

STATEMENT IN SUPPORT OF THE APPEAL AGAINST  
THE DECISION OF ARGYLL & BUTE COUNCIL TO  
REFUSE THE PLANNING APPLICATION FOR THE  
ERECTION OF AN AGRICULTURAL BUILDING. LAND  
OPPOSITE CALGARY BAY CAR PARK, CALGARY

## Supporting Information.

PLANNING REFERENCE: 15/00865/PP

### 1.0 BACKGROUND TO APPEAL.

1.1 J & C Reade and Sons submitted a detailed planning application to Argyll & Bute Council on 25th April 2015 for the erection of a single storey agricultural shed and associated external works. This application was refused on the 19th August 2016 with three reasons given for the decision:

1. The proposal do not comply with Policy LDP DM 1 - Development within the Countryside Zone.
2. It is contrary to Policy LDP 9 and SG LDP ENV 14.
3. The proposals are contrary to Policy LDP 5 and SG LDP BUS 2.

1.2 The site is located to the North of the public car park at Calgary Bay. It encompasses 103m2 and is currently used for agricultural purposes. (grazing) The site is owned and operated by the applicant J & C Reade & Sons based at Sgriob-Ruadh Farm near Tobermory.

1.3 The original application was submitted by another Agent acting on behalf of the applicant. AGL Architect became involved when the original agent moved away from the Island.

1.4 The application took 16 months to be determined and we are of the opinion that not all the supporting information was reviewed in detail.

1.5 The appellant believes the lack of consistency within the planning department and the subjective policies referred to in the refusal notice has harmed the planning applications chance of being approved.

1.6 J & C Reade & Sons therefore wish to appeal against the decision to refuse their application and submits this statement in support of their case.

1.7 We requested on numerous occasions for a site visit with the planning officer, team leader and the applicant to discuss the proposals and to illustrate how insignificant the impact the building would have on the local environment. However these requests were ignored by the planning authority.

### 2.0 The Application Proposal.

2.1 The application was for an agricultural shed located within the Countryside Zone adjacent to the Calgary Bay SSSI. AGL has not been successful in obtaining the original information submitted as part of the planning application however we would request that this information be included within the appeal process.

2.2 The building comprises a timber framed building, 12m x 8.6m with external walls clad in timber cladding and the low pitched roof with a mix of green metal sheeting and grass / vegetation. The low pitch profile of the roof together with the proposed materials allows the building to integrate into the context of the site and to avoid a projecting ridge line above the skyline. The location of the building is within a small hollow which also reduces the impact of the building.



Aerial Photo indicating Site Location



Site Location Plan

## Supporting Information.

### 3.0 The Reasons for Refusal and the Applicant's comments on these.

#### 3.1 Reason 1: The proposal do not comply with Policy LDP DM 1 - Development within the Countryside Zone.

Policy Dm1 establishes the acceptable scales of development within each of the countryside zones. The policy encourages small scale sustainable forms of development, which this proposal consists, not only materialistic but also to sustain a growing family business. Policy Dm1 (E) does support development within the countryside in exceptional cases. This is an exceptional case where the health and well-being of farming stock is being provided for to a high standard.

The report of handling refers to the site as a "prominent and sensitive location". If so why was the area of land concerned not included within the SSSI area which covers Calgary Bay? Policy Dm1 also supports development within very sensitive countryside. We believe the planning officer is trying to suggest that the site is very sensitive countryside therefore under the policy, which specifies specific developments such as development supporting agriculture or small scale development relating to outdoor sports and recreation, the proposals comply with Policy LDP Dm1. With the supporting letter from the SAC confirming development is necessary the proposals further comply under this policy as an exceptional and necessary circumstance.

#### 3.2 Reason 2: The proposal is contrary to Policy LDP 9 and SG LDP ENV 14.

The second matter for refusal is a largely subjective reason for refusing the application. Policy LDP 9 refers to development, setting, layout and design. The report states that the site is at a highly prominent, open and undeveloped part of the bay. The car park serving Calgary Bay has become significantly visual on the character of the landscape due to the increase in use by visitors to the area. Development, albeit on a small scale, has recently been approved by the planning authority in the form of the ice cream kiosk. Therefore the area is indeed developed.

The proposed building has been designed to fit into the context of the environment, has been sited within a hollow in the topography and is partially naturally screened by the existing stone wall.

#### 3.2 Reason 2: The proposal is contrary to Policy LDP 9 and SG LDP ENV 14.

The introduction of the new building together with the kiosk structure will create a sense of place within the landscape alongside the existing car park. By using the natural materials proposed the building will merge into its surrounding context reinforce the scenic characteristic of the adjacent landscape. For these reasons and with the support from the SAC this particular location for the site is justified.

Policy ENV14 states the Council will resist development when its scale, location and design will significantly impact on the landscapes character. Our response to LDP 9 clearly indicates that the proposals, in relation to scale, location and design, will not have a significant adverse impact on the existing landscape. Therefore the proposals do not contravene policy SG LDP ENV 19.

#### 3.3 Reason 3: The proposals are contrary to Policy LDP 5 and SG LDP BUS 2.

Policy LDP 5 supports proposals for development of new or existing enterprises in the countryside, subject to the development being in compliance with LDP Bm1. We have argued our case for compliance of LDP Dm1 earlier in the supporting statement. The policy states the council will support delivery of sustainable economic growth throughout Argyll & Bute as long as the locational requirements of the businesses are able to be met within the context of the site. In this instance the proposed development complies with such parameters.

SG BUS2 provides two instances where proposals for development will be permitted:  
A) Comply with Schedule B1 & B3 OR  
B) Small scale development in the countryside zone where the applicant can demonstrate a clear operational need for a specific location within these zones.

It must be reasonable to state that these areas of land within the business and industry allocations cannot allow for every business opportunity or eventuality. By refusing this application the council is penalising the applicant because the plot does not fall within a prescriptive land allocation. The need for a building is determined by its use and the need for animal welfare at this particular location. Therefore by providing the supporting information at the time of submitting the application and during the planning process demonstrates this operational need as supported by a 3rd party.

## Supporting Information.

### 4.0 Consultees

4.1 Area Roads Manager has no objections to the proposals.

4.2 Scottish Natural Heritage provided no formal comments.

4.3 A member of the public made a representation however we believe that the comments do not relate to material considerations.

4.4 Animal Welfare Officer. The office provided a qualified response to the consultation. The fact that he made recommendations about the site which he had not visited or did not have any local knowledge of means his comments cannot be justified or solely relied on when determining the application.

The officer starts his response advising that there is not a locational / operational need for the shed at this location. No argument was provided to support this claim. He then continues by agreeing that the statements set out in the applicants letter are valid and together with the letter from the SAC provide strong support for the need of the building within this location. He then seems to change his mind after referring to an objection by a member of the public whose claims have not been investigated further.

Within the response there is also mention of a second officer being asked for comments however there is no record of any response from him. It may be that he would have a clearer understanding of the site and local knowledge.

We believe this consultation is confused and contradictory and has had a negative influence on the planning decision. We request clarification as to whether this is the case.

### 5.0 Conclusion

5.1 We believe the refusal of the application was due to interpretation of subjective policies together with hiding behind the idea of protecting the character of a site out with the Calgary Bay SSSI area. We have sought to demonstrate why the proposed small scale development will not have the adverse effect as feared by the planning officer. The appellant has proved that by adding a high quality design to sit within the landscape will indeed enhance the environment as a whole and its character.

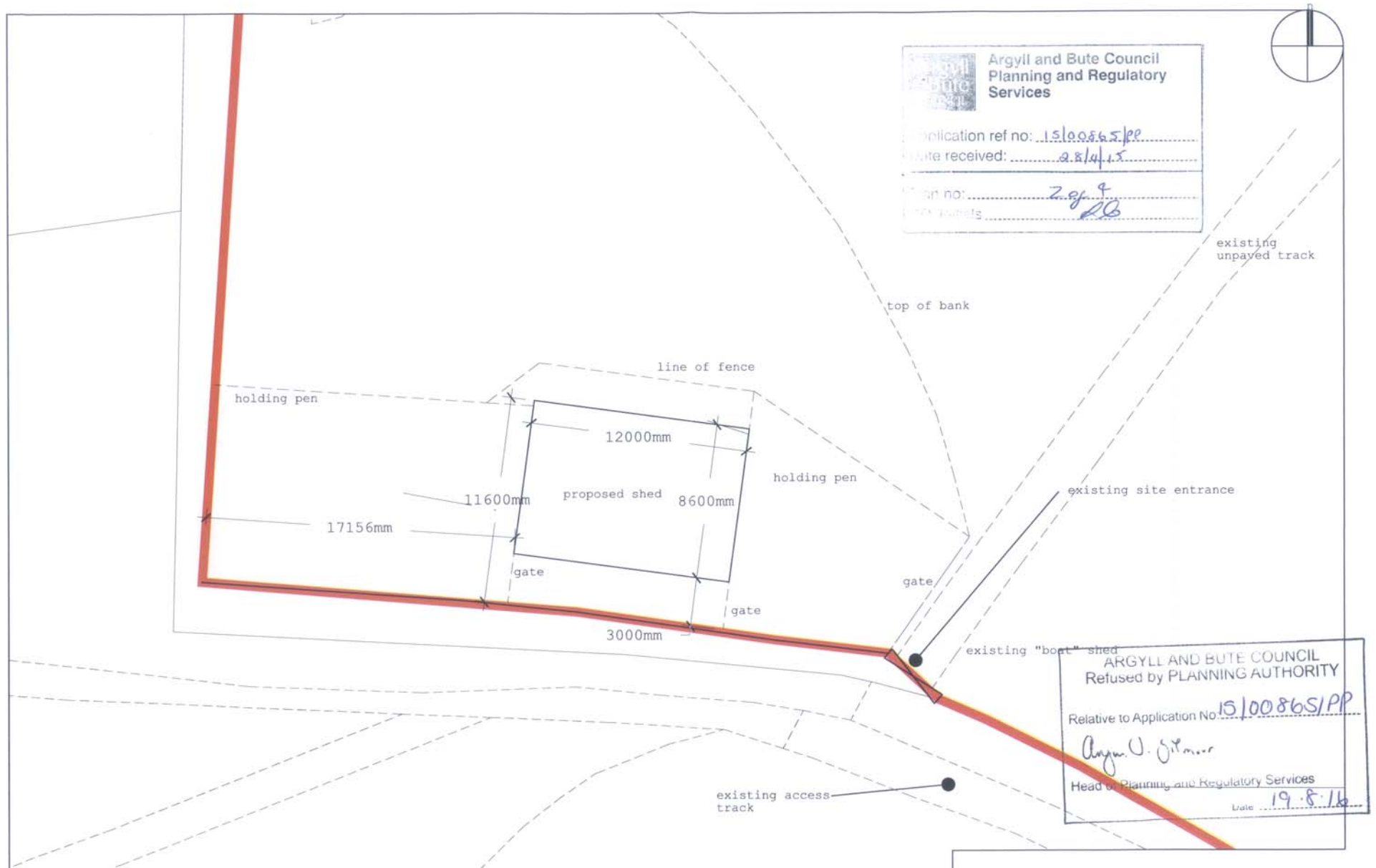
5.2 The grazing land requires a shelter for the stock due to the location of the land being separate from the main farm at Sgriob-ruadh near Tobermory.

5.3 We are of th opinion that the proposals comply with the listed policies referred to in the refusal notice and will aid in the sustainability of the family run business. There will be 3 generations of farmers to help run the business in the near future.

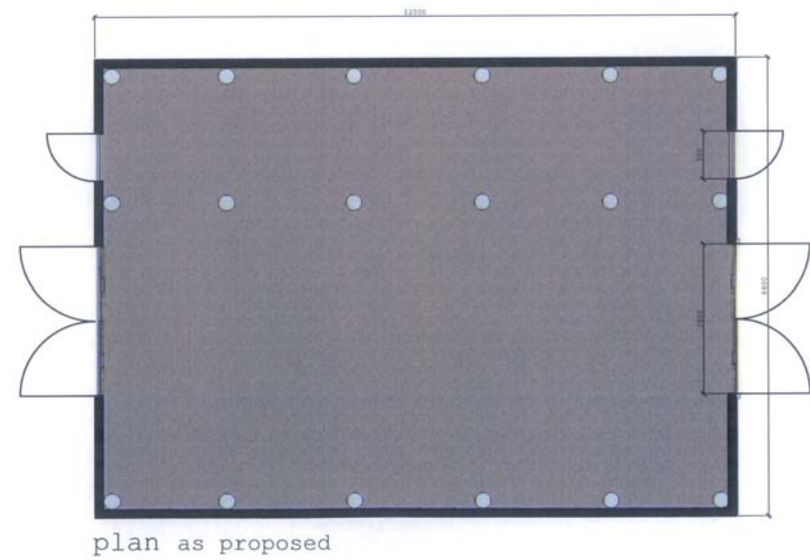
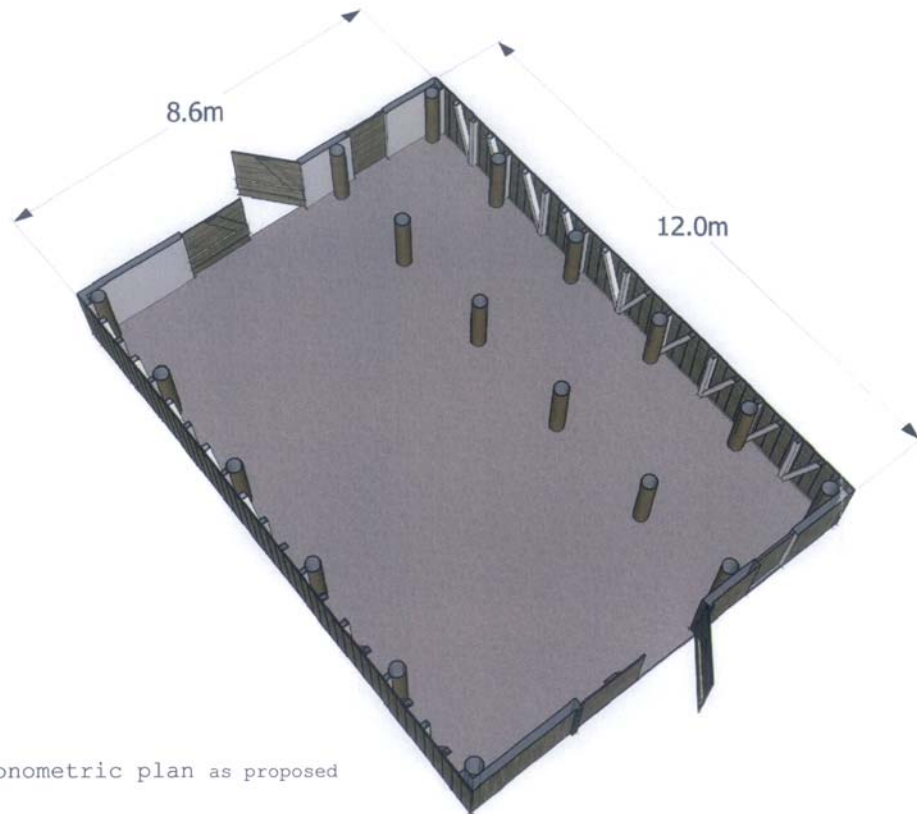
5.4 We have provided a strong argument with supporting information to support the application and prove that there is no better location for this particular building and use.

5.5 In light of the above, the applicant asks that the Local Review Body overturn the decision of the planning officer and grant permission for the new shed.

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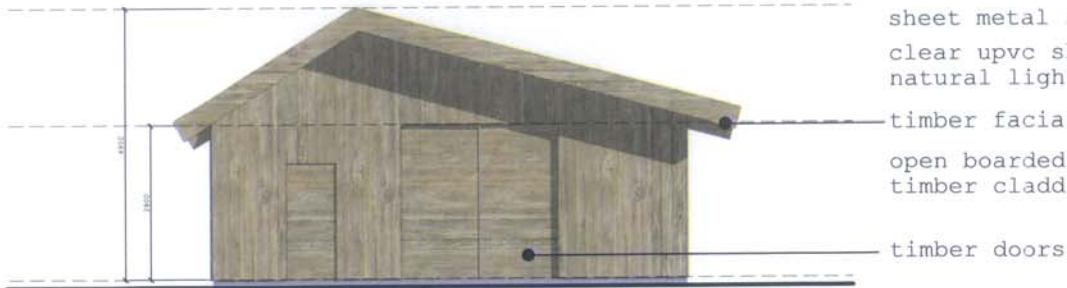
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elevation to carpark (s) as proposed  
scale 1:100



plan as proposed  
scale 1:100



plan as proposed  
scale 1:100



plan as proposed  
scale 1:100

Mr Brendan Reade  
Sgriob Ruadh  
Tobermory  
Isle of Mull  
Argyll

Our Ref: sgriob

23 January 2015

Dear Brendan

### **Impact of Shed at Calgary**

I have been asked to comment on a proposed small livestock shed and stock handling facilities at Calgary. I understand that you do not at present have an agricultural shed available over that that location, where you graze around 50 cattle (heifers and in-calf heifers) for the spring to autumn part of the year.

In my opinion, this shed would be a very useful and sensible option for your business. The ability to house animals on an ad hoc basis, especially if they are sick, injured or calving will benefit the welfare of these animals. This is a key requirement in being a responsible keeper of livestock.

It is also important that you are able to handle and control cattle safely for your own (and the vets) health and safety should the need arise.

In addition the storage area of the shed will be useful to keep implements out of the weather – thus extending their lifespan, plus feed and other items under cover. There is also a security benefit, with the ability to store these items under lock and key.

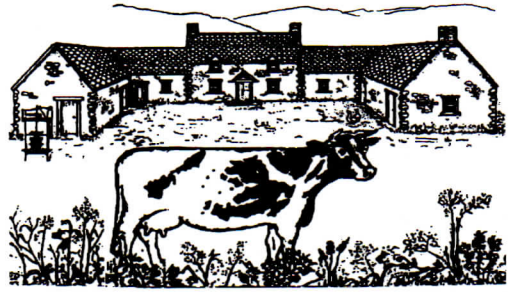
Therefore this proposal does seem a sensible suggestion in terms of animal welfare, health and safety and also good business practice.

Yours sincerely



**Niall Campbell**  
**Senior Agricultural Consultant**

# Isle of Mull Cheese



Sgriob-ruadh Farm, Tobermory, Isle of Mull. PA75 6QD  
Tel 01688302627  
Email: [office@isleofmullcheese.co.uk](mailto:office@isleofmullcheese.co.uk)

14.6.16.

Dear Planners,

We have owned the land at Calgary for more than 25 years. It is purely good agricultural land of 40 acres, which we are improving this year by drainage. The road between this farm and that land is completely unsuitable for heavy traffic hauling back grass or silage, therefore the land has to be grazed. This land supports 50+ heifers, half of whom will be in calf.

At present we have nowhere to put a sick animal or one that is pregnant and needs attention; or possibly calving. We have no place to load up any animal or to administer any medicine. We have no where to store any medication or equipment. We have no where to keep any hay, feed or straw. <sup>feed</sup> <sup>nuts</sup>



The position of the proposed shed beside the carpark is suitable because a small building here will blend in well.

There is water available for the animals, and <sup>it is</sup> a good position in the corner of the field to gather the animals up.

We need a building to tend to the animals properly. We consider it necessary for the welfare of the animals to have a shed at Calgary.

Yours sincerely, Chris Reade.  
partner.

The proposed agricultural shed at the car park at Calgary we wish to be multipurpose. We graze more than 50 young animals at Calgary. They are all replacement dairy animals needing attention and management

Hay ,straw and cake are fed and need to be stored .Cake is fed throughout the year and medicine eg wormer is given every six weeks. Without a shed and yard the animals have to be moved every six weeks to be dosed.

If a heifer is sick , at present we have nowhere to house her .A sick animal needs close attention and shelter. At the moment if a calving happens , we have nowhere to assist the heifer.

We also plan to keep small tools,medicines, and will have space for a tractor in the shed . Often when the heifers go out to grass in the spring they need extra forage if the weather is cold and wet , so we need to have it available for them in store .During the summer it is beneficial for the heifers to have some feed daily .At the end of the year most of the animals will go back the main farm to be housed during the winter., But if there is some late grass with a shed available we will have hay and straw and cake to feed; so we would like to keep the appropriate number of animals at Calgary till later in the year .There will not be an accumulation of manure .

A shed is very necessary for the health and welfare of the animals. The animals will not live in the shed but it is needed for veterinary purposes.

We anticipate one vehicular visit to the animals a day .We have a right of way along the track from the public road .

We think that the site beside the existing car park will work well. The shed will be viewed together with the cars ,and motorhomes .

The animals will not be difficult to get them to go in the right place as the shed will be in the corner of the field. Young animals would scatter and be difficult unless walked quietly along the fence into the building .The shed will not need extra road works for access. There is spring water available for the animals in this corner of the field.

Regards ,

Chris Reade