

38 East Clyde Street Helensburgh G84 7PG

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)  
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)  
(SCOTLAND) REGULATIONS 2013**

**REFUSAL OF PLANNING PERMISSION**

**REFERENCE NUMBER: 20/02264/PP**

**Mrs G Black  
Cameron Planning  
Clifton Cottage  
29 East Argyle Street  
Helensburgh  
Argyll And Bute  
G84 7EJ**

I refer to your application dated 11th December 2020 for planning permission in respect of the following development:

**Erection of dwellinghouse  
AT:**

**Land South West Of Letrualt Farm Rhu Helensburgh Argyll And Bute G84 8NL**

Argyll and Bute Council in exercise of their powers under the above mentioned Act and Regulations hereby refuse planning permission for the above development for the **reasons(s) contained in the attached appendix.**

Dated: 20 September 2021



Fergus Murray  
Head of Development and Economic Growth



## REASONS FOR REFUSAL RELATIVE TO APPLICATION NUMBER: 20/02264/PP

1. Policy LDP DM1 (G) seeks to ensure that new development in the greenbelt is acceptable only where they relate to, and fulfil, an essential or important function associated with operational characteristics of the green belt to help sustain and enhance the use of greenbelt. In order to manage the pressure for development new residential developments must meet one of the exemption criteria set out in policy LDP DM1 (G). Private housing which does not meet a greenbelt need or meet a policy exception does not contribute positively to the function or operation of the greenbelt and its objectives. The current proposal is considered to represent the provision of sporadic new housing development in an unsustainable location, which fails to positively contribute to the objectives of the greenbelt. The dwellinghouse does not comply with any of the permissible forms of development set out at LDP DM1 (G) and therefore it is considered that the proposed residential development should be refused. The introduction of an inappropriate and unjustified form of new development into the greenbelt will be visually intrusive, visually discordant, result in sporadic development in the greenbelt and will therefore have a detrimental impact upon the character and appearance of the area. As such the proposal is contrary Policy LDP DM1 (G) of the adopted Argyll and Bute Local Development Plan 2015.
2. Under Policies LDP 11 and SG LDP TRAN 4 further development that utilises an existing private access or private road will only be accepted if:-

(i) the access is capable of commensurate improvements considered by the Roads Authority to be appropriate to the scale and nature of the proposed new development and that takes into account the current access issues (informed by an assessment of usage);

AND the applicant can;

(ii) Secure ownership of the private road or access to allow for commensurate improvements to be made to the satisfaction of the Planning Authority; OR,

(iii) Demonstrate that appropriate agreements have been concluded with the existing owners to allow commensurate improvements to be made to the satisfaction of the Planning Authority.

The existing private road (Letrault Farm Road) serves 7 dwellinghouses and is already at capacity. The existing private road does not have the capacity for the development of any additional dwellinghouses without improvement works to bring the road up to adoptable standard as required by the Area Roads Manager. The works require Letrault Farm Road to be a width of 5.5m for the first 10m thereafter a minimum of 3.7m with passing places every 100m, localised widenings to 5.5m where forward visibility is not achieved and a vehicle turning facility at the road end. These off-site measures cannot be secured by way of planning conditions and therefore a legal agreement is required. The applicant has been unable to confirm ownership of the private road or demonstrate that an appropriate agreement has been concluded with existing owner(s) to implement the commensurate improvements. In the absence of such an agreement, vehicular and pedestrian safety on the approach road to the site would be compromised by the traffic generated by the scale of development proposed, contrary to the requirements of Policies LDP 11 and SG LDP TRAN 4 of the 'Argyll and Bute Local Development Plan'.



## NOTES TO APPLICANT (1) RELATIVE TO APPLICATION NUMBER 20/02264/PP

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 (as amended) within three months from the date of this notice. A Notice of Review request must be submitted on an official form which can be obtained by contacting The Local Review Body, Committee Services, Argyll and Bute Council, Kilmory, Lochgilphead, PA31 8RT or by email to [localreviewprocess@argyll-bute.gov.uk](mailto:localreviewprocess@argyll-bute.gov.uk)
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state, and it cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the landowner's interest in the land, in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997 (as amended).

### INFORMATIVE

For the purpose of clarity it is advised that this decision notice relates to the details specified on the application form dated 10/12/2020 and the drawing reference numbers; \*1 of 8 / Location Plan / EX-200, \*2 of 8 / Existing Site Plan / EX-201, \* 3 of 8 / Land Ownership Plan / EX-203, \* 4 of 8 / Proposed Site Plan / PL-202, \* 5 of 8 / Proposed Site Access / PL-203, \* 6 of 8 / Proposed Floor Plans / PL-300, \* 7 of 8 / Proposed Elevations / PL-500, \* 8 of 8 / Proposed 3D Views and Sections / PL-501.



## APPENDIX TO DECISION REFUSAL NOTICE

Appendix relative to application: 20/02264/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. Is the proposal a departure from the Development Plan:

Yes

If yes, state level of departure:

Significant Departure

- C. Summary justification statement for refusal of planning permission

The proposal is considered to be contrary to policies LDP DM 1, LDP 11, SG LDP HOU 1 and SG LDP TRAN 4 of the Argyll and Bute Local Development Plan 2015, and there are no other material considerations of sufficient significance to indicate that it would be appropriate to grant planning permission in this instance as a departure to the Development Plan having regard to s25 of the Act.