
**PROPOSED VARIATION OF SECTION 50 AGREEMENT
PLANNING PERMISSION 96/01293/DET – ERECTION OF DWELLINGHOUSE
COULTORSAY, BRUICHLADDICH, ISLE OF ISLAY**

(A) INTRODUCTION

Planning permission ref. 96/01293/DET was granted on the 7th October 1996 for the erection of a dwellinghouse. That permission was subject to the applicant entering into a Section 50 Agreement under the now extant Town and Country Planning (Scotland) Act 1972 (since replaced under the 1997 Act by Section 75). The current owner of the dwelling now wishes to vary part of the original legal agreement and this report is to examine the details of this request and to assess its suitability.

(B) DETAILS OF THE AGREEMENT AND THE PROPOSED CHANGES

The Section 50 Agreement required (amongst other things) an identified area of agricultural land to be retained with the dwellinghouse, in order to prevent the dwellinghouse being sold off separately from the farm.

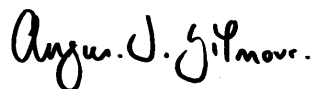
Under the details submitted with the original planning application, the dwellinghouse was to provide accommodation to allow the working of Coultorsay Farm which extends to some 179 acres and which, at the time, did not have an associated farmhouse. The dwellinghouse was to be located in an area where STRAT 4 of the Islay, Jura and Colonsay Local Plan (1st Review) 1988 presumed against development in the countryside. However, under the provisions of STRAT 4A the proposal was justified on the basis of the operational requirement demonstrated by the applicant. The Section 50 Agreement was required in order to underpin the justification for approving a dwellinghouse in this location, and in order to ensure that it was retained as a farmhouse to the associated agricultural land upon which the operational requirement was based. The Section 50 Agreement was entered into and the 1996 planning permission was duly implemented.

Since the conclusion of the Section 50 Agreement, the Argyll and Bute Draft Local Plan 2003 has proposed the extension of the settlement boundary for Bruichladdich, identifying land within the ownership of the applicant as being suitable for development as a 'rounding-off' of the settlement of Bruichladdich. The Area Committee has subsequently permitted, as a 'minor departure' to the adopted plan, detailed planning permission (ref. 04/01309/DET) for the erection of two, single storey dwellinghouses at this location. The landowner is now seeking an amendment to the Section 50 Agreement to allow these sites to be sold separately from Coultorsay Farm.

The effect of this would be to reduce the area of land currently the subject of the Section 50 Agreement by approximately 1.3 acres. The original dwellinghouse approved under planning permission ref. 96/01293/DET and the remaining 170+ acres of agricultural land would still remain the subject of the amended agreement. The extent of the remaining land which would still underpin the operational justification for the grant of planning permission in the first instance. It is further noted that the land which it is proposed to remove from the farm is a self-contained hollow within the landscape located adjacent to the public road, and is not considered to be good quality agricultural land. The applicant has been successful in obtaining detailed planning permission for the erection of two dwellinghouses at this location, it is noted that although the Draft Argyll and Bute Local Plan 2003 supports the approved development (ref. 04/01309/DET) it would not provide for any further extension of the settlement of Bruichladdich onto Coultorsay Farm at the present time.

(C) RECOMMENDATION

It is recommended that consent be given for the original Agreement under Section 50 of the Town and Country Planning (Scotland) Act 1972, as superseded by Section 75 of the Town and Country Planning (Scotland) Act 1997, to be amended as requested by the current landowner, to delete 1.3 acres of land in order to allow the sale of land for which planning permission has previously been granted.



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