



**Response to representations submitted relative to
Notice of Review 23/0007/LRB
Argyll and Bute Council – Local Review Body**

Appellant: Martin & Arlene McLeod

Project Ref: 2023002

Development: Refusal of planning application 22/01001/PP:
Use of land for the siting of a glamping pod

Site: Garden ground of Broom Hill, Ardconnel Hill, Oban, PA34 5DY

Scale: Local development

Response

Thank you for the opportunity to respond to representations submitted relative to Notice of Review 23/0007/LRB.

We note the Planning Authority response to the Notice of Review. Our response is listed below for brevity. Please read this document in conjunction with our original statement of case for completeness:

- We welcome the Planning Authority's further confirmation that they consider the proposed glamping pod to be acceptable in all respects other than access.
- We note that no specific response or comments have been provided to the matters raised in our comprehensive appeal statement.
- The Planning Authority's resistance to the application was founded on the belief that the pod would generate a material intensification of use of an existing sub-standard shared access, and whereas they felt unable to support the pod in the absence of a range of off-site improvements to the existing access.
- The Planning Authority's assessment seeks to set aside a direct precedent decision made by Members of the Local Review Body in May 2022 – even going so far as to claim that the LRB's decision was 'wrong'.
- Planning officers have regrettably missed the significance of the planning condition attached to the LRB's decision when granting planning permission at Soroba Lodge, Oban (under planning application ref 20/01542/PP and LRB case ref 21/0005/LRB). Planning officers maintain that because they cannot restrict B&B usage within the house via planning conditions, they cannot avoid an intensification of use of the existing access. Whereas the Soroba Lodge planning condition actually controls the timing of use of the holiday pod – a subtle but critical distinction – which is entirely legitimate, enforceable and defensible.
- In considering the Soroba Lodge case in 2022, Members of the LRB were provided with legal advice and corporate guidance throughout. They considered the case carefully and in-depth before resolving to grant planning permission. Their decision in that case is robust. It must be accepted as a direct precedent of relevance to the current appeal case at Broom Hill.
- A similarly worded planning condition can readily be attached to the Broom Hill case which would prevent the pod from being occupied at any time when two bedrooms in the existing house may be operating for B&B purposes. (The new short term letting licence provisions making this even easier to monitor and enforce than was the case last year.)
- Such a planning condition would absolutely prohibit any intensification of use of the existing access. Two footpath connections already exist immediately alongside the site entrance (as shown in original appeal statement), providing pedestrian routes that are separate from the private access. There is therefore no justification or requirement to seek improvements to the existing access regime outwith the site. There is no reason to refuse the application.

Summary

The Local Review Body is again asked to support this Notice of Review and enable a small positive contribution towards tourist accommodation to be provided in a way that accords with local and national planning policy and raises no unacceptable impacts.



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Stephen Fair MRTPI MURP
fair planning & design

3 October 2023