

Response to 18-0004-LRB 17-00420-PP Erection of 2 lodges

It is requested that condition 11 of the consent be retained as allowing the properties to be used as Principal or Main Dwellings would reduce public access, be detrimental to the countryside and open spaces and lead to the fragmentation of Castle Toward estate.

Comments on Conditions

Condition 11:

11. The lodges hereby approved shall be used for holiday occupancy only and shall not be used as a principal or main dwelling.

Reason: In order to define the permitted occupancy having regard to the amenities available and in order to comply with the provisions of policy SG LDP TOUR 1 of the Argyll and Bute Local Development Plan.

Comment on 11:

Appendix A below clearly shows how the two lodges and associated access abut with the A815 on one side and the Deer Fencing on the other. The effect is to cleave the east and west sides of the estate apart. At present there is no Access Plan for the estate although such a plan is a condition of a retrospective planning consent granted for the Deer Fencing.

The drawing in Appendix A shows some but not all of the estate paths, and the lodge development affects a number of them. It also impacts the band that can be seen which is relatively free from trees. That band follows the general line of electricity supply poles, it is used as a path and it has a gate (not shown), at its west end, giving entry from the A815. Appendix B more clearly show the band and the location of its gate.

Permitting the lodges to become principal or main dwellings would result in much reduced public access as there would be claims of curtilage and private property etc. In this regard the Applicants are actually suggesting that the properties could have larger gardens and increased road access which would make the situation worse.

Whilst some properties may have been granted planning without a restriction on becoming main dwellings these have been peripheral to the estate. **The lodges are fundamentally different because of the way they sub-divide the estate.**

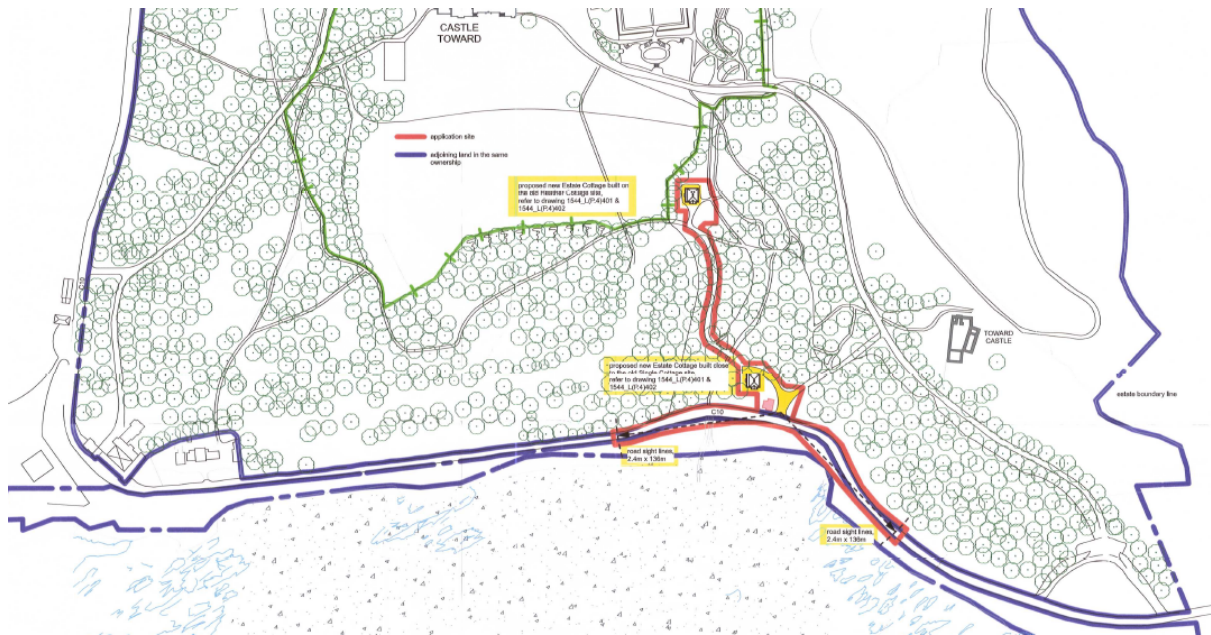
It is also worth considering that the Applicants intend to construct a lake in the area. Regarding the lake Historic Scotland comment that it;

"...would represent a significant change to the area south of the house, **of which there is no historical precedent.** This area is currently wooded, but is shown on 19th century maps as parkland partially enclosed by woodland, which acted as a frame for views of Castle Toward from the south. Creating a lake in this location will require a large amount of earth movement and landscaping.

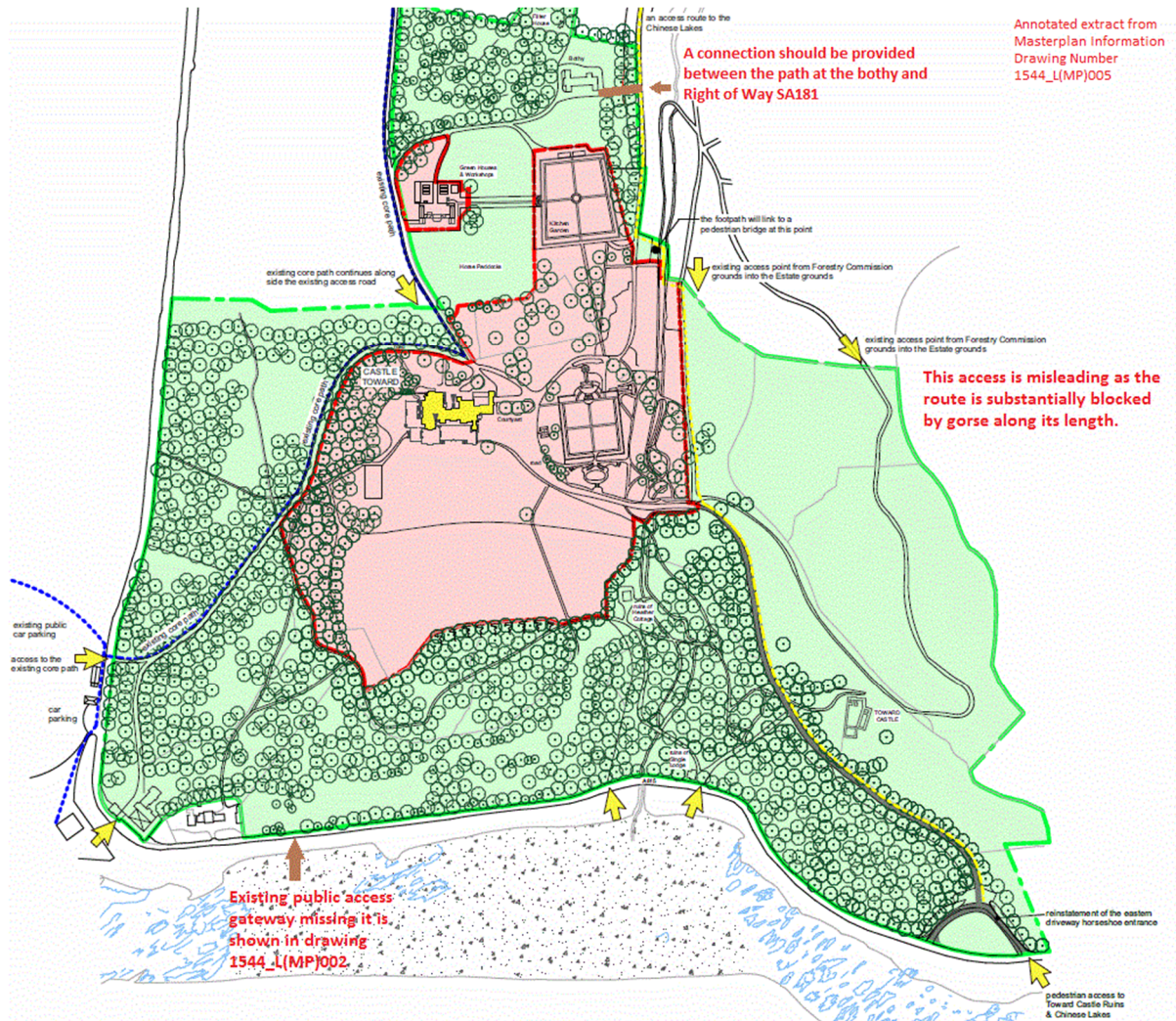
The lake will further restrict public access.

The Applicants state that the possibility of the constraint was not mentioned by Council Officers and that having the constraint may affect their ability to finance the development. If being able to use the buildings as main dwellings was fundamental to the development then surely the onus was on the applicants to lodge a suitable planning application in the first place. The issue of finance should not be a consideration when planning conditions are being considered and the fact that it is being raised in this review, and the review of Deer Fencing, and that £310,000 of the purchase price was only payable if some consents were granted is starting to make the planning process look less than transparent.

APPENDIX A



APPENDIX B



Annotated extract from Masterplan Information Drawing Number 1544_L(MP)005

This access is misleading as the route is substantially blocked by gorse along its length.

Existing public access gateway missing it is shown in drawing 1544_L(MP)002