

**APPLICATION FOR PLANNING  
PERMISSION FOR THE REBUILDING OF  
BARN AND THE FORMATION OF TWO  
DWELLINGS AND GARAGES, LAND EAST  
OF CAMIS ESKAN FARMHOUSE,  
HELENSBURGH**

**SUPPORTING PLANNING STATEMENT**

**Submitted on behalf of Rainheath Limited**



**MH Planning**  
Associates

# APPLICATION FOR PLANNING PERMISSION FOR THE REBUILDING OF BARN AND THE FORMATION OF TWO DWELLINGS AND GARAGES, LAND EAST OF CAMIS ESKAN FARMHOUSE, HELENSBURGH

## SUPPORTING PLANNING STATEMENT

### 1. Site Description:

- 1.1 The application site is located to the east of the former Camis Eskan Farm. The former farm buildings have been converted to four dwellings pursuant to planning permission reference 01/02061/COU.
- 1.2 The site is located within the Greenbelt and is 'previously developed' or 'brownfield' land. Brownfield sites are broadly defined as sites that have been previously developed. In line with the definition within Planning Advice Note 73: Rural Diversification, in rural areas this means sites that are occupied by redundant or underused buildings, or where the land has been significantly degraded by a former activity.
- 1.3 The site was formerly occupied by a redundant stone and slate barn, and the footings of two new dwellings are clearly visible (see aerial photograph below). Photographs of the application site are also contained in **Appendix 1**.



**Figure 1:** Aerial Photograph © Google Earth

## 2. Relevant Planning History:

- 2.1 Planning permission for the conversion of the barn that formally occupied the application site, to form two dwellings, was approved in January 2007 (LPA reference 06/00085/COU).
- 2.2 In 2008 a Building Warrant approval for the demolition of the barn, and the erection of two dwellinghouses, was then given (LPA reference 07/00444/ERECDW. It is not understood why a warrant was applied for, and issued, for a development that did not have planning permission. However, upon receipt of the warrant approval the barn was demolished and works to erect the two new dwellings commenced. Having regard to the provisions of Section 124(1) of the Town and Country Planning (Scotland) Act 1997 these works are now lawful, and immune from enforcement action.
- 2.3 In 2015, an application for the erection of two new dwellings on the site of the demolished barn was submitted (reference 15/01652/PP). This application was refused for the following reason:
  1. *Policy LDP DM1 (G) seeks to ensure that new developments in the greenbelt are acceptable only where they relate to, and fulfil, an essential or important function associated with operational characteristics of the greenbelt to help sustain and enhance the use of greenbelt. In order to manage the pressure for development new residential developments must meet one of the exemption criteria set out in Policy LDP DM1(G). The proposal does not fall within any of the permitted categories of development acceptable with the greenbelt under LDP DM1 (G) (i-vi) or constitute development falling within Criteria 1-3 and there are no material considerations which count against the refusal of this planning application in accordance with the requirements of Section 25 of the Town and Country Planning (Scotland) Act 1997. Housing which does not meet a greenbelt need or meet a policy exception does not contribute positively to the function or operation of the greenbelt and its objectives. The current proposals are considered to represent the provision of sporadic new housing development in an unsustainable location. The introduction of an inappropriate and unjustified form of new development into the greenbelt will be visually intrusive, visually discordant, result in sporadic development in the countryside and will therefore have a detrimental impact upon the character and appearance of the area. As such the proposal is contrary to policy LDP DM1 (G) of the adopted Argyll*

*and Bute Local Development Plan 2015 and to SPP advice as set out at paragraphs 49 and 52.”*

### **3. Proposed Development:**

- 3.1 It is now proposed to rebuild the barn that previously occupied the site, and which had planning permission to be converted to two dwellings, and to form the two new dwellings that were previously approved. The original stone will be used to face the external walls of the replacement building, and the roof will be covered in natural slate.
- 3.2 In visual terms there will be no material difference between the development that was approved in 2007, and that which is now being proposed. The footings of the building, in respect of which a building warrant application was approved, are in place, as can be seen in the submitted photographs.

### **4. Relevant Development Plan Policies:**

- 4.1 Section 25 of the Town and County Planning (Scotland) Act 1997 states that “where in making any determination under the planning act regard is to be had to the Development Plan, the determination shall be in accordance with the plan unless material considerations indicate otherwise”.
- 4.2 The Development Plan relevant to the current planning application comprises the:
- Argyll and Bute Local Development Plan (2015).
- 4.3 The following policy of the Local Plan is directly relevant to the determination of the current application:

**Policy LDP DM1**, which states that within the Greenbelt encouragement will only be given to very limited and specific categories of countryside based development. These comprise:

- (i) Agricultural-related development.
- (ii) Farm diversification – tourism and rural business related development (excluding dwelling houses)
- (iii) Outdoor sport and recreational development.
- (iv) Development required to manage and sustain the natural heritage and access resources of the Greenbelt.

- (v) Demolition and replacement of buildings and alterations or extensions of such buildings, including dwelling-houses, subject to no change of use occurring.
- (vi) Change of use of buildings to residential institutional use.

In exceptional cases, a development outwith categories G(i) to (vi) may accord with this policy when it is successfully demonstrated that the proposal will:

- 1) Retain a significant building at risk; or
- 2) Directly support the provision of essential infrastructure; or
- 3) Involve building development directly supporting recreational use of land.

## **5. Other Material Considerations:**

### ***Scottish Planning Policy (2014)***

- 5.1 The Scottish Government have recently stated that planning should take a positive approach to enabling high-quality development and making efficient use of land to deliver long-term benefits for the public while protecting and enhancing natural and cultural resources (Scottish Planning Policy).
- 5.2 Furthermore, the SPP now introduces a presumption in favour of development that contributes to sustainable development. This means that the planning system must support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. Policies and decisions should therefore give due weight to net economic benefit, and should support the delivery of accessible housing, business, retailing and leisure development. It is clear from this that the Scottish Government are of the firm opinion that the planning system exists to promote, not to prevent, development.
- 5.3 The SPP notes that NPF3 aims to facilitate new housing development, particularly in areas within our cities network where there is continuing pressure for growth, and through innovative approaches to rural housing provision. House building makes an important contribution to the economy. Planning can help to address the challenges facing the housing sector by providing a positive and flexible approach to development. In particular, provision for new homes should be made in areas where economic investment is planned or there is a need for regeneration or to support population retention in rural and island areas.

5.4 Paragraph 83 of the SPP states that in remote rural areas, where new development can often help to sustain fragile communities, plans and decision-making should, where appropriate, allow the construction of single houses outwith settlements provided they are well sited and designed to fit with local landscape character, taking account of landscape protection and other plan policies.

## 6. Planning Assessment

6.1 It is accepted that the application proposal does not comply with the provisions of **Policy LDP DM1** of the adopted Local Development Plan. As noted in paragraph 4.1 above however, Section 25 of the Town and County Planning (Scotland) Act 1997 states that “where in making any determination under the planning act regard is to be had to the Development Plan, the determination shall be in accordance with the plan unless material considerations indicate otherwise”.

6.2 The ability for the Council to grant planning permission for development that is not in accordance with the provisions of the development plan is recognised by **Policy SG LDP DEP 1** of the Local Development Plan. This policy provides additional detail to **Policy LDP 8** (Supporting the Strength of Our Communities) and states that the Council shall seek to minimise the occurrence of departures to the Local Development Plan and to grant planning permission as a departure only when material planning considerations so justify. The incidence of departures shall be monitored as part of the review of the plan, with consideration to be given to modifying or introducing policies that can respond effectively to the issues underlying the departure circumstances.

6.3 Approval of the current application would be a **minor departure**, i.e. a departure to policy or the development plan which is not a significant departure (a “significant departure” is defined as development which is not in accord with the local development plan and which is large scale or judged by the planning authority to have a significant adverse impact on a natural heritage or historic environment resource of national significance).

6.4 It is considered that approval of the submitted application, as a “minor departure” would be appropriate for the following material considerations:

- 1) The site is classified as **brownfield land**. The generally accepted definition of ‘previously developed, or ‘brownfield’ land is that this is land which is or was occupied by a permanent structure, including



the curtilage of the developed land and any associated fixed surface infrastructure. Scottish Planning Policy advises that LPAs should always consider the re-use or re-development of brownfield land before new development takes place on greenfield sites. Similarly, Planning Advice Note 73 states:

*“Development Plan policies should encourage rehabilitation of brownfield sites in rural areas and in appropriate locations allow for their re-development. Brownfield sites are broadly defined as sites that have previously been developed. In rural areas this usually means sites that are occupied by redundant or unused buildings or where the land has been significantly degraded by a former activity”.*

Planning authorities should therefore promote and support opportunities for environmental enhancement and regeneration. Previously developed land (also referred to as brownfield land) is a potential source of sites for new development and planning authorities should support and promote proposals to bring vacant or derelict land back into productive use for development or to create more attractive environments.

- 2) As can be seen from the submitted photographs, the semi-derelict appearance of the application site currently detracts from the character and appearance of the area. It has previously been accepted by the Council that residential development on the site would be appropriate, albeit that this was on the basis of the conversion of an existing building. The new building the subjected of the current application will be identical in every material respect to the previously approved conversion, and the erection of the proposed building will in effect ‘complete’ the Camis Eskin Farm development.
- 3) Scottish Planning Policy makes it clear that the Scottish Government is of the opinion that house building makes an important contribution to the economy. Planning can therefore help to address the challenges facing the housing sector by providing a positive and flexible approach to development. Approval of the application proposal, as a minor departure from the provisions of the development plan, will provide two new homes.
- 4) Finally, it is considered that the proposed development should be permitted to proceed on the basis that the Council (in 2008) approved a Building Warrant application for the “demolition of

barn and erection of two dwellings". Pursuant to this approval the barn was demolished, and the erection of the two dwellings commenced. It was only the 'financial crisis' that prevented the completion of the development. Given that the Council approved the demolition and re-building of the barn, it is considered that there is a 'legitimate expectation' argument that the development can now be completed.

## 7. Conclusion

- 7.1 In conclusion it is considered that for the reasons set out in paragraph 6.4 above, planning permission for the rebuilding of the barn, and the formation of two dwellings and garages, can be approved as a **minor departure** from the provisions of **Policy LDP DM1** of the Local Development Plan. The proposed development is not "large scale", and approval will not have a significant adverse impact on a natural heritage or historic environment resource of national significance.



APPENDIX 1



