

MINUTES of MEETING of ARGYLL AND BUTE LOCAL REVIEW BODY held in the COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD on WEDNESDAY, 21 AUGUST 2019

Present: Councillor Rory Colville (Chair)
Councillor Gordon Blair Councillor Mary-Jean Devon

Attending: Iain Jackson, Compliance and Regulatory Manager (Advisor)
Hazel MacInnes, Committee Services Officer (Minutes)

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. CONSIDER NOTICE OF REVIEW REQUEST: LAND AT PORT A'GHUAIL, EAST OF WEST BARFAD, TARBERT

The Chair welcomed everyone to the meeting and introductions were made. He explained that no person present would be entitled to speak other than the Members of the Local Review Body (LRB) and Mr Jackson who would provide procedural advice if required.

The Chair advised that he had been made aware that a late representation had been received on behalf of the applicant and invited Mr Jackson to provide the LRB with information on this.

Mr Jackson advised that further information had been received from one of the applicants representatives on 11 July 2019 out with the timescale provided for the submission of representations. The information contained comments based on comments submitted by the planning authority and he advised that there was no legal requirement for planning to be afforded the opportunity to reply to the comments and therefore it was at the LRBs discretion whether they wished to consider the information as part of the review or not.

The Chair advised that because there was no legal requirement for the information to be sent to interested parties to comment and because he felt it did not add any value to the case before them, he did not want to consider the information as part of the review.

The Chair asked if the Members of the LRB felt that they had sufficient information before them to come to a decision on the Review. Both Councillors Blair and Devon advised that they did have sufficient information to come to a decision.

The Chair made the following statement –

“The site lies within the Countryside Development Management Zone identified within the Argyll and Bute Local Development Plan – 2015 (LDP) wherein policy DM1 (E) gives encouragement in principle to sustainable forms of small-scale development on appropriate infill, rounding off, redevelopment and change of use of existing building. The proposed development does not constitute infill, rounding-off, redevelopment or change of use of existing buildings.

In exceptional circumstances it is possible to justify development under Policy LDP DM1 and SG LDP CST 1 where a locational/operational need has been advanced which is sufficient to warrant an exception being made to the LDP Settlement and Spatial Strategy, provided that it accords with the outcome of an Area Capacity Assessment (ACE).

In my view, there are no exceptional circumstances that justify the approval of this application given the close proximity of facilities in Tarbert that could meet the needs of the applicants and as such there is no opportunity to critique the ACE to provide a basis for granting consent.”

In this regard, the Chair advised that he agreed with the recommendations made by the Planning Authority to refuse the application.

Councillor Devon advised that she agreed with the Chair and that she could find no way to approve the application, even though the ACE had been completed. She advised that she supported the recommendations made by the Planning Authority.

Councillor Blair agreed with Councillors Colville and Devon and noted the length of time taken to come to a decision on the review given the difficulties experienced in respect of the site visit. He asked that should the LRB face a similar situation in the future that it is ensured that the information required is submitted faster.

Decision

The Argyll and Bute Local Review Body, having considered the merits of the case De Novo, agreed to uphold the decision to refuse planning permission for the following reason as set out by the Planning Authority-

The Planning Authority’s position is that a locational/operational need tied to this specific location has not been established to any degree which would support approval as an exception the Spatial Strategy of the adopted Local Development Plan established by policies LDP STRAT 1 and LDP DM 1. The appellant’s case relies on no more than a household occupying a house near to the coast requiring storage facilities for a small boat and various water-based recreational equipment. If this was to be accepted as a genuine locational/operational need then it would establish an extremely dangerous precedent for similar incremental private recreational coast development in association with nearby dwellinghouses.

Given the relatively isolated, intimate and undeveloped character of this locality, notwithstanding the comparatively small scale of the building, built-intervention and a resultant intensification of activity will be out of keeping with and detrimental to the special qualities of this landscape contrary to policies LDP 3 and SG LDP 14 of the Local Development Plan 2015.