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Dear Sirs

**Local Review Body Request
Land at Port A'Ghuail, Tarbert**

We refer to the Comments submitted by the Planning Officer dated 6 December 2018 prepared in response to our written submission lodged with this request for review. We wish to avoid repeating what has already been said in support of this application but we do think it important that the following points are understood and taken fully into account by the Local Review Body.

In no particular order:-

1. We stress again the exceptionally small scale of the development. The proposal is for a small boat shed which, due to its design, materials, siting, screening and very small size, would barely be visible. With respect we entirely reject the suggestion that this development would "*significantly alter the character and appearance of the area to the detriment of this vulnerable landscape*". We maintain that this grossly overstates the impact which this proposal would have in this location.

It is misleading and disingenuous of the Planning Officer to describe the proposal as relating to 900 m² of land in his submission. We have already advised the LRB that the area of reinforced grid can be removed from the application if this is believed to be a problem in the planning terms. The remaining boat shed would have an area of 40 m², not 900 m² as referred to by the Planning Officer. Note too that removing the grid element would mean all vegetation within the area of the proposed grid would remain intact; there would be no loss of screening as the Planning Officer suggests.

2. Contrary to what the Planning Officer asserts, there are no facilities within Tarbert Harbour or elsewhere within a reasonable distance to store an outboard motor, wet suits, oars, life jackets, fishing rods, canoes, wellies, cagoules, nets, lobster pots and other equipment associated with recreational boat use. These would require to be stored in a secure building and could not possibly be left in Tarbert Harbour as the Planning Officer appears to imply. No such secure and convenient storage is believed to exist in Tarbert Harbour or conveniently elsewhere. The current proposal is no different in this respect to the other cases where boathouse consents have been granted by the Council and to which the Planning Officer refers. A remotely located boat

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would also be unable to provide the safety cover for the open water swimming undertaken by the Applicant's wife and other family members. As in the Tíree example, the safety cover needs to be located in close proximity to the activities being undertaken.

3. The Planning Officer refers to the consent for five eco houses on the land immediately to the west of the proposed site. These have been supported in the LDP on the basis that *"a development of five eco dwelling-houses could potentially be accommodated without damage to the overall natural scenic qualities of this location or to the setting of Tarbert subject to appropriate siting and a high standard of eco-design"*.

This allocation is significant for two reasons - first it establishes the visual context within which the proposed boat shed will be observed. The allocated houses will be seen from Loch Fyne below which would sit the small boat shed. This is not a case where isolated development is proposed in what is otherwise entirely undeveloped coastline. The context, once the five eco houses are completed, will be one where development already exists. It is extremely difficult (if not impossible) to reconcile the assertion that five dwelling-houses can be accommodated without damage to the overall natural scenic qualities of this location with the assertion that the addition of one small shed structure would jeopardised the natural scenic qualities of this location.

The second point to bear in mind in this context is that it is the existence of the housing and the interrelationship between the housing and the boat shed which establishes the specific locational need. It is this relationship which allows the Planning Authority to object to other boat sheds being proposed randomly along the coastline where no connection with an existing property exists.

4. Following on from the last point, we do not accept that there is a policy justification for the Planning Officer's comment that *"a proposal for development in open countryside generated by lifestyle aspirations of a private household does not demonstrate locational need tied to this particular location"*. No distinction is drawn in policy LDP DM1 or the related Supplementary Guidance to development required by what the Planning Officer rather pejoratively refers to as the *lifestyle aspirations of a private household* on the one hand and, on the other, a boatshed required, for example, for commercial fishing or some other business related activity. Policy LDP DM1 at paragraphs (F) and (G) refer to a small scale development *related to outdoor sport and recreation* and to *outdoor sport and recreational development*. In neither case are these uses excluded where related to private households. The distinction relied upon by the Planning Officer does not exist within the policy.
5. Turning to the issue of policy, the Planning Officer acknowledges that notwithstanding the lack of specific reference to sport and recreation in paragraph (E) of policy LDP DM1, this type of development may be supported in the Countryside Zone. However, an anomaly within the policy remains in that it is only in paragraph (E) (and not the more sensitive locations to which paragraphs (F) and (G) relate) that support for sport and recreational development is dependent upon an exceptional case being established and even then only where the development is supported by an ACE. Put another way, if the current proposal was in the Very Sensitive Countryside or within the Greenbelt, there would be no need for an exceptional case to be established or an ACE to be complied with. The bar accordingly has been set higher in the Countryside Zone than in the higher countryside designations for which no obvious justification exists.
6. The Planning Officers finds on the planning history of this site and draws attention to an earlier application for a development of five boatsheds. Following dialogue with the Planning Authority, this application was withdrawn on the basis that the applicant appreciated the legitimate concerns then expressed by the Planning Officer about this scale of development. As a matter of law, the Planning Authority must assess the application now before it; it cannot possibly conclude that a previous application,

withdrawn after dialogue with the Planning Authority, still represents a "very tangible aspiration" on the part of the applicants for something more than is currently being proposed. That is simply speculation. The applicants have no intention of submitting a further application for more boat sheds but were they to do so, any subsequent application would have to be assessed with reference to the policy context then applying. There is absolutely no reason why the approval of the current application would preclude the Planning Authority from refusing any subsequent application here or elsewhere in Argyll and Bute based upon the proper application of policy to that proposal. Each application has been considered on its own merits.

In conclusion, we would respectfully urge the LRB to maintain a sense of proportion in the application of the relevant policies to this case and in its determination of this application. Viewed objectively, the proposed boat shed is one-fifth of the sized defined as small scale; the immediate context will be characterised by development; it will barely be seen; when registered it will sit below the development which the LDP currently allocates and supports; and the proposal in its own small way supports the allocated side and hence the inward investment which the Planning Authority should be supporting.

We would reiterate that the applicant is prepared to delete the matting element of the proposal and to enter into a Section 75 Agreement tying the boat shed exclusively to plot 3 This reinforces the operational and locational link justifying this development and providing the Planning Authority with a perfectly sustainable justification for refusing boat shed development elsewhere.

We consider it important that the LRB attends a site visit before determining this application. The Applicant would wish to be represented once the date for the visit is arranged.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Morton Fraser', written in a cursive style.

For Morton Fraser LLP