

Ref:  
AB1

**ARGYLL AND BUTE COUNCIL**  
WWW.ARGYLL-BUTE.GOV.UK/\*\*

**OFFICIAL USE**

4/12/09

Date Received

**NOTICE OF REVIEW**

Notice of Request for Review under Section 43(a)8  
of the Town and Country Planning (Scotland) Act 1997 and the Town and  
Country Planning (Schemes of Delegation and Local Review Procedures  
(Scotland) Regulations 2008

**Important** – Please read the notes on how to complete this form and use  
Block Capitals. Further information is available on the Council's Website.  
You should, if you wish, seek advice from a Professional Advisor on how to  
complete this form.

<b>(1) APPLICANT FOR REVIEW</b>	
Name	Lindon Properties Ltd
Address	Raschoille
	Glenshellach Road
	Oban
Postcode	PA34 4PP
Tel. No.	07777690075
Email	iandougall@westhighlandstates.co.uk

<b>(2) AGENT (if any)</b>	
Name	
Address	
Postcode	
Tel. No.	
Email	

(3) Do you wish correspondence to be sent to you  or your agent

(4) (a) Reference Number of Planning Application **09/01260/PPP**

(b) Date of Submission **03/12/09**

(c) Date of Decision Notice (if applicable) **28/10/09**

(5) Address of Appeal Property

Site South of Darla, Glencruitten, Oban.

(6) Description of Proposal

**Site for the erection of 3no dwelling houses**

(7)

Please set out the detailed reasons for requesting the review:-

See attached...Reasons For Appeal

If insufficient space please continue on a separate page. Is this is attached? (Please tick to confirm)

(8) Please indicate which of the following procedures you would prefer:-

- (a) Dealt with by written submission
- (b) Dealt with by Local Hearing
- (c) Dealt with by written submission and site inspection
- (d) Dealt with by local hearing and site inspection

(9) Please list in the schedule all documentation submitted as part of the application for review ensuring that each document corresponds to the numbering in the sections below:-

Schedule of documents submitted with Notice of Review (**Note 3 copies of each of the documents referred to in the schedule below must be attached**):

No.	Detail
1	Plans...see attached
2	Refusal Decision Notice...see attached
3	Supporting Statement...see attached
4	Roads Engineer...see attached
5	
6	
7	
8	
9	
10	

If insufficient space please continue on a separate page. Is this is attached?  (Please tick to confirm)

Submitted by  
(Please Sign)

Ian Dougall

Dated

03/12/09

## Important Notes for Guidance

1. All matters which the applicant intends to raise in the review must be set out in or accompany this Notice of Review
2. All documents, materials and evidence which the applicant intends to rely on in the Review must accompany the Notice of Review UNLESS further information is required under Regulation 15 or by authority of the Hearing Session Rules.
3. Guidance on the procedures can be found on the Council's website – [www.argyll-bute.gov.uk/](http://www.argyll-bute.gov.uk/)
4. If in doubt how to proceed please contact 01546 604331 or email [localreviewprocess@argyll-bute.gov.uk](mailto:localreviewprocess@argyll-bute.gov.uk)
5. Once completed this form can be either emailed to [localreviewprocess@argyll-bute.gov.uk](mailto:localreviewprocess@argyll-bute.gov.uk) or returned by post to *Committee Services (Local Review Board), Kilmory, Lochgilphead, Argyll, PA31 8RT*
6. You will receive an acknowledgement of this form, usually by electronic mail (if applicable), within 14 days of the receipt of your form and supporting documentation.

If you have any queries relating to the completion of this form please contact Committee Services on 01546 604331 or email [localreviewprocess@argyll-bute.gov.uk](mailto:localreviewprocess@argyll-bute.gov.uk)

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### For official use only

Date form issued

Issued by (please sign)

**REASONS FOR APPEAL**

THE REFUSAL NOTICE REASONING IS UNCLEAR AND NOT DIRECTLY RELEVANT TO THE DEVELOPMENT.

THE REFUSAL NOTICE REASONING DOES NOT REFLECT THE BEST INTERPRETATION OF COUNCIL PLANNING PRINCIPALS AND POLICIES.

.....  
THE REFUSAL NOTICE WE ARE APPEALING IS SUPPORTED BY TWO ATTACHED REASONS.

REASON 1

1 The Adopted Argyll and Bute Local Plan has identified this site as being part of the Oban settlement area, within which Policy PROP S1 of the approved Structure Plan provides for Development Road provision and associated housing expansion. This site lies within an Open Space Protection area through which Development Road Allocation (DRA5/6) passes, the development road is an integral component of the overall expansion of Oban. This application would result in the loss of part of this protected area without regard a long term strategy for the remainder of this area which is integral to the wider planning of the area as a recognised expansion opportunity for Oban.

THIS REASON IS UNCLEAR AND NOT DIRECTLY RELEVANT TO THE DEVELOPMENT AND FALLS SHORT OF NATIONAL GUIDANCE FOR REASONS FOR REFUSAL TO BE COMPLETE, PRECISE, SPECIFIC AND RELEVANT TO THE APPLICATION.

.....  
THIS REASON IMPLIES THAT THE DEVELOPMENT SITE WILL AFFECT THE DEVELOPMENT ROAD ALLOCATION (DRA5/6), ALTHOUGH NO DIRECT CONSULTATION WAS SOUGHT FROM THE ROADS DEPARTMENT REGARDING THE DEVELOPMENT AFFECTING THE ROAD.

THE PRINCIPAL ENGINEER ROADS DESIGN HAS CONFIRMED THERE WAS NO DIRECT CONSULTATION REGARDING THE DEVELOPMENT ROAD BECAUSE THE DEVELOPMENT ROAD IS NOT AFFECTED.

.....  
THE REASONING GOES ON TO DESCRIBE A LOSS OF PART OF THE PROTECTED AREA WITHOUT REGARD FOR A LONG TERM STRATEGY FOR THE REMAINDER OF THIS AREA.

THE DEVELOPMENT IS WITHIN THE OPEN SPACE PROTECTION AREA AS DESCRIBED AND WILL CONTINUE TO BE CONTROLLED BY THE POLICY COVERING THIS CONTROLLED AREA.

.....  
THE REASONING CONCLUDES WITH DESCRIBING THE AREA AS AN INTEGRAL PART OF THE WIDER PLANNING AREA A RECOGNISED EXPANSION OPPORTUNITY FOR OBAN.

THIS WIDER AREA IS CONTROLLED BY OTHER POLICIES AND NOT DIRECTLY AFFECTED BY THIS DEVELOPMENT.

REASON 2

2 The Adopted Argyll and Bute Local Plan has identified this site as being part of an open space protection area and subject to Policy LP REC2 Safeguarding of Recreational Land And Important Open Spaces. This application would result in the loss of part of this protected area without regard a long term strategy for the remainder of this area which is integral to the wider planning of the area as a recognised expansion opportunity for Oban.

THE FIRST PART OF REASONING DESCRIBES THE DEVELOPMENT SITE AS BEING PART OF THE OPEN SPACE PROTECTION AREA AND SUBJECT TO POLICY LP REC 2 SAFEGUARDING OF RECREATIONAL LAND AND IMPORTANT OPEN SPACES.

THE POLICY IN QUESTION "POLICY LP REC 2" IS IN TWO PARTS.

PART "A" OF THE POLICY STATES THERE IS A PRESUMPTION AGAINST DEVELOPMENT.

PART "B" OF THE POLICY STATES THAT...  
PLAYING FIELDS, SPORTS PITCHES AND SAFEGUARDED  
OPEN SPACE PROTECTION AREAS SHALL NOT BE BUILT ON EXCEPT  
WHERE:

THE RETENTION OR ENHANCEMENT OF THE FACILITY CAN BEST BE ACHIEVED BY THE REDEVELOPMENT OF PART OF THE SITE WHICH WILL NOT COMPROMISE ITS SPORTING POTENTIAL AND ITS AMENITY VALUE.

POLICY LP REC 2 IS SPECIFICLY WORDED TO PROTECT AND SUSTAIN OPEN SPACE PROTECTION AREAS AND THE FACILITIES INSIDE THEM.

THIS ACTUAL OPEN SPACE PROTECTION AREA WAS CREATED TO PROTECT THE GOLF COURSE FACILITY.

THE GOLF COURSE IS THE FACILITY BEING PROTECTED AND THE GOLF COURSE IS OFFERED SUSTAINABILTY THROUGH DEVELOPMENT WITHIN THE POLICY.

OUR DEVELOPMENT SUPPORTS THE RETENTION AND ENHANCEMENT OF THE GOLF COURSE, THE GOLF CLUB, THE "FACILITY" THE POLICY IS THERE TO SUPPORT AND AS SUCH THIS DEVELOPMENT IS COMPLIANT WITH POLICY.

I SHOULD ADD THAT OUR SUPPORT FOR RETENTION OF THE FACILITY IS NOT JUST AN ABSTRACT MATTER.

THE GOLF CLUB THE CUSTODIANS OF THIS VALUED HISTORICAL COMMUNITY FACILITY ARE UNDER THREAT OF FAILURE DUE TO THE ECONOMIC TURMOIL PREVAILING TODAY.

.....

THE FINAL PART OF "POLICY LP REC 2" IS AGAIN IN TWO PARTS AND GOES ON TO SAY...

THERE SHOULD BE NO LOSS OF AMENITY AND ALTERNATIVE PROVISION OF EQUAL COMMUNITY BENEFIT AND ACCESSIBILITY WOULD BE MADE AVAILABLE.

THE DEVELOPMENT AREA AT PRESENT OFFERS NO MEANINGFULL AMENITY TO THE FACILITY BEING PROTECTED BY THE POLICY AND AS SUCH NO AMENITY IS LOST.

THE COMPLETED DEVELOPMENT WILL DELIVER ENHANCED AMENITY TO THE AREA THE GOLF CLUB LIKING THE FINISHED DEVELOPMENT MORE TO GLENEAGLES THAN GLENCRUITTEN.

THE PROPOSED DEVELOPMENT AREA IN ITS PRESENT FORM ACTUALLY DETRACTS FROM THE GENERAL AMENITY OF THE AREA.

.....  
THE SECOND PART OF THIS FINAL PART OF "POLICY LP REC2" GOES ON TO SAY...

AND THERE IS A CLEAR LONG TERM EXCESS OF PITCHES, PLAYING FIELDS AND PUBLIC OPEN SPACE IN THE WIDER AREA, TAKING INTO ACCOUNT LONG TERM STRATEGY AND RECREATIONAL AND AMENITY VALUE.

THE DEVELOPMENT PROPOSAL IS NOT ONLY CONSISTENT WITH POLICY BUT IT ALSO DELIVERS THE GOLF CLUB IMMEDIATE CRUCIAL FINANCIAL SUPPORT FROM A TEN YEAR MEMBERSHIP PROGRAM PAID UP FRONT AND FURTHER SUPPORT FOR A YOUTH DEVELOPMENT PROGRAM COVERING THE SAME PERIOD.

.....  
THE FINAL PART OF REASON 2 IS A REPEAT OF THE FINAL PART OF REASON 1

THIS WIDER AREA IS CONTROLLED BY OTHER POLICIES AND NOT DIRECTLY AFFECTED BY THIS DEVELOPMENT.

.....  
IN CONCLUSION

POLICY LP REC 2 BEING THE SOLE POLICY SUPPORTING REFUSAL AND WITH NO OTHER POLICIES OFFERED FOR NONCOMPLIANCE WE ARE COMPLIANT WITH ALL POLICIES EFFECTING THE DEVELOPMENT AND AS SUCH APROVAL SHOULD BE GRANTED.

# Supporting Statement

## Background

The development site lies West of Glencruitten Golf Club clubhouse and forms part of the larger development site in the ownership of Lindon Properties.

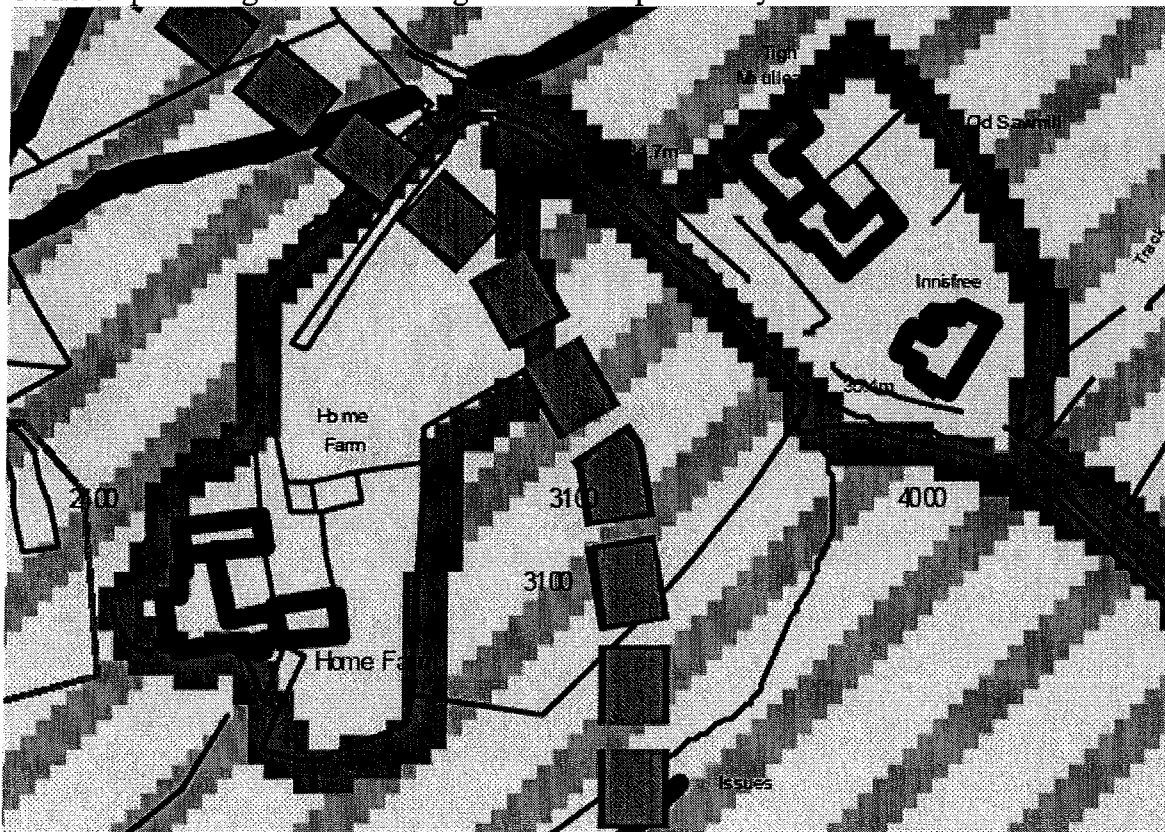
The development site was first made available as a potential development opportunity when the site was sold by Glencruitten Estates as surplus to the requirements of the tenants, Glencruitten Golf Club, in June 2001. Two houses have been built which were completed in December 05 with the remaining site to be developed subject to planning.

In 2003 formal representations were made to Argyll and Bute Planning Department for the site's inclusion in the new local plan.

Having lost touch with the lengthy new local plan process and missed the cut-off date 15<sup>th</sup> July 2005 for objections our site was included in the Open Space Protection Area (OSPA) although it is out with the ownership of the Golf Club and their lease agreement.

Representations since made to the planning department started 24<sup>th</sup> January 2006 have failed to change the situation and correct what I believe to be a simple error made by the planning department, they thought our site was part of the golf course.

Two other areas (below) within the wider golf course grounds but out with ownership/lease agreement of the golf club are specifically **not** included in the OSPA.





Given the location of this proposed development it will not offer any threat to the wider golf course area now or in the future given its position in the margins of the OSPA.

The open aspect site layout and provision for a new tee will enhance the golf course area adjacent to the development site.

### Conclusion

Argyll and Bute Planning department have stated that...

***“The site was specifically included within the OSPA in the Finalised Draft Local Plan as it is considered to represent part of the wider golf course landscape which is considered worthy of protection from development.”***

The Golf Club's support for this development and the other two areas in the wider golf course not being included in the OSPA gives little weight to this statement.

It is generally accepted that golf courses and residential development go hand in hand in the modern world. The council's emerging/new local plan reflects the view that the Golf Club being only tenants will see no benefit from development and views development as a threat to the club's existence and ultimately the golf course/OSPA.

Declining Golf Club members and the resulting financial implications are possibly the greater threat to the future existence of the golf club and golf course than the sensitive development proposed.

I submit that it has been proven worldwide that it is possible for sensitive residential development to happily coexist alongside any golf course wishing to survive and prosper. A development such as this should be supported as the blue print for the future of Glencruitten Golf Club and Oban's golf course.

This development will seek to enhance membership by marketing the five properties (two already built) with 10 year memberships and aim to further advance the membership with support for a youth development program for the same 10 year period.

Glencruitten Golf Club's current situation has only been aggravated by the current global financial crisis, increasing the membership is crucial, our support will be the equivalent of 100 new members overnight or if used to support a membership recruitment drive could bring in over 200 badly needed new members.

I believe that if the Golf Club is not supported and allowed to flounder the OSPA will cease to exist lost to large scale development. This development will only enhance the OSPA.

As a local developer we are committed to supporting a sustainable golf course for future generations. Well thought out sensitive development will secure the golf course's future. I can't help but think that if the Golf Club owned the golf course grounds then the planning designation applied would have been less restrictive, allowing sensitive development to support a sustainable, more financially secure Golf Club.

The planning department's position of protecting the golf course is understandable, it is also understandable that minor departures from the newly adopted local plan at this early stage may not sit well with the planning department, however, this should not be to the detriment of well thought out sensitive developments which will help secure and enhance the golf course without impacting on the playing of golf or the wider OSPA.

From a business perspective if this development does not go ahead it will leave the Golf Club more dependent on charitable funding.

The most recent Golf Club accounts show an operating loss of £16,000 a situation that is unlikely to improve by cutting off potential revenue and sponsorship partners.

----- Original Message -----

From: "Ward, Peter" <[Peter.Ward@argyll-bute.gov.uk](mailto:Peter.Ward@argyll-bute.gov.uk)>  
To: "Ian Dougall" <[iandougall@westhighlandstates.co.uk](mailto:iandougall@westhighlandstates.co.uk)>  
Sent: Wednesday, December 02, 2009 9:21 AM  
Subject: RE: Planning Application 09/1260/PPP

Ian

There was no direct consultation regarding the development road because the development road is not affected

Peter

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)**  
**TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)**  
**(SCOTLAND) REGULATIONS 2008**

**REFUSAL OF PLANNING PERMISSION IN PRINCIPLE**

**REFERENCE NUMBER: 09/01260/PPP**

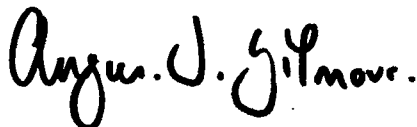
**Lindon Properties Limited**  
**Beaton And McMurchy Architects**  
**The Studio**  
**Tigh Na Glai**  
**Taynuilt**  
**Argyll**  
**PA35 1JW**

I refer to your application dated 21st August 2009 for planning permission in principle under the above mentioned Act and Regulations in respect of the following development:

**Site for the erection of 3no dwelling houses at Site South Of Darla Glencruitten Oban Argyll  
And Bute**

Argyll and Bute Council in exercise of their powers under the above mentioned Act and Regulations hereby refuse planning permission in principle for the above development for the **reason(s)** contained in the attached appendix.

Dated: 28 October 2009



Angus J. Gilmour  
Head of Planning

## **REASONS FOR REFUSAL RELATIVE TO APPLICATION REF. NO. 09/01260/PPP**

- 1        The Adopted Argyll and Bute Local Plan has identified this site as being part of the Oban settlement area, within which Policy PROP S1 of the approved Structure Plan provides for Development Road provision and associated housing expansion. This site lies within an Open Space Protection area through which Development Road Allocation (DRA5/6) passes, the development road is an integral component of the overall expansion of Oban. This application would result in the loss of part of this protected area without regard a long term strategy for the remainder of this area which is integral to the wider planning of the area as a recognised expansion opportunity for Oban.
  
- 2        The Adopted Argyll and Bute Local Plan has identified this site as being part of an open space protection area and subject to Policy LP REC2 Safeguarding of Recreational Land And Important Open Spaces. This application would result in the loss of part of this protected area without regard a long term strategy for the remainder of this area which is integral to the wider planning of the area as a recognised expansion opportunity for Oban.
  
3.        For the purpose of clarity it is advised that this decision notice relates to the details specified on the application form dated 31/08/09 and the refused drawing reference numbers Location Plan 1:1250 and 0601/10C Outline Proposals scale 1:500.

## **NOTES TO APPLICANT (1) RELATIVE TO APPLICATION NUMBER 09/01260/PPP**

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 (as amended) within three months from the date of this notice. The notice of review should be addressed to the Director of Corporate Services, Argyll and Bute Council, Kilmory, Lochgilphead, PA31 8RT.
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state, and it cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the landowner's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997 (as amended).

## APPENDIX TO DECISION REFUSAL NOTICE

Appendix relative to application **09/01260/PPP**

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- (A) Has the application required an obligation under Section 75 of the Town and Country Planning (Scotland) Act 1997 (as amended).

**No**

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- (B) 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.

**No**

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- (C) The reason why planning permission has been refused.

- 1 The Adopted Argyll and Bute Local Plan has identified this site as being part of the Oban settlement area, within which Policy PROP S1 of the approved Structure Plan provides for Development Road provision and associated housing expansion. This site lies within an Open Space Protection area through which Development Road Allocation (DRA5/6) passes. The development road is an integral component of the overall expansion of Oban. This application would result in the loss of part of this protected area without regard a long term strategy for the remainder of this area which is integral to the wider planning of the area as a recognised expansion opportunity for Oban.
- 2 The Adopted Argyll and Bute Local Plan has identified this site as being part of an open space protection area and subject to Policy LP REC2 Safeguarding of Recreational Land And Important Open Spaces. This application would result in the loss of part of this protected area without regard a long term strategy for the remainder of this area which is integral to the wider planning of the area as a recognised expansion opportunity for Oban.
3. For the purpose of clarity it is advised that this decision notice relates to the details specified on the application form dated 31/08/09 and the refused drawing reference numbers Location Plan 1:1250 and 0601/10C Outline Proposals scale 1:500.

