



Local Review Board Statement: Cul Na Butha,
Fionnphort

for Mr & Mrs Lindsay
(Applicants)

21st October 2022

Contents

Contents

1. Project Background	3
2. Site Analysis / Building Description / Application Proposal	5
3. The reasons for refusal and the applicants' comments on these reasons	6
4. Conclusion.....	8



STATEMENT IN SUPPORT OF THE APPEAL AGAINST THE DECISION OF THE ARGYLL & BUTE COUNCIL TO REFUSE THE PLANNING APPLICATION FOR THE CHANGE OF USE FROM TEMPORARY ACCOMMODATION TO PERMANENT ACCOMMODATION.

PLANNING REFERENCE: 22/00837/PP

DECISION DATE: 22nd September 2022

1. Project Background

- 1.1 The Applicants submitted a detailed planning application to Argyll & Bute Council on 22nd April 2022 to change the current temporary approval into a permanent approval for the existing building located to the rear of the local shop. This application was refused on the 22nd September 2022 with two reasons given for the decision. They are as follows:
 - 1.1.1 The use of the temporary chalet as permanent residential accommodation would not provide a satisfactory living environment in the Argyll and Bute climate. Additionally, the permanent siting of the chalet, with its temporary nature of construction, design and appearance, would be detrimental to the environmental character of the settlement in which it is sited. The proposal would be contrary to Policy LDP 8 and supplementary guidance LG LDP HOU 4 of the adopted 'Argyll and Bute Local Development Plan' which seek to prevent the use of non-permanent structures for permanent residential accommodation.
 - 1.1.2 The appearance of the temporary chalet, by virtue of its siting, design, materials and character, would represent an incongruous feature within the streetscape and surrounding Area of Panoramic Quality, contrary to the provisions of Policy LDP 9 and Supplementary Guidance SG LDP ENV 13 and SG LDP ENV 14 of the adopted 'Argyll and Bute Local Development Plan' 2015 which seeks to ensure that development is sited and positioned so as to pay regard to the context within which it is located and ensure that the design of developments and structures are compatible with the surroundings.
- 1.2 A previous approval (ref:12/01531/PP) was to replace a static caravan with a log cabin to be used as temporary residential use.
- 1.3 Communication from the Planning Authority, throughout the determination period, was limited and the Applicants were only advised of the decision to refuse the application when we received the determination. We (AGL Architect) requested that the planning officer enter into discussions to

come to a mutually acceptable solution. However, this did not happen. As far as we are aware the planning officer did not visit the site and struggle to understand how they can decide that the building was an “incongruous feature” within the streetscape.

- 1.4 The Applicants and ourselves were frustrated that the Planning Authority determined this application without communication with either party, particularly given the references to subjective policies referred to in the refusal notice.
- 1.5 The Appellants submit that the subjective policies, referred to in the refusal notice, have prejudicially influenced the Planning Authority and wrongly harmed the planning application's chance of being approved.

2. Site Analysis / Building Description / Application Proposal

- 2.1 The property is within the rural setting of Fionnphort.
- 2.2 There are no large open vistas into the site. The property is located to the rear of the plot allocated to the Ferry Shop and Post Office, circa 45m from the public road.
- 2.3 Access to the property is via a private driveway between the Ferry Shop and Seaview.
- 2.4 The property is part of a building group within the Ferry Shop curtilage and outbuildings in adjacent plots.
- 2.5 The property:
 - (a) consists of a single storey dwelling with insulated timber walls and onduline sheet roof with double glazed windows.
 - (b) Property is connected to mains water, drainage and electrical supplies.
 - (c) The building is heated via modern storage heaters and wood burning stove.
- 2.6 The proposal includes:
 - (a) Existing ceiling to be full insulated and sheeted with plasterboard finish.
 - (b) External cladding to be repaired and treated to protect cladding.
 - (c) General repairs to external fabric of building including repairs to rainwater goods.
- 2.7 The proposals will enable the building to be upgraded to achieve a higher energy efficiency for a permanent residence.
- 2.8 The use of the building will be for a permanent residential use for a local family and will be ancillary to the Ferry Shop.



3. The reasons for refusal and the applicants' comments on these reasons

- 3.1 The planning application was refused with two reasons given for that decision, as set out in para 1.1 above.
- 3.2 It is now proposed to address each of these reasons to demonstrate why the Applicant's application can be approved without being in contravention of the quoted Local Plan Policies.
- 3.2.1 **Reason 1:** *The use of the temporary chalet as permanent residential accommodation would not provide a satisfactory living environment in the Argyll and Bute climate. Additionally, the permanent siting of the chalet, with its temporary nature of construction, design and appearance, would be detrimental to the environmental character of the settlement in which it is sited. The proposal would be contrary to Policy LDP 8 and supplementary guidance LG LDP HOU 4 of the adopted 'Argyll and Bute Local Development Plan' which seek to prevent the use of non-permanent structures for permanent residential accommodation.*
- 3.2.2 The officer's statement is somewhat subjective and illustrates their single mindedness. Policy LDP 8 recognises the need to ensure that the existing community of Fionnphort is strengthened through providing development opportunities to generate growth economically and in population. There is currently a shortage of housing on the island which is not holiday let and affordable to young families. A key aspect of the LDP is to deliver of affordable housing in challenging economic circumstances. Reason 1 therefore is incorrect. The applicants have already been approached by a number of local families keen to rent the building thus highlighting the real need for affordable housing.
- 3.2.3 It is also worth highlighting that the building could help protect the viability of The Ferry Shop in the future. It would be a more attractive to prospective buyers if there was some form of accommodation for new owners given how difficult it is to find housing in the local area. The purchase of the shop in 2011 would not have been possible if there had not been a residential caravan there. It is not unreasonable to envisage the shop closing if a new buyer cannot be found because there is nowhere for them to live.
- 3.2.4 The reason also states that the accommodation would not provide a satisfactory living environment. Without correspondence with the planning authority during the assessment period we are not aware as to whether or not they have taken cognisance of the proposed refurb works as part of the change of use. The refurb works would bring a vast improvement to the energy efficiency of the dwelling. In response to the statement relating to the temporary nature of the building, we would strongly disagree with this statement. This construction type is found and used internationally for residential uses in places such as Scandinavia. A climate more aggressive than that of West Scotland. The cabin provided a satisfactory living environment for the applicants between the years 2013 to 2021. Environmental Health were consulted as part of the process and have not received any complaints since the building was erected on 2013.

3.2.5 SG LDP HOU4 relates to caravans (and non-permanent structures) There is no detailed description of what is classed as a non-permanent structure. In our opinion the property is not a non-permanent structure but a permanent structure previously used as a full-time residence. It is also worth noting that the council tax has been paid since 2013.

3.3 **Reason 2:** The appearance of the temporary chalet, by virtue of its siting, design, materials and character, would represent an incongruous feature within the streetscape and surrounding Area of Panoramic Quality, contrary to the provisions of Policy LDP 9 and Supplementary Guidance SG LDP ENV 13 and SG LDP ENV 14 of the adopted 'Argyll and Bute Local Development Plan' 2015 which seeks to ensure that development is sited and positioned so as to pay regard to the context within which it is located and ensure that the design of developments and structures are compatible with the surroundings.

3.3.1 Policy LDP 9 and SG LDP ENV 13 will resist development where its scale, location or design will have an adverse impact on the landscape. The Area of Panoramic Quality, when viewed in its entirety consists of a mixture of building types in relation to design, massing and architectural quality. Therefore, the proposals would sit suitably within its site context. The location of the dwelling is significantly set back from the main streetscape with very little intervention. The design and massing of the building is subservient to the surrounding building context. This is illustrated In the photographs below.



View of building from opposite side of road



View of building from driveway

4. Conclusion

- 4.1 Whilst there were only two reasons for refusing the application, we believe it was due to interpretation of subjective policies together with hiding behind the idea of protecting the character of the APQ. Having established that the character is not of a singular, uniform design, scale, mass or use of materials we have sought to demonstrate why the proposals will not have the adverse effect as feared by the planning authority.
- 4.2 In light of the above, Mr & Mrs Lindsay asks that the Local Review Body overturn the decision of the planning officer and grant permission for the change to a permanent residence. The applicant is happy to accept conditions relating to materials should this be necessary.