

Municipal Buildings Albany Street Oban PA34 4AW

**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: 22/02100/PP

**Mr A MacGillivray
Houghton Planning Ltd
Alloa Business Centre
Whins Road
Alloa
Clacks
Scotland
FK10 3RF**

I refer to your application dated 19th October 2022 for planning permission in respect of the following development:

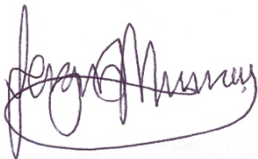
Erection of short-term holiday let accommodation, outbuilding and pontoon and installation of sewage treatment plant

AT:

Eilean Loch Oscair Off Isle Of Lismore Argyll And Bute

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: 18 July 2023



Fergus Murray
Head of Development and Economic Growth



REASONS FOR REFUSAL RELATIVE TO APPLICATION NUMBER: 22/02100/PP

1. It is considered that the proposed development upon this small and uninhabited island would be materially harmful to the landscape character and qualities of the area, the importance of which is acknowledged by the designation of the site as part of a wider National Scenic Area. The proposed development would be in direct conflict with National Planning Policy NPF4 Policy 4.

NPF4 Policy 4 c) states that development proposals that will affect a National Scenic Area will only be supported where:

- i) The objectives of designation and the overall integrity of the area will not be compromised; or
- ii) Any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.

In this case, it is the considered opinion of the planning authority that the proposed development will be materially harmful to the designated qualities of the area and its overall integrity and that this harm is not clearly outweighed by any social, environmental or economic benefit, and certainly not of 'national importance'.

The proposed development is therefore considered to be in conflict with NPF4 Policy 4 as underpinned by Local Development Plan Policy LDP 3, supplementary guidance SG LDP ENV 14, and Policies 04 and 70 of the proposed Local Development Plan 2.

2. Notwithstanding Reason 1 above, the proposed development on this greenfield site conflicts with National Planning Policy NPF4 Policy 9.

NPF4 Policy 9 b) states that proposals on greenfield sites will not be supported unless the site has been allocated for development or the proposal is explicitly supported in the LDP.

In this case, the proposed development would constitute the introduction of a significant built form onto an uninhabited and undeveloped small island, designated as a 'Very Sensitive Countryside Zone' within the adopted Argyll and Bute Local Development Plan 2015, and as a 'Remote Countryside Area' within the proposed Argyll and Bute Local Development Plan 2.

The proposed development site has no development allocation in either the current or the proposed LDP.

Adopted LDP Policies LDP STRAT 1 and LDP DM 1 give encouragement within the Very Sensitive Countryside Zone only to specific categories of development on appropriate sites. These comprise renewable energy related development; telecommunication related development; and development which would directly support agricultural, aquaculture, nature conservation or other established activity. The proposed short-term holiday letting dwellinghouse would not relate to any of the above categories of development.



With regard to the proposed Local Development Plan 2, the application site is located within the Remote Countryside Area. This development management zone comprises countryside and isolated coast which has extremely limited capacity to successfully absorb development. Only limited categories of natural resource based development is supported in these areas, limited to renewable energy related development, telecommunications or other associated digital infrastructure, or development directly supporting existing agricultural units, aquaculture, or other recognised countryside activity. The proposed development would not relate to any of these categories of development and in this regard would be contrary to Policy 02 of the proposed Local Development Plan 2.

There is therefore no support for this type of development in this location within either the adopted or proposed LDP and the development is therefore contrary to NPF4 Policy 9 as underpinned by LDP Policies LDP STRAT 1 and LDP DM 1 and LDP2 policy 02.



NOTES TO APPLICANT (1) RELATIVE TO APPLICATION NUMBER 22/02100/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
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).



APPENDIX TO DECISION REFUSAL NOTICE

Appendix relative to application: 22/02100/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.**

Yes/No (delete as appropriate) if yes, list amendments

- B. Is the proposal a departure from the Development Plan:**

No

If yes, state level of departure:

No Departure

- C. Summary justification statement for refusal of planning permission**

The proposal is considered to be contrary to National Planning Framework 4 Policies 4, 9, 10, 14, 17, 29 and 30, and Policies LDP 3, LDP 4, LDP 5, LDP 8, LDP 9, LDP 10 and LDP 11 and Supplementary Guidance SG LDP ENV 12, SG LDP ENV 14, SG LDP BUS 2, and SG LDP TOUR 1 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 Section 25 of the Act.