



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

19 November 2018

NOTICE OF MEETING

A meeting of the **ARGYLL AND BUTE LOCAL REVIEW BODY** will be held in the **COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD** on **MONDAY, 26 NOVEMBER 2018** at **9:30 AM**, which you are requested to attend.

Douglas Hendry
Executive Director of Customer Services

BUSINESS

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATIONS OF INTEREST**
3. **CONSIDER NOTICE OF REVIEW REQUEST: LAND EAST OF CAMIS ESKAN FARMHOUSE, HELENSBURGH (REF: 18/0009/LRB)**
 - (a) Notice of Review and Supporting Documentation (Pages 3 - 78)
 - (b) Comments from Interested Parties (Pages 79 - 84)
 - (c) Comments from Applicant (Pages 85 - 88)

ARGYLL AND BUTE LOCAL REVIEW BODY

Councillor Rory Colville
Councillor Roderick McCuish

Councillor Audrey Forrest

Contact: Adele Price-Williams 01546 604480

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Central Validation Team at Argyll and Bute Council 1A Manse Brae Lochgilphead PA31 8RD Tel: 01546 605518 Email: planning.hq@argyll-bute.gov.uk

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

Thank you for completing this application form:

ONLINE REFERENCE 100140503-001

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

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:

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

First Name: * Building Name:

Last Name: * Building Number:

Telephone Number: * Address 1 (Street): *

Extension Number: Address 2:

Mobile Number: Town/City: *

Fax Number: Country: *

Postcode: *

Email Address: *

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Parbroath Farm"/>
First Name: *	<input type="text"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text"/>	Address 1 (Street): *	<input type="text" value="na"/>
Company/Organisation	<input type="text" value="Rainheath Limited"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Cupar"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="KY15 4NS"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

Site Address Details

Planning Authority:

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing Easting

Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

REBUILDING OF BARN AND THE FORMATION OF TWO DWELLINGS AND GARAGES

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

See submitted Grounds for Review

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Grounds for Review, Supporting Planning Statement, Drawings 2018_0004/01 - 07

Application Details

Please provide details of the application and decision.

What is the application reference number? *

18/01382/PP

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

14/06/2018

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

16/08/2018

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be a combination of procedures.

Please select a further procedure *

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

It is essential the the site is inspected in order to assess its current appearance, and also to confirm that it is not "isolated" and the the re-building of the barn for form two dwellings would not therefore result in "sporadic" development.

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

If there are reasons why you think the local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Michael Hyde

Declaration Date: 15/10/2018

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**Argyll and Bute Council
Development and Infrastructure Services**

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

Reference No: 18/01382/PP
Planning Hierarchy: Local Application
Applicant: Rainheath Limited
Proposal: Erection of 2 dwellinghouses
Site Address: Land East Of Camis Eskan Farmhouse, Helensburgh, Argyll and Bute

DECISION ROUTE

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

(A) THE APPLICATION

a.i) **Development Requiring Express Planning Permission**

Erection of 2 dwellinghouses

(B) RECOMMENDATION:

Refuse

(C) HISTORY:

01/02061/COU Conversion of farm buildings to form 4 dwellings – Approved 6.6.02

05/00742/PP – Demolition of shed and erection of 2 Dwellings – Withdrawn 10.3.2006

06/00085/COU - Conversion of barn into 2 dwelling houses – Approved 30.1.07

07/00444/ERECDW – Building warrant approval for demolition of barn and erection of two dwelling houses .Building Standards have no information on a start date or any inspection notes in respect of the previous barn or the current partial foundations constructed on the site. No notification of commencement of development.

15/01652/PP Erection of 2 dwellinghouses - Refused 31.08.2015

(D) CONSULTATIONS:

Roads Helensburgh and Lomond - 16.08.2018 – No objections.

Scottish Water - 02.07.2018 - No objections

Helensburgh Community Council advise support for the two new houses in this location.

(E) PUBLICITY:

Advert Type: Regulation 20 Advert Local Application

Expiry Date: 02.08.2018

(F) REPRESENTATIONS:

i) Representations received from:

1. Mr Chris Muskett, Dairy Cottage, 5 Camis Eskan Farm, Helensburgh. Submitted two letters on 02.08.2018 objecting to the proposal.
2. Mr Charles Carver, Stables Cottage, Camis Eskan Farm, Helensburgh on 03.07.2018 neither objecting to or in support of the proposal.

ii) Summary of issues raised:

Would like to ensure the original barn stone facing be re-used.

Comment – The stonework retention and re-use can be subject to a safeguarding condition if the Council were to grant planning permission.

Access into the courtyard round the north-east side of the garage pertaining to No2 is narrow. Would like this roadway completed at full width.

Comment– The completion of the roadway is a matter than can be dealt with by way of compliance with conditions in relation to the original planning permission for the conversion of farm buildings to form 4 dwellings associated parking areas and formation of passing places on access road (ref 01/02061/COU).

This site has resulted in greater impact upon privacy than the previous refused planning application 16/01652/PP as the driveway access to the eastern property will be adjacent to my bedroom window.

Comment – The habitable room window to window distance threshold has been met. The location of a driveway adjacent to a neighbouring property is not a material consideration that would affect residential amenity.

(G) SUPPORTING INFORMATION

- i) Environmental Statement: Not Required
- ii) An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994: N
- iii) A design or design/access statement: Y
- iv) A report on the impact of the proposed development e.g. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:

The supporting planning statement submitted alongside the application highlights the following;

The proposal should be regarded as a minor departure and supported using the following as material considerations;

1. Paragraph 83 of the SPP states that in remote rural areas, where new development can often help to sustain fragile communities, plans and decision-making should, where appropriate, allow the construction of single houses outwith settlements provided they are well sited and designed to fit with local landscape character, taking account of landscape protection and other plan policies.

Comment – *The surrounding area is not considered to be a fragile community.*

- 2 The site is classified as brownfield land. The generally accepted definition of 'previously developed, or 'brownfield' land is that this is land which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure. Scottish Planning Policy advises that LPAs should always consider the re-

use or re-development of brownfield land before new development takes place on greenfield sites. Similarly, Planning Advice Note 73 states:

“Development Plan policies should encourage rehabilitation of brownfield sites in rural areas and in appropriate locations allow for their re-development. Brownfield sites are broadly defined as sites that have previously been developed. In rural areas this usually means sites that are occupied by redundant or unused buildings or where the land has been significantly degraded by a former activity”.

Comment – The site is not recognised as a brownfield site, it is identified in the adopted development plan as Greenbelt.

(H) PLANNING OBLIGATIONS

None Required

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

No

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

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

LDP DM1 – Development within the Development Management Zones

LDP 9 – Development Setting, Layout and Design

SG LDP SERV 1 – Private Sewerage Treatment Plants and Wastewater (i.e. drainage) systems

SG LDP SERV 2 – Incorporation of Natural Features / Sustainable Systems (SUDS)

SG LDP SERV 6 – Private Water Supplies and Water Conservation

SG LDP TRAN 4 – New and Existing, Public Roads and Private Access Regimes

SG LDP TRAN 6 – Vehicle Parking Provision

(ii) List of all other material planning considerations taken into account in the assessment of the application, having due regard to Planning Series Circular 3/2013: Development Management Procedures

Scottish Planning Policy (SPP)

(K) Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment

No

(L) Has the application been subject of statutory pre-application consultation (PAC):

No Pre-application consultation required

(M) Has a sustainability check list been submitted:

No

(N) Does the Council have an interest in the site:

No

(O) Requirement for hearing :

No

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

The application site is located in a remote hillside location within the general environs of a historic farm complex which has been subject to permitted conversion to residential use. The proposal is to erect two new 2 storey dwellinghouses on the site of a former barn that has since been demolished. The two dwellings are handed and each have detached garages, driveways and large front/rear gardens. The houses both comprise kitchen/diner, 2 public rooms bedroom and store on ground floor and three ensuite bedrooms on the upper levels. The houses are orientated to the south with rear gardens facing north, external finishes are natural stone walls salvaged from former barn, slate roof timber windows and doors. The design of the building takes its references from a farm cottage with dormer roof windows but on a much larger scale.

In terms of the Argyll and Bute Local Development Plan 2015 the site is located within the Greenbelt area of Helensburgh as defined by the Argyll and Bute Local Development Plan 2015. Policy LDP DM 1 gives support to suitable forms of development within settlements subject to compliance with other relevant policies and supplementary guidance. In particular, Policy LDP 9 requires the design of development and structures to be compatible with the surroundings where careful attention should be paid to the acceptability of massing, form, design details, materials, landscaping and boundary treatment. Any adverse impact on the amenity and privacy of neighbouring properties in terms of over shadowing and overlooking will also be taken into account.

There is a general policy presumption against new residential dwellings in the green belt unless they meet the requirements of policy LDP DM1, and more particularly part (G). This sets out a range of criteria against which development proposals in the green belt will be considered.

Scottish Planning Policy (SPP) para 49 defines the key objectives of green belt policy which are to:

- direct planned growth to the most appropriate locations and support regeneration;
- protect and enhance the quality, character, landscape setting and identity of towns and cities; and protect and give access to open space within and around towns and cities

The SPP further advises at para 52 that local development plans should describe the types and scales of development which would be appropriate within a green belt. These may include:

- development associated with agriculture, including the reuse of historic agricultural buildings;
- development associated with woodland and forestry, including community woodlands;
- horticulture, including market gardening and directly connected retailing;

Private housing which does not meet a greenbelt need or comply with a policy exception set out in the criteria at policy LDP DM1(G) does not contribute positively to the function or operation of the greenbelt and its objectives. Indeed, unless the new housing meets one of the criteria in policy LDP DM1(G) then it represents sporadic new housing development in an unsustainable location which fails to positively contribute to the objectives of the greenbelt set out in SPP at paragraphs 49 and 52 and policy LDP DM1(G) of the adopted Local Development Plan. If allowed, this proposal would also set an undesirable precedent which would potentially undermine the application of policy LDP DM1(G) which is in place

to address the considerable pressure for residential development in this area of Argyll and Bute and ensure that the objectives for the greenbelt are not undermined.

As the barn which was previously on site has been demolished in its entirety, and all materials removed from the site, this available exception to policy is now not available and the proposed erection of two dwelling houses is contrary to green belt policy with no possible exceptions being available. The proposal is therefore considered to be contrary to policy DM1 (G) of the recently adopted Argyll and Bute Local Development Plan 2015.

The design of the proposed dwelling houses, a large scale 2 storey cottage, is not appropriate for this location. The design character, comprising essentially two new build conjoined houses fails to reflect the historic relationship of the previous barn on this site to the farm steading. The previous building comprised a single storey and continuous linear feature of stone rubble construction. The design and detailing of the proposed new dwellings does not fit appropriately into the site having regard to the details of the previously approved conversion of the barn and the contribution this made to the appearance and historic integrity of the locality. The proposal is therefore also considered to be contrary to Policy LDP 9 of the adopted local development plan as the setting, layout and design of the new housing is not reflective of historic and linear form of the original stone building on the site and therefore would undermine the character and appearance of the locality.

Although the site has partially constructed foundations and some materials on the site, it is considered that the site, although somewhat untidy, is not sufficiently harmful to the amenity of the area to merit granting planning permission as an exception to policy to address this issue or require the serving of a Section 179 Amenity Notice. Notwithstanding the above, neither of these benefits of allowing planning permission is considered to outweigh the fact that the proposed development is clearly contrary to important, long established, and well supported, policy principles of when residential development should be allowed in the greenbelt. Indeed, by demolishing the barn and beginning unauthorised construction work on a new build scheme a breach of planning control has occurred. It would not be appropriate to legitimise breaches of control, which undermine important policy objectives, by the grant of a planning permission contrary to these objectives.

Officers are also mindful that allowing vernacular farm buildings to be demolished, and then new build dwellings to be build contrary to previous planning permissions and green belt policy advice could set an undesirable precedent, particularly as no material considerations which would outweigh conflict with policy LDP DM1(G) has been identified.

In respect of access and parking provision there has been no objection from the Area Roads Engineer and therefore the proposal accords with the requirements of Policies SG LDP TRAN 4 and SG LDP TRAN6.

The agent has confirmed that there are existing water and sewage connections which have sufficient capacity in the locality and therefore the proposal, subject to the imposition of conditions requiring details of these services is considered to accord with SG LDP SERV 1 and SG LDP SERV 6. It is also considered that the provision of a Sustainable Urban Drainage System (SUDS) could be provided and addressed as a conditional matter on any grant of planning permission. The proposal is therefore also considered, subject to the imposition of an appropriate condition, to accord with SG LDP SERV2.

Given the above it is recommended that planning permission should be refused in this instance for the following reasons:

Policy LDP DM1 (G) seeks to ensure that new development in the greenbelt is acceptable only where they relate to, and fulfil, an essential or important function associated with

operational characteristics of the green belt to help sustain and enhance the use of greenbelt. In order to manage the pressure for development new residential developments must meet one of the exemption criteria set out in policy LDP DM1(G). Private housing which does not meet a greenbelt need or meet a policy exception does not contribute positively to the function or operation of the greenbelt and its objectives. The current proposals are considered to represent the provision of sporadic new housing development in an unsustainable location which fails to positively contribute to the objectives of the greenbelt. The two dwelling houses do not comply with any of the permissible forms of development set out at LDP DM1 (G) and therefore it is considered that the proposed residential development should be refused. The introduction of an inappropriate and unjustified form of new development into the greenbelt will be visually intrusive, visually discordant, result in sporadic development in the countryside and will therefore have a detrimental impact upon the character and appearance of the area. As such the proposal is contrary Policy LDP DM1 (G) of the adopted Argyll and Bute Local Development Plan 2015.

The design of the proposed dwelling houses are not appropriate for this location. Their design character, comprising essentially two new build conjoined houses fails to reflect the historic relationship of the previous barn on this site. The previous building comprised a single storey and continuous linear feature of stone rubble construction. The design and detailing of the proposed new dwellings does not fit appropriately into the site having regard to the details of the previously approved conversion of the barn and the contribution this made to the appearance and historic integrity of the locality. The proposal is therefore also considered to be contrary to Policy LDP 9 of the adopted Argyll and Bute Local Development Plan as the setting, layout and design of the new housing is not reflective of historic and linear form of the original stone building on the site and therefore would undermine the character and appearance of the locality.

If allowed, this proposal to build two new dwellings in the green belt would set an undesirable precedent which would potentially undermine the objectives of SPP and policy LDP DM1 (G) of the adopted Argyll and Bure Local development Plan.

(Q) Is the proposal consistent with the Development Plan:

No

(R) Reasons why Planning Permission or a Planning Permission in Principle should be granted

N/a.

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

N/a.

(T) Need for notification to Scottish Ministers or Historic Scotland:

No

Author of Report: Frazer MacLeod

Date: 16/8/18

Reviewing Officer:



Howard Young

Dated:

Angus Gilmour
Head of Planning, Housing and Regulatory Services

REASONS RELATIVE TO APPLICATION: 18/01382/PP

1. Policy LDP DM1 (G) seeks to ensure that new development in the greenbelt is acceptable only where they relate to, and fulfil, an essential or important function associated with operational characteristics of the green belt to help sustain and enhance the use of greenbelt. In order to manage the pressure for development new residential developments must meet one of the exemption criteria set out in policy LDP DM1(G). Private housing which does not meet a greenbelt need or meet a policy exception does not contribute positively to the function or operation of the greenbelt and its objectives. The current proposals are considered to represent the provision of sporadic new housing development in an unsustainable location which fails to positively contribute to the objectives of the greenbelt. The two dwelling houses do not comply with any of the permissible forms of development set out at LDP DM1 (G) and therefore it is considered that the proposed residential development should be refused. The introduction of an inappropriate and unjustified form of new development into the greenbelt will be visually intrusive, visually discordant, result in sporadic development in the countryside and will therefore have a detrimental impact upon the character and appearance of the area. As such the proposal is contrary Policy LDP DM1 (G) of the adopted Argyll and Bute Local Development Plan 2015.

2. The design of the proposed dwelling houses are not appropriate for this location. Their design character, comprising essentially two new build conjoined houses fails to reflect the historic relationship of the previous barn on this site. The previous building comprised a single storey and continuous linear feature of stone rubble construction. The design and detailing of the proposed new dwellings does not fit appropriately into the site having regard to the details of the previously approved conversion of the barn and the contribution this made to the appearance and historic integrity of the locality. The proposal is therefore also considered to be contrary to Policy LDP 9 of the adopted Argyll and Bute Local Development Plan as the setting, layout and design of the new housing is not reflective of historic and linear form of the original stone building on the site and therefore would undermine the character and appearance of the locality.

APPENDIX TO DECISION NOTICE

Appendix relative to application: 18/01382/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 two dwelling houses do not comply with any of the permissible forms of development set out at LDP DM1 (G) and Policy LDP 9 and therefore it is considered that the proposed residential development should be refused.

38 East Clyde Street Helensburgh G84 7PG

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

REFUSUAL OF PLANNING PERMISSION

REFERENCE NUMBER: 18/01382/PP

**Rainheath Limited
MH Planning Associates
140 West Princes Street
Helensburgh
Scotland
G84 8BH**

I refer to your application dated 15th June 2018 for planning permission in respect of the following development:

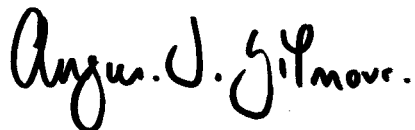
Erection of 2 dwellinghouses

AT:

Land East Of Camis Eskan Farmhouse Helensburgh Argyll And Bute

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

Dated: 16 August 2018



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



REASONS FOR REFUSAL RELATIVE TO APPLICATION NUMBER: 18/01382/PP

1. Policy LDP DM1 (G) seeks to ensure that new development in the greenbelt is acceptable only where they relate to, and fulfil, an essential or important function associated with operational characteristics of the green belt to help sustain and enhance the use of greenbelt. In order to manage the pressure for development new residential developments must meet one of the exemption criteria set out in policy LDP DM1(G). Private housing which does not meet a greenbelt need or meet a policy exception does not contribute positively to the function or operation of the greenbelt and its objectives. The current proposals are considered to represent the provision of sporadic new housing development in an unsustainable location which fails to positively contribute to the objectives of the greenbelt. The two dwelling houses do not comply with any of the permissible forms of development set out at LDP DM1 (G) and therefore it is considered that the proposed residential development should be refused. The introduction of an inappropriate and unjustified form of new development into the greenbelt will be visually intrusive, visually discordant, result in sporadic development in the countryside and will therefore have a detrimental impact upon the character and appearance of the area. As such the proposal is contrary Policy LDP DM1 (G) of the adopted Argyll and Bute Local Development Plan 2015.
2. The design of the proposed dwelling houses are not appropriate for this location. Their design character, comprising essentially two new build conjoined houses fails to reflect the historic relationship of the previous barn on this site. The previous building comprised a single storey and continuous linear feature of stone rubble construction. The design and detailing of the proposed new dwellings does not fit appropriately into the site having regard to the details of the previously approved conversion of the barn and the contribution this made to the appearance and historic integrity of the locality. The proposal is therefore also considered to be contrary to Policy LDP 9 of the adopted Argyll and Bute Local Development Plan as the setting, layout and design of the new housing is not reflective of historic and linear form of the original stone building on the site and therefore would undermine the character and appearance of the locality.

NOTES TO APPLICANT (1) RELATIVE TO APPLICATION NUMBER 18/01382/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
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).

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**REQUEST FOR REVIEW OF DECISION TO
REFUSE PLANNING PERMISSION FOR THE
ERECTION OF 2 DWELLINGHOUSES, LAND
EAST OF CAMIS ESKAN FARMHOUSE,
HELENSBURGH (REFERENCE 18/01382/PP)**

GROUNDNS FOR REVIEW

Submitted on behalf of Rainheath Limited by

REQUEST FOR REVIEW OF DECISION TO REFUSE PLANNING PERMISSION FOR THE ERECTION OF 2 DWELLINGHOUSES, LAND EAST OF CAMIS ESKAN FARMHOUSE, HELENSBURGH (REFERENCE 18/01382/PP)

GROUNDNS FOR REVIEW

1. Site Description:

- 1.1 The review application site is to the north-east of Camis Eskan Farm and is within the Greenbelt. It contains the footings and lower walls of a building, which were constructed pursuant to a building warrant issued by the Council in 2007 (see Relevant Planning History below). The site has been derelict for approximately 10 years (see aerial photograph below, and also photographs in **Appendix 1**).



Figure 1: Aerial Photograph © Google Earth

2. Relevant Planning History:

- 2.1 In 2007 planning permission was granted for the conversion of the barn that stood on the review site into two dwellinghouses (LPA reference 06/00085/COU). The 2007 approved plans are submitted.
- 2.2 Notwithstanding the terms of this planning permission, for reasons that are now not known, a building warrant application was submitted (and approved) for the demolition of the barn and the erection of two

dwellings (LPA reference 07/00444/ERECDW). The 2008 approved plans are submitted.

2.3 Following the issuing of the building warrant, and on the basis of the Council's approval of this, the barn was demolished, and the erection of the two dwellings commenced. The foundations were cast, and the first courses of blockwork were laid, up to DPC level. All works then appear to have stopped.

2.4 In 2015 an application for the erection of two dwellings was submitted (LPA reference 15/01652/PP). Planning permission was refused for the following reason:

"1. Policy LDP DM1 (G) seeks to ensure that new developments in the greenbelt are acceptable only where they relate to, and fulfil, an essential or important function associated with operational characteristics of the greenbelt to help sustain and enhance the use of greenbelt. In order to manage the pressure for development new residential developments must meet one of the exemption criteria set out in Policy LDP DM1 (G). The proposal does not fall within any of the permitted categories of development acceptable with the greenbelt under LDP DM1 (G) (i-vi) or constitute development falling within Criteria 1-3 and there are no material considerations which count against the refusal of this planning application in accordance with the requirements of Section 25 of the Town and Country Planning (Scotland) Act 1997. Housing which does not meet a greenbelt need or meet a policy exception does not contribute positively to the function or operation of the greenbelt and its objectives. The current proposals are considered to represent the provision of sporadic new housing development in an unsustainable location. The introduction of an inappropriate and unjustified form of new development into the greenbelt will be visually intrusive, visually discordant, result in sporadic development in the countryside and will therefore have a detrimental impact upon the character and appearance of the area. As such the proposal is contrary to policy LDP DM1 (G) of the adopted Argyll and Bute Local Development Plan 2015 and to SPP advice as set out at paragraphs 49 and 52."

3. The Review Application:

3.1 The proposed development is essentially the rebuilding of the barn, and the formation of the two dwellings and garages, as per the previously approved building warrant.

3.2 The review application (LPA reference 18/01382/PP) was refused on 16 August 2018, for the following two reasons:

- "1. Policy LDP DM1 (G) seeks to ensure that new development in the greenbelt is acceptable only where they relate to, and fulfil, an essential or important function associated with operational characteristics of the green belt to help sustain and enhance the use of greenbelt. In order to manage the pressure for development new residential developments must meet one of the exemption criteria set out in policy LDP DM1 (G). Private housing which does not meet a greenbelt need or meet a policy exception does not contribute positively to the function or operation of the greenbelt and its objectives. The current proposals are considered to represent the provision of sporadic new housing development in an unsustainable location which fails to positively contribute to the objectives of the greenbelt. The two dwelling houses do not comply with any of the permissible forms of development set out at LDP DM1 (G) and therefore it is considered that the proposed residential development should be refused. The introduction of an inappropriate and unjustified form of new development into the greenbelt will be visually intrusive, visually discordant, result in sporadic development in the countryside and will therefore have a detrimental impact upon the character and appearance of the area. As such the proposal is contrary Policy LDP DM1 (G) of the adopted Argyll and Bute Local Development Plan 2015.
2. The design of the proposed dwelling houses are not appropriate for this location. Their design character, comprising essentially two new build conjoined houses fails to reflect the historic relationship of the previous barn on this site. The previous building comprised a single storey and continuous linear feature of stone rubble construction. The design and detailing of the proposed new dwellings does not fit appropriately into the site having regard to the details of the previously approved conversion of the barn and the contribution this made to the appearance and historic integrity of the locality. The proposal is therefore also considered to be contrary to Policy LDP 9 of the adopted Argyll and Bute Local Development Plan as the setting, layout and design of the new housing is not reflective of historic and linear form of the original stone building on the site and therefore would undermine the character and appearance of the locality."

4. The Relevant Development Plan Policies:

4.1 Section 25 of the Town and County Planning (Scotland) Act 1997 states that “where in making any determination under the planning act regard is to be had to the Development Plan, the determination shall be in accordance with the plan unless material considerations indicate otherwise”

4.2 The following policies are referred to in the above reasons for refusal:

Policy LDP DM1, which under (G) states that within the Greenbelt encouragement will only be given to very limited and specific categories of countryside based development. These comprise:

- (i) Agricultural-related development.
- (ii) Farm diversification – tourism and rural business related development (excluding dwelling houses)
- (iii) Outdoor sport and recreational development.
- (iv) Development required to manage and sustain the natural heritage and access resources of the Greenbelt.
- (v) Demolition and replacement of buildings and alterations or extensions of such buildings, including dwelling-houses, subject to no change of use occurring.
- (vi) Change of use of buildings to residential institutional use.

A development outwith categories G(i) to (vi) may however accord with this policy when it is successfully demonstrated that the proposal will:

- 1) Retain a significant building at risk; or
- 2) Directly support the provision of essential infrastructure; or
- 3) Involve building development directly supporting recreational use of land.

Policy LDP 9, which states that the Council will require developers and their agents to produce and execute a high standard of appropriate design in accordance with the following criteria:

Development Setting

- (A) Development shall be sited and positioned so as to pay regard to the context within which it is located.

Development Layout and Density

- (B) Development layout and density shall effectively integrate with the urban, suburban or countryside setting of the development. Layouts shall be adapted, as appropriate, to take into account the location or sensitivity of the area. Developments with poor quality or inappropriate layouts or densities including over development and overshadowing of sites shall be resisted.

Development Design

- (C) The design of developments and structures shall be compatible with the surroundings. Particular attention shall be given to massing, form and design details within sensitive locations such as National Scenic Areas, Areas of Panoramic Quality, Greenbelt, Very Sensitive Countryside, Sensitive Countryside, Conservation Areas, Special Built Environment Areas, Historic Landscapes and Archaeologically Sensitive Areas, Historic Gardens and Designed Landscapes and the settings of listed buildings and Scheduled Ancient Monuments. Within such locations, the quality of design will require to be higher than in other less sensitive locations and, where appropriate, be in accordance with the guidance set out in "New Design in Historic Settings" produced by Historic Scotland, Architecture and Place, Architecture and Design Scotland.

4. Grounds for Review

- 4.1 Having regard to the above reasons for refusal, the matters to be addressed in the context of the current review are considered to be:
1. Would the application proposal comply with the requirements of **Policy LDP DM1 (G)** of the Local Development Plan, which relates to development in the Greenbelt and, if not, would material considerations indicate that planning permission could be granted as a 'minor departure' to the provisions of this policy? and
 2. Would the design of the proposed dwellinghouses comply with the requirements of **Policy LDP 9** of the Local Development Plan?

Reason for Refusal 1

- 4.2 Taking each of these in turn, it is accepted that the proposal does not comply with any of the exceptions set out in categories G(i) to (vi) of Local Development Plan **Policy LDP DM1**. Neither does the proposal retain

a significant building at risk; directly support the provision of essential infrastructure; or involve building development directly supporting recreational use of land.

- 4.3 This does not however automatically mean that planning permission should be withheld. Local Development Plan **Policy SG LDP DEP 1** allows the Council to grant planning permission as a departure from policy when material planning considerations so justify. The following are considered to be relevant material planning considerations that should be afforded sufficient weight so as to allow the approval of application 18/01382/PP as a “minor departure” from **Policy LDP DM1 (G)**.

Scottish Planning Policy (SPP)

- 4.4 SPP states that the Scottish Government have stated that planning should take a positive approach to enabling high-quality development and making efficient use of land to deliver long-term benefits for the public while protecting and enhancing natural and cultural resources. The SPP thus introduces a presumption in favour of development that contributes to sustainable development. This means that the planning system must support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. Policies and decisions should therefore give due weight to net economic benefit, and should support the delivery of accessible housing, business, retailing and leisure development. It is clear from this that the Scottish Government are of the firm opinion that the planning system exists to promote, not to prevent, development.
- 4.5 The SPP also notes that NPF3 aims to facilitate new housing development, particularly in areas within our cities network where there is continuing pressure for growth, and through innovative approaches to rural housing provision. House building makes an important contribution to the economy. Planning can help to address the challenges facing the housing sector by providing a positive and flexible approach to development. In particular, provision for new homes should be made in areas where economic investment is planned or there is a need for regeneration or to support population retention in rural and island areas.
- 4.6 Paragraph 83 of the SPP further states that in remote rural areas, where new development can often help to sustain fragile communities, plans and decision-making should, where appropriate, allow the construction of single houses outwith settlements provided they are well sited and designed to fit with local landscape character, taking account of landscape protection and other plan policies.

- 4.7 Finally, SPP advises that LPAs should always consider the re-use or re-development of brownfield land before new development takes place on greenfield sites, and that the generally accepted definition of 'previously developed, or 'brownfield' land is that this is land which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure.

Planning Advice Notes

- 4.8 Planning Advice Notes (PANs) provide the Scottish Government's advice and information on technical planning matters. **Planning Advice Note 73** (Rural Development) states:

"Development Plan policies should encourage rehabilitation of brownfield sites in rural areas and in appropriate locations allow for their re-development. Brownfield sites are broadly defined as sites that have previously been developed. In rural areas this usually means sites that are occupied by redundant or unused buildings or where the land has been significantly degraded by a former activity".

Relevant Planning History

- 4.9 The history of the site is also a very relevant material consideration. Planning permission was originally granted for the conversion of a building. Clearly what was applied for at the building warrant stage was not what was granted planning permission. This was for the demolition of the building, and the erection of a new building containing two dwellings. It can only be assumed that Building Control did not check the planning register prior to issuing their approval for a development that did not have planning permission.
- 4.10 The developer naturally assumed that the Council (as a corporate body) had given its consent to demolish the barn, and on the basis of the warrant approval, the development commenced. It was only after the barn had been demolished that the developer was advised that the planning permission that had been granted had in effect then been lost.

Other Matters

- 4.11 Finally, with respect to the first reason for refusal, it is not accepted that the proposed development would be "visually intrusive, visually discordant, or result in sporadic development in the countryside". "Sporadic" means "occurring at irregular intervals or only in a few places;

scattered or isolated”. As can be seen from the aerial photograph below paragraph 1.1, the site is immediately adjacent to the group of buildings at Camis Eskan Farm, and thus cannot result in “sporadic development”.

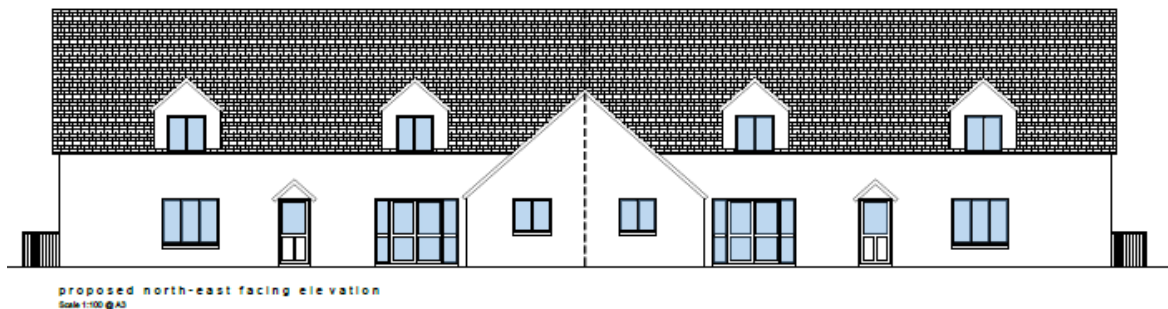
Reason for Refusal 2

- 4.12 The second reason for refusal cannot be substantiated. This states that the “design of the proposed dwelling houses are not appropriate for this location” and that the “design and detailing of the proposed new dwellings does not fit appropriately into the site having regard to the details of the previously approved conversion of the barn”
- 4.13 Below is an extract from the plans of the conversion that was granted planning permission by the Council in 2007.



1 Northeast
1 : 200

- 4.14 And below is an extract from the plans submitted in respect of the refused application that is now the subject of the current review. As can be seen, the two are identical in every material respect.



- 4.15 The submitted Supporting Planning Statement furthermore noted that “the original stone will be used to face the external walls of the replacement building, and the roof will be covered in natural slate”. What would be

built, should this review be successful, would therefore be a faithful replica of the barn conversion that was previously approved. The precise details of the stone facing etc. would be able to be controlled through the imposition of a planning condition, so as to ensure a satisfactory standard of development.

5. Conclusions:

- 5.1 In conclusion, with respect to the first reason for refusal, it is considered that there is a significant material consideration that would allow planning permission to be granted as a minor departure from the provisions of **Policy LDP DM1 (G)** of the adopted Local Development Plan. This is that in 2008 the Council approved the demolition of the former barn that stood on the site, and the erection of exactly the same two dwellings that are now being proposed. Whilst this was in respect of a building warrant, not a planning permission, the applicant naturally took this to mean that the barn could be demolished and re-built. Acting on this legitimate expectation however has now meant that the planning permission that was granted has unfortunately been forfeit.
- 5.2 With respect to the second reason for refusal, the concerns expressed appear to be based on an incorrect assumption. As has been demonstrated above, the appearance of the development now being proposed is identical in every material respect to that which was granted planning permission in 2007. It cannot therefore be said that the design and detailing of the proposed new dwellings does not fit appropriately into the site having regard to the details of the previously approved conversion of the barn.
- 5.3 Finally, as can be seen from the photographs in Appendix 1, the site is now an 'eyesore'. It is also, having regard to **Planning Advice Note 73**, 'previously developed land', and **Scottish Planning Policy** advises LPAs that they should always consider the re-use or re-development of brownfield land before new development takes place on greenfield sites. The two new dwellings proposed cannot reasonably be considered to be "sporadic development". Granting the planning permission applied for will deliver two new homes and will 'complete' the development of the farm house and the steading. If planning permission is not granted, the site will remain in a semi-derelict condition in perpetuity.





**APPLICATION FOR PLANNING
PERMISSION FOR THE REBUILDING OF
BARN AND THE FORMATION OF TWO
DWELLINGS AND GARAGES, LAND EAST
OF CAMIS ESKAN FARMHOUSE,
HELENSBURGH**

SUPPORTING PLANNING STATEMENT

Submitted on behalf of Rainheath Limited



MH Planning
Associates

APPLICATION FOR PLANNING PERMISSION FOR THE REBUILDING OF BARN AND THE FORMATION OF TWO DWELLINGS AND GARAGES, LAND EAST OF CAMIS ESKAN FARMHOUSE, HELENSBURGH

SUPPORTING PLANNING STATEMENT

1. Site Description:

- 1.1 The application site is located to the east of the former Camis Eskin Farm. The former farm buildings have been converted to four dwellings pursuant to planning permission reference 01/02061/COU.
- 1.2 The site is located within the Greenbelt and is 'previously developed' or 'brownfield' land. Brownfield sites are broadly defined as sites that have been previously developed. In line with the definition within Planning Advice Note 73: Rural Diversification, in rural areas this means sites that are occupied by redundant or underused buildings, or where the land has been significantly degraded by a former activity.
- 1.3 The site was formerly occupied by a redundant stone and slate barn, and the footings of two new dwellings are clearly visible (see aerial photograph below). Photographs of the application site are also contained in **Appendix 1**.



Figure 1: Aerial Photograph © Google Earth

2. Relevant Planning History:

- 2.1 Planning permission for the conversion of the barn that formally occupied the application site, to form two dwellings, was approved in January 2007 (LPA reference 06/00085/COU).
- 2.2 In 2008 a Building Warrant approval for the demolition of the barn, and the erection of two dwellinghouses, was then given (LPA reference 07/00444/ERECDW. It is not understood why a warrant was applied for, and issued, for a development that did not have planning permission. However, upon receipt of the warrant approval the barn was demolished and works to erect the two new dwellings commenced. Having regard to the provisions of Section 124(1) of the Town and Country Planning (Scotland) Act 1997 these works are now lawful, and immune from enforcement action.
- 2.3 In 2015, an application for the erection of two new dwellings on the site of the demolished barn was submitted (reference 15/01652/PP). This application was refused for the following reason:
 1. *Policy LDP DM1 (G) seeks to ensure that new developments in the greenbelt are acceptable only where they relate to, and fulfil, an essential or important function associated with operational characteristics of the greenbelt to help sustain and enhance the use of greenbelt. In order to manage the pressure for development new residential developments must meet one of the exemption criteria set out in Policy LDP DM1(G). The proposal does not fall within any of the permitted categories of development acceptable with the greenbelt under LDP DM1 (G) (i-vi) or constitute development falling within Criteria 1-3 and there are no material considerations which count against the refusal of this planning application in accordance with the requirements of Section 25 of the Town and Country Planning (Scotland) Act 1997. Housing which does not meet a greenbelt need or meet a policy exception does not contribute positively to the function or operation of the greenbelt and its objectives. The current proposals are considered to represent the provision of sporadic new housing development in an unsustainable location. The introduction of an inappropriate and unjustified form of new development into the greenbelt will be visually intrusive, visually discordant, result in sporadic development in the countryside and will therefore have a detrimental impact upon the character and appearance of the area. As such the proposal is contrary to policy LDP DM1 (G) of the adopted Argyll*

and Bute Local Development Plan 2015 and to SPP advice as set out at paragraphs 49 and 52.”

3. Proposed Development:

- 3.1 It is now proposed to rebuild the barn that previously occupied the site, and which had planning permission to be converted to two dwellings, and to form the two new dwellings that were previously approved. The original stone will be used to face the external walls of the replacement building, and the roof will be covered in natural slate.
- 3.2 In visual terms there will be no material difference between the development that was approved in 2007, and that which is now being proposed. The footings of the building, in respect of which a building warrant application was approved, are in place, as can be seen in the submitted photographs.

4. Relevant Development Plan Policies:

- 4.1 Section 25 of the Town and County Planning (Scotland) Act 1997 states that “where in making any determination under the planning act regard is to be had to the Development Plan, the determination shall be in accordance with the plan unless material considerations indicate otherwise”.
- 4.2 The Development Plan relevant to the current planning application comprises the:
- Argyll and Bute Local Development Plan (2015).
- 4.3 The following policy of the Local Plan is directly relevant to the determination of the current application:

Policy LDP DM1, which states that within the Greenbelt encouragement will only be given to very limited and specific categories of countryside based development. These comprise:

- (i) Agricultural-related development.
- (ii) Farm diversification – tourism and rural business related development (excluding dwelling houses)
- (iii) Outdoor sport and recreational development.
- (iv) Development required to manage and sustain the natural heritage and access resources of the Greenbelt.

- (v) Demolition and replacement of buildings and alterations or extensions of such buildings, including dwelling-houses, subject to no change of use occurring.
- (vi) Change of use of buildings to residential institutional use.

In exceptional cases, a development outwith categories G(i) to (vi) may accord with this policy when it is successfully demonstrated that the proposal will:

- 1) Retain a significant building at risk; or
- 2) Directly support the provision of essential infrastructure; or
- 3) Involve building development directly supporting recreational use of land.

5. Other Material Considerations:

Scottish Planning Policy (2014)

- 5.1 The Scottish Government have recently stated that planning should take a positive approach to enabling high-quality development and making efficient use of land to deliver long-term benefits for the public while protecting and enhancing natural and cultural resources (Scottish Planning Policy).
- 5.2 Furthermore, the SPP now introduces a presumption in favour of development that contributes to sustainable development. This means that the planning system must support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. Policies and decisions should therefore give due weight to net economic benefit, and should support the delivery of accessible housing, business, retailing and leisure development. It is clear from this that the Scottish Government are of the firm opinion that the planning system exists to promote, not to prevent, development.
- 5.3 The SPP notes that NPF3 aims to facilitate new housing development, particularly in areas within our cities network where there is continuing pressure for growth, and through innovative approaches to rural housing provision. House building makes an important contribution to the economy. Planning can help to address the challenges facing the housing sector by providing a positive and flexible approach to development. In particular, provision for new homes should be made in areas where economic investment is planned or there is a need for regeneration or to support population retention in rural and island areas.

5.4 Paragraph 83 of the SPP states that in remote rural areas, where new development can often help to sustain fragile communities, plans and decision-making should, where appropriate, allow the construction of single houses outwith settlements provided they are well sited and designed to fit with local landscape character, taking account of landscape protection and other plan policies.

6. Planning Assessment

6.1 It is accepted that the application proposal does not comply with the provisions of **Policy LDP DM1** of the adopted Local Development Plan. As noted in paragraph 4.1 above however, Section 25 of the Town and County Planning (Scotland) Act 1997 states that “where in making any determination under the planning act regard is to be had to the Development Plan, the determination shall be in accordance with the plan unless material considerations indicate otherwise”.

6.2 The ability for the Council to grant planning permission for development that is not in accordance with the provisions of the development plan is recognised by **Policy SG LDP DEP 1** of the Local Development Plan. This policy provides additional detail to **Policy LDP 8** (Supporting the Strength of Our Communities) and states that the Council shall seek to minimise the occurrence of departures to the Local Development Plan and to grant planning permission as a departure only when material planning considerations so justify. The incidence of departures shall be monitored as part of the review of the plan, with consideration to be given to modifying or introducing policies that can respond effectively to the issues underlying the departure circumstances.

6.3 Approval of the current application would be a **minor departure**, i.e. a departure to policy or the development plan which is not a significant departure (a “significant departure” is defined as development which is not in accord with the local development plan and which is large scale or judged by the planning authority to have a significant adverse impact on a natural heritage or historic environment resource of national significance).

6.4 It is considered that approval of the submitted application, as a “minor departure” would be appropriate for the following material considerations:

- 1) The site is classified as **brownfield land**. The generally accepted definition of ‘previously developed, or ‘brownfield’ land is that this is land which is or was occupied by a permanent structure, including

the curtilage of the developed land and any associated fixed surface infrastructure. Scottish Planning Policy advises that LPAs should always consider the re-use or re-development of brownfield land before new development takes place on greenfield sites. Similarly, Planning Advice Note 73 states:

“Development Plan policies should encourage rehabilitation of brownfield sites in rural areas and in appropriate locations allow for their re-development. Brownfield sites are broadly defined as sites that have previously been developed. In rural areas this usually means sites that are occupied by redundant or unused buildings or where the land has been significantly degraded by a former activity”.

Planning authorities should therefore promote and support opportunities for environmental enhancement and regeneration. Previously developed land (also referred to as brownfield land) is a potential source of sites for new development and planning authorities should support and promote proposals to bring vacant or derelict land back into productive use for development or to create more attractive environments.

- 2) As can be seen from the submitted photographs, the semi-derelict appearance of the application site currently detracts from the character and appearance of the area. It has previously been accepted by the Council that residential development on the site would be appropriate, albeit that this was on the basis of the conversion of an existing building. The new building the subjected of the current application will be identical in every material respect to the previously approved conversion, and the erection of the proposed building will in effect ‘complete’ the Camis Eskin Farm development.
- 3) Scottish Planning Policy makes it clear that the Scottish Government is of the opinion that house building makes an important contribution to the economy. Planning can therefore help to address the challenges facing the housing sector by providing a positive and flexible approach to development. Approval of the application proposal, as a minor departure from the provisions of the development plan, will provide two new homes.
- 4) Finally, it is considered that the proposed development should be permitted to proceed on the basis that the Council (in 2008) approved a Building Warrant application for the “demolition of

barn and erection of two dwellings". Pursuant to this approval the barn was demolished, and the erection of the two dwellings commenced. It was only the 'financial crisis' that prevented the completion of the development. Given that the Council approved the demolition and re-building of the barn, it is considered that there is a 'legitimate expectation' argument that the development can now be completed.

7. Conclusion

- 7.1 In conclusion it is considered that for the reasons set out in paragraph 6.4 above, planning permission for the rebuilding of the barn, and the formation of two dwellings and garages, can be approved as a **minor departure** from the provisions of **Policy LDP DM1** of the Local Development Plan. The proposed development is not "large scale", and approval will not have a significant adverse impact on a natural heritage or historic environment resource of national significance.







Central Validation Team at Argyll and Bute Council 1A Manse Brae Lochgilphead PA31 8RD Tel: 01546 605518 Email: planning.hq@argyll-bute.gov.uk

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

Thank you for completing this application form:

ONLINE REFERENCE 100124735-001

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

Type of Application

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

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

Description of Proposal

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

REBUILDING OF BARN AND THE FORMATION OF TWO DWELLINGS

Is this a temporary permission? *

Yes No

If a change of use is to be included in the proposal has it already taken place?

Yes No

(Answer 'No' if there is no change of use.) *

Has the work already been started and/or completed? *

No Yes – Started Yes - Completed

Please state date of completion, or if not completed, the start date (dd/mm/yyyy): *

01/01/2008

Please explain why work has taken place in advance of making this application: * (Max 500 characters)

See Supporting Planning Statement for explanation

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	MH Planning Associates		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	Michael	Building Name:	<input type="text"/>
Last Name: *	Hyde	Building Number:	140
Telephone Number: *	07816 907203	Address 1 (Street): *	West Princes Street
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	Helensburgh
Fax Number:	<input type="text"/>	Country: *	Scotland
		Postcode: *	G84 8BH
Email Address: *	mh@mhplanning.co.uk		
Is the applicant an individual or an organisation/corporate entity? *			
<input type="checkbox"/> Individual <input checked="" type="checkbox"/> Organisation/Corporate entity			

Applicant Details

Please enter Applicant details

Title:	Ms	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	Parbroath Farm
First Name: *	Annaline	Building Number:	<input type="text"/>
Last Name: *	Barr	Address 1 (Street): *	na
Company/Organisation	Rainheath Limited	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	Cupar
Extension Number:	<input type="text"/>	Country: *	Scotland
Mobile Number:	<input type="text"/>	Postcode: *	KY15 4NS
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

Site Address Details

Planning Authority:

Argyll and Bute Council

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Land East of Camis Eskan Farmhouse, Helensburgh

Northing

Easting

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

 Yes No**Pre-Application Discussion Details Cont.**

In what format was the feedback given? *

 Meeting Telephone Letter Email

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

Letter from Frazer MacLeod

Title:

Mr

Other title:

First Name:

Frazer

Last Name:

MacLeod

Correspondence Reference Number:

18/00115/PREAPP

Date (dd/mm/yyyy):

07/02/2018

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

Site Area

Please state the site area:

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

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

Previously developed land, site of former barn

Access and Parking

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

Yes No

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

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

Yes No

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

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

Water Supply and Drainage Arrangements

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

Yes No

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

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

As you have indicated that you are proposing to make private drainage arrangements, please provide further details.

What private arrangements are you proposing? *

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

Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: *

Connection to existing package treatment plant

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

Yes No

Note:-

Please include details of SUDS arrangements on your plans

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

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

Yes

No, using a private water supply

No connection required

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

Assessment of Flood Risk

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

Yes No Don't Know

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

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

Yes No Don't Know

Trees

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

Yes No

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

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? *

Yes No

If Yes or No, please provide further details: * (Max 500 characters)

Argyll and Bute collection arrangements

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

Yes No

How many units do you propose in total? *	2
Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.	
All Types of Non Housing Development – Proposed New Floorspace	
Does your proposal alter or create non-residential floorspace? *	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Schedule 3 Development	
Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013) *	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know
If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.	
If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.	
Planning Service Employee/Elected Member Interest	
Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Certificates and Notices	
CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013	
One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.	
Are you/the applicant the sole owner of ALL the land? *	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Is any of the land part of an agricultural holding? *	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Certificate Required	
The following Land Ownership Certificate is required to complete this section of the proposal:	
Certificate A	

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Michael Hyde

On behalf of: Rainheath Limited

Date: 14/06/2018

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

Yes No Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

Yes No Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

Yes No Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

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

If Other, please specify: * (Max 500 characters)

Provide copies of the following documents if applicable:

- | | | |
|--|------------------------------|---|
| A copy of an Environmental Statement. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Flood Risk Assessment. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Habitat Survey. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Processing Agreement. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |

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

Declare – For Application to Planning Authority

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

Declaration Name: Mr Michael Hyde

Declaration Date: 14/06/2018

Payment Details

Online payment:

Payment date:

Created: 14/06/2018 15:31

location plan

Scale 1:1250 @ A3 red line indicates extent of application site



The Prefab

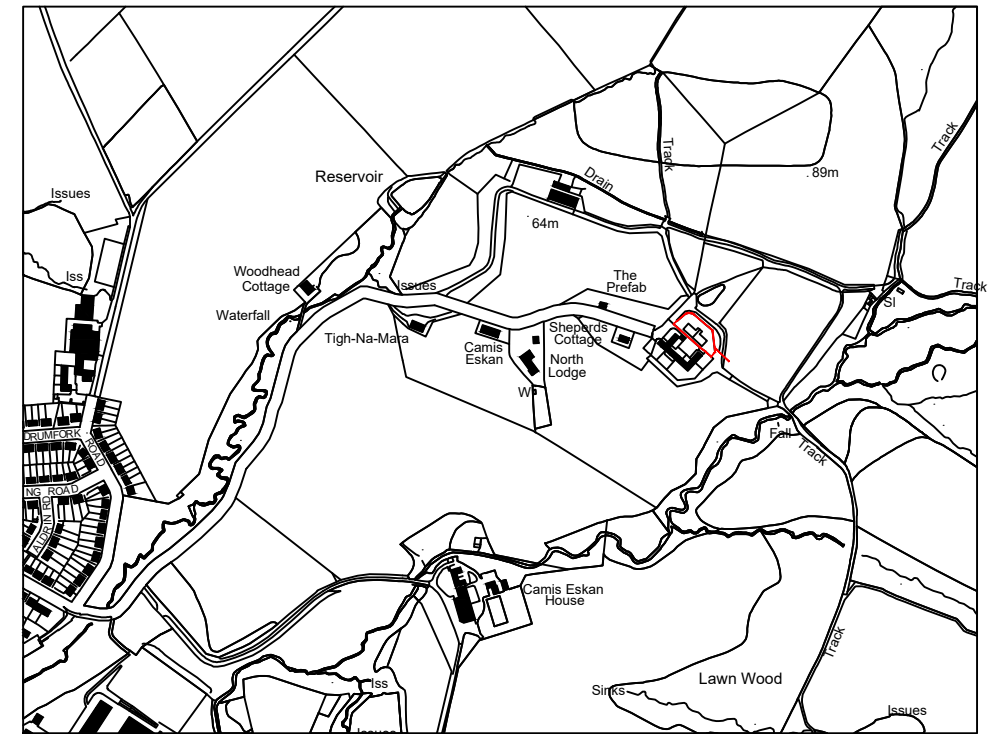
Sheperds Cottage

North Lodge

W

supplementary location plan

Scale 1:10,000 @ A3



Date	Description	Rev	By
------	-------------	-----	----

Revision Description



140 West Princes Street
 Helensburgh
 G84 8BH
 01436 675 376
 07816 907 203
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Client:
 Rainheath Ltd

Project:
 Rebuilding of Barn and Formation of Two Dwellings at:
 Land at Camis Eskan Farm, Helensburgh

Drawing Title:
 Location Plan

Drawing Number:
2018_0004-00

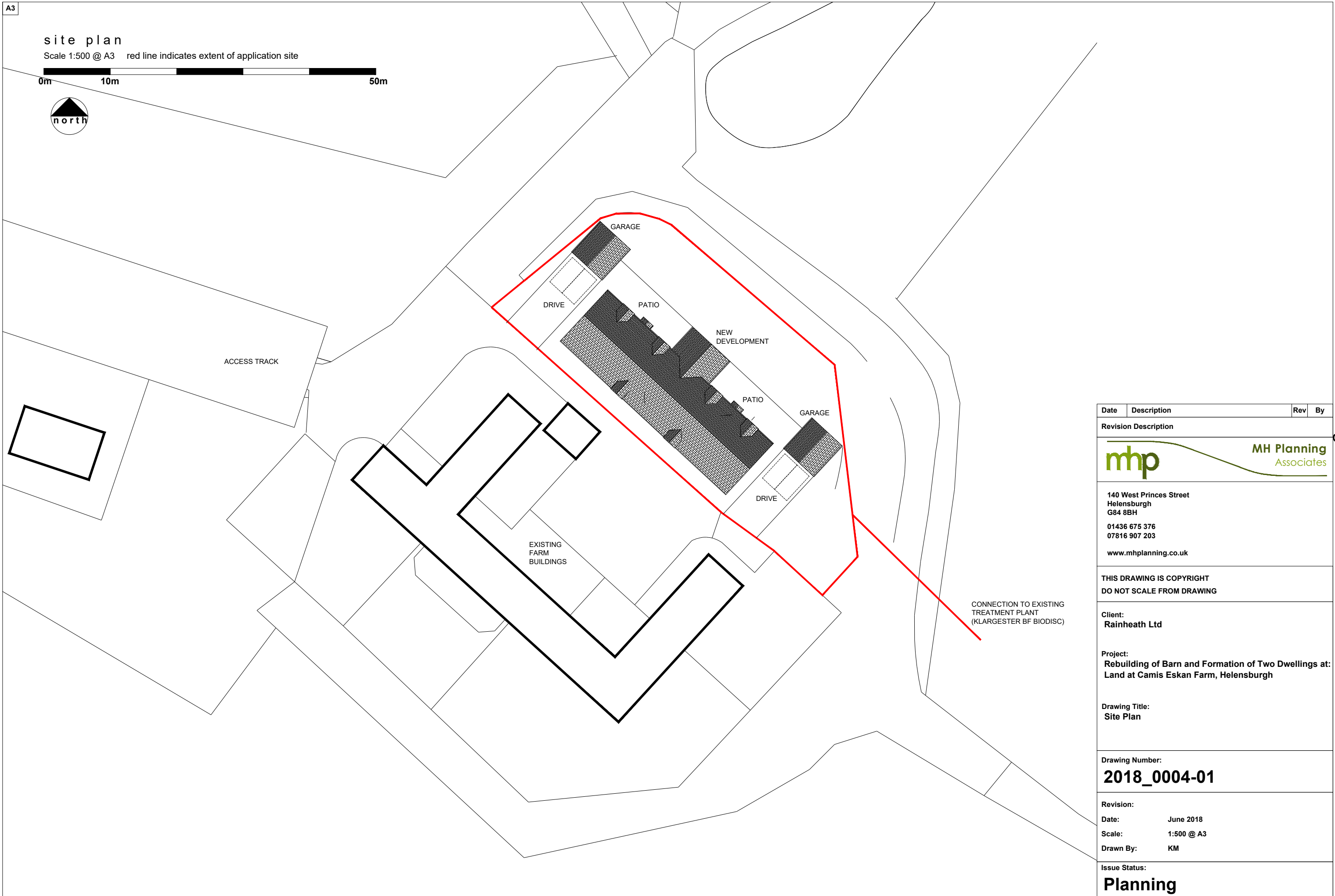
Revision:
 Date: June 2018
 Scale: 1:1250 and 1:10,000 @ A3
 Drawn By: KM

Issue Status:
Planning

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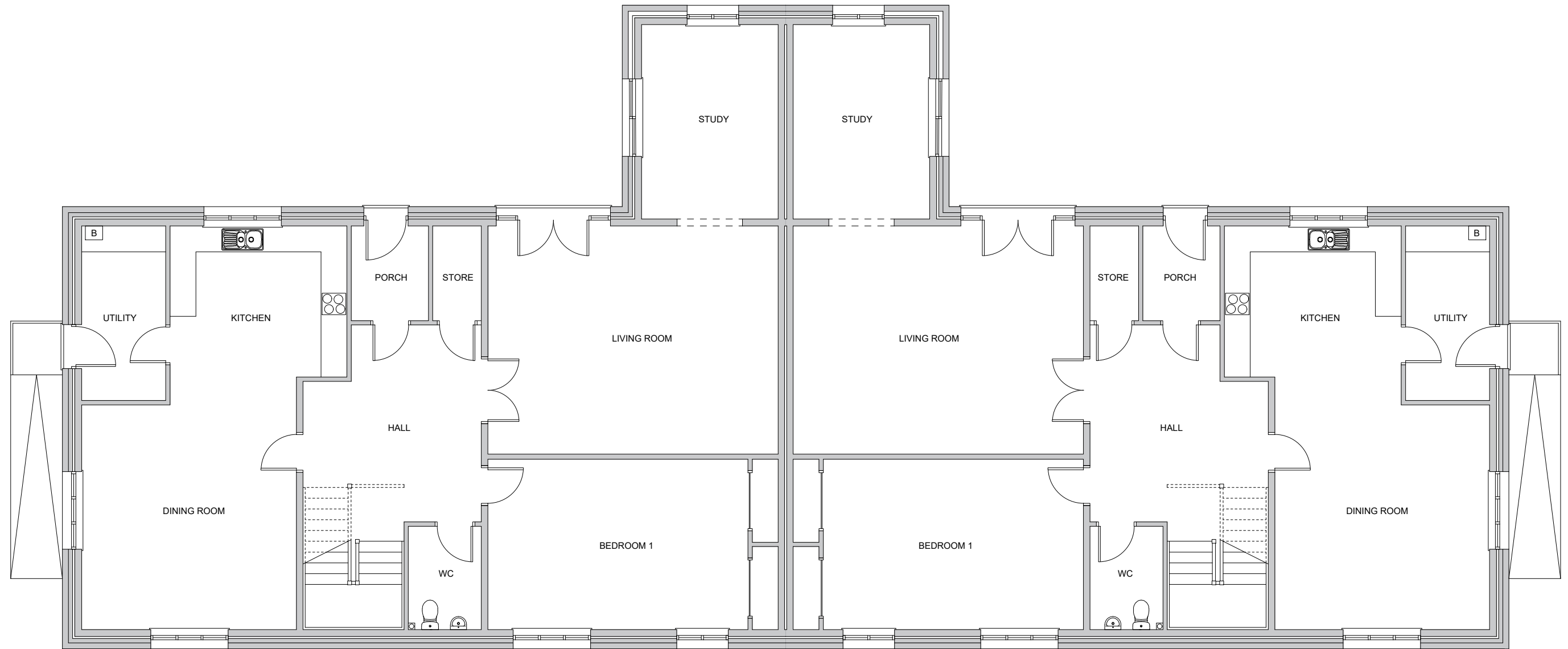
site plan

Scale 1:500 @ A3 red line indicates extent of application site



Date	Description	Rev	By
Revision Description			
		MH Planning Associates	
140 West Princes Street Helensburgh G84 8BH 01436 675 376 07816 907 203 www.mhplanning.co.uk			
THIS DRAWING IS COPYRIGHT DO NOT SCALE FROM DRAWING			
Client: Rainheath Ltd			
Project: Rebuilding of Barn and Formation of Two Dwellings at: Land at Camis Eskan Farm, Helensburgh			
Drawing Title: Site Plan			
Drawing Number: 2018_0004-01			
Revision:			
Date:	June 2018		
Scale:	1:500 @ A3		
Drawn By:	KM		
Issue Status: Planning			

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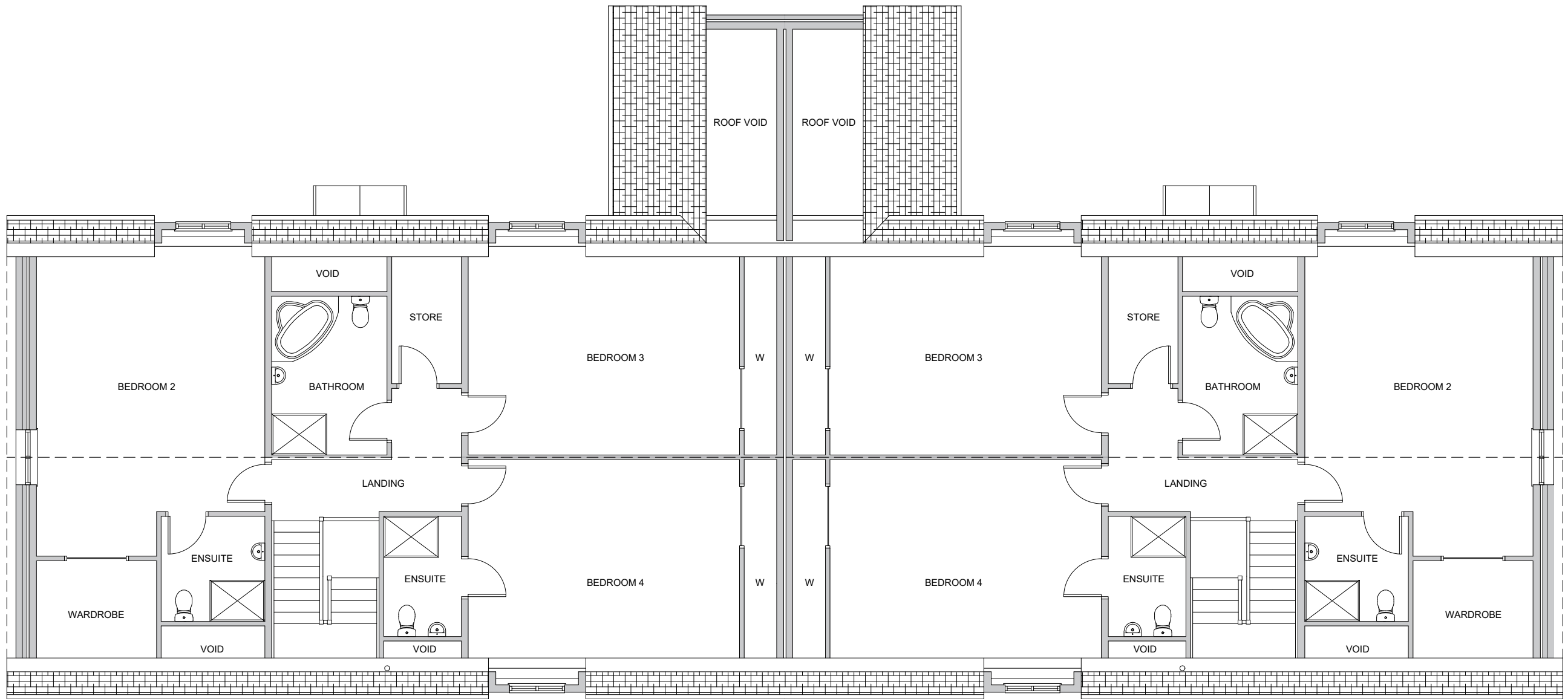


proposed ground floor plan

Scale 1:100 @ A3


<p>THIS DRAWING IS COPYRIGHT DO NOT SCALE FROM DRAWING</p>			<p>Drawing Number: 2018_0004-02</p>	<p>Client: Rainheath Ltd</p>	<p>mhp MH Planning Associates</p> <p>140 West Princes Street Helensburgh G84 8BH</p> <p>01436 675 376 07816 907 203</p> <p>www.mhplanning.co.uk</p>							
			<p>Revision: Date: June 2018 Scale: 1:100 @ A3 Drawn By: KM</p>	<p>Project: Rebuilding of Barn and Formation of Two Dwellings at: Land at Camis Eskan Farm, Helensburgh</p> <p>Drawing Title: Proposed Ground Floor Plan</p>								
		<table border="1"> <thead> <tr> <th>Date</th> <th>Description</th> <th>Rev</th> <th>By</th> </tr> </thead> <tbody> <tr> <td colspan="4">Revision Description</td> </tr> </tbody> </table>	Date	Description	Rev	By	Revision Description				<p>Issue Status: Planning</p>	
Date	Description	Rev	By									
Revision Description												

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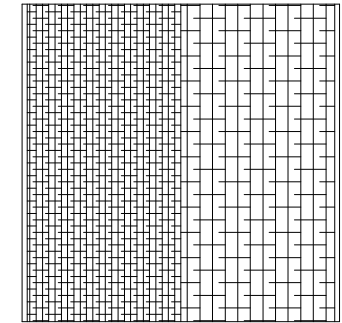
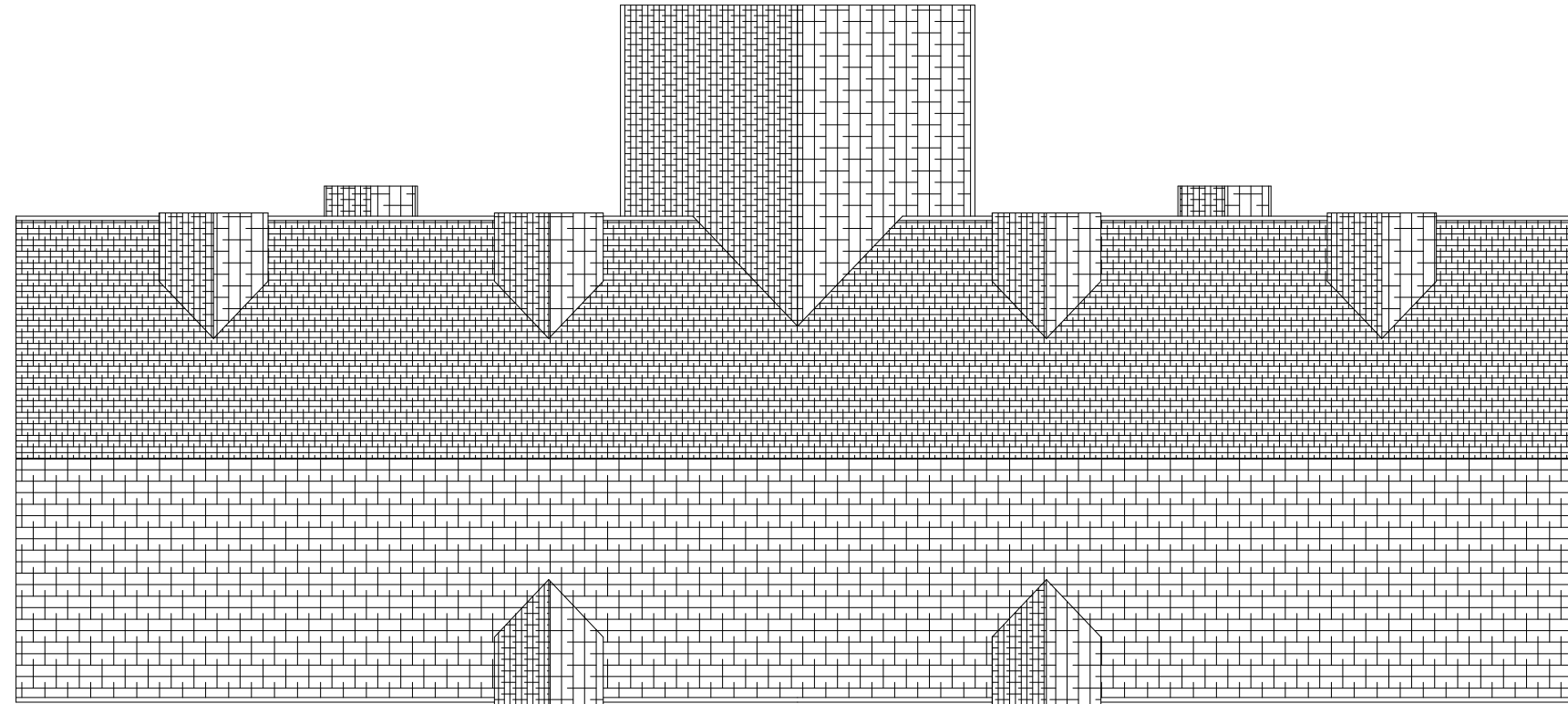
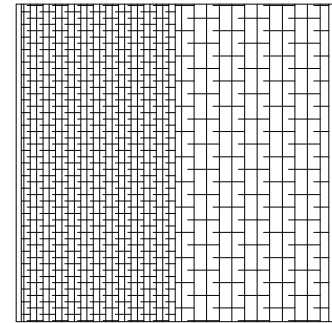


proposed first floor plan

Scale 1:100 @ A3

<p>THIS DRAWING IS COPYRIGHT DO NOT SCALE FROM DRAWING</p>	<table border="1"> <thead> <tr> <th>Date</th> <th>Description</th> <th>Rev</th> <th>By</th> </tr> </thead> <tbody> <tr> <td colspan="4">Revision Description</td> </tr> </tbody> </table>		Date	Description	Rev	By	Revision Description				<p>Drawing Number: 2018_0004-03</p> <p>Revision: Date: June 2018 Scale: 1:100 @ A3 Drawn By: KM</p> <p>Issue Status: Planning</p>	<p>Client: Rainheath Ltd</p> <p>Project: Rebuilding of Barn and Formation of Two Dwellings at: Land at Camis Eskan Farm, Helensburgh</p> <p>Drawing Title: Proposed Roof Plan</p>	 <p>MH Planning Associates</p> <p>140 West Princes Street Helensburgh G84 8BH</p> <p>01436 675 376 07816 907 203</p> <p>www.mhplanning.co.uk</p>
	Date	Description	Rev	By									
Revision Description													

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proposed roof plan
Scale 1:150 @ A3

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Date	Description	Rev	By
Revision Description			

Drawing Number:
2018_0004-04

Revision:
Date: June 2018
Scale: 1:150 @ A3
Drawn By: KM

Issue Status:
Planning

Client:
Rainheath Ltd

Project:
Rebuilding of Barn and Formation of Two Dwellings at:
Land at Camis Eskan Farm, Helensburgh

Drawing Title:
Proposed Roof Plan

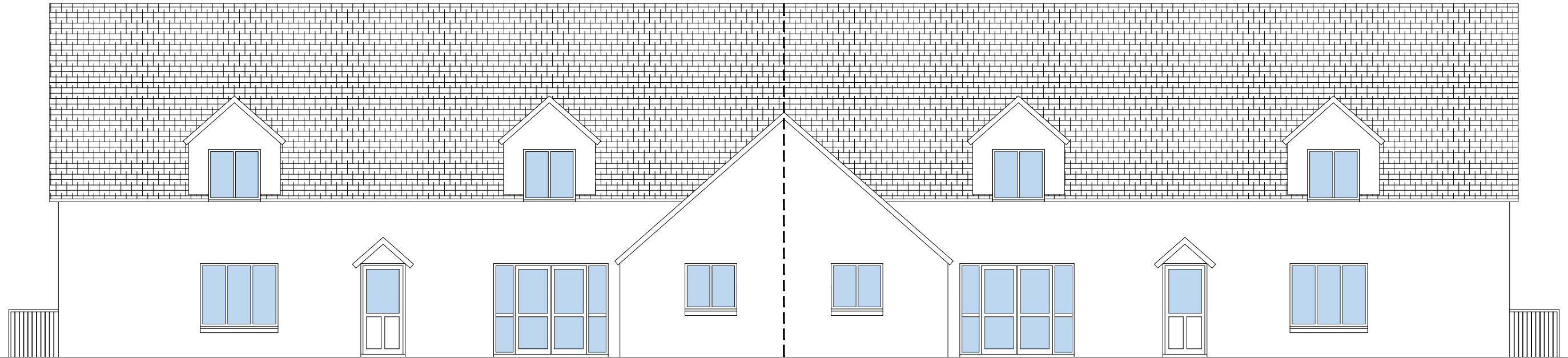


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proposed north-east facing elevation
Scale 1:100 @ A3



proposed south-east facing elevation
Scale 1:100 @ A3

Schedule of Proposed External Finishes:

External Walls - Natural stone (stone salvaged from former barn to be reused)

External Timber Weatherboard - Brown-stained timber

Roofing - Slate

Windows, doors and roof light frames - Brown-stained timber frames

External doors in stained timber to match weatherboard, with glass panels

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Date	Description	Rev	By
Revision Description			

Drawing Number:
2018_0004-05

Revision:
Date: June 2018
Scale: 1:100 @ A3
Drawn By: KM

Issue Status:
Planning

Client:
Rainheath Ltd

Project:
Rebuilding of Barn and Formation of Two Dwellings at:
Land at Camis Eskan Farm, Helensburgh

Drawing Title:
Proposed Elevations
Sheet 1

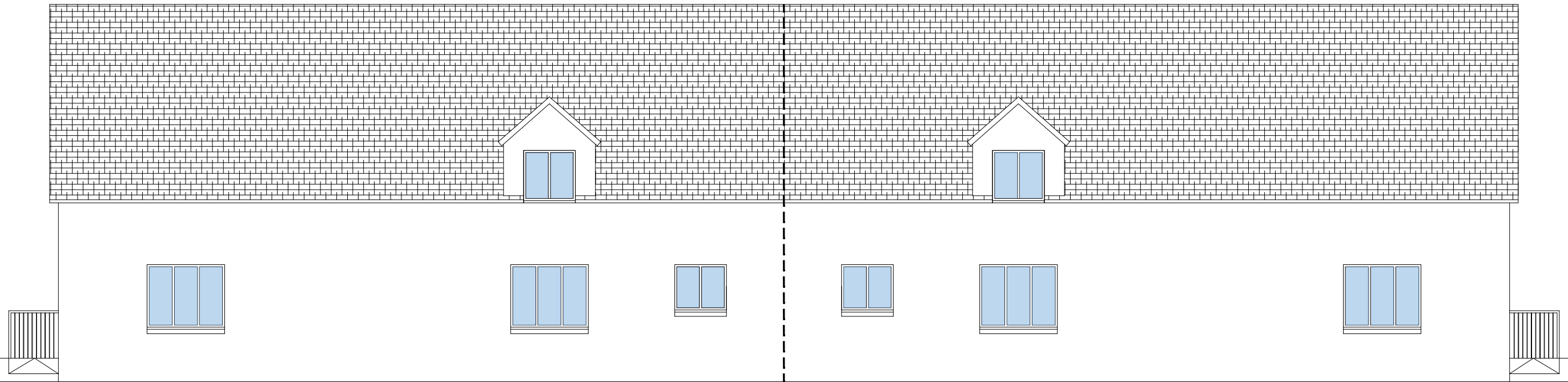
mhp **MH Planning Associates**

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proposed south-west facing elevation
Scale 1:100 @ A3



proposed north-west facing elevation
Scale 1:100 @ A3

Schedule of Proposed External Finishes:
External Walls - Natural stone (stone salvaged from former barn to be reused)
External Timber Weatherboard - Brown-stained timber
Roofing - Slate
Windows, doors and roof light frames - Brown-stained timber frames
External doors in stained timber to match weatherboard, with glass panels

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Date	Description	Rev	By
Revision Description			

Drawing Number:
2018_0004-06

Revision:
Date: June 2018
Scale: 1:100 @ A3
Drawn By: KM

Issue Status:
Planning

Client:
Rainheath Ltd

Project:
Rebuilding of Barn and Formation of Two Dwellings at:
Land at Camis Eskan Farm, Helensburgh

Drawing Title:
Proposed Elevations
Sheet 2



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Helensburgh
G84 8BH

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07816 907 203

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Schedule of Proposed External Finishes:

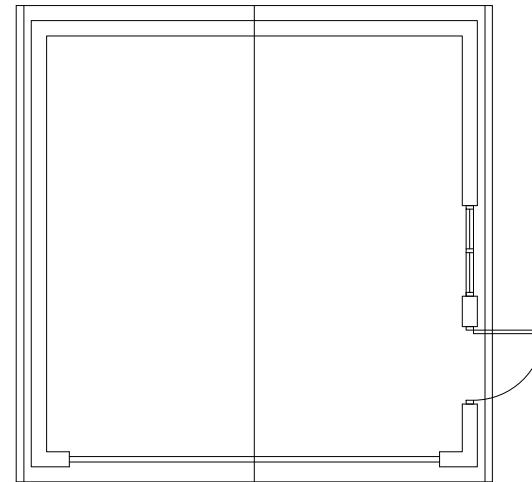
External Walls - White Render

External Timber Weatherboard - Brown-stained timber

Roofing - Slate

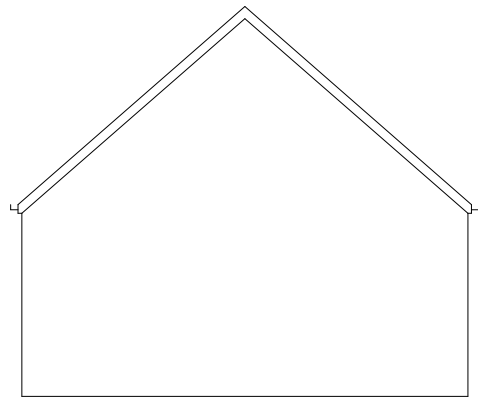
Windows, doors and roof light frames - Brown-stained timber frames

External doors in stained timber to match weatherboard, with glass panels



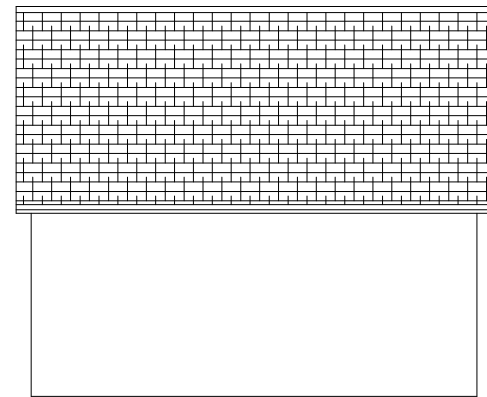
proposed garage plan

Scale 1:100 @ A3



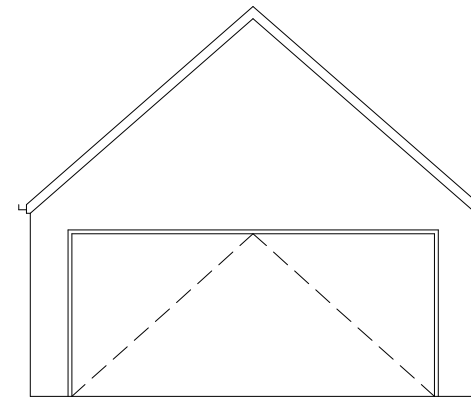
proposed rear elevation

Scale 1:100 @ A3



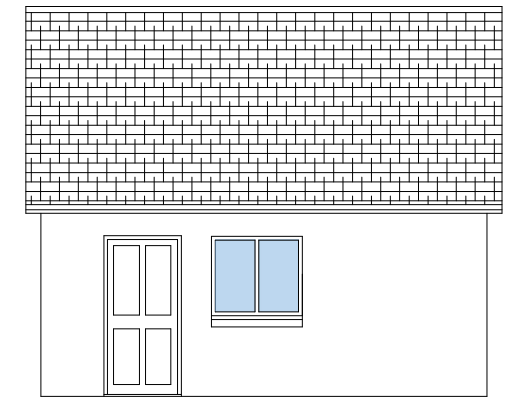
proposed side elevation

Scale 1:100 @ A3



proposed front elevation

Scale 1:100 @ A3



proposed side elevation

Scale 1:100 @ A3

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Date	Description	Rev	By
Revision Description			

Drawing Number:
2018_0004-07

Revision:
Date: June 2018
Scale: 1:100 @ A3
Drawn By: KM

Issue Status:
Planning

Client:
Rainheath Ltd

Project:
Rebuilding of Barn and Formation of Two Dwellings at:
Land at Camis Eskan Farm, Helensburgh

Drawing Title:
Typical Proposed Garage
Plan and Elevations

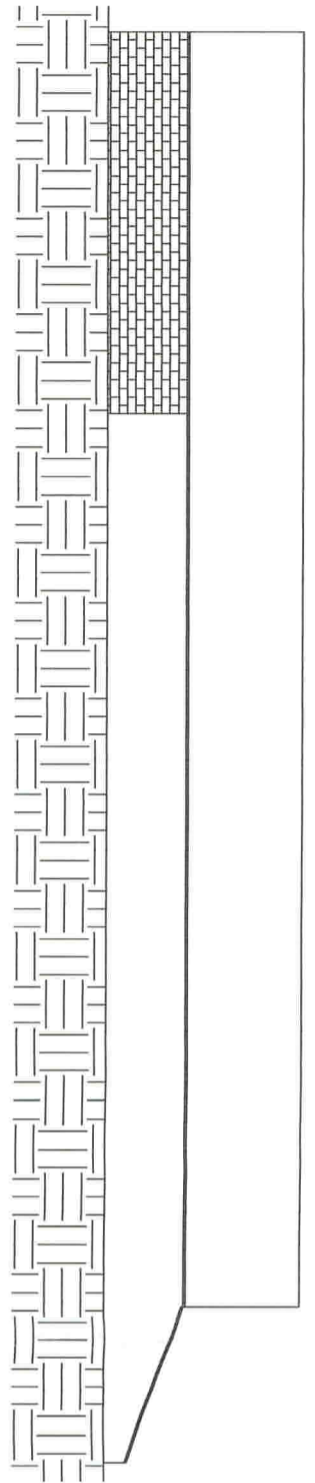


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G84 8BH

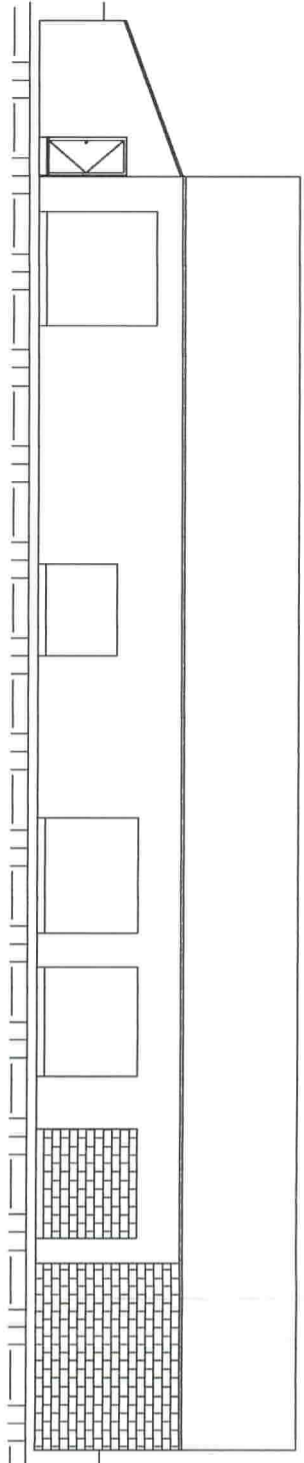
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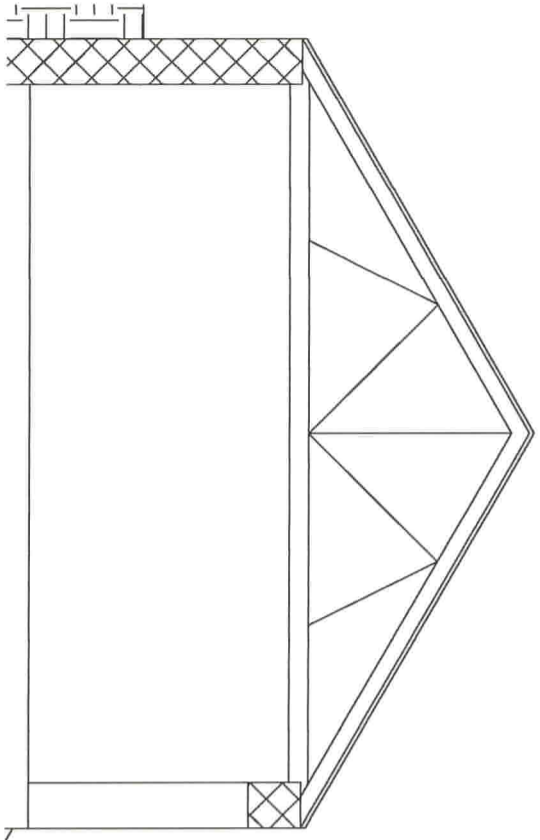
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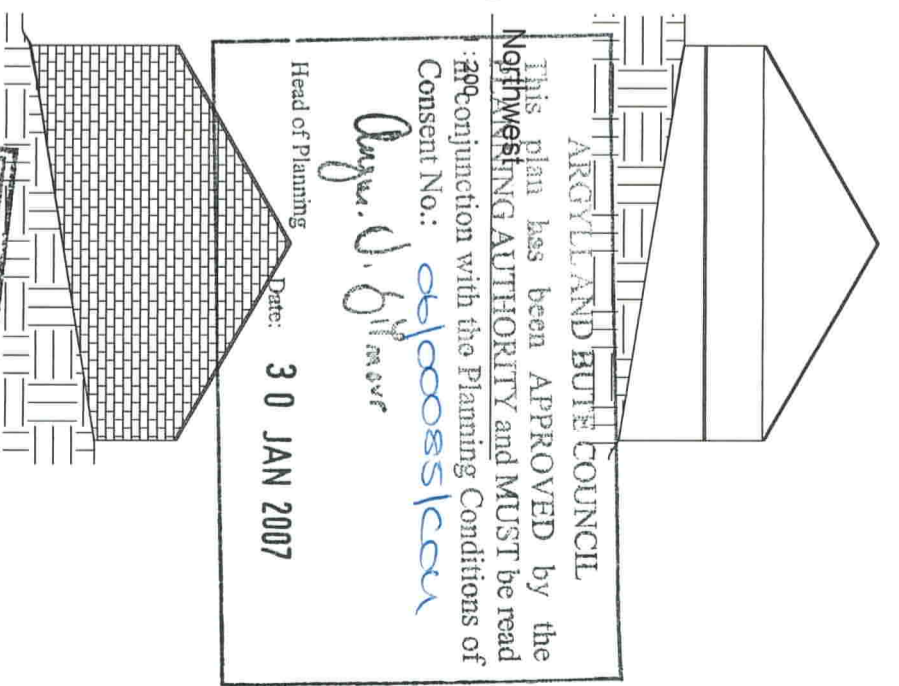
1 Northeast
1 : 200



2 Southwest
1 : 200



5 Section
1 : 100



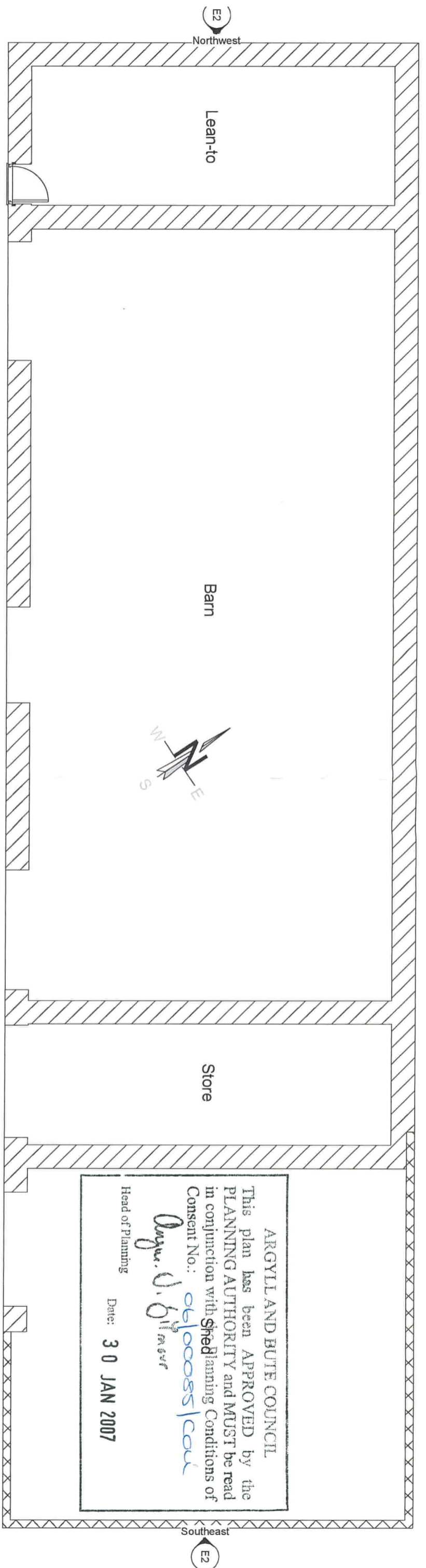
4 Southeast
1 : 200

ARGYLL AND BUTE COUNCIL
 This plan has been APPROVED by the
 NORTHWEST PLANNING AUTHORITY and MUST be read
 in conjunction with the Planning Conditions of
 Consent No.: *2008/0005/0001*
Angus J. Brown
 Head of Planning
 Date: 30 JAN 2007

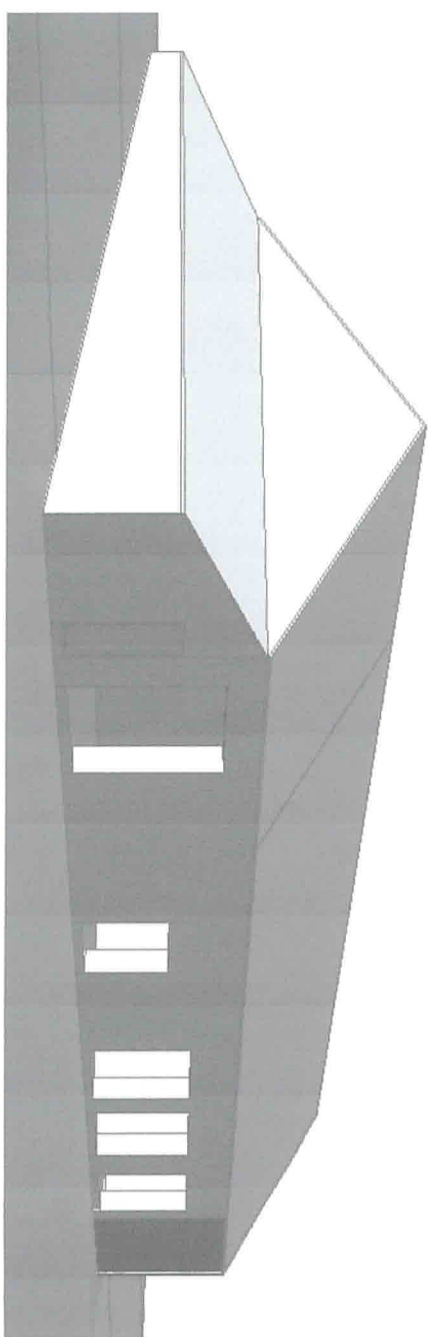
Argyll and Bute Council
 Planning Services
 Application ref no: *06/0005/0001*
 Date received: *19 Jan 06*
 Plan no: *2008*
 P.O. Initials: *AK*

AS EXISTING

Job	551B	Sheet	E2
Client	A Simpson		
Project	Cammis Eskan, Helensburgh, Conversion of Barn to 2 houses		



1 Floor
1 : 100



2 West perspective

Argyll and Bute Council
Planning Services

Application ref no: *06/00085/00V*
Date recd: *18 JAN 06*

Plan no: *3076*
P.O. Index: *MTY*

AS EXISTING

Job	551B	Sheet	E1
Client	A Simpson		
Project	Carnis Eskan, Helensburgh, Conversion of Barn to 2 houses		

Iain Dawson
Architecture
10 Arkwrights Way, Paisley, PA1 2NX

tel & fax 0141 887 1130 www.idawson.co.uk info@idawson.co.uk

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Affiliate of the Royal Institute of British Architects
Associate of the Chartered Institute of Building

Verify all dimensions by site measurement



1 ground floor
1 : 100

AS PROPOSED

Job	551C	Sheet	1
Client	A Simpson		
Project	Carnis Eskan, Helensburgh, Conversion of Barn to 2 Houses		

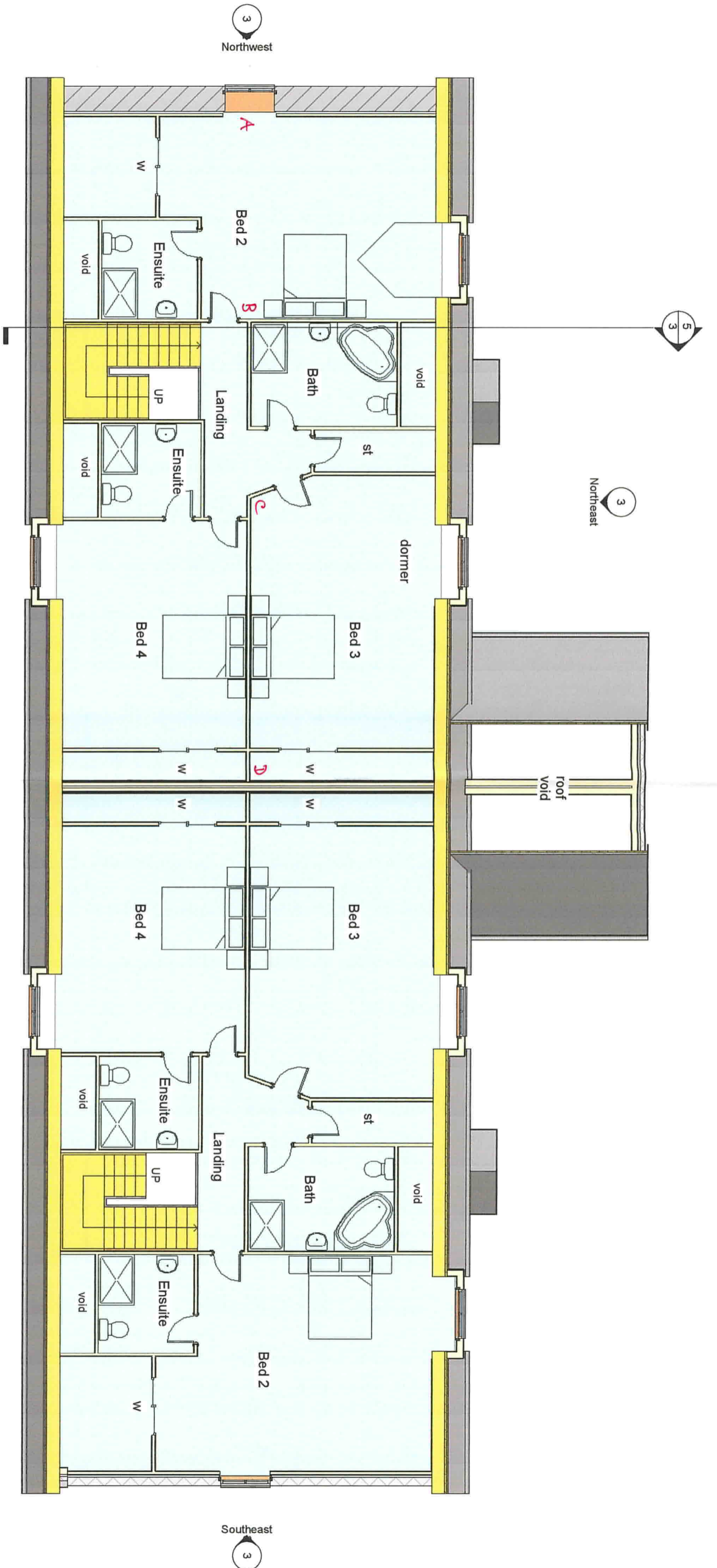
Iain Dawson
Architecture
10 Arkwrights Way, Paisley, PA1 2NX

tel & fax 0141 887 1130 www.idawson.co.uk info@idawson.co.uk

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Associate of the Chartered Institute of Building



Verify all dimensions by site measurement



1 attic floor
1 : 100

*Structure is retained to suit G. Hotel's 1 1/2 storey.
i.e. Colan beams span A-B
B-C
C-D to support the roof.
Partitions contain multiple studs at B, C, D beams
on the ground floor partitions directly below these points.*

AS PROPOSED

Job	551C	Sheet	2
Client	A Simpson		
Project	Carris Eskan, Helensburgh, Conversion of Barn to 2 Houses		

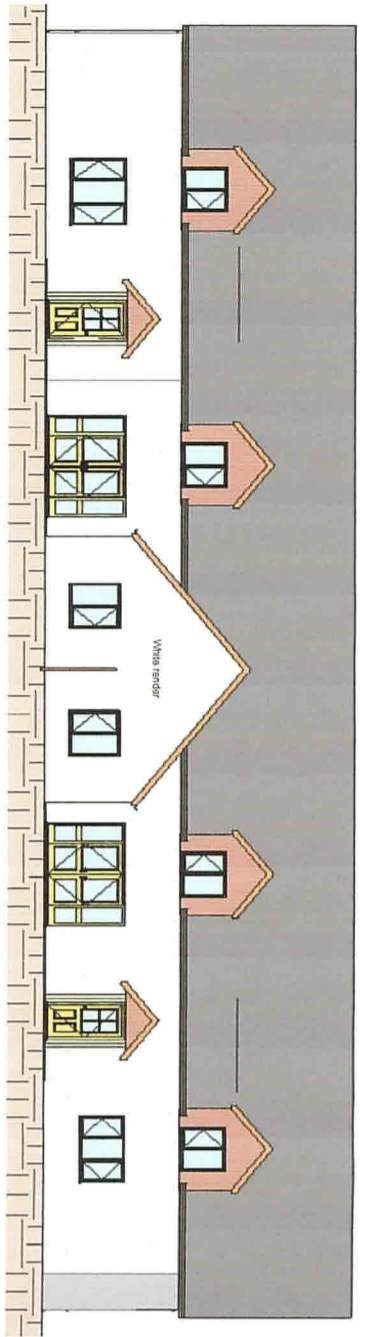
Iain Dawson
Architecture
10 Arkwrights Way, Paisley, PA1 2NX

tel & fax 0141 887 1130 www.idawson.co.uk info@idawson.co.uk

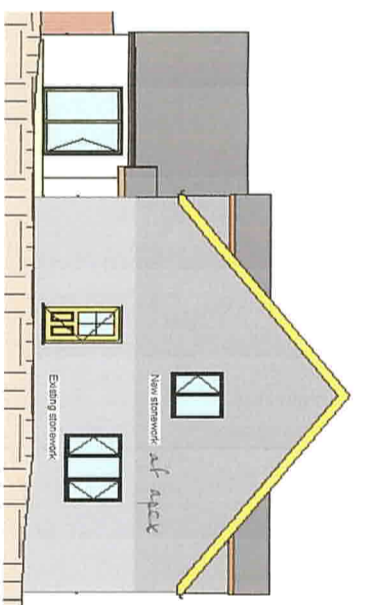
Verify all dimensions by site measurement

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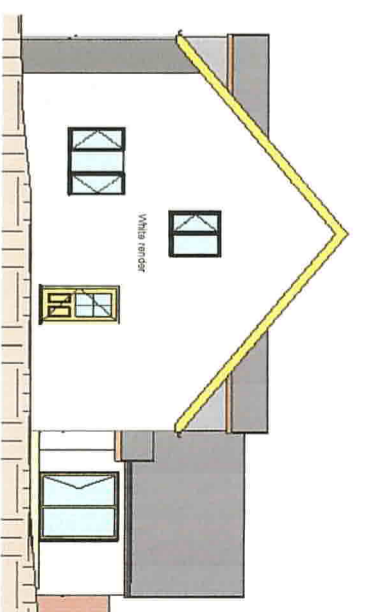
1 Northeast
1 : 200



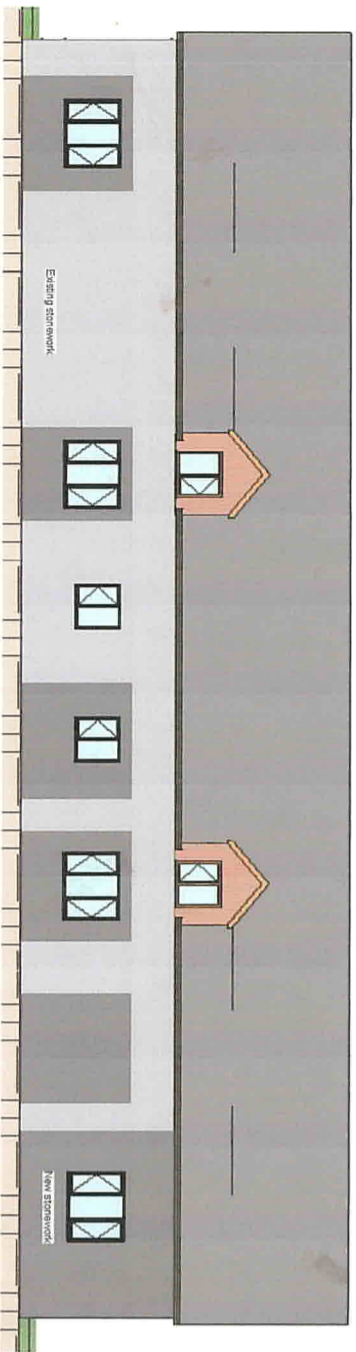
2 Northwest
1 : 200



3 Southeast
1 : 200



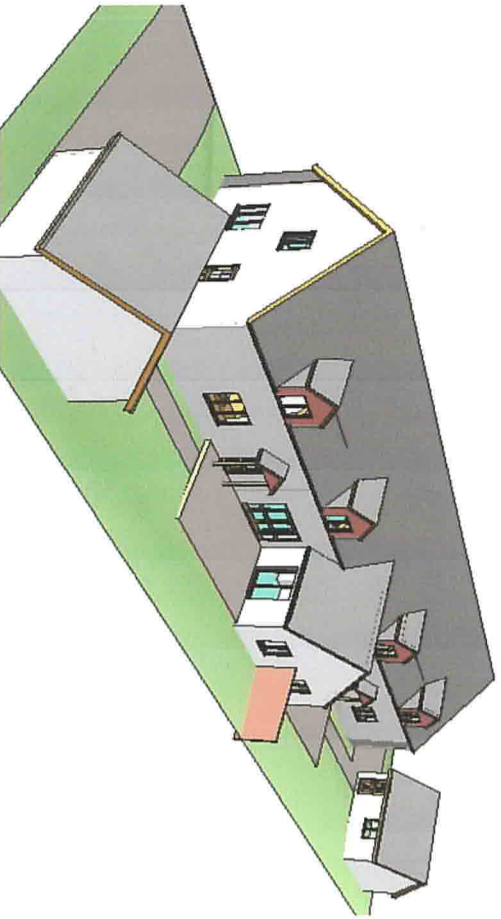
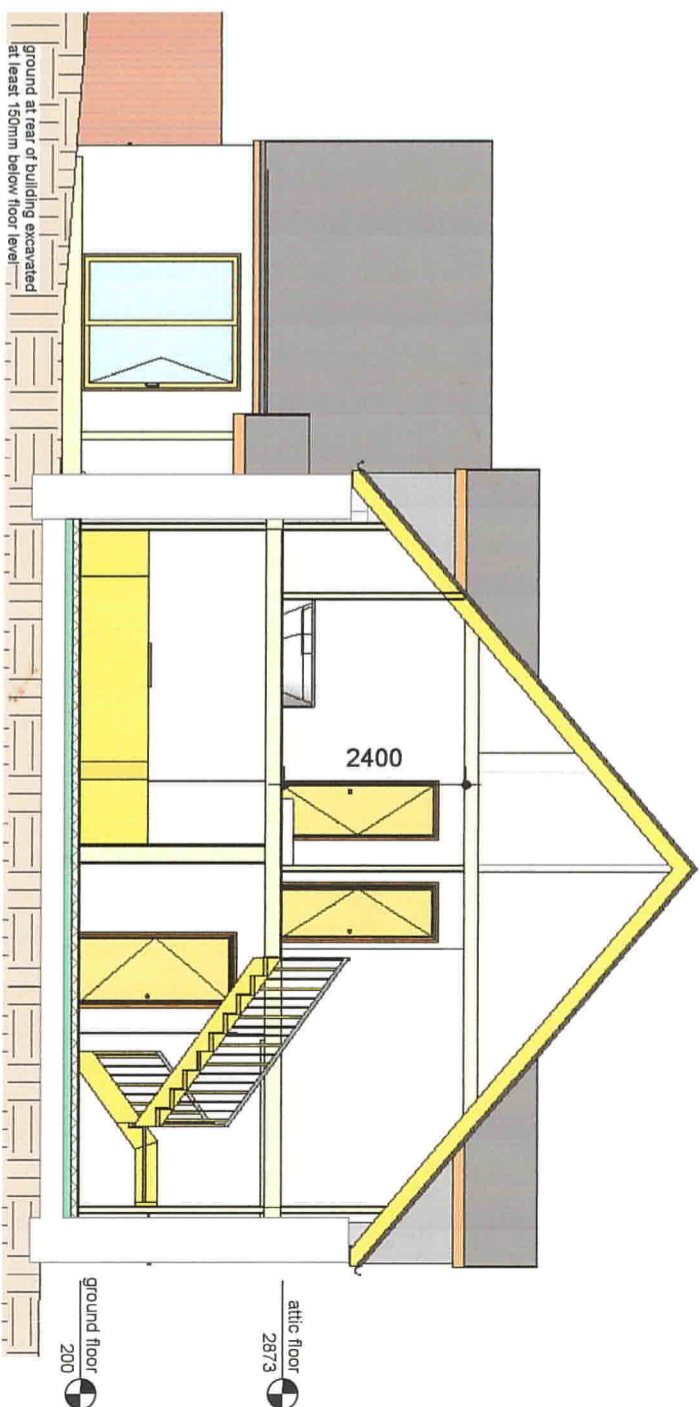
4 Southwest
1 : 200



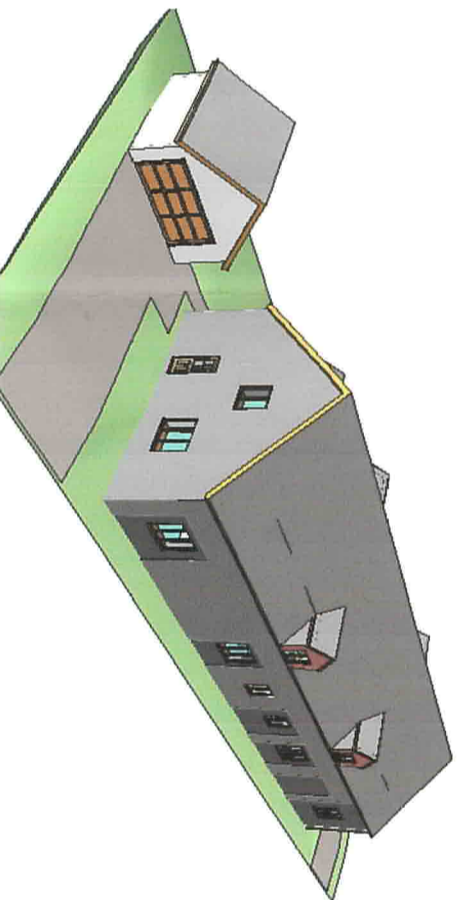
Specification :

Roof covering natural slate, colour grey. Existing stonework repaired and repointed. New stonework to match existing. Rendering finished with white masonry paint. Timber windows & doors. Exterior timber stained brown. Two detached garages 5.5m long x 5.4m wide, slated and rendered to match dwellings, each with 2 timber doors and one window.

5 Section
1 : 100



6 aerial view from East



7 aerial view from West

AS PROPOSED

308 sq m
each,

Job	551C	Sheet	3
Client	A Simpson		
Project	Carnis Eskan, Helensburgh, Conversion of Barn to 2 Houses		

Iain Dawson
Architecture

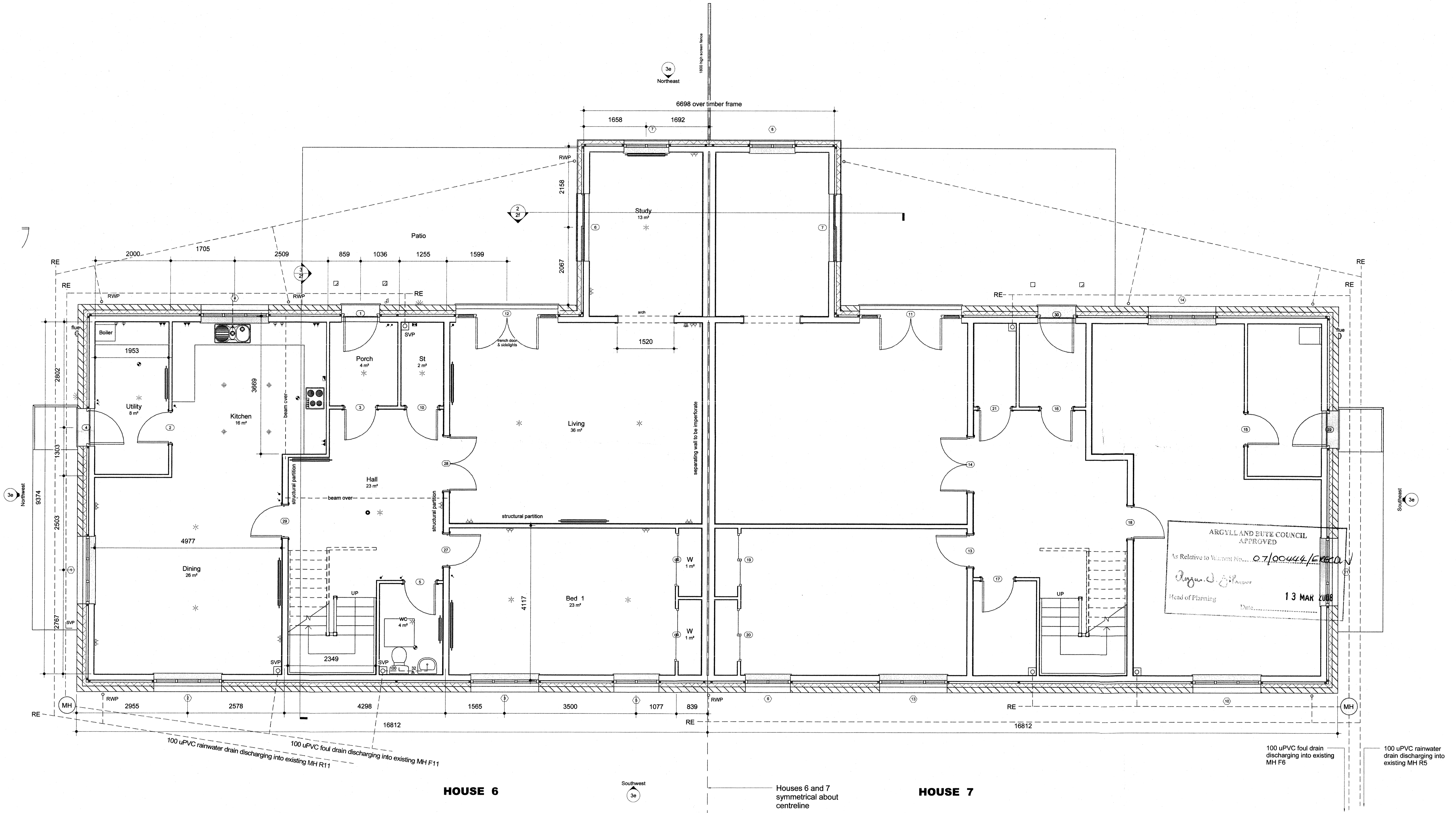
10 Arkwrights Way, Paisley, PA1 2NX

tel & fax 0141 887 1130 www.idawson.co.uk info@idawson.co.uk

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Affiliate of the Royal Institute of British Architects
Associate of the Chartered Institute of Building

Verify all dimensions by site measurement

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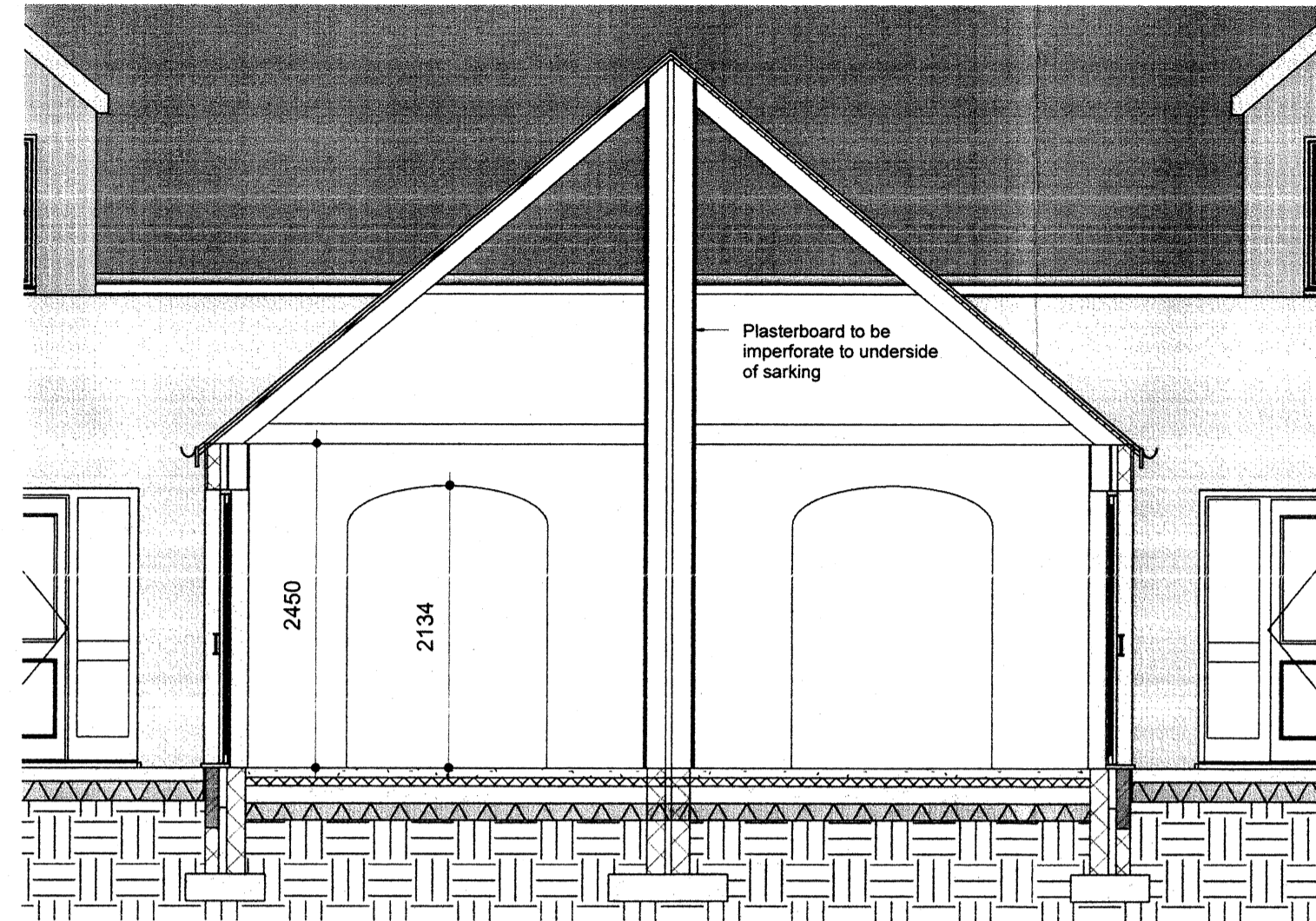


1 ground floor
1:50

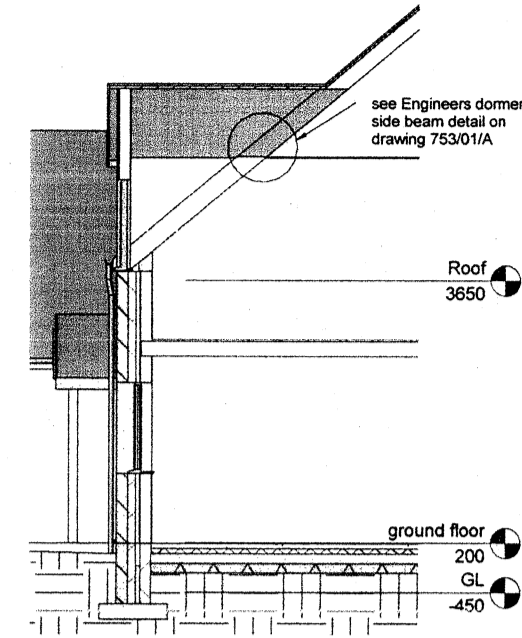
- LEGEND
- 1 way, 2 way light switch, immersion switch
 - 300, 1100 high 13A twin socket, fused spur, shaver socket
 - interconnected smoke alarms on independent circuit
 - pendant, downlighter, built-in light
 - consumer unit, cooker control
 - fan (kitchen 60, utility 30, bath & toilet 15 litre/sec)
 - doorbell push, phone socket, TV aerial socket

Job	551B	Sheet	1f
Client	A Simpson		
Project	Demolition of Barn and erection of two Houses at Camis Eskan Farm, Helensburgh		

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2 Section 2
1:50

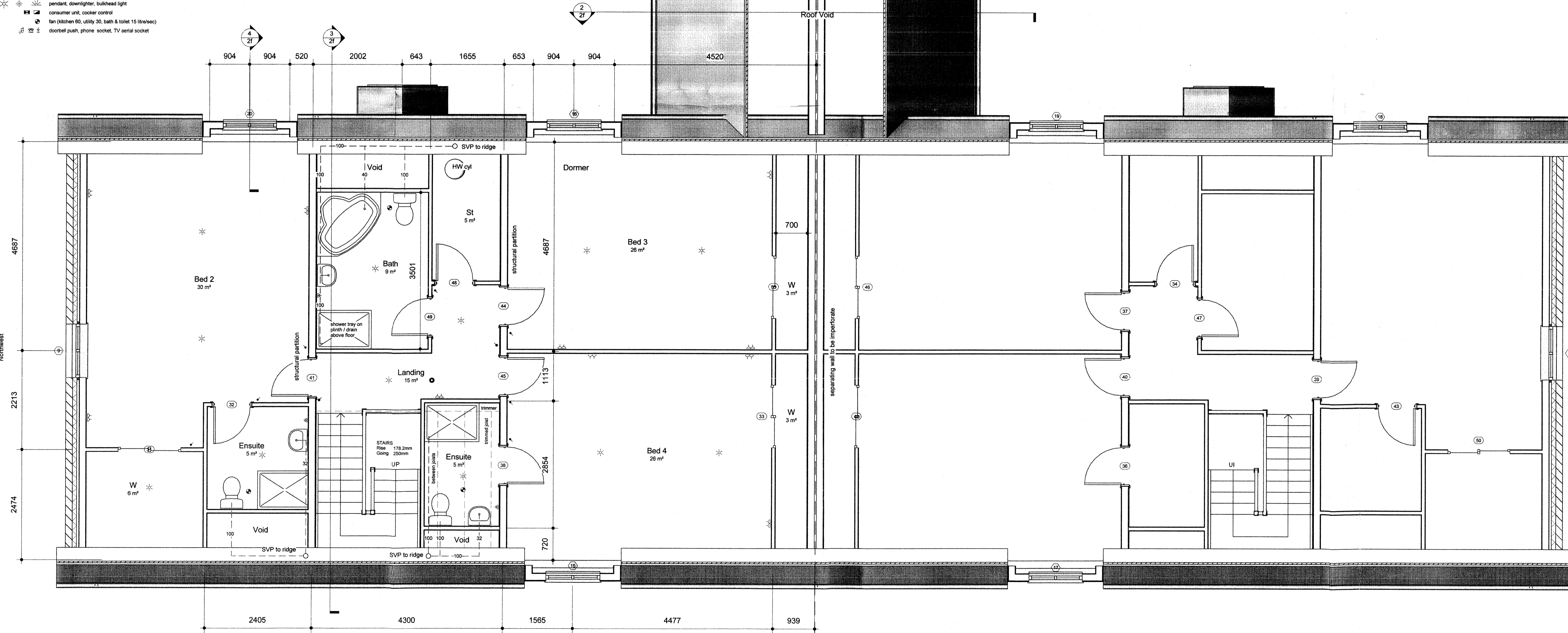


4 Section 3
1:100



3 Section 1
1:50

- LEGEND
- 1 way, 2 way light switch, immersion switch
 - 300, 1100 high 13A twin socket, fused spur, shaver socket
 - interconnected smoke alarms on independent circuit
 - pendant, downlighter, bulkhead light
 - consumer unit, cooker control
 - fan (kitchen 60, utility 30, bath & toilet 15 litre/sec)
 - doorbell push, phone socket, TV aerial socket



1 attic floor
1:50

HOUSE 6

HOUSE 7

Houses 6 and 7
symmetrical about
centreline

ARGYLL AND BUTE COUNCIL
APPROVED
As Relative to Warrant No. 07/0004/620
Angus J. Gilmore
Head of Planning
Date: 13 MAR 2008

Job 551B Sheet 2f
Client A Simpson
Project Demolition of Barn and erection of two Houses at Carnis Eskan Farm, Helensburgh

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**STATEMENT OF CASE
FOR
LOCAL REVIEW BODY**

**REFUSAL OF PLANNING PERMISSION FOR
ERECTION OF TWO DWELLINGHOUSES AT LAND
EAST OF CAMIS ESKAN FARMHOUSE,
HELENSBURGH**

PLANNING APPLICATION

REFERENCE NUMBER: 18/01382/PP

31 OCTOBER 2018

INTRODUCTION

The Planning Authority is Argyll & Bute Council ('the Council'). The appellants are Rainheath Limited ('the appellants').

The detailed planning application, reference number 18/01382/PP, for the erection of two dwellinghouses at Land East of Camis Eskan Farmhouse, Helensburgh ('the appeal site') was refused under delegated powers on 16 August 2018. The planning application has been appealed and is subject of referral to the Local Review Body.

DESCRIPTION OF SITE

The application site is located in a remote hillside location within the general environs of a historic farm complex which has been subject to permitted conversion to residential use. The proposal is to erect two new 2 storey dwellinghouses on the site of a former barn that has since been demolished. The appeal site is located within the greenbelt.

SITE HISTORY

01/02061/COU Conversion of farm buildings to form 4 dwellings – Approved 6.6.02

05/00742/PP – Demolition of shed and erection of 2 Dwellings – Withdrawn 10.3.2006

06/00085/COU - Conversion of barn into 2 dwelling houses – Approved 30.1.07

07/00444/ERECDW – Building warrant approval for demolition of barn and erection of two dwellinghouses. Building Standards have no information on a start date or any inspection notes in respect of the previous barn or the current partial foundations constructed on the site. No notification of commencement of development.

15/01652/PP - Erection of 2 dwellinghouses - Refused 31.08.2015

18/01382/PP - Erection of 2 dwellinghouses - Refused 16.08.2018

Application 18/01382/PP was refused on the grounds set out in the report of handling which states, inter alia that:

The development was in the greenbelt where there was no locational justification for 2 houses.

The introduction of an inappropriate and unjustified form of new development into the greenbelt will be visually intrusive, visually discordant, result in sporadic development in the countryside and will therefore have a detrimental impact upon the character and appearance of the area. As such the proposal is contrary Policy LDP DM1 (G) of the adopted Argyll and Bute Local Development Plan 2015.

STATUTORY BASIS ON WHICH THE APPEAL SHOULD BE DECIDED

Section 25 of the Town and Country Planning (Scotland) Act 1997 provides that where, in making any determination under the Planning Acts, regard is to be had to the Development Plan and the determination shall be made in accordance with the plan unless material considerations indicate otherwise. This is the test for this application.

- Whether the proposal accords with Development Plan policy and whether there are any material considerations to outweigh these adopted policies.

In particular;

- Whether the proposed erection of two dwellinghouses in the greenbelt is justified.
- If there is no justification then the introduction of an inappropriate and unjustified form of new development into the greenbelt will be visually intrusive, visually discordant, result in sporadic development in the countryside and will have a detrimental impact upon the character and appearance of the area.

COMMENTS ON APPELLANT'S SUBMISSION

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that where, in making any determination under the planning Acts, regard is to be had to the development plan, and the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Application 18/01382/PP was assessed on this basis as is the appeal.

The Council's assessment of this proposal is set out in the original Report of Handling. In terms of additional items in the appellants' Grounds for Review either not covered in this document or requiring further comment these are set out below. The appellants' comments are listed first, thereafter the Council's response is set out in bold.

The proposed development is essentially the rebuilding of the barn and the formation of the two dwellings and garages as per the previously approved building warrant. (Paragraph 3.1).

Comment: The Council does not accept that the proposed development is essentially the rebuilding of the barn and the formation of the two dwellings and garages as per the previously approved building warrant. From a Planning perspective the proposal is for the erection of two dwellinghouses and constitutes new build. The barn was demolished and therefore cannot be converted. The statement also implies that the barn will be rebuilt then converted to dwellinghouses. This is illogical and is not supported by planning policy.

If the building you are converting has already been demolished or has not been used for a long period (and is considered to be 'abandoned'), its use will have ceased and a planning application for a new building will be necessary. It is unlikely under such circumstances that planning permission would be granted when assessed against greenbelt policy. Indeed the appellants' statement says that the site is derelict and works stopped after the foundations were cast. No explanation is given why works stopped, why the Planning department was not contacted and why it wasn't until 2015 that a planning application was eventually submitted.

There is an ongoing misconception with many people that a Building Warrant and Planning Permission are one and the same. This is not the case and it is important to differentiate between the two.

Planning Permission – The regulations that you need to adhere to in order to be granted planning permission control the way towns and the countryside are developed. It scrutinises; the use of the land or the building; the appearance of the building or landscape; access to highways; and the extent to which the development will affect the local environment.

Building Warrant – This is granted only if your development meets building regulations. These outline the standards to which the design and construction of your project must adhere and include things like; the design and standard of your electrical installations; the energy efficiency and carbon levels associated with your project; fire safety and many other areas that generally ensure your construction will be safe for you, the public and the environment.

It cannot be emphasised too strongly that, whatever the project, advice from both Building Standards and Planning should be sought to avoid costly and unnecessary work at a later date.

Building Standards and Planning operate under different legislation and have a different, separate and distinct consenting regime. Building Warrant was to demolish the barn and build two new houses. The planning permission was for change of use. You cannot change the use of a building that's gone.

Under Paragraph 4.1, 1. The appellants state that part of the grounds for review include:

Would the application proposal comply with the requirements of **Policy LDP DM1 (G)** of the Local Development Plan, which relates to development in the Greenbelt and, if not, would material considerations indicate that planning permission could be granted as a 'minor departure' to the provisions of this policy?

Policy LDP DM1, which under (G) states that within the Greenbelt encouragement will only be given to very limited and specific categories of countryside based development. These comprise:

- (i) Agricultural-related development.
- (ii) Farm diversification – tourism and rural business related development (excluding dwelling houses)
- (iii) Outdoor sport and recreational development.
- (iv) Development required to manage and sustain the natural heritage and access resources of the Greenbelt.
- (v) Demolition and replacement of buildings and alterations or extensions of such buildings, including dwelling-houses, subject to no change of use occurring.
- (vi) Change of use of buildings to residential institutional use.

A development outwith categories G(i) to (vi) may however accord with this policy when it is successfully demonstrated that the proposal will:

- 1) Retain a significant building at risk; or
- 2) Directly support the provision of essential infrastructure; or
- 3) Involve building development directly supporting recreational use of land.

The appellants further state that:

It is accepted that the proposal does not comply with any of the exceptions set out in categories G(i) to (vi) of Local Development Plan **Policy LDP DM1**. Neither does the proposal retain a significant building at risk; directly support the provision of essential infrastructure; or involve building development directly supporting recreational use of land.

The SPP introduces a presumption in favour of development that contributes to sustainable development. The SPP notes that NPF3 aims to facilitate new housing development, particularly in areas within our cities network where there is continuing pressure for growth, and through innovative approaches to rural housing provision.

The SPP further states that in remote rural areas, where new development can often help to sustain fragile communities, plans and decision-making should, where appropriate, allow the construction of single houses outwith settlements provided they are well sited and designed to fit with local landscape character, taking account of landscape protection and other plan policies. Planning Advice Note 73 is also quoted with it and the SPP referring to redeveloping brownfield sites.

Comment: The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Scottish Planning Policy states that proposals that accord with up-to-date plans should be considered acceptable in principle and consideration should focus on the detailed matters arising. For proposals that do not accord with up-to-date development plans, the primacy of the plan is maintained. As such we would agree that the proposal is contrary to greenbelt policy including the exceptions listed. To uphold an appeal, which is clearly contrary to policy, goes against the fundamental principles of Scottish Planning Policy.

The Planning system can appear complex but greenbelts are probably the one policy provision clearly understood, accepted and liked by the general public. The government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Green Belt serves five purposes:

- **to check the unrestricted sprawl of large built-up areas**
- **to prevent neighbouring towns merging into one another**
- **to assist in safeguarding the countryside from encroachment**
- **to preserve the setting and special character of historic towns**
- **to assist in urban regeneration, by encouraging the recycling of derelict and other urban land**

Greenbelt policy is the most restrictive of the Council's countryside policies. There has to be a justification for encroaching into these areas and as the appellants have already admitted there is no policy justification for this proposal.

The site is not Brownfield and the definition in SPP discusses this in the context of pressure for development in cities with an aim to secure population retention: this is not the same scenario. The SPP also discusses fragile communities which rural areas can be, however this is in association with compliance with other development plan policies. In this case it goes against guidance as it is contrary to our Development Plan Policy DM1.

PAN 73 - Also discusses brownfield sites but in the context of redundant or unused buildings, this is not the same as there is no building as it was demolished in 2008. The appellants regard the site as derelict presumably to justify a new build. The site is not derelict and is not undermining amenity. The site has been neglected but this should not be a justification for two new dwellings.

Reference is made by the appellants to the previous history of the site as a justification for departing from development plan policy. They also state that SPP indicates that in remote rural areas new development can help to sustain fragile communities.

Building Standards granted a warrant for demolition in 2008, this should have been accompanied by a planning application for rebuild which would have been assessed against the relevant provisions of the development plan and other material considerations. The applicant failed to provide this information to the council, therefore the planning use was lost through negligence. The 2007 approval (ref 06/00085/COU) was granted 29/1/07 and it is shown to be similar to the recent refusal. However, the 2007 approval was based on retaining a building at risk and accorded with greenbelt policy. This building was demolished in 2008, it ceased to be a material consideration and is therefore not taken into account.

The appeal site cannot possibly be regarded either as being in a remote rural area or a fragile community. As such any material considerations are at best very weak and do not outweigh the clear lack of policy support which is accepted by the appellants.

The appeal site is a sensitive site. It is within the greenbelt which gives the highest degree of protection in terms of both the Council's and Scottish Government's countryside policies. In terms of greenbelt new housing development needs a locational or occupational need. The appellants accept the proposal is contrary to greenbelt policy and have hung their justification for 2 houses on one part of SPP. Scottish Planning Policy needs to be read and assessed in totality. It is a non-statutory document but is a material consideration. It identifies the primacy of the development plan stating that planning should be plan-led. It further states that the aim is to achieve the right development in the right place; it is not to allow development at any cost. Whilst the SPP and the presumption in favour of sustainable development will be material considerations it makes clear that for proposals that do not accord with up-to-date development plans the primacy of the plan is maintained. The SPP emphasises the importance of greenbelt particularly in directing development to more appropriate sites. The Local Development Plan is up to date and was supported by Members as the basis for helping to determine applications.

Building Standards granted a warrant for demolition in 2008, this should have been accompanied by a planning application for rebuild. The applicant failed to provide this information to the council, therefore the planning use was lost and the site has become derelict through neglect. The site is neither remote nor fragile and the proposal is not supported by robust policies in the Local Development Plan or Government guidance.

The Council has now considered 4 applications for this site: three planning applications and a building warrant. **Building Standards and Planning operate under different legislation and have a different, separate and distinct consenting regime. Building Warrant was to demolish the barn and erect two new dwellinghouses. The planning permission was for change of use in line with policy. You cannot change the use of a building that's gone nor justify new development on the basis of a different consent regime. Work under the Building Warrant commenced then stopped. It took seven years to submit a planning application to try and rectify what happened.** Assessed against development plan policy there is no justification for an incursion into the greenbelt. The key consideration is the robust greenbelt policy in the Local Development Plan. The appellants' reliance on one small part of SPP is a minor material consideration which they themselves contradict by stating that there is no policy support for the proposal.

On the basis of development plan policy and other material considerations there is no justification for two houses at this location. As such it is respectfully requested that the appeal is dismissed.



14 November 2018

FAO Adele Price-Williams
Senior Committee Assistant
Argyll and Bute Council
Kilmory
Lochgilphead
PA31 8RT

Ref MHP: 2018_0004

Dear Councillor

**REQUEST FOR REVIEW OF DECISION TO REFUSE PLANNING PERMISSION FOR THE
ERECTION OF 2 DWELLINGHOUSES, LAND EAST OF CAMIS ESKAN FARMHOUSE,
HELENSBURGH (REFERENCE 18/01382/PP)**

I refer to the e-mail dated 1 November 2018 requesting comments on the Planning Officer's Statement of Case in respect of the above. My comments are as follows:

- It is stated that the application site is in a "remote hillside location". It is not; the site is adjacent to 5 dwellings that were formed when Camis Eskan farm was converted. There are further dwellings (Shepherd's Cottage, The Lodge and North Lodge immediately to the west, and the site is less than ½ mile from the Helensburgh boundary. At a separate point in the Council's Statement of Case it states that "the appeal site cannot possibly be regarded either as being in a remote rural area or a fragile community", this contradicting the earlier assertion that the site is in a remote hillside location;
- It is further stated that the proposed development would be "visually intrusive, visually discordant, and would result in sporadic development in the countryside". "Sporadic" means "occurring at irregular intervals or only in a few places; scattered or isolated". As noted above the site is immediately adjacent to the group of buildings at Camis Eskan Farm and thus by definition cannot result in "sporadic development";
- It is stated that no explanation is given as to why works stopped, why the Planning department was not contacted and why it wasn't until 2015 that a planning application was eventually submitted. The explanation is a simple one, it was because of the adverse economic climate;
- It is stated that there is an ongoing misconception with many people that a

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Building Warrant and Planning Permission are one and the same. There is no such misconception in the current case however, it is also reasonable to assume that if the 'Council' approve a building warrant for a development, that this can then go ahead. The applicant therefore naturally took the building warrant to mean that the barn could be demolished and re-built; i.e. he assumed that Building Control would not issue a building warrant for something that did not have planning permission;

- It is stated that the Green Belt serves five purposes:
 - a. to check the unrestricted sprawl of large built-up areas;
 - b. to prevent neighbouring towns merging into one another;
 - c. to assist in safeguarding the countryside from encroachment;
 - d. to preserve the setting and special character of historic towns; and
 - e. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Of these, only c) is considered relevant to the current review. There would however be no difference in terms of any impact on the 'openness' of the Green Belt between the implementation of the approved 2008 planning permission (were this capable of implementation), and the planning permission now being applied for;

- Finally, it is stated that the site is not 'brownfield', this is fundamentally incorrect. Brownfield land is land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. The application site was occupied by a former permanent structure (the barn that was demolished) and is therefore by definition 'brownfield'. **Planning Advice Note 73** (Rural Development) is therefore a material consideration where it states that "Development Plan policies should encourage rehabilitation of brownfield sites in rural areas and in appropriate locations allow for their re-development;

In conclusion, the Council considers that the determining issues in relation to the case are whether the proposal accords with Development Plan policy, and (if not) whether there are any material considerations to outweigh these adopted policies.

As you will be aware from the Grounds for Review, we are seeking permission to undertake development that was approved by the Council's building control department in 2008. This development comprised the demolition of a barn and the erection of two dwellings. In terms of its external appearance, the completed development would be exactly the same as that which was granted planning permission in 2007.

The applicant has accepted from the outset that the proposal does not comply with

any of the exceptions set out in categories G(i) to (vi) of Local Development Plan Policy **LDP DM1**. Neither does the proposal retain a significant building at risk; directly support the provision of essential infrastructure; or involve building development directly supporting recreational use of land. This however does not automatically mean that planning permission should be withheld. Local Development Plan Policy **SG LDP DEP 1** allows the Council to grant planning permission as a departure from policy when material planning considerations so justify.

The history of the site is such a material consideration, as is Scottish Government advice contained in the SPP, and Planning Advice Note 73, which together state that Local Planning Authorities should always consider the re-use or re-development of brownfield land before new development takes place on greenfield sites.

Furthermore, if planning permission for the erection of the two dwellings is not granted, the site will remain derelict, i.e. it will have become incapable of reasonably beneficial use in its existing state.

Yours sincerely

A handwritten signature in black ink that reads "Michael Hyde." The signature is written in a cursive, slightly slanted style.

Michael Hyde MRTPI
MH Planning Associates

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