

STATEMENT OF CASE

FOR

**ARGYLL AND BUTE COUNCIL
LOCAL REVIEW BODY**

21/0002/LRB

**BYRE BETWEEN 3 AND 4 GLASSARD, ISLE OF
COLONSAY**

31st May 2021

STATEMENT OF CASE

The Planning Authority is Argyll and Bute Council (“the Council”). The appellant is Ms Jane Rose (“the appellant”).

The original planning application, reference 21/00017/PP, was refused on the following grounds:

“The application seeks to add a twelfth unit to a private access that already serves eleven. In this regard the proposal is not consistent with the provisions of policies LDP 11 and SG LDP TRAN 4 which provides for the servicing of a maximum of five units off a private access before requiring the road be brought up to adoptable standards. Such works would be financially prohibitive in this instance and outwith the control of the applicant to implement.”

The planning decision has been challenged and is subject of review by the Local Review Body.

DESCRIPTION OF SITE

The site is the former byre situated between numbers three and four Glassard on the Isle of Colonsay. The byre is a single storey building mostly intact of stone and slate construction measuring some 7m x 4m x 5m. Glassard is a small collection of eleven houses along a single track road to the north of Scalasaig and within the settlement boundary. Properties are a mix of design and character with some built with an associated byre. Where applicable this is generally being used as storage or ancillary accommodation to the main house. There are no more vacant buildings after this one.

SITE HISTORY

There has been a varied history of pre-application submissions on this site. These have all provided a generally positive response in land use terms but they have caveated that the enquirer should satisfy themselves with respect to consultees.

STATUTORY BASIS ON WHICH THE APPEAL SHOULD BE DECIDED

Section 25 of the Town & Country Planning (Scotland) Act 1997 provides that where, in making any determination under the planning Acts, regard is to be had to the development plan and determination shall be made in accordance with the development plan unless material considerations indicate otherwise. This is the test for this planning application.

STATEMENT OF CASE

Argyll and Bute Council considers the determining issues in relation to the case are as follows:-

- The principle of converting the byre into a dwelling house is accepted within planning policy LDP DM 1 which supports the re-use of buildings within all development management zones. However, this policy also requires consistency with all other relevant requirements of the Local Development Plan (LDP). In this regard the proposal would add a twelfth unit off of an unadopted access road. Policy SG LDP TRAN 4 allows for a maximum of five before a road must become adopted to the council’s road network. Given the logistical

issues of transporting a hot bituminous material to the island the council's Roads and Amenity Services department has made an allowance for ten units on the isle of Colonsay. This is an acceptable method to take account of local circumstances. Therefore, the overriding issue is that the proposal would seek to add a twelfth house to an already oversubscribed private access road regardless of the commensurate improvements offered by the applicant.

The Report of Handling (please refer to Appendix 1) sets out Planning and Regulatory Services assessment of the planning application in terms of policy within the current adopted Argyll and Bute Development Plan and all other material planning considerations.

REQUIREMENT FOR ADDITIONAL INFORMATION AND A HEARING

The proposal constitutes a Local Development in accordance with the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, has no complex or challenging issues and has only been the subject of 1 objection from local residents, it is not considered that a Hearing is required.

COMMENT ON APPELLANTS' SUBMISSION

The appellants' statement can be summarised under the following key issues:

- The commensurate improvements offered by the applicant are consistent with the requirements of the SG LDP TRAN 4 and can be secured by the applicant with an existing agreement with the land owner.
- The byre, although redundant, can be used for agricultural purposes without further input to the planning process.
- The byre could be sold to the nearest dwelling who could, in turn, convert it into ancillary non-letting accommodation using permitted development rights.
- The use of a single bedroom property would not increase the potential for traffic along this road.

The above is a concise summary of the applicants' key issues and they are all noted. It is accepted that the applicant would be vacating an existing house in Scalasaig freeing up another property in the village which would, in a small way, assist in addressing the population decline on the island. From an officer site inspection there are no further obvious development opportunities along this stretch of road and there are no allocations or Potential Development Areas (PDAs) that would encourage further applications for residential development. Regardless each application must be assessed on its own individual merits. In this instance the principle of converting the byre is accepted and the proposed design details are consistent with policy. However, the key issue is that the proposal would add an additional property on an already oversubscribed unadopted road not consistent with SG LDP TRAN 4.

CONCLUSION

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that all decisions be made in accordance with the development plan unless material considerations indicate otherwise.

The reasons for refusal of planning application 21/00017/PP:

The application seeks to add a twelfth unit to a private access that already serves eleven. In this regard the proposal is not consistent with the provisions of policies LDP 11 and SG LDP TRAN 4 which provides for the servicing of a maximum of five units off a private access before requiring the road be brought up to adoptable standards. Such works would be financially prohibitive in this instance and outwith the control of the applicant to implement.

There are no material considerations identified of sufficient weight that justify the proposal as a departure from the provisions of the development plan.

It is respectfully requested that the review be dismissed and the refusal be upheld.

Appendix 1

Argyll and Bute Council
Development & Economic Growth

Delegated 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

Reference No: 20/00017/PP
Planning Hierarchy: Local
Applicant: Ms Jane Rose
Proposal: Alterations, extension and change of use of byre to form dwellinghouse
Site Address: Byre between houses 3 and 4 Glassard, Isle of Colonsay

DECISION ROUTE

Sect 43 (A) of the Town and Country Planning (Scotland) Act 1997

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Change of use of dilapidated byre to class 9 (dwelling house)
- Erection of extension side extension south west elevation 4.75m x 6m
- Erection of rear extension 3.6m x 2m

(ii) Other specified operations

- New openings in existing byre
 - General repairs and maintenance of byre
 - Use of existing access
 - Connection to private water treatment system
 - Connection to public utilities
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(B) RECOMMENDATION:

It is recommended that the application is refused on the grounds that it is not considered consistent with the provisions of policies LDP 11 – Improving our connectivity and SG LDP TRAN 4 - New & Existing, Public Roads & Private Access Regimes.

(C) CONSULTATIONS:

ABC Area Roads Engineer, 11th Feb 2021 – Refuse. The private road already services eleven dwellings and this would be the twelfth. Policy SG LDP TRAN 4 provides for a maximum of five dwellings off a private road. However, given the logistics of such an approach on the island this has been relaxed to ten. In this

instance the private road has already exceeded its capacity before requiring substantial upgrade.

Scottish Water, 4th Feb 2021 – No objection.

(D) HISTORY:

There has been a varied history of pre-application submissions on this site. These have all provided a generally positive response in land use terms but they have caveated that the enquirer should satisfy themselves with respect to consultees.

(E) PUBLICITY:

Regulation 20 advert expiry 4th March 2021

Neighbour notification expiry 24th February 2021

(F) REPRESENTATIONS:

(i) Representations received from:

Alastair Scouller, 3 Glassard, Isle of Colonsay PA61 7YN (22nd Feb 2021)

(ii) Summary of issues raised:

- Concerns expressed regarding the extension and its proximity to the boundary with 3 Glassard.
Comment: The proposal would be some 1m off the boundary but with the adjacent property some distance away in its own plot. There are no concerns regarding day lighting and no windows on the side elevation to cause issues over privacy.
 - The flue could cause problems with respect to nuisance depending on the wind direction.
Comment: 3 Glassard is some 10m away from the proposed extension. It is not considered that this is an issue raising material planning considerations.
 - Concerns over the addition of another property on this track.
Comment: Noted. Issues of access are addressed in the assessment section below.
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(G) SUPPORTING INFORMATION

Has the application been the subject of:

- (i) Environmental Statement:** No

- | | | |
|-------|--|-----|
| (ii) | An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994: | No |
| (iii) | A design or design/access statement: | Yes |
| (iv) | A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc: | No |

(H) PLANNING OBLIGATIONS

Is a Section 75 agreement required: No

- (I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32: No**

- (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.**

'Argyll and Bute Local Development Plan' Adopted March 2015

LDP STRAT 1 – Sustainable Development
 LDP DM 1 – Development within the Development Management Zones
 LDP 9 – Development Setting, Layout and Design
 LDP 11 – Improving our Connectivity and Infrastructure

'Supplementary Guidance to the Argyll and Bute Local Plan 2015' (Adopted March 2016)

General Housing Development

SG LDP HOU 1 – General Housing Development Including Affordable Housing Provision

Sustainable Siting and Design

SG LDP Sustainable – Sustainable Siting and Design Principles

Resources and Consumption

SG LDP SERV 1 – Private Sewage Treatment Plants & Wastewater Systems
 SG LDP SERV 5(b) – Provision of Waste Storage & Collection Facilities within New Development

Transport (Including Core Paths)

(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 3/2013.

- Scottish Planning Policy
- Consultee comments
- Third party representations raising material planning considerations
- ABC LDP 2, Proposed November 2019

(K) Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment: No

(L) Has the application been the subject of statutory pre-application consultation (PAC): No

(M) Has a sustainability check list been submitted: No

(N) Does the Council have an interest in the site: No

(O) Requirement for a hearing: No

(P) Assessment and summary of determining issues and material considerations

The proposal is for the conversion of an existing redundant building at Glassard, Colonsay. The building is a former byre likely associated with either three or four Glassard. It is a single storey pitched roof building measuring some 7m x 4m x 5m and finished in stone and natural slate. The access is single track with passing places and held in an informal arrangement by the existing property owners of which there are eleven properties already served.

The site lies within the settlement zone of Scalasaig. Therefore the principle of a redevelopment proposal is encouraged through the settlement strategy policy of LDP DM 1.

The design solution is fairly modest retaining the existing structure and adding a smaller volume extension to the south gable and a mono pitch porch to the north west. The design retains the existing character of the building with the same finishes and stone skews. Window openings are enlarged to provide for a door on the front elevation with a matching size window to adjacent separated by two narrow windows. This maintains the traditional symmetry. A small existing store is retained on the north east elevation. The extension is of a lower pitch height and contains a stainless steel flue, a corrugated metal roof and a rough cast finish. Large window openings provide for solar gain into the main living area. The property would provide for a single bedroom, living room / kitchen, utility and single bathroom. It is not a large

property. In terms of design the proposal provides for a suitable volumetric extension to the existing building and is considered acceptable. In this regard the application is consistent with the provisions of SG LDP Sustainable.

The main issue is the proposed means of access. The private road serving the collection of houses at Glassard already allows for eleven houses. It is a single track road roughly finished in an unbound material with passing places. This would be the twelfth property served by this track. Policy SG LDP TRAN 4 allows for a maximum of five units off a private road before it needs to be brought up to adoptable standards. Given the logistics of carrying out such work on Colonsay this has been relaxed to ten. Various options to upgrade the road have not found a solution as the ability to undertake the improvements is outwith the sole control of the applicant and would be prohibitively expensive. These works would involve widening the track and re-constructing the bellmouth. The total costs would be approximately £200,000. The applicant has provided the following comments in support of her proposal and seeks a departure to policy to allow this application to be approved.

- 1. The Applicant is a long-term resident on the Island and will be living full time in the proposed dwelling house. At present she occupies the only 4-bedroom Housing Association house on the island which she has a right to remain a tenant of in perpetuity. There is a well-recognised shortage of community housing on the island. By allowing the development of this otherwise unoccupied building, the Applicant will be freeing up a large family house for other potential residents as well as preserving an existing built structure on the island*
- 2. This is the last remaining building within Glassard to be left derelict. It would not be possible for further development to take place within the curtilage of the Glassard settlement. The Application site to Glassard is currently an eyesore. By re-purposing this derelict building it will significantly enhance the appearance of the whole area.*
- 3. There are two other examples of conversions of the Glassard byres for residential purposes. Both of these conversions have taken place within the last 20 years*
- 4. The Applicant has been in discussions with the neighbouring landowner regarding some more modest improvements to the existing road opening onto the public road which would considerably improve safe access to and from the public road onto the Glassard track. The Applicant is willing to submit a proposal along these lines. Improvements would include improving sightlines onto the public road and improving drainage and the quality of the surface at the entrance to the Glassard settlement.*
- 5. Currently, all the domestic bins for the Glassard residences are kept at the junction between the track and the public road in an ad-hoc storage. We believe an improved storage facility for the bins could be accommodated with the improvements mentioned above which would also mean that the process of emptying the bins will be safer as well as providing a sightlier appearance.*

In response to these points we would comment that the principle of converting the byre is not in question. Such an approach is welcome and encouraged in terms of the settlement strategy. However, the sole issue is the access track and the requirements of policy SG LDP TRAN 4 and road safety.

Regardless of the proposed improvements to the access and bin store the proposal is not consistent with the provisions of SG LDP TRAN 4. With this in mind the application is recommended for refusal.

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

(R) Reasons why Planning Permission or Planning Permission in Principle Should be Refused:

The application seeks to add a twelfth unit to a private access that already serves eleven. In this regard the proposal is not consistent with the provisions of policies LDP 11 and SG LDP TRAN 4 which provides for the servicing of a maximum of five units off a private access before requiring the road be brought up to adoptable standards. Such works would be financially prohibitive in this instance and outwith the control of the applicant to implement.

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

N/A

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

Author of Report:

Date: 19th March 2021

A handwritten signature in black ink, appearing to read 'Fergus Murray', with a horizontal line underneath the name and a vertical line to the right.

Fergus Murray
Head of Development and Economic Growth

APPENDIX TO DECISION REFUSAL NOTICE

Appendix relative to application **21/00017/PP**

(A) Has the application been the subject of any “non-material” amendment in terms of Section 32A of the Town and Country Planning (Scotland) Act 1997 (as amended) to the initial submitted plans during its processing. **No**

(B) The reason why planning permission has been refused:

The application seeks to add a twelfth unit to a private access that already serves eleven. In this regard the proposal is not consistent with the provisions of policies LDP 11 and SG LDP TRAN 4 which provides for the servicing of a maximum of five units off a private access before requiring the road be brought up to adoptable standards. Such works would be financially prohibitive in this instance and outwith the control of the applicant to implement.