

## **LOCAL REVIEW BODY REFERENCE 21/0007/LRB**

### **PLANNING APPLICATION 20/02264/PP**

### **ERECTION OF DWELLING HOUSE AT LAND SOUTH WEST OF LETRUALT FARM, RHU, HELENSBURGH**

#### **COMMENTS ON BEHALF OF THE LOCAL PLANNING AUTHORITY**

##### **BACKGROUND**

##### **PROPOSED DEVELOPMENT:**

The proposed development comprises the erection of a dwellinghouse at Land South West Of Letrualt Farm, Rhu, Helensburgh. The site is located on land within the curtilage of Letrualt Farm, Letrualt Farm Lane, Rhu. The application site is located immediately to the South of the existing dwelling 'Letrualt Farmhouse' at a lower level on a site situated between the farmhouse and the B listed property Ardlarich. The site is directly adjacent to Latrualt Farm Lane from which the access is proposed. Approximately two thirds of the red line site boundary are located within the minor settlement boundary of Rhu however; the upper section of the site to the North is located within the Helensburgh greenbelt (as per the current adopted Local Development Plan 2015). The proposed dwelling is a two-storey 3-bedroomed house set into sloping ground. The principal access to the dwelling is at the upper level with a new access, driveway and parking located to the west of the house, directly off the existing road.

##### **COMMENTS ON THE APPELLANTS GROUNDS OF APPEAL:**

An appeal has been lodged against the refusal of planning permission for the reasons set out in the Decision Notice dated 20 September 2021.

1. The appellants first stated grounds of appeal is in regards to the Greenbelt policy (Policy LDP DM1 part G);

They note that this reason for refusal ignores the case set out in the Planning Statement submitted with the planning application, which in some detail addresses the Greenbelt situation and also ignores the fact that the emerging Local Development Plan is a significant material consideration in the decision-making process and one on which significant weight

should be attached. Furthermore, the appellant notes that the reasons for refusal ignore the recommendations made by the Council's own review of the green belt which removes the whole site from the green belt.

In regards to the first grounds of appeal I would note that while I did review the submitted planning statement in regards to the greenbelt policy it was my view that the proposed dwellinghouse located within the greenbelt would be contrary to policy LDP DM1 (G) which 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. 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 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 appellants have also noted that the reason for refusal ignores the fact that the emerging Local Development Plan is a significant material consideration in the decision-making process and one on which significant weight should be attached. However, within my report of handling I did address this as follows; *there are objections to the proposed Greenbelt boundaries in LDP 2 in the location of Letrault Farm. In view of this, the boundaries of the Greenbelt at this location will require to be determined by the Reporters, and as such, I consider little weight may be attached to LDP2 proposals at this location. Therefore, the proposed erection of a dwellinghouse is in this location contrary to green belt policy with no possible exceptions being available.*

In relation to the comment that the reasons for refusal ignore the recommendations made by the Council's own review of the greenbelt which removes the whole site from the green belt. It is noted that these recommendations have not been adopted. The appellants also allege that no site visits have been undertaken however, on more than one occasion I have visited the site and I am local to the area. The roads area manager has also visited the site.

2. The appellant's second stated grounds of appeal is in regards to policies; LDP 11 and SG LDP TRAN 4;

The appellants note that their principal point is that the Roads' Officer has from the outset misinterpreted and misapplied the SG LDP TRANS 4. They note that TRANS 4 supports a new dwelling off an existing private access and that the policy requires that issues with

regards to user safety are identified through an assessment of use and that if issues are identified through that assessment, commensurate measures are required to improve the road.

The appellants further note; When we submitted the planning application in December 2020, the requirements of SG LDP TRAN4 had not been considered in any detail as no relevant issues had previously arisen in either the 2005 application for the development opposite the application site (Tor Beag), nor the new house developed at the southern end of Letrault Farm Lane (Waterside), approved in 2006. In addition, no access issues were raised in the 2017 pre-application consultation response from the Council's area planning team, reference 17/02746/PREAPP. The only issue that the Council raised was that the site was partially in the green belt. The response also stated that if justification could be provided for a dwelling, then 'we (the Council) may be able to support the application.' At this time, the proposed development was also discussed with the Council's Road's Officer and no objections were raised or issues identified beyond access sight lines onto the lane.

I note that each application to the planning authority is dealt with on its own merit. The Roads Area Manager visited the proposed development site and feels that the private access road has reached a level of development at which further development would require the road to be brought up to an adoptable standard. These minimum safe standard cannot be achieved due to geological and land ownership constraints. Within the roads consultation response it is noted; *'Due to the existing private road (Letrault Farm Road) already exceeding the maximum of 5 dwelling houses gaining access from a private road, the existing private road does not have the capacity for the development of any additional dwelling house without improvement works being required to be carried out, to bring the existing private road (Letrault Farm Lane) to adoptable standard. Unfortunately, these improvement works are unachievable due to geographical constraints.'*

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'.

## **CONCLUSION:**

It is considered that the proposed development will constitute as private housing which does not meet a greenbelt need or meet a policy exception and does not contribute positively to the function or operation of the greenbelt and its objectives. Furthermore, the dwellinghouse does not comply with any of the permissible forms of development set out at LDP DM1 (G). The proposed development does not meet the policies as set out in SG LDP TRAN 4 as the applicant is unable to demonstrate that they are able to implement the commensurate improvements required. As vehicular and pedestrian safety on the approach road to the site would be compromised by the traffic generated by the scale of development proposed the proposal is contrary to Local Development Plan policy and associated Supplementary Guidance. There has been no exceptional case demonstrated such as would support approval of planning permission contrary to these provisions.

Emma Jane

Planning Officer

23<sup>rd</sup> December 2021

**SUGGESTED CONDITIONS IN THE EVENT OF THE APPEAL BEING ALLOWED;**

2. Notwithstanding the provisions of Condition 1, no development shall commence until full details of the required commensurate improvements as requested by the roads area manager to Letrault Farm Road have been submitted to and approved by the planning authority. The duly approved improvement works shall be implemented prior to occupation of the approved development and shall thereafter be maintained in perpetuity.

**Reason:** *In the interest of road safety.*

*Note: - Condition 1 will be a standard planning condition requiring that development be carried out in accordance with the details on the application forms and the approved drawings.*

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

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Reference No: 20/02264/PP

Planning Hierarchy: Local Application

Applicant: Mrs G Black

Proposal: Erection of dwelling house

Site Address: Land South West Of Letrualt Farm, Rhu, Helensburgh, Argyll And Bute, G84 8NL

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## **DECISION ROUTE**

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

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### **(A) THE APPLICATION**

#### **i) Development Requiring Express Planning Permission**

Erection of dwelling house

Formation of vehicular access

#### **ii) Other Specified Operations**

Connection to services

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### **(B) RECOMMENDATION:**

It is recommended that the application is **refused** for the reasons detailed below.

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### **(C) HISTORY:**

**01/00686/DET**

Erection of Temporary 40 metre Anemometer Mast

28.06.2001

**02/00100/COU**

Change of use of farm buildings to yacht and caravan storage

03.10.2002

**96/00400/DET**

Erection of Temporary 40 metre Anemometer Mast

09.08.1996

**98/00196/DET**

Alterations to dwellinghouse including re roofing

17.03.1998

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**(D) CONSULTATIONS:**

**Roads Helensburgh And Lomond** - 01.03.2021 – Recommend that the application is refused as the existing private access already serves more than five dwellings and the applicant would need to bring the access up to an adopted standard. Proposal is contrary to SG LDP TRAN 4.

**Scottish Water** - 10.02.2021 – no objections

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**(E) PUBLICITY:**

Advert Type: Regulation 20 Advert Local Application  
11.03.2021

Expiry Date:

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**(F) REPRESENTATIONS:** None

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**(G) SUPPORTING INFORMATION**

i) Environmental Statement: **Not Required**



ii) An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994: **N**

iii) A design or design/access statement: **Y**

iv) A report on the impact of the proposed development e.g. Retail impact, transport impact, noise impact, flood risk, drainage impact etc: **NA**

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**(H) PLANNING OBLIGATIONS:** None Required

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

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**(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.**

**Local Development Plan Policies**

- LDP STRAT 1 – Sustainable Development
- LDP DM1 – Development within the Development Management Zones
- LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment
- LDP 9 – Development Setting, Layout and Design

**Local Development Plan – Supplementary Guidance Policies**

- SG LDP ENV 16(a) – Development impact on Listed Buildings
- SG LDP HOU 1 – General Housing Development including Affordable Housing
- SG LDP Sustainable - Sustainable Siting and Design Principles
- SG LDP SERV 1 – Private Sewage Treatment Plants & Wastewater Systems
- SG LDP SERV 5(b) – Provision of Waste Storage & Collection Facilities within New Development
- SG LDP SERV 6 – Private Water Supplies and Water Conservation
- SG LDP TRAN 4 – New and Existing, Public Roads and Private Access Regimes
- SG LDP TRAN 6 – Vehicle Parking Provision

**(ii) List of other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 4/2009:**

- Argyll and Bute Sustainable Design Guidance, 2006
- Scottish Planning Policy (SPP), 2014
- Consultation Responses
- Third party representations
- Argyll and Bute proposed Local Development Plan 2 (November 2019) – The unchallenged policies and proposals within LDP2 may be afforded significant material weighting in the determination of planning applications at this time as the settled and unopposed view of the Council. 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.

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

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**(L) Has the application been subject of statutory pre-application consultation (PAC):**

No Pre-application consultation required

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

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

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**(O) Requirement for hearing (PAN41 or other): No**

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

Planning permission is sought for the erection of a dwellinghouse at Land South West Of Letrualt Farm, Rhu, Helensburgh. The site is located on land within the curtilage of Letrualt Farm, Letrualt Farm Lane, Rhu. The application site is located immediately to the South of the existing dwelling 'Letrualt Farmhouse' at a lower level on a site situated between the farmhouse and the B listed property Ardlarich. The site is directly adjacent to Letrualt Farm Lane from which the access is proposed. Approximately two thirds of the red line site boundary are located within the minor settlement boundary of Rhu however; the upper section of the site to the North is located within the Helensburgh greenbelt (as per the current adopted Local Development Plan 2015).

The proposed dwelling is a two-storey 3-bedroomed house set into sloping ground. The principal access to the dwelling is at the upper level with a new access, driveway and parking located to the west of the house, directly off the existing road. The proposed dwelling utilises a range of materials and will be finished in natural stone cladding on the ground floor with vertical larch timber finishing on the upper floor. The

proposed roof covering is a metal profile roof finish in grey. An external raised balcony is also proposed that wraps around the dwelling at the upper level with access from the side gable elevation as well as the front.

In terms of Policy SG LDP ENV 16(a) (Development impact on Listed Buildings) and the siting of the proposed dwellinghouse adjacent to a category B listed property; Ardlarich. The proposed dwelling is sited sufficiently distant from Ardlarich to mitigate any potential impacts on the listed building. The proposed house also has its principal aspect looking to the West thereby avoiding any direct overlooking on Ardlarich. The site is on a steep gradient and therefore, the visual impact of the new build will be significantly reduced by building into the slope. Furthermore, the proposed natural materials pallet successfully blends the proposed development into the surrounding landscape.

In terms of the Argyll and Bute Local Development Plan 2015 the site where the proposed dwellinghouse is located is within the Greenbelt section of the site as defined by the Argyll and Bute Local Development Plan 2015. Policy LDP DM 1 gives support to suitable forms of development within settlements subject to compliance with other relevant policies and supplementary guidance. In particular, Policy LDP 9 requires the design of development and structures to be compatible with the surroundings where careful attention should be paid to the acceptability of massing, form, design details, materials, landscaping and boundary treatment. Any adverse impact on the amenity and privacy of neighbouring properties in terms of over shadowing and overlooking will also be taken into account.

There is a general policy presumption against new residential dwellings in the greenbelt unless they meet the requirements of policy LDP DM1, and more particularly part (G). This sets out a range of criteria against which development proposals in the green belt will be considered. This is a fairly restrictive policy which only gives encouragement to very limited and specific categories of countryside based development. Policy SG LDP HOU 1 of the adopted Local Development Plan presumes against small-scale housing development in the greenbelt. The only exceptions to this are, firstly, where an operational need has been established and the applicant demonstrates that there is a specific locational need to be on, or in the near vicinity of the proposed site. Secondly, in the very exceptional circumstances of a housing conversion proving to be an acceptable means of securing the future of a valued existing building or community asset, or, in the very exceptional circumstances of housing enabling development, to secure the retention of a highly significant building at risk.

Scottish Planning Policy (SPP) para 49 defines the key objectives of greenbelt policy which are to:

- Direct planned growth to the most appropriate locations and support regeneration;
- Protect and enhance the quality, character, landscape setting and identity of towns and cities; and protect and give access to open space within and around towns and cities

The SPP further advises at para 52 that local development plans should describe the types and scales of development which would be appropriate within a greenbelt. These may include:

- Development associated with agriculture, including the reuse of historic agricultural buildings;
- Development associated with woodland and forestry, including community woodlands;
- Horticulture, including market gardening and directly connected retailing;

Private housing which does not meet a greenbelt need or comply with a policy exception set out in the criteria at policy LDP DM1(G) does not contribute positively to the function or operation of the greenbelt and its objectives. Indeed, unless the new housing meets one of the criteria in policy LDP DM1(G) then it represents sporadic new housing development in an unsustainable location which fails to positively contribute to the objectives of the greenbelt set out in SPP at paragraphs 49 and 52 and policy LDP DM1(G) of the adopted Local Development Plan. If allowed, this proposal would also set an undesirable precedent which would potentially undermine the application of policy LDP DM1(G) which is in place to address the considerable pressure for residential development in this area of Argyll and Bute and ensure that the objectives for the greenbelt are not undermined.

Within the accompanying planning statement, the applicant has noted that '*Whilst the current adopted Local Development Plan is the 2015 LDP, the emerging 2020 LDP2 is a material consideration in the decision-making process as this will make material changes to the policy framework that relates directly to this planning application.*' This would have been the case; however, there are objections to the proposed Greenbelt boundaries in LDP 2 in the location of Letrault Farm. In view of this, the boundaries of the Greenbelt at this location will require to be determined by the Reporters, and as such, I consider little weight may be attached to LDP2 proposals at this location. Therefore, the proposed erection of a dwellinghouse is in this location contrary to green belt policy with no possible exceptions being available. The proposal is therefore considered to be contrary to policy DM1 (G) of the adopted Argyll and Bute Local Development Plan 2015.

Policy LDP 11 supports all development proposals that seek to maintain and improve internal and external connectivity by ensuring that suitable infrastructure is delivered to serve new developments. Supplementary Guidance SG LDP TRAN 4 and SG LDP TRAN 6 expand on this policy seeking to ensure developments are served by a safe means of vehicular access and have an appropriate parking provision within the site.

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'.

The current proposal to build a new dwellinghouse on Land South West Of Letrualt Farm, Rhu, Helensburgh would be contrary to policies; LDP DM 1, LDP 11, SG LDP HOU 1 and SG LDP TRAN 4 of the current adopted Local Development Plan and therefore, based on the above it is recommended that the proposal be refused.

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

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**(R) Reasons why Planning Permission or a Planning Permission in Principle should be refused:**

The proposal would seek to add an additional property off the private road without the ability to upgrade the private track to an adoptable standard. This is not consistent with the provisions of policies LDP 11 and SG LDP TRAN 4 which seek to allow a maximum of five units off of a private access without the need to bring the road up to an adoptable standard. Furthermore, this proposal seeks to build a new dwellinghouse on land located within the green belt. This is not consistent with the provisions of policies LDP DM 1 and SG LDP HOU 1 which presume against small-scale housing development in the greenbelt except for very limited and specific categories of countryside based development.

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

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

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**Author of Report:** Emma Jane

**Date:** 19.07.2021

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**Reviewing Officer:**

A handwritten signature in black ink, appearing to be the initials 'HY' with a stylized flourish underneath.

Howard Young

**Dated:** 02.09.2021

A handwritten signature in black ink, appearing to be 'Fergus Murray' with a large, sweeping underline.

Fergus Murray

Head of Development and Economic Growth

## REASONS FOR REFUSAL RELATIVE TO APPLICATION: 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'.



## APPENDIX TO DECISION REFUSAL NOTICE

Appendix relative to application 20/02264/PP

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- (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

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- (B) The reason why planning permission has been refused.

- (1) The proposal would seek to add an additional property off the private road without the ability to upgrade the private track to an adoptable standard. This is not consistent with the provisions of policies LDP 11 and SG LDP TRAN 4 which seek to allow a maximum of five units off of a private access without the need to bring the road up to an adoptable standard.
- (2) The proposal seeks to build a new dwellinghouse on land located within the greenbelt. This is not consistent with the provisions of policies LDP DM 1 and SG LDP HOU 1 which presume against small-scale housing development in the greenbelt except for in very limited and specific categories of countryside based development.