

**STATEMENT OF CASE
FOR
ARGYLL AND BUTE COUNCIL
LOCAL REVIEW BODY**

23/0009/LRB

**REFUSAL OF PLANNING PERMISSION IN
PRINCIPLE FOR SITE FOR THE ERECTION OF
DWELLINGHOUSE TO BE USED IN ASSOCIATION
WITH FARMING BUSINESS – PLANNING
APPLICATION REFERENCE 22/02078/PPP
LAND NORTH OF BALLYHOUGH OUTDOOR
CENTRE, ISLE OF COLL**

STATEMENT OF CASE

The Planning Authority is Argyll and Bute Council ('the Council'). The appellant is Mr Allan Brodie ('the appellant').

Planning permission in principle 22/02078/PPP for the site for the erection of a dwellinghouse to be used in association with a farming business at land to the north of Ballyhough Outdoor Centre, Isle of Coll, Argyll and Bute ('the appeal site') was refused by the Planning Service under delegated powers on the 12th September 2023.

This decision is the subject of referral to a Local Review Body.

DESCRIPTION OF SITE

The application site comprises an area of undeveloped and open land to the north of the long established Ballyhough Hebridean Centre. The site is accessed via a private unmade track spurring from the public B8071 road. The surrounding area is rural and undeveloped in character.

STATUTORY BASIS ON WHICH THE APPEAL SHOULD BE DECIDED

Section 25 of the Town and Country Planning (Scotland) Act 1997 provides that where, in making any determination under the Planning Act, regard is to be had to the development plan, and all other material planning considerations and the determination shall be made in accordance with the plan unless material considerations indicate otherwise. This is the test for this application.

STATEMENT OF CASE

Argyll and Bute Council considers the determining issues in relation to the case are as follows:

- *Whether the proposed development is acceptable on a greenfield site within the 'Countryside Zone' where National Planning Framework 4 Policy 9(b) requires development proposals on greenfield sites to be explicitly supported by policies in the Local Development Plan, and where Local Development Plan Policies LDP STRAT 1 and LDP DM 1 support small scale development on appropriate infill, rounding off and redevelopment sites and changes of use of existing buildings, and where, in exceptional cases, development in the open countryside up to and including large scale may be supported on appropriate sites if this accords with an Area Capacity Evaluation.*
- *Notwithstanding the above, whether the development is considered to be materially harmful to the landscape character, appearance and qualities of the area and is therefore in conflict with NPF4 Policy 14 as underpinned by Local Development Plan Policy 9, supplementary guidance SG LDP ENV 14, and Policies 05, 08, 09 and 10 of the proposed Local Development Plan 2.*

The Report of Handing (Appendix A) sets out the Council's full assessment of the application in terms of these key determining issues and concludes that:

Firstly, the proposal does not accord with NPF4 Policy 9 as underpinned by Local Development Plan Policies LDP STRAT 1 and LDP DM 1 and Policy 02 of the proposed Local Development Plan 2. The proposed development would be on a greenfield site within the 'Countryside Zone' as designated in the adopted Local Development Plan and within the 'Countryside Area' as designated in the proposed Local Development Plan 2. Within the adopted Local Development Plan, support is given to small scale development on appropriate infill, rounding off and redevelopment sites and changes of use of existing buildings. In exceptional cases, development in the open countryside up to and including large scale may be supported on appropriate sites if this accords with an Area Capacity Evaluation. The proposed development does not relate to infill, rounding off, redevelopment, or the change of use of an existing building. The 'exceptional case' presented does not suitably demonstrate a specific locational or operational need tied to a precise location that is agreed with or acceptable to the Planning Authority, nor is it evidenced that any existing activity would be jeopardised without the proposed development. There is no demonstration of an overriding economic or community benefit which outweighs other policies of the Local Development Plan and is agreed with and acceptable to the Planning Authority.

Secondly, the proposed development would be sited upon an open site within the surrounding expansive landscape and would be materially harmful to the landscape character and qualities of the area. The proposed development would be in direct conflict with NPF4 Policy 4 which states that development proposals will be designed to improve the quality of an area whether in urban or rural locations, and regardless of scale. In this case, the proposed development would introduce an inappropriate form of built development that would appear as unduly prominent at the site and unsympathetic to the landscape setting; the indicative design of the proposed dwellinghouse would lack local character and in this regard would appear as suburban and inappropriate to the rural location. The proposed development is therefore considered to be in conflict with NPF4 Policy 14 as underpinned by Local Development Plan Policy 9, supplementary guidance SG LDP ENV 14, and Policies 05, 08, 09 and 10 of the proposed Local Development Plan 2.

Furthermore, it is not considered that the highlighted unacceptable impacts of the proposed development can be appropriately mitigated through the use of planning conditions.

REQUIREMENT FOR ADDITIONAL INFORMATION AND A HEARING

It is not considered that any additional information is required in light of the appellant's submission. The issues raised were assessed in the Report of Handling which is contained in Appendix A. As such it is considered that Members have all the information they need to determine the case. Given the above and that the proposal has no complex or challenging issues, and has not been the subject of any significant public representation, it is not considered that a Hearing is required.

COMMENT ON APPELLANT'S SUBMISSION

The appellant's Agent ('the Agent') has submitted a supporting statement. The following comments are made in relation to their submission:

- The Agent states that the proposed development 'constitutes an "exceptional case" due to the site's unique location and topographical features'.

Comment: *The development proposed by this planning application is on a greenfield site. NPF4 Policy 9 clearly states that development proposals on greenfield sites will*

not be supported unless the site has been allocated for development or the proposal is explicitly supported by policies in the LDP. The site is located within the 'Countryside Zone' as designated within the LDP, where LDP Policies LDP STRAT 1 and LDP DM 1 give encouragement only to small scale development on appropriate infill, rounding-off, redevelopment, and change of use of existing buildings. In exceptional cases, development in the open countryside up to and including large scale may be supported on appropriate sites if this accords with an Area Capacity Evaluation. In this case, the proposed site for a dwellinghouse would not represent an opportunity for infill, rounding-off, redevelopment, or the change of use of an existing building.

With regard to 'exceptional cases', development in the open countryside up to and including large scale may occasionally be supported on appropriate sites, provided that the applicant has demonstrated a clear locational/operational requirement for the development and one which cannot be accommodated within the reasonable local vicinity of the proposed development site on a more suitable site within the settlement zone or in the less-sensitive countryside zone (the 'Rural Opportunity Areas'). Where no such more appropriate development opportunity exists and where an applicant has successfully demonstrated an overriding 'exceptional case' for that development, such proposals are expected to accord with an 'Area Capacity Evaluation'.

The supporting information submitted advises that the majority of the farm work surrounding the application site is undertaken by a farm manager, and not the applicant. The information advises that both the applicant and the farm manager live within 3 miles of the proposed development site. The full extent of the agricultural holding was not disclosed until such a time as was requested by the Planning Authority; the subsequently submitted plans indicated that the agricultural holding includes a number of 'Rural Opportunity Areas' (areas less sensitive to the impacts of development). Only very limited information was submitted regarding existing farming practices around the proposed development site and there is no evidence to suggest that a dwellinghouse has to be tied to this precise location and could not be facilitated elsewhere within the wider agricultural holding. Indeed, the adopted Local Development Plan defines 'Locational need' as 'a necessity for a proposed development to be located at or in close vicinity of the development site; 'necessity' in this context means more than 'convenience' and should directly relate to supporting the operations of a business and associated land or water use'. There is no suggestion that if the dwellinghouse were to be sited in an alternative, nearby location, such as within the adjacent 'Rural Opportunity Areas', that the farming activity would be jeopardised.

The information provided indicates that the agricultural holding covers an area of approximately 91 hectares. The agricultural holding, under the ownership of the applicant, includes a number of 'Rural Opportunity Areas'. The applicant was advised that there are other potential sites within the wider agricultural holding which would avoid the more sensitive 'Countryside Zone'. This includes the designated 'Rural Opportunity Areas', which are sited approximately 40 metres to the south of the proposed development site and approximately 400 metres to the northeast of the proposed development site. The applicant was invited to appraise these sites, and responded by discounting all of the land within the 'Rural Opportunity Areas' for the reason that the 'area would not be suitable for construction due to its exposure to harsh northerly and easterly winter winds'. The Planning Authority remain of the view that the 'Rural Opportunity Areas', both immediately adjacent to the proposed application site, and 400 metres to the northeast of the site, could potentially present an opportunity for the proposed development and that no convincing argument has been put forward to discount these sites. The applicant has been strongly encouraged to investigate the development potential of a number of sites within these areas. The 'Rural Opportunity

Area' sited approximately 400 metres to the northeast of the application site is located adjacent to the B8071 public road and features a number of existing dwellinghouses. It is not therefore considered that this site is completely unsuitable for construction, based on the claimed exposure to winds and it is not therefore accepted that the 'Rural Opportunity Areas' are undevelopable. There has been no evidence submitted to discount development potential of specific sites within these areas and the submitted information does not tie the proposed development to a precise location.

- The Agent states that whilst not formally adopted, the proposed Local Development Plan 2 forms a material planning consideration. The site the subject of the application is situated within the designated 'Countryside Area' where there is a presumption in favour of sustainable development where this is of an appropriate scale, design, siting and use for its countryside location.

Comment: *The proposed Local Development Plan 2 formed a material consideration in the determination of the planning application. The site the subject of the application is sited within the 'Countryside Area', where Policy 02 of the proposed Local Development Plan 2 provides a presumption in favour of sustainable development where this is of an appropriate scale, design, siting and use for its countryside location. In this case, the proposed dwellinghouse would be unacceptably large in both scale and massing, and the design would be inappropriate to the sensitive location, incongruous with the design, character and appearance of the built development that characterises the Isle of Coll. The siting of such a large scale dwellinghouse in this sensitive and exposed location would be unsustainable in terms of protecting the expansive landscapes which characterise this area of mid Coll. The siting, design and scale of the development would appear as insensitive and intrusive in this location, and the proposed development of this site would not therefore adhere to the requirements of the proposed Local Development Plan 2 Policy 02.*

- The Agent states that a holistic approach is required when assessing planning applications, and NPF4 Policies should not be isolated to justify planning decisions. The Agent further states that there has been inadequate consideration of material considerations.

Comment: *NPF4 Policy 9 is clear in stating that development proposals on greenfield sites will not be supported unless the site has been allocated for development or the proposal is explicitly supported by policies in the LDP. NPF4 Policy 14 is also clear in stating that development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported. In this instance, the proposed development of a greenfield site is not supported by policies in the LDP, and the proposed design of the development would be unacceptably large in scale and massing and insensitive in terms of design. The application has been assessed against all relevant policies of NPF4, the adopted Local Development Plan and the proposed Local Development Plan 2 and is contrary to a range of key policies, as outlined above.*

- The Agent states that the proposed development would focus on sustainable development and ecological preservation.

Comment: *No information has been submitted to suggest that the proposed development would be sustainable, nor has any information been submitted to suggest that the proposed development would contribute to the ecological preservation of the area. Conversely, the proposed development site is located within an area designated*

as a Site of Special Scientific Interest. NatureScot however, advised that it is unlikely that the integrity of the SSSI would be affected.

- The Agent states that the proposed development would positively impact upon the local economy and address housing needs.

Comment: *Whilst the Planning Authority is keen to support local businesses and the reasonable aspirations of individuals, it is concluded in this case and after substantial effort to secure additional information, the case put forward by the applicant does not meet the 'exceptional case' criteria as the applicant's need could be met from other sites in close proximity to the proposed development site and indeed within the wider agricultural landholding of the applicant. The proposed development does not constitute an 'exceptional case'. There is no locational requirement for the proposed development to be tied to this exact location within the designated 'Countryside Zone' on a site that does not present any opportunities for infill, rounding-off, redevelopment or a change of use of an existing building. Whilst the applicant has put forward an 'exceptional case', there is very limited established activity at this particular site within the wider landholding to potentially underpin a locational/operational need to justify the principle of the erection of a dwellinghouse at this specific location within the farm. Whilst it may be preferential and beneficial for the applicant to develop this particular site, the proposed case that has been forward by the applicant has not been backed up by sufficient evidence, despite such evidence having been requested. Additionally, the limited evidence provided does not suggest that the farming business would be jeopardised if the development were to be sited elsewhere within the farm holding in a less sensitive location.*

- The Agent states that a third party undertakes the day-to-day farm work, and that this person lives 'a mere three miles' from the site the subject of this application.

Comment: *The submitted information advises that the majority of the farm work surrounding the application site is undertaken by a farm manager, and not the applicant. Both the applicant and the farm manager live within 3 miles of the proposed development site. There has been no evidence to suggest that a dwellinghouse has to be tied to this precise location and could not be facilitated elsewhere within the wider landholding. There is no suggestion that if the dwellinghouse were to be sited in an alternative, nearby location, that the farming activity would be jeopardised.*

- The Agent states that the two farms operated by the applicant are located two miles apart, connected by a path. The Agent states that the farm around the application site is fully equipped with comprehensive livestock management facilities. The Agent further states that the proximity of the proposed development site to the existing sheep fank and electricity supply reduces the need for extensive infrastructure development.

Comment: *There is limited built development relating to the farm within the proximity of the proposed development site. There is a small agricultural building adjacent to the Ballyhaugh Hebridean Centre, however it is of a very small scale. The existing small scale agricultural building is sited within the 'Rural Opportunity Area'. If the proposed dwellinghouse would be functionally associated with this existing infrastructure at the site, it is not apparent as to why the proposed dwellinghouse could not be located closer to the existing agricultural infrastructure and thereby also within the designated 'Rural Opportunity Area'. Despite numerous requests, neither the applicant nor the Agent sought to provide a sufficiently detailed site options appraisal. Instead, the site for the proposed dwellinghouse would appear as isolated and the scale would appear as incommensurate to the landscape setting.*

- The Agent states that the proposed development site was selected so as to be away from the long established Ballyhaugh Hebridean Centre. The Agent further states that the location in a rocky area is ideally suited to the intended development and that the site is accessible via an existing access track.

Comment: *The site for the proposed dwellinghouse would not relate physically or functionally to existing buildings associated with the business. Neither would the proposed development reflect the pattern, density, design or appearance of built development in the wider area. Instead, the proposed development would appear as large and obtrusive to the extent that it would detrimentally impact upon the area. It is unclear how the rocky nature of the site would suit development and no details, such as existing and proposed site sections, were included with the submission; it is not therefore apparent how the development would be facilitated within the unfavourable rocky terrain of the proposed development site.*

- The Agent states that the design of the proposed dwellinghouse has been carefully selected to harmonise with the architectural style of the former farmhouse at Ballyhough. The Agent states that this would allow the development to integrate into the landscape.

Comment: *The indicative details submitted with the application show that the proposed dwellinghouse would be unacceptable in scale and massing meaning that the proposed dwellinghouse would appear as unduly prominent at the site, unsympathetic to the surrounding expansive open landscape. The proposed dwellinghouse would have a deep plan and shallow dual-pitched roof with wide dormer windows; this would not be reflective of local architectural styles and the development would thereby fail to integrate with the local vernacular, which is based on dwellings with a narrow linear plan, with the massing broken down into one and a half storey and single storey elements. The design of the proposed dwellinghouse would lack local character and would appear as suburban and wholly inappropriate to the sensitive rural location.*

- The Agent states that the proposal places emphasis on an energy-efficient dwellinghouse.

Comment: *No details have been submitted to suggest how the proposed dwellinghouse would place emphasis on energy efficiency. However, this would not be sufficient to override the fundamental key planning policy test for the Council's established and adopted settlement strategy for the planned growth of Argyll and Bute as set out within Policy LDP DM 1 as supported by NPF4 Policy 9. The proposed development would not therefore accord with the sustainable development aims of the Council as established within adopted key planning Policy LDP STRAT 1 which underpins NPF4 Policy 14.*

CONCLUSION

Section 25 of the Town and Country Planning Act 1997 (as amended) requires that all decisions be made in accordance with the development plan unless material considerations indicate otherwise.

In this case, as detailed in the Report of Handling appended to this submission, the site does not represent an appropriate opportunity for the erection of a dwellinghouse, and there has

been no sufficient or justifiable reason for the development to overcome the concerns outlined above. The proposed development is therefore confirmed as being contrary to National Planning Framework 4 Policies 9, 14, 15, 16, 17, 22, and 29 and Policies LDP DM 1, LDP STRAT 1, LDP 3, LDP 5, LDP 8, LDP 9, LDP 10 and LDP 11 and Supplementary Guidance SG LDP ENV 14, SG LDP ACE 1, SG LDP BUS 5, SG LDP HOU 1 and SG LDP SERV 6 of the Argyll and Bute Local Development Plan 2015.

Taking account of the above, it is respectfully submitted that the application for Review be dismissed.

APPENDIX A – REPORT OF HANDLING

Argyll and Bute Council
Development & Economic Growth

Planning Application Report and Report of Handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 22/02078/PPP
Planning Hierarchy: Local Development
Applicant: Mr Allan Brodie
Proposal: Site for the erection of dwellinghouse to be used in association with farming business
Site Address: Land North Of Ballyhough Outdoor Centre, Isle of Coll

DECISION ROUTE

- Delegated - Sect 43 (A) of the Town and Country Planning (Scotland) Act 1997
- Committee - Local Government Scotland Act 1973
-

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Site for the erection of dwellinghouse
- Formation of access track
- Connection to private water supply
- Installation of private drainage system

(ii) Other specified operations

- None
-

(B) RECOMMENDATION:

Having due regard to the Development Plan and all other material considerations, it is recommended that planning permission in principle be **refused** for the reasons appended to this report.

(C) CONSULTATIONS:

West of Scotland Archaeology Service

Email dated 16.12.2022 commenting on the application and advising of no objections subject to conditions.

Area Roads Authority

Report dated 14.11.2022 advising of no objections subject to conditions.

Scottish Water

Letter dated 14.11.2022 commenting on the application to advise that there is no Scottish Water infrastructure or Scottish Water waste water infrastructure within the vicinity of the proposed development site.

NatureScot

Letter dated 17.02.2023 commenting on the application.

Animal Health and Welfare Officer

Email dated 14.12.2022 supporting the application on the basis of operational need.

Development Plan Policy

No response at time of report and no request for an extension of time.

The above represents a summary of the issues raised. Full details of the consultation responses are available to view via the [Public Access](#) section of the Council's website.

(D) HISTORY:

22/00595/PPP

Site for the erection of dwellinghouse
Refused on 18.08.2022

(E) PUBLICITY:

The proposal has been advertised in terms of Regulation 20 and Neighbour Notification procedures, overall closing date 25.07.2023.

(F) REPRESENTATIONS:

(i) Representations received from:

No representations received.

(ii) Summary of issues raised:

- N/A

(G) SUPPORTING INFORMATION

Has the application been the subject of:

(i) Environmental Impact Assessment Report: Yes No

(ii) An Appropriate Assessment under the Conservation (Natural Habitats) Regulations 1994: Yes No

(iii) A Design or Design/Access statement: Yes No

The application has been submitted with a Planning Statement.

- (iv) A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc: Yes No

(H) PLANNING OBLIGATIONS

Is a Section 75 agreement required: Yes No

-
- (I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32: Yes No

-
- (J) Section 25 of the Act; Development Plan and any other material considerations over and above those listed above which have been taken into account in the assessment of the application**

- (i) List of all Development Plan Policy considerations taken into account in assessment of the application.

[National Planning Framework 4 \(Adopted 13th February 2023\)](#)

Part 2 – National Planning Policy

Sustainable Places

NPF4 Policy 1 – Tackling the Climate and Nature Crises

NPF4 Policy 2 – Climate Mitigation and Adaption

NPF4 Policy 3 – Biodiversity

NPF4 Policy 4 – Natural Places

NPF4 Policy 5 – Soils

NPF4 Policy 7 – Historic Assets and Places

NPF4 Policy 9 – Brownfield, Vacant and Derelict Land and Empty Buildings (*includes provisions relevant to Greenfield Sites*)

NPF4 Policy 12 – Zero Waste

NPF4 Policy 13 – Sustainable Transport

Liveable Places

NPF4 Policy 14 – Design, Quality and Place

NPF4 Policy 15 – Local Living and 20 Minute Neighbourhoods

NPF4 Policy 16 – Quality Homes

NPF4 Policy 17 – Rural Homes

NPF4 Policy 18 – Infrastructure First

NPF4 Policy 22 – Flood Risk and Water Management

Productive Places

NPF4 Policy 29 – Rural Development

[‘Argyll and Bute Local Development Plan’ Adopted March 2015](#)

LDP STRAT 1 – Sustainable Development
LDP DM 1 – Development within the Development Management Zones
LDP 3 – Supporting the Protection Conservation and Enhancement of our Environment
LDP 5 – Supporting the Sustainable Growth of our Economy
LDP 8 – Supporting the Strength of our Communities
LDP 9 – Development Setting, Layout and Design
LDP 10 – Maximising our Resources and Reducing our Consumption
LDP 11 – Improving our Connectivity and Infrastructure

[‘Supplementary Guidance to the Argyll and Bute Local Plan 2015’ \(Adopted March 2016 & December 2016\)](#)

Natural Environment

SG LDP ENV 1 – Impact on Habitats, Species and our Biodiversity
SG LDP ENV 4 – Impact on SSSIs and National Nature Reserves
SG LDP ENV 11 – Protection of Soil and Peat Resources

Landscape and Design

SG LDP ENV 14 – Landscape
SG LDP ACE 1 – Area Capacity Evaluation (ACE)

Historic Environment and Archaeology

SG LDP ENV 20 – Impact on Sites of Archaeological Importance

Support for Business & Industry: General

SG LDP BUS 5 – Economically Fragile Areas

General Housing Development

SG LDP HOU 1 – General Housing Development Including Affordable Housing Provision

Sustainable Siting and Design

SG LDP Sustainable – Sustainable Siting and Design Principles

Resources and Consumption

SG LDP SERV 1 – Private Sewage Treatment Plants & Wastewater Systems
SG LDP SERV 2 – Incorporation of Natural Features / SuDS
SG LDP SERV 5(b) – Provision of Waste Storage & Collection Facilities within New Development
SG LDP SERV 6 – Private Water Supplies and Water Conservation
SG LDP SERV 9 – Safeguarding Better Quality Agricultural Land

Addressing Climate Change

SG LDP Sust Check – Sustainability Checklist

Transport (Including Core Paths)

SG LDP TRAN 2 – Development and Public Transport Accessibility
SG LDP TRAN 4 – New & Existing, Public Roads & Private Access Regimes
SG LDP TRAN 6 – Vehicle Parking Provision

(ii) List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 3/2013.

- Consultation Responses
- Planning History
- Argyll and Bute Sustainable Design Guidance, 2006
- Isle of Coll Sustainable Design Guide
- [ABC Technical Note – Biodiversity \(Feb 2017\)](#)
- [ABC draft Technical Note – Argyll and Bute Windows \(April 2018\)](#)

[Argyll and Bute proposed Local Development Plan 2 \(November 2019\)](#) – The Examination by Scottish Government Reporters to the Argyll and Bute Local Development Plan 2 has now concluded and the [Examination Report](#) has been published (13th June 2023). The Examination Report is a material consideration of significant weight and may be used as such until the conclusion of the LDP2 Adoption Process. Consequently, the Proposed Local Development Plan 2 as recommended to be modified by the Examination Report and the published Non Notifiable Modifications is a material consideration in the determination of all planning and related applications.

Spatial and Settlement Strategy

Policy 02 – Outwith Settlement Areas
Policy 04 – Sustainable Development

High Quality Places

Policy 05 – Design and Placemaking
Policy 08 – Sustainable Siting
Policy 09 – Sustainable Design
Policy 10 – Design – All Development
Policy 21 – Sites of Archaeological Importance

Diverse and Sustainable Economy

Policy 22 – Economic Development

Connected Places

Policy 35 – Design of New and Existing, Public Roads and Private Access Regimes
Policy 36 – New Private Accesses
Policy 39 – Construction Standards for Private Accesses
Policy 40 – Vehicle Parking Provision

Sustainable Communities

Policy 58 – Private Water Supplies and Water Conservation
Policy 60 – Private Sewage Treatment Plants and Wastewater Drainage Systems
Policy 61 – Sustainable Urban Drainage Systems (SUDS)
Policy 63 – Waste Related Development and Waste Management

High Quality Environment

Policy 73 – Development Impact on Habitats, Species and Biodiversity
Policy 75 – Development Impact of Sites on Sites of Special Scientific Interest (SSSIs)
Policy 79 – Protection of Soil and Peat Resources
Policy 83 – Safeguarding Agricultural and Croft Land

(K) Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment: Yes No

(L) Has the application been the subject of statutory pre-application consultation (PAC): Yes No

(M) Has a Sustainability Checklist been submitted: Yes No

(N) Does the Council have an interest in the site: Yes No

(O) Requirement for a pre-determination hearing: Yes No

(P)(i) Key Constraints/Designations Affected by the Development:

- Totamore Dunes and Loch Ballyhaugh Site of Special Scientific Interest

(P)(ii) Soils

Agricultural Land Classification:

Unclassified Land

Peatland/Carbon Rich Soils Classification:

Class 1

Class 2

Class 3

Class 5

N/A

Peat Depth Classification:

1 metre

Does the development relate to croft land? Yes No

Would the development restrict access to croft or better quality agricultural land? Yes No N/A

Would the development result in fragmentation of croft / better quality agricultural land? Yes No N/A

(P)(iii) Woodland

Will the proposal result in loss of trees/woodland? Yes
 No

Does the proposal include any replacement or compensatory planting? Yes
 No details to be secured by condition
 N/A

(P)(iv) Land Status / LDP Settlement Strategy

Status of Land within the Application Brownfield
 Brownfield Reclaimed by Nature
 Greenfield

ABC LDP 2015 Settlement Strategy

LDP DM 1

Main Town Settlement Area
 Key Rural Settlement Area
 Village/Minor Settlement Area
 Rural Opportunity Area
 Countryside Zone
 Very Sensitive Countryside Zone
 Greenbelt

ABC LDP 2015 Allocations/PDAs/AFAs etc:

N/A

ABC pLDP2 Settlement Strategy

Settlement Area
 Countryside Area
 Remote Countryside Area
 Helensburgh & Lomond Greenbelt

ABC pLDP2 Allocations/PDAs/AFAs etc:

N/A

(P)(v) Summary assessment and summary of determining issues and material considerations

Planning permission in principle is sought for the erection of a dwellinghouse on a plot of land to the north of Ballyhaugh, Isle of Coll.

The application site comprises an area of undeveloped and open land. The site is located to the north of the long established Ballyhaugh Hebridean Centre and is accessed via a private unmade track spurring from the public B8071 road. The surrounding area is rural and undeveloped in character.

An application for planning permission in principle at the site (our reference 22/00595/PPP) was refused in August 2022. The application related to planning permission in principle for the erection of a dwellinghouse, and was refused as the site the subject of the application was within the 'Countryside Zone' as designated within the adopted Local Development Plan. The proposed development did not represent an appropriate opportunity for infill, rounding-off, redevelopment or the change of use of an existing building, nor was there an 'exceptional case'. This current application now seeks consent for planning permission in principle for a dwellinghouse at the same site. The application has now been submitted with an 'exceptional case' relating to the need for the development to support an agricultural business.

This application is seeking planning permission in principle for a single dwellinghouse. The application has been submitted with indicative details of the proposed dwelling, including its siting within the plot, and indicative design details.

The purpose of this application is to establish the principle of development with the matters of layout and design to be addressed by way of future application(s) for approval of matters specified in conditions.

NPF4 Policy 1 seeks to prioritise the climate and nature crises in all decisions; it requires to be applied together with other policies in NPF4. Guidance from the Scottish Government advises that it is for the decision maker to determine whether the significant weight to be applied tips the balance in favour for, or against a proposal on the basis of its positive or negative contribution to climate and nature crises.

NPF4 Policy 2 seeks to ensure that new development proposals will be sited to minimise lifecycle greenhouse gas emissions as far as possible, and that proposals will be sited and designed to adapt to current and future risks from climate change. Guidance from the Scottish Government confirms that at present there is no single accepted methodology for calculating and / or minimising emissions. The emphasis is on minimising emissions as far as possible, rather than eliminating emissions. It is noted that the provisions of the Settlement Strategy set out within Policy LDP DM 1 of the LDP promotes sustainable levels of growth by steering significant development to our Main Towns and Settlements, rural growth is supported through identification of Key Rural Settlements and safeguards more sensitive and vulnerable areas within its various countryside designations.

NPF4 Policy 3 seeks to protect biodiversity, reverse biodiversity loss and deliver positive effects from development and strengthen nature networks.

In the case of the development proposed by this application, it is considered that there are no issues of compliance with Policy 3. No material biodiversity impacts have been identified in the assessment of this application by the Planning Authority and whilst no specific proposals for biodiversity improvements have been submitted it is considered that adequate and proportionate measures for biodiversity enhancement and protection could be secured via planning condition in the event that planning permission in principle were to be granted. The proposed development is therefore considered to be in compliance with NPF4 Policy 3 as underpinned by Local Development Plan Policy LDP 3, supplementary guidance SG LDP ENV 1, and Policy 73 of the proposed Local Development Plan 2.

NPF4 Policy 4 seeks to protect, restore and enhance natural assets making best use of nature-based solutions.

The application site lies within the Totamore Dunes and Loch Ballyhaugh Site of Special Scientific Interest, designated for its extensive dune and machair system and vascular plant assemblage. NatureScot have been consulted on the application and have stated that there are natural heritage interests of national importance on the site, but these will not be affected by the proposal. The development site is located outside of the key machair and dune habitat in an area that is considered important, principally for the nationally-rare orchid, Irish lady's tresses (*Spiranthes romanzoffiana*). This plant's preferred habitat is wet grassy places such as marshy meadows. The development site is not the preferred habitat and the records from NatureScot do not show any sightings closer than 50m from the proposed development site, therefore it is unlikely that the integrity of the Site of Special Scientific Interest would be affected by the proposed development. In the event that planning permission in principle were to be granted, a suitable condition could be attached to ensure that the storage of all building materials and associated equipment were to be within the boundary of the application site, thereby ensuring

any disturbance would be contained within the plot boundary. The proposed development is considered to be in accordance with NPF4 Policy 4 as underpinned by Local Development Plan Policy LDP 3, supplementary guidance SG LDP ENV 1 and SG LDP ENV 4, and Policy 75 of the proposed Local Development Plan 2.

NPF4 Policy 5 seeks to protect carbon-rich soils, to restore peatlands and to minimise disturbance to soils from development.

The development proposed by the current planning application seeks to develop an area of rough undeveloped ground. Whilst no evidence has been submitted by the applicant to suggest that the site would avoid the better quality agricultural land within the holding, the site itself has no agricultural land classification and is not within an identified area of peatland, carbon-rich soils or priority peatland habitat. The development proposed is therefore considered to be in accordance with NPF4 Policy 5 as underpinned by Local Development Plan Policy LDP 3, supplementary guidance SG LDP ENV 11 and SG LDP SERV 9, and Policies 79 and 83 of the proposed Local Development Plan 2.

NPF4 Policy 7 seeks to protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places.

The site the subject of the application lies within an area of archaeological sensitivity, with the potential for the site to feature buried archaeological remains. Additionally, the site lies approximately 250 metres to the east of, and in full view from, An Caisteal, a prehistoric fort. The consultation response received from the West of Scotland Archaeology Service advises that the proposal would have a minor detrimental impact upon its landscape setting, however the prehistoric fort does not form a Scheduled Ancient Monument. The consultation response further states that the proposed development is of such a scale that ground disturbance could reveal buried archaeological remains. In the case of this application, a suitable condition could be attached to secure an archaeological watching brief in the event that planning permission in principle were to be granted. In this regard, the development would adhere to the requirements of NPF4 Policy 7(o) as underpinned by LDP Policy LDP 9, supplementary guidance SG LDP ENV 20, and Policy 21 of the proposed Local Development Plan 2, which seek to protect and preserve non-designated historic environment assets, places and their setting.

NPF4 Policy 9 seeks to encourage, promote and facilitate the reuse of brownfield, vacant and derelict land and empty buildings, and to help reduce the need for greenfield development.

The development proposed by this planning application is on a greenfield site. The site is located within the 'Countryside Zone' as designated within the Local Development Plan, where LDP Policies LDP STRAT 1 and LDP DM 1 give encouragement only to small scale development on appropriate infill, rounding-off, redevelopment, and change of use of existing buildings. In exceptional cases, development in the open countryside up to and including large scale may be supported on appropriate sites if this accords with an Area Capacity Evaluation. In the case of this application, the proposed site for a dwellinghouse would not represent an opportunity for infill, rounding-off, redevelopment, or the change of use of an existing building.

With regard to 'exceptional cases', development in the open countryside up to and including large scale may occasionally be supported on appropriate sites, provided that the applicant has demonstrated a clear locational/operational requirement for

the development and one which cannot be accommodated within the reasonable local vicinity of the proposed development site on a more suitable site within the settlement zone or in the less-sensitive countryside zone (the 'Rural Opportunity Areas'). Where no such more appropriate development opportunity exists and where an applicant has successfully demonstrated an overriding 'exceptional case' for that development, such proposals are expected to accord with an 'Area Capacity Evaluation'.

SG LDP ACE 1 states that *"The 'exceptional case' required to justify carrying out of an ACE is in all circumstances, either; the demonstration of a locational and/or operational need tied to a precise location which is agreed with and acceptable to the council, or; demonstration of an overriding economic or community benefit which outweighs other policies of the Local Development Plan and is agreed with and acceptable to the council."* In order for a development to qualify as an exceptional case, the following principles can be applied:

- Exceptional cases should be fairly rare occurrences and should not become a matter of routine;
- Exceptional cases should be supported with a business development plan/reasoned statement of justification;
- Specific locational requirement – i.e. if it's not there, then it can't happen anywhere else;
- Or that it directly supports an existing business whose continued operation would be jeopardised without the proposed development.

The application site is a prominent area of open and gently undulating land slightly elevated above the Ballyhaugh Hebridean Centre. The site is located in mid Coll, which is characterised by open landscapes. There are long views across the distinctive open landscape and the existing settlement pattern is sparse. The Isle of Coll Landscape Capacity for New Housing Report states that the existing built development at Ballyhaugh acts as a point feature, where its scale suits the open landscape in which it sits. The landscape study does not recognise the site the subject of the current application as one within which there is capacity for new residential development and it is considered that the introduction of a dwelling within this location would not be cohesive with the landscape or settlement pattern and would not integrate with the character of the surrounding area. The dwelling would appear as unduly prominent and would therefore have a significant adverse impact upon the setting, and would unacceptably alter the existing settlement density of the area.

The applicant has put forward a justification for the proposed development in an attempt to justify that this application represents an appropriate 'exceptional case' based on a locational/operational need for the development to be located upon this greenfield site within the designated 'Countryside Zone'. This justification is summarised as follows:

- The proposed development of the site with a dwellinghouse is required by the applicant based on a locational/operational need;
- The applicant and the farm manager live two and three miles away from the application site at Ballyhaugh respectively. The farm at Ballyhaugh is

currently run as a satellite farm to Ballard Farm, which is sited two miles away from the application site;

- The applicant requires the dwellinghouse to support the agricultural activity at the site, which comprises breeding sheep and cattle, on the 91 hectare site. The accommodation is required to support the agricultural activity at the site and address the lack of any available nearby housing.

The Council's Animal Health and Welfare Officer has been consulted on the application. The submitted Labour Report has been assessed and the consultation response supports the application on the basis of operational need. The Council's Animal Health and Welfare Officer makes reference to the current farmer approaching retirement age and their association with an existing substantial farm, which is stated to make sufficient demands on his time. Whilst this is acknowledged, it is noted within the supporting information submitted by the applicant that the majority of the farm work surrounding the application site is undertaken by a farm manager, and not the applicant. The response from the Council's Animal Health and Welfare Officer, in this case, does not acknowledge that both the applicant and the farm manager live within 3 miles of the proposed development site, nor is it acknowledged that there may be other suitable sites for development within the landholding. Whilst the application is supported by the Council's Animal Health and Welfare Officer on the basis of operational need, there is no suggestion that the dwellinghouse associated with the farm has to be tied to this precise location, and could not be facilitated elsewhere within the landholding. There is also no suggestion that if the dwelling were to be sited in an alternative, nearby location, that the farming activity would be jeopardised.

In consideration of the claim of an exceptional case based upon a locational/operational need, the evidence submitted is somewhat vague. The information provided with the application indicates that the agricultural holding covers an area of approximately 91 hectares, with both the applicant and the farm manager living within three miles of the proposed development site. The agricultural holding, under the ownership of the applicant, includes a number of 'Rural Opportunity Areas'. The applicant has been advised that there are other potential sites within the wider agricultural holding which would avoid the more sensitive 'Countryside Zone', such as within the designated 'Rural Opportunity Areas', including immediately to the south and west of the site, and approximately 400 metres to the northeast. The applicant has discounted these sites for the following stated reason:

- The area would not be suitable for construction due to its exposure to harsh northerly and easterly winter winds. The site's elevated position would exacerbate this issue.

Notwithstanding this, the Planning Authority remain of the view that the 'Rural Opportunity Areas', both immediately adjacent to the proposed application site, and 400 metres to the northeast of the site, could potentially present an opportunity for the proposed development and that no convincing argument has been put forward to discount these sites. The applicant has been strongly encouraged to investigate development potential of a number of sites within these areas. The 'Rural Opportunity Area' sited approximately 400 metres to the northeast of the application site is located adjacent to the B8071 public road and features a number of existing dwellinghouses. It is not therefore considered that this site is completely unsuitable for construction, based on the claimed exposure to winds. It is not therefore accepted that the 'Rural Opportunity Areas' are undevelopable. There has been no evidence submitted to discount development potential of specific sites within these areas.

Whilst the Planning Authority is keen to support local businesses and the reasonable aspirations of individuals, it is concluded in this case and after substantial effort to secure additional information, the case put forward by the applicant does not meet the 'exceptional case' criteria as the applicant's need could be met from other sites in close proximity to the proposed development site and indeed within the wider agricultural landholding of the applicant. The proposed development does not constitute an 'exceptional case'. There is no locational requirement for the proposed development to be sited within the designated 'Countryside Zone' on a site that does not present any opportunities for infill, rounding-off, redevelopment or a change of use of an existing building. Whilst the applicant has put forward an 'exceptional case', there is very limited established activity at this particular site within the wider landholding to potentially underpin a locational/operational need to justify the principle of the erection of a dwellinghouse at this specific location within the farm. Whilst it may be preferential and beneficial for the applicant to develop this particular site, the proposed case that has been forward by the applicant has not been backed up by sufficient evidence, despite such evidence having been requested. Additionally, the limited evidence provided does not suggest that the farming business would be jeopardised if the development were to be sited elsewhere within the farm holding in a less sensitive location.

The proposed site does not present any opportunities for small scale development on appropriate infill, rounding off and redevelopment sites and changes of use of existing buildings. The proposed development does not constitute an 'exceptional case' which would warrant the undertaking of an Area Capacity Evaluation which could potentially allow the Planning Authority to support development on appropriate sites where the development accords with the Area Capacity Evaluation.

With regard to the proposed Local Development Plan 2, the application site is located within an area designated as 'Countryside Area' where there is a presumption in favour of sustainable development where this is of an appropriate scale, design, siting and use for its countryside location. In the case of this application, the indicative scale and design of the proposed dwelling would be incongruous with the design, character and appearance of the built development that characterises the Isle of Coll. Moreover, the siting of such a large scale dwelling in this sensitive and exposed location would be unsustainable in terms of protecting the expansive landscapes which characterise this area of mid Coll. The siting, design and scale of the development would appear as insensitive and intrusive in this location, and the proposed development of this site would not therefore adhere to the requirements of the proposed Local Development Plan 2 Policy 02.

As outlined above, the proposed development, on a greenfield site, would be contrary to NPF4 Policy 9(b), which requires development proposals on greenfield sites to be explicitly supported by policies in the Local Development Plan. The development would thereby fail to achieve the policy outcome aims which require development to be sited within an appropriate location to maximise the use of existing assets and minimise additional land take.

NPF4 Policy 12 seeks to encourage, promote and facilitate development that is consistent with the waste hierarchy as defined within the policy document.

The development the subject of this planning application seeks planning permission in principle for the erection of a single dwellinghouse. This is a development likely to generate waste when operational. Whilst no details have been provided regarding the proposed management of waste from the site, such details could be secured via

condition in the event that planning permission in principle were to be granted. In this regard, the proposed development is considered to be in compliance with NPF4 Policy 12(c) as underpinned by LDP Policy LDP 10, supplementary guidance SG LDP SERV 5(b), and Policy 63 of the proposed Local Development Plan 2.

NPF4 Policy 13 seeks to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably.

The development the subject of this planning application seeks to establish the principle of a new single dwellinghouse. The application proposes to construct a new private access track connecting to the existing private access track spurring from the B8071 public road. The Area Roads Authority have been consulted on the application and raised no objections to the proposed development subject to conditions regarding the upgrade of the access at the junction with the public road, the clearance and maintenance of visibility splays, the provision of a system or surface water drainage, the provision of a parking and turning area, and the provision of a bin store area. Subject to such details being secured via condition in the event that planning permission in principle were to be granted, the proposal is compliant with the terms of NPF4 Policy 13 as underpinned by Local Development Plan Policy LDP 11, supplementary guidance SG LDP TRAN 2, SG LDP TRAN 4 and SG LDP TRAN 6, and the relevant policies of the proposed Local Development Plan 2, which collectively seek to ensure that developments are served by a safe means of vehicular access and have an appropriate parking and turning area within the site.

NPF4 Policy 14 seeks to encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the 'Place Principle'.

NPF4 Policy 14(c) states that development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful place will not be supported. In this instance, whilst the application is seeking planning permission in principle, indicative details of the siting and design of the dwelling have been submitted. As per the indicative plans, the proposed dwelling would have a large footprint, covering an area of approximately 156 square metres. The large massing of the dwelling would appear as unduly prominent at the site, unsympathetic to the surrounding expansive open landscape. The development would therefore have a significant impact upon the setting, being a large property that would impact upon the existing property at Ballyhaugh and the surrounding landscape. The massing of the proposed development is also considered to be inappropriate; the dwelling would have a deep plan and shallow dual-pitched roof with wide dormer windows. This would further exacerbate the adverse impact upon the setting of the proposed development site. The development would fail to integrate with the local vernacular, which is based on dwellings with a narrow linear plan, with the massing broken down into one and a half storey and single storey elements. The proposed dormer windows upon the principal elevation would be over scaled and would dominate the roof of which they would form a part of. The indicative design of the proposed dwelling would lack local character and in this regard would appear as suburban and inappropriate to the rural location. Whilst it is acknowledged that the exact details of the design of the proposed dwellinghouse could be secured via condition, to be addressed by way of future application(s) for approval of matters specified in conditions, the inappropriate design indicates that there has been insufficient regard to the character and appearance of the immediate and wider surroundings of the application site.

In addition to the above, however, it is important to note that the impact of the proposed development upon the landscape and character of the surrounding area is not the sole determining factor in the consideration of this application. Regardless of any interpretation of the impact of the proposed development upon the landscape, the development does not meet the fundamental key planning policy test for the Council's established and adopted settlement strategy for the planned growth of Argyll and Bute as set out within Policy LDP DM 1. Neither, therefore, does the proposed development accord with the sustainable development aims of the Council as established within adopted key planning Policy LDP STRAT 1 which underpins NPF4 Policy 14.

The proposed development fails to pay regard to the wider surroundings of the site in terms of connectivity, the existing character, scale and density, and views. The site is open and exposed and the proposed development would be incompatible with the existing character of the area, and is therefore contrary to Policies 05, 08, 09 and 10 of the proposed Local Development Plan 2.

NPF4 Policy 15 seeks to encourage, promote and facilitate the application of the Place Principle and create connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home.

In terms of the adopted settlement strategy, the site of the proposed development is within the 'Countryside Zone' where LDP Policies LDP STRAT 1 and LDP DM 1 give encouragement only to small scale development on appropriate infill, rounding-off, redevelopment sites, or changes of use of existing buildings. The proposed development site would fail to respect the existing established settlement pattern and in this regard the development would fail to connect with any existing neighbourhood or settlement. The proposal would therefore fail to meet the requirements of NPF4 Policy 15 as underpinned by the settlement strategy policy contained within Policies LDP DM 1, LDP 8, LDP 10 and LDP 11 of the Local Development Plan.

NPF4 Policy 16 seeks to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable homes in the right locations and providing choice of tenure to meet diverse housing needs.

NPF4 Policy 16(f) states that development proposals for new homes on land not allocated for housing in the LDP will only be supported in limited circumstances where:

- i) the proposal is supported by an agreed timescale for build-out; and
- ii) the proposal is otherwise consistent with the plan spatial strategy and other relevant policies including local living and 20 minute neighbourhoods
- iii) and either:
 - delivery of sites is happening earlier than identified in the deliverable housing land pipeline. This will be determined by reference to two consecutive years of the Housing Land Audit evidencing substantial delivery earlier than pipeline timescales and that general trend being sustained; or
 - the proposal is consistent with policy on rural homes; or

- the proposal is for smaller scale opportunities within an existing settlement boundary; or
- the proposal is for the delivery of less than 50 affordable homes as part of a local authority supported affordable housing plan.

In the case of this application, whilst the timescale for build-out could be secured via condition to be addressed by way of future application(s) for approval of matters specified in conditions, the application site is not consistent with the local development plan spatial strategy or other relevant policies. The development of the site the subject of this application is directly contrary to the local development plan spatial strategy. The proposed development is therefore considered to be inconsistent with NPF4 Policy 16 as underpinned by Local Development Plan Policies LDP DM 1 and LDP 8 and supplementary guidance SG LDP HOU 1.

NPF4 Policy 17 seeks to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable rural homes in the right locations.

The development the subject of this planning application is located within a defined 'remote rural area' where Policy 17(c) offers support only where such proposals:

- i. Support and sustain existing fragile communities;
- ii. Support identified local housing outcomes; and
- iii. Are suitable in terms of location, access and environmental impact.

The proposed development seeks planning permission in principle for a single dwellinghouse. It is acknowledged that the proposed development would contribute to housing for the existing local community, however there has been no overriding evidence to suggest that the dwelling could not be sited elsewhere within the applicant's wider agricultural holding in less sensitive and more sustainable locations. Nor has there been any evidence provided to suggest that if the dwelling were to be sited elsewhere, the existing farming activity would be jeopardised. It is not therefore considered that the proposed development would offer any overriding opportunity to sustain the existing community. In addition, as outlined above, the siting of the development is considered unsustainable due to its prominent location and the resulting impact upon the sensitive and vulnerable isolated landscape. The proposed development would therefore be contrary to the aims of NPF4 Policy 17 as underpinned by Local Development Plan Policy LDP DM 1.

NPF4 Policy 18 seeks to encourage, promote and facilitate an infrastructure first approach to land use planning.

The development the subject of this planning application proposes a private drainage system and connection to the public water supply network. As the application is seeking planning permission in principle, only indicative details of the proposed drainage arrangements have been submitted with the application, with these being subject of approval through a further planning application(s). With a condition to secure the details of the proposed private drainage system, the proposal is considered to be consistent with the broad aims of NPF4 Policy 18 as underpinned by Local Development Plan Policies LDP 11, supplementary guidance SG LDP SERV 1, and Policy 60 of the proposed Local Development Plan 2.

NPF4 Policy 22 seeks to strengthen resilience to flood risk and to ensure that water resources are used efficiently and sustainably.

The development the subject of this planning application proposes connection to the public water supply network. Scottish Water have been consulted on the application and have stated that whilst there is no objection to the application, there is no public Scottish Water water infrastructure within the vicinity of the proposed development site. The applicant has not demonstrated that water for drinking water purposes will be sourced from a sustainable water source that is resilient to periods of water scarcity. In this regard, the proposal would directly fail to meet the requirements of NPF4 Policy 22 as underpinned by LPD Policies LDP 10 and LDP 11, supplementary guidance SG LDP SERV 6, and Policy 58 of the proposed Local Development Plan 2, which seek to ensure the efficient and sustainable use of water resources.

NPF4 Policy 29 seeks to encourage rural economic activity, innovation and diversification whilst ensuring that the distinctive character of the rural area and the service function of small towns, natural assets and cultural heritage are safeguarded and enhanced.

NPF4 Policy 29(a) offers support to development proposals that contribute to the viability, sustainability and diversity of rural communities and the local rural economy. This includes support for farms, crofts and other land use businesses. However, NPF4 Policy 29 also requires such developments to accord with the spatial strategy outlined within the local development plan. In the case of this application, whilst the siting of a dwellinghouse at the application site may be preferential and beneficial for the applicant, the 'exceptional case' presented does not provide sufficient evidence to support an overriding locational need to have the development at this specific site. The development would therefore fail to comply with this aspect of NPF4 Policy 29.

With regard to NPF4 Policy 29(c), development proposals in remote rural areas, where new development can often help to sustain fragile communities, will be supported where the proposal:

- i. will support local employment;
- ii. supports and sustains existing communities, for example through provision of digital infrastructure; and
- iii. is suitable in terms of location, access, siting, design and environmental impact

In the case of this application, it is acknowledged that the siting of a dwellinghouse at the application site may be preferential and beneficial for the applicant to support the existing agricultural activity. However, there is insufficient supporting justification to suggest that the development is required in this exact location. In this regard, the contribution of the proposed development to supporting local employment and the existing community would appear to be limited. The information provided with the application advises that those associated with the agricultural business live no more than 3 miles from the proposed development site. Notwithstanding this, discussions have been undertaken with the applicant in an attempt to find alternative provision for the siting of a dwellinghouse within reasonable proximity to the claimed agricultural activity. The suggested development sites are in locations within the applicant's ownership and on sites that would accord with the adopted settlement strategy. However, in response to such requests for considerations of alternative sites for the proposed development, there has been minimal analysis of other

potential development sites, with the applicant stating that all other sites would be unsuitable for development due to their exposure. This is disputed as at least one of the potential development areas features a number of existing dwellinghouses.

As previously outlined, the proposed development site is unsuitable in terms of location due its undeveloped nature and its sensitivity to inappropriate development that would fail to protect or conserve the important landscape characteristics of the wider area. The proposed development would not therefore adhere to the requirements of NPF4 Policy 29 as underpinned by Local Development Plan Policies LDP 3, LDP 5, LDP 8 and LDP 9, supplementary guidance SG LDP BUS 5, and Policy 22 of the proposed Local Development Plan 2.

Notwithstanding the above requirements of NPF4 Policy 29, this application for planning permission in principle for the development of the site with the erection of a dwellinghouse and associate services would represent an inappropriate form of development within the 'Countryside Zone' designation which would be detrimental to the character and appearance of the wider landscape and contrary to the policies set out within the National Planning Framework 4 and the adopted Local Development Plan and associated supplementary guidance.

There is sufficient alignment in the assessment of the proposal against both provisions of the current Local Development Plan and the Proposed Local Development Plan 2 (as modified) that a decision can be made under the current development plan without giving rise to fundamental conflict with PLDP2 (as modified).

(Q) Is the proposal consistent with the Development Plan: Yes No

(R) Reasons why Planning Permission or Planning Permission in Principle Should be Granted:

See reasons for refusal set out below.

(S) Reasoned justification for a departure to the provisions of the Development Plan

N/A

(T) Need for notification to Scottish Ministers or Historic Environment Scotland:
Yes No

Author of Report: Emma Shaw **Date:** 07.09.2023

Reviewing Officer: Tim Williams **Date:** 12.09.2023

Fergus Murray
Head of Development & Economic Growth