

STATEMENT OF CASE

FOR

**ARGYLL AND BUTE COUNCIL
LOCAL REVIEW BODY**

16/0009/LRB

**REFUSAL OF PLANNING PERMISSION REF 15/00865/PP FOR ERECTION OF
AGRICULTURAL SHED AT LAND OPPOSITE CALGARY BAY CAR PARK,
CALGARY, ISLE OF MULL**

9th of November 2016

STATEMENT OF CASE

The Planning Authority is Argyll and Bute Council ('the Council'). The appellants are J Reade and Sons ("the appellants").

Planning permission 15/00865/PP for the erection of an agricultural shed at land opposite Calgary Bay Car Park, Calgary, Isle of Mull ("the appeal site") was refused under delegated powers on the 19th of August 2016.

The grounds of refusal of this application were as follows:

1. Within the adopted Argyll and Bute Council Local Development Plan, the application site is shown within the designated Countryside Zone. Policy LDP DM 1 of the Local Development Plan offers encouragement to small scale sustainable forms of development within the Countryside Zone but generally limited to appropriate infill, rounding-off, redevelopment and change of use of existing buildings subject to consistency with all other policies and supplementary guidance (SG) of the Local Development Plan. The proposed site does not present an opportunity for infill, rounding-off, redevelopment or change of use development in accordance with policy LDP DM 1. Whilst policy LDP DM 1 does make an allowance, in exceptional cases, for development in the open countryside of up to and including large scale development on appropriate sites, it is not considered, in this case, that any persuasive exceptional case has been demonstrated sufficient to outweigh the materially harmful landscape impact of the proposed development as expressed within Refusal Reason 2 below.

2. It is considered that this part of the Countryside Zone does not have the general capacity to successfully absorb any scale of additional new development. The introduction of an additional building at this highly prominent, open and largely undeveloped part of the bay would have a negative and materially harmful visual impact upon this photogenic and scenic area which is highly valuable socially, economically and environmentally. The proposed development is therefore considered contrary to policy LDP 9 of the Local Development Plan and SG LDP ENV 14 of the approved Supplementary Guidance, both of which aim to provide the varied and valuable landscapes in Argyll and Bute with adequate protection against inappropriately sited development that would undermine distinctive landscape character.

3 Local Development Plan policy LDP 5 and associated supplementary guidance SG LDP BUS 2 is generally supportive of proposals for the development of new, or extensions to existing, business and industrial enterprises in the countryside zone subject to the proposed development being of a form, location and scale consistent with policy LDP DM 1. Policy LDP 5 and associated supplementary guidance SG LDP BUS 2 also requires all development proposals to take account of landscape impact as expressed within supplementary guidance SG LDP ENV 14 and to comply with Schedule B1 and Schedule B3 (Business and industry scales of development (B1) and Preferred locations for business and industry (B3)). Whilst the Planning Authority values sustainable economic growth as one of its key planning policies, and whilst we would wish to work closely with the applicant

towards identifying an appropriate alternative site for the proposed development, the current siting is considered contrary to both policy LDP DM 1 and SG LDP ENV 14. Schedule B3 specifies that the preferred locations for business and industry in the countryside are in the Business and Industry Allocations and the Potential Development Areas designated for business and/or industry. Other preferred locations in the countryside are infill, rounding-off or redevelopment sites in non-residential locations. Whilst the proposed development may be considered 'small scale' in respect of Schedule B1, the proposed development is on a remote site within the identified 'Countryside Zone' and it does not present any opportunities for infill, rounding-off or redevelopment and is therefore considered contrary to Schedule B3. Policy LDP 5 and SG LDP BUS 2 also gives consideration to small scale development in the countryside zone, where the applicant can demonstrate a clear operational need for a specific location within these zones. The applicant has not presented a site specific justification for the shed to be sited at this prominent and sensitive location within the holding as expressed within Refusal Reason 1 above. The proposed development is therefore considered contrary to policy LDP 5 and associated supplementary guidance SG LDP BUS 2.

DESCRIPTION OF SITE

The proposal site lies in a prominent position within the foreground of Calgary Bay which is one of the most scenic and photographed beaches in Scotland. This beach when viewed from the south has an open aspect which is unspoilt and very sensitive. An existing small storage shed lies in close proximity to the proposal site to the east. This existing shed has recently been granted planning permission (ref 15/00405/PP) for a change of use and erection of an extension to form a refreshment kiosk. This existing shed had been sited previously without the benefit of planning permission and was immune from enforcement action by virtue of the fact that it had become 'lawful' through the passage of time. Had it not gained immunity from appropriate planning enforcement action, there is no doubt that it would also have been considered materially harmful to the local landscape character.

This existing shed stands alone near the entrance to a car park which is used frequently by visitors. The existing shed is very small and unique in character. The bay is largely undeveloped with the exception of this shed at the northern end and the public toilets and a small number of houses along the south eastern end. The public toilets and houses to the south east do not interrupt the open aspect of the bay when approached from the south. The existing shed and proposal site lie to the rear of sand dunes that frame the beach.

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, the determination shall be made in accordance with the plan unless material considerations indicate otherwise. This is the test for this application.

STATEMENT OF CASE

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

- Whether the 'exceptional case' asserted by the appellant is sufficient to outweigh the general presumption against development in the countryside zone in accordance with the relevant provisions of settlement strategy policy LP DM 1.
- Whether this prominent and important part of the countryside zone has sufficient capacity to successfully accommodate the scale and nature of the development proposed without undue visual detriment to this valuable landscape resource.

The Report of Handling (Appendix 1) sets out the Council's full assessment of the application in terms of Development Plan policy and other material considerations.

REQUIREMENT FOR ADDITIONAL INFORMATION AND A HEARING

It is not considered that any additional information is required in light of the appellant's submission. The issues raised were assessed in the Report of Handling which is contained in Appendix 1. As such, it is considered that Members have all the information they need to determine the case. Given the above and that the proposal is small scale, has no complex or challenging issues, and has not been the subject of any significant public representation, it is not considered that a Hearing is required.

COMMENT ON APPELLANT'S SUBMISSION

The appellant's arguments on planning policy grounds are adequately addressed within the attached report of handling. For the sake of clarity, however, the LRB panel are advised that the Planning Authority do not accept that an overriding claim of an exceptional locational/operational need has been demonstrated; not least due to the conflicting nature of the exceptional need case which was advanced during the assessment of the planning application.

The site the subject of the planning application does not form part of a designated SSSI simply because it has no special scientific interest associated with it. The panel will be well aware that a SSSI is primarily a natural heritage designation centred on species, habitat and/or geological factors of regional and national importance. It is not a barometer for visual and/or historic landscape importance.

The Planning Authority is not trying to suggest that the application site falls within an area of 'very sensitive countryside'. This assumption is erroneous.

Whilst there was a delay in the determination of this planning application, a significant proportion of this delay was at the request of the applicant, both to

accommodate a change in Agent and in order that additional/alternative evidence in support of the claim for an 'exceptional case' might be made.

The Planning Authority asserts that all of the submitted evidence and all other material planning considerations were appropriately considered and are addressed within the attached report of handling.

The Planning Authority refutes the claim of a lack of consistency. The appellant was advised at a pre-application site visit that the proposed development raised significant siting and design concerns. The appellant was advised to explore the potential possibilities of siting a small shed on the land further to the north east of the application site on land outwith the immediate foreground of the bay and within an area that is not highly prominent. This advice was set aside by the appellant. There appears to be a further assertion that, in some vaguely expressed way, the 'subjective policies' referred to in the decision notice have somehow 'harmed the planning application's chance of being approved'. The Planning Authority would simply reiterate that its decision was made in accordance with the provisions of the adopted Local Development Plan.

A site inspection was made by the planning case officer. The examination of the planning application was reviewed at several key stages by the Area Team Leader and the eventual recommendation to refuse the application was peer-reviewed both by the Area Team Leader and the Development Manager. Numerous telephone discussions and exchanges of email correspondence between the appellant and the two agents acting, at various times, for the appellant took place. The Planning Authority asserts that it has been appropriately cooperative throughout the planning process.

The agent currently acting for the appellant states at paragraph 2.1 of their written submission that, [it] 'has not been successful in obtaining the original information submitted as part of the planning application'. The Planning Authority is bemused by this statement – both because the agent is being instructed by their client; the applicant for the development, and that all of the documentation associated with the planning application the subject of review is available through the public planning portal of the Council's website. The Planning Authority is not aware of any documentation having been requested by the agent (the same agent who acted on behalf of the applicant during the latter stages of the assessment of the planning application) but will, of course, provide any specified documents upon request.

CONCLUSION

Section 25 of the Town and Country Planning Act 1997 requires that all decisions be made in accordance with the development plan unless material considerations indicate otherwise.

Taking all of the above into consideration, it is considered that the proposed development has been appropriately assessed against the Council's Local Development Plan and all Supplementary Guidance and that the decision to refuse planning permission in this case was made only after diligent assessment and consideration of all material planning considerations.

Taking account of the above, it is respectfully requested that the application for review be dismissed.

APPENDIX 1

Argyll and Bute Council Development and Infrastructure

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: 15/00865/PP

Planning Hierarchy: Local Development

Applicant: J Reade And Sons

Proposal: Erection of agricultural shed

Site Address: Land Opposite Calgary Bay Car Park, Calgary, Isle of Mull

DECISION ROUTE

Section 43 (A) of the Town and Country Planning (Scotland) Act 1997 (as amended)

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of building for claimed agricultural purposes

(ii) Other specified operations

- Utilisation of existing vehicular access.
-

(B) RECOMMENDATION:

Having due regard to the Development Plan and all other material considerations, it is recommended that planning permission be refused for the reasons appended to this report.

(C) HISTORY:

None at the site

(D) CONSULTATIONS:

Area Roads Manager
Report dated 01.05.2015, No objections.

Scottish Natural Heritage
E-mail sent 26.05.2015, No formal comments given, Standard advice applicable.

Animal Health and Welfare
E-mail received 29.06.2016, expressing the opinion that there is no apparent locational/operational need for the shed to be sited on this part of the landholding.

(E) PUBLICITY:

The proposal has been advertised in terms of Regulation 20 Advert Procedures on 14.05.2015. this advert expired on 04.06.2015.

(F) REPRESENTATIONS:

One representation has been submitted objecting to the proposed development. This representation has been submitted by A Mhulach, Ardmore, Tobermory, Isle of Mull (29.05.2015).

The issues raised can be summarised as follows:

No farming activity has been carried out on this agricultural land.

Comment: This comment is noted. Whilst an operational claim has been made in support of the proposed development based on agricultural need, this appears to conflict with other information from the Applicant which states that "the needs for an agricultural shed here have changed however there is still a need for some type of building to accommodate pony trekking / horse use". Thus, whilst the proposed development site occupies part of a wider agricultural holding, the specific location of the proposed shed within this extremely sensitive landscape compartment fringing Calgary Bay is not considered to have been appropriately justified in terms of any proven agricultural need. Even if such an agricultural need could be satisfactorily demonstrated on the holding, it is considered that the proposed site is unacceptable due to its materially detrimental wider impact.

Any proposed building at the site would be the subject of a change of use application in the future.

Comment: This comment is noted. However, should the development be approved and constructed, any subsequent proposal to materially change the use of the building would be development requiring planning permission and would therefore be subject to a new detailed assessment.

Landscape concerns

Comment: See main assessment below.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- | | |
|---|------------|
| (i) Environmental Statement: | No |
| (ii) An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994: | No |
| (iii) A design or design/access statement: | Yes |
| (iv) A report on the impact of the proposed development e.g. retail impact, transport impact, noise impact, flood risk, drainage impact etc: | No |
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(H) PLANNING OBLIGATIONS

- | | |
|--|-----------|
| (i) Is a Section 75 agreement required: | No |
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- | | |
|---|-----------|
| (I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32: | No |
|---|-----------|
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- (J) Section 25 of the Act; Development Plan and any other material considerations over and above those listed above which have been taken into account in the assessment of the application**

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

Argyll and Bute Local Development Plan

LDP STRAT 1 – Sustainable Development
LDP DM 1 – Development within the Development Management Zones
LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment
LDP 5 – Supporting the Sustainable Growth of our Economy
LDP 9 – Development Setting, Layout and Design
LDP 11 – Improving our Connectivity and Infrastructure

Approved Supplementary Guidance

SG LDP ENV 4 – Development Impact on Sites of Special Scientific Interest (SSSIs) and National Nature Reserves
SG LDP ENV 14 – Landscape
SG LDP BUS 2 – Business and Industry Proposals in the Countryside Development management Zones

- (ii) List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 3/2013.**

Argyll & Bute Sustainable Design Guidance (2006)

SPP, Scottish Planning Policy, 2014

Third party representations.

(K)	Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment:	No
(L)	Has the application been the subject of statutory pre-application consultation (PAC):	No
(M)	Has a sustainability check list been submitted:	No
(N)	Does the Council have an interest in the site:	No
(O)	Requirement for a hearing:	No

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

This is a proposal seeking planning permission for the erection of what has been described as an agricultural shed on land opposite Calgary Bay Car Park, Calgary, Isle of Mull.

It is proposed to erect a small scale shed which will measure approximately 11.6m in width, 12.00 metres in length with a height of 5 metres. The shed would have an asymmetrical pitched roof. The front facing roof plane would have a planted turf or sedum finish and the rear roof plane would be clad in dark green metal sheeting. The exterior walls would be clad with an open-boarded vertical timber cladding.

The Applicant runs the 'Isle of Mull Cheese' business based at Sgriob-ruadh Farm in Tobermory.

The details that originally accompanied this application describe the proposed development as the 'erection of agricultural shed'. An initial supporting statement submitted on behalf of the Applicant stated:

"Whilst ordinarily a development of this type would be covered by permitted development Class 18, the applicant has been advised that formal planning consent is required. It is noted that a building in this location would reduce the need to transport livestock large distances to another building in the applicant's ownership.....A building on the site will eliminate the need for the applicant to transport livestock on and off site on a regular basis....The proposed building is required in order for the applicant to realise the potential of the agricultural holding."

The applicant has also submitted a letter from SAC Consulting which states:

'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'.

Class 18 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 allows for certain works to be undertaken on agricultural land comprised in an agricultural unit without the need for planning permission, subject to the submission of a prior notification. The Planning Authority can refuse to give prior approval if they have any siting or design concerns. The applicant has previously been advised at a pre-application site visit that the proposed development raises significant siting and design concerns and that an application seeking prior approval would be refused on the basis of these materially harmful landscape impact concerns. The applicant has since submitted a detailed planning application for the development of the proposed shed, which is the subject to this current application.

In the Argyll and Bute Council Local Development Plan, the application site is shown within the designated Countryside Zone. Policy LDP DM 1 of the Local Development Plan gives encouragement to small scale sustainable forms of development within the Countryside Zone on appropriate infill, rounding-off, redevelopment and change of use of existing buildings subject to consistency with all other policies and supplementary guidance (SG) of the Local Development Plan. The site does not present an opportunity for infill, rounding-off, redevelopment or change of use development in accordance with LDP DM 1. LDP DM 1 does make an allowance in exceptional cases for development in the open countryside up to and including large scale development on appropriate sites.

The Applicant's agricultural business is based at Tobermory and they do not own any agricultural buildings within the vicinity of Calgary Bay. The applicant has submitted a landholding plan of their Calgary land assets on request. The Clagary landholding covers a substantial area of ground around the bay. The applicant has advised in a supporting letter dated the 14th of June 2016 that their landholding at Calgary covers an area of approximately 40 acres though this is a subsidiary part of their wider landholding centred at Sgriob-ruadh Farm. All of this land at Clagary lies within the designated Countryside Zone. The applicant has previously been advised prior to the submission of the application that the proposed development raises concerns with regards to potential adverse landscape impacts at this location. The applicant was advised to explore the potential possibilities of siting a small shed on the land further to the north east of the application site on land outwith the immediate foreground of the bay and within an area that is not highly prominent.

Conflicting information has been submitted regarding the claimed need for the proposed building. In addition to the submissions summarised above, the Applicant in a letter dated 16th June 2016 has made the following comments:

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 lead up any animal or to administer any medicine.

We have nowhere to keep any hay, feed nuts or straw.

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 it is 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.

However, in an email dated 13th May 2016, the applicant's Agent has stated that,

The Reade family have advised me, and yourself, that the needs for an agricultural shed here have changed however there is still a need for some type of building to accommodate pony trekking / horse use.

Irrespective of the ambiguity regarding the actual need for the proposed shed; whether it be for an agricultural use or a recreational use, it is not considered that this specific siting is justified. Whilst the applicant's claims of an operational need for the siting of a building within this part of their landholding is noted, it is not considered that a locational need for a building within this sensitive and prominent landscape compartment has been adequately justified, sufficient to outweigh the material harm that such a development would cause. The proposed shed is relatively small in size and it is considered that there could be a number of sites within the landholding which would be more appropriate for the proposed shed. Whilst there may be farming (or recreational) reasons for the provision of a small scale shed somewhere within this part of the landholding, the applicant has not presented a site specific justification for the shed to be sited at this prominent and sensitive location within the holding and upon a site within the defined 'countryside zone'. The proposed development is therefore considered contrary to the provisions of LDP DM1 of the Local Development Plan.

The proposal site lies in a prominent position within the foreground of Calgary Bay which is one of the most scenic and photographed beaches in Scotland. This beach when viewed from the south has an open aspect which is unspoilt and very sensitive. An existing small storage shed lies in close proximity to the proposal site to the east. This existing shed has recently been granted planning permission (ref 15/00405/PP) for a change of use and erection of an extension to form a refreshment kiosk. This existing shed had been sited previously without the benefit of planning permission and was immune from enforcement action by virtue of the fact that it had become 'lawful' through the passage of time. Had it not gained immunity from appropriate planning enforcement action, there is no doubt that it would also have been considered materially harmful to the local landscape character.

This existing shed stands alone near the entrance to a car park which is used frequently by visitors. The existing shed is very small and unique in character. The bay is largely undeveloped with the exception of this shed at the northern end and the public toilets and a small number of houses along the south eastern end. The public toilets and houses to the south east do not interrupt the open aspect of the bay when approached from the south. The existing shed and proposal site lie to the rear of sand dunes that frame the beach. It is considered that this part of the Countryside Zone does not have the general capacity to successfully absorb any scale of additional new development. The introduction of an additional building at this open and undeveloped part of the bay would have negative and materially harmful visual consequences for this photogenic and scenic area which is highly valuable socially, economically and environmentally. The proposed development is therefore considered contrary to policy LDP 9 of the Local Development Plan and SG LDP ENV 14 of the approved Supplementary Guidance, both of which aim to provide the varied and valuable landscapes in Argyll and Bute with adequate protection against inappropriately sited development that would undermine distinctive landscape character.

The Council's Animal Health and Welfare Officer has been consulted with regard to the proposed locational/operational case that has been presented in support of the proposed development. Whilst the Animal Health and Welfare Officer is of the opinion that there is not a locational/operational need for the shed to be sited on this specific part of the landholding, this opinion is tempered by a lack of local knowledge and an acknowledgement that several of the factors raised in the Applicant's supporting statement and the letter of support from SAC appear 'quite valid'.

Policy LDP 5 and associated supplementary guidance SG LDP BUS 2 is generally supportive of proposals for the development of new, or extensions to existing, business and industrial enterprises in the countryside zone subject to the proposed development being of a form, location and scale consistent with policy LDP DM 1. This policy also requires all development proposals to take account of SG LDP ENV 14 and to comply with Schedule B1 and Schedule B3 (Business and industry scales of development (B1) and Preferred locations for business and industry (B3)).

Whilst the Planning Authority values sustainable economic growth as one of its key planning policies, and whilst we would wish to work closely with the applicant towards identifying an appropriate alternative site for the proposed development, the current siting is considered contrary to both policy LDP DM 1 and SG LDP ENV 14. Schedule B3 specifies that the preferred locations for business and industry in the countryside are in the Business and Industry Allocations and the Potential Development Areas designated for business and/or industry. Other preferred locations in the countryside are infill, rounding-off or redevelopment sites in non-residential locations. The proposal site is a remote site which is not an Allocation and it does not present any opportunities for infill, rounding-off or redevelopment and so is contrary to Schedule B3. Policy LDP 5 and SG LDP BUS 2 also gives consideration to small scale development in the countryside zone, where the applicant can demonstrate a clear operational need for a specific location within these zones. The applicant has not presented a site specific justification for the shed to be sited at this prominent and sensitive location within the holding. The proposed development is therefore also considered contrary to LDP 5 and SG LDP BUS 2.

The Area Roads Engineer has been consulted and has raised no objections to the proposed development.

(Q) Is the proposal consistent with the Development Plan: No

(R) Reasons why planning permission should be refused

See reasons for refusal recommended below.

(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: Lesley Cuthbertson

Date: 19.08.2016

Reviewing Officer: Tim Williams

Date: 19.08.2016

**Angus Gilmour
Head of Planning**

REASONS FOR REFUSAL RELATIVE TO APPLICATION REFERENCE 15/00865/PP

1. Within the adopted Argyll and Bute Council Local Development Plan, the application site is shown within the designated Countryside Zone. Policy LDP DM 1 of the Local Development Plan offers encouragement to small scale sustainable forms of development within the Countryside Zone but generally limited to appropriate infill, rounding-off, redevelopment and change of use of existing buildings subject to consistency with all other policies and supplementary guidance (SG) of the Local Development Plan. The proposed site does not present an opportunity for infill, rounding-off, redevelopment or change of use development in accordance with policy LDP DM 1. Whilst policy LDP DM 1 does make an allowance, in exceptional cases, for development in the open countryside of up to and including large scale development on appropriate sites, it is not considered, in this case, that any persuasive exceptional case has been demonstrated sufficient to outweigh the materially harmful landscape impact of the proposed development as expressed within Refusal Reason 2 below.

2. It is considered that this part of the Countryside Zone does not have the general capacity to successfully absorb any scale of additional new development. The introduction of an additional building at this highly prominent, open and largely undeveloped part of the bay would have a negative and materially harmful visual impact upon this photogenic and scenic area which is highly valuable socially, economically and environmentally. The proposed development is therefore considered contrary to policy LDP 9 of the Local Development Plan and SG LDP ENV 14 of the approved Supplementary Guidance, both of which aim to provide the varied and valuable landscapes in Argyll and Bute with adequate protection against inappropriately sited development that would undermine distinctive landscape character.

3. Local Development Plan policy LDP 5 and associated supplementary guidance SG LDP BUS 2 is generally supportive of proposals for the development of new, or extensions to existing, business and industrial enterprises in the countryside zone subject to the proposed development being of a form, location and scale consistent with policy LDP DM 1. Policy LDP 5 and associated supplementary guidance SG LDP BUS 2 also requires all development proposals to take account of landscape impact as expressed within supplementary guidance SG LDP ENV 14 and to comply with Schedule B1 and Schedule B3 (Business and industry scales of development (B1) and Preferred locations for business and industry (B3)). Whilst the Planning Authority values sustainable economic growth as one of its key planning policies, and whilst we would wish to work closely with the applicant towards identifying an appropriate alternative site for the proposed development, the current siting is considered contrary to both policy LDP DM 1 and SG LDP ENV 14. Schedule B3 specifies that the preferred locations for business and industry in the countryside are in the Business and Industry Allocations and the Potential Development Areas designated for business and/or industry. Other preferred locations in the countryside are infill, rounding-off or redevelopment sites in non-residential locations. Whilst the proposed development may be considered 'small scale' in respect of Schedule B1, the proposed development is on a remote site within the identified 'Countryside Zone' and it does not present any opportunities for infill, rounding-off or redevelopment and is therefore considered contrary to Schedule B3. Policy LDP 5 and SG LDP BUS 2 also gives consideration to small scale development in the countryside zone, where the applicant can demonstrate a clear operational need for a specific location within these zones. The applicant has not presented a site specific justification for the shed to be sited at this prominent and sensitive location within the holding as expressed within Refusal Reason 1 above.

The proposed development is therefore considered contrary to policy LDP 5 and associated supplementary guidance SG LDP BUS 2.

APPENDIX TO DECISION REFUSAL NOTICE

Appendix relative to application **15/00865/PP**

(A) Submitted Drawings

For the purpose of clarity it is advised that this decision notice relates to the following refused drawings:

cr/96/000
cr/96/001a
cr/96/003
cr/96/008
cr/96/004a

- (A)** 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

- (B)** The reason why planning permission has been refused

Set out above.