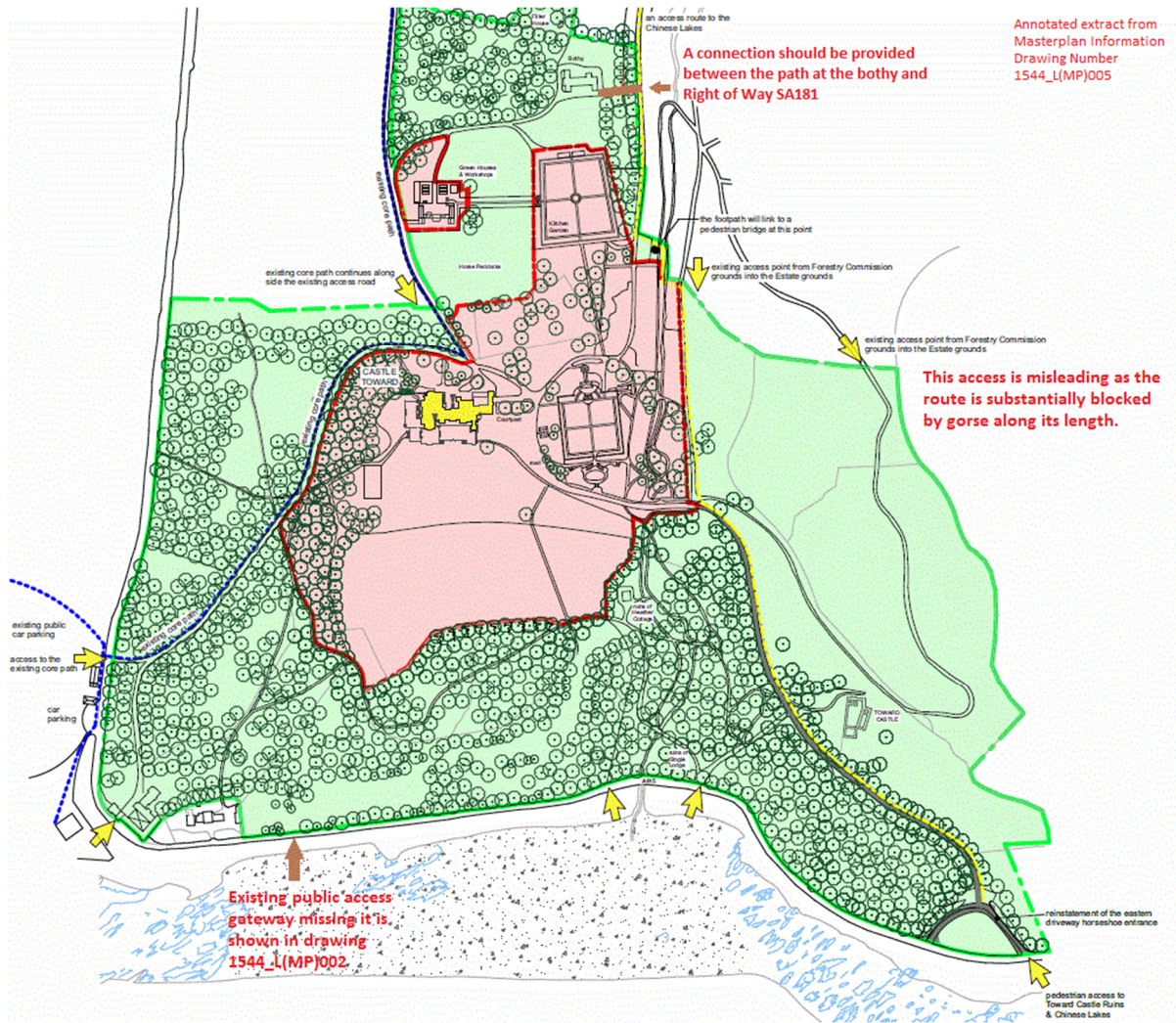
The Applicants state that the possibility of the constraint was not mentioned by Council Officers and that having the constraint may affect their ability to finance the development. If being able to use the buildings as main dwellings was fundamental to the development then surely the onus was on the applicants to lodge a suitable planning application in the first place. The issue of finance should not be a consideration when planning conditions are being considered and the fact that it is being raised in this review, and the review of Deer Fencing, and that £310,000 of the purchase price was only payable if some consents were granted is starting to make the planning process look less than transparent.



**APPENDIX A**



**APPENDIX B**



Annotated extract from Masterplan Information Drawing Number 1544\_L(MP)005

A connection should be provided between the path at the bothy and Right of Way SA181

This access is misleading as the route is substantially blocked by gorse along its length.

Existing public access gateway missing it is shown in drawing 1544\_L(MP)002

**Innis, Lynsey**

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**From:** Keith Punler  
**Sent:** 23 May 2018 14:31  
**To:** localreviewprocess  
**Cc:** Innis, Lynsey; 'Castle Toward'  
**Subject:** FW: Castle Toward Estate, Dunoon, PA23 7UH - Review Reference Number 18/0004/LRB (Planning Ref: 17/00420/PP) [OFFICIAL]  
**Attachments:** Signed AB3a Form.pdf; Planning - Statement of Case.doc; Historic Environment Scotland Response.pdf; Historic Environment Scotland Response Appendix.pdf; Robert Trybis Response.pdf  
**Importance:** High

Dear Sirs

I refer to the Local Review ref 18/0004/LRB and the submissions attached.

We have the following additional comments based on the information contained in the submissions:

**a) Statement of Case by Planning Department**

The officer in his submission makes the point that the properties as applied for “are considered to be acceptable as holiday lets ... they lacked sufficient details on what would normally be expected for mainstream dwellinghouses ie clearly defined domestic curtilage, clearly defined amenity spaces ....” etc.

Attention in this regard is drawn to condition 12 of the consent:

“Prior to the commencement of works details of the boundary treatment that will demark the garden / curtilage ground of the lodges shall be submitted to the planning authority for approval.”

We consider that this would give the planning officer a chance for further review of the proposals prior to development commencing, without the need for imposing condition 11 on the basis of the suitability of the boundary treatment and curtilage

The Report on Handling confirms the “principle of limited residential development within the estate grounds....consistent with settlement strategy.... and masterplan”.

The scale of undertaking of the redevelopment of Castle Toward Estate is substantial with significant investment already, had the planning department worded the application upon receipt of the application as for “two holiday lodges” this would have been picked up and queried, notwithstanding what information had been submitted by our agents in the initial application.

The roads department have included comments that would relate to the properties as if they were residential dwellings

**b) Comments from objector Mr R Trybis**

Mr Trybis continues to object to development on Castle Toward Estate without any substance. The basis of his comments in connection with this most recent correspondence from him are that the removal of condition 11 would “reduce public access, be detrimental to the countryside and open spaces and lead to the fragmentation of Castle Toward estate”

Public access to the estate will be unaffected whether the properties are developed as holiday homes or mainstream dwellings, as in any event the properties will have only modest allocated amenity space attaching to them. Care has been taken in the design of the properties to ensure a sympathetic approach

which will enhance the estate, and they are both located in areas that have become badly overgrown and un-managed for around sixty years. It is infact quite the opposite of Mr Trybis's comments as the removal of condition 11 will allow us as estate owners to continue to invest in the restoration of these historic grounds. The two properties are set some distance apart and will have no meaningful impact on public access within the lower part of the estate grounds. Mr Trybis's comments about "much reduced public access" are therefore inaccurate and misleading.

Other comments by Mr Trybis are not considered relevant.

It remains our view that the properties as applied for are eminently suitable for mainstream residential dwellings and condition 11 should therefore be deleted

Kind regards  
Keith and Denice Punler

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**From:** Innis, Lynsey  
**Sent:** 10 May 2018 09:36  
**To:** Keith Punler  
**Cc:** localreviewprocess <localreviewprocess@argyll-bute.gov.uk>  
**Subject:** Castle Toward Estate, Dunoon, PA23 7UH - Review Reference Number 18/0004/LRB (Planning Ref: 17/00420/PP) [OFFICIAL]  
**Importance:** High

Classification: OFFICIAL

Good Morning Mr Pulner

Please find attached herewith the intimation to applicant of representations received form (AB3a form) together with the representations, in respect of the above case. Should you wish to make comment regarding the representations, please forward this either by email to [localreviewprocess@argyll-bute.gov.uk](mailto:localreviewprocess@argyll-bute.gov.uk) or in writing to the Local Review Body, Customer Services, Argyll and Bute Council, Kilmory, Lochgilphead, PA31 8RT **no later than Thursday, 24<sup>th</sup> May 2018**, being 14 days after the date of this notice.

Kind Regards

*Lynsey*

Lynsey Innis  
Senior Committee Assistant  
Kilmory  
Lochgilphead  
PA31 8RT  
Tel: 01546 604338  
Email:

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