

# Cameron Planning

Cameron Planning  
Clifton Cottage  
29 East Argyle St  
Helensburgh G84 7EJ

Tel: 07747 053070  
E-mail: [steven@cameronplanning.com](mailto:steven@cameronplanning.com)

Fiona McCallum  
Committee Services Officer  
Legal & Regulatory Support  
Argyll and Bute Council  
Kilmory  
Lochgilphead  
Argyll  
PA31 8RT

By e-mail to [localreviewprocess@argyll-bute.gov.uk](mailto:localreviewprocess@argyll-bute.gov.uk)

31<sup>st</sup> January 2022

Dear Sir/Madam,

## **Local Review Board Case 21/0007/LRB: Proposed Dwellinghouse, Letrualt Farm Road, Rhu - Response to Argyll and Bute Council Representation**

This letter is our response on behalf of Mrs G Black (the applicant) to the Council's representation to our appeal to the Local Review Board (LRB) (21/0007/LRB) received by email on the 18<sup>th</sup> January 2022. The representation has been made by the case planning officer that dealt with the original application, Emma Jane.

There are effectively two reasons for refusal, and these have been addressed in our original appeal statement to the LRB. These relate to the green belt status of the application site and Roads' standards and policy. I will address the Planning Officer's rebuttal of our case as follows.

### **Green Belt**

The officer advises that despite reviewing the submitted planning statement with regards to the greenbelt issue, she concluded that the proposed dwellinghouse would be contrary to policy LDP DM1 (G). In her rebuttal statement she also states that

*'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.'*

The officer accepts in her statement that the application site is two thirds within the existing settlement and only one-third is within the greenbelt. Arguably the dwelling could be placed wholly within the settlement section thus avoiding the whole green belt discussion. As proposed, the position of the dwelling is on the divide between settlement and greenbelt.

The officer emphasises the *'function or operation of the greenbelt and its objectives'*. The reality with this application is that the green belt boundary is incorrectly drawn, it cuts the field by way of an arbitrary

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division. The application site is surrounded by housing on three sides. The fact is, that the section within the green belt serves no green belt function, whatsoever. It does not contribute to green belt objectives, nor the operation or use of the land as part of the green belt. I believe the officer and the Local Review Board would have difficulty in ascribing any green belt function or purpose to this site as the boundary does not provide a strong green belt boundary.

As stated in our original appeal statement, the Council's own 2010 commissioned green belt review also found that the green belt boundary was indefensible and recommended that this area of land be removed from the green belt. There is no explanation as to why that hasn't happened. The officer then rebuts our comments with regards to the emerging LDP2. She states that:

*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 Letrualt 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.*

As far as we understand it, there is one representation to the green belt boundary at Letrualt. This representation was made by our client, the appellant, and asks that the green belt boundary is moved from that recommended in LDP2 (i.e. from the front of Letrualt Farmhouse) to the rear of Letrualt Farmhouse. The options available to the Reporters here, are to accept the representation and relocate the boundary to the rear of the farmhouse or accept the intended LDP2 position, keeping it in front of the farmhouse. In either case the application site will be within the settlement. The proposed LDP2 was submitted to the Scottish Ministers on the 25<sup>th</sup> January 2022 and is a significant material consideration to this case given this status and the fact that the outcome will see the site removed from green belt in its entirety (this is a single plot site).

The emphasis on green belt as an issue seems disingenuous when it is so clear that only part of the site is greenbelt, it is recognised by the Council that it serves no green belt purpose or function, and the Council's own intention is to bring the site within the settlement. To suggest little weight should be attached to the LDP2 proposal in nonsense.

### **Road Standards SG LDP TRAN4**

The LRB will have read the detailed statement we included with our appeal submission.

The officer's initial response in her rebuttal is that:

*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.*

The comment contradicts both the Planning and Roads' responses to this case. It is correct that each case is considered on its merits, however this does not reflect the approach taken by the Council to date, who from the outset recommended refusal of the application based on "the existing private road already exceeding the maximum of 5 dwelling houses gaining access from a private road." (see Appeal Appendix

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4). This essentially is their starting point, more than five dwellings cannot be allowed. The comment that the Roads Manager *'feels that the private access road has reached a level of development....'* is not the standard of technical response one would expect from a Council official. Decisions aren't made on 'feelings' they should be based on 'fact and degree.'

The Officer's response highlights the Roads' response that the road should also be made up to an adoptable standard and that that standard cannot be achieved due to geographical constraints. There is however no requirement in policy to bring the road up to an adoptable standard and it is unlikely that, even if it was made up to that standard, the Council would adopt this private access.

The officer now acknowledges the requirement of part A2(i) of SG LDP TRAN4 which states that new development that utilises an existing private access will be acceptable 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);*

The key point to this phrase is that any commensurate improvements should be based on an assessment of usage. As far as we are aware no such assessment of usage has been made. The improvements will relate to individual circumstances but take account of a range of factors, including: existing access conditions, scale and nature of the proposed development and scale and nature of existing development. There is no evidence that this has happened.

In addition, there is no explicit requirement set out here for the road to be brought up to an adoptable standard. A private access, as discussed in SG LDP TRAN4 is defined in the case of a new access (which this isn't) as one *"constructed to incorporate minimum standards to function safely and effectively."*

The officers' response goes on to state what improvements in their view would be necessary but also incorrectly states that these cannot be met. This statement, with our current comment, sets out the following:

- *The works require Letrualt Farm Road to be a width of 5.5m for the first 10m – this is easily met as any site visit will confirm. The first 20m of the road is within the adopted roadway verge, the Council would not prevent minor works to this access*
- *thereafter a minimum of 3.7m – different widths for the private access have been mentioned in different correspondences, emails from Planning state 3.5m (08/04/21). I had understood the Council's design standard for single track roads (i.e. adopted road carrying normal traffic) is 3.25 – 3.5m. The 3.7m is a wall-to-wall distance to accommodate emergency vehicles, which this access already does*
- *with passing places every 100m – the plans submitted show that this requirement is already met within the existing road, with a further passing place provided on our client's land*
- *localised widenings to 5.5m where forward visibility is not achieved – there is one minor pinch point with regards to forward visibility, and this issues is addressed in detail in our original*

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Statement. Elsewhere, for the length of the road, (as we have demonstrated) the road is wide enough to allow vehicles to pass

- *vehicle turning facility at the road end* – this can be fully met within the applicant's ownership and in fact the land is used as a turning facility by the Councils refuse collection vehicle

The officer goes on to state that '*These off-site measures cannot be secured by way of planning conditions and therefore a legal agreement is required.*' The fact is that they are generally not required; any widening within the first 10m is within adopted roadside verge and the Council would not prevent any minor works, the additional passing place and turning facility have been shown in the submitted plans as being located within the applicant's land ownership. If need be, the passing place and turning facility can of course be secured by planning condition. No legal agreement is necessary. The statement from the planning officer is therefore incorrect.

The officer then states that '*vehicular and pedestrian safety..... would be compromised by the traffic generated by the scale of development proposed.*' The scale of development is one single dwellinghouse on a private road that has no through access for pedestrians or vehicles, and which would generate low levels of traffic movement. Moreover, the policy requirement is for a user assessment to be undertaken to identify any issues with the existing road. To the best of our knowledge no such assessment of use has been carried out by the Council.

With regards to the suggested planning condition, should the Local Review Board be minded to grant planning permission, we have some concern that this would be used to further prevent any approved development taking place. If the commensurate improvements are to form the turning facility, additional passing place and any widening within the adopted road verge (which it is assumed the Council would not prevent) these can be delivered. The wording of the condition however leaves it open to the Roads' Manager to request improvements that go beyond those actually required. This would run counter to a decision by the LRB that planning permission should be granted.

In summary, we don't believe that the case officer's representation adds anything to the discussion and repeats errors that have already been made. The greenbelt issue is overplayed by the officer and is a distraction from the real issue of private access suitability. In the absence of a user assessment there can be no informed commensurate measurements. Any site visit would demonstrate how the road is currently used, the low level of traffic use and the low impact on pedestrian or vehicle safety.

We invite the LRB to conclude that planning permission should be granted.

Yours sincerely,



**Steven Cameron**  
**Cameron Planning**

Tel : 07747 053070  
E-mail : [steven@cameronplanning.com](mailto:steven@cameronplanning.com)