

**Argyll and Bute Council
Development & Infrastructure Services**

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 2008 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 15/03260/PP
Planning Hierarchy: Local Development
Applicant: Mrs Iona Larg
Proposal: Erection of beach hut for Blackhouse Watersports (retrospective)
Site Address: Land north-east of Braehead, Balevullin Beach, Balevullin, Isle of Tiree

DECISION ROUTE

Local Government Scotland Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of beach hut building

(ii) Other specified operations

- None
-

(B) RECOMMENDATION:

That permission be refused for the reasons contained in this report subject to a local hearing being held in advance of the determination of the application.

(C) CONSULTATIONS:

Environmental Health - No response

SEPA (06.01.2016) - Whilst the development is located within part of the 1 in 200 year coastal flood risk zone and may therefore be at medium to high risk of flooding, the proposed development is retrospective and represents a commercial flood risk to the applicant. Given the relatively small scale of the proposal and the coastal nature of the potential flood risk it is

acknowledged that the proposed hut should not have a significant detrimental effect on flood plain storage, conveyance or local flood risk. Therefore no objection is raised.

SNH (14.12.2015) - No comments.

Area Roads Engineer (15.12.2015) - No objection.

RSPB (09.02.2016 and 26.04.16) - No objections. It is pointed out that the applicant's supporting information suggests that RSPB gave advice on the siting of the hut which was not the case as the RSPB was unaware of the hut until it had been erected.

(D) HISTORY: None

(E) PUBLICITY:

The application has been published in the local newspaper (Regulation 20 Advert) with the period for representations having expired on 12.01.2016.

(F) REPRESENTATIONS:

39 objections, 100 expressions of support, a 135 signature petition of support and 1 representation have been received. Names and addresses of persons submitting individual representations are listed in Appendix B to this report.

Jamie McGrigor MSP has expressed his support for the proposal. Michael Russel MSP has also expressed his support for the proposal and has indicated his willingness to speak on the applicant's behalf if necessary.

Summary of grounds of objection

Visual/Amenity Impact - The beach at Balevullin is described variously as: A natural, sandy beach, unspoiled, beautiful, wild, unique, simple, raw, loved by many, precious, a sanctuary, undeveloped, dramatic, expansive, untouched, pristine, tranquil, much-photographed, a rare haven free from human constructs, a special space that holds a place in many hearts, one of the most untouched and pristine places on the west coast of Scotland; a place that must be preserved.

The proposed development is claimed to be materially harmful to these qualities. The impact of the proposed development is described variously as: an inauthentic experience of the beach, unsightly, an eyesore, presenting a loss of peace and sanctuary, commercialised, a contamination of the unique, dramatic white-sanded expanse of the bay, a loss of Tiree's natural identity, prominent, exposed, does not blend in, aggressively placed, an obviously man-made structure, the location of the development to the south end of Balevullin and adjacent to the existing

access means that one is faced with the structure and its advertising as one approaches the beach; there are plenty of places on the Island to run businesses from that do not impact on the natural sites of Tiree.

Environmental and Infrastructure Impact – It is asserted that the development has led to an increased number of people using this beach resulting in over-population, where previously those people would have been spread out over a larger number of beaches on the Island. It is suggested that this, and the development in general, has led (and will lead) to damage and erosion to the beach and the surrounding fragile machair and dunescape as well as to the common grazing land; to increased noise, light pollution, litter and mess; that the proposed development is damaging to wildlife; that it is damaging and unhygienic; is not served by adequate parking provision; that it has led to damage to its access from the existing car park and that the highly mobile coastal environment which is subject to storm surges and other tidal and fluvial effects renders the development unsustainable and at risk; and that the development could lead to an increased risk of damaging sand storms.

Implied Ownership and Intimidating Impact – It is asserted that the presence of the proposed structure on Balevullin beach favours a private business allowing them to unreasonably and inappropriately dominate a public beach and implying ownership of it; and that for some people (particularly those not involved with the water sports on offer) the presence of the beach hut and its associated use can seem intimidating and lead to a feeling of ‘being watched’. It is alleged that this deters some people from visiting the beach.

Unnecessary and not serving a Wider Community Benefit – It is claimed that the proposed beach hut is unnecessary and that it benefits a private business only with no wider community benefit. It is suggested that the business could operate to the same degree and provide the same service from a portable base which could be removed at the end of a working day. Tourists on Tiree have for years had access to water sports without the necessity for beach huts. The beach belongs no more to a surfer than it does to a walker, or a bird watcher, or a young family enjoying a picnic. It is a welcoming environment shared by all and it should remain that way.

Retrospective Nature of the Development and Fear of Precedent – If the structure is allowed to stay in this position, it would set a dangerous precedent for uncontrolled development of our wild and natural coastal landscape and perhaps demand for further huts on this beach to provide facilities for visitors.

Summary of expressions of support

Economic Factors – Wide ranging support is expressed for the Applicant’s business on the basis of economic diversification and growth. Supporters consider that it provides a much needed facility, not just for local children and tourists, but for the whole economy via the footfall it attracts to the shops, cafes and self-catering businesses. Visitors have expressed the view that the presence of facilities is one of the factors that draws them to visit the island as a holiday destination. It is pointed out that the impact of demand for surfing sports has extended Tiree’s peak vacation season to at least 7 months of the year – well in excess of most Scottish destinations.

Operational/Locational/Social Benefits – The presence on the beach contributes to water safety. Visitors are keener to get into the water if they have somewhere

comfortable/dry to get changed and this increases the length of the operating season. Blackhouse Watersports a thriving business which also runs a non-profit surf club offering local people free surfing lessons. We need this in our community. It promotes health and wellbeing which benefits everyone.

Environmental Benefits – Support is expressed for the proposal based on the suggestion that the development would actually improve the local environment by reducing rubbish on the beach, by enabling dolphin and sealife monitoring and by avoiding the need to drive vans and trailers with equipment onto the machair car park on a daily basis.

Visual/Amenity Impact – Contrary to objections summarised above, the supporters of the project express a different opinion of the visual impact of the development, the view being expressed that the wooden hut is appropriately designed using suitable materials and that it adds to the look and feel of the beach and is in keeping with its surroundings.

Petition – In addition to individual representations, a petition of some 135 names expressing support for the proposals on the following grounds has been received:

“I confirm my support for the beach hut to remain at Balevullin Beach, Tiree and I also confirm that I (or members of my family/friends) have benefitted from the hut and its situation. I also feel that the beach hut does not take away from the natural beauty and aesthetics of the area”.

Representation

It comes as no surprise that this development has received so much support, as the applicant has put it on social media asking people to support the planning application. It has also been placed on wind surfing websites to gain support.

The above represents a summary of the issues raised. Full details of the letters of representation are available on the Council’s Public Access System by clicking on the following link: <http://publicaccess.argyll-bute.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

(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: | No |

(H) PLANNING OBLIGATIONS

Is a Section 75 agreement required: No

(I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32: No

(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, 2015

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 4 – Supporting the Sustainable Development of our Coastal Zone
LDP 5 – Supporting the Sustainable Growth of our Economy
LDP 8 – Supporting the Strength of our Communities
LDP 9 – Development Setting, Layout and Design
LDP 10 – Maximising our Resources and Reducing our Consumption
LDP 11 – Improving our Connectivity and Infrastructure

Supplementary Guidance, Adopted March 2016

SG 2 – Sustainable Siting and Design Principles
SG LDP ENV 5 – Development Impact on Local Nature Conservation Sites
SG LDP ENV 14 – Landscape
SG LDP CST 1 – Coastal Development *
SG LDP BUS 2 – Business and Industry Proposals in the Countryside Development Management Zones
SG LDP BUS 5 – Economically Fragile Areas
SG LDP TOUR 1 – Tourist Facilities and Accommodation
SG LDP REC/COM 1 – Safeguarding and Promotion of Sport, Leisure, Recreation, Open Space and Key Rural Services
SG LDP SERV 7 – Flooding and Land Erosion, The Risk Framework for Development
SG LDP TRAN 4 – New and Existing, Public Roads and Private Access Regimes

SG LDP TRAN 6 – Vehicle Parking Provision

** SG LDP CST 1 has been approved by the Council but not yet adopted through agreement with Scottish Ministers. It nevertheless forms a material planning consideration, albeit one which must be afforded less significance than the adopted policy contained within approved Supplementary Guidance.*

(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 4/2009.

- Argyll and Bute Sustainable Design Guidance, 2006
 - Scottish Planning Policy (SPP), 2014
 - Isle of Tiree Sustainable Design Guide, 2007
 - Consultee Responses
 - 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 (PAN41 or other): Yes – The application has generated large amounts of representation both for and against the proposal. The holding of a discretionary hearing would afford Members the opportunity to visit the site and to better appreciate the operational circumstances of the business prior to making a determination in the matter.

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

This retrospective planning application proposes the retention of a modest timber 'beach hut' building with an associated area of timber decking and a small ancillary barbecue facility attached to its rear elevation. This structure is sited within part of the Balevullin beach on the exposed north-west coast of Tiree which lies within the adopted development management 'Countryside Zone'. The development is used to facilitate an established water sports business for the resident operators, 'Blackhouse Watersports'.

This planning application is one of two similar applications, the other being for the retention of a similar development upon the beach at Gott Bay within the eastern part of the Island and for the same Applicant (application 15/03364/PP which appears elsewhere on this Agenda).

This retrospective application has been the subject of much detailed scrutiny and discussion/negotiation between the Planning Authority and the Applicant and the owners of the beach upon which it is sited, Argyll Estates. It has generated a substantial amount of third party interest and is supported by the submission of two detailed statements by/on behalf of the Applicant. With that in mind a discretionary hearing has been recommended.

The determining factor in this case is the delicate balance between three of the Council's 'Key LDP Planning Policy Objectives': the clear desire to support the

sustainable economic growth of this fragile rural island economy and thus reverse static or falling populations on the one hand, and the visual/environmental impact of the proposed development within this vulnerable and sensitive undeveloped coastline on the other.

Although the development is small scale in nature and constructed in a manner and using materials which are sympathetic to the locality, its very presence on an otherwise undeveloped beach poses a serious issue, as its open and unspoiled character forms a vital part of the area's local distinctiveness. Tiree's undisturbed beaches form a highly vulnerable 'wilderness fringe' between the land and the sea and one which should be afforded robust protection against artificial change; particularly against development in or adjacent to those areas of 'natural foreshore'.

Whilst Officers support the business needs of the applicant and the wider economic/tourism benefits that the business provides for the Island, it is considered that no exceptional case sufficient to outweigh the presumption against inappropriate development within the 'Countryside Zone' has been demonstrated. Whilst a permanent building would undoubtedly benefit the operation of the business, Officers have not been persuaded that such a building must necessarily be sited directly on the beach. Whilst the sporting activities and ancillary services provided by the Applicant are undoubtedly locationally restricted by their very nature, it is not considered that the permanent base for this business must correspondingly be locationally fixed to the beach. It could, effectively, be elsewhere on the Island with those more essential functions such as shelter, first aid and lifeguard facilities provided for from a temporary shelter taken to the beach and then removed at the end of the business day. Other existing and long-established water sports businesses on Tiree work in a very similar way to this, and Officers have concluded that the business needs of the applicant could be better met in planning terms by establishing a new base for their water sports activities elsewhere on the island in a less sensitive location.

In this regard, discussions have been held with both the Applicant and with Argyll Estates towards the identification of a potential alternative site. Whilst these negotiations have proved difficult, with a reluctance on behalf of the Applicant to relinquish their current (though unlawful) site, it is considered that alternatives could and should be explored. This process has prospects of delivery given that the existing and possible alternative sites are in the control of Argyll Estates who have indicated willingness to work with Officers in the identification of a suitable alternative location. Nevertheless, all reasonable attempts by Officers to help to deliver a solution acceptable to all parties have not thus far delivered a suitable alternative and meantime the continuing development remains unlawful. Members are therefore required to determine this retrospective planning application on its merits, having given careful consideration to the material planning considerations set out below. Particular attention is drawn to the enforcement report accompanying the application which sets out the recommended response in the event that planning permission is refused.

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

(R) Reasoned justification for a departure to the provisions of the Development Plan N/a

(S) Need for notification to Scottish Ministers or Historic Scotland: No.

Author of Report: Richard Kerr

Date: 30th August 2016

Angus Gilmour
Head of Planning & Regulatory Services

REASONS FOR REFUSAL RELATIVE TO APPLICATION 15/03260/PP

1. The proposed development (which is retrospective) is located within a wider 'Countryside Zone' as defined within the approved and adopted Argyll and Bute Local Development Plan (the LDP) and constitutes 'coastal development' within that development management zone. Policy LDP DM 1 only supports small scale development within this zone in specific circumstances related to existing buildings or, exceptionally, where justified by a proven locational/operational need. This proposal does not constitute an appropriate infill, rounding-off or redevelopment opportunity sufficient to satisfy that policy nor does it involve the change of use of an existing building. Whilst a claim has been made by the Applicant that the proposed development constitutes an 'exceptional case' based on an operational/locational need for the development to be directly located upon the beach, this claim is not accepted by the Planning Authority as it is not a pre-requisite for businesses of this nature to have facilities located on the beaches from which watersports are conducted as evidenced by the means by which other such business are conducted elsewhere. The development is considered contrary to the sustainable development aims of the Council and its spatial planning strategy, contrary to the relevant provisions of Policies LDP STRAT 1, 'Sustainable Development' and LDP DM 1, 'Development within the Development Management Zones'.
2. Whilst the proposal represents economic development with acknowledged tourism, community and social benefits helping, in principle, to deliver several of the key planning policy objectives of the Council, it is nonetheless considered that the proposed siting and design of the development within this otherwise undeveloped, open and exposed area adjacent to the natural foreshore constitutes an alien feature, materially harmful to the local distinctiveness, special character and unspoiled quality of this vulnerable coastal location, and the sense of openness and isolation which forms an intrinsic and valuable part of the 'Tiree beach experience'. The delivery of sustainable forms of development without harming our outstanding environment is also one of the Council's key planning policy objectives. In this case it is not considered that operational advantages to the business outweigh the significantly adverse impacts of this isolated development upon the qualities of the sensitive and otherwise undeveloped receiving environment. The development is therefore considered contrary to the relevant provisions of the Local Development Plan, these being Policies LDP 3, 'Supporting the Protection, Conservation and Enhancement of our Environment', LDP 4, 'Supporting the Sustainable Development of our Coastal Zone', LDP 5, 'Supporting the Sustainable Growth of our Economy', LDP 8, 'Supporting the Strength of our Communities' and LDP 9, 'Developing Setting, Layout and Design', together with their associated adopted Supplementary Guidance: SG 2, 'Sustainable Siting and Design Principles', SG LDP ENV 4, 'Landscape', SG LDP CST 1, 'Coastal Development', SG LDP BUS 2, 'Business and Industry Proposals in the Countryside Development Management Zones', SG LDP TOUR 1, 'Tourist Facilities and Accommodation, including Static and Touring Caravans' and SG LDP REC/COM 1, 'Safeguarding and Promotion of Sport, Leisure, Recreation, Open Space and Key Rural Services'.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 15/03260/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy and Key Planning Policy Objectives

The Isle of Tiree is the most westerly island of the Inner Hebrides, sixty miles west of Oban and twenty-two miles west of Ardnamurchan, the nearest point on the Scottish mainland. The small islet of Gunna and the Isle of Coll lie close by to the northeast. Tiree is about twelve miles long and six miles wide at its widest point, and is mostly low-lying, with wide open skies and sea views in all directions. There are two hills; Ben Hynish in the south rises to 462 ft and Ben Hough in the northwest tops at 390 ft. The island's beaches extend most of the way around the Island's shoreline, a distance of forty-six miles altogether. These unspoiled and expansive white sand beaches give the Island much of its unique character.

The proposed development (which is retrospective) is located within the south-western extent of Balevullin Beach, located on the north-west coast of Tiree and forming a complex of dry machair and hummocky dunes forming an intricate mosaic with wet machair and dune slack vegetation.

The Argyll and Bute Local Development Plan sets out the Council's land use vision for how its area should be developed over the period to 2024 and beyond, along with the key objectives for achieving this vision. These reflect the overall approach to planning set out by the government in Scottish Planning Policy which is to enable sustainable economic development. LDP objectives seek to maintain population in rural areas and to help secure economic and social regeneration in smaller communities, particularly in terms of the growth of key sectors such as tourism. However, sustainable growth needs to avoid harming our outstanding natural historic and cultural environment. The determination of the current planning application hinges on the delicate balance between these key planning policy challenges and objectives.

The application site is within a wider 'Countryside Zone' as defined within the adopted Argyll and Bute Local Development Plan (the LDP) and constitutes 'coastal development' within that development management zone.

Local Development Plan policy LDP STRAT 1 – 'Sustainable Development' expands upon the key planning policy objective of delivering sustainable development and states, as a matter of general principle, that in preparing new development proposals, developers should seek to demonstrate a range of sustainable development principles identified in the policy which the Planning Authority will use in deciding whether or not to grant planning permission.

Spatial planning strategy policy LDP DM 1 – 'Development within the Development Management Zones' states that encouragement will be given to sustainable forms of development within the Countryside Zone of up to 'small scale' (in this case buildings generally not exceeding a 200 square metre footprint), but generally limited to appropriate infill, rounding-off and redevelopment sites and those proposals involving the change of use of existing buildings.

In this case, whilst the proposals can be said to be 'small scale', the proposed development which occupies part of a wider exposed and undeveloped area of 'wild beach' does not constitute appropriate development on any infill, rounding-off, redevelopment or change of use basis. This is accepted by the Applicant in their supporting statement.

However, Policy LDP DM 1 also states that, in exceptional cases, development of the proposed scale in the open countryside may be supported on appropriate sites where it benefits from a justifiable locational need in which case it must then be supported by the outcome of an Area Capacity Evaluation (ACE). The Applicant's case is that the proposed development does constitute an exceptional case based on its economic/tourism/community benefits, coupled with an asserted locational/operational need for the development to be sited on the beach, that the siting and design of the development is appropriate, and that these factors are sufficient to outweigh the general presumption against inappropriate development within open countryside. These arguments are not accepted by Officers and are discussed in greater detail in Section C below.

B. Location, Nature and Design of Proposed Development

This proposed (and retrospective) development is located within the south-western part of Balevullin Beach, a short distance from an existing informal public car parking area and to the north of the minor settlement of Sraid Rhuadha / Balevullin and A'Chrois. It occupies part of a defined 'coastal zone' being the strip of land between Mean Low Water Springs (MLWS) and extending 1 kilometre inwards. Development within this coastal zone is expected to accord with Policy LDP 4 and the guidance contained within SG LDP SCT 1 – 'Coastal Development' (approved by the Council though not as yet approved by Scottish Ministers or formally adopted). This is discussed in greater detail in Section D 'Landscape and Visual Impacts' below.

The development also occupies part of a defined 'Local Nature Conservation Site' (LNCS). Development within the LNCS is also expected to accord with the approved supplementary planning guidance contained within SG LDP ENV 5 – 'Development Impact on Local Nature Conservation Sites'. This is also discussed in greater detail in Section D 'Landscape and Visual Impacts' below.

The building has been clad in unfinished locally-sourced timber and comprises a structure without foundations – large supporting wooden beams have been dug into the sand to avoid any unnecessary impact on the beach. No concrete has been used at all and the beach hut has been deliberately positioned back towards the dunes, but not dug into the dunes, so as to minimise the impact upon the beach environment. It is located close to the existing informal Balevullin Beach public car parking area.

The building is of a 'small scale' in LDP terms (having regard to LDP DM 1 and SG LDP BUS 2 and SG LDP TOUR 1), measuring 3 metres wide by 4 metres long and being some 2.2 metres high to a gently sloping felted roof. In addition, the proposed development also incorporates an area of timber decking to the front with a footprint of approximately 25 square metres and a small barbeque platform to the rear with a footprint area of some 4 square metres. The overall footprint area of the proposed development is some 40 square metres – comfortably within the appropriate definition of 'small scale' development as stated above.

The submitted supporting statement states *inter alia* that:

"The hut has been sited and positioned so as to pay regard to the context within which it is located, with the design of the structure of a scale and detail compatible with the surroundings, with particular attention given to massing, form and detailing".
"Blackhouse Watersports are a local grassroots business who have invested in their business and continue to do so, with plans in the future to develop a café and surf accommodation".

“Blackhouse Watersports have been operating on the island for 8 years and provides a unique tourist experience, providing kite surfing, surfing and sea kayaking facilities with the added attraction of providing shore side changing and instructor facilities which is a key selling point that attracts new customers and visitors (and particularly young families) to the island. In addition to providing changing facilities, the beach hut at Balevullin is used for the secure storage of boards and wetsuits and has also been used to provide a surf life saver and first aid facilities for the purpose of providing shore side changing and distinctive water sports experience and provides a unique selling point for Blackhouse Watersports.”

The site itself (and the beach in general, together with much of the surrounding land) is owned by Argyll Estates. The Applicant states that there was detailed liaison with Argyll Estates prior to obtaining the landowner's permission for the erection of the structure and that the current site was seen by Argyll Estates as being the most suitable location for the hut, as any other surrounding areas are crofting land and locating the building elsewhere would most likely be seen as a misuse of common grazing. This position appears to be acknowledged by the then Factor of Argyll Estates, Andrew Montgomery, although it is noted that the current Factor, Hugh Nicol, whilst unequivocally in support of this local business, has indicated willingness as a landowner to consider the potential for a less sensitive location away from the beach, though still within the immediate vicinity of Balevullin. The extent of Argyll Estate's ownership on the island affords a credible opportunity to explore possible alternative locations.

Whilst the existing beach hut and associated structures is undoubtedly small in scale and is reasonably well designed using local timber and sited back towards the dunes so as to lessen its impact, Officers after much careful consideration are of the opinion that its very presence within this otherwise undeveloped, open and exposed beachscape constitutes an alien feature, materially harmful to the distinctive character and quality of this vulnerable coastal location and the sense of openness and isolation which forms an intrinsic and valuable part of the 'Tiree beach experience'.

The locational aspects and impact of the proposed development are discussed in greater detail in Section D 'Landscape and Visual Impacts' below.

C. Exceptional Case and Economic Impact.

The Applicant seeks to justify the development as an 'exceptional case' based on a locational/operational need in accordance with the special provisions of Policy LDP DM 1. This claimed locational/operational need for the building to be located on the beach is intrinsically embodied in the claimed economic benefit of the proposed development and its wider impact upon sustainable tourism development.

In terms of the economic aspects of the development Policy LDP 5 supports development which contributes to sustainable economic growth, having regard to the spatial influence of the LDP settlement strategy and business allocations in the plan. This is underpinned by approved supplementary guidance SG LDP BUS 2, 'Business and Industry Proposals in the Countryside Development Management Zones' which only supports developments in the countryside which are compliant with the settlement strategy established by Policy LDP DM 1 and which have regard to the BUS 2 schedules in terms of appropriate scales of development, and satisfy other technical guidance.

As a development in support of the island tourism economy it also requires assessment against approved supplementary guidance SG LDP TOUR 1, 'Tourist Facilities and

Accommodation, Including Static and Touring Caravans', This presumes in favour of new or improved tourist facilities and accommodation provided, but again subject to consistency with the effect of settlement strategy policy LDP DM 1, with respect being paid to the character and amenity of the surrounding area, and with avoidance of dispersed patterns of development, unless the developer has demonstrated a locational requirement based on the need to be near to the specific tourist interest being exploited, and that the facility will not damage those interests.

Associated policy LDP 8, 'Supporting the Strength of our Communities' *support proposals seeking to strengthen the communities of Argyll and Bute, making them better places to live, work and visit.* This policy is underpinned by approved supplementary guidance SG LDP REC/COM 1, 'Safeguarding and Promotion of Sport, Leisure, Recreation, Open Space and Key Rural Services'. It presumes in favour of new or improved sport, recreation and other community facilities but again subject to satisfying the requirements of Policy LDP DM1 and with respect for the landscape/townscape character and amenity of the surrounding area.

The key issue in this case is therefore whether the proposal is capable of satisfying the Policy requirements of LDP DM 1. This presumes against development in open countryside which is unrelated to the presence of existing buildings, unless exceptionally, a justifiable locational/operational need has been advanced and has been accepted, in which case the suitability of the scale of development and the location proposed will be further assessed by means of an Area Capacity Evaluation, in accordance with the specific requirements of LDP DM 1.

Two statements have been submitted In support of this application; one on behalf of the Applicant by McKenzie Strickland Associates, and a further statement provided directly by the Applicant. These statements form the basis of the claim that the application presents an exceptional case based on the specific operational/locational needs of the development and is summarised below (in addition to the background information already highlighted in Section B above). A selected summary of the matters advanced is presented below. The full documentation can be found through the web-link referenced at Section F of the main Report of Handling above.

- Blackhouse Watersports employs 3 people for the tourist months of April through to October and next year plans to employ another full-time surf instructor to help cope with the growing demand for the business;
- There is considerable support for the beach hut from customers, local residents, Tیره businesses and national sporting associations;
- The planning application is supported by the Scottish Surfing Federation, the governing body for the sport in Scotland who recognise the demand, the challenge of operating in this area and the contribution which the business makes to increased participation in the sport;
- Although the beach hut at Balevullin does not represent infill, rounding off, redevelopment or a change of use, the hut is of a very small scale and of a semi-permanent nature which represents suitable sustainable development that has minimal impact when assessed within the wider landscape.
- Although there is a presumption against development in the countryside zone, the development represents an exceptional case in terms of the operational

requirements of the business and the positive economic and community benefits that the continuation and expansion of the business shall bring to the Island.

- Blackhouse Watersports business and the development of the beach hut model represents an example of entrepreneurship in the tourism industry that has grown from humble beginnings and provides a sustainable business that has diversified into a niche market and will continue to attract visitors to the Islands.
- The beach hut provides water sports facilities and a children's surf school which encourages a healthy outdoor lifestyle for all ages and helps strengthen the local community.
- The success of the business is reported in newspapers and magazines and our story, the beach hut and much of the success that surrounds it has been noticed and applauded and we are delighted with this. This coverage supports tourism in Tiree, Argyll and Scotland.
- Discerning visitors and families are looking for a better tourist experience. Although there are other water sports companies on the island that work from temporary trailers, Blackhouse Watersports success has been based on providing visitors with an enhanced service and facilities and (at the very least) dry wetsuits and a place to change on the beach.
- The beach hut and trained staff mean that there is a constant place for parents and children to ask any related surfing questions or use the equipment and facilities, we are able explain and reassure about the current conditions and offer a place for parents to watch while their children participate in the sport.
- Much of the work done with schools and charity groups further cements the case of exceptional need. Supporting letters from schools and clubs indicate that the hut contributes to young people participating in watersport.
- The beach hut allows storage of more equipment enabling a community club to be run free of charge for local children.
- The location of the beach hut is fundamental to the level of service provided and the increased safety that comes with it. It is a point where the inexperienced can seek advice on conditions and a point of contact for any safety related incident. It also provides a place for parents to be able to watch their children. If the parents of children do not feel that they are safe they will not allow them to go. It is suggested that beach hut at Balevullin has already, and continues to significantly reduce the likelihood of a serious incident occurring.

In addition to the above, Members should be aware of the support expressed by the current Factor of Argyll Estates (27th July 2016) who does not support development carried out without the necessary consent but considers that the presence of the hut contributes to the generation of more business than would otherwise be the case.

The supporting statement and third party expressions of support demonstrate passion for the business and its wider economic and community benefit. However, there is a danger of confusing the *business* with the *building*. In the considered opinion of Officers, it is the business that provides and facilitates the water sports opportunities, the not-for-profit children's surf school, the yoga retreats and all of the other many sporting, community and social facilities referred to. The building where these activities

are coordinated from could, in the opinion of the Officers, be provided from locations elsewhere on the island consistent with policy, with those specific key operational requirements such as first aid facilities, lifesaving facilities, shelter etc. being catered for from a temporary 'tent-like' shelter taken to the beach at the start of the working session and removed from it at the end.

The fundamental question for the Planning Authority is therefore whether the clearly expressed business requirements can only be met on the beach itself, or whether they could be operated from an alternative base sited within a significantly less sensitive location. Whilst the need to promote and support sustainable economic growth and its associated tourism and community benefit forms several of the key planning policy aims of the Council, so too does the need to achieve such aims whilst protecting, conserving and enhancing the outstanding quality of the natural, historic and cultural environment. In this case, it is not considered that the claimed locational/operational need for a permanent building or structure on the beach itself has been proven.

The proposed development is located within an 'economically fragile area' (which encompasses the whole of Tiree) and therefore represents 'small scale' development within one of the identified 'priority areas' for new business development. The proposed development also seeks to strengthen the local community making it a better place to live, work and visit through the provision of new and enhanced sport, leisure and recreation opportunities. However, given the effect of Policy LDP DM 1 it is not considered that the proposed development is capable of passing the key locational and environmental tests within policies LDP 5 and LDP 8 and their associated supplementary guidance, despite the support these lend to economic, tourism and recreation related developments.

In particular, in the absence of an accepted exceptional locational need, the proposed development is not consistent with policy LDP DM 1, nor does it respect the landscape character and appearance of the surrounding area as required by SG LDP BUS 2, SG LDP TOUR 1 and SG LDP REC/COM 1. Neither does the proposed development respect the development pattern outwith the settlements, and avoid harm to the specific tourist interest to be exploited through the submitted claim of locational requirement as required by SG LDP TOUR 1.

It is considered that the Applicant's claim of an 'exceptional case' fails to be adequately demonstrated, the proposed development does not represent sustainable economic development, and is therefore contrary to settlement strategy policy LDP DM 1, and for that reason cannot satisfy LDP 5 and LDP 8 and associated supplementary guidance.

D. Landscape and Visual Impacts.

The proposed development is sited upon an otherwise undeveloped and unspoiled beach which forms an integral and important part of the associated coastal zone; the distinctive character and quality of this vulnerable coastal location and the sense of openness and isolation which forms an intrinsic and valuable part of the 'Tiree beach experience'. The site also forms part of a Local Nature Conservation Site (LNCS). The proposed development is sited immediately adjacent to the 'Natural Foreshore', being defined as that fragile and unspoiled coastal zone that sits between the mean low water springs and the mean high water springs.

In this regard, the relevant planning policy framework is established by Policy LDP 3, underpinned and expanded upon by approved supplementary guidance SG LDP ENV 5, 'Development Impact on Local Nature Conservation Sites (LNCS)' and SG LDP ENV

14, 'Landscape'. Together these seek to avoid development which does not respect the landscape character and nature conservation interests of the receiving environment. Additionally SG LDP CST 1, 'Coastal Development' seeks to safeguard special coastal qualities and to direct development away from undeveloped coasts. Finally, Policy LDP 9, 'Development Setting, Layout and seeks to ensure that development respects its context and integrates with its surroundings in terms of form and design details, with further guidance given in 'Sustainable Siting and Design Principles' as contained within the approved Supplementary Guidance, which seeks to conserve landscape character and avoid inappropriate or insensitive development.

Whilst the development is small scale in nature and constructed in a manner and using materials which are sympathetic to the locality, its very presence on an otherwise undeveloped beach poses a serious issue, as its open and unspoiled character forms a vital part of the area's local distinctiveness. Tiree's undisturbed beaches form a highly vulnerable 'wilderness fringe' between the land and the sea and one which should be afforded robust protection against artificial change; particularly against development in or adjacent to those areas of 'natural foreshore'.

The Council's published 'Sustainable Design Guidance for the Isle of Tiree', a partnership work between the Council and Scottish Natural Heritage and agreed by the Tiree Development Trust, states that:

Tiree's landscape is unique among the Inner Hebrides. It is significant in terms of its scenic qualities - big skies, beautiful beaches and machair, but it is also an important agricultural resource for its crofting community, which has been based on Tiree for many generations. Both landscape and settlements on Tiree have been continuously shaped to a significant extent by their crofting history. Tiree's unique and important heritage is the marriage between crofting and the environment. The island's built form manifests for the most part a balanced and unified historical and cultural tradition which new development needs to respect.

It is considered that the proposed development will partially erode these unique key landscape qualities through the introduction of a man-made structure to one of Tiree's wild beaches, and potentially set an undesirable precedent for other beach development, either on Balevullin Beach or on other similar unspoiled beaches on Tiree. Whilst it is recognised that beyond their intrinsic qualities, beaches can also provide an valued recreation/tourism asset, the exploitation of this resource should not be in a manner which diminishes their fundamental qualities, otherwise sustainable economic development is not attained.

In terms of the planning policy framework outline above, it is considered that the proposed development would be contrary to Policy LDP 3 and its associated supplementary guidance SG LDP ENV 14 in that it will not protect the local distinctiveness or acknowledged special qualities of Tiree's unique beach landscapes. The proposed development is also considered contrary to Policy LDP 4 and associated supplementary guidance SG LDP CST 1 because whilst it constitutes development of the coastal zone, this specific development is not considered sustainable due to the fact that it will damage key features of the natural foreshore, these being its openness and undeveloped 'wild' character.

The proposed development is also considered contrary to Policy LDP 9 in that the development cannot reasonably be said to pay regard to the context within which it is located, which is one of an absence of development. Neither does it integrate effectively with its coastline setting or take adequate account of the highly sensitive character of the area within which it is located.

In terms of the impact of the proposed development upon the Local Nature Conservation Site, it is noted that Scottish Natural Heritage has raised no objection to this aspect of the development. It is not considered that the small scale of the development or its careful siting on the beach, but away from the dunes, will have any materially detrimental impact upon those natural heritage qualities that make up the LCNS designation. In this regard, therefore, it is not considered that this aspect of the proposed development would conflict with the relevant parts of Policy LDP 3 and supplementary guidance SG LDP ENV 5.

E. Opportunities for Development on an Alternative Site.

Notwithstanding the shortcomings of the current proposal, Officers are anxious to support this local business in any reasonable way which would avoid conflict with planning policy and which could secure sustainable economic development. It is acknowledged that the existing business has had a valuable positive impact upon the growth and support of the local economy and tourism within this economically fragile island location, with clear economic, social and community benefits beyond those accruing solely to its owners and employees.

In this regard, discussions have taken place both with the Applicant and with Argyll Estates towards an attempt to identify an alternative site for the business; one which could be acceptable to the Planning Authority in terms of its landscape impact (and other material planning considerations), one which might be acceptable to the Applicant, and one which might be available and deliverable in the short term. This has not proven to be straightforward.

A potential alternative site for the business has emerged through discussion with Argyll Estates. This site is located within the defined 'settlement' of Sraid Ruadha / Balevullin and A'Chrois and is centred upon the proposed redevelopment of an existing ruined building located a short distance from Balevullin Beach. This building and the surrounding land is owned by Argyll Estates who have expressed a willingness to lease it to the Applicant on a 'peppercorn rent' basis in return for the removal of the existing beach hut, the provision of toilet facilities within the new development and the provision of a dedicated access to the new site in order to alleviate the pressure of continued erosion on the existing parking area. This site has been examined by Officers who have indicated support for its use and appropriate redevelopment through continued informal discussion and the subsequent submission of a formal planning application at the earliest possible opportunity.

It would appear, however, that the delivery of this alternative site, and the willingness of the Applicant to accept it, may prove difficult. The applicant has indicated that alternatives previously considered would involve:

- (i) crofting common grazing;
- (ii) sensitive machair land;
- (iii) the car park (which had already drawn complaints about past use for siting a trailer);
- (iv) The ruin located beside the Balevullin township would require access over common grazing/ machair and would be raise issues previously taken to Argyll Estates by local crofters and the RSPB in relation to the ad hoc way in which visitors to Tiree had previously parked on the common grazing and machair around the island.

The currently suggested alternative site is the same as that highlighted in (iv) above. Whilst it is considered that any new vehicular access to this site could avoid or minimise its impact upon the machair, and whilst it is not anticipated that any appropriately devised and considered planning application would be likely to result in fundamental difficulties in respect of natural heritage issues, it is accepted that the proposed alternative site is surrounded by common grazing land and that therefore the use of this site would need the agreement of local crofters.

Whilst it is accepted that this agreement might not be straightforward, the current Factor of Argyll Estates has commented that, *“The approach I have taken is to take a soft approach to broker a long-term amicable solution to a dispute that existed when I took on this role. My belief is that while some parties may not readily agree to a hut that would require use of common grazing in this spot, they may do so in preference to a hut on the beach.”*

The suggested alternative site may or may not prove capable of being deliverable. There may be opportunities for alternative sites elsewhere on the Island, but whether or not any of these could meet the claimed operational requirements of the business would seem doubtful.

F. Road Network, Parking and Associated Infrastructure Matters.

The proposed development raises no parking, access or infrastructure issues. The Council’s Area Roads Manager commented on 11th December 2015 that he has no objection to the proposed development. The proposed development has no water supply and no existing or proposed foul drainage.

APPENDIX B – RELATIVE TO APPLICATION NUMBER: 15/03260/PP

Objectors

- John Macleod – 43 Kinnaird Crescent, Bearsden
- Brodie Dunlop – Whistlers Hill Lodge, Aros Road, Rhu
- Ross Dunlop - Whistlers Hill Lodge, Aros Road, Rhu
- John Isaacson – 3 Upper Square, Hynish, Tiree
- Gavin Dunlop – 3 Upper Square, Hynish, Tiree
- Sophie Isaacson – 14 Pier View, Scaranish, Tiree
- Jane Isaacson – Achinreir Farm, Barcaldine, Oban
- Harry Esson – Melsetter, Torwoodhill Road, Rhu
- Neil Richardson – 25 Lawson Crescent, South Queensferry
- Jean Wilson – 53 Hunter Street, Kirn, Dunoon
- Jack Wilson - 53 Hunter Street, Kirn, Dunoon
- Kathryn Maccallum – 17 Balevullin, Tiree
- Deborah Short – Midlevel, Trefonen, Oswestry
- Flora McFadden – Caorann, Aros, Mull
- Iain Crawford – Avonlea of Priestgill, Strathaven
- Brodie Sim – Greasamull, Caolas, Tiree
- Dorothy Sim - Greasamull, Caolas, Tiree
- Gordon Millar – 4 Lindsaybeg lane, Lenzie
- Fiona MacRae – Frangosdal, Balevullin, Tiree
- Mike Archer – Sunny Side, California, Woodbridge
- Melanie Davies – Flat 2 Netherbrae, Craigard Road, Oban
- Kirsty MacLean – Burnside, Cornaigmore, Tiree
- William MacLean (Operator of Wild Diamond) - Burnside, Cornaigmore, Tiree
- Iona Paterson – 9b Millar Road, Oban
- Richard Murphy – (address not provided)
- Helen Thompson – (address not provided)
- Hector Neill – Tioran, Balevullin, Tiree
- Alison Campbell – Rockvale Guest House, Balephetrish, Tiree
- Catriona Laird – 10 Park Circus Place, Glasgow
- Mary Neill – 9 Kilmory Gardens, Skelmorlie, Ayrshire
- Mary Ann Spilman – 14 Land Park, Chulmleigh, Essex
- Flora MacKinnon – 4 Balevullin, Tiree
- Morag MacDonald – 2 Scaristavore, Harris
- Frances Woodhead – Ceosabh, Balinoe, Tiree
- Lachlan Brown – The Cottage, Balevullin, Tiree
- Sine Henderson – Seaview, Balevullin, Tiree
- Pamela Mitchell – (address not provided)
- James Pask – Duart, Scarinish, Tiree
- Iona Cairns – Seton Lodge, 29 Kirn Brae, Dunoon
- Pearl Brown – Lochan Ban, Balevullin, Tiree

Representee

- Neil Munn – 3 Balemeanach, Middleton Road, Tiree

Supporters

- Sian Milne – Beachcomber, Crossapol, Tiree
- Adam Milne – Thistledew, Crossapol, Tiree
- Margaux Mas Bertrand – 1 The Grove, Dura Den, Cupar
- Catherine Lamur - 1 The Grove, Dura Den, Cupar
- Ben Larg - 1 The Grove, Dura Den, Cupar
- Nick Griffin – 28 Inverleith Place, Edinburgh
- Caroline Jack – 7 Coates Cottages, Coates, Longniddry
- Angus Jack - 7 Coates Cottages, Coates, Longniddry
- G. Costello – 25 Kersie Terrace, South Alloa
- Lyndsay Robertson – 4 Flass Road, Wormit, Fife
- Christopher Sangster – 12 William Street, Carnoustie
- Gordon McCabe – 1/11 Rustic Place, Dundee
- Sam Long – 74 Ogilvy Street, Tayport, Fife
- Kris Wiltosz – 7 Newton Road, Dundee
- Mr Robbie Larg, The Two Harvests No 1 Balemartine, Tiree
- Sam Lomas – 2 Five Ashes Cottages, Windmill Lane, Macclesfield
- Rosemary Garrigan – 32-1 Stafford Street, Edinburgh
- Marie Derome – Yum Yum, Caolis, Tiree
- Hugh Fearnley-Whittingstall - Yum Yum, Caolis, Tiree
- Mairi McLellan – Heatherlea, Badachro, Gairloch
- Miles Stratton – 2 Ardenconnel Way, Rhu
- Anita Stratton – 2 Ardenconnel Way, Rhu
- Stephen Trombala – Mansfield, Abbotsford Road, North Berwick
- Richard Mauritzen – 6 St. Ford Road, Wormit, Fife
- Stuart Kelly – Hillcrest, Old School Lane, Longniddry
- Joanna Kelly – Hillcrest, Old School Lane, Longniddry
- Doug Reid – Cherry Pie Cottage, Rose, Truro
- Dominic McCann – 24 Oakwood Court, Edinburgh
- Lorna MacDonald – The Bothy, Balevullin, Tiree
- Mike Rennie – Flintstone Technology Limited, Dundee
- Paul Le Roux – Croish House, Caolis, Tiree
- Thomas Baxter – Flat 9, 1 Leonard Place, Kinnoull Causeway, Perth
- Alison Harper – 16 Balevullin, Tiree
- Lyle Moncur – 35/3 Gilmore Place, Edinburgh
- Susannah Frieze – Newton Prep School, Battersea Park Road, London
- Clare McBride – 21 St. Andrews Street, Trongate, Glasgow
- Gavin Turnbull – 21 Halmyre Street, Edinburgh
- David Cunningham – Woodend, Dirleton, North Berwick
- Innes Campbell – Druim Cottage, Lochhills, Urquhart
- Angelia Yorke – Moorcroft, Old Whisky Road, Dundee
- Frank Yorke - Moorcroft, Old Whisky Road, Dundee
- Euan Baxter – An Aird, Kinveachy Gardens, Aviemore
- Heather Clark – 20 St. Catherine's Place, Edinburgh
- Andrew Cameron – 168a Long Lane, Broughty Ferry
- Andreas Pilz – Leiten 370, 8972 Ramsau am Dachstein, Austria
- Steffi Waterbaer – 52 Kinneddar Street, Lossiemouth
- Rosemary Guinnane – Inverallan, 62 Aytoun Road, Glasgow
- Craig Sutherland – Suds Surf School, Lochs Steading West, Garmouth
- Mark Sutherland – Lochs Steading East, Garmouth
- Ffion Hardy – Tan Rhiw, Cwm y Glo, Gwynedd

- Jack Peyton - Tan Rhiw, Cwm y Glo, Gwynedd
- Paul Veverka – 304a Main Street, Blantyre
- Lucy Robertson – Marchmont Street, Edinburgh
- Alex Oliver – 58 1F2 Comiston Road, Edinburgh
- David Gunn – Hynish Farm Steadings, Hynish, Tiree
- Fiona Harwood – 51 Westville Oval, Harrogate
- Iain McKendry – Balhill House, Panmure Estate, Carnoustie
- Louise Andrew – 16 Colthill Road, Aberdeen
- Lynn Casey – 9 Dykedale, Dunblane
- Ruth Harland – Flat 1 Joe Brown Corner Shop, Llanberis
- Karl Hughes – Sunset Cottage, Balevullin, Tiree
- Stuart Kirk – 22 Finbraken Drive, Gourrock
- Rufus Henderson – 297 Avenue Road Extension, Leicester
- Niall MacLean – Flat 3/7, 5 Montague Street, Glasgow
- Timo Mullen – 4 Whitecliff Road, Poole, Dorset
- Nick Smith – Bramblewood, Largoward, Leven
- Becky Howard-Pope – Rainbow Pocket, Balemartine, Tiree
- Jill Howard - Rainbow Pocket, Balemartine, Tiree
- Geoff Gunby – 15 Junction Road, Tottenham, London
- Lisa Mosey – 19 High Fieldside, Crasmere, Cumbria
- Paul Mosey - 19 High Fieldside, Crasmere, Cumbria
- Tracy Carroll – Orchard House, Templehall By Longforan, Dundee
- Daz Migiani – 21 Bright Street, Lochee, Dundee
- Andrew Rossiter – Sunnyside, Balemartine, Tiree
- Lynsey Gray – Cruachan, Balemartine, Tiree
- Alison Aspe – 170 Crown Street, Aberdeen
- Mike McKenns – 8 Dornie Place, Dundee
- Graeme Brown – 20 Macfarlane Road, Glasgow
- Margaret Lothian – 74 Durward Rise, Livingston
- Stuart Willison – 14 Naughton Road, Wormit (2 representations received)
- Gavin Eisler – Bun Atha, Taynuilt
- Michael McLarwn – 70 Ancrum Drive, Dundee
- Michelle Bergson – 73 Barns Street, Glasgow
- Joanna Tennant – 7a Brunstane Road North, Edinburgh
- Moira & Michael Cambridge – 8 Palmer Place, Birkhill, Dundee
- Ulrike Moeser – Lobelinweg 79, 04288 Leipzig, Germany
- Kate Carter – Stoneleigh, Askerswell, Dorchester
- Anna Gornall – 19 Ullswater Road, Lancaster
- Michael Rennie – 6 Craigshannoch Road, Wormit
- James Roberts – Lawhill House, Trinity Gask, Auchterader
- Lisa Roberts - Lawhill House, Trinity Gask, Auchterader
- Justine Young – 105 Sleigh Drive, Edinburgh
- Neil Thomson – 21 South Hamilton Road, North Berwick
- Catriona Macdonald – An Cnoc, Balephuill, Tiree
- Graham Barr – 17 Lovedale Crescent, Balerno
- Zoe Wilson – 32 Hawthorn Way, Cambuslang, Glasgow
- Karen & Robby Robertson – St Andrews, Fife
- Jonny Meal – Knapthorpe House, Hockerton Road, Caunton, Newark
- Jeremy Garret-Cox – (no address given - states he is a houseowner on Tiree)