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## Response to representations submitted relative to Notice of Review 21/0005/LRB Argyll and Bute Council – Local Review Body

**Appellant:** Michael & Rowan Acey

**Project Ref:** 2020034

**Development:** Refusal of planning application 20/01542/PP:  
Erection of 2 holiday pods and installation of septic tank

**Site:** Grounds of Soroba Lodge, Oban, PA34 4SB

**Scale:** Local development

## Response

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Thank you for the opportunity to respond to representations submitted relative to Notice of Review 21/0005/LRB.

We note that Mr & Mrs Henderson continue to hold concerns over the access/road safety implications of the development. We make no additional comment beyond the arguments presented in our statement of case.

We note the Planning Authority response to the Notice of Review. Our response is listed below for brevity. Please read this document in conjunction with our original statement of case for completeness:

- The arguments presented in favour of the development could not be simpler. The site provides two double bedrooms within the house for B&B purposes. The householders wish to relocate that activity into two detached units within their garden ground. Doing so would provide them and their guests with improved privacy and amenity standards, without increasing the number of vehicles using the existing access.
- Future control of B&B activity within the house is absolutely within the power of the Planning Authority should they wish to apply a control mechanism in this case – whether by planning condition or Section 75 Agreement/Obligation. We reaffirm our willingness to accept such controls if they are deemed necessary – as originally offered in the supporting statement dated 24<sup>th</sup> August 2020 submitted with the planning application.
- The planning response to the Notice of Review adopts a very defensive position and risks, in places, distracting the reader from the decisive matters of this case. Our responses to any peripheral matters are only submitted for clarification. They are not intended to fuel further disagreement.
- The location of the red arrows on the photographs within the Planning Authority submission appears to indicate a sloping area of land further west as the application site. For clarification, the proposal seeks to utilise an existing natural plateau set below Soroba Lodge.
- Use of the word 'pods' within our statement of case merely reflects what was initially applied for - the term not being legally defined - and whereas the scale of the project is so small. There is no motive behind the use of the word. The Planning Authority has in this case referred to the proposal as two holiday units, which we accept is equally appropriate. Interestingly, Highland Council recently granted planning permission for identically sized units and happily used the term 'pods' throughout their assessment and decision making process (HC ref 21/03335/FUL) indicating that the word 'pods' is not a point of contention. Whether the project comprises operational development or a land use would depend on factors beyond just the size of the units (though the dimensions of the proposed pods/holiday units would, incidentally, fit within the definition of a caravan in this case). The vehicular demands associated with the project are no different whether it is described as 2 x one-bedroom pods or 2 x one-bedroom holiday units.

- The adjacent appeal case for two house plots was mentioned for context. Our case is notably different from 19/02562/PPP, whereas one generates new vehicular traffic and the other evidentially does not. We re-assert that planning application 20/01542/PP would not generate additional vehicular traffic, much less a material increase in vehicular traffic that would necessitate commensurate improvements to the existing access.
- In the specific context of the shared access which serves this site, together with a range of other properties, the Planning Authority has itself previously examined the question - confirming in a 2007 planning report when granting planning permission for Elderslie to go from a house needing 3 parking spaces to a guest house plus owners flat requiring 11 parking spaces that this did not comprise an intensification of use of the access. This fact cannot simply be set aside. Whether a decision was taken under a previous development plan is irrelevant because the subject is a matter of fact and judgement, not a question of policy.
- The list of precedent decisions submitted in our statement of case should also not be simply set aside. Examining the details of those applications, some of which propose higher numbers of units, some within garden ground, some on shared accesses and some to the same size and larger than advanced under 20/01452/PP, can only lead to the conclusion that a more liberal position was taken in those cases than has been applied to 20/01452/PP.
- To suggest that the Planning Authority would have refused a two-bedroom extension to the existing house, when adopted planning policies would not even require any additional parking to be provided, is ludicrous.
- Although the applicants do not own the access, they have since purchasing Soroba Lodge, been able to provide three additional passing places along the route and re-surfaced one section in tar with the agreement of the landowner, all to the general benefit of road safety (and arguably comprising sufficient commensurate improvements were any required to enable the development).
- The Planning Authority consider the proposal to be acceptable in all respects other than access. We assert that it is also acceptable in terms of access because it does not generate additional traffic beyond that which already accesses the site.

## Summary

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The Local Review Body is again asked to support this Notice of Review and enable a small positive contribution towards tourist accommodation to be provided in a way that accords with local and national planning policy and raises no unacceptable impacts.



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Stephen Fair MRTPI MURP  
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2 November 2021