

**ADDITIONAL INFORMATION FOR
LOCAL REVIEW BODY**

**REFUSAL OF PLANNING PERMISSION FOR
ERECTION OF TWO DWELLINGHOUSES AT LAND
EAST OF CAMIS ESKAN FARMHOUSE,
HELENSBURGH**

PLANNING APPLICATION

REFERENCE NUMBER: 18/01382/PP

1 Details of the previous planning permission for conversion of the barn and the building warrant from 2007 and whether the planning permission has expired.

Comment: Details are attached. The original planning permission has expired. A second application in 2015 was refused under reference 15/01652/PP. This application was never appealed.

2 Planning status of the foundations as depicted on page 12 of the agenda pack; together with clarification of what, if any, that status has on the planning history of the site.

Comment: Due to the history of permissions on the site and the need to ensure that any material considerations were evaluated in the determination of the proposal officers previously have sought, through discussions with Building Standards, to try and clarify why following planning permission for a conversion of an traditional, stone built outbuilding being granted under 06/00085/COU, a building warrant was submitted to demolish the traditional barn and replace it with two new build houses under 07/00444/ERECDW. Although a building warrant was approved no notification of commencement of works or site inspections were carried out and no information to suggest the barn was structurally incapable of conversion and required demolition has been found.

Officers could not identify any reason as to why the original barn was demolished in its entirety and new foundations constructed contrary to the terms of planning permission 06/00085/COU. There is no information contained in the planning or building standards history which provides mitigation or justification for proceeding with both demolition and unauthorised development contrary to the terms of the planning permission to convert the existing agricultural building into two dwellings.

Given the above the foundations had no relevance in 2015 and have no relevance to this appeal.

3 Their view on the Scottish Planning Policy advice as detailed on page 28, section 4.7 of this agenda pack.

Comment: The paragraph states the following:

Finally, SPP advises that LPAs should always consider the re-use or re-development of brownfield land before new development takes place on greenfield sites, and that 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.

Comment: Scottish Planning Policy (SPP) is a non-statutory document. It identifies the primacy of the development plan stating that planning should be plan-led. It further states that the aim is to achieve the right development in the right place; it is not to allow development at any cost. Whilst the SPP and the presumption in favour of sustainable development will be material considerations it makes clear that for proposals that do not accord with up-to-date development plans the primacy of the plan is maintained. The SPP emphasises the importance of greenbelt particularly in directing development to more appropriate sites.

It is assumed that this statement is to convince Members that brownfield sites as such have a greater status than greenfield sites and therefore should be approved. Whether a site is brownfield or greenfield there is no automatic right of approval. All planning applications require to be assessed in terms of Section 25 of the 1997 Planning Act against Development Plan Policy and other material considerations. As previously stated the site is within the

greenbelt which is the strictest of the Council's countryside policies and opportunities are limited. The proposal in 2006 met the terms of greenbelt policy i.e. conversion of a traditional building. That was not implemented and the barn demolished. The erection of two houses fails when assessed against development plan policy and other material considerations.

4 Clarification of whether a brownfield development is considered differently if the site is situated in greenbelt and if redevelopment opportunities are limited to only those specified in the greenbelt policy.

Comment: Whether a site is brownfield or greenfield there is no automatic right of approval. All planning applications require to be assessed in terms of Section 25 of the 1997 Planning Act against Development Plan Policy and other material considerations. As previously stated the site is within the greenbelt which is the strictest of the Council's countryside policies and opportunities are limited to those specified. The proposal for the erection of two houses fails when assessed against development plan policy and other material considerations.

5 Clarification on whether the latest population figures are projecting a falling population in Helensburgh and Lomond.

Comment: The population of Helensburgh and Lomond is declining. However, this has absolutely no relevance to the appeal. The appeal is to approve two houses in the greenbelt without any justification. The Housing Need and Demand Assessment Report was used to identify the housing need and inform the Housing Land Supply Targets which were used in the Argyll and Bute Local Development Plan. The Housing Need and Demand Assessment was approved as robust and credible by the Scottish Governments Centre for Housing Market Analysis. The document also formed one of the core documents which was considered by the Reporters when they were looking at the adequacy of the housing allocations in the Local Development Plan, where they confirmed that there was no need to identify additional sites for housing allocations.

6 Their view on the Scottish Planning Policy advice as detailed on page 27, section 4.5 of the agenda pack and its relevance to the proposed development and clarification that the Faslane development is an area where economic investment is planned in the near future and its relevance to the proposed development.

Comment: The paragraph states the following:

The SPP also 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.

Investment is on-going at Faslane and will include new submarines and personnel. This has absolutely no relevance to the proposed development. The appeal is to approve two houses in the greenbelt without any justification. New housing will be directed to allocated sites and other locations within settlements. As stated above the site is within the greenbelt which is the strictest of the Council's countryside policies and opportunities are limited to those specified in the policy. The proposal for the erection of two houses fails when assessed against development plan policy and there are no material considerations that would justify departing from policy.

Conclusion

The appeal site is a sensitive site. It is within the greenbelt which gives the highest degree of protection in terms of both the Council's and Scottish Government's countryside policies. In terms of greenbelt new housing development needs a locational or occupational need. The appellants have hung their justification for 2 houses on part of the SPP. Scottish Planning Policy needs to be read and assessed in totality. It is a non-statutory document but is a material consideration. It identifies the primacy of the development plan stating that planning should be plan-led. It further states that the aim is to achieve the right development in the right place; it is not to allow development at any cost. Whilst the SPP and the presumption in favour of sustainable development will be material considerations it makes clear that for proposals that do not accord with up-to-date development plans the primacy of the plan is maintained. The SPP emphasises the importance of greenbelt particularly in directing development to more appropriate sites within settlement boundaries.

Planning permission was granted for the conversion of a barn/agricultural building on this site into two dwelling houses on 30.1.07 under permission 06/00085/COU. In the officers report the granting of this permission was justified on the following basis:

The development will secure the retention of the existing farm outbuilding at Camis Eshan. Traditional farm outbuildings form an integral part of our rural heritage and in circumstances where they have become surplus to need, appropriate projects to retain the structures should be encouraged as the eventual decay and ultimate loss of these structures will be of overall detriment to that heritage. The proposal involves a sensitive conversion of the outbuilding and will result in the re-use of a traditional building which is considered worthy of retention. The proposed development will not have an adverse impact on the character of the green belt and is supported by other development plan policies. Moreover, the barn forms part of a larger steading complex which has permission to convert to four dwelling houses. As such the proposal can be justified.

This recommendation was then sent to the then Scottish Executive as a notifiable minor departure from the development plan on 13 November 2006 and following no objection to the granting of planning permission for the conversion of the barn, planning permission for the change of use was granted on 30.01.2007.

As the barn/agricultural building which was previously on the site has been demolished in its entirety, and all materials have been removed from the site, this available exception to policy is now not available and the proposed erection of two dwelling houses is contrary to greenbelt policy with no possible exceptions being available.

Although a building warrant was approved no notification of commencement of works or site inspections were carried out and no information to suggest the barn was structurally incapable of conversion and required demolition has been found. Officers can identify no reason as to why the original barn was demolished in its entirety and new foundations constructed contrary to the terms of planning permission 06/00085/COU. There is no information contained in the planning or building standards history which provides mitigation or justification for proceeding with both demolition and unauthorised development contrary to the terms of the planning permission to convert the existing agricultural building into two dwellings.

On the basis of development plan policy and other material considerations there is no justification for two houses at this location and the appeal should be dismissed.