

14 November 2018

FAO Adele Price-Williams  
Senior Committee Assistant  
Argyll and Bute Council  
Kilmory  
Lochgilphead  
PA31 8RT

Ref MHP: 2018\_0004

Dear Councillor

**REQUEST FOR REVIEW OF DECISION TO REFUSE PLANNING PERMISSION FOR THE  
ERECTION OF 2 DWELLINGHOUSES, LAND EAST OF CAMIS ESKAN FARMHOUSE,  
HELENSBURGH (REFERENCE 18/01382/PP)**

I refer to the e-mail dated 1 November 2018 requesting comments on the Planning Officer's Statement of Case in respect of the above. My comments are as follows:

- It is stated that the application site is in a "remote hillside location". It is not; the site is adjacent to 5 dwellings that were formed when Camis Eskan farm was converted. There are further dwellings (Shepherd's Cottage, The Lodge and North Lodge immediately to the west, and the site is less than ½ mile from the Helensburgh boundary. At a separate point in the Council's Statement of Case it states that "the appeal site cannot possibly be regarded either as being in a remote rural area or a fragile community", this contradicting the earlier assertion that the site is in a remote hillside location;
- It is further stated that the proposed development would be "visually intrusive, visually discordant, and would result in sporadic development in the countryside". "Sporadic" means "occurring at irregular intervals or only in a few places; scattered or isolated". As noted above the site is immediately adjacent to the group of buildings at Camis Eskan Farm and thus by definition cannot result in "sporadic development";
- It is stated that no explanation is given as to why works stopped, why the Planning department was not contacted and why it wasn't until 2015 that a planning application was eventually submitted. The explanation is a simple one, it was because of the adverse economic climate;
- It is stated that there is an ongoing misconception with many people that a

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Building Warrant and Planning Permission are one and the same. There is no such misconception in the current case however, it is also reasonable to assume that if the 'Council' approve a building warrant for a development, that this can then go ahead. The applicant therefore naturally took the building warrant to mean that the barn could be demolished and re-built; i.e. he assumed that Building Control would not issue a building warrant for something that did not have planning permission;

- It is stated that the Green Belt serves five purposes:
  - a. to check the unrestricted sprawl of large built-up areas;
  - b. to prevent neighbouring towns merging into one another;
  - c. to assist in safeguarding the countryside from encroachment;
  - d. to preserve the setting and special character of historic towns; and
  - e. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Of these, only c) is considered relevant to the current review. There would however be no difference in terms of any impact on the 'openness' of the Green Belt between the implementation of the approved 2008 planning permission (were this capable of implementation), and the planning permission now being applied for;

- Finally, it is stated that the site is not 'brownfield', this is fundamentally incorrect. Brownfield land is land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. The application site was occupied by a former permanent structure (the barn that was demolished) and is therefore by definition 'brownfield'. **Planning Advice Note 73** (Rural Development) is therefore a material consideration where it states that "Development Plan policies should encourage rehabilitation of brownfield sites in rural areas and in appropriate locations allow for their re-development;

In conclusion, the Council considers that the determining issues in relation to the case are whether the proposal accords with Development Plan policy, and (if not) whether there are any material considerations to outweigh these adopted policies.

As you will be aware from the Grounds for Review, we are seeking permission to undertake development that was approved by the Council's building control department in 2008. This development comprised the demolition of a barn and the erection of two dwellings. In terms of its external appearance, the completed development would be exactly the same as that which was granted planning permission in 2007.

The applicant has accepted from the outset that the proposal does not comply with

any of the exceptions set out in categories G(i) to (vi) of Local Development Plan Policy **LDP DM1**. Neither does the proposal retain a significant building at risk; directly support the provision of essential infrastructure; or involve building development directly supporting recreational use of land. This however does not automatically mean that planning permission should be withheld. Local Development Plan Policy **SG LDP DEP 1** allows the Council to grant planning permission as a departure from policy when material planning considerations so justify.

The history of the site is such a material consideration, as is Scottish Government advice contained in the SPP, and Planning Advice Note 73, which together state that Local Planning Authorities should always consider the re-use or re-development of brownfield land before new development takes place on greenfield sites.

Furthermore, if planning permission for the erection of the two dwellings is not granted, the site will remain derelict, i.e. it will have become incapable of reasonably beneficial use in its existing state.

Yours sincerely

A handwritten signature in black ink that reads "Michael Hyde." The signature is written in a cursive, slightly slanted style.

Michael Hyde MRTPI  
**MH Planning Associates**