

**NORMAN MACDONALD MSc (URBAN AND RURAL PLANNING)  
KENNOVARA  
BENDERLOCH  
PA37 1QS**

**RESPONSE TO STATEMENT OF CASE FOR ARGYLL AND BUTE COUNCIL LOCAL  
REVIEW BODY**

**18/0012/LRB**

**ON BEHALF OF DR AND MRS N MACDONALD**

REMOVAL OF CONDITION 2 RELATING TO PLANNING PERMISSION REFERENCE 11/00875/PP (REDEVELOPMENT OF 2 EXISTING BARNS, 1 STABLE BUILDING, AND A STATIC CARAVAN TO ERECT A DWELLING HOUSE AND FORM A NEW PRIVATE VEHICULAR ACCESS) IN RELATION TO EXISTING BARN AND STABLE BUILDING BEING REMOVED FROM SITE.

20<sup>TH</sup> OF JANUARY 2019

## **1.0 INTRODUCTION.**

The Statement of Case Report issued by Argyll and Bute Council on the 13<sup>th</sup> of December 2018, fails to take cognisance of the pivotal issues regarding their own policy, I refer to section 4.1 in my own planning appeal document, but will address Argyll and Bute Council's points, item by item, below.

## **2.0 ADDITIONAL INFORMATION**

Despite this being a straight forward case it, I do think that it would be prudent for a site meeting. This would in all eventuality, clarify beyond any reasonable doubt the absurdity of this enforcement action.

2.1 The mute point here that dictates the whole basis of ABC's refusal, is that ABC states that significant demolitions must occur in order for this to be viewed as a redevelopment opportunity. I have removed over 50% of the building mass of the 4 buildings that previously occupied the application site and I strongly argue (which is substantiated by my planning solicitor) that significant demolitions have occurred, and therefore complies with the definition of a redevelopment application.

2.2 I refute allegations of dis-ingenuity. At no point during the last 7 years of Kennovara being built and occupied, has there any dialogue with ABC regarding enforcement action, which again is substantiated by looking at ABC online files. This situation has only been precipitated by disgruntled neighbours after another planning application was lodged for road improvements, in 2017.

2.3 Paragraph 5.3, I accept the acknowledgement of inaccurate reporting by ABC in their report stating that "three buildings remain". Clearly an exaggeration on their part.

2.4 Paragraph 5.4, I refer back to point 2.1 above.

2.5 Paragraph 5.5 I can supply a signed affidavit to confirm, that the Head planner of Oban and Lorn visited the site after Kennovara was completed, with no concern over the remaining two shed.

2.6 Paragraph 5.6. again I refer back to point 2.1.

2.7 Paragraph 5.7 again I refer back to point 2.1.

2.8 Paragraph 5.8 I accept that this view point is now irrelevant to the review as planning permission has been approved for road improvements. As acknowledged by the planning department. But nonetheless confirm that again incorrect and negligent statements were made by the roads engineer Mr Brian Rattray at that time.

## 2.9 Paragraphs 5.9-5.12.

I confirm that I could re-erect larger sheds/buildings under permitted development rights for the neighbouring property named Altnavullin. These sheds in question are used by the tenant of Altnavullin for his landscape gardening business, and I emphasise that a site visit would confirm that Mr Bullock's machinery and plant occupy these buildings. I have enclosed a letter from my tenant Mr Stephen Bullock confirming this (please see enclosed photos).

A site visit would also show that the remaining sheds are within the curtilage of Altnavullin. It is completely untrue to say that they are in the curtilage of the new build. They are separated by fencing so they are wholly in the use of the property of Altnavullin. The drawing ABC provide in their report as per appendix c of their report, shows this. However, for reasons of clarity I enclose the title deed drawings of Altnavullin, illustrating that these buildings are in the curtilage of Altnavullin and not the new build Kennovara.

I cannot emphasise strongly enough, how inaccurate it is of ABC to say the sheds are not in the curtilage of Altnavullin as per the report.

Therefore, in summary concluding that these building could be re-built larger under Altnavullin's permitted development rights, so it seems absolutely insane to remove them only to rebuild them as larger forms.

Again 5.12, in additional to what has been stated above, ABC confirms that in the original report of handling for the planning application 18/01157/pp that these buildings are within the curtilage of Altnavullin. ABC deliver a weak argument to say it was an error on their part and it should have read something different. I emphatically do not accept this. These buildings are within the curtilage of Altnavullin and it is confirmed by their own report.

5.10 ABC have also not taken into consideration the other policy or material considerations in their statement of case, which are the new house compliancy with LDP 9 to improve development setting, layout and design. Although emphasising that it does comply with these policy in its report of handling to remove the condition I applied for.

There has been no comment made by ABC with regards to the developments consistency with the existing settlement pattern, as demonstrated in my original appeal statement figure 2.

### **3.0 CONCLUSIONS**

My conclusions have not altered since my original report. I conclude that the whole basis of this refusal is based on that fact that significant demolitions have not occurred. I have confirmed that 50% of the building mass has been removed and therefore confirm that 50% is significant demolitions.

The permission is dated from 2011. It is now 2019. The property has been built and occupied since 2011, with no issues raised or any enforcement action taken prior to 2017.

Time moves on and these sheds are currently used for a landscape gardening business of the tenant in Alnavullin and these sheds are in the curtilage of Alnavullin as confirmed by ABC report of handling in 11/00875/PP. Therefore, in theory larger sheds could be built in their place under the permitted development rights pertaining to Alnavullin, emphasising how ridiculous it is to remove the existing sheds.

I also conclude that the application complies with Argyll and Bute Council LDP Policies of LDP9, 11, SG LDP TRANS 4, LDP SERV1, LDP ENV 2, all confirmed by ABC in previous correspondence.

Again, I therefore request that a site visit be held to illustrate the scale, location and vital use of these buildings to a local business, and how they are consistent with the existing settlement pattern of Benderloch. I hope that common sense prevails and the refusal decision is over turned and the appeal upheld.