

FURTHER INFORMATION

FOR

**ARGYLL AND BUTE COUNCIL
LOCAL REVIEW BODY**

21/0002/LRB

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

13th July 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.

Further Information

Following the first calling of the LRB Members have requested further information from planning officers in respect of this case. The request and subsequent responses are detailed below:

1. Clarification of the circumstances surrounding the grant of planning permission in 2016 for No 8 Glassard which appeared to exceed policy SG TRAN 4 which, at that time, restricted units of no more than 5 off a private access.

In 2016 an application was submitted for alterations and extension to existing dwelling house at 8A Glassard (reference 16/02273/PP). Given these works were to an existing dwelling house and did not significantly increase the expected vehicular movements it was approved. The last houses approved along the Glassard access road were for two units under reference 04/00274/DET. At that time there were no objections from the local Roads Engineer.

2. Given this is an agricultural building could restricting the proposed dwellinghouse to a one bedroom residence be considered a material consideration if this resulted in a permanent reduction of vehicles movements?

It will be up to Members to determine what weighting to apply to the current / potential vehicular movements of the agricultural building. The option would be available to the current landowner to repair the building and use it for such purposes. A one bedroom property is not expected to generate significant volumes of traffic. A planning condition could limit permitted development rights and restrict the size of property ensuring a single bedroom unit long term.

3. What weight could be applied to the Scottish Government’s Programme for Reviewing and Extending Permitted Development Rights (PDR) in Scotland

dated September 2020 in respect of Agricultural Developments as detailed below? Our Programme for Government 2020-21 makes it clear that the rural economy must be at the forefront of Scotland's economic and environmental recovery. The proposals set out below are intended to help support agricultural development and diversification, as well as the delivery of new homes (including affordable properties) in rural areas. They would complement wider Scottish Government measures to support and protect the rural economy by:

- Allowing the conversion of agricultural and forestry buildings to residential and other uses under PDR;

The Scottish Government introduced extended permitted development rights for agricultural buildings to be converted to residential properties through a review of class 18 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992. The new legislation introduces a prior notification procedure with notification to the planning authority of an intention to develop. However, such a route would not be applicable in this case as access is still a material consideration and officers would have no choice but to refuse any prior notification submission under the new class 18 procedures. This would then necessitate the submission of a planning application which in turn would be refused.

4. Given the information below, contained within LDP2 and not objected to, could consideration be given to allowing the Island of Colonsay a higher number than 10 units due to its specific circumstances as was granted previously? [Note: Policy SG LDP TRAN 4 in the current LDP allows for a maximum of five units off a private road before requiring the road be brought up to adoptable standards, but this was relaxed to 10 dwellings for Colonsay] "It is considered appropriate to introduce a variable standard for adoption to reflect the scale, nature and differing design requirements of development in these circumstances. This would apply to roads serving developments of 6-10 dwelling units (inclusive) in areas with a predominant system of single track roads with passing places, where the Roads Authority consider the variable standard is appropriate."

The planning application was determined with the current policy in mind as per the requirements of section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended). This requires decisions to be made in line with the adopted development plan policies until material considerations justify an alternative approach. In this instance the non-objected to policies of LDP 2 were not considered as the relevant articles had not been approved by Members at the time of making the decision. Regardless, the proposed policy considers the potential for ten units off a private access and there is no scope within the policy to increase this figure further.

5. Ascertain from Home Argyll what the demand is for 4 bedroomed properties on the Island of Colonsay.

At the time of making this submission no response has been received to cover this point. However, officers are aware of a general shortage of housing for local people on the islands.

6. Appropriate and reasonable conditions and reasons to attach to any consent should the Local Review Body be minded to approve the application.

Proposed conditions have been attached in appendix 1.

CONCLUSION

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

CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 21/00017/PP																	
1.	<p>The development shall be implemented in accordance with the details specified on the application form dated 10th December 2020, supporting information and, the approved drawings listed in the table below unless the prior written approval of the planning authority is obtained for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Plan Title.</th> <th style="text-align: left;">Plan Ref. No.</th> <th style="text-align: left;">Version</th> <th style="text-align: left;">Date Received</th> </tr> </thead> <tbody> <tr> <td>Proposed Site Plan</td> <td>L-02</td> <td>-</td> <td>1st February 2021</td> </tr> <tr> <td>Plans as Existing</td> <td>S-01</td> <td>-</td> <td>1st February 2021</td> </tr> <tr> <td>Proposed Plans and Elevations</td> <td>L-03</td> <td>-</td> <td>1st February 2021</td> </tr> </tbody> </table> <p>Reason: For the purpose of clarity, to ensure that the development is implemented in accordance with the approved details.</p> <p>Note to Applicant:</p> <ul style="list-style-type: none"> • This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period [See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).] • In order to comply with Sections 27A(1) of the Town and Country Planning (Scotland) Act 1997, prior to works commencing on site it is the responsibility of the developer to complete and submit the attached 'Notice of Initiation of Development' to the Planning Authority specifying the date on which the development will start. Failure to comply with this requirement constitutes a breach of planning control under Section 123(1) of the Act. • In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 it is the responsibility of the developer to submit the attached 'Notice of Completion' to the Planning Authority specifying the date upon which the development was completed. 	Plan Title.	Plan Ref. No.	Version	Date Received	Proposed Site Plan	L-02	-	1 st February 2021	Plans as Existing	S-01	-	1 st February 2021	Proposed Plans and Elevations	L-03	-	1 st February 2021
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2.	<p>Prior to the occupation of the dwelling the proposed commensurate access improvements as identified by the applicant in their LRB submission shall be completed to the satisfaction of the planning authority and roads authority. Once approved in writing these improvements shall be maintained thereafter in perpetuity.</p> <p>Reason: In the interests of road safety.</p>																
3.	<p>Notwithstanding the effect of Condition 1, no development shall commence until written details of the type and colour of materials to be used in the construction of the dwelling house have been submitted to and approved in writing by the Planning Authority. The development shall thereafter be completed using the approved materials or such alternatives as may be agreed in writing with the Planning Authority.</p> <p>Reason: In order to integrate the development into its surroundings.</p>																

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended), (or any Order revoking and re-enacting that Order(s) with or without modifications), nothing in Article 2(4) of or the Schedule to that Order, shall operate so as to permit, within the area subject of this permission, any development referred to in Part 1 and Classes 1A, 1B, 1C, 1D, 2A, 2B, 3A, 3B, 3C, 3D and 3E and Part 2 and Classes 8 and 9 of the of the aforementioned Schedule, as summarised below:

PART 1: DEVELOPMENT WITHIN THE CURTILAGE OF A DWELLINGHOUSE

Class 1A: Any enlargement of a dwellinghouse by way of a single storey ground floor extension, including any alteration to the roof required for the purpose of the enlargement.

Class 1B: Any enlargement of a dwellinghouse by way of a ground floor extension consisting of more than one storey, including any alteration to the roof required for the purpose of the enlargement.

Class 1D: Any enlargement of a dwellinghouse by way of an addition or alteration to its roof.

Class 2B: Any improvement, addition or other alteration to the external appearance of a dwellinghouse that is not an enlargement.

Class 3A: The provision within the curtilage of a dwellinghouse of a building for any purpose incidental to the enjoyment of that dwellinghouse or the alteration, maintenance or improvement of such a building.

Class 3B: The carrying out of any building, engineering, installation or other operation within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse.

Class 3C: The provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of that dwellinghouse or the replacement in whole or in part of such a surface.

Class 3D: The erection, construction, maintenance, improvement or alteration of any deck or other raised platform within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of that dwellinghouse.

Class 3E: The erection, construction, maintenance, improvement or alteration of any gate, fence, wall or other means of enclosure any part of which would be within or would bound the curtilage of a dwellinghouse.

PART 2: SUNDRY MINOR OPERATIONS

Class 8: Formation of means of access to an unclassified road.

Class 9: Stone cleaning or painting of the exterior of a building.

No such development shall be carried out at any time within this Part and these Classes without the express grant of planning permission.

Reason: To protect the sensitive area and the setting of the proposed dwellinghouse, in the interest of visual amenity and public health, from unsympathetic siting and

	design of developments normally carried out without planning permission; these normally being permitted under Article 2(4) of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended).
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