

STATEMENT OF CASE

FOR

**ARGYLL AND BUTE COUNCIL
LOCAL REVIEW BODY**

21/0003/LRB

**REFUSAL OF PLANNING PERMISSION IN PRINCIPLE 20/02352/PPP
SITE FOR THE ERECTION OF A DWELLINGHOUSE**

LAND EAST OF CAMUSDARACH, KILMELFORD

09/08/21

STATEMENT OF CASE

The Planning Authority is Argyll and Bute Council ('the Council'). The appellant is KG McColl and Company ("the appellant").

Planning permission in principle 20/02352/PPP for a site for the erection of a dwellinghouse on an area of land east of Camusdarach, Kilmelford ("the appeal site") was refused by the Planning Service under delegated powers on 03/06/21.

The planning application has been appealed and is subject of referral to a Local Review Body.

DESCRIPTION OF SITE

The site is an area of gently sloping ground covered with scrub and some taller trees along its boundary. The site is situated between the A816 public road which forms its southern boundary and the private access track leading to Kilmelford Yacht Haven which forms its northern boundary. To the west the site is bounded by 'Camusdarach' a residential dwellinghouse and to the east the land continues in the same manner as the site until it reaches the private access track.

The site does not represent an appropriate opportunity for infill, rounding-off, redevelopment or change of use of building development within the Countryside Zone (CZ) as required by Policy DM 1 above and there has been no substantive claim of any 'exceptional case' for the development based upon any locational or operational site requirement and accordingly planning permission in principle was refused.

STATUTORY BASIS ON WHICH THE APPEAL SHOULD BE DECIDED

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

STATEMENT OF CASE

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

- *Whether weight should be given to the forthcoming Local Development Plan 2 (LDP 2) and;*
- *Whether the economic impact of the Covid 19 Pandemic on the operation of the appellants business should be treated as a material planning consideration.*

The Report of Handling (Appendix 1) sets out the Council's full assessment of the application in terms of Development Plan policy and other material considerations.

REQUIREMENT FOR ADDITIONAL INFORMATION AND A HEARING

It is not considered that any additional information is required in light of the appellant's submission. The issues raised were assessed in the Report of Handling which is contained in Appendix 1. As such it is considered that Members have all the information they need to determine the case. Given the above and that the proposal is small-scale, has no complex or challenging issues, and has not been the subject of any significant public representation, it is not considered that a Hearing is required.

COMMENT ON APPELLANT'S SUBMISSION

- The appellant contends that weight should be attributed to proposed Local Development Plan 2 (pLDP2) in the consideration of the application.

Planning Authority Comment:

The application was determined under the terms of the Local Plan in force at the time, namely the adopted 'Argyll and Bute Local Development Plan' (LDP) 2015. This was the only correct and competent course of action open to Officers at that time and it is that decision, and that decision only, which is the subject of the current Review.

The unchallenged policies and proposals within pLDP2 may be afforded significant material weighting in the determination of planning applications at this time as the settled and unopposed view of the Council. However, elements of the pLDP2 which have been identified as being subject to unresolved objections still require to be subject of Examination by a Scottish Government appointed Reporter and cannot be afforded significant material weighting at this time.

In this instance the relevant Policy of pLDP2 that the current proposal relies on, Policy 02 – Outwith Settlement Areas, has been objected to and requires to be subject of the aforementioned Examination by a Scottish Government appointed Reporter.

It is of critical importance that all planning applications are properly assessed in accordance with the provisions of the approved and adopted Local Development Plan in force at that time. Whilst it is acknowledged that the applicant could submit a further application at an appropriate time in the future when pLDP2 becomes a material consideration, the fact remains that the applicant chose to submit their current application (subject of this Review) substantially before the material emergence of pLDP2. In that fundamental regard, the proposed development must be considered premature to any future planning policy.

The Planning Authority robustly maintains that the planning application the subject of this Review was assessed properly and in correct accordance with the provisions of the adopted Local Development Plan and all other material planning considerations. Any suggestion to the contrary is refuted.

Should Members decide to undertake a site visit, this would be on the basis of assessing the application in terms of the adopted LDP and not the forthcoming pLDP 2.

- The appellant contends that the economic impact of the Covid 19 Pandemic on the operation of their business should be treated as a material planning consideration in the determination of the planning application.

Planning Authority Comment:

Whilst the supporting information intimates that the granting of permission for a dwellinghouse on the site would facilitate a capital release assisting the ongoing operation of the appellants business, Kilmelford Yacht Haven, the desire to sell a building plot to fund the ongoing operation of a business does not, in the considered opinion of Officers, represent a substantive 'exceptional case' to allow a dwellinghouse to be supported in the open countryside.

It is concluded that:

- *Officers could only have determined this application under the provisions of the adopted (current) LDP and to any other material planning considerations.*
- *The relevant Policy of pLDP2 is not yet at a stage where it can be used as a material consideration in the determination of any planning applications.*
- *The ongoing economic operation of the appellants business does not represent a substantive 'exceptional case' warranting the granting of permission for a dwellinghouse in the CZ.*

CONCLUSION

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

Taking all of the above into consideration, as set out above, it remains the view of the Planning Service, as set out in the Report of Handling appended to this statement, that the proposed site does not represent an appropriate opportunity for development with a dwellinghouse and would result in an unacceptable environmental impact by virtue of introducing a form of inappropriate development into the CZ detrimental to the character and appearance of the wider landscape.

Taking account of the above, it is respectfully requested that the application for review be dismissed.

APPENDIX 1

Argyll and Bute Council
Development and Economic Growth

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

Reference No: 20/02352/PPP

Planning Hierarchy: Local Development

Applicant: K.G. McColl and Company Limited

Proposal: Site for the Erection of a Dwellinghouse

Site Address: Land East of Camusdarach, Kilmelford

DECISION ROUTE

Section 43 (A) of the Town and Country Planning (Scotland) Act 1997 (as amended)

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Site for the erection of a dwellinghouse
- Installation of private drainage system

(ii) Other specified operations

- Connection to public water main
 - Utilisation of existing vehicular access
-

(B) RECOMMENDATION:

Having due regard to the Development Plan and all other material considerations, it is recommended that planning permission in principle be **REFUSED** for the reasons appended to this report.

(C) HISTORY:

06/02417/OUT

Site for erection of staff dwellinghouse – Withdrawn: 02/04/07

(D) **CONSULTATIONS:**

Area Roads Authority

Report dated 02/02/21 advising that the existing access is adequate and raising no objection subject to a condition being imposed on the grant of planning permission requiring the provision of an appropriate parking and turning area within the site.

Scottish Water

Letter dated 25/03/21 raising no objection to the proposed development advising that it will be fed from Kilmelford Water Treatment Works but advising that they are unable to confirm capacity until such time as a Pre-Development Form is submitted for consideration. Scottish Water also advise that there is no public Scottish Water Waste Water infrastructure within the vicinity of the site and accordingly private arrangements will require to be investigated.

Scottish Environment Protection Agency (SEPA)

E-mail dated 28/05/21 advising no objection to the proposed development subject to conditions being imposed on the grant of permission requiring all development to be located on ground above 3 metres Above Ordnance Datum (mAOD) and the finished floor level to be set at a minimum of 4.35m AOD.

JBA Consulting Ltd (JBA)

Report dated 05/02/21 advising no objection subject to the same finished floor level required by SEPA and which should encompass the CFB 200 year still water level, an allowance for climate change, and allowance for wave action and a 0.6m freeboard.

Kilmelford Community Council

Letter dated 02/03/21 providing the following comments to the application.

- The Supporting Statement identifies the Covid-19 situation as being the need to sell the site to raise funds for the boatyard business. As this is not a planning consideration surely it is not relevant to the application? The Statement correctly identifies the Planning Department's previous views on this and the adjacent site, as well as LDP2.

Planning Authority Comment: *The proposed development is fully assessed in Section P below where this issue is addressed.*

- The boatyard site - originally approximately 8 acres - has already been reduced by selling land for housing to raise money. At what point will it stop? The reduction of the site area reduces the potential viability of the boatyard.

Planning Authority Comment: *This is not a material consideration in the determination of this planning application.*

- The statement by Scottish Water is ambiguous and not helpful. They may have 'room' within their Kilmelford facilities but it is not believed that the site could be connected to the sewage system as it is on the other side of the Loch and similarly the potable water main does not cross the Loch.

Planning Authority Comment: *In their response to the application Scottish Water advise that there is no public foul drainage system within the vicinity of the site and*

that private treatment options should be investigated. This is reflected in the application which proposes a septic tank and soakaway.

- Approximately 20 years ago 2 x 25mm water pipes were connected to the main to feed two properties on the south side but it is believed that there are now probably 6 properties connected to this inadequate supply. This has led to the situation where one of the original two properties frequently has no water and it is likely that legal steps will be taken to resolve the long standing problem.

Planning Authority Comment: *This is not a material consideration in the determination of this planning application but a separate civil matter for affected parties.*

- While some properties nearby are on a private supply there is unlikely to be capacity for more, owing to the impending forest planting on Glenmore Hill.

Planning Authority Comment: *This is not a material consideration in the determination of this planning application which proposes connection to the public water main.*

The above represents a summary of the issues raised. Full details of the consultation responses are available on the Council's Public Access System by clicking on the following link <http://www.argyll-bute.gov.uk/content/planning/publicaccess>.

(E) PUBLICITY:

The proposal has been advertised in terms of Regulation 20 and Neighbour Notification procedures, overall closing date 04/03/21.

(F) REPRESENTATIONS:

2 objections and 21 expressions of support have been received.

OBJECTIONS

Lorna Hill, Kames Lodge, Kilmelford, PA34 4XS (02/03/21)

Jane Rentoul, Laroch, Kames, Kilmelford, PA34 4XS (02/03/21)

Summary of issues raised

- The Supporting Statement suggests that planning permission should be granted to the owner of the land due to their business having suffered curtailed custom during 2020 due to Covid 19 restrictions. Whilst there is sympathy for any business or person who has suffered from the effects of the pandemic, the impact of any Covid 19 measures should not be a matter of consideration by the Planning Department in deciding a planning application. To do so could set a very dangerous precedent, opening the gateway for any business or person to seek planning permission to mitigate their losses suffered under the Covid restrictions. This could have very wide and far reaching consequences.

Planning Authority Comment. *These comments are noted by the Planning Authority and are addressed in the assessment of the application at Section P below.*

- The site is in a Countryside Area and under the forthcoming LDP2 will have the protection of being included in the Local Landscape Area.

Planning Authority Comment: *The proposed Local Development Plan 2 is not yet at a stage where it represents a material consideration in the determination of planning applications.*

- If the application is successful there is a serious risk of encouraging further planning applications to build on designated Countryside Areas outwith Settlement Areas.

Planning Authority Comment: *Each planning application is considered on its own merits and assessed against the relevant policies of the Development Plan in force at the time together with all other material planning considerations.*

SUPPORT

Mr Stephen Barton – by e-mail only (04/03/21)

Mr Graeme Bruce – by e-mail only (04/03/21)

Mr Ian Forsythe, Loughrigg, Isfryn Road, Prestatyn, LL19 8LN (03/03/21)

Mr Alasdair Smith, 54 Glenfyne Park, Ardrishaig, PA30 8HQ (03/03/21)

Mr Jonathan Simm, 28 The Meadows, Berwick on Tweed, TD15 1NY (03/03/21)

Mr Derek Buchan, 74 Catto Drive, Peterhead, AB42 1RZ (04/03/21)

Mr Tim Tindle, Frennich House, Brig o'Turk, Callander, FK17 8HT (04/03/21)

Mr Ron Masson, 9A Fountainhill Road, Edinburgh, EH9 2NL (04/03/21)

Dr Toby Clark, Pier North, Melfort Pier, Kilmelford, PA34 4XD (04/03/21)

Ms Sally Fletcher, Estate Cottage, Melfort Estate, Kilmelford, PA34 4XD (04/03/21)

Mr Adam Edwards, The Gatehouse, Kilmelford, PA34 4XD (04/03/21)

Miss Caroline Edwards, 1 Glenshellach Terrace, Flat 3, Oban, PA34 4BH (04/03/21)

Mr Andrew Knowles, Rhencullen, Kilmelford, PA34 4XD (04/03/21)

Mr Piet Hammick, Voert Sek, Kilmelford, PA34 4XH (03/03/21)

Mr Simon Fletcher, Cuilfail Hotel, Kilmelford, PA34 4XA (03/03/21)

Mr Ross Stewart, Tullich Cottage, Kilmelford, PA34 4XA (03/03/21)

Miss Amy Edwards, Chalet 2, Kilmelford Yacht Haven, Kilmelford, PA34 4XD (03/03/21)

Miss Emily Edwards, Chalet 1, Kilmelford Yacht Haven, Kilmelford, PA34 4XD (03/03/21)

Mr Alan Udall, Harbourmaster House, Melfort Pier, Kilmelford, PA34 4XD (02/03/21)

Mr David Millward, An Torr, The Glebe, Kilmelford, PA34 4XF (02/03/21)

Mr Steve Morely, Alafoss, Cuilfail Terrace, Kilmelford, PA34 4XH (01/03/21)

Summary of issues raised

- Kilmelford Yacht Haven is a long standing and important business providing local employment, trains apprentices and through its moorings brings a large amount of seasonal business to the village pub, restaurant and shop.
- It is good to note in the Supporting Statement that the sale of the land will enable investment to enhance the facilities offered at the boatyard which will support, protect and enhance employment prospects despite the economic ravages of the Covid 19 pandemic.

- There are very few employment opportunities in Kilmelford and with the sale of this land an investment opportunity arises reinforcing and adding to employment through the enhancement of Yacht Haven facilities.
- The land is overgrown and has no visual appeal of any note and a property of appropriate design would, from a visual perspective, complement the small enclave of houses located on either side of the boatyard.
- A suitably designed and finished dwellinghouse on this site would enhance the attractiveness of Loch Na Cille and improve the visual amenity for visitors and would balance out the extensive development over the years on the north side of the head of Loch Melfort.
- Support should be given to local people and dwellinghouses should be encouraged where there is a housing need.
- Consideration should be given to future generations and employment. I would hate to see Kilmelford become a village of complaining and moaning retired people who cannot adapt to change.
- This application for a single dwellinghouse will make an additional contribution to the Council Tax income of the Council on an ongoing basis helping with the Council's budget gap.

Planning Authority Comment: *These expressions of support are noted by the Planning Authority.*

The above represents a summary of the issues raised. Full details of the letters of representation are available on the Council's Public Access System by clicking on the following link <http://www.argyll-bute.gov.uk/content/planning/publicaccess>.

(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 e.g. retail impact, transport impact, noise impact, flood risk, drainage impact etc: | No |

(H) PLANNING OBLIGATIONS

- | | | |
|-----|---|-----------|
| (i) | Is a Section 75 obligation 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, 2015

LDP STRAT 1 – Sustainable Development
LDP DM 1 – Development within the Development Management Zones
(*Countryside Zone*)
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 2 – Sustainable Siting and Design Principles
SG LDP ENV 13 – Development Impact on Areas of Panoramic Quality (APQs)
(*Knapdale and Melfort APQ*)
SG LDP ENV 14 – Landscape
SG LDP HOU 1 – General Housing Development including Affordable Housing
SG LDP SERV 1 – Private Sewage Treatment Plans & Wastewater Systems
SG LDP SERV 2 – Incorporation of Natural Features/Sustainable Drainage Systems (SuDS)
SG LDP SERV 7 – Flooding and Land Erosion, The Risk Framework
SG LDP TRAN 4 – New and Existing, Public Roads and Private Access Regimes
SG LDP TRAN 6 – Vehicle Parking Provision

(i) 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.

Argyll and Bute Sustainable Design Guidance, 2006
Scottish Planning Policy (SPP), 2014
Argyll and Bute Proposed Local Development Plan 2 (November 2019)
Consultation Responses
Third Party Representations

(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

Planning permission in principle is sought for the erection of a dwellinghouse on an area of land to the east of Camusdarach, Kilmelford.

In terms of the current adopted 'Argyll and Bute Local Development Plan' (LDP) 2015 the application site is situated within the Countryside Zone (CZ) where Policy LDP DM 1 of the LDP is restrictive, only giving support to small scale development on an appropriate infill, rounding off, redevelopment or the change of use of building development subject to compliance with other relevant policies and supplementary guidance (SG).

Policy LDP 8 supports new sustainable development proposals that seek to strengthen communities where they comply with other relevant policies with SG LDP HOU 1 expanding on this policy limiting support to new housing within the CZ to an infill, rounding off and redevelopment basis where these are not immediately adjacent to defined settlement boundaries.

The application site is also situated within the Knapdale and Melfort APQ where consideration has to be given to Policy LDP DM 3 and SG LDP ENV 13 which seek to resist development in, or adjacent to, an APQ where its scale, location or design will have a significant adverse impact on the character of the landscape.

Policy LDP 9 and SG 2 seek developers to site and position development so as to pay regard to the context within which it is located taking into account the location or sensitivity of the area with developments of poor quality or inappropriate layouts being resisted.

The application is seeking planning permission in principle (PPP) with no layout, design or infrastructure details having been submitted. The purpose of this application is to establish the principle of development, with the intention that if permission in principle were to be granted, matters of layout and design should be addressed by way of future application(s) for approval of matters specified in conditions.

The site is an area of gently sloping ground covered with scrub and some taller trees along its boundary. The site is situated between the A816 public road which forms its southern boundary and the private access track leading to Kilmelford Yacht Haven which forms its northern boundary. To the west the site is bounded by 'Camusdarach' a residential dwellinghouse and to the east the land continues in the same manner as the site until it reaches the private access track.

The CZ does not have the general capacity to successfully absorb any scale of new housing development which is why the presumption in favour of new housing development in the CZ is restricted to change of use of existing buildings or small-scale development in close proximity to existing buildings on infill, rounding-off and redevelopment sites where these are not immediately adjacent to defined settlement boundaries in order to prevent settlement coalescence.

In this case, the proposed development does not represent an opportunity for infill, rounding off, redevelopment or a change of use of an existing building and, whilst the supporting statement submitted with the application intimates that the granting of permission for a dwellinghouse on the site would facilitate a capital release assisting

the ongoing operation of the applicants business, Kilmelford Yacht Haven, the desire to sell a building plot to fund the ongoing operation of a business does not, in the considered opinion of officers, represent a substantive 'exceptional case' to allow a dwellinghouse to be supported in the open countryside.

With regard to infrastructure to serve the proposed development, the application proposes to utilise the existing private access spurring from the A816 public road currently serving Kilmelford Yacht Haven and a number of residential dwellinghouses. In their response to the application the Roads Authority advised that the existing access is adequate and raised no objection subject to conditions being imposed on the grant of planning permission to secure the provision of an appropriate parking and turning area within the site. Connection to the public water supply is proposed with drainage via installation of a private system. Scottish Water raised no objection to the proposed development. Whilst, with appropriate safeguarding conditions, this aspect of the proposal could be considered consistent with Policy LDP 11 and SG LDP TRAN 4 and SG LDP TRAN 6 which seek to ensure that developments are served by a safe means of vehicular access and have an appropriate parking provision within the site and SG LPD SERV 1 which gives support to private drainage proposals where connection to the public system is not feasible, this is not relevant as the principle of development on the site is not considered consistent with policy as detailed above.

The site is within an area identified at risk of coastal flooding and accordingly comments were sought from SEPA and JBA. In their response SEPA raised no objection to the proposed development subject to conditions being imposed on the grant of permission requiring all development to be located on ground above 3 metres Above Ordnance Datum (mAOD) and the finished floor level to be set at a minimum of 4.35m AOD. JBA raised no objection subject to the same finished floor level required by SEPA and which should encompass the CFB 200 year still water level, an allowance for climate change, and allowance for wave action and a 0.6m freeboard. Whilst, with appropriate safeguarding conditions, this aspect of the proposal could be considered consistent with Policy LDP 10 and SG LDP SERV 7 which seek to ensure that developments are not at risk of flooding, this is not relevant as the principle of development on the site is not considered consistent with policy as detailed above.

Taking all of the above into consideration, it is considered that the development of the site with a dwellinghouse would result in an unacceptable landscape impact contrary to the provisions of Policies LDP STRAT 1, LDP DM 1, LDP 3, LDP 8, LDP 9 and Supplementary Guidance SG 2, SG LDP ENV 13, SG LDP ENV 14 and SG LDP HOU 1 of the adopted 'Argyll and Bute Local Development Plan' 2015 and it is recommended that the application be refused for the reasons appended to this report.

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

(R) Reasons why planning permission in principle should be refused

See reasons for refusal below.

(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: Fiona Scott Date: 01/06/21

Reviewing Officer: Tim Williams Date: 02/06/21

**Fergus Murray
Head of Development and Economic Growth**

REASONS FOR REFUSAL RELATIVE TO APPLICATION REFERENCE 20/02352/PPP

1. The site the subject of this application lies within an area designated as Countryside Zone within the adopted Argyll and Bute Local Development Plan (LDP) 2015.

The site does not represent an appropriate opportunity for infill, rounding-off, redevelopment or change of use of building development within the Countryside Zone as required by Policy LDP DM 1 of the adopted LDP and there has been no acceptable substantive claim of any 'exceptional case' for the development based upon any locational or operational site requirement of sufficient weight to justify the harm of the development in terms of its landscape impact.

The application site is also situated within the Knapdale and Melfort Area of Panoramic Quality where consideration has to be given to Policy LDP DM 3 and SG LDP ENV 13 of the adopted LDP which seek to resist development in, or adjacent to, an APQ where its scale, location or design will have a significant adverse impact on the character of the landscape.

The proposed development is therefore contrary to the established and adopted sustainable development aims of the Council as expressed within key planning Policy LDP STRAT 1 and to the established and adopted settlement strategy as espoused within key planning policy LDP DM 1. It is not considered that the proposed development would constitute an appropriate departure to these key planning policies.

The proposal is therefore considered to be contrary to the provisions of Policies STRAT 1, LDP DM 1, LDP 3, LDP 8, LDP 9 and Supplementary Guidance SG 2, SG LDP HOU 1, SG LDP ENV 13 and SG LDP ENV 14 of the adopted 'Argyll and Bute Local Development Plan' 2015.

APPENDIX TO DECISION REFUSAL NOTICE

Appendix relative to application **20/02352/PPP**

- (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 in principle has been refused:

See reason for refusal above

From: [JANE RENTOUL](#)
To: [localreviewprocess](#)
Subject: 21/0003/LRB Land East of Camusdarach, Kilmelford
Date: 11 August 2021 09:02:20

Good Morning Hazel MacInnes,

Following last night's meeting of Kilninver and Kilmelford Community Council, there are no further comments to add to those already submitted in connection with the above application.

Kind regards,

Jane Rentoul

Secretary
Kilninver and Kilmelford Community Council

From: [Alan Udall](#)
To: [localreviewprocess](#)
Subject: Land East of Camusdarach, Kilmelford Ref 21/0003/LRB
Date: 04 August 2021 11:43:21

Dear Sirs,

Further to my letter of support for the original application under reference 20/02352/PPP, I would like to make a further submission for consideration. I have read the submission accompanying the LRB application.

I do note that the full Council Meeting on 24th June 2021 passed the pending LDP to the next stage, a fact referred to in the Agent's submission. Obviously the plainly understandable reason of Covid is the why the original timetable was delayed. However it seems to me that the application should also take into account the thrust of the potential upcoming changes.

Unlike the two nearest Marinas who have year round berthing on Pontoons, Kilmelford Yacht Haven operates on a Seasonal basis providing Summer swinging Moorings. Accordingly they have been badly affected during 2020 by the Travel restrictions imposed ,out of necessity, throughout Scotland. It's logical therefore that the Financial implications must therefore have been more severe in their case than the two Marinas closest who still had income due to having Boats berthed all Year. Kilmelford yacht Haven should be applauded for developing other aspects of their business, such as the Café project approved under application 20/00985/PP. If the sale of a piece of land, which I understand is of no strategic importance to the operation supports this and other enhancements to the Boatyard, then jobs will be protected and created.

It is noticed the public support from Residents, local businesses and customers of the applicant was significant. My estimate is 90% in favour from large number of Public comments submitted

I note that the Agent's LRB submission envisages modestly sized property with suitable cladding. If for example its size was similar to the property next to the Plot (Camusdarach) then I consider that there would be no visual impairment to the surrounding area. Some of the properties on the North Shore of the Loch are very large.

Finally in my letter of support of the original application I referred to the weekly newsletters from the Council regarding the requirements to save costs and generate revenue. In addition to providing work for local Contractors, granting this application would in the near future provide additional revenue over ongoing Years by way of Council Tax.

I would urge the LRB to take a pragmatic view of all the aspects of this case and approve the application.

Yours

Alan Udall



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From: [Pier North](#)
To: [localreviewprocess](#)
Subject: Local Review: land east of Camusdarach, Kilmelford
Date: 06 August 2021 11:42:59

I previously wrote an email in support of the planning application to build a house on the above referenced plot, which was subsequently rejected. I now understand that I may submit a further comment during the review process.

I own a property on the north shore of Loch Melfort at Melfort Pier, so I am a near neighbour of this site.

I continue to fully support this application. A development on this site would benefit the local community. It would be in keeping with the housing on that part of the shore of the loch, and would provide additional much needed permanent accommodation in an area that needs it.

I believe the plans submitted would be entirely in accordance with the visual impact of surrounding developments in the area, and would complement the area surrounding the boatyard.

Furthermore I understand progress has been made with the Local Development Plan, at the Council Meeting in June and this is now with Scottish Ministers. This should be taken into account.

Best regards,
Toby Clark
Pier North,
Melfort Pier
Kilmelford,
PA34 4XD

From: [Steve Morley](#)
To: [localreviewprocess](#)
Subject: Land East of Camusdarach, Kilmelford, Ref. 21/0003/LRB
Date: 06 August 2021 17:19:07

Dear Sirs,

I wish to state that I continue to support this application. The house as planned, which would not be over-large, would not in any way detract from the beauty of the local area (there are already similar houses nearby) and its purchase would enable the owners of the boatyard to develop the same as a resource for local residents and visitors, the presence of whom would lead to increased income for local businesses such as hotels, cafes and shops. It would also mean that local residents had access to enhanced leisure facilities at Kilmelford Yacht Haven.

If Kilmelford is to survive as something more than a dormitory village for Oban, or as a "retirement" enclave with an ever-ageing and dwindling population, then we need new life here. The proposals for the house would be a good step in the right direction, bringing investment and enhanced facilities to the village - visitors would surely follow. (Who knows, some might stay.)

As the house would not detract from the visual beauty of the area, this would surely be a win-win situation.

I understand that the Local Development Plan was discussed at a full meeting of the Council on June 24th., and that it is now with the Scottish Ministers.

I hope that the application is approved.

Yours faithfully,
Steve Morley

From: [Steve Barton](#)
To: [localreviewprocess](#)
Subject: Land East of Camusdarach ref 21/0003/LRB
Date: 07 August 2021 09:30:07

Good Morning-I would like to restate my support for this application.I am a regular visitor to Kilmelford and maintaining it's character and peaceful ambience is important to me but the addition of another dwelling sensitively designed and of moderate size on this site would only enhance the approach to the yacht haven without imposing on any neighbouring houses or local residents in my opinion and I therefore support the request for reconsideration.

Yours sincerely
Dr.S J Barton

Sent from my iPhone

From: [Piet Hammick](#)
To: [localreviewprocess](#)
Subject: REF. 21/0003/LRB (Kilmelford Yacht Haven)
Date: 09 August 2021 18:00:42

Dear Sirs,

I am in full support of the application. In my opinion the proposed development will not have a detrimental effect on the visual aspect of the area. The money raised will be re-invested in the boatyard's facilities which will benefit both boat owners and visitors to the area and also create local employment, We need to be to be thinking of the future of the local area and of the generations to come in the uncertain times that lie ahead,

Yours faithfullu,
Piet Hammick

From:
To: [localreviewprocess](#)
Subject: Land East of Camusdarach, Kilmelford Ref 21/0003/LRB
Date: 09 August 2021 18:46:33

Dear all at the Local Review Body,

I write in connection with the above planning application to re-state my wifes and my own support.

We are customers of Kilmelford Yacht Haven and have come to know the management, staff, local area and businesses very well over the last 10 years.

A thoughtful building sympathetic with the locale would benefit the village rather than detract and will provide important financial support to the boatyard and the vital local jobs during the difficulties of the pandemic.

Supporting the boatyard will also the maintain the customer base of the yard to the benefit of local hotels, cafes and shops of which my wife and I, and other boatyard customers use when visiting our boats or sailing in the vicinity.

Many thanks for your consideration of the above.

Jonathan & Elaine Simm.

From: [Derek Buchan](#)
To: [localreviewprocess](#)
Subject: Land East of Camusdarach, Kilmelford Ref 21/0003/LRB
Date: 10 August 2021 11:38:24

Dear Sirs,

It was disappointing to hear that the planning application 20/02352/PPP was refused earlier this year, but I understand that an application for Review has been submitted by the applicant, quite rightly so.

I supported the application before, and hereby strongly support the application for review. The following reasons for doing so are explained below.

The erection of the property will enhance and balance the existing properties on the north side and south side of Loch Melfort, and be located in a currently overgrown area of land adjacent to an existing two properties, and would enhance the visual impact from the north side of the Loch. The existing properties on the north side of the Loch all appear to be of different styles, both traditional and modern, which do not detract from the visual aspect, so an additional property on the south side of the Loch would provide a balance.

By granting planning permission for the application, would bring benefits to the community.

I fully support this application for review by the Applicants

Regards

Derek Buchan
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Peterhead
AB42 1RZ

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From: [Andrew Knowles](#)
To: [localreviewprocess](#)
Subject: Ref 21/0003/LRB Land East of Camusdarach, Kilmelford
Date: 10 August 2021 20:32:46

Dear Sir/Madam

With regard to the application for outline planning permission, I should like to register my support for this application.

I do not think a modest size house on the proposed land would be detrimental to the landscape and would assist the local community to grow and not stagnate.

Yours faithfully

Andy Knowles

Rhencullen, Kilmelford.

Sent from [Mail](#) for Windows 10