

**STATEMENT OF CASE**

**FOR**

**ARGYLL AND BUTE COUNCIL  
LOCAL REVIEW BODY**

**24/0002/LRB**

**REFUSAL OF PLANNING PERMISSION 23/00825/PPP**

**SITE FOR THE ERECTION OF A DWELLINGHOUSE**

**LAND NORTH OF ROWAN BRAE, GLENCRUITTEN, OBAN**

**31 JANUARY 2024**

## STATEMENT OF CASE

The Planning Authority is Argyll and Bute Council ('the Council'). The appellant is Mr Malcolm Sloss ('the appellant').

Planning permission 23/00825/PPP for the site for the erection of a dwellinghouse on an area of land to the north of Rowan Brae, Glencruitten, Oban ('the appeal site') was refused by the Planning Service under delegated powers on the 17 October 2023.

The decision has been appealed and is subject of referral to a Local Review Body.

### DESCRIPTION OF SITE

The site the subject of the application is a relatively flat area of ground elevated above the Barran-Connel public road which runs along the east of the site. The site rises up to the rear of the site to the north and the northwest. There are two stable buildings to the south of the site beyond which is an agricultural building and a small cluster of residential development associated with the junction of the public road leading to Oban.

Whilst an indicative position for the dwellinghouse was shown on site plan, the purpose of the application was 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.

### 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 site represents a suitable opportunity within the defined Rural Opportunity for development with a dwellinghouse respecting the established settlement pattern of the area within which it is proposed and whether the development of the site with a dwellinghouse will result in an adverse impact on the wider landscape.*

The Report of Handling (Appendix 1) sets out the Council's full assessment of the application in terms of Development Plan policy and other material considerations.

### 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 1. As such it is considered that Members have all the information they need to determine the case. Given the above and that the proposal is small-scale, 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 contends that the proposed site respects the established settlement pattern along the Connel Back Road and disagrees with the assessment undertaken by the Planning Authority.

The appellant opposes the view of the Planning Service that the site is not an 'appropriate site' and the view that the loss of open space is an un-evidenced assumption on the part of the Planning Service.

The appellant contends that the development of the site with a dwellinghouse would not result in any material harm to the landscape, local character and appearance as stated by the Planning Service with the site not being appreciable along the public road to the east of the site. The appellant contends that the site is not visible from the public road and for the Planning Service to use the word harm overstretches the reality.

The Planning Service has no comments to make on the appellants submission with the assessment of the application undertaken by the Planning Service fully detailed in the Report of Handling appended to this statement.

### **CONCLUSION**

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

It remains the view of the Planning Service, as set out in the Report of Handling appended to this statement, that the existing stables on the lower ground form the natural boundary for the small cluster of development at this location and, in this instance, it is considered that the proposal to develop the site with a dwellinghouse would harmfully extend the existing cluster of development and unacceptably harm the rural landscape character and appearance of the area.

Taking account of the above, it is respectfully requested that the application for review be dismissed.

## APPENDIX 1

### Report of Handling Relative to 23/00825/PPP

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

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Reference No: 23/00825/PPP  
Planning Hierarchy: Local  
Applicant: Mr Malcolm Sloss  
Proposal: Site for the erection of a dwellinghouse  
Site Address: Land North of Rowan Brae, Glencruitten, Oban

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#### DECISION ROUTE

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

##### (i) Development Requiring Express Planning Permission

- Site for the erection of a dwellinghouse
- Proposed private drainage system
- Proposed private water supply
- Upgrade of existing vehicular access

##### (ii) Other specified operations

- N/A
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#### (B) RECOMMENDATION:

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

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#### (C) CONSULTATIONS:

##### Argyll and Bute Council – Roads Authority

Report dated 29/06/23 advising no objection to the proposed development subject to conditions being imposed on the grant of permission to secure the appropriate upgrade at the junction with the public road, clearance of visibility splays and provision of an appropriate parking and turning area within the site.

Argyll and Bute Council – Environmental Health Service (EHS)

Memo dated 24/07/23 advising no objection to the proposed development subject to a condition being imposed on the grant of permission to secure a report on the proposed water supply to ensure that it is sufficient to serve the proposed development.

Argyll and Bute Council – Access Officer  
No response.

Argyll and Bute Council – Oban Airport  
No response.

Consultation responses are published in full on the planning application file and are available to view via the [Public Access](#) section of the Council's website.

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**(D) HISTORY:**

No relevant planning history.

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**(E) PUBLICITY:**

The proposal has been advertised in terms of Regulation 20 and Neighbour Notification procedures, overall closing date 27/07/23.

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**(F) REPRESENTATIONS:**

No representations have been received regarding the proposed development.

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**(G) SUPPORTING INFORMATION**

Has the application been the subject of:

- |       |  |   |
|-------|--|---|
| (i)   | <b>Environmental Impact Assessment Report:</b>   | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| (ii)  | <b>An Appropriate Assessment under the Conservation (Natural Habitats) Regulations 1994:</b>   | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| (iii) | <b>A Design or Design/Access statement:</b>  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| (iv)  | <b>A report on the impact of the proposed development e.g. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:</b> | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

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**(H) PLANNING OBLIGATIONS**

Is a Section 75 agreement required: Yes No

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

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**(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 13<sup>th</sup> 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 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

**'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 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 7 – Water Quality and the Environment

**Landscape and Design**

SG LDP ENV 14 – Landscape

**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

### **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  
SG LDP TRAN 7 – Safeguarding of Airports

(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
- [ABC Technical Note – Biodiversity \(Feb 2017\)](#)

[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 (13<sup>th</sup> 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 06 – Green Infrastructure  
Policy 08 – Sustainable Siting  
Policy 09 – Sustainable Design  
Policy 10 – Design – All Development

### **Connected Places**

Policy 37 – Development Utilising an Existing Private Access or Existing Private Road  
Policy 39 – Construction Standards for Private Accesses  
Policy 40 – Vehicle Parking Provision  
Policy 43 – Safeguarding of Aerodromes

### **Sustainable Communities**

Policy 58 – Private Water Supplies and Water Conservation  
Policy 59 – Water Quality and the Environment  
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

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

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

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

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

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

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

- N/A

(P)(ii) Soils

Agricultural Land Classification:

Class 5.2 - Land capable of use as improved grassland. Few problems with pasture establishment but may be difficult to maintain.  
Class 5.3 - Land capable of use as improved grassland. Pasture deteriorates quickly.

Peatland/Carbon Rich Soils Classification:

Class 1  
Class 2  
Class 3  
N/A  
N/A

Peat Depth Classification:

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  
(If yes, detail in summary assessment) 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  
(tick all relevant boxes)

Brownfield  
Brownfield Reclaimed by Nature  
Greenfield

**ABC LDP 2015 Settlement Strategy**  
LDP DM 1 (tick all relevant boxes)

Main Town Settlement Area

**ABC pLDP2 Settlement Strategy**  
(tick all relevant boxes)

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

- 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**

The application is seeking to secure planning permission in principle for a single dwellinghouse on an area of ground to the north of Rowan Brae on the Connel Back Road, Oban.

Whilst an indicative position for the dwellinghouse has been shown, 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.

Development along the Connel Back road generally comprises small clusters of development, some set alongside the public road and others set back, with these clusters broken up with areas of open ground.

The site the subject of the application is a relatively flat area of ground elevated above the Barran-Connel public road which runs along the east of the site. The site rises up to the rear of the site to the north and the north west. There are two stable buildings to the south of the site beyond which is an agricultural building and a small cluster of residential development associated with the junction of the public road leading to Oban.

It is considered that the stables effectively terminate the extent of built development at this location with the development of the site with a dwellinghouse extending the existing built development at this location in an unacceptable manner, resulting in the loss of open space between the existing cluster of development to the south and the small pairing of dwellinghouses to the north.

An existing vehicular access spurring from the UC19 Barran – Connel public road is to be utilised to serve the proposed development with drainage and water supply via private arrangements due to the lack of public infrastructure within the vicinity of the site.

**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 related harm 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 LDP Policies LDP 3 and SG LDP ENV 1 and Policy 73 of pLDP2 insofar as it relates to this matter.

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

The development proposed by the current planning application is considered appropriate in terms of its type, location and scale such that it will have no unacceptable impact on the natural environment. The proposed development is not within any designated European site of natural environment conservation or protection, it is not located within a National Park, a National Scenic Area a SSSI or RAMSAR site, or a National Nature Reserve. Neither is it located within a site designated as a local nature conservation site or landscape area or within an area identified as wild land.

The proposed development is therefore considered to be in accordance with NPF4 Policy 4 as underpinned by LDP Policies LDP 3 and SG LDP ENV 1 G LDP ENV 1 and SG LDP ENV 4 and Policy 75 of pLDP2 insofar as it relates to this matter.

**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. Of relevance, the policy sets out that proposals on greenfield sites will not be supported unless the site is explicitly supported by policies in the LDP.

Whilst the development proposed by this planning application is on a greenfield site, in terms of our adopted settlement strategy, the site of the proposed development is within a rural opportunity area (ROA) where LDP Policies LDP STRAT 1 and LDP DM 1 give general encouragement to development on appropriate sites including infill, rounding off and redevelopment. These main policy considerations are underpinned by the SG contained within SG LDP HOU 1 and SG LDP ENV 14 which offer further support to appropriate scales of residential development where such development would have no significant adverse impact upon the character of the landscape and where there is no unacceptable environmental, servicing or access impact.

However, whilst the site is within a ROA where the LDP gives general support to small-scale housing development, Policy DM1 support is qualified to *'appropriate sites'*. Furthermore, this support is subject to on-going capacity evaluation of the ROA. In this case, it is considered the proposal would unacceptable erode the rural character of the landscape and introduce a more suburban character to the landscape, leading to possible coalescence and linear development. It is noted that permission in principle is only sought at this stage. However, it is not considered that matters of detailed design and siting would prevent or sufficiently mitigate this harm.

The site is elevated above the level of the existing cluster of development to the south where it is considered that the existing stables on the lower ground form the natural boundary for the small cluster of development to the south, an area which has been subject of development pressure in the last few years. It is considered that extending the development beyond the stables would extend the existing cluster of development in an inappropriate manner to the detriment of the wider landscape, resulting in linear development and eroding the rural character of the area. This resultant material harm to landscape, local character and appearance would be appreciable along the public road to

the immediate east of the site.

It is considered that the proposed development is contrary to NPF4 Policy 9, LDP Policies LDP STRAT 1, LDP DM 1, LDP 3, LDP 9, SG LDP ENV 14 and SG LDP HOU 1 and Policy 02 of pLDP2.

**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 to establish the principle of a new single dwellinghouse. Whilst this is a development likely to generate waste when operational, it will benefit from regular waste uplifts by the Council and will be expected to comply with our adopted and enforced recycling and reuse strategy. In this regard, the proposed development is considered to be in compliance with NPF 4 Policy 12(c) as underpinned by LDP Policies LDP 10 and SG LDP SERV 5(b) and Policy 63 of pLDP2.

**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 utilise an existing private access track spurring from the UC19 Barran-Connel public road to serve the proposed development. The Council's 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 and the provision of an appropriate parking and turning area within the site. Subject to such details being secured via condition in the event that planning permission in principle were to be granted, the proposal is considered to be compliant with the terms of NPF4 Policy 13 as underpinned by LDP Policies LDP 11, SG LDP TRAN 2, SG LDP TRAN 4 and SG LDP TRAN 6, and Policies 37, 39 and 40 of pLDP2, 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 site the subject of the application is within a ROA, where the LDP gives general support to small-scale housing development, this is qualified to 'appropriate sites' and is subject to on-going capacity evaluation of the ROA to avoid overdevelopment which could erode the rural character of the landscape and introduce a more suburban character to the landscape with development between existing dwellinghouses leading to possible coalescence and linear development.

It is considered that the existing stables on the lower ground form the natural boundary for the small cluster of development to the south and extending the development beyond the stables would extend the existing cluster of development in an inappropriate manner to the detriment of the wider landscape.

The proposed development fails to pay regard to the wider surroundings of the site in terms of the existing development pattern, character, scale and density and is considered to be contrary to NPF4 Policy 14 as underpinned by LDP Policy LDP DM 1 and SG LDP HOU and Policies 02 and 08 of pLDP2.

**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 our adopted settlement strategy, as detailed at NPF4 Policies 9 and 14 above, the site of the proposed development is within a ROA where LDP Policies LDP STRAT 1 and LDP DM 1 give general encouragement to development on appropriate sites including infill, rounding off and redevelopment. These main policy considerations are underpinned by the SG contained within SG LDP HOU 1 and SG LDP ENV 14 which offer further support to appropriate scales of residential development where such development would have no significant adverse impact upon the character of the landscape and where there is no unacceptable environmental, servicing or access impact.

However, as detailed at NPF4 Policies 9 and 14 above, the presumption in favour of development in ROAs is subject to on-going capacity evaluation of the ROA to avoid overdevelopment which could erode the rural character of the landscape and introduce a more suburban character to the landscape with development between existing dwellinghouses leading to possible coalescence and linear development.

In this instance, the proposed development site would fail to respect the existing established settlement pattern resulting in an adverse environmental impact and therefore would fail to meet the requirements of NPF4 Policy 15 as underpinned by the settlement strategy policies contained within LDP Policies LDP DM 1, LDP 8, SG LDP ENV 14 and SG LDP HOU 1.

**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.

Policy 16 supports development proposals for new homes that improve choice, including at Policy 16(c) 'self-provided homes'.

The need in Policy 16(f) to ensure that development proposals for an agreed timescale for build-out will be covered through the use of a planning condition.

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, based on the harm and resultant policy conflict identified in respect of landscape, character and appearance, the application site is not consistent with the LDP spatial strategy. The proposed development is therefore considered to conflict with NPF4 Policy 16 as underpinned by LDP Policies LDP DM 1, LDP 8 and 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. Whilst it is acknowledged that the proposed development would contribute to housing for the existing local community, as outlined above, the siting of the development is considered unsustainable due to its location and the resulting impact upon landscape and potential coalescence and linear development which would occur. The proposed development would therefore be contrary to the aims of NPF4 Policy 17 as underpinned by LDP 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 private drainage and water supply arrangements due to the lack of public infrastructure within the vicinity of the site. As the application is seeking planning permission in principle, no details of the proposed drainage or water supply details have been submitted with the application, with these being subject of approval through a further planning application(s) should planning permission in principle be granted. The Council's EHS raised no objection to the use of a private water supply subject to a report being submitted demonstrating that the supply is sufficient to serve the proposed development and will not adversely impact on existing users of the supply or adjacent supplies. Such details could be secured via planning conditions in the event that planning permission in principle were to be granted rendering the proposal consistent with the broad aims of NPF4 Policy 18 as underpinned by LDP Policies LDP 11, SG LDP SERV 1 and SG LDP SERV 6 and Policies 58 and 60 of pLDP2 which seek to ensure that suitable infrastructure is available to serve developments and give support to private arrangements where connection to the public systems is not available.

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

As detailed above water supply is via a private supply to which the Council's EHS raised no objection to subject to a condition being imposed on the grant of permission to secure a report to demonstrate that the private supply is sufficient to serve the proposed development. The management of rain and surface water at the site would be managed through the provision of a sustainable urban drainage system, which could be adequately secured through the use of a planning condition should permission in principle be granted. The proposed development is considered to be acceptable in terms of NPF4 Policy 22 as underpinned by LDP Policies LDP 11, SG LDP SERV 6 and Policies 58, 59 and 61 of pLDP2.

Whilst it has been demonstrated that appropriate servicing and infrastructure arrangements can be provided to serve the proposed development, the principle of the development of the site with a dwellinghouse is not considered to be acceptable as it would extend the existing built development in an unacceptable manner, resulting in the loss of important spacing between development clusters and leading to possible coalescence and linear development.

#### Matters Raised by Proposed Local Development Plan 2 (as modified by Examination)

Proposed Local Development Plan 2 as recommended to be modified by the Examination Report is now a significant material consideration. In this instance it is considered that this application would conflict with policies 02, 04, 05, 08, and 10.

#### *Other matters*

It is noted that the proposal would contribute to local housing supply (particularly in the context of the Council's Housing Emergency declaration). In addition, beyond the material harm regarding landscape, character and appearance and the resultant policy conflict, no other harm has been identified. However, these considerations would not outweigh the harm and policy conflict set out above which in this case are determinative when assessed against the development plan as a whole.

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

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**(R) Reasons why Planning Permission in Principle Should be Refused:**

See reasons for refusal below.

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

N/A

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

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**Author of Report:** Fiona Scott **Date:** 18/09/23

**Reviewing Officer:** Bryn Bowker **Date:** 17/10/23

**Fergus Murray**  
**Head of Development & Economic Growth**

## **REASONS FOR REFUSAL RELATIVE TO APPLICATION REF. NO. 23/00825/PPP**

1. The proposed development on this greenfield site conflicts with National Planning Policy NPF4 Policy 9. NPF4 Policy 9 (b) states that proposals on greenfield sites will not be supported unless the site has been allocated for development or the proposal is explicitly supported in the LDP.

Whilst the site is within a Rural Opportunity Area, Policy DM1 support is qualified to 'appropriate sites'. Furthermore, this support is subject to on-going capacity evaluation of the Rural Opportunity Area.

The site is elevated above the level of the existing cluster of development to the south where it is considered that the existing stables on the lower ground form the natural boundary for this small cluster of development. In this case, it is considered that the proposal would harmfully extend the existing cluster of development and unacceptably harm the rural landscape character and appearance of the area.

Consequently, it is considered that the proposed development is contrary to NPF4 policies 9, 14 and 17, Policies LDP STRAT 1, LDP DM 1, LDP 3, LDP 9, SG LDP ENV 14 and SG LDP HOU 1.

## APPENDIX TO DECISION REFUSAL NOTICE

Appendix relative to application **23/00825/PPP**

(A) Has the application been the subject of any “non-material” amendment in terms of Section 32A of the Town and Country Planning (Scotland) Act 1997 (as amended) to the initial submitted plans during its processing. Yes No

(B) The reason why planning permission has been refused:

**See reasons for refusal above.**



**APPENDIX TO DECISION REFUSAL NOTICE**

Appendix relative to application **23/00848/PPP**

- (C) Has the application been the subject of any “non-material” amendment in terms of Section 32A of the Town and Country Planning (Scotland) Act 1997 (as amended) to the initial submitted plans during its processing. Yes No
- (D) The reason why planning permission has been approved:
- See reasons for refusal above.**