



Central Validation Team at Argyll and Bute Council 1A Manse Brae Lochgilphead PA31 8RD Tel: 01546 605518 Email: [planning.hq@argyll-bute.gov.uk](mailto:planning.hq@argyll-bute.gov.uk)

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100654812-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

## Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant  Agent

## Agent Details

Please enter Agent details

Company/Organisation:	Planning Services UK		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Philip	Building Name:	The Circle
Last Name: *	Landa	Building Number:	
Telephone Number: *		Address 1 (Street): *	Westerwood Business Park
Extension Number:		Address 2:	69-71 Aberdalgie Road
Mobile Number:		Town/City: *	Glasgow
Fax Number:		Country: *	United Kingdom
		Postcode: *	G34 9HJ
Email Address: *			

Is the applicant an individual or an organisation/corporate entity? \*

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Ballard Farm"/>
First Name: *	<input type="text" value="Allan"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Brodie"/>	Address 1 (Street): *	<input type="text" value="Land North of Ballyhaugh"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="Outdoor Centre"/>
Telephone Number: *	<input type="text" value="██████████"/>	Town/City: *	<input type="text" value="Isle of Coll"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="PA78 6TB"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="██"/>		

## Site Address Details

Planning Authority:	<input type="text" value="Argyll and Bute Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

<input type="text" value="Land to the North of Ballyhaugh Outdoor Centre Isle of Coll PA78 6TB"/>
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Northing	<input type="text" value="758149"/>	Easting	<input type="text" value="117435"/>
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## Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: \*  
(Max 500 characters)

Appeal statement

## Type of Application

What type of application did you submit to the planning authority? \*

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? \*

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

## Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: \* (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Appeal Statement to Local Review Body

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? \*

Yes  No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: \* (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: \* (Max 500 characters)

please refer the attached

## Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

22/02078/PPP

What date was the application submitted to the planning authority? \*

14/10/2022

What date was the decision issued by the planning authority? \*

12/09/2023

## Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. \*

Yes  No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? \*

Yes  No

Is it possible for the site to be accessed safely and without barriers to entry? \*

Yes  No

## Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. \*

Yes  No

Have you provided the date and reference number of the application which is the subject of this review? \*

Yes  No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? \*

Yes  No  N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? \*

Yes  No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review \*

Yes  No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

## **Declare – Notice of Review**

I/We the applicant/agent certify that this is an application for review on the grounds stated.

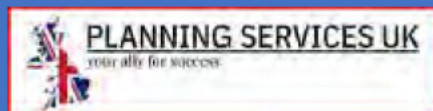
Declaration Name: The Thomas Cochrane

Declaration Date: 12/12/2023

# APPEAL STATEMENT FOR: PLANNING IN PRINCIPLE FOR THE ERECTION OF ONE DWELLINGHOUSE

Land to the North of Ballyhaugh Outdoor  
Centre Isle of Coll Argyll and Bute  
(Reference No: 22/02078/PPP)

Planning Services UK  
The Circle  
69-71 Aberdalgie Road  
Easterhouse, Glasgow  
G34 9HJ



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## EXECUTIVE SUMMARY

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**Site Description:** The proposed development site, situated north of the Ballyhaugh Hebridean Outdoor Centre on the Isle of Coll, Argyll, and Bute, is a greenfield site characterized by its unique topography. Located at the base of a 50-meter hill, it offers distinct environmental advantages, notably protection from northerly and easterly winter winds.

**Development Proposal:** The planned farmworkers dwelling, encompassing three parking spaces and a new access point, has been meticulously designed to comply with both local and national planning guidelines. The proposal signifies a commitment to sustainable development within an area designated as 'Countryside'.

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## GROUNDNS FOR APPEAL

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### 1. Policy Conflict and Resolution:

- **NPF4 Policy 9:** While the proposal appears to conflict with NPF4 Policy 9, we argue it constitutes an "exceptional case" due to the site's unique location and topographical features.
- **LDP and LDP2 Consideration:** While not formally adopted, the Local Authority's recent publication of LDP2 proposals is a significant material planning consideration. Our client's site is situated in a designated '*Countryside Area*', aligning with LDP2's focus on sustainable development in rural settings.

## 2. Legal and Policy Framework:

- **The primacy of NPF4:** NPF4, as a national policy, overrides local development plans in decision-making processes. Our appeal challenges the refusal's alignment with this legal precedence.
- **Comprehensive Policy Analysis:** A detailed analysis is required to determine if the decision to refuse the application adequately considered the holistic approach mandated by NPF4, as emphasised in the Chief Planner's guidance.

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## DETAILED ARGUMENT

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### 1. Holistic Application of NPF4

- The Chief Planner's directive states that NPF4 policies should not be isolated to justify planning decisions. The refusal suggests a selective interpretation of these policies, which is inconsistent with the holistic approach required.

### 2. Alignment with NPF4 and LDP2 Objectives:

- The development aligns with the overarching objectives of NPF4 and emerging policies within LDP2, focusing on sustainable development and ecological preservation.

### 3. Inadequate Consideration of Material Considerations:

- The refusal indicates a potential oversight in considering the chief planner's guidance and the emerging LDP2 policies. This oversight may render the decision legally questionable.

### 4. Possibility of Judicial Review:

- Given these legal concerns, the decision may be subject to judicial review, focusing on the compliance of the decision-making process with policy interpretation and material considerations.



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## CONCLUSION AND RECOMMENDATION

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The refusal of the proposed development raises substantial legal questions regarding the application of NPF4 in conjunction with LDP and LDP2. Our analysis suggests that a more comprehensive approach, as advised by the Chief Planner, could lead to an alternative outcome. We propose reconsidering the decision, ensuring it aligns with the legal and policy frameworks governing planning decisions.

### **Response to Landscape Impact Concerns:**

- **Architectural Adaptation:** The design of the proposed dwelling will be sensitively adapted to complement the natural landscape.
- **Sustainability:** The development emphasises eco-friendly design and energy efficiency.
- **Economic and Social Benefits:** The development is projected to impact the local economy and address housing needs positively.
- **Respect for Rural Evolution:** The proposal is designed to balance development with conservation, respecting the changing nature of rural communities.

In summation, our appeal presents a balanced approach that respects the area's character and the broader community interest. We advocate for a decision harmonising preservation with progress, enhancing community well-being and environmental sustainability.

## CONTACT INFORMATION

Thomas Cochrane BSc. (Hons) HND, CPC  
Planning Services UK  
The Circle  
69-71 Aberdalgie Road  
Easterhouse, Glasgow  
G34 9HJ

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## APPENDIX

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- i. Ballyhough Farm, encompassing a significant expanse of land, is home to an impressive livestock collection comprising 120 sheep and 35 cattle, alongside a distinguished herd of native Luing cattle. Under the astute management of Allan Brodie, the farm has been operated as an efficient satellite extension of Ballard Farm. Project Trust initiated this strategic move following the acquisition of the sole residential property on the premises roughly four decades after the passing of Alex Conway. Mr. Brodie has successfully integrated and consistently complied with many designated regulations and standards in the ensuing years, further enhancing the farm's operational excellence.

- ii. The agricultural operations of the farms are now jointly managed through a



partnership between Allan Brodie and Juliet Conway, Alex Conway's daughter. Juliet's partner, John Morrison, predominantly undertakes the day-to-day farm work. The couple resides in a quaint cottage in Uig, a mere three miles from Ballyhough,

where they raise their two children enrolled in the nearby primary school, currently educating a small cohort of only five children.

- iii. Juliet Conway has deep-rooted connections with Ballyhough, having spent her childhood there until her teenage years. The farm holds historical significance for her family, as it has been maintained by her mother's lineage for several generations, embedding a rich familial legacy within its lands.

- iv. The Ballard and Ballyhough Farms, located two miles apart and connected by the rugged CO16/C474 core path, demonstrate a commitment to efficiency and environmental stewardship. While Ballyhough Farm lacks a traditional farmhouse, it is fully equipped with comprehensive livestock management facilities, including a flank and pens, which play a pivotal role in routine agricultural processes such as sheep shearing, veterinary care, and cow calving.

- v. During the demanding calving season, John Morrison skilfully manages multiple daily trips using a quad bike. In intricate calving needs, his dedication extends to overnight stays at the shed. A strategically placed mobile caravan was introduced near the shed last winter to facilitate these operations, complementing his daily silage distribution runs with a tractor and trailer. This

adaptive approach exemplifies the farm's operational resilience and strengthens the case for environmentally conscious development.

vi. The farm has conducted a thorough carbon audit in alignment with its sustainability ethos, underscoring its commitment to reducing carbon emissions. Despite the high petrol costs for quad bike operations, the farm's proactive strategies aim to enhance its economic viability while advancing its sustainability objectives, ensuring a balanced approach to modern, environmentally conscious farming practices.

vii. The selection of the proposed site, although situated outside the designated development area, was meticulously made due to its strategic orientation away from the Project Trust and its two turbines and its proximity to the SSSI. Several key factors influenced this decision. Firstly, as indicated on the left, its



location in a rocky area is ideally suited for the intended purpose. Secondly, the site is conveniently accessible via an existing track leading to a former farm quarry, which enhances logistical efficiency.

viii. Finally, its closeness to the existing tank and electricity supply streamlines operations and reduces the need for extensive infrastructural development, aligning with practical and environmental considerations. This thoughtful site selection process underscores a commitment to balancing development needs with environmental sensitivity and operational practicality.

ix.

x.

- xi. The design chosen for the application, notably the White House design from Heb Homes, has been carefully selected to harmonise with the architectural style of the former farmhouse at Ballyhough. This decision ensures that the new structure seamlessly integrates into the existing landscape, maintaining the area's aesthetic continuity and natural beauty. The design strategy prioritises blending the property with its surroundings, mitigating potential visual discordance.
  
- xii. In addition to aesthetic considerations, there is a strong emphasis on building an energy-efficient property aligned with a low-impact lifestyle. This approach reflects a commitment to sustainability and environmental responsibility. Given the thoughtful design and sustainability objectives, it is challenging to understand how this property could be perceived as having an 'unacceptable or materially harmful impact on the wider landscape'. The design and construction plans are meticulously crafted to respect and enhance the natural setting, ensuring a minimal ecological footprint and preserving the landscape's integrity.



