

**16/0010/LRB**  
**REFUSAL OF PLANNING PERMISSION IN**  
**PRINCIPLE 16/01424/PPP**  
**SITE FOR ERECTION OF 2 DWELLINGHOUSES,**  
**LAND EAST OF ACHARA, OBAN**

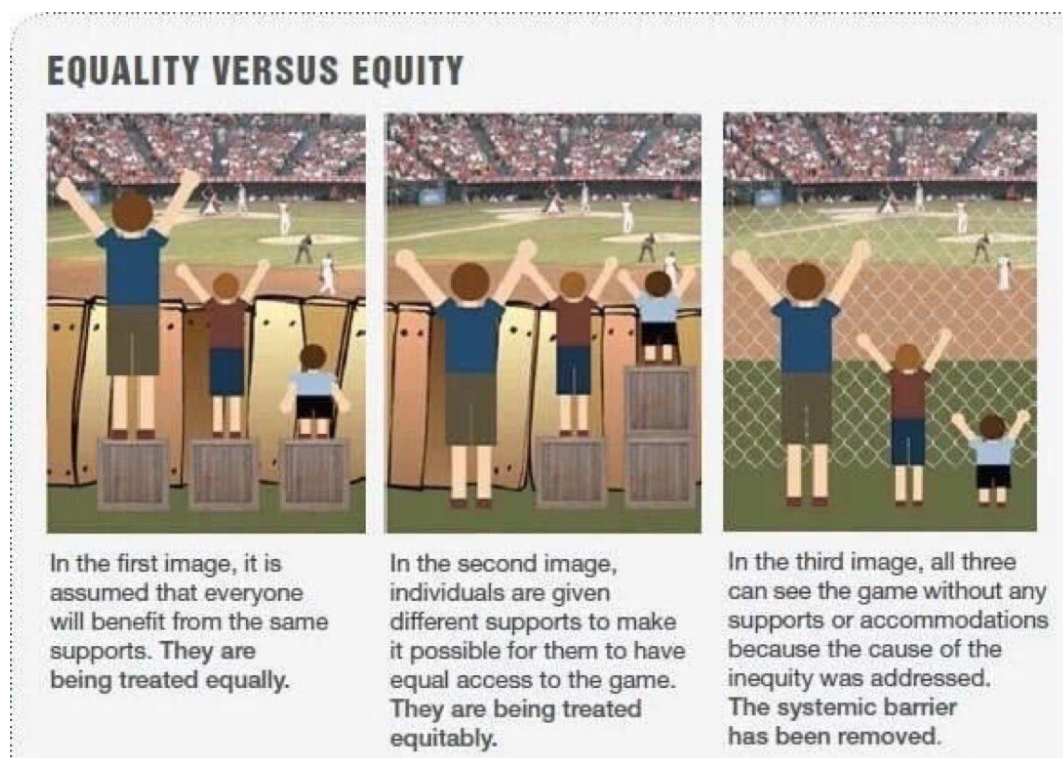
AGENT STATEMENT TO THE LOCAL REVIEW BOARD ON BEHALF OF DUNCAN BLAINEY IN RESPONSE TO THE PLANNING AUTHORITY'S STATEMENT OF CASE.

The applicant is being advised that the application cannot be considered without using a masterplan approach, see 2 below. The planning authority in their statement of case response, are basically saying, "Them's the rules and we must stick to them".

The applicant in being asked adopt a masterplan approach, is being asked to do so even though the planning authority has admitted that the site in question will NOT form part of "an effective or functional part of the wider PDA2". It is not unreasonable to assume therefor in preparing a masterplan the applicants land will be excluded from any proposals forming part of the wider PDA.

Consequently, it is equally not unreasonable to ask that in this exceptional case, you consider that the applicant's proposal is accepted based on a minor departure from the inhibiting Section 25 Planning Policy as noted in 3 below.

Planning regulations, quite often can be as much about public perception, fairness and equity, and to emphasise how sometimes that can be misunderstood, here is an illustration to demonstrate the point.



## STATEMENT OF CASE SUMMARY

### 1. THE QUESTION

- *Whether or not the requirement for a Masterplan approach to the development of the PDA should be set aside to allow for development of two dwellinghouses on the periphery of the PDA.*

### 2. THE SUMMARY

In summary, the appellant contends that the application should be considered on the practical merits of what the practical and actual aspirations might be in relation to this particular PDA where the Planning Authority has previously accepted, through the processing of a previous planning application, that the area subject of this application does not form a functional or effective part of the wider PDA.

### 3. THE PLANNING AUTHORITY RESPONSE

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, in the absence of a masterplan approach for the development of the wider PDA, the proposal does not comply with the necessary requirements for development of a PDA contrary to the provisions of Policy LDP PROP 3 of the adopted LDP the requirement of which has recently been confirmed and underpinned by the Council's adoption of updated Masterplan Guidance (June 2016) which reinforces the requirement for and the purpose of masterplan submissions for PDAs in order to provide a comprehensive development framework within which individual proposals are to be assessed.

