



**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*  
*16 January 2019*

**RECONVENED MEETING OF ARGYLL AND BUTE LOCAL REVIEW BODY**

A meeting of the **ARGYLL AND BUTE LOCAL REVIEW BODY** will reconvene in the **COMMITTEE ROOM 1, KILMORY, LOCHGILPHEAD** on **WEDNESDAY, 23 JANUARY 2019** at **10:30 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) Further Information from the Planning Department (Pages 3 - 20)
  - (b) Further Comments from Applicant (Pages 21 - 28)
  - (c) Further Comments from Interested Parties (Pages 29 - 30)

**ARGYLL AND BUTE LOCAL REVIEW BODY**

Councillor Rory Colville (Chair)  
Councillor Roderick McCuish

Councillor Audrey Forrest

Contact: Adele Price-Williams 015460 604480

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**ADDITIONAL INFORMATION 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**

**1 Details of the previous planning permission for conversion of the barn and the building warrant from 2007 and whether the planning permission has expired.**

Comment: Details are attached. The original planning permission has expired. A second application in 2015 was refused under reference 15/01652/PP. This application was never appealed.

**2 Planning status of the foundations as depicted on page 12 of the agenda pack; together with clarification of what, if any, that status has on the planning history of the site.**

Comment: Due to the history of permissions on the site and the need to ensure that any material considerations were evaluated in the determination of the proposal officers previously have sought, through discussions with Building Standards, to try and clarify why following planning permission for a conversion of an traditional, stone built outbuilding being granted under 06/00085/COU, a building warrant was submitted to demolish the traditional barn and replace it with two new build houses under 07/00444/ERECDW. Although a building warrant was approved no notification of commencement of works or site inspections were carried out and no information to suggest the barn was structurally incapable of conversion and required demolition has been found.

Officers could not identify any reason as to why the original barn was demolished in its entirety and new foundations constructed contrary to the terms of planning permission 06/00085/COU. There is no information contained in the planning or building standards history which provides mitigation or justification for proceeding with both demolition and unauthorised development contrary to the terms of the planning permission to convert the existing agricultural building into two dwellings.

Given the above the foundations had no relevance in 2015 and have no relevance to this appeal.

**3 Their view on the Scottish Planning Policy advice as detailed on page 28, section 4.7 of this agenda pack.**

Comment: The paragraph states the following:

*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.*

Comment: Scottish Planning Policy (SPP) is a non-statutory document. 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.

It is assumed that this statement is to convince Members that brownfield sites as such have a greater status than greenfield sites and therefore should be approved. Whether a site is brownfield or greenfield there is no automatic right of approval. All planning applications require to be assessed in terms of Section 25 of the 1997 Planning Act against Development Plan Policy and other material considerations. As previously stated the site is within the

greenbelt which is the strictest of the Council's countryside policies and opportunities are limited. The proposal in 2006 met the terms of greenbelt policy i.e. conversion of a traditional building. That was not implemented and the barn demolished. The erection of two houses fails when assessed against development plan policy and other material considerations.

#### **4 Clarification of whether a brownfield development is considered differently if the site is situated in greenbelt and if redevelopment opportunities are limited to only those specified in the greenbelt policy.**

Comment: Whether a site is brownfield or greenfield there is no automatic right of approval. All planning applications require to be assessed in terms of Section 25 of the 1997 Planning Act against Development Plan Policy and other material considerations. As previously stated the site is within the greenbelt which is the strictest of the Council's countryside policies and opportunities are limited to those specified. The proposal for the erection of two houses fails when assessed against development plan policy and other material considerations.

#### **5 Clarification on whether the latest population figures are projecting a falling population in Helensburgh and Lomond.**

Comment: The population of Helensburgh and Lomond is declining. However, this has absolutely no relevance to the appeal. The appeal is to approve two houses in the greenbelt without any justification. The Housing Need and Demand Assessment Report was used to identify the housing need and inform the Housing Land Supply Targets which were used in the Argyll and Bute Local Development Plan. The Housing Need and Demand Assessment was approved as robust and credible by the Scottish Governments Centre for Housing Market Analysis. The document also formed one of the core documents which was considered by the Reporters when they were looking at the adequacy of the housing allocations in the Local Development Plan, where they confirmed that there was no need to identify additional sites for housing allocations.

#### **6 Their view on the Scottish Planning Policy advice as detailed on page 27, section 4.5 of the agenda pack and its relevance to the proposed development and clarification that the Faslane development is an area where economic investment is planned in the near future and its relevance to the proposed development.**

Comment: The paragraph states the following:

*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.*

Investment is on-going at Faslane and will include new submarines and personnel. This has absolutely no relevance to the proposed development. The appeal is to approve two houses in the greenbelt without any justification. New housing will be directed to allocated sites and other locations within settlements. As stated above the site is within the greenbelt which is the strictest of the Council's countryside policies and opportunities are limited to those specified in the policy. The proposal for the erection of two houses fails when assessed against development plan policy and there are no material considerations that would justify departing from policy.

## Conclusion

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 have hung their justification for 2 houses on part of the 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 within settlement boundaries.

Planning permission was granted for the conversion of a barn/agricultural building on this site into two dwelling houses on 30.1.07 under permission 06/00085/COU. In the officers report the granting of this permission was justified on the following basis:

*The development will secure the retention of the existing farm outbuilding at Camis Eshan. Traditional farm outbuildings form an integral part of our rural heritage and in circumstances where they have become surplus to need, appropriate projects to retain the structures should be encouraged as the eventual decay and ultimate loss of these structures will be of overall detriment to that heritage. The proposal involves a sensitive conversion of the outbuilding and will result in the re-use of a traditional building which is considered worthy of retention. The proposed development will not have an adverse impact on the character of the green belt and is supported by other development plan policies. Moreover, the barn forms part of a larger steading complex which has permission to convert to four dwelling houses. As such the proposal can be justified.*

This recommendation was then sent to the then Scottish Executive as a notifiable minor departure from the development plan on 13 November 2006 and following no objection to the granting of planning permission for the conversion of the barn, planning permission for the change of use was granted on 30.01.2007.

As the barn/agricultural building which was previously on the site has been demolished in its entirety, and all materials have been removed from the site, this available exception to policy is now not available and the proposed erection of two dwelling houses is contrary to greenbelt policy with no possible exceptions being available.

Although a building warrant was approved no notification of commencement of works or site inspections were carried out and no information to suggest the barn was structurally incapable of conversion and required demolition has been found. Officers can identify no reason as to why the original barn was demolished in its entirety and new foundations constructed contrary to the terms of planning permission 06/00085/COU. There is no information contained in the planning or building standards history which provides mitigation or justification for proceeding with both demolition and unauthorised development contrary to the terms of the planning permission to convert the existing agricultural building into two dwellings.

On the basis of development plan policy and other material considerations there is no justification for two houses at this location and the appeal should be dismissed.

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997  
TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT) (SCOTLAND) ORDER 1992**

**FULL PLANNING PERMISSION**

**REFERENCE NUMBER: 06/00085/COU**

**A Simpson  
Ian Dawson Architecture  
10 Arkwright Way  
Paisley  
PA1 2NX**

I refer to your application dated 18th January 2006 for planning permission in respect of the following development:

**Conversion of barn into 2 dwellinghouses**

**AT:**

**Camis Eskan Farm Helensburgh Dunbartonshire G84 7JZ**

Argyll and Bute Council in exercise of their powers under the above mentioned Act and Orders hereby grant planning permission for the above development in accordance with the particulars given in the application form and docketed plans subject however to the following conditions:

- 1) that the development to which this permission relates must be begun within five years from the date of this permission.

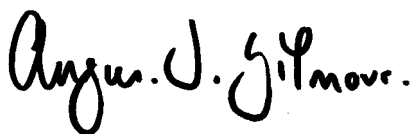
*Reason: in order to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.*

**AND**

**Subject to the conditions and reasons on the attached sheet.**

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

Dated: 30 January 2007



Angus J. Gilmour  
Head of Planning

**PAPER APART**

**REFERENCE NUMBER: 06/00085/COU**

**Conversion of barn into 2 dwellinghouses**

**AT:**

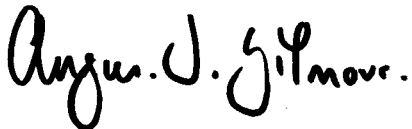
**Camis Eskan Farm Helensburgh Dunbartonshire G84 7JZ**

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

**ADDITIONAL NOTES:**

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

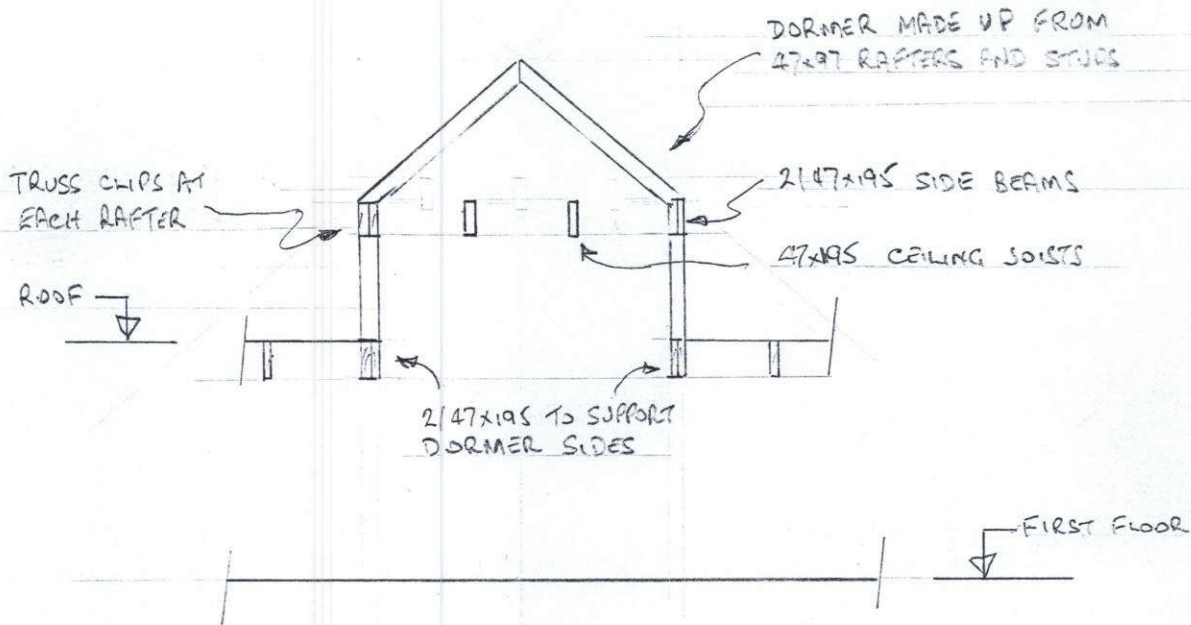
Dated: 30 January 2007

A handwritten signature in black ink that reads "Angus J. Gilmour." The signature is written in a cursive, slightly slanted style.

Angus J. Gilmour  
Head of Planning



<p><b>DAVID J. NICOLL</b></p>	<p><b>PROJECT</b> CAMUS ESKAN FARM HOUSES 6 AND 7 DORMER DETAILS</p>	<p><b>REF</b> 753 <b>DATE</b> Nov 07 <b>DRG. NO.</b> 05</p>
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SECTION THROUGH DORMER

NOTE:-

1. WHERE RAFTERS ARE SUPPORTED BY SARKING, SARKING TO BE REINFORCED BY 22x97 BOARDS NAILED THROUGH SARKING TO RAFTERS

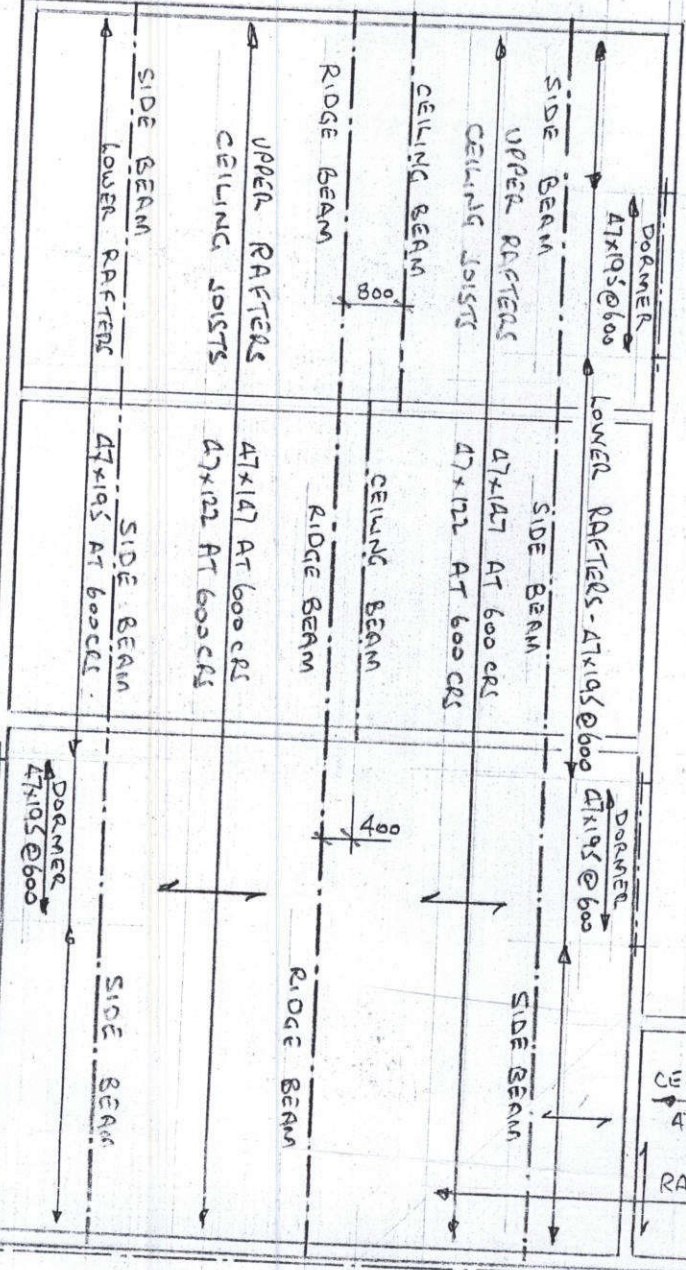
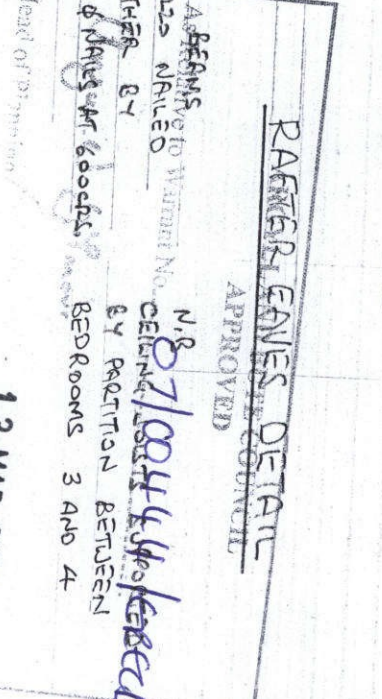
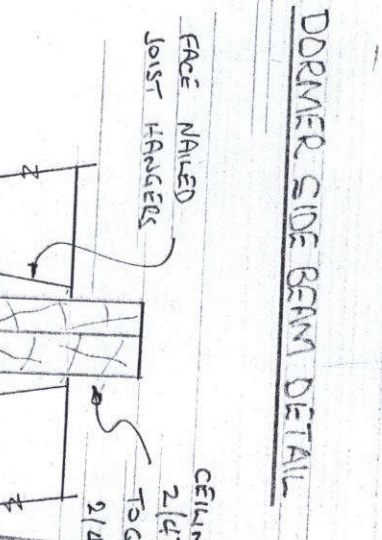
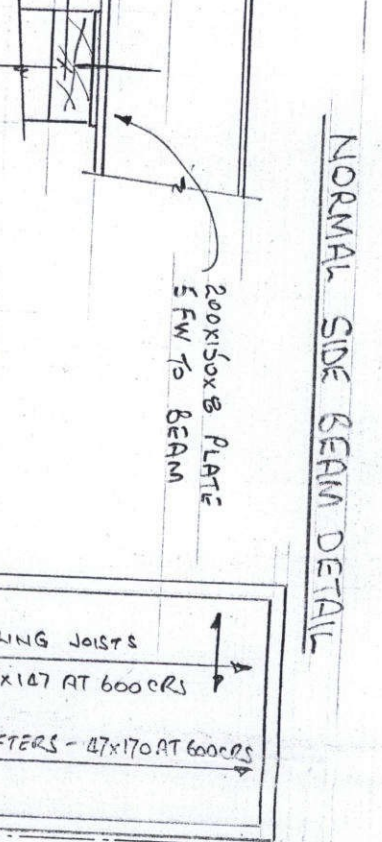
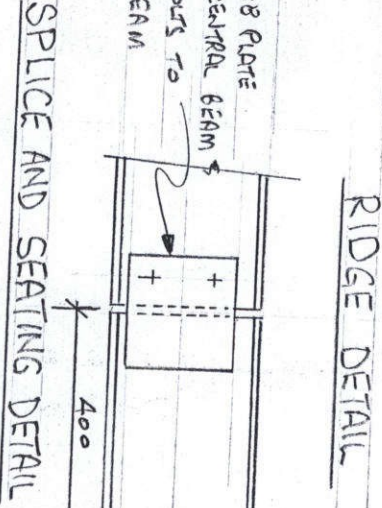
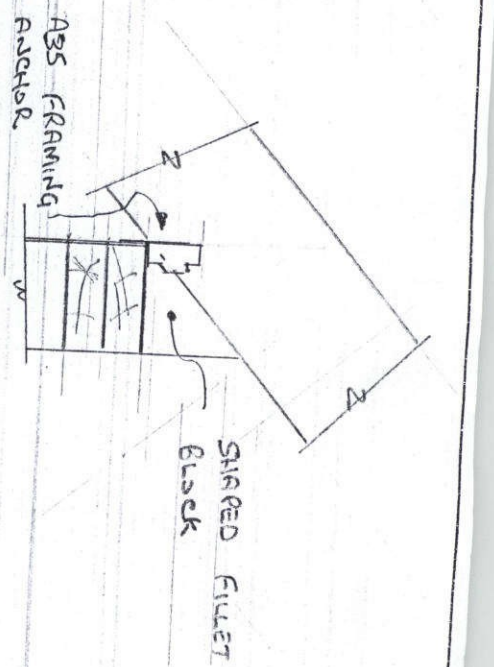
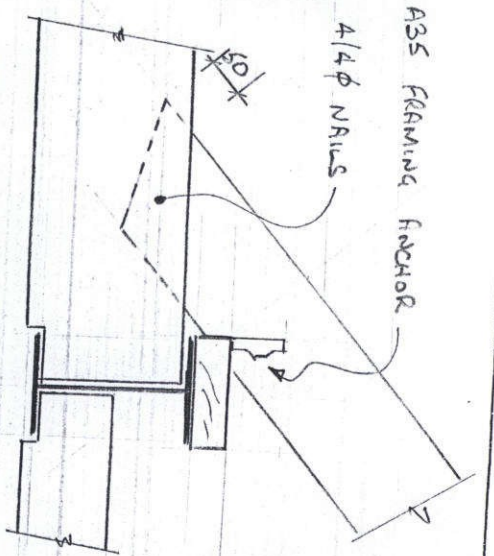
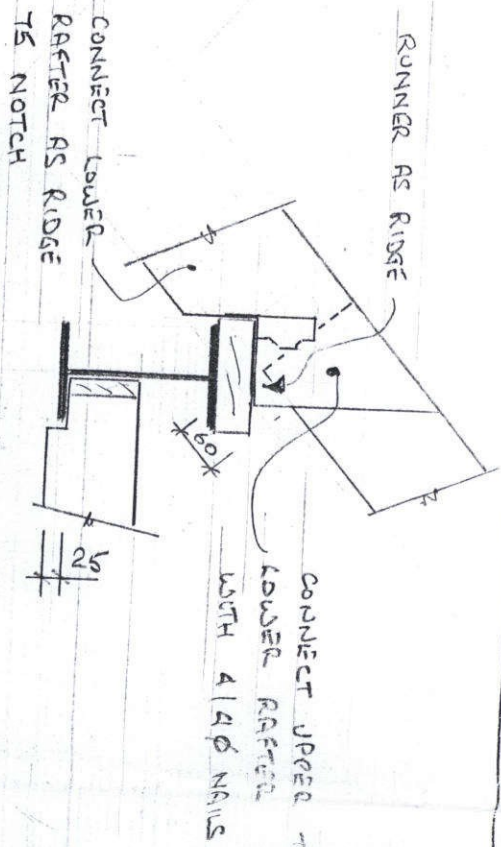
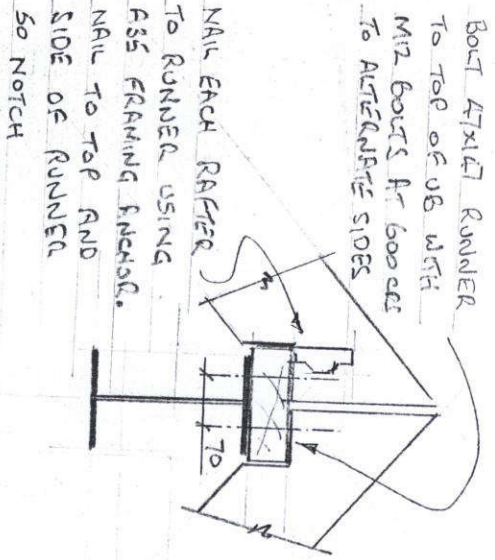
**ARGYLL AND BUTE COUNCIL  
APPROVED**

As Relative to Warrant No. 07/00444/ERECDW

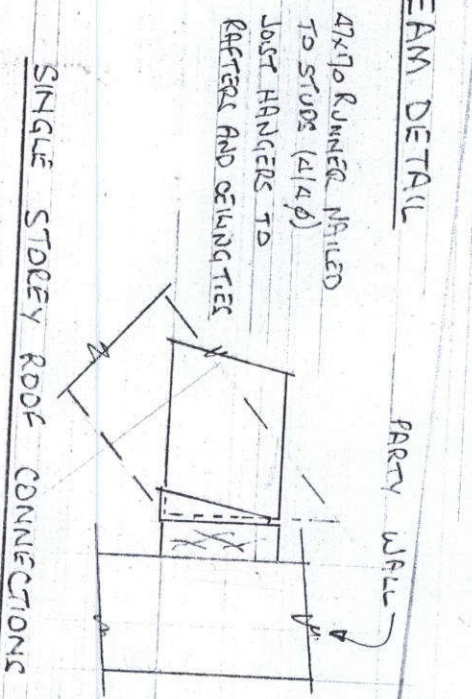
*Angus J. Gilman*

Head of Planning 13 MAR 2008

Date \_\_\_\_\_



LOWER END OF SINGLE STOREY RAFTERS TO REST ON 47x170 LAD FLAT ON MAIN ROOF RAFTERS



N.B. TIMBER FRAME WALLS SHOWN. STONE ENVELOPE NOT SHOWN. ALL ROOF BEAMS SUPPORTED ON 4/47x147 STUDS AT ENDS AND INTERNAL WALLS

PLAN ON ROOF

- NOTE
1. Studs supporting roof beams must be laterally restrained until the beams, rafters and sarking has been completed.
  2. At all roof beam supports beams to be held down by 2.5x30 galvanised straps bent over top of beam and returned down support studs for 900mm. All nail holes to be used.
  3. All gables to be held to roof by lateral restraint straps at 1.5m. maximum centres.
  4. Study roof frames to be held to walls by truss clips at each frame.
  5. 22x97 diagonal rafter bracing to be provided from each apex to both eaves. 22x97 diamond pattern bracing to be provided on top of ceiling joists.

REV	A	Roof Beam Sarking Note	25/6/07
REV		ADDED SINGLE STOREY ROOF DETAILS ADDED	
REV		DETAILS	DATE
REV		REVISIONS	

Client  
MR. A. SIMPSON

Project  
CAMUS ESKAN FRAM HOUSES 6 AND 7

Drawing Title  
ROOF - LAYOUT AND DETAILS

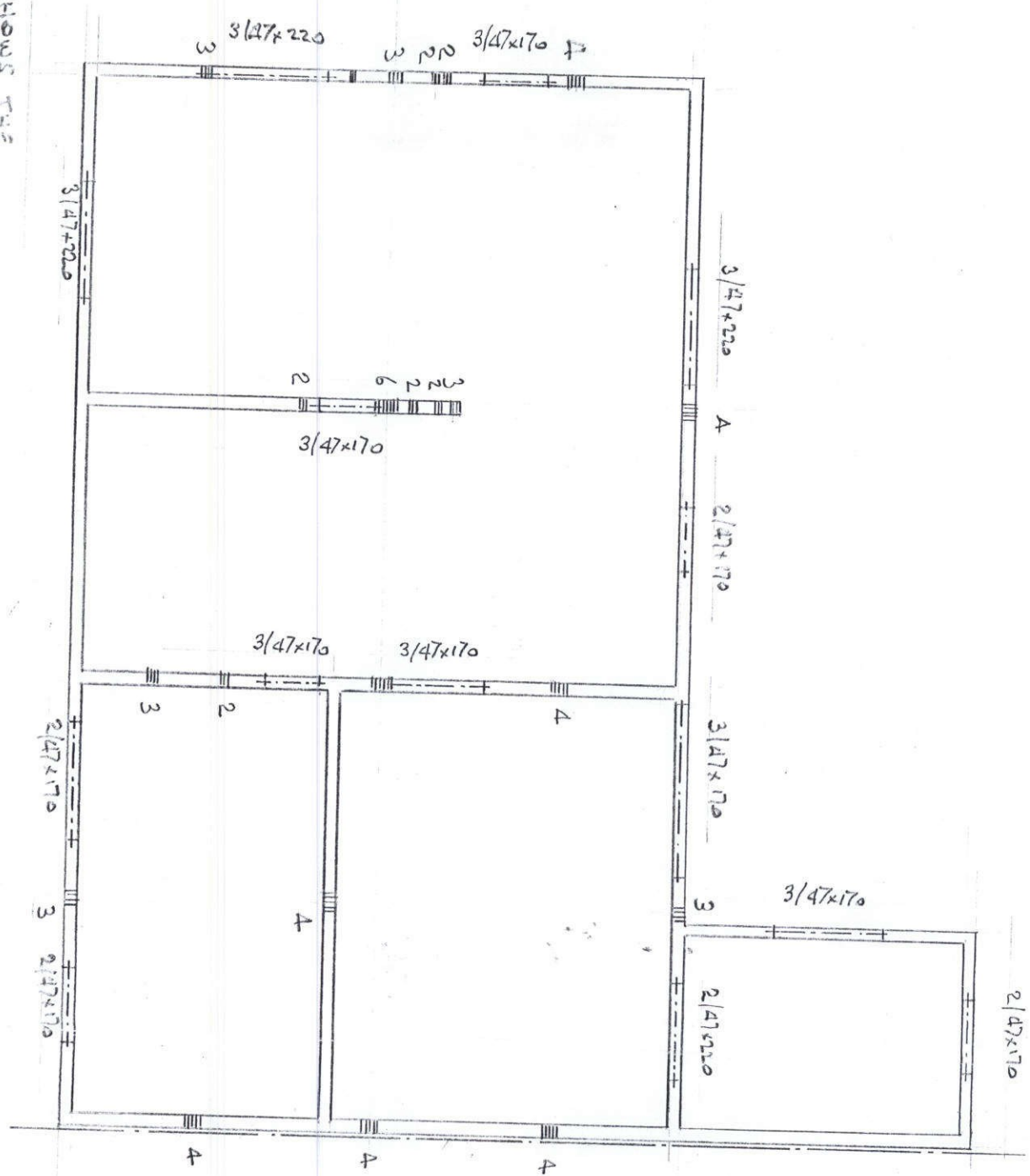
David J. Nicoll  
4 Dixon Road, Helensburgh G84 9DW  
Tel: 01436 675100

Scale  
1:100, 1:10  
Date  
MAY 2007  
Drawing Number  
753101A



N.B.  
THIS PLAN SHOWS THE  
GROUND FLOOR STRUCTURAL  
WALLS AND LINTELS

GROUND FLOOR PLAN



GENERAL NOTES

1. For location, layout and dimensions see Architect's drawings.
2. House 6 shown. House 7 contiguous and to opposite hand.
3. All structural timber to be stress graded to Grade C16.
4. Glulam beam to be Grade LB or Swedish Grade I.40.
5. Steel to be Grade S275 JO. Lintels to be galvanised. Internal beams to be thoroughly wire brushed and to receive one coat of high build zinc phosphate. Bolts to be Grade 4.6 and zinc plated. Washers against timber to be 50mm. dia. and 3mm. thick.
6. Connector fittings to be Simpson StrongTie. All nail holes to be utilised.
7. External leaf lintels to stone faced walls to be one 150x150x10 steel angle and one Robeslee Type C lintel. Both are to have 150mm. minimum seating.
8. External leaf to study walls to be Robeslee Type C with 150mm. minimum seating.

ARGYLL AND BUTE COUNCIL  
APPROVED

As Relative to Memo No. 07/00444 JEDDW

NOTE  
13 MAR 2008

Head of Planning

1. For General Notes see this drawing.
2. Structural walls to be constructed from 47x147 studs at 600mm. maximum centres except for wall between Living and Bed 1 which shall be constructed from 47x97 studs.
3. Where multiple studs are needed to support concentrated loads these are shown and numbered.
4. Where multiple studs are needed above openings these are to be ascertained from the First Floor drawing.
5. Openings up to 1.2m wide to have single cripple studs unless otherwise shown. Openings above 1.2m and up to 3.0m to have double cripple studs unless otherwise shown.

Client  
MR. A. SIMPSON

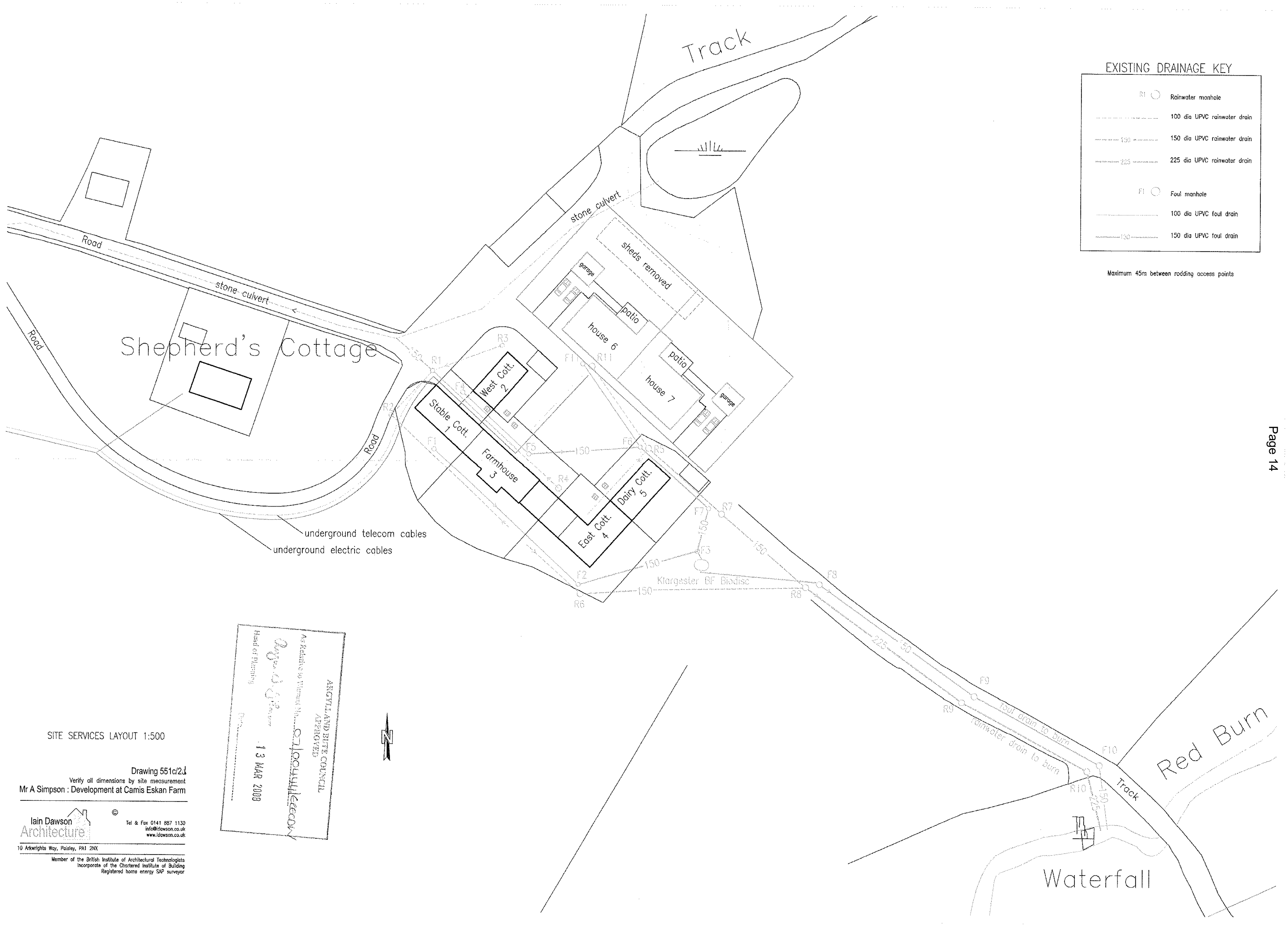
Project  
DANIC BASKIN SPAVA

Drawing Title  
GROUND FLOOR  
LAYOUT AND DETAILS

David J. Nicoll  
4 Dixon Road, Helensburgh G84 9DW  
Tel: 01436 675100

Scale (1:10)  
Date MAY 2007  
Drawing Number 103/03





EXISTING DRAINAGE KEY

R1	○	Rainwater manhole
---	---	100 dia UPVC rainwater drain
---	---	150 dia UPVC rainwater drain
---	---	225 dia UPVC rainwater drain
F1	○	Foul manhole
---	---	100 dia UPVC foul drain
---	---	150 dia UPVC foul drain

Maximum 45m between rodding access points

SITE SERVICES LAYOUT 1:500

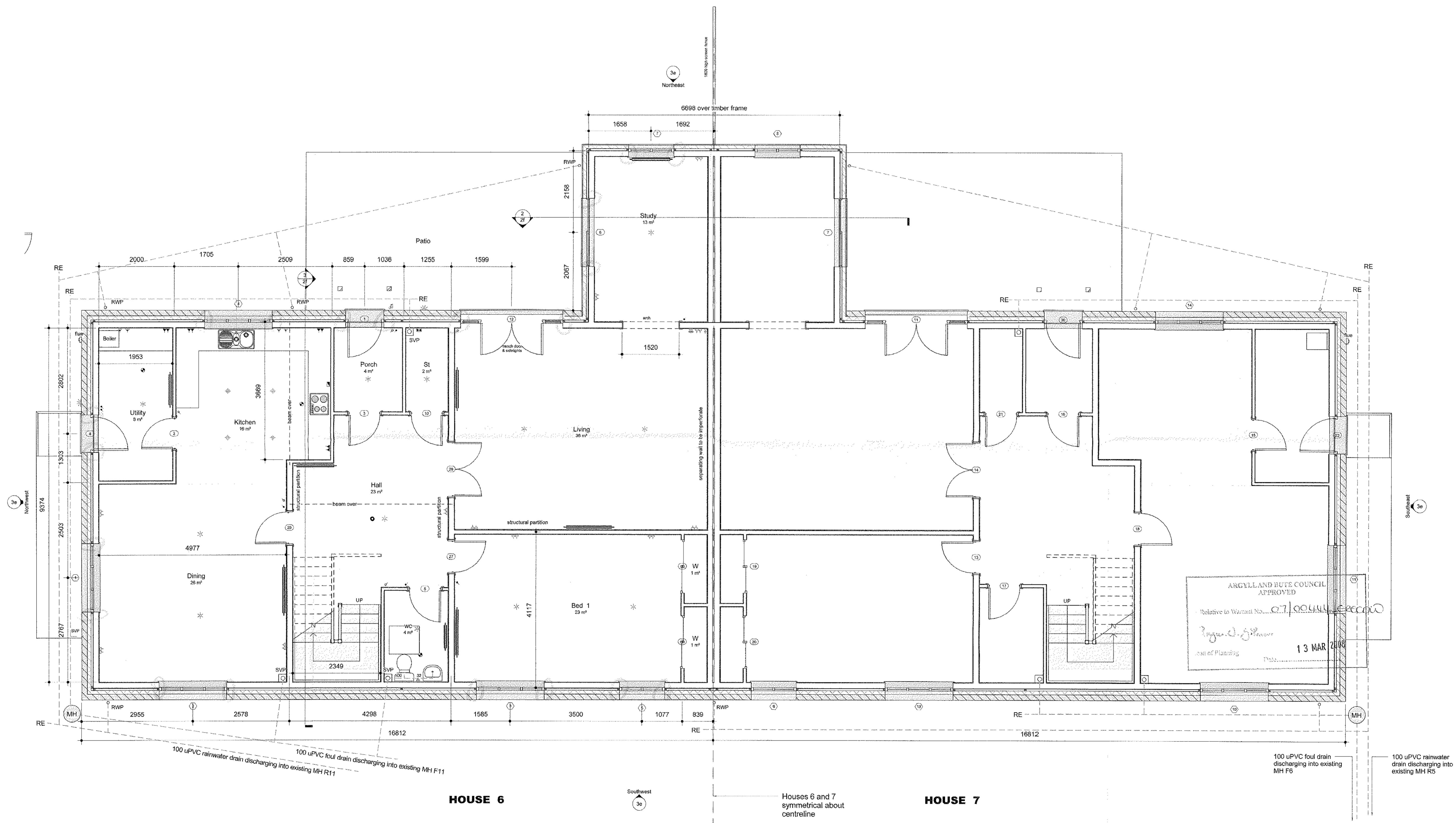
Drawing 551c/2d  
 Verify all dimensions by site measurement  
 Mr A Simpson : Development at Camis Eskan Farm

Iain Dawson  
 Architecture  
 Tel & Fax 0141 887 1130  
 info@idawson.co.uk  
 www.idawson.co.uk

10 Arkwrights Way, Paisley, PA1 2NX  
 Member of the British Institute of Architectural Technologists  
 Incorporates of the Chartered Institute of Building  
 Registered home energy SAP surveyor

As Reflected to Urban Council  
 APPROVED  
 13 MAR 2009  
 Head of Planning  
 ARDILAND SITE COUNCIL  
 APPROVED





ARGYLL AND BUTE COUNCIL  
APPROVED  
Relative to Warrant No. 07/0044/EP/000  
*Iain Dawson*  
Date of Planning 13 MAR 2008

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, bulkhead light
  - consumer unit, cooker control
  - fan (kitchen 60, utility 30, bath & toilet 15 litres/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		

Iain Dawson  
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10 Arkwrights Way, Paisley, PA1 2NX  
tel & fax 0141 887 1130 www.idawson.co.uk info@idawson.co.uk

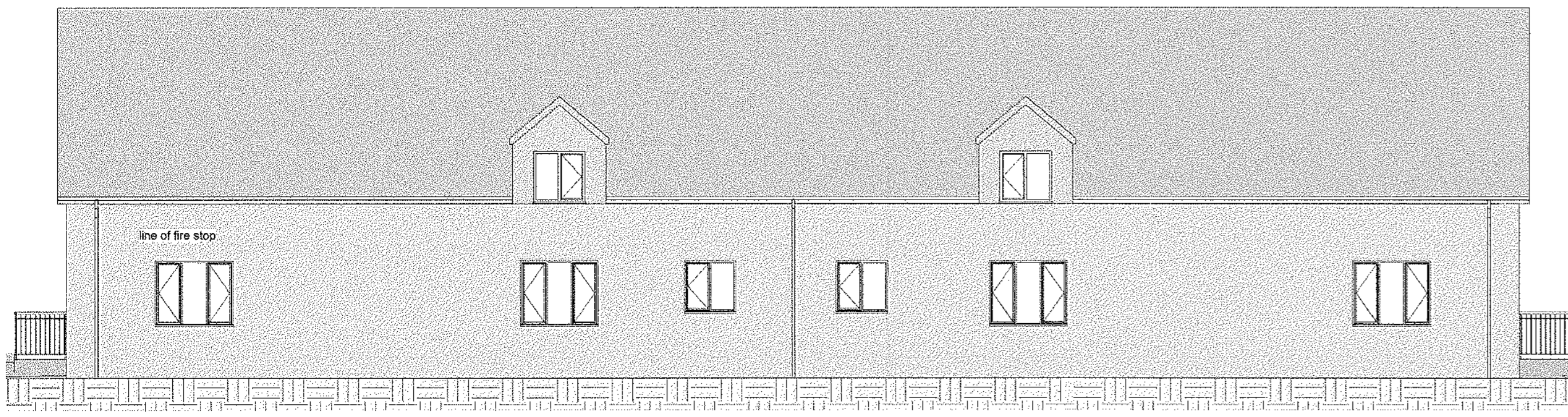
Chartered Architectural Technologist  
Affiliate of the Royal Institute of British Architects  
Associate of the Chartered Institute of Building

Verify all dimensions by site measurement



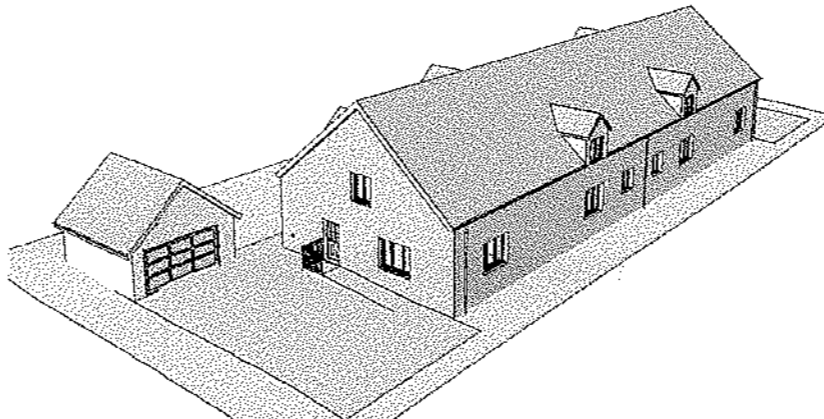
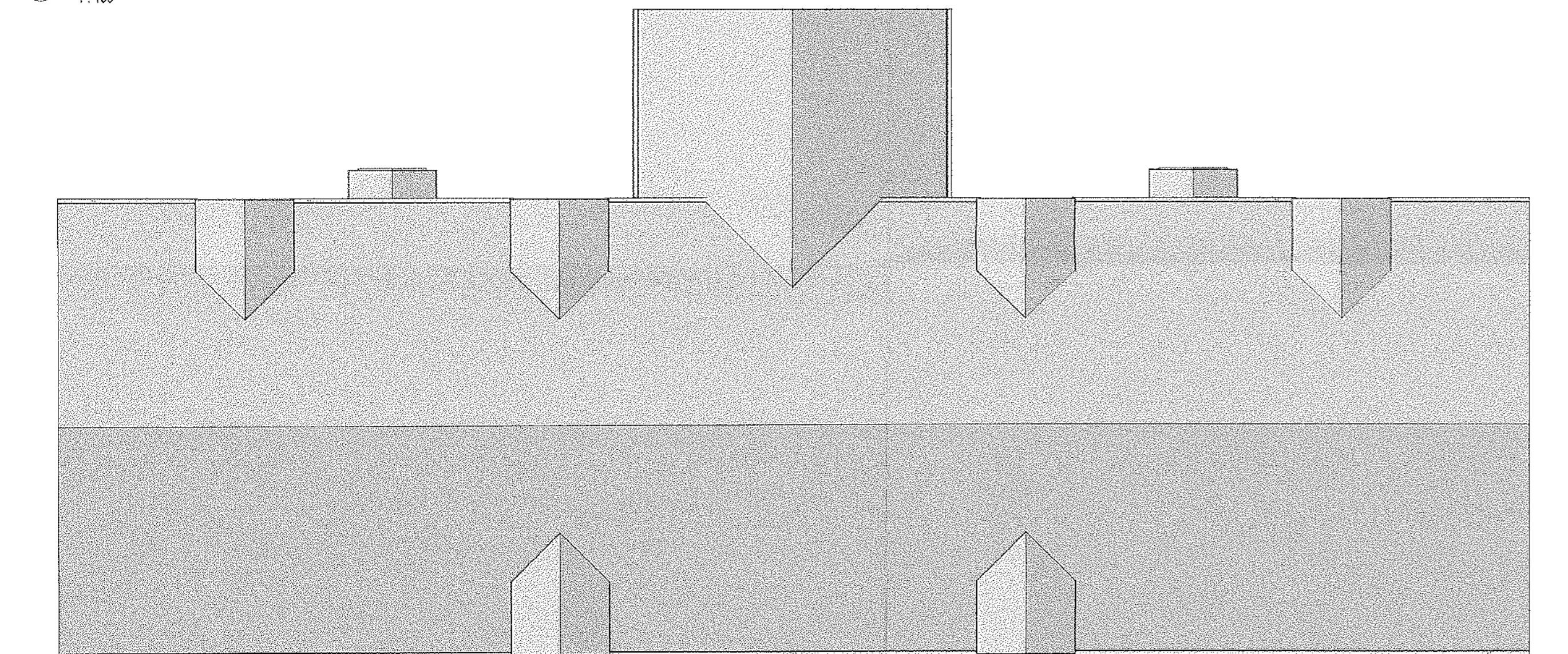
1 Northeast  
1:100

2 Southeast  
1:100

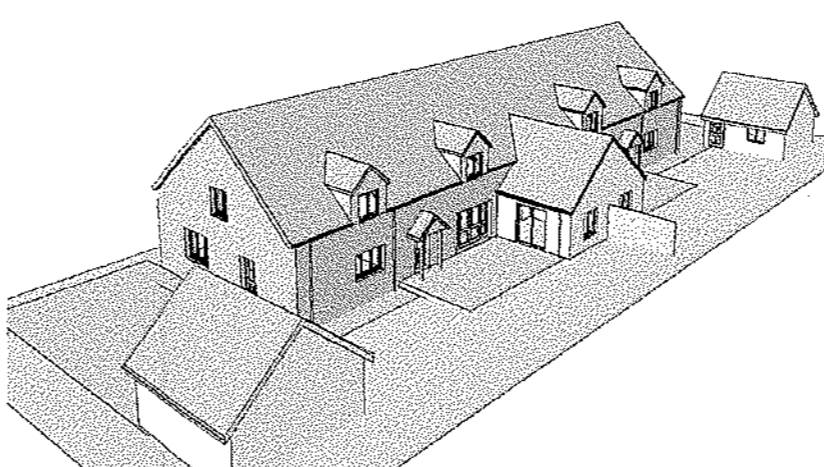


4 Southwest  
1:100

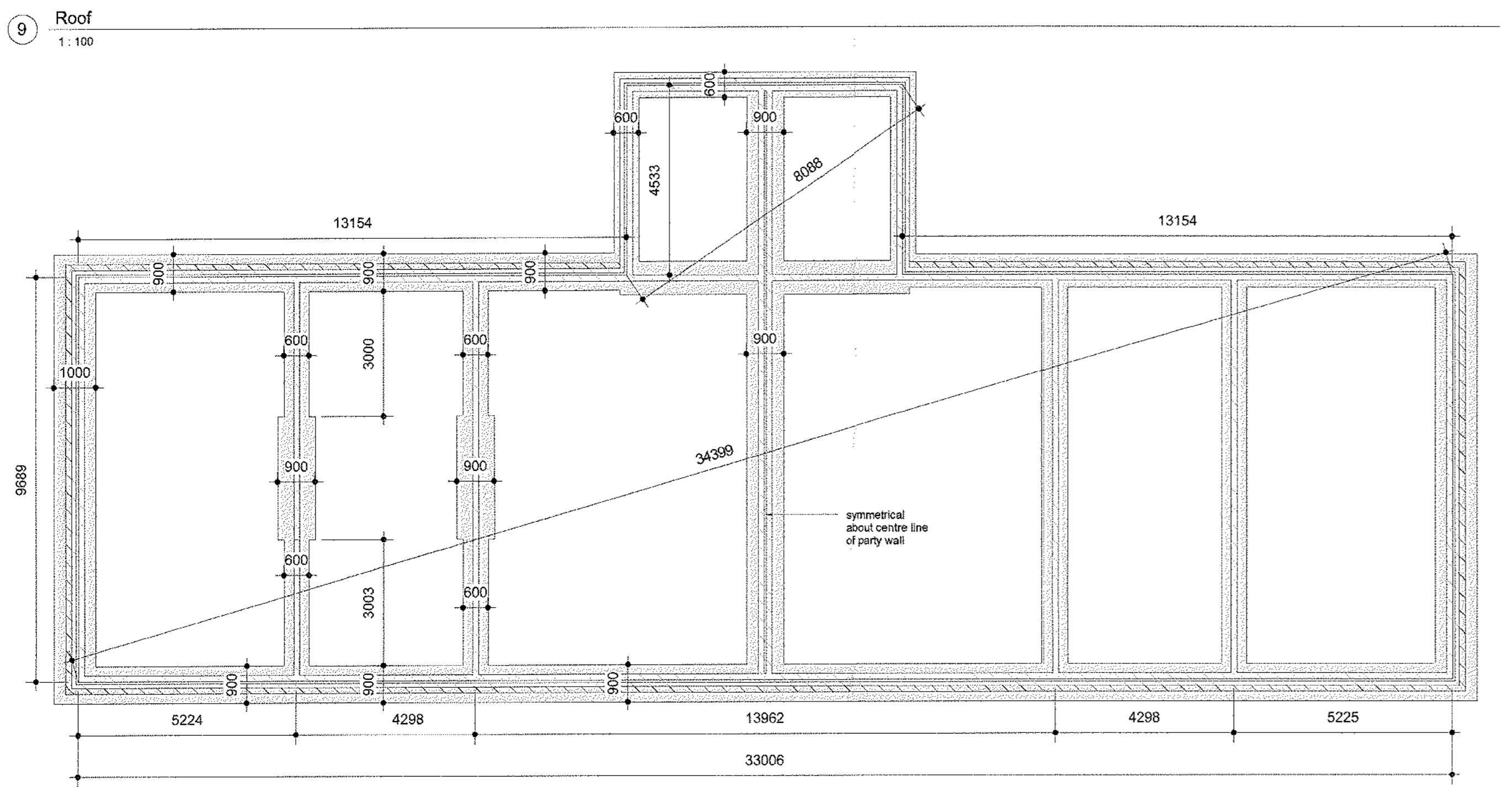
3 Northwest  
1:100



7 aerial view from West



6 aerial view from East



8 Foundation  
1:100

**SPECIFICATION**

**DEMOLITION METHOD STATEMENT**

see plans as existing - drawing E1a

**STRUCTURAL NOTE**

The structure shall be certified by David J Nicoll and shall comply with his drawings 753/01, 02, 03 and 04.

**FOUNDATION & UNDERBUILDING**

Trenches excavated to 100kN/sq m bearing stratum at a minimum cover depth of 600mm below exterior finished ground level or to solid rock. Concrete strip foundations 200mm thick with minimum width as shown on foundation plan, using concrete grade Class C25/30 and having fabric reinforcement Reel A252 incorporated with 60mm bottom cover. 140mm blockwork inner leaf of cavity walls, max weight 20kg per block with stainless steel butterfly wall ties at 600mm c/s horizontally and 450mm c/s vertically. Blockwork thickened to 200mm where underbuilding height exceeds 1 metre. 100mm blockwork outer leaf with facing brick features if shown on elevations. Cavities filled with weak mix concrete from foundation to ground level. NOTE: Where there is a level difference between the Ground Floor and the ground of more than 0.3m then the inner leaf blockwork should be increased to 200mm. Where it exceeds 600mm then it should be increased to 300mm, up to a maximum height of 700mm. Blockwork to be 7N/m<sup>2</sup> strength, set in 1:1.5 mortar and having movement joints at 6m centres.

**FLOOR: groundbearing: insulated (max U-value 0.26)**

70mm concrete screed, finished smooth and level, containing underfloor heating pipework installed to manufacturer's instructions. 250mic polythene separation layer on 65mm Kingspan Kooltherm K3 Floorboard rigid phenolic insulation. 25mm thick Kooltherm strips laid vertically at perimeter of screed. 130thick Grade RC35 concrete subfloor with A183 mesh reinforcement, laid level with floated finish. 100kg Polythene DPM, on 100 compacted hardcore blinded with 25mm compacted thickness of sand. The maximum concrete bay size is to be 36sqm, and an adjoining bay shall not be poured for 6 days. The concrete is to be cured by keeping it damp for 7 days or by using a sprayed membrane.

**FLOOR: upper: timber joisted**

All structural components of the upper floor to be designed and certified by Structural Engineer. 22mm T&G moisture resistant chipboard, supported at max 600mm c/s, with glued joints and min perimeter gap of 10mm or 2mm per metre run of floor with compressible filler. 100mm glass wool deaning between joists. 12.5mm TE plasterboard.

**WALL structure: timber frame panels (max U-value 0.27)**

Breather building paper. 9mm ply sheathing to BS 5266. 47x147mm timber studs @ 600 c/s. 150mm glass wool between studs. Polythene vapour control layer. 12.5mm T E plasterboard. Galvanised MS holding down straps at either side of openings and at 1.8m c/s on continuous lengths of wall. DPC at wallplate level. All structural timber shall be stress graded to grade C16 and constructed as specified by the Structural Engineer.

**WALL cladding: blockwork with roughtcast**

15mm wtd dash roughcast. 100mm blockwork (max weight 20kg per block) outer leaf with Rytons Silment Minor prepad vents at 1200mm c/s at head and base of cavity and above and below mic floor fire stops. Rendsipan MJ15 movement joints where blockwork panels exceed 6m in length. 50mm cavity with Expanet Bat stainless steel frame ties spaced 600mm horizontally and 450mm vertically. 38x50mm cavity barrier around all openings in walls and at wall corners and at wallhead and at 10m max centres. DPC at wallplate level and all cavity closures. Blockwork to be 7N/m<sup>2</sup> strength, set in 1:1.5 mortar and having movement joints at 6m centres. Lintels as specified by Structural Engineer.

**DORMER walls**

15mm vertical weatherboard on 38x10mm horizontal counter battens on 38x10mm vertical battens at 600mm max centres and around all openings in walls and at wallhead centres. Breather building paper. 9mm ply sheathing to BS 5268. 47x147mm timber studs @ 600 c/s. 150mm glass wool between studs. Polythene vapour control layer. 12.5mm T E plasterboard.

**WALL cladding: stonework**

Composite outer leaf of 150mm natural stone in 1:1.8 (cement:sand) mortar, bonded with galvanised fishtail wallties spaced at 900mm c/s horizontally and 600mm c/s vertically to 100mm blockwork (max weight 20kg per block). Rytons Silment Minor prepad vents at 1200mm c/s at head and base of cavity. 50mm cavity with Expanet Bat stainless steel frame ties spaced 600mm horizontally and 450mm vertically. 38x50mm cavity barrier around all openings in walls and at wallhead and at 10m max centres. DPC at wallplate level and all cavity closures. Blockwork to be 7N/m<sup>2</sup> strength, set in 1:1.5 mortar and having movement joints at 6m centres. Lintels as specified by Structural Engineer.

**WALL: partitions**

Internal partitions 38x68mm studs @ 600mm c/s. Structural partition between living room and bedroom 1 shall be 47x97mm grade C18 studs at 600mm c/s, with 22mm thick sole plate and 9mm sheathing ply on one side. All other structural partitions shall be 47x147mm grade C18 studs at 600mm c/s, with 22mm thick sole plate and 9mm sheathing ply on one side. All partitions clad with 12.5mm TE plasterboard both sides. 80mm glass quilt within all bathroom and toilet partitions. The structural partitions shall be held down as the external walls and connected to the adjoining walls by 4 dia. nails at 150mm centres.

**WALL: party wall: timber framed**

Two leaves of timber studs @ 600mm c/s, sized to match the exterior wall studs. Cavity side of studs clad with 9mm sheathing ply fixed at outer ends of party wall, and clad with Nelfon elsewhere. 50mm cavity between leaves, incorporating metal frame ties at 1200mm c/s horizontally, one row per storey. Each leaf clad internally with 12.5mm TE plasterboard on 19mm Gyproc Plank on polythene vapour control layer. 12-36 kg/m<sup>3</sup> 100mm glasswool insulation between studs. The party wall shall be held down as the external walls and connected to the adjoining walls by 4 dia. nails at 150mm centres.

**ROOF COVERING: slated**

Grey natural slate with zinc ridge. Reinforced underlating felt on 18mm T&G sarking board. Code 6 lead flashings to valleys and abutments.

**ROOF STRUCTURE**

All structural components of the roof to be designed and certified by Structural Engineer. 35x50 timber straps nailed to top edge of rafters to provide 50mm gap between insulation & sarking. Hydro-Air P4 galvd steel truss clip at all rafter/leaves joints. Hydro-Air M3 700x30x3mm galvd steel restraint straps to rafter ends @ 1800 c/s. Roof void ventilation by mesh-covered eave ventilators providing a free ventilation area equivalent to 25mm x total eave length, and by ridge ventilators providing a free ventilation area equivalent to 5mm x total ridge length. 18mm red pine fascia. 6mm WSP plywood soffits. Water tank about as BS 5268 detail.

**ROOF INSULATION - level ceilings (max U-value 0.18)**

15mm glass quilt insulation between ceiling ties and 170mm glass quilt insulation laid over and perpendicular to ceiling ties. 12.5mm TE plasterboard.

**ROOF INSULATION - vertical extern (max U-value 0.27)**

150mm glass quilt insulation between eaves, supported by polypropylene netting. 12.5mm TE plasterboard.

**ROOF INSULATION - sloping ceilings (max U-value 0.18)**

150mm Kingspan Kooltherm K7 Pitched Roof Board insulation fitted between rafters with 50mm ventilated space between sarking and insulation. 12.5mm TE plasterboard.

**SERVICES: electric**

All electrical work to be installed tested and certified by a SBCSA Approved Certifier of Construction in accordance with BS 7671: 2001. Automatic smoke detection to comply with BS 5446: part 1: 2000. Exterior lights fitted with PIR sensors where appropriate. Interior lights fitted with low energy bulbs where appropriate.

**SERVICES: plumbing & central heating distribution**

16l litre vented indirect hot water cylinder with thermostat and 40mm foam insulation. 227 litre cold water cistern supported in accordance with BS 5268. Copper pipework within 1m from boiler. Copper or Hep2o barrier pipework elsewhere, clipped in accordance with manufacturer's instructions. Pipework in unheated areas to be insulated with 50mm thick foam sleeve to BS 5422: 2001. All hot water discharges from sanitary fittings limited to 45 degrees centrifuge by thermostatic mixing valves. Thermostatic shower control. Radiators with thermostatic valves, roomstat, 7 day programmer and boiler-off interlock. Underfloor heating pipework clipped in position on diffuser panels supported between the chipboard and insulation in accordance with the manufacturer's specification, with manifold controlled by individual roomstats, 7 day programmer and boiler-off interlock.

**SERVICES: heat source: oil**

Worcester Danesmoor 2025 oil fired roomsealed boiler, max 25kw, to OFTEC standard OFS A100, incorporating a full sized, rigid non-combustible base and enclosure to prevent the adjacent floor and walls exceeding 100°C under normal working conditions. Boiler to be fitted with durable label indicating its limitations of use. Titan ES1300 bonded 1300 litre polypropylene oil tank on a 100mm concrete plinth, extending 300mm beyond all sides of the tank. Tank to be sited more than 1.8m from building and more than 0.75m from boundary, and within 20m of a delivery tanker stance. Oil supply pipe to be fitted with a fire valve complying with clause 8.3 of BS 5410: part 1: 1997.

**SERVICES: drainage to existing Klargaster BF Bifidisc**

Black UPVC deepflow rainwater goods, installed in accordance with BS EN 12056-3: 2000. All external drainage constructed and installed in accordance with BS EN 12056-1: 2000, BS EN 752-3: 1997, BS EN 752-4: 1998 and BS EN 752-1: 1996. 100mm UPVC rainwater & foul drains min fall 1 in 40, min cover 600mm below finished ground level. Drainage passing through structure to be linteled over with Roblesley type A Intel. UPVC manholes 600mm dia. All sanitary pipework installed in accordance with BS EN 12056-2: 2000. Sanitary appliances connected directly to SVP. WHB waste 32mm dia. Sink shower and bath waste 40mm dia. 75mm deepseal traps to all fittings. Shower traps to be accessible. Rainwater drains discharge to existing rainwater drainage system. Foul drains discharge to existing foul drainage system and treatment plant. Inadequate label adjacent to consumer unit or stopcock slating. The drainage system from this property discharges to a wastewater treatment plant (or septic tank, as appropriate). The owner is legally responsible for routine maintenance and to ensure that the system complies with any discharge consent issued by SEPA and that it does not present a health hazard or a nuisance.

**STAIR**

Timber stair, minimum 800mm clear width, 42 degrees max pitch. Handrail 900mm above pitch line. 900mm high balustrade with 99mm max gap between balusters. At least 2 metres clear headroom above stair landings and pitch lines.

**WINDOWS, DOORS (max U-value 1.8)**

Hardwood reversible H-windows, double glazed, with hinges allowing safe cleaning from inside the building. Windows to provide an opening area of at least 1/20th floor area in each apartment. Trickle vents providing 800sq mm ventilation area in apartments and 400sq mm in kitchen, utility, bathroom or toilet. Obscure glass in bathroom and toilet windows. Escape windows must be at least 450mm high x 450mm wide with an unobstructed openable area at least 0.33 sqm and the bottom of the openable area not more than 1100mm above the floor. Hardwood high performance pre-hung insulated doors with fitted ironmongery and double glazed aperture or entrance screen where applicable. Front door fitted with letterplate. Wheelchair access door to have a 625mm door leaf width and a threshold complying with Regulation 4.1.5. All glazing to comply with BS 5262: part 4: 1984 (clause 7.2 for door glazing within 1500mm of floor or ground level, or clause 7.5 for glazing within 800mm of floor or ground level except doors or screens).

**FINISHINGS**

Softwood facings, skirtings and soleboards for varnish. Panelled timber interior doorsets. Sliding or hinged wardrobe doors as applicable. Wardrobe shelf and hanging rail. All glazing to comply with BS 5262: part 4: 1984 (clause 7.2 for door glazing within 1500mm of floor or ground level, or clause 7.5 for glazing within 800mm of floor or ground level except doors or screens). Shower enclosures and bath & basin splashbacks to be ceramic tiled and impervious to moisture. Kitchen to have at least 150mm of storage space. Left hatch to be insulated and draught sealed.

**DECORATION**

Tape & fill and 2 coats emulsion to all plasterboard. 2 coats varnish to interior timber. Dark brown preservative stain to exterior timber. 2 coats white masonry paint to wet dash roughcast.

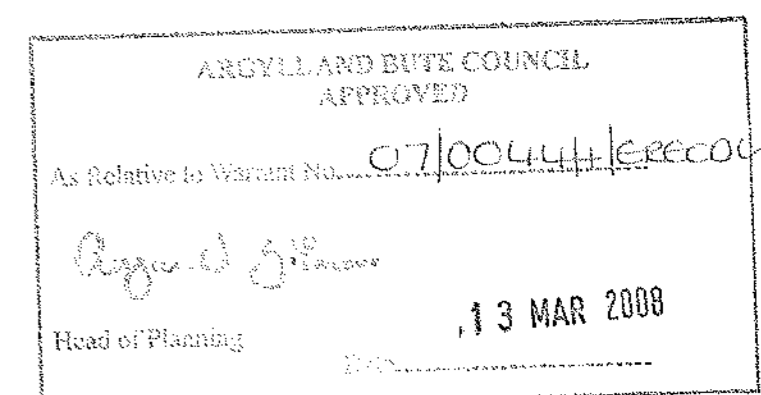
**EXTERNAL ACCESS & FACILITIES**

External steps 250mm min going, 170mm rise. Access paths at least 900mm wide and surfaced with 50mm concrete slabs on a granular bed. Disabled access ramp 1200mm wide, max 1:12 gradient, with 1200 x 1200 level plate at top of ramp and at 5m intervals if appropriate. A pedestrian barrier or a landscaped margin shall be provided where there is a risk of falling more than 600mm from the edge of a patio, deck or ramp. Barriers to be 1100mm high with 50mm max gap between balusters. Landscaped margins to be 300 mm wide level with the edge of the patio, deck or ramp, with a gradual fall to ground level. A barrier shall also be provided at each plate where there is a change in travel direction. Driveway 3m wide capable of carrying an axle load of 8 tonnes. Wheeled bin stance comprising 600x900mm concrete slab. Patio comprising 50mm concrete slabs on, 100mm compacted hardcore blinded with sand.

**ENERGY CONSERVATION**

Thermal bridging to be limited in accordance with BRE Report 262 'Thermal Insulation: Avoiding risks' 2002 Edition. Infiltration of air to be minimised through sealing gaps between dry linings and masonry walls at edges of window, door and roof space openings, sealing vapour control membranes in timber frames and filling draught strips to the openable parts of windows, doors and rooflights. Heating system to be inspected and commissioned in accordance with manufacturer's instructions to ensure optimum energy efficiency. Written information to be made available for the occupier on the operation and maintenance of the heating and hot water service system to encourage optimum energy efficiency.

NOTE: Cavity trays to be provided at all abutments  
Min clear opening width of all internal doors = 750mm

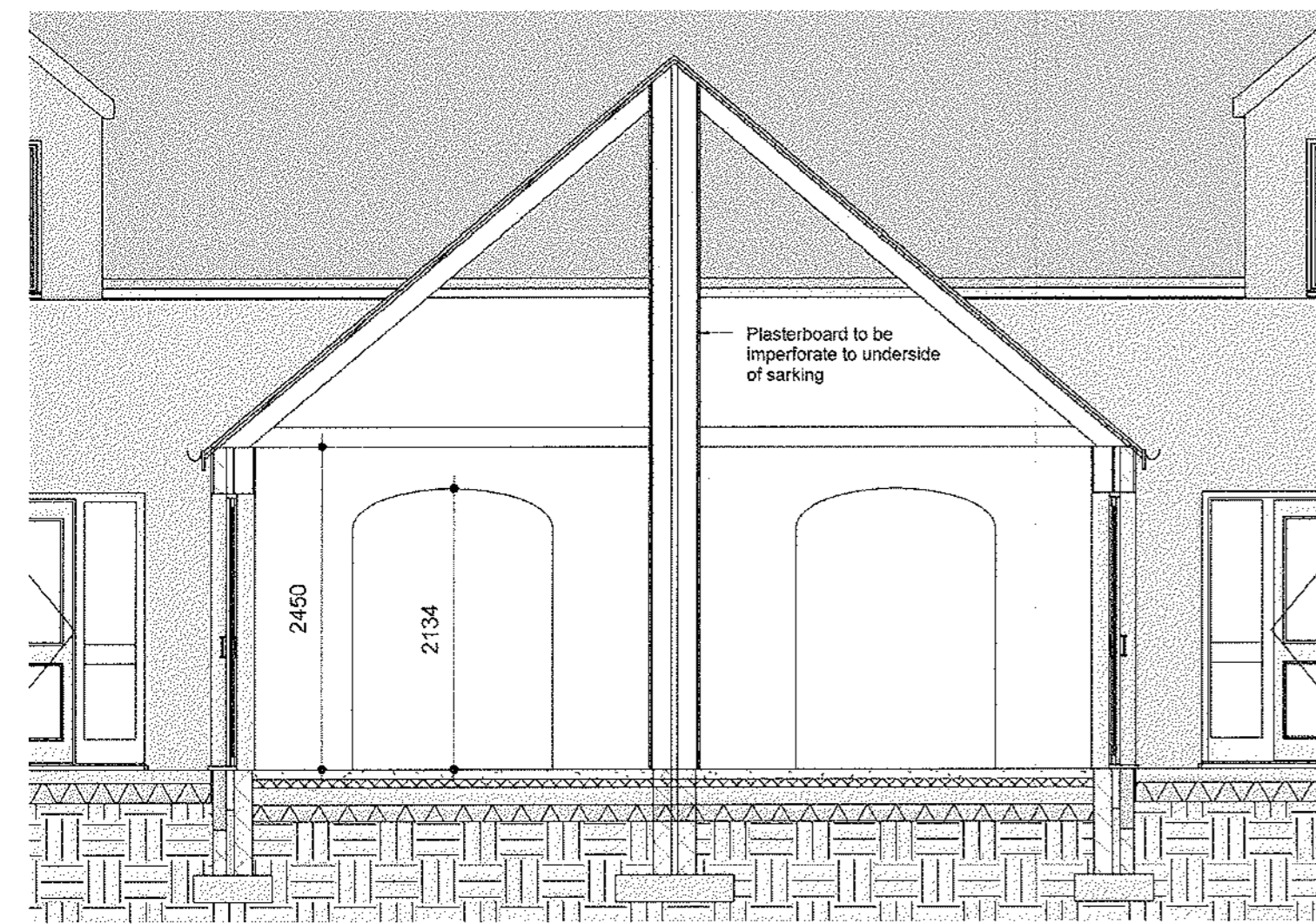


Job	551B	Sheet	3f
Client	A Simpson		
Project	Demolition of Barn and erection of two Houses at Camis Eskan Farm, Helensburgh		

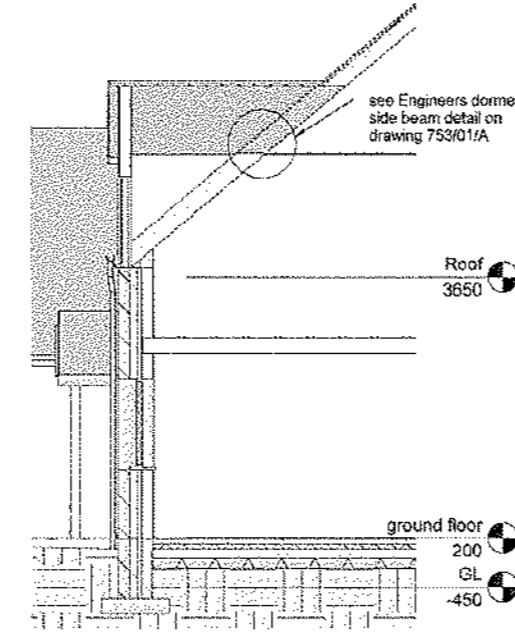
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2 Section 2  
1:50

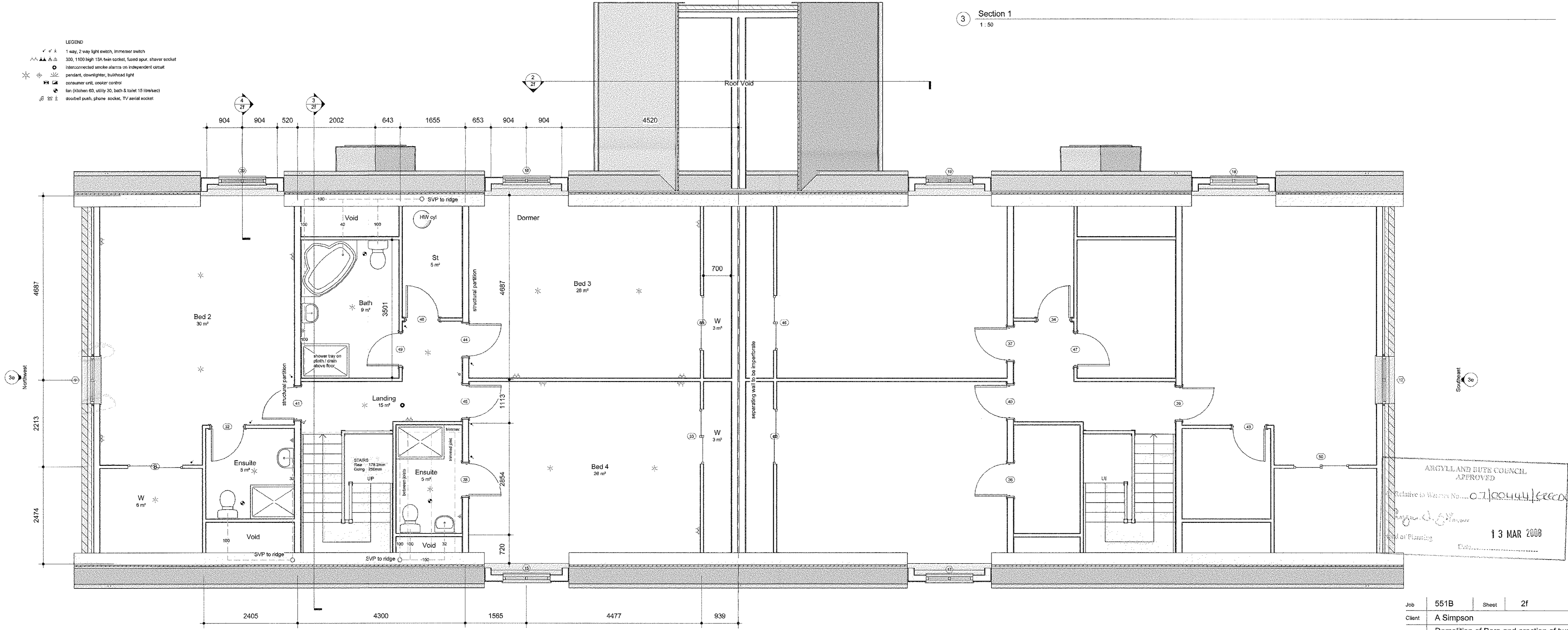


4 Section 3  
1:100



3 Section 1  
1:50

- LEGEND
- 1 way, 2 way light switch, immersion switch
  - 300, 1100 high 13A beam 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 litres)
  - doorbell push, phone socket, TV aerial socket



1 attic floor  
1:50

HOUSE 6

HOUSE 7

Houses 6 and 7  
symmetrical about  
centreline

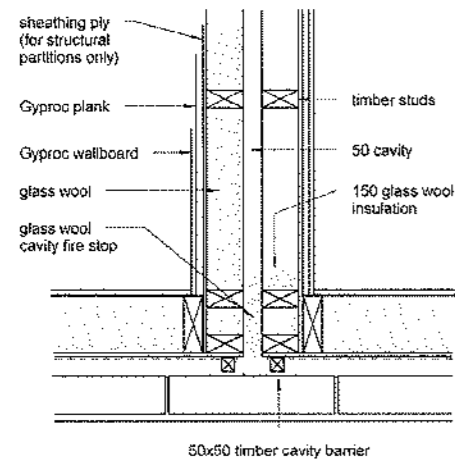
ARGYLL AND BUTE COUNCIL  
APPROVED  
Relative to Warrant No. 07/00044/0000  
13 MAR 2008

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

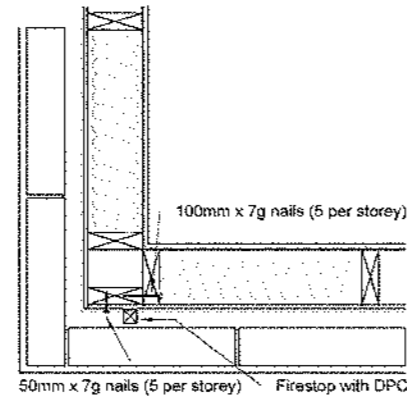
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Verify all dimensions by site measurement



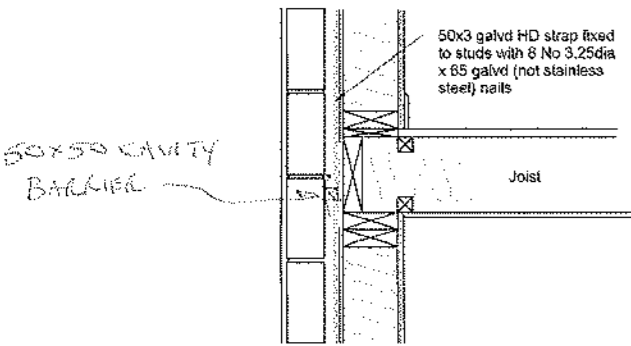
1 Plan at Party wall/Ext Wall junct  
1 : 20



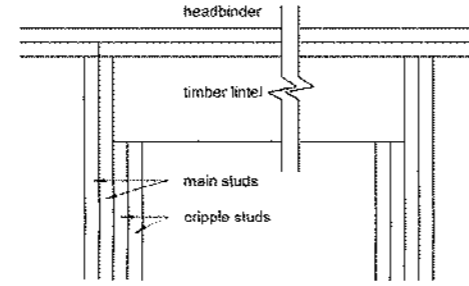
2 Plan at External Corner  
1 : 20

Window Schedule				
Level	Mark	Width	Height	Comments
ground floor	1	1800	1500	
ground floor	2	1800	1500	
ground floor	3	1800	1500	
ground floor	4	1800	1200	
ground floor	5	1200	1200	
ground floor	6	1200	1200	
ground floor	7	1200	1350	
ground floor	8	1200	1350	
ground floor	9	1200	1350	
ground floor	10	1800	1500	
ground floor	11	1800	1500	
ground floor	12	1200	1350	
ground floor	13	1800	1500	
ground floor	14	1800	1200	
attic floor	15	1200	1200	Escape
attic floor	16	1200	1200	Escape
attic floor	17	1200	1200	Escape
attic floor	18	1200	1200	Escape
attic floor	19	1200	1200	Escape
attic floor	20	1200	1200	Escape

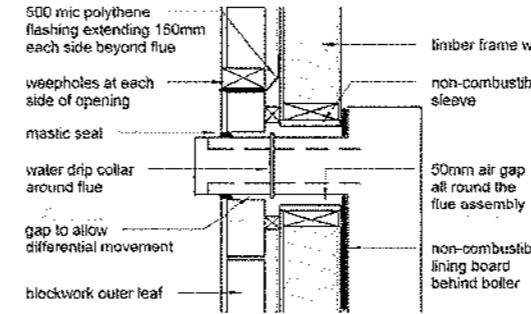
Door Schedule				
Level	Mark	Width	Height	Comments
ground floor	1	1010	2110	
ground floor	2	910	2110	
ground floor	3	910	2110	
ground floor	4	1010	2110	
ground floor	5	910	2110	
ground floor	6	1800	2100	
ground floor	7	1800	2100	
ground floor	8	1400	2040	
ground floor	9	1400	2040	
ground floor	10	910	2110	
ground floor	11	2710	2110	
ground floor	12	2710	2110	
ground floor	13	910	2110	
ground floor	14	1510	2110	
ground floor	15	910	2110	
ground floor	16	910	2110	
ground floor	17	910	2110	
ground floor	18	910	2110	
ground floor	19	1400	2040	
ground floor	20	1400	2040	
ground floor	21	910	2110	
ground floor	22	1010	2110	
ground floor	23	4000	2125	
ground floor	24	4000	2125	
ground floor	25	1010	2110	
ground floor	26	1010	2110	
ground floor	27	910	2110	
ground floor	28	1510	2110	
ground floor	29	910	2110	
ground floor	30	1010	2110	
attic floor	31	1400	2040	
attic floor	32	910	2110	
attic floor	33	1400	2040	
attic floor	34	910	2110	
attic floor	35	1400	2040	
attic floor	36	910	2110	
attic floor	37	910	2110	
attic floor	38	910	2110	
attic floor	39	910	2110	
attic floor	40	910	2110	
attic floor	41	910	2110	
attic floor	42	1400	2040	
attic floor	43	910	2110	
attic floor	44	910	2110	
attic floor	45	910	2110	
attic floor	46	1400	2040	
attic floor	47	910	2110	
attic floor	48	910	2110	
attic floor	49	910	2110	
attic floor	50	1400	2040	



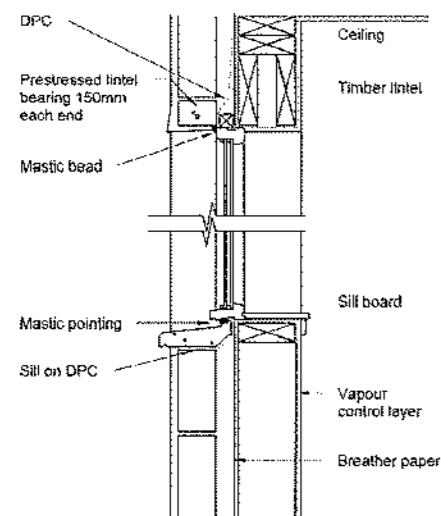
3 Typical 1st Floor joists 90deg to wall detail  
1 : 20



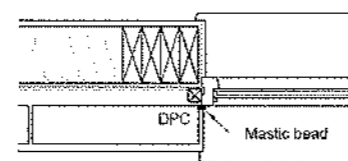
4 Typical Opening Detail  
1 : 20



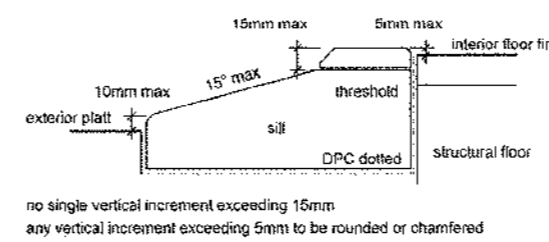
5 Typical section at thro Balanced Flue  
1 : 20



6 Typical section thro window  
1 : 20



7 Typical window jamb detail  
1 : 20



8 Accessible Threshold  
1 : 5

ARCILLAND BUFE COUNCIL  
APPROVED  
As Relative to Project No. 07/1004/44  
13 MAR 2008  
Based on Drawing

NOTE: Min clear opening width of all internal doors 750mm

Job	551B	Sheet	4
Client	A Simpson		
Project	Demolition of Barn and erection of two Houses at Camis Eskan Farm, Helensburgh		

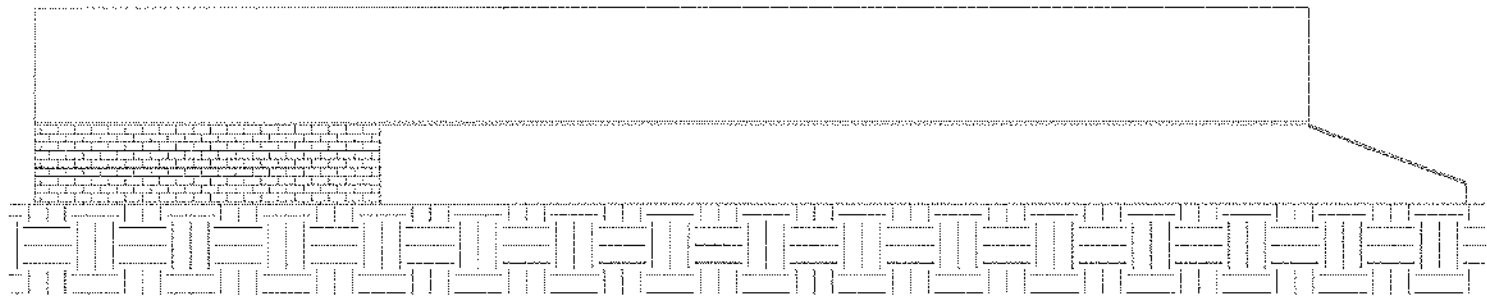
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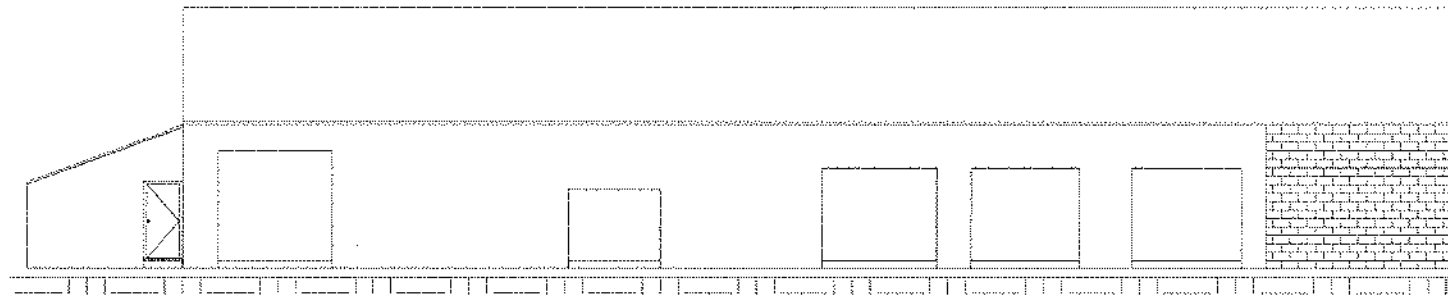


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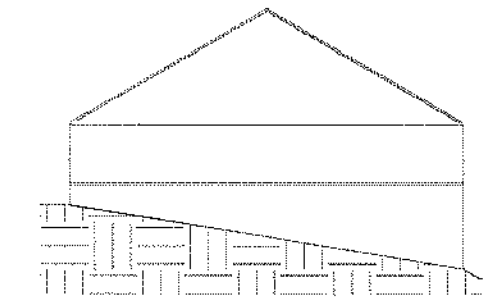
Verify all dimensions by site measurement



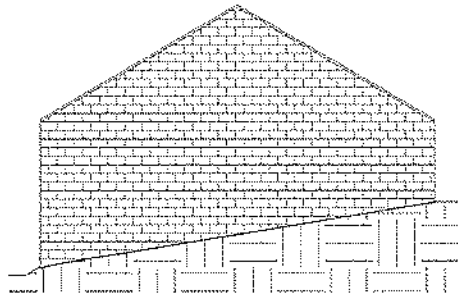
3 Northeast  
1:200



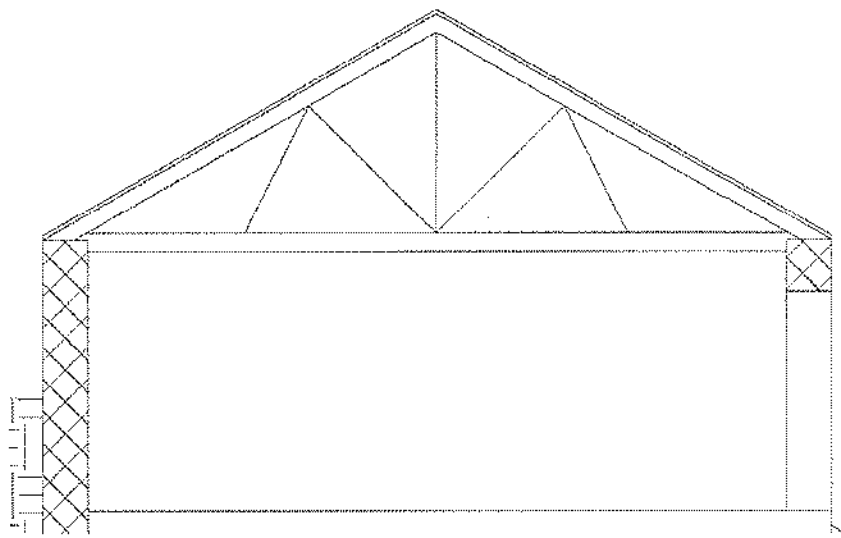
6 Southwest  
1:200



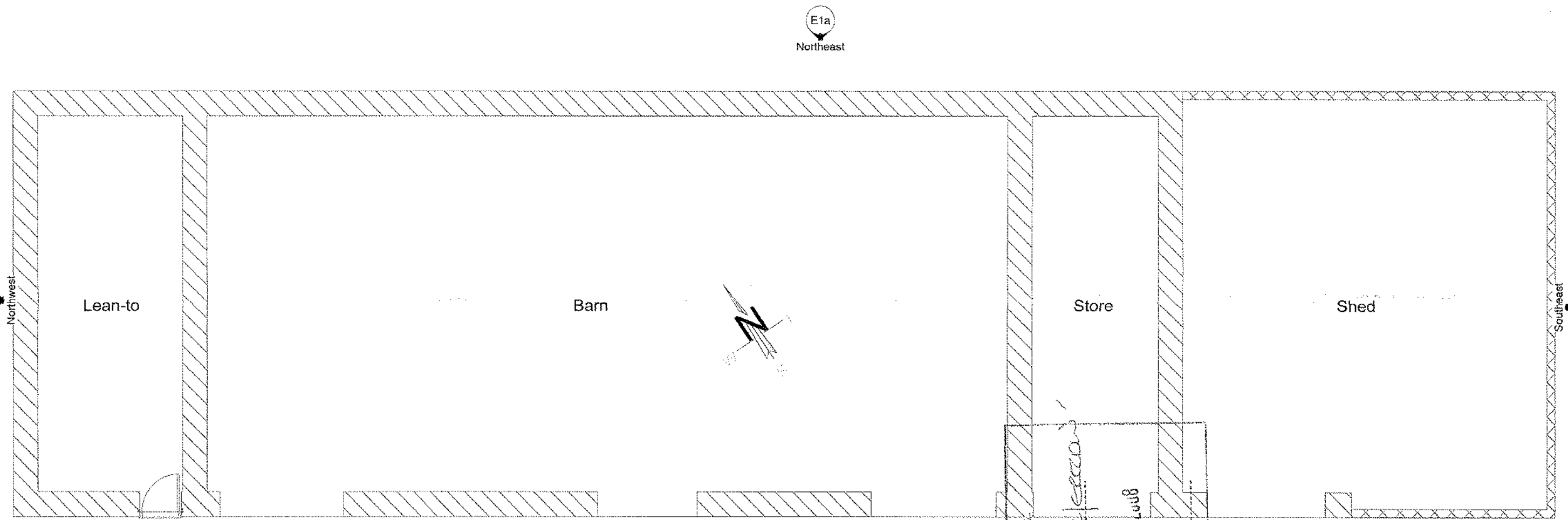
4 Northwest  
1:200



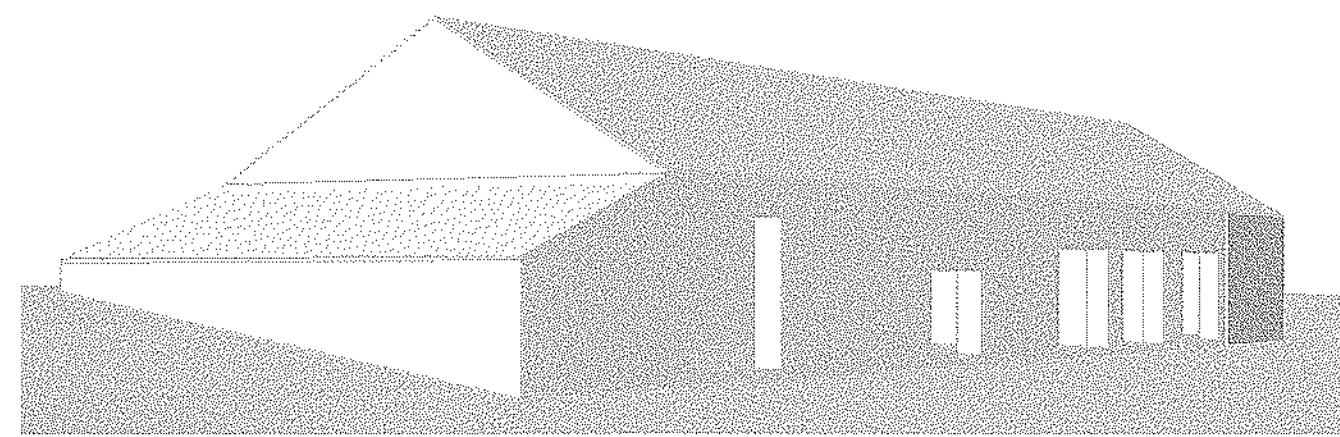
5 Southeast  
1:200



7 Section  
1:100



1 Floor  
1:100



2 West perspective

EXISTING BUILDING - to be demolished

**DEMOLITION METHOD STATEMENT**

Place demolition warning notices on site to prevent danger to the public. Erect Heras fencing as necessary to prevent unauthorised access to site. Where asbestos is present, appoint a specialist contractor to remove it from site for safe disposal. Strip out windows, doors, ceilings and wall linings. Erect scaffolding as necessary to safely remove roof coverings and roof timbers. Take down chimneys and stonework to eaves level. Remove partitions and timber floors. Demolish stonework and concrete floors to ground level. Remove all debris from site to recycling tip.

ARGYLL AND BUTE COUNCIL  
 APPROVED  
 As Relative to Warrant No. 07/000114/SP/001  
 Angus J. Gilman  
 Head of Planning  
 13 MAR 2008

Job	551B	Sheet	E1a
Client	A Simpson		
Project	Demolition of Barn and erection of two Houses at Camis Eskan Farm, Helensburgh		

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Verify all dimensions by site measurement

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3 January 2019

Argyll and Bute Council  
Local Review Body  
Kilmory  
Lochgilphead  
PA31 8RT

Ref MHP: 2018\_0004

Dear Councillor

**NOTICE OF REVIEW 18/0009/LRB (18/01382/PP) ERECTION OF 2 DWELLING HOUSES AT LAND EAST OF CAMIS ESKAN FARMHOUSE, HELENSBURGH**

Further to your request for further written submissions in respect of the above review I have pleasure in submitting our responses (in blue) to the Planning Officer's comments.

**1 - Details of the previous planning permission for conversion of the barn and the building warrant from 2007 and whether the planning permission has expired.**

Comment: Details are attached. The original planning permission has expired. A second application in 2015 was refused under reference 15/01652/PP. This application was never appealed.

**Response:** The 'second application' (reference 15/01652/PP) is of no relevance to the current review. That application proposed the erection of two detached 1½ storey dwellings on the site. The review application proposes the re-building of the barn that previously stood on the site, using the stone from the former barn (which was retained), and the 'conversion' of this to form exactly the same two dwellings as were previously approved by the Council.

**2 - Planning status of the foundations as depicted on page 12 of the agenda pack; together with clarification of what, if any, that status has on the planning history of the site.**

Comment: Due to the history of permissions on the site and the need to ensure that any material considerations were evaluated in the determination of the proposal officers previously have sought, through discussions with Building Standards, to try and clarify why following planning permission for a conversion of an traditional, stone built outbuilding being granted under 06/00085/COU, a building warrant was

**MH Planning Associates**63 West Princes Street, Helensburgh, G84 8BN **Tel:** 01436 674777 **Mob:** 07816 907203**Web:** [www.mhplanning.co.uk](http://www.mhplanning.co.uk) **Email:** [info@mhplanning.co.uk](mailto:info@mhplanning.co.uk)

submitted to demolish the traditional barn and replace it with two new build houses under 07/00444/ERECDW.

Although a building warrant was approved no notification of commencement of works or site inspections were carried out and no information to suggest the barn was structurally incapable of conversion and required demolition has been found.

Officers could not identify any reason as to why the original barn was demolished in its entirety and new foundations constructed contrary to the terms of planning permission 06/00085/COU. There is no information contained in the planning or building standards history which provides mitigation or justification for proceeding with both demolition and unauthorised development contrary to the terms of the planning permission to convert the existing agricultural building into two dwellings.

Given the above the foundations had no relevance in 2015 and have no relevance to this appeal.

**Response:** The reason why the barn was demolished is that this was what the Council had approved. There were no foundations to the existing barn and it therefore needed to be demolished in order for it to be reinstated. Whilst it is acknowledged that this did not have the necessary planning permission, it was the subject of a building warrant approval. The developer therefore assumed that as a building warrant for the demolition and re-building had been approved, the works could go ahead in accordance with the approved details.

Although the foundations were constructed without planning permission, it is understood these operations were undertaken more than four years ago. They would therefore now be lawful, and immune from any form of enforcement action. Given this, the presence of the foundations is considered relevant to the current review. Whether or not the review is allowed, the foundations will remain.

### **3 - Their view on the Scottish Planning Policy advice as detailed on page 28, section 4.7 of this agenda pack.**

Comment: The paragraph states the following:

*“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.”*

Comment: Scottish Planning Policy (SPP) is a non-statutory document. 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.

It is assumed that this statement is to convince Members that brownfield sites as such have a greater status than greenfield sites and therefore should be approved. Whether a site is brownfield or greenfield there is no automatic right of approval. All planning applications require to be assessed in terms of Section 25 of the 1997 Planning Act against Development Plan Policy and other material considerations. As previously stated, the site is within the greenbelt which is the strictest of the Council's countryside policies and opportunities are limited. The proposal in 2006 met the terms of greenbelt policy i.e. conversion of a traditional building. That was not implemented, and the barn demolished. The erection of two houses fails when assessed against development plan policy and other material considerations.

**Response:** To say that Scottish Planning Policy (SPP) is a 'non-statutory document' is to significantly down play its importance. SPP contains the Scottish Government's policy advice to all Local Planning Authorities and is a very relevant material consideration in the context of all planning decisions. SPP makes it clear 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".*

#### **4 - Clarification of whether a brownfield development is considered differently if the site is situated in greenbelt and if redevelopment opportunities are limited to only those specified in the greenbelt policy.**

Comment: Whether a site is brownfield or greenfield there is no automatic right of approval. All planning applications require to be assessed in terms of Section 25 of the 1997 Planning Act against Development Plan Policy and other material considerations. As previously stated, the site is within the greenbelt which is the strictest of the Council's countryside policies and opportunities are limited to those specified. The proposal for the erection of two houses fails when assessed against development plan policy and other material considerations.

**Response:** The Council's Planning Officer now appears to have conceded that the review site is to be considered to be 'brownfield'. Previously, in the Planning Officer's

Report of Handing, it was stated that “the site is not recognised as a brownfield site, it is identified in the adopted development plan as Greenbelt”. This statement demonstrated a fundamental misunderstanding of planning policy; a site can clearly be both ‘brownfield’ and within a designated Greenbelt. A brownfield site is one that has previously been developed, and in rural areas this usually means sites that are occupied (or were occupied) by redundant or unused buildings.

The appellant is also not saying that because the site is ‘brownfield’ there is an “automatic right of approval”. What is being said is that Scottish Government policy prioritises the development of brownfield sites over greenfield ones, in order to make beneficial use of degraded land in the public interest.

**5 - Clarification on whether the latest population figures are projecting a falling population in Helensburgh and Lomond.**

Comment: The population of Helensburgh and Lomond is declining. However, this has absolutely no relevance to the appeal. The appeal is to approve two houses in the greenbelt without any justification. The Housing Need and Demand Assessment Report was used to identify the housing need and inform the Housing Land Supply Targets which were used in the Argyll and Bute Local Development Plan. The Housing Need and Demand Assessment was approved as robust and credible by the Scottish Governments Centre for Housing Market Analysis. The document also formed one of the core documents which was considered by the Reporters when they were looking at the adequacy of the housing allocations in the Local Development Plan, where they confirmed that there was no need to identify additional sites for housing allocations.

**Response:** No comment.

**6 - Their view on the Scottish Planning Policy advice as detailed on page 27, section 4.5 of the agenda pack and its relevance to the proposed development and clarification that the Faslane development is an area where economic investment is planned in the near future and its relevance to the proposed development.**

Comment: The paragraph states the following:

*“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.”*



Investment is on-going at Faslane and will include new submarines and personnel. This has absolutely no relevance to the proposed development. The appeal is to approve two houses in the greenbelt without any justification. New housing will be directed to allocated sites and other locations within settlements. As stated above the site is within the greenbelt which is the strictest of the Council's countryside policies and opportunities are limited to those specified in the policy. The proposal for the erection of two houses fails when assessed against development plan policy and there are no material considerations that would justify departing from policy.

**Response:** Whilst a "justification" (i.e. agricultural need or similar) for the two new dwellings has not been put forward this does not mean that planning permission must be refused. If the members of the Local Review Body consider that there are material considerations that are sufficient to outweigh the provisions of policy, planning permission can be granted as a 'minor departure' from the policy. The ability to approve the review application as a 'minor departure' is contained in **Policy SG LDP DEP 1** of the Local Development Plan, which states that whilst the Council will seek to minimise the occurrence of departures to the Local Development Plan, planning permission will be able to be approved as a departure when material planning considerations so justify. Scottish Planning Policy, Planning Advice Note 73, and the planning history of the site are all relevant material considerations, to be afforded significant weight in this instance.

## Conclusion

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 have hung their justification for 2 houses on part of the 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 within settlement boundaries.

Planning permission was granted for the conversion of a barn/agricultural building on this site into two dwelling houses on 30.1.07 under permission 06/00085/COU. In the officers report the granting of this permission was justified on the following basis:

*"The development will secure the retention of the existing farm outbuilding at Camis Easkan. Traditional farm outbuildings form an integral part of our rural heritage and in circumstances where they have become surplus to need, appropriate projects to retain the structures should be encouraged as the*

*eventual decay and ultimate loss of these structures will be of overall detriment to that heritage. The proposal involves a sensitive conversion of the outbuilding and will result in the re-use of a traditional building which is considered worthy of retention. The proposed development will not have an adverse impact on the character of the green belt and is supported by other development plan policies. Moreover, the barn forms part of a larger steading complex which has permission to convert to four dwelling houses. As such the proposal can be justified."*

This recommendation was then sent to the then Scottish Executive as a notifiable minor departure from the development plan on 13 November 2006 and following no objection to the granting of planning permission for the conversion of the barn, planning permission for the change of use was granted on 30.01.2007.

As the barn/agricultural building which was previously on the site has been demolished in its entirety, and all materials have been removed from the site, this available exception to policy is now not available and the proposed erection of two dwelling houses is contrary to greenbelt policy with no possible exceptions being available.

Although a building warrant was approved no notification of commencement of works or site inspections were carried out and no information to suggest the barn was structurally incapable of conversion and required demolition has been found. Officers can identify no reason as to why the original barn was demolished in its entirety and new foundations constructed contrary to the terms of planning permission 06/00085/COU. There is no information contained in the planning or building standards history which provides mitigation or justification for proceeding with both demolition and unauthorised development contrary to the terms of the planning permission to convert the existing agricultural building into two dwellings.

On the basis of development plan policy and other material considerations there is no justification for two houses at this location and the appeal should be dismissed.

**Response:** It is not accepted that the review site is a particularly "sensitive" one; it is previously developed (i.e. brownfield) land in close proximity to a group of existing buildings. It is furthermore not accepted that the proposed development would be "visually intrusive, visually discordant, or result in sporadic development in the countryside". Had the previously approved conversion of the former barn been undertaken, in a visual sense, exactly the same building as is now proposed would exist on the site. How can this therefore be "visually intrusive" or "visually discordant"? The result would similarly not be "sporadic development". Sporadic means "occurring at irregular intervals or only in a few places; scattered or isolated"; this is not an isolated site.

Officers have said that Greenbelt has the "highest degree of protection in terms of both the Council's and Scottish Government's countryside policies". This statement

must however be read in the context of the aims of the Greenbelt. These are to:

- Direct development to the most appropriate locations and to support regeneration;
- Protect and enhance the character, landscape setting and identity of settlements; and
- Protect and provide access to open space.

The approval of the review application will not undermine these important aims, rather it will allow the re-use of a brownfield site, in an appropriate location close to Helensburgh, in order to provide two new family homes. At present the appearance of the site detracts from the character and appearance of the area. It contains a partially completed building, that is lawful in planning terms, and is therefore immune from any form of formal enforcement action. To grant planning permission for a development that in almost every respect would be identical to that previously approved in 2007 would, whilst a 'minor departure' from the provisions of the Development Plan, not be either unreasonable or inappropriate.

Finally, it is relevant to note that on page 3 of the decision notice dated 16 August 2018 it states:

*"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)."*

If planning permission for the development now applied for is not able to be approved, then it might be argued that the land would have effectively become "incapable of reasonably beneficial use in its existing state". If so, it would be possible for a Purchase Notice to be served upon the Council, under the provisions of S88 of the 1997 Planning Act.

Yours sincerely



Michael Hyde MRTPI  
**MH Planning Associates**

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**From:** Charles Carver

**Sent:** 11 December 2018 12:19

**To:** Young, Howard <[Howard.Young@argyll-bute.gov.uk](mailto:Howard.Young@argyll-bute.gov.uk)>

**Subject:** Re: FW: 18/0009/LRB (18/01382/PP) Erection of 2 dwelling house at land east of Camis Eskan Farmhouse, Helensburgh [OFFICIAL]

Dear Howard

Thank you got your mail re the proposed houses at Camis Eskan.

There seems to be no opportunity for me to add any further comments to the appeal. Is that correct?

As a house owner in the development I'm very keen to see the state of limbo we are in, ended. Currently there is no proper access road to the courtyard and the development is essentially incomplete.

I note your comments regarding the green belt and brown field site but feel that it is at odds with the recent approval given to increase the size of the new build on the old pre fab site which is definitely not sensitive to the area.

As regards the original barn this was, in my personal opinion, not worthy of conversion, being substantially altered from its original state with a mixture of stone and brick and no longer having its original roof or doors.

I understand also that the developer would use the original stone to form the gable ends of the proposed houses.

I can't imagine what possible use the site would be if planning is not granted. Certainly it's not of any agricultural use.

Perhaps you could reconsider your objections?

Kind regards

Charles Carver

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