

STATEMENT OF CASE

FOR

**ARGYLL AND BUTE COUNCIL
LOCAL REVIEW BODY**

**REFUSAL OF PLANNING PERMISSION FOR
'ERECTION OF DWELLINGHOUSE, INSTALLATION OF
SEPTIC TANK SOAKAWAY AND FORMATION OF
VEHICULAR ACCESS'**

**LAND NORTH OF CRAIGRUADH, TAYINLOAN,
TARBERT**

LOCAL REVIEW BODY REF. 17/0011/LRB

**PLANNING PERMISSION APPLICATION REFERENCE
NUMBER 17/02333/PP**

21st December 2017

STATEMENT OF CASE

The Planning Authority is Argyll and Bute Council ('the Council'). The appellant is Grant Developments Ltd. ('the appellant'). The appellant's agent is Crawford MacPhee Architectural Services ('the agent').

Planning application, reference number 17/02333/PP, for the erection of a dwellinghouse with associated development, was refused under delegated powers on the 10th November 2017. This planning decision has been appealed and is the subject of referral to a Local Review Body.

SITE LOCATION

This application relates to an undeveloped plot of land immediately adjacent to the A83 trunk road, to the south of the settlement of Tayinloan.

SITE HISTORY

17/01919/PP – Erection of dwellinghouse, installation of septic tank and formation of vehicular access – withdrawn: 31.08.17 – *This previous application was withdrawn in favour of the application which is the subject of this review. Changes to the vehicular access arrangements required an enlarged application site boundary.*

STATUTORY BASIS ON WHICH THE APPEAL SHOULD BE DECIDED

Section 25 of the Town & Country Planning (Scotland) Act 1997 provides that, in making any determination under the Planning Acts, regard is to be had to the Development Plan and the determination shall be made in accordance with the plan unless material considerations indicate otherwise. This is the test for this application.

The application was deemed to be contrary to the relevant provisions of the Development Plan, for the following reason:

"There are currently four dwellings either in situ or under construction within a short stretch of the trunk road around Craighuadh Farm, with a further two dwellings a short distance to the south. The gap which the application site occupies between Drumnamucklach Cottage and North Craighuadh is considered to be an important undeveloped space in this area, as it serves to maintain some separation between the dwellings, in a manner which is consistent with the maintenance of the rural settlement pattern of the area, which is characterised by isolated single and small groups of properties. If the application site were to be developed as proposed, it would create an undesirable linear string of house (five in total) which would undermine the established settlement pattern of the wider area by the introduction of a more 'suburban' row of properties. This would be directly contrary to the principles set out in policy SG LDP Sustainable of the Development Plan. This, in turn, means it is not considered that this is an 'appropriate site' for the erection of a single dwellinghouse in terms of policies LDP DM 1 and SG LDP HOU 1 of the Development Plan. There are no relevant material considerations to weight against the operation of the above policies and the consequent determination of the application in accordance with the provisions of the adopted Development Plan."

With no material considerations indicating otherwise, the application was refused on the basis that the proposal was contrary to the Development Plan.

DETERMINING ISSUES

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

- Whether or not the location of the proposed dwellinghouse constitutes an 'appropriate site', having regard to policies LDP DM 1 and SG LDP HOU 1 of the Development Plan. In determining this, regard must be had to the siting and design principles set out in policy SG LDP Sustainable of the Development Plan. If these policies cannot be satisfied, the appeal should be dismissed unless there are other relevant material considerations which warrant a departure from the Development Plan.
- Whether, beyond development plan policy, there are any other material considerations which would warrant the setting aside of the statutory presumption in favour of determining applications in accordance with the provisions of the adopted development plan.

RELEVANT POLICY

The Report of Handling (Appendix 1) sets out the Council's assessment of the application in terms of Development Plan policy and other material considerations, so it is not intended to reiterate that here. However, extracts from the text of relevant policies cited in the reasons for refusal are replicated below with relevant sections highlighted in **bold**, given their particular relevance to the issues presented by this appeal.

"Policy LDP DM 1 – Development within the Development Management Zones

Encouragement shall be given to sustainable forms of development as follows:-

*...**Within the Rural Opportunity Areas up to small scale on appropriate sites including the open countryside as well as small scale infill, rounding-off, redevelopment and change of use of existing buildings.** In exceptional cases, up to and including large scale may be supported if this accords with an Area Capacity Evaluation."*

Policy SG LDP HOU 1 – General Housing Development Including Affordable Housing Provision

*(A) There is a general presumption in favour of housing development other than those categories, scales and locations of development listed in (B) below. **Housing development, for which there is a presumption in favour, will be supported unless there is an unacceptable environmental, servicing or access impact.***

*...**Housing developments are also subject to consistency with all other policies and associated SG of the Local Development Plan.***

Policy SG LDP Sustainable – Sustainable Siting and Design Principles

In many places the Argyll and Bute landscape could be easily spoiled by careless development. If its uniqueness and beauty are not to be destroyed, the design and construction of new houses within this landscape must respect local identity and the environment. All new buildings and other structures should be designed taking the following advice into account:

...Siting: must respect existing landforms and development patterns

...Lines of houses straggling along main roads beyond existing settlement boundaries are to be avoided as they are likely to suburbanise the countryside”

REQUIREMENT FOR ADDITIONAL INFORMATION AND A HEARING

The issues in this case are relatively straightforward and are covered in the Report of Handling which is contained in Appendix 1. As such it is considered that Members have all the information necessary to determine the case. Given the above and that the proposal is ‘local’ development, has no complex or challenging issues and has not been the subject of significant body of conflicting representation, then it is considered that a Hearing is not required.

COMMENT ON APPELLANTS’ SUBMISSION

Paragraph 2

The fact that the proposal constitutes an ‘infill’ development is not in contention. However, as detailed in the case officer’s report, this does not automatically render the proposal acceptable. Infill development is not appropriate in all circumstances and, in this instance, it is considered that the proposed development will undermine the established settlement pattern and character of the area.

This row of houses does not constitute a ‘settlement’ with respect to the adopted Development Plan. The appearance of a ‘settlement’ is to be avoided in areas such as this where the established character is sporadic single and groups of houses.

Paragraph 3

Policy LDP DM 1 is not the only policy referred to in the reason for refusal. Policies SG LDP Sustainable and SG LDP HOU 1 are also explicitly referred to.

Again, it is not in contention that the proposal constitutes ‘infill’ development. It is the determination of the Planning Authority that, despite being ‘infill’ development, the proposal does not represent an ‘appropriate site’ for the erection of a single dwellinghouse, having regard to policy SG LDP Sustainable of the Development Plan. The reasons for this are clearly expressed in the case officer’s report.

Paragraph 4

The site does indeed lie within a ‘rural opportunity area’, where a general capacity to successfully absorb small-scale development has been identified. However, as noted in the explanatory text to policy SG LDP HOU 1, the presumption in favour of small-scale housing development within this zone must be subject to “an on-going

capacity evaluation". Any new housing development within this zone must also be consistent with policy SG LDP Sustainable of the Development Plan. Consistency with this policy is addressed in detail in the case officer's report, where it is concluded that the proposal would not be consistent with the siting and design guidance expressed.

Additional comments

It does not appear that any attempt has been made to address the specific reason for refusal in this case. The general presumption in favour of small-scale housing development in ROAs and the proposal constituting 'infill' development are not disputed by the Planning Authority. The reason for refusal relates to the impact upon the character of the area and the established settlement pattern, neither of which have been addressed in any detail in the appellant's submission.

APPENDIX 1 – REPORT OF HANDLING

Argyll and Bute Council

Development & Infrastructure Services

Delegated 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: 17/02333/PP
Planning Hierarchy: Local
Applicant: Grant Developments Ltd
Proposal: Erection of dwellinghouse, installation of septic tank and formation of vehicular access
Site Address: Land North of Craighuadh, Tayinloan

DECISION ROUTE

Sect 43 (A) of the Town and Country Planning (Scotland) Act 1997

(A) THE APPLICATION

Development Requiring Express Planning Permission

Erection of dwellinghouse
Alteration of existing vehicular access to trunk road
Installation of septic tank and soakaway

Other specified operations

Connection to public water main

(B) RECOMMENDATION:

Recommend that planning permission be refused for the reasons attached.

(C) CONSULTATIONS:

Council's Area Roads team – responded: 13.09.17 – No objection subject to conditions

Transport Scotland – responded: 15.09.17 – No objection

Scottish Water – responded: 18.09.17 – No objection

(D) HISTORY:

17/01919/PP – Erection of dwellinghouse, installation of septic tank and formation of vehicular access – withdrawn: 31.08.17 – *This previous application was withdrawn in favour of the current application. Changes to the vehicular access arrangements required an enlarged application site boundary.*

(E) PUBLICITY:

Regulation 20 advert – expired: 06.10.17

(F) REPRESENTATIONS:

Representations received from:

Eric and Dianne Cullum, North Craigruadh, Tayinloan (immediate neighbour)

Mr Terence Mundie, Drumnamucklach Cottage, Tayinloan (immediate neighbour)

Fiona Gillies, Drumnamucklach Cottage, Tayinloan (immediate neighbour)

Summary of issues raised:

Road safety

Hedges on both sides of the vehicular access reduce visibility and make entering the main road hazardous;

The access in question for this site will actually be a new entrance as the other part is under separate ownership with a fence going down between the two parts which is not as shown on the plans submitted;

The occupants of the neighbouring property served by the existing vehicular access which is proposed to be widened have offered comment advising that the applicant has assured them that the proposals will not infringe on their property or driveway;

It is understood that the policy is not to allow new entrances on to a trunk road;

Comment: Transport Scotland are satisfied that the proposed vehicular access arrangements are adequate and safe, and only the proposals submitted can be assessed. If any alterations are proposed to the access arrangements in the future, and these require planning permission, a further assessment would be carried out.

Siting/design

The new property will overlook Drumnamucklach Cottage, resulting in a loss of privacy;

Comment: The property will be sited a significant distance away from Drumnamucklach Cottage, well in excess of the 18m 'window to window' standard set out in policy SG LDP Sustainable of the Development Plan. There will be no significant adverse impact upon the privacy afforded to the occupants of

neighbouring properties as a result of the development.

The inclusion of velux windows/rooflights is not in keeping with neighbouring properties;

Comment: This is an extremely minor design detail which would not present any detrimental impact upon the built character of the area.

When PPP was granted for the plots at North and South Craiguadh the then owner was advised that planning would only be granted for two houses.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

Environmental Statement: No

An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994: No

A design or design/access statement: No

A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc: 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

List of all Development Plan Policy considerations taken into account in assessment of the application.

'Argyll and Bute Local Development Plan' Adopted March 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 8 – Supporting the Strength of our Communities

LDP 9 – Development Setting, Layout and Design

LDP 11 – Improving our Connectivity and Infrastructure

‘Supplementary Guidance to the Argyll and Bute Local Plan 2015’ (Adopted March 2016)

Landscape and Design

SG LDP ENV 13 – Impact on Areas of Panoramic Quality (APQs)

General Housing Development

SG LDP HOU 1 – General Housing Development Including Affordable Housing Provision

Sustainable Siting and Design

SG LDP Sustainable – Sustainable Siting and Design Principles

Resources and Consumption

SG LDP SERV 1 – Private Sewage Treatment Plants & Wastewater Systems

Transport (Including Core Paths)

SG LDP TRAN 4 – New & Existing, Public Roads & Private Access Regimes

SG LDP TRAN 6 – Vehicle Parking Provision

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.

Scottish Planning Policy
Third party representations
Consultation responses

(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):** No

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

This application relates to a plot of land immediately adjacent to the A83 trunk road, to the south of the settlement of Tayinloan. Planning permission is sought for the erection of a single dwellinghouse with associated development.

Principle of development

The site is located within a 'rural opportunity area' (ROA), wherein the provisions of policies LDP DM 1 and SG LDP HOU 1 offer broad encouragement to 'small-scale' housing development on appropriate sites, subject to consistency with other relevant Development Plan policies. In particular, infill development between existing buildings is supported. The location of the proposed dwelling between existing dwelling amounts to the infill development as defined in the glossary to the LDP.

As noted in the explanatory text to policy SG LDP HOU 1, ROAs are however subject to on-going capacity evaluation and to be acceptable proposed development must be consistent with the siting and design principles set out in policy SG LDP Sustainable. This policy contains the following guidance with respect to new housing development:

"Siting: must respect existing landforms and development patterns"

"Lines of houses straggling along main roads beyond existing settlement boundaries are to be avoided as they are likely to...suburbanise the countryside"

This indicates that infill development will not be appropriate in all circumstances, and that the overall capacity of a ROA and the manner in which development either reinforces or conflicts with the established settlement pattern of a rural area, will be factors to consider when the prospect of uncharacteristic linear development presents itself.

There are currently four dwellings either *in situ* or under construction within a short stretch of the trunk road around Craighuadh Farm, with a further two dwellings a short distance to the south. The gap which the application site occupies between Drumnamucklach Cottage and North Craighuadh is considered to be an important undeveloped space in this area, as it serves to maintain some separation between the dwellings in a manner which is consistent with the rural character of the area. The wider settlement pattern is characterised by isolated single and small groups of properties. If the application site were to be developed as proposed, it would create an undesirable linear string of houses (five in total) which would undermine the established settlement pattern of the wider area by the creation of a more 'suburban' row of properties. It is the opinion of the case officer that this would be directly contrary to the advice quoted above, thereby rendering the proposal inconsistent with policies LDP DM 1 and SG LDP Sustainable of the Development Plan. It is not considered that in terms of the local settlement pattern this is an 'appropriate site' for the erection of a single dwellinghouse.

Siting/design

The proposed dwellinghouse would be set back from the trunk road at a distance,

and with an orientation, which is broadly consistent with neighbouring properties. Indeed, the design of the property is extremely similar to that of the recently constructed 'North Craighuadh', the neighbouring property to the south. Single storey with attic accommodation, the property would occupy a modest 'L' shaped footprint with gable and an appropriate roof pitch, a chimney and a clear vertical emphasis on the windows on the principal elevation. Finishes would be slate-coloured, concrete roof tiles and white, dry dash render.

The siting of the proposed dwelling within the plot and its design would be consistent with the character of the area, although it should be reiterated that the principle of the development of this plot is not considered to be appropriate in the context of the existing settlement pattern and the need to maintain the character of the area.

Access/servicing

The proposed dwellinghouse would be served by the existing access which serves North Craighuadh, which would be widened in order to accommodate the proposed property. There appears to be a degree of contention about this element of the proposal, as noted in Section (F) above. Nonetheless, the arrangement shown is considered to be acceptable and Transport Scotland have indicated that they have no objection to the vehicular access arrangement. Parking and turning would be provided on site.

Foul drainage would be achieved through a private, on-site wastewater system and potable water through connection to the public network.

All of the access and servicing arrangements are consistent with the relevant provisions of the Development Plan.

Summary

The micro-siting, design, access and servicing of the property are all consistent with the relevant provisions of the Development Plan. However, the principle of developing this plot with a single dwellinghouse is considered to be directly contrary to policies LDP DM 1 and SG LDP Sustainable of the Development Plan for the reason expressed in the recommended reason for refusal. With no additional material considerations to weigh against the operation of these policies, the application should be refused.

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

(R) Reasons why Planning Permission or Planning Permission in Principle Should be Refused:

See attached Reason for Refusal.

(S) Reasoned justification for a departure to the provisions of the Development Plan:

N/A

(T) **Need for notification to Scottish Ministers: No**

Author of Report: Rory MacDonald

Date: 02.11.2017

Reviewing Officer:

Richard Kerr



Date: 09.11.2017

Angus Gilmour
Head of Planning & Regulatory Services

REASON FOR REFUSAL RELATIVE TO APPLICATION REF. NO. 17/02333/PP

1. There are currently four dwellings either *in situ* or under construction within a short stretch of the trunk road around Craiguadh Farm, with a further two dwellings a short distance to the south. The gap which the application site occupies between Drumnamucklach Cottage and North Craiguadh is considered to be an important undeveloped space in this area, as it serves to maintain some separation between the dwellings, in a manner which is consistent with the maintenance of the rural settlement pattern of the area, which is characterised by isolated single and small groups of properties. If the application site were to be developed as proposed, it would create an undesirable linear string of houses (five in total) which would undermine the established settlement pattern of the wider area by the introduction of a more 'suburban' row of properties. This would be directly contrary to the principles set out in Policy SG LDP Sustainable of the Development Plan. This, in turn, means it is not considered that this is an 'appropriate site' for the erection of a single dwellinghouse in terms of Policies LDP DM 1 and SG LDP HOU 1 of the Development Plan. There are no relevant material considerations to weigh against the operation of the above policies and the consequent determination of the application in accordance with the provisions of the adopted Development Plan.

APPENDIX TO DECISION REFUSAL NOTICE

Appendix relative to application **17/02333/PP**

(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:

There are currently four dwellings either *in situ* or under construction within a short stretch of the trunk road around Craiguadh Farm, with a further two dwellings a short distance to the south. The gap which the application site occupies between Drumnamucklach Cottage and North Craiguadh is considered to be an important undeveloped space in this area, as it serves to maintain some separation between the dwellings, in a manner which is consistent with the maintenance of the rural settlement pattern of the area, which is characterised by isolated single and small groups of properties. If the application site were to be developed as proposed, it would create an undesirable linear string of houses (five in total) which would undermine the established settlement pattern of the wider area by the introduction of a more ‘suburban’ row of properties. This would be directly contrary to the principles set out in Policy SG LDP Sustainable of the Development Plan. This, in turn, means it is not considered that this is an ‘appropriate site’ for the erection of a single dwellinghouse in terms of Policies LDP DM 1 and SG LDP HOU 1 of the Development Plan. There are no relevant material considerations to weigh against the operation of the above policies and the consequent determination of the application in accordance with the provisions of the adopted Development Plan.