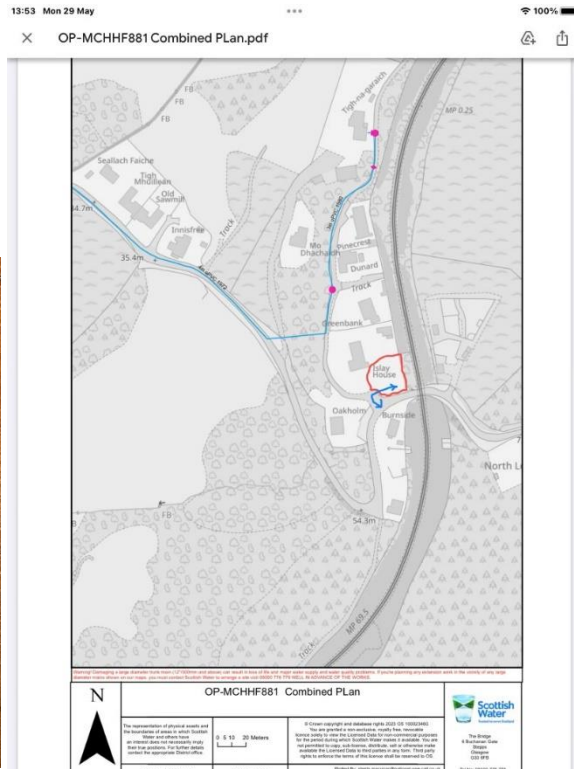
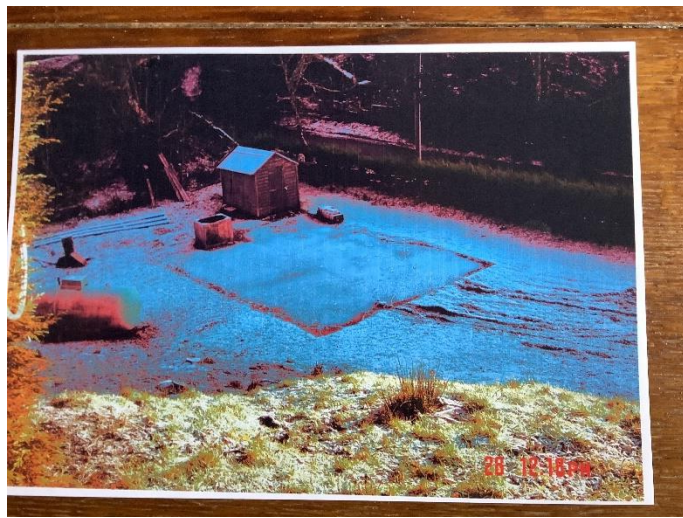


APPEAL - 23/00848/PPP - Land South-East of Islay House

History

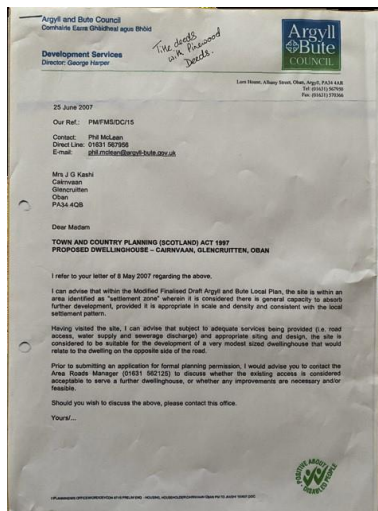
The proposed development site formed part of our garden during 2004-2009 being situated at a much lower level than the house and its immediate garden. In 2007 a family emergency forced us to change plans and move away from Oban. Because the site is a flat piece of land at road-level (which housed a shed and concrete standing for a caravan – please see picture below) we wondered if it might be possible to keep it so we could return in the future to build ourselves a modest home.

Figure 1: The plot in 2009 showing the shed and concrete standing – Figure 2: Plan showing plot outlined in red



Before taking any steps, we sought the advice of the local planning department and following a site visit, they wrote an encouraging letter stating that the plot would be suitable for a modest dwelling house. Based on this, we proceeded to separate the land moving services, building a wall and starting the legal process.

Figure 1: Letter 2007 – Figure 2: Wall/fence between plot and Islay House – Figure 3: Wall/fence from road-level



Since 2007, we have lived hundreds of miles away and haven't been able to visit regularly. In 2009 and again in 2022 a neighbour offered to buy the land to develop themselves, but we retained it because we want to move back. Unfortunately, in our absence the site has become somewhat overgrown and vulnerable to fly-tipping.

Fly-Tipping

Figure1 – 6 – Fly-Tipping at the site.

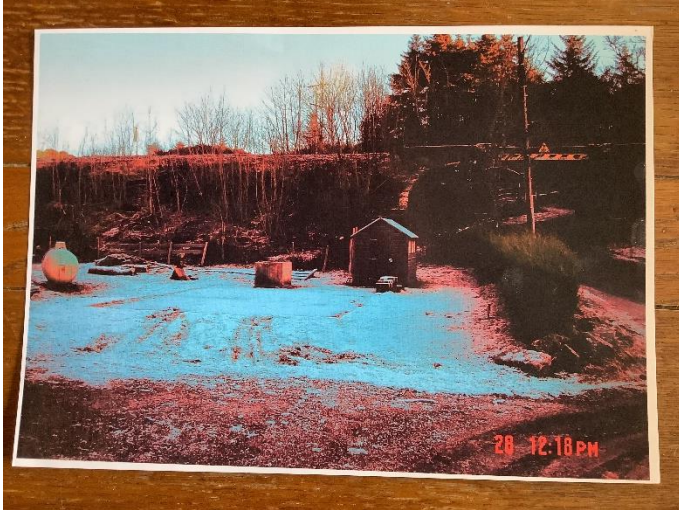


Although there are houses on 3 sides (Islay House, Burnside and Oakholm), none of them directly overlook the plot making it secluded and a vulnerable target. In fact, the plot is so unobtrusive to neighbours that none of them have noticed fly-tipping or parking to be able to prevent it. Argyll & Bute Council website states that fly-tipping has an adverse impact on the aesthetic appeal and safety of the site, resulting in potential damage to the environment and impacting the local community. Being vacant, the site also attracts unauthorised/unmonitored vehicle parking on a regular basis and the presence of a home on this site would promote care and prevent misuse of the land.

Appeal Points

We believe that our proposed development does not conflict with NPF4 because, although it is currently a greenfield site the concrete standing was the site of an historical dwelling and the proposal seems to be robustly supported by the LDP. The plot was completely clear of vegetation and debris and has only become overgrown over many years and this should not obscure its suitability for development.

Figure 1: Plot 2009



The next-door neighbour has recently complained to us that the overgrowth of vegetation is causing a nuisance as it has been routinely invading their garden.

Excerpt from email

“The plot has been overgrown since you left, growing into our garden and onto our steps every year and in all that time you have made no attempt to maintain the overgrowth onto our property. You have also allowed the trees to grow over the telephone lines and onto the road which is already a dangerous and narrow piece of road. This has been reported to BT.

The railway has also had access to your land along with the roads department and BT so maybe they are avenues you would like to explore.”

This proposal is for a very modest dwelling house, in keeping with the character of neighbouring properties and located within the settlement zone. Although we have only applied for outline permission, we still engaged and paid for the services of an architect to be able to accommodate all features and issues highlighted by the planning department during the application process, including house location, car turning point and drainage provisions.

Visual impact of the proposed development within the neighbourhood will be limited/negligible. The plot is to a greater extent secluded and not readily seen by any of the neighbouring properties – nor does it overlook them to any great extent, with a steep slope going up to Islay House on one side, a boundary of trees limiting visibility from the public road/Burnside on the other and the raised-up railway line bordering the plot to the rear. Across the private road, Oakholm is set such that direct visibility is also minimal.

Secluded Plot

Figure 1: View of the public road – the plot is immediately to the left and Burnside on the right

Figure 2: View from the mouth of the plot towards Oakholm

Figure 3: The raised-up train line to the rear of the plot

Figure 4: View from the back of the plot towards the entrance & Oakholm

Figure 5: View from the entrance of the plot up towards Islay House



Plot Size

Initially, plot size and location were not issues. However, these have now been cited as a reason for refusal. The plot size is broadly similar to the neighbouring plots of Dunard and Pinecrest (both a couple of doors down along the private road), and Burnside – which is an especially large house relative to its plot size. Many of the neighbouring plots also house additional short-term holiday let accommodation as well as residential homes - including Burnside, Burnside Cottage, Islay House, and Dunard. We note that Burnside Cottage has very recently had a plan for the addition of a garage and holiday let approved on 5th January this year.

Figure 1: Burnside – Figure 2: Pinecrest – Figure 3: Dunard at the side of the private road



The proposed development falls within the defined Settlement of Oban, where general encouragement is given to development if there is no adverse impact upon the character of the landscape and no unacceptable environmental, servicing or access impact. The roads department has approved development of the site subject to certain provisos which we have already been met. There is sufficient space for a house, parking and turning for 2 vehicles, a septic tank and soakaway and the proposed house would be of a similar distance to the public road as are Burnside, Burnside Cottage and Oakholm. We would, of course, still maintain sufficient greenery to support the overall look of the area.

Distance from the Public Road

Figure 1: Burnside Cottage – Figure 2: Burnside – Figure 3: Oakholm



Compliance with National Planning Policy NPF4 Policy 9(b)

The planning refusal letter states that this proposed development is contrary to NPF4 Policy 9, underpinned by LDP STRAT 1, LDP DM 1, SG LDP ENV 14 and SG LDP HOU 1 and pLDP2 Policy 1. However, we do not believe this is the case and taking each of these in turn would like to make the following comments concerning this development proposal:

LDP STRAT 1 – Sustainable Development

- (a) - The local community will benefit from prevention of fly-tipping, seepage of nuisance vegetation and unregulated parking which render the site unsightly and hazardous.
- (b) – Will make use of what is currently vacant/derelict land.
- (c) – Supports maximising of existing infrastructure and services.
- (d) – Is consistent with sustainable design.
- (e) – N/A.
- (f) – Will utilise public transport corridors and active travel networks.
- (g) – N/A.
- (h) – Conforms as it will conserve and enhance the natural and built environment.
- (i) – Conforms as it is not situated in a flood risk area according to SEPA maps and is situated at a significant distance from the coast in a raised up location from sea-level.
- (k) – Complies as it avoids significant adverse impacts on land, air and water environment.

LDP DM 1 – Supporting Sustainable Development

This policy supports a general ethos of encouragement to sustainable development. This includes point C – within villages and minor settlements up to a small scale on appropriate sites which seems to be pertinent to this proposal which falls within the Settlement Zone.

SG LDP ENV 14 - Landscape

This addresses landscape impact in consideration of planning proposals. Our proposal is for a very modest house of sustainable design in keeping with neighbouring properties, the size of which is in keeping with the plot on which it would be situated and would not be directly overlooked by any of the neighbouring houses.

Furthermore, this development would prevent use of the site for fly-tipping, unauthorised parking and seepage of vegetation which causes a nuisance to the direct neighbours, therefore directly benefitting the local community. The development proposal has incorporated all possible mitigation measures to ensure there would be no adverse impact.

SG LDP HOU 1 – In Favour of Support for Housing Development

This policy puts forward a general presumption in favour of housing development to be supported, and our proposal does not fall into any of the categories which would go against this.

LDP2 Policy 1 – Settlement Areas

Our development proposal falls within the defined settlement zone and is compatible with surrounding uses being in a small residential area and of a small scale in keeping with the plot size which will respect the character and appearance of the surrounding townscape - being also discreet and having minimal impact while improving the local environment by preventing nuisance/dangerous uses of an unmonitored area easily accessed from the main road. The plot size is like several of the existing neighbouring properties.

LDP Key Objectives

This development proposal is also supported by LDP KEY OBJECTIVE F – meeting future housing needs – and LDP KEY OBJECTIVE H – to optimise the use of scarce resources, including existing infrastructure, vacant and derelict land and reduce consumption.

Conclusion

We cannot understand why our proposal was refused, especially having been given encouragement at the outset by the planning department and bearing considerable costs to separate, retain and during the planning application process. I have just turned down the offer of a position as an NHS dentist at a dental practice in Oban (I can provide evidence of this if required), as acceptance rested on being able to develop the land. Our 4 children – all now well into their 20's – were all looking forward to visiting with a view to relocating to Oban with their partners.

Unfortunately, we have struggled to clear the land fully as yet due to distance, weather and work commitments although we have made several trips for this purpose making great efforts. It was always an open piece of land being free from encroaching vegetation which has become an increasing nuisance to neighbours, and we hope that you will be able to see beyond its current state and consider previous photos to see potential for development. We are planning to fully clear it later in the year as soon as the weather allows, and our plan was always to broaden the plot by cutting into the hillside bordering Islay House. Anecdotally, we have spoken to most of the neighbours including next door and across the road and have broad support from them for this proposal. If you would allow us to proceed, we know it would be beneficial to the local community by improving the overall character and appearance of the neighbourhood.

We hope that you will consider our appeal favourably.

Yours sincerely,

Matteo&Julie Casci.