

**Delegated or Committee Planning Application Report and Report of Handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 relative to applications for Planning Permission or Planning Permission in Principle**

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**Reference No:** 17/02909/PP  
**Planning Hierarchy:** Local  
**Applicant:** Mr R Munn  
**Proposal:** Erection of dwellinghouse, formation of access and installation of septic tank and soakaway  
**Site Address:** Land Approx 82M South East of 13 Kilmaluag, Isle of Tiree, Argyll and Bute

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## **DECISION ROUTE**

**Local Government (Scotland) Act 1973**

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### **(A) THE APPLICATION**

#### **(i) Development Requiring Express Planning Permission**

- Erection of dwellinghouse
- Formation of vehicular access
- Installation of septic tank and soakaway

#### **(ii) Other specified operations**

- Connection to public water main
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### **(B) RECOMMENDATION:**

That planning permission be **REFUSED** for the reasons appended to this report.

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### **(C) CONSULTATIONS:**

Area Roads Officer

No objection subject to condition. Report dated 17<sup>th</sup> January 2018

West of Scotland Archaeology Service

No objection subject to condition. Letter dated 2<sup>nd</sup> February 2018

Historic Environment Scotland

Raises concerns regarding the impact of the proposal on the setting of the neighbouring Category A listed building. HES comment that the setting of the A-listed 13 Kilmaluag is characterised by its relatively isolated location with commanding views across the open landscape. They consider that the proposal to

build a large single-storey T-shaped dwellinghouse together with its associated substantial access infrastructure would have a significant impact on the way that this early 19<sup>th</sup> Century cottage is understood and experienced within its landscape setting. Whilst HES have raised no formal objection, they have explained that this is because they only raise a formal objection where they believe issues of national significance are raised. HES further comment that their decision not to object should not be taken as support for the proposals. This application should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance. Letter dated 1<sup>st</sup> March 2018

Scottish Water

No objection. Letter dated 18<sup>th</sup> January 2018

Crofting Commission

No response at time of report and no request for an extension of time

Scottish Natural Heritage (SNH)

No objection subject to conditions. 6<sup>th</sup> February 2018

Highlands and Islands Airports Limited

No objection. E-mail dated 2<sup>nd</sup> February 2018

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**(D) HISTORY:**

N/A

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**(E) PUBLICITY:**

The proposal has been advertised in terms of listed building procedures, closing date 15<sup>th</sup> February 2018.

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**(F) REPRESENTATIONS:**

No representations have been received during the determination of the planning application.

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**(G) SUPPORTING INFORMATION**

**Has the application been the subject of:**

- |   |                            |
|---|----------------------------|
| <b>(i) Environmental Statement:</b>   | No                         |
| <b>(ii) An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994:</b> | No                         |
| <b>(iii) A design or design/access statement:</b>   | Yes – See Appendix B below |

- (iv) **A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:** No
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**(H) PLANNING OBLIGATIONS**

**Is a Section 75 agreement required:** No

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- (I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32:** No
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- (J) Section 25 of the Act; Development Plan and any other material considerations over and above those listed above which have been taken into account in the assessment of the application**

- (i) List of all Development Plan Policy considerations taken into account in assessment of the application.**

Policy

LDP STRAT 1 – Sustainable Development  
LDP DM 1 – Development within the Development Management Zones  
LDP 3 – Supporting the Protection Conservation and Enhancement of our Environment  
LDP 8 – Supporting the strength of our communities  
LDP 9 – Development Setting, Layout and Design  
LDP 10 - Maximising our Resources and Reducing our Consumption  
LDP 11 – Improving Our Connectivity and Infrastructure

Supplementary Guidance

SG LDP CC 1 - Climate Change and Sustainable Development  
SG LDP ENV 2 – Development Impact on European Sites  
SG LDP ENV 4 – Development Impact on Sites of Special Scientific Interest (SSSIs) and National Nature Reserves  
SG LDP ENV 14 – Landscape  
SG LDP ENV 16(a) – Development Impact on Listed Buildings  
SG LDP ENV 17 – Development in Conservation Areas and Special Built Environment Areas  
SG LDP ENV 20 – Development Impact on Sites of Archaeological Importance  
SG LDP HOU 1 – General Housing Development including Affordable Housing Provision  
SG LDP SERV 1 – Private Sewage Treatment Plants and Waste Water Systems  
SG LDP TRAN 4 – New and Existing, Public Roads and Private Access Regimes  
SG LDP TRAN 6 – Vehicle Parking Provision  
Sustainable Siting and Design Principles

- (ii) **List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 4/2009.**

Scottish Planning Policy (SPP) 2014  
Isle of Tiree Sustainable Design Guidance 2006  
Tiree Landscape Capacity Study 2006  
Managing Change in the Historic Environment: Setting (Historic Scotland)  
Historic Environment Scotland Policy Statement 2016  
Planning Advice Note (PAN) 60 – Natural Heritage 2000  
Planning Advice Note (PAN) 67 – Housing Quality 2003  
Planning Advice Note (PAN) 68 – Design Statements 2003  
Planning Advice Note (PAN) 72 – Housing in the Countryside 2005  
Planning Advice Note (PAN) 2/2011 – Archaeology 2011  
New Design in Historic Settings (Historic Scotland)  
Consultation responses

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- (K) **Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment:** No
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- (L) **Has the application been the subject of statutory pre-application consultation (PAC):** No
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- (M) **Has a sustainability check list been submitted:** No
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- (N) **Does the Council have an interest in the site:** No
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- (O) **Requirement for a hearing:** No
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- (P) **Assessment and summary of determining issues and material considerations**

This is a detailed application for planning permission for the erection of a dwellinghouse on land approximately 82m south-east of 13 Kilmaluag, Isle of Tiree.

The site is located within a Rural Opportunity Area (ROA) wherein Policy LDP DM 1 of the Local Development Plan (LDP) gives encouragement to sustainable forms of small scale development on appropriate sites within the open countryside as well as small scale infill, rounding off, redevelopment and change of use of existing buildings. The site is also located within the Kilmaluag conservation area where policy LDP 3 and associated supplementary guidance LDP SG ENV 17 sets out a presumption against development that does not preserve or enhance the character or appearance of a conservation area and states that new development within such areas must be of the highest quality and must respect and enhance their architectural and other special qualities.

The determining factors in the assessment of this application are whether or not

the scale, design and location of the proposed development is appropriate having regard to its visual impact upon both its landscape setting and the special qualities of the historic environment, including the Kilmaluaig Conservation Area, an area of potential archaeological importance and its impact upon the setting of a nearby Category A listed building.

In this instance, it is considered that the design, detailing, orientation and location of the proposed development would be materially harmful to its immediate built-landscape setting having regard to those special characteristics which the landscape exhibits, including the special character of this part of the Kilmaluaig Conservation Area, and would result in encroachment upon a prominent and important Category A listed building, which itself is a key landscape feature, to the detriment of its character and setting, contrary to local and national planning policy.

The applicant has stated that the site also forms part of a croft. However no croft boundary plan has been submitted and the application is not accompanied by a croft management plan. As the site is located within an ROA, it appears that the development the subject of this application is simply for a new dwellinghouse with no identified locational or operational need. Without a plan showing the boundaries of the croft and in the absence of any statement from the applicant relating to 'crofting need' it is impossible to determine whether or not this is a 'bareland croft'. The applicant has been asked on more than one occasion to justify any locational requirement for the development on this specific site and instead of any other site within the croft which might be more suitable but, to date, no response has been forthcoming. Members are therefore advised that, in the absence of this information, they should place little weight on any concept of 'crofting need' in their consideration of this application.

In relation to the above, it should be noted that there are identified alternative sites within the ROA and within the ownership of the applicant which would not pose the same detrimental impact upon the setting of the historic environment. The planning authority have tried to positively engage with the applicant towards the identification of an alternative site within his landholding. A site meeting has been held with the applicant within which two alternative sites were identified, one of which appeared to be favourable, both to the applicant and the planning authority. To date, however, the applicant has not been prepared to fully consider any of the alternative development opportunities within the croft or to offer any explanation as to why they might not be considered acceptable, despite an invitation requesting him to do so. Whilst the Council is eager to support appropriate and sustainable development, including croft development, and to help sustain local rural populations and the rural economy, such development must not be outweighed by other material planning considerations including, in this case, the identified material harm caused by the proposed development to the historic environment.

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**(Q) Is the proposal consistent with the Development Plan: No**

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**(R) Reasons why Planning Permission or Planning Permission in Principle should be refused:**

Section 25 of the Town and Country Planning (Scotland) Act 1997 establishes that the determination of a planning application shall be made in accordance with the development plan unless material considerations indicate otherwise. In this case the development is contrary to the policies of the development plan and there are

no other material considerations which would justify a departure from these policies.

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**(S) Reasoned justification for a departure to the provisions of the Development Plan**

N/A

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**(T) Need for notification to Scottish Ministers or Historic Scotland: No**

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**Author of Report:** Andrew Barrie                      **Date:** 1<sup>st</sup> March 2019

**Reviewing Officer:** Tim Williams                      **Date:** 4<sup>th</sup> March 2019

**Angus Gilmour**  
**Head of Planning & Regulatory Services**

## REASONS FOR REFUSAL RELATIVE TO APPLICATION REF. NO. 17/02909/PP

1. The proposed development would have a materially harmful and unacceptable impact upon the historic environment including the setting of the adjacent Category A listed building and upon the character and quality of the conservation area.

The proximity of the proposed dwellinghouse and its associated access roadway to the listed building along with its modern design creates an uncomfortable relationship between them. At present the listed building currently enjoys a prime position, located slightly offset atop a rocky hillock, which has open outward views and which is free from development around its periphery. This area of open elevated and rural character contributes to the setting of the listed building, both on inward and outward views, and development of this site would erode the sense of space and openness which it currently enjoys, compromising its visual prominence and devaluing its historical value. The listed building is a key landscape feature and the proposed development would adversely affect the way the listed building is appreciated and experienced in the landscape, diminishing its visual significance by visually intruding into the visual prominence and exclusivity the building currently enjoys.

Kilmaluag Conservation Area has been designated due to its traditional settlement pattern and orientation of the buildings within it, together with the presence of historically important thatched cottages which are also listed due to their unique physical characteristics.

This is not an acceptable site for development in terms of the council's settlement strategy as expressed through policy LDP DM 1 as well as being contrary to the provisions of Policy LDP 3 and associated Supplementary Guidance SG LDP ENV 16(a) and SG LDP ENV 17 of the LDP as well as SPP and the Historic Environment Scotland Policy Statement 2016 and Historic Environment Scotland Managing Change: Setting, New Design in Historic Settings (Historic Scotland) which presume against development that detrimentally affects the setting of listed buildings and the quality and special character of conservation areas.

2. Notwithstanding Reason 1 above, it is considered that the proposed development would, due to its inappropriate design, detailing, orientation and location, have an unacceptable and materially harmful impact upon its immediate landscape and, in particular, the built-landscape which comprises a key component of Tiree's unique and special character.

The proposed development fails to respect the specific settlement pattern, local distinctiveness and built-form of this part of Kilmaluag as recognised within the Council's 'Isle of Tiree Sustainable Design Guidance' or the 'Island of Tiree: Landscape Capacity Study for New Housing' (Final Report, published May 2006)', and as underpinned by the inclusion of this site within the Kilmaluag Conservation Area.

The development consists of a relatively large three-bedroomed 'T-shaped' detached bungalow of largely unimaginative design and materials and which does not properly capture the essence of Tiree's unique and special design character. This impression is materially heightened when considering the context of the proposed development and its siting within the immediate setting of the important traditional Tiree "blacktop" building and within the Kilmaluag Conservation Area, as expressed within refusal reason 1 above. Specifically, the proposed development is considered unacceptable for the following reasons:

- The orientation of the proposed dwellinghouse would be perpendicular to the listed building 13 Kilmaluag and to the majority of the existing buildings within

the wider landscape. This is contrary to the traditional settlement pattern of this part of Tiree and will result in a development which will appear unduly prominent, particularly when experienced from the immediate setting of the listed building.

- The modern 'T-shaped' plan of the proposed dwellinghouse would result in a development which would have a scale and massing inconsistent with its setting and with the local distinctiveness of this part of the Island and which would erode the typical, simple proportions of the area in general and the Category A listed building in particular, namely a long, low, narrow building with a simple plan form.
- The proposed development does not retain the traditional window and wall relationships which form an important part of the unique character of Tiree's built environment. In addition, the proposed dwellinghouse incorporates uPVC windows and doors of a design and quality which are not considered appropriate within this part of the conservation area or that they pay sufficient regard to the traditional window and door detailing of the nearby listed building.

In addition, the site of the proposed development falls within the 'North Tiree Study Area' as identified within the Council's published "Island of Tiree: Landscape Capacity Study for New Housing" (Final Report, published May 2006), which recognises that the site the subject of this application is located within an area of distinct landscape and visual character which the Study describes as 'Extensive Crofting' which consists of some limited opportunities for development which reflects the dispersed spacing and distinct relationship of existing settlement with the crofting inbye land. The Study states that new development should be set one field distance from the public road and a minimum of one field (no less than 100 metres) apart from existing croft houses. The study recommends that new development should be oriented facing a road and usually on a NE/SW axis where this predominates. Similarly, the Study states that where a distinct alignment of existing houses occurs, new development should be sited to fit with this. The Study also states that additional overhead lines and access tracks should be avoided.

In the case of the proposed development, the new dwellinghouse would be located more than 100 metres from the public road but less than 100 metres from the nearest croft house (the listed building 13 Kilmaluag). The proposed development would be located approximately 80 metres to the south east of the listed building at its closest point (building to building) and within the existing field which includes 13 Kilmaluag at its northern boundary. In addition, the proposed development includes a significant length of proposed new access track; approximately 120 metres in length and cutting across the field which is currently solely occupied by the listed building.

In addition, the proposed development would be oriented upon a broadly east to west axis and does not reflect the existing settlement pattern which consists of buildings located upon a distinct NE/SW axis, this being a specific part of the established and distinctive character of the area.

It is therefore considered that the proposed development would not sufficiently maintain the existing dispersed, low density settlement pattern of this part of Tiree or its distinctive NE/SW orientation of buildings and would involve the construction of a substantial new access trackway.

The proposed development is therefore considered contrary to the identified constraints and opportunities for new development as described within the "Island of Tiree: Landscape Capacity Study for New Housing" and contrary to Policy LDP 3, Supplementary Guidance

SG LDP ENV 14, the Isle of Tiree Sustainable Design Guidance and the Sustainable Siting and Design Principles of the LDP.

## **APPENDIX A – RELATIVE TO APPLICATION NUMBER: 17/02909/PP**

### **PLANNING LAND USE AND POLICY ASSESSMENT**

#### **A. Settlement Strategy**

The Isle of Tiree is the most westerly island of the Inner Hebrides, sixty miles west of Oban and twenty-two miles west of Ardnamurchan, the nearest point on the Scottish mainland. The small islet of Gunna and the Isle of Coll lie close by to the north-east. Tiree is about twelve miles long and six miles wide at its widest point, and is mostly low-lying, with wide open skies and sea views in all directions. There are two hills; Ben Hynish in the south rises to 462 ft and Ben Hough in the north-west tops at 390 ft. The island's beaches extend most of the way around the Island's shoreline, a distance of forty-six miles altogether. These unspoiled and expansive white sand beaches give the Island much of its unique character.

The site the subject of this application is located within the small crofting settlement of Kilmaluag within the north-eastern fringe of the designated conservation area as well as being located adjacent to a Category A listed Building. The applicant has stated that the site forms part of a croft. However no croft boundary plan has been submitted and the application is not accompanied by a croft management plan. As the site is located within an ROA, it appears that the development the subject of this application is simply for a new dwellinghouse with no identified locational or operational need. Without a plan showing the boundaries of the croft and in the absence of any statement from the applicant relating to 'crofting need' it is impossible to determine whether or not this is a 'bareland croft'. The applicant has been asked on more than one occasion to justify any locational requirement for the development on this specific site and instead of any other site within the croft which might be more suitable but, to date, no response has been forthcoming. The applicant's address as stated on the submitted application form is 'The Farm House', Kennovay, Tiree; approximately 2.5 km to the east of the site the subject of this current application. However, it is not known whether the applicant owns any other property in the locality, either on or closer to his croft land.

The Argyll and Bute Local Development Plan sets out the Council's land use vision for how its area should be developed over the period to 2024 and beyond, along with the key objectives for achieving this vision. These reflect the overall approach to planning set out by the government in Scottish Planning Policy (SPP) which is to enable sustainable economic development. LDP objectives seek to maintain population in rural areas and to help secure economic and social regeneration in smaller communities, particularly in terms of the growth of key sectors, including agriculture. However, sustainable growth needs to avoid harming our outstanding natural and historic environment.

Local Development Plan policy LDP STRAT 1 – 'Sustainable Development' expands upon the key planning policy objective of delivering sustainable development and states, as a matter of general principle, that in preparing new development proposals, developers should seek to demonstrate a range of sustainable development principles identified in the policy which the Planning Authority will use in deciding whether or not to grant planning permission.

Spatial planning strategy policy LDP DM 1 – 'Development within the Development Management Zones' states that within the Rural Opportunity Areas (ROAs), encouragement shall be given to sustainable forms of small scale development (in this case no more than five dwellinghouses) on appropriate sites within the open

countryside as well as small scale infill, rounding off, redevelopment and change of use of existing buildings, having due regard to all other relevant planning policy and other material planning considerations.

In this case the proposed development occupies a sensitive location which, along with its design, has a materially adverse impact on the setting of the neighboring Category A listed building. The development does not take sufficient account of its relationship with this listed building nor does it have an acceptable impact on the environment. This not considered to be an appropriate site which meets the sustainable development objectives of the LDP.

In this case there are identified alternative sites within the ROA and within the ownership of the applicant which would not pose the same detrimental impact on the setting of the listed building. The planning authority have tried to positively engage with the applicant towards the identification of an alternative site within his landholding. A site meeting has been held with the applicant within which two alternative sites were identified, one of which appeared to be favourable, both to the applicant and the planning authority. To date, however, the applicant has not been prepared to fully consider any of the alternative development opportunities within the croft or to offer any explanation as to why they might not be considered acceptable, despite an invitation requesting him to do so. Whilst the Council is eager to support appropriate and sustainable croft development and to help sustain local rural populations and the rural economy, such development must not be outweighed by other material planning considerations including, in this case, the identified material harm caused by the proposed development to the historic environment.

The proposal is considered to be contrary to the relevant provisions of the LDP, particularly with regard to Policies LDP 3, LDP 8 and LDP 9 and Supplementary Guidance SG LDP ENV 16(a), SG LDP ENV 17 and the Sustainable Siting and Design Principles of the LDP which seek to ensure that development is sited and positioned so as to pay regard to the context within which it is located.

## **B. Location, Nature and Design of Proposed Development**

The site is located on an area of fairly flat land set part way down the eastern slope of a small rocky hillock, some 90 metres to the south-east of the residential property 13 Kilmaluag, which is a category A listed building. The site is back-dropped to the west by a rocky outcrop and the surrounding land slopes downwards and away to areas of open croft land to the north, south and east, which is generally bound by post and wire fencing and/or stone dykes.

Kilmaluag is generally characterised as having a strong grid pattern of enclosed fields overlaying a broad gently undulating open landscape. An unclassified public road lies some 430 metres to the west and the B8068 public road lies some 700m to the east. The predominant settlement pattern in the area is of single dwellinghouses set-back from the public roads and well-spaced apart as well as the small cluster of development to the north of the site.

The proposed design of the dwellinghouse is a result of requested changes to the original which was deemed to be unacceptable within the conservation area due to its suburban appearance having an "L" plan with integral garage and modern window openings. The revised design has been reduced in scale by removing the integral garage. It is single storey and now comprises of a "T" shaped plan with gable ends and pitched roofs. The design features chimneys at the gables and windows generally with a vertical emphasis. Nevertheless, the proposed development, although improved from

the initial submission, remains inappropriate given its impact upon the historic environment; specifically the setting of the Category A listed building. The applicant has sought to justify his design and siting choices through the submission of a brief supporting statement which states *inter alia* that:

*“The gable widths have been kept down to 6.5m to give the house a traditional linear appearance. The roof pitch will be 45 degrees in keeping with most of the surrounding properties.*

*The siting of the house was chosen to keep any visual impact to a minimum. The high rocky outcrop to the west means that the house will not be visible from the west. The house will be visible from the B8068 on the east but the impact will be lessened greatly as the house will blend into the black cloak of the high rocky ridge behind it on the west. This also ensures the house will not skyline.*

*The design has taken the Council’s Isle of Tiree Design Guidance into consideration.”*

In this case, however, it is not considered that the proposed development has been designed or sited to take adequate account of the ‘local distinctiveness’ of the site or its immediate surroundings. This is a site characterised by an important Category A listed building, 13 Kilmaluaig, and its open setting. 13 Kilmaluaig is a traditional stone walled and partly thatched / partly felted single storey “blacktop” dwellinghouse with two small subservient structures to each of its gables, typical of the traditional small-scale croftsteading which forms such a unique and distinctive feature of Tiree. It is low-lying due to its low ceiling heights, with wide stone walls outlying its roofs which have distinctive curved ridges. It has a typical narrow plan and a limited number of openings with a large proportion of wall to window/door openings. These openings are small, symmetrically placed, recessed deeply into the walls and vertically proportioned which allows the plane of the walls to visually dominate.

The Council’s ‘Isle of Tiree Sustainable Design Guidance’ recognises that Tiree’s landscape is unique among the Inner Hebrides and that its built form manifests, for the most part, a balanced and unified historical and cultural tradition which new development needs to respect. Tiree is a Special Built Environment Area (SBEA) within Argyll and Bute and there is therefore a requirement that all new development on the island be of an appropriately high quality design and that it adopts sensitive siting and detailing.

Notwithstanding the applicant’s design statement summarised above, it is not considered that the proposed development respects the unique built environment qualities of Tiree or that it represents a high quality design and detailing or sensitive siting.

The development proposed by this application consists of a relatively large three-bedroomed ‘T-shaped’ detached bungalow of largely unimaginative design and materials and which does not properly capture the essence of Tiree’s unique design character. This impression is materially heightened when considering the context of the proposed development and its siting within the immediate setting of the important traditional Tiree “blacktop” building described above and within the Kilmaluaig Conservation Area.

With specific reference to the ‘Isle of Tiree Sustainable Design Guidance’, the proposed development is considered unacceptable for the following reasons:

- The orientation of the proposed dwellinghouse would be perpendicular to the listed building 13 Kilmaluaig and to the majority of the existing buildings

within the wider landscape. This is contrary to the traditional settlement pattern of this part of Tiree and will result in a development which will appear unduly prominent, particularly when experienced from the immediate setting of the listed building.

- The modern 'T-shaped' plan of the proposed dwellinghouse would result in a development which would have a scale and massing inconsistent with its setting and with the local distinctiveness of this part of the Island and which would erode the typical, simple proportions of the area in general and the Category A listed building in particular, namely a long, low, narrow building with a simple plan form.
- The proposed development does not retain the traditional window and wall relationships which form an important part of the unique character of Tiree's built environment. In addition, the proposed dwellinghouse incorporates uPVC windows and doors of a design and quality which are not considered appropriate within this part of the conservation area or that they pay sufficient regard to the traditional window and door detailing of the nearby listed building.

An interrelated key factor in the determination of this planning application is its impact on the historic environment which is considered in more detail in Section D.

Policy LDP 3 - 'Supporting the protection, Conservation, and Enhancement of Our environment' states that all applications for planning permission will be assessed with the aim of protecting conserving and where possible enhancing the built, human and natural environment. Applications will not be supported in the following circumstances:

- Where they do not protect, conserve or where possible enhance the established character and local distinctiveness of the landscape and seascape in terms of its location, scale, form and design
- Where they do not protect, conserve or where possible enhance the established character of the built environment in terms of its location, scale, form and design.
- When it has not been ascertained that it will avoid adverse effects, including cumulative effects, on the integrity or special qualities of international or nationally designated natural and built environment sites.

Policy LDP 8 - 'Supporting the Strength of our Communities' supports new sustainable development proposals that seek to strengthen communities, making them better places to live, work and visit. This includes the delivery of new sustainable development opportunities in order to facilitate population growth and in particular attract more economically active families to live and work in Argyll and Bute. In order to achieve this new housing must be delivered in the in the right place that meets the needs and aspirations of the wide variety of households across Argyll and Bute. The Council also recognises the important role which crofting can play in sustaining our fragile rural communities and aims to support new crofts and croft houses where these help to revitalise fragile communities and maintain viable crofting enterprises.

Policy LDP 9 – 'Development Setting, Layout and Design' seeks developers to produce and execute a high standard of appropriate design and to ensure that development is sited and positioned so as to pay regard to the context within which it is located. Development layout and density shall effectively integrate with the urban, suburban or countryside setting of the development and the design of developments and structures shall be compatible with the surroundings. Particular attention shall be given to

massing, form and design details within sensitive locations such as, *inter alia*, Conservation Areas and the settings of listed buildings. Within such locations, the quality of design will require to be higher than in other less sensitive locations.

The Sustainable Siting and Design Principles expands on this policy seeking developments to be compatible with the existing settlement pattern and to take into account its relationship with neighbouring properties.

Supplementary Guidance SG LDP HOU 1 – ‘General Housing Development including Affordable Housing Provision’ provides general support to new small scale housing in the ROAs on appropriate sites, provided there are no unacceptable environmental, servicing or access issues.

In this case the proposed development occupies a sensitive location which, along with its design, has a materially adverse impact on the character of a neighboring Category A listed building, the Kilmaluag Conservation Area and the unique qualities and special character of Tiree. The development does not take sufficient account of its relationship with this listed building nor does it have an acceptable impact on the environment. This not considered to be an appropriate site which meets the sustainable development objectives of the LDP.

### **C. Natural Environment and Landscape Considerations**

Supplementary Guidance SG LDP ENV 14 – ‘Landscape’ states that the council will resist development when its scale, location or design will have a significant adverse impact on the character of the landscape unless it is demonstrated that:

- A. Any such effects on the landscape quality are clearly outweighed by social, economic or environmental benefits of community wide importance; AND
- B. The Council is satisfied that all possible mitigation measures have been incorporated into the development proposal to minimise adverse effects.

The site is located on part way down the eastern slope of a rocky hillock. This hillock is a prominent landscape feature which rises above the surrounding low lying croft land where the majority of built development can be found. The exception to this is a small stone built cottage with a thatched roof dating from the early 19<sup>th</sup> century which has an almost central position atop this hillock which benefits from commanding views across the countryside. This cottage is a Category A listed building.

Whilst the proposal will not be visible in the wider landscape from the west nor will it be unduly prominent from the north and south, it will be visible from the east although set against an immediate rocky backdrop with Beinn Hough providing some containment. Notwithstanding this, the proposed dwellinghouse must also be viewed in the context of its immediate surroundings, particularly the distinctive settlement pattern for the area described by existing buildings located to the north and north west.

The site of the proposed development falls within the ‘North Tiree Study Area’ as identified within the Council’s published “Island of Tiree: Landscape Capacity Study for New Housing” (Final Report, published May 2006). Whilst this study makes no specific detailed capacity appraisal for the dispersed crofting settlement of Kilmaluag, it does recognise that the site the subject of this application is located within an area of distinct landscape and visual character which the Study describes as ‘Extensive Crofting’.

The identified constraints and opportunities for new housing within the ‘Extensive Crofting’ landscape character type consists of some limited opportunities for

development which reflects the dispersed spacing and distinct relationship of existing settlement with the crofting inbye land. The Study states that new development should be set one field distance from the public road and a minimum of one field (no less than 100 metres) apart from existing croft houses. The study recommends that new development should be oriented facing a road and usually on a NE/SW axis where this predominates. Similarly, the Study states that where a distinct alignment of existing houses occurs, new development should be sited to fit with this. The Study also states that additional overhead lines and access tracks should be avoided.

In the case of the current development, the proposed dwellinghouse is located more than 100 metres from the public road but less than 100 metres from the nearest croft house (the listed building 13 Kilmaluag). The proposed development would be located approximately 80 metres to the south east of the listed building at its closest point (building to building) and within the existing field which includes 13 Kilmaluag at its northern boundary. In addition, the proposed development includes a significant length of proposed new access track; approximately 120 metres in length and cutting across the field which is currently solely occupied by the listed building.

In addition, the proposed development would be oriented upon a broadly east to west axis and does not reflect the existing settlement pattern which consists of buildings located upon a distinct NE/SW axis, this being a specific part of the established and distinctive character of the area.

It is therefore considered that the proposed development would not sufficiently maintain the existing dispersed, low density settlement pattern of this part of Tìree or its distinctive NE/SW orientation of buildings and would involve the construction of a substantial new access trackway. The proposed development is therefore considered contrary to the identified constraints and opportunities for new development as described within the "Island of Tìree: Landscape Capacity Study for New Housing" and contrary to Policy LDP 3, Supplementary Guidance SG LDP ENV 14 and the Sustainable Siting and Design Principles of the LDP in terms of its impact on landscape character.

## **D. Historic Environment**

SG LDP ENV 16(a) – 'Development Impact on Listed Buildings' states that development affecting a listed building or its setting shall preserve the building or its setting, and any features of special architectural or historic interest that it possesses. All developments that affect listed buildings or their settings must be of the highest quality, and respect the original structure in terms of setting, scale, design and materials and conform to any relevant national policy.

Where development would affect a heritage asset or its setting the developer will be expected to satisfactorily demonstrate that the impact of the development upon that asset has been assessed and that measures will be taken to preserve and enhance the special interest of the asset. The use of appropriate design statements and conservation plans are expected to facilitate this assessment. Where the development may have a significant impact, measures of assessment will be expected to follow, the principles set out in the joint guidance "New Design in Historic Settings" produced by Historic Environment Scotland, Architecture and Place, Architecture and Design Scotland.

SG LDP ENV 17 – ‘Development in Conservation Areas and Special Built Environment Areas’ states has a similar theme which states that there is a presumption against development that does not preserve or enhance the character or appearance of an existing or proposed Conservation Area or its setting, or a Special Built Environment Area.

Historic Environment Scotland’s “New Design in Historic Settings” sets out general principles for successfully integrating new buildings within the historic environment and requires consideration of scale, materials and detailing, landscape, views and landmarks, and historical development to guide successful new developments. The following are considered to be of particular relevance to the current application:

Scale: “New design should consider the surrounding scale, hierarchy and massing of the existing built form.”

Materials and Detailing: “The sensitive use of appropriate colour, texture and pattern of materials, whether traditional or contemporary is also important. Their use and detailing, particularly near to open landscapes, is crucial in making a development stand out or blend in.”

Landscape: “A thorough understanding of the topography of the area – its prevailing landform – is essential for design that responds to setting. Scotland has a wealth of historic communities that appear to ‘grow’ out of the landscape because of their form, texture and colour. New development should aspire to blend and coalesce with the existing built form without replicating it.”

Views and Landmarks: “Often historic buildings or clusters and features within rural, designed or urban landscapes are locally, regionally or nationally important landmarks because their distinctive character contributes strongly to the identity of an area.”

Historical Development: “Layers of history and associated development generate patterns within an area. An understanding of the historic evolution of a place is essential in determining whether a historic setting needs enhancement or whether lost elements should be restored. New design should consider and respond to these layers of history – the ‘narrative’ of the place”.

The proposed development is located approximately 80 metres to the south-east of 13 Kilmaluag, which is a Category A listed building. Historic Environment Scotland (HES) states that these are buildings of national or international importance, either architectural or historic; or fine, little-altered examples of some particular period, style or building type (about 7% of total listed buildings). The listing schedule describes the building as “an earlier 19th century traditional single storey 2 bay cottage flanked by barn/byre at each gable. Dry stone construction with some mortar and white-wash to frontage. Gable end stacks. Piended thatched roofs to cottage and one barn; tarred felt to second.”

The applicant’s design statement makes no meaningful mention of this important listed building and it does not demonstrate how the proposed development has taken this into account; how it would not adversely affect its setting.

Consultation with HES has been undertaken. HES comment that the setting of the A-listed 13 Kilmaluag is characterised by its relatively isolated location with commanding views across the open landscape. They consider that the proposal to build a large single-storey T-shaped dwellinghouse together with its associated substantial access

infrastructure would have a significant impact on the way that this early 19<sup>th</sup> Century cottage is understood and experienced within its landscape setting.

Whilst it is acknowledged that HES have not raised a formal objection to the proposal, this advice is carefully worded and follows closely their usual advice protocols and procedures whereby a formal objection is unlikely to be raised if the development does not materially raise issues of *national* significance. Whilst not objecting, it is clear that HES have material and legitimate concerns with the proposed development and they note in their response that their decision not to object should not be taken as their support for the proposals, stating that this application should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance.

It is considered that the proposed development does not preserve or enhance the setting of the listed building nor does it preserve or enhance the character or setting of the conservation area. The proximity of the proposed dwellinghouse and its associated access roadway to the listed building along with its modern design creates an uncomfortable relationship between them. At present the listed building currently enjoys a prime position, located slightly offset atop a rocky hillock, which has open outward views and which is free from development around its periphery. This area of open elevated and rural character contributes to the setting of the listed building, both on inward and outward views, and development of this site would erode the sense of space and openness which it currently enjoys, compromising its visual prominence and devaluing its historical value.

13 Kilmaluag is experienced predominantly as a building enjoying a sense of openness and isolation. It represents an important and intrinsic part of a wider and long-established low density and dispersed pattern of development reflecting the Island's crofting heritage and informing the sustainable and appropriate development of its crofting future. This listed building occupies a position at the northern boundary of a single field of grazing land demarked by simple post and wire fences. It is elevated above its croft land and its setting is clearly defined by this historic field pattern such that any substantial new development within this single field would disrupt the openness of setting.

It is acknowledged that there are very few dominant public vantage points from which either the existing listed building or the proposed dwellinghouse would be observed at close distance. Nevertheless, the impact of a development upon the historic environment cannot be appropriately mitigated by a simple reliance on 'public view'. It must be considered in the context of its immediate site and surroundings; in the way in which a place is experienced and how it has developed over time. It is considered that the proposed development would, in terms of its scale, dominate the existing listed building and erode the hierarchy of the existing built form by introducing a substantial new residential building into its direct setting and when the adjacent developments are experienced one from the other, including at various points along the proposed new access driveway to the new dwelling.

It is considered that the proposed development would, in terms of its design and detailing, fail to pay appropriate account of the traditional form of this existing 'blacktop' building in terms of its proportions, its plan form, its modern wall to openings ratio, its non-traditional gabled roof with its pointed ridge and relatively tall wall-head height, its 'T-shaped' footprint and its proposed use of uPVC windows and doors. All of these factors would result in a substantial new development which 'stands out' rather than 'blends in' and thus competes with the listed building for dominance within its immediate setting. The proposed development would not adequately respect and reflect the form, texture and colour of the adjacent listed building and it is considered

that whereas the existing building appears to 'grow' out of its immediate landscape, the proposed new dwellinghouse would not.

It is considered that the proposed development would, in terms of its landscape impact discussed in Section C above, fundamentally fail to respond to the setting of the listed building or those scattered buildings within its vicinity (including those within the conservation area) due to its 'off-axis' orientation, its requirement for a lengthy new access way and its failure to adequately respect appropriate separation distances between developments.

Having regard to the above it is considered that the proposed development has a significant adverse impact on the setting of the Category A listed building as well as on the setting of the conservation area. The listed building is a key landscape feature and the proposed development would adversely affect the way the listed building is appreciated and experienced in the landscape, diminishing its visual significance by visually intruding into the visual prominence and exclusivity the building currently enjoys.

Kilmaluag Conservation Area has been designated due to the presence of historically important thatched cottages which are also listed due to their unique physical characteristics. New development by way of design and proximity can have the potential to detract from the appearance of these buildings and their settings, as is the case here. The new modern dwellinghouse and its juxtaposition with a traditional thatched cottage as described above is considered materially harmful to the special qualities and characteristics that comprise the Kilmaluag conservation area together with its character and historic context when experienced from within the conservation area and specifically the inter-visibility that would exist between the two competing and conflicting developments.

The special character of this part of Tiree is acknowledged, at least in part, within the Council's published "Island of Tiree: Landscape Capacity Study for New Housing" (Final Report, published May 2006). As has been seen in Section C above, the proposed development would not sufficiently maintain the existing dispersed, low density settlement pattern of this part of Tiree or its distinctive NE/SW orientation of buildings, both of which are considered important components of the historic and landscape value of the Kilmaluag conservation area. In addition, the proposed development would involve the construction of a substantial new access trackway which is also considered harmful, both to the setting of the listed building and to the character and quality of the conservation area.

The proposed development is contrary to the provisions of Policy LDP 3 and Supplementary Guidance SG LDP ENV 16(a) and SG LDP ENV 17 of the LDP as well as SPP and the Historic Environment Scotland Policy Statement 2016, Historic Environment Scotland's Managing Change in the Historic Environment: Setting 2016, and New Design in Historic Settings

## **E. Archaeology**

West of Scotland Archaeology Service (WOSAS) has advised that the site is within an area of archaeological sensitivity and they have requested that an archaeological monitoring condition be attached to any grant of planning permission. Supplementary Guidance SG LDP ENV 20 – 'Archaeology' and PAN 2/2011 on 'Archaeology and

Planning' aims to protect and preserve archaeological sites in situ wherever feasible. Where preservation in situ is not possible, planning authorities should consider applying conditions t to ensure that an appropriate level of excavation, recording, analysis, publication and archiving is carried out before and/or during development. With an appropriate condition, the proposed development is considered to comply with Policy LDP 3 and Supplementary Guidance SG LDP ENV 20 as well as PAN 2/2011.

#### **F. Habitats and Species**

The site is located close to the Sleibhtean agus Cladach Thiriodh (Tiree Wetlands and Coast) Special Protection Area (SPA), Site of Special Scientific Interest (SSSI) and RAMSAR site as well as the Tiree Machair Special Area of Conservation (SAC). Extensive in area, these designated sites are of international importance for a variety of breeding and wintering wader species, wintering geese and habitats such as machair.

As such the requirements of the Conservation (Natural habitats &c) Regulations 1994 as amended (the "Habitats Regulations") apply. Before development can be granted, it must be screened to determine whether or not an appropriate assessment is required. Article 6(3) of the Habitats Directive requires an 'appropriate assessment' to be undertaken when a plan or development project is likely to have a significant effect upon a European site.

SNH have advised the proposal is unlikely to have a significant effect on any qualifying interests of the SPA or SAC either directly or indirectly and therefore an appropriate assessment is not required. They have further advised that the proposal will not impact on any interests of the SSSI or the RAMSAR site. It is consider that the proposal in in accordance with Policy LDP 3 and Supplementary Guidance SG LDP ENV 2 and SG LDP ENV 4 of the LDP.

#### **G. Road Network and Parking**

The Area Roads Engineer has confirmed that he has no objection to the application subject to a condition regarding parking and turning. The proposal will therefore accord with the provisions of LDP 11, SG LDP TRAN 4, and SG LDP TRAN 6 of the Local Development Plan which requires all development proposals to have an appropriate standard of access and an adequate level of parking and turning.

#### **H. Infrastructure**

A connection is to be made to the public water main and Scottish Water has not raised any objections to the proposal. A new septic tank and soakaway is proposed and this will be assessed as part of the building warrant process. The development is in accordance with Policy LDP 11 and Supplementary Guidance SG LDP SERV 1 of the LDP.