

Ref:  
ABI

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

**OFFICIAL USE**

31/12/09  
By Email 23/12/09  
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.

**(1) APPLICANT FOR REVIEW**

Name

Address

Postcode

Tel. No.

Email

**(2) AGENT (if any)**

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

(b) Date of Submission

(c) Date of Decision Notice (if applicable)

(5) Address of Appeal Property

(6) Description of Proposal

Erection of Dwelling House

(7)

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

Reasons attached.

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

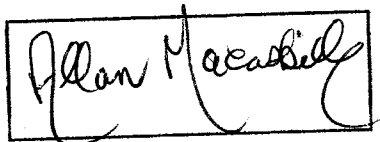
(9) Please list in the schedule all documentation submitted as part of the application for review ensuring that each document corresponds to the numbering in the sections below:-

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

No.	Detail
1	Decision and Reasons
2	2 Sets of Plans
3	Letter dated 20 August 2008 from Ewen Stewart
4	Letter from Mr & Mrs Kenny MacLean dated 21/12/09
5	Grounds of Appeal
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)



Dated

28/12/2009

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

**REFUSAL OF PLANNING PERMISSION**

REFERENCE NUMBER: 09/00828/DET

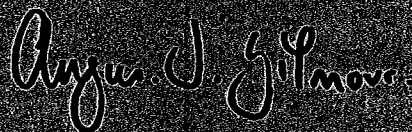
Mr Kenneth MacLean Jnr  
Bruce And Neil Chartered Architects  
26 Alexandra Place  
Corran Esplanade  
Oban  
PA34 5PU

I refer to your application, dated 3rd June 2009, for planning permission under the above mentioned Act and Regulations in respect of the following development:

**Erection of dwellinghouse at Tigh Mhuillean Oban Argyll And Bute PA34 4QB**

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

Dated: 16 October 2009

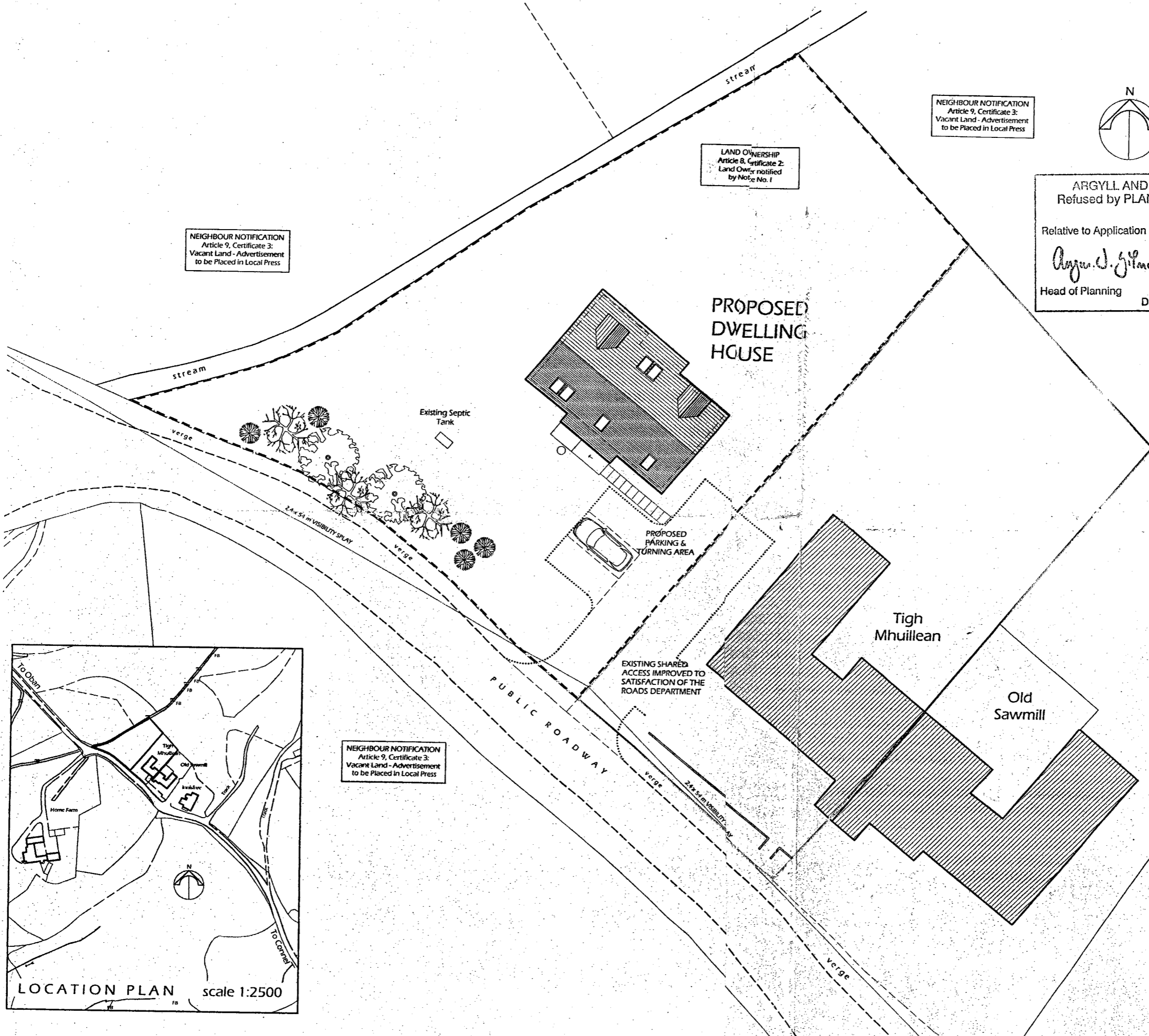


Angus J. Gilmore  
Head of Planning

**REASONS FOR REFUSAL RELATIVE TO APPLICATION REF. NO. 09/00828/DET**

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 a Development Road Allocation (DRA5/6) which is an integral component of the overall expansion of Oban. It is therefore premature pending the future provision and detailed design and alignment of the Development Road.
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 02/06/09 and the refused drawing reference numbers OB.09/05/01 and OB.09/05/02.

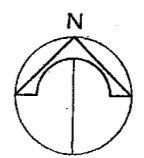
2



NEIGHBOUR NOTIFICATION  
Article 9, Certificate 3:  
Vacant Land - Advertisement  
to be Placed in Local Press

LAND OWNERSHIP  
Article 8, Certificate 2:  
Land Owner notified  
by Note No. 1

NEIGHBOUR NOTIFICATION  
Article 9, Certificate 3:  
Vacant Land - Advertisement  
to be Placed in Local Press



ARGYLL AND BUTE COUNCIL  
Refused by PLANNING AUTHORITY

Relative to Application No. 09/00828/01

*Angus J. Gilmore*  
Head of Planning

Date 16.10.09

NOTES

The contractor will be held to have checked all dimensions commencing with any works and in the event of any discrepancy to refer them directly to the Architect prior to commencing works.

Written dimensions are to be taken at all times. Dimensions generally to structural frame unless specified otherwise, should not be scaled. In case of doubt refer to Architect.

The contractor will ensure that all materials conform to the Standards relating to them and/or certificates issued by the Board of Agreement and that they are fixed, mounted or strictly in accordance with the B.S. Code of practice relating to the Manufacturer's printed instructions. British Standards of Practice will include amendments made on or before the date of issue.

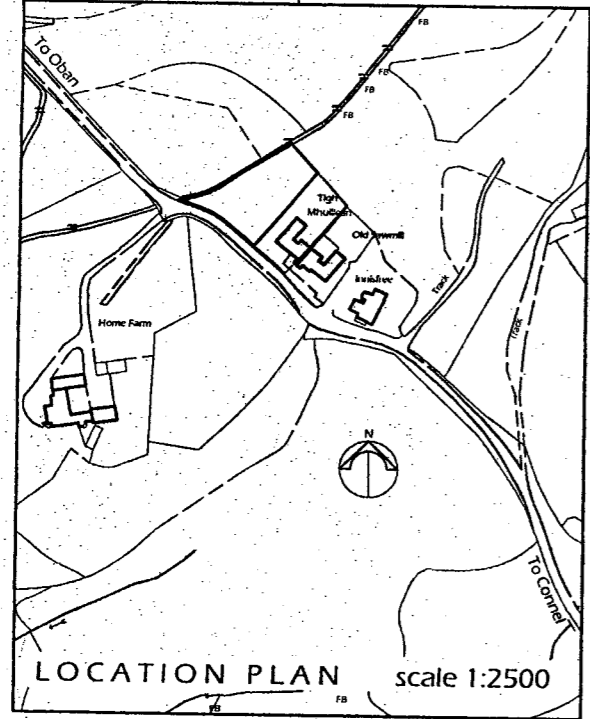
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Argyll and Bute Council  
Planning Services

Application no. 09/00828/01  
Date received: 3.6.2009

Plan no. 002  
NOTES: P.O. Initials: AB  
Application site outlined in red  
Other land in same ownership:

date	revisions	mk



NEIGHBOUR NOTIFICATION  
Article 9, Certificate 3:  
Vacant Land - Advertisement  
to be Placed in Local Press

EXISTING SHARED  
ACCESS IMPROVED TO  
SATISFACTION OF THE  
ROADS DEPARTMENT

**Bruce & Neil**  
chartered architects

26 Alexandra Place, Corran Esplanade  
tel:(01631) 563222 fax:(01631) 56

project  
**Proposed Dwelling House  
West of Tigh Mhuillean,  
Glencruitten, Oban, Argyll**

client  
**Mr K MacLean**

drawing title  
**Site & Location Plans  
AS PROPOSED**

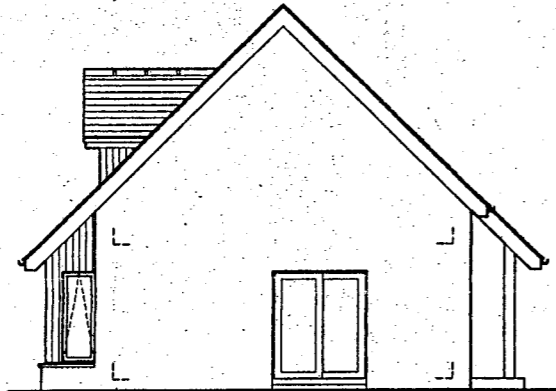
scale 1:200	date APRIL 2009	drawn ADM
Job no. OB.09/05	Drg no. 01	Checked



SOUTH EAST ELEVATION

timber cladding to dormers and living room bay

timber doors & windows



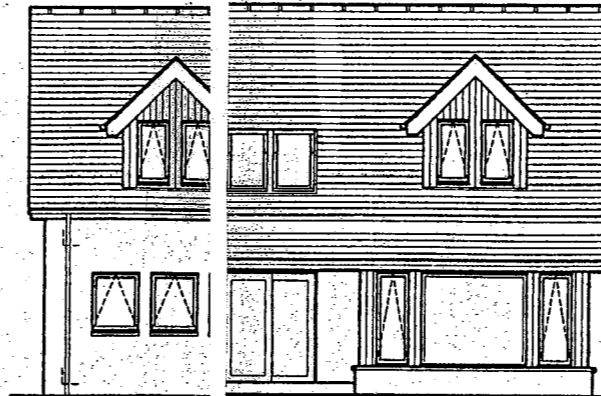
NORTH WEST ELEVATION

timber fascia & verges

hardwood posts to canopies

slate effect tile roof finish

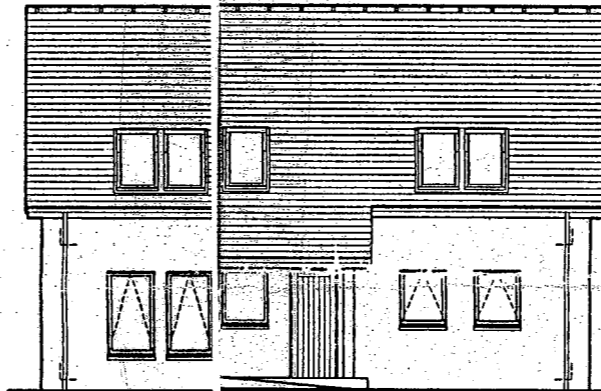
upvc gutters & downpipes



NORTH ELEVATION

Velux roof windows

wet dashed render wall finish



SOUTH ELEVATION

ARGYLL AND BUTE COUNCIL  
Refused by PLANNING AUTHORITY  
Relative to Application No. 09/00828/DET  
*Angus J. Gilmore*  
Head of Planning Date 10.10.09

NOTES

The contractor will be held to have checked all dimensions before commencing with any works and in the event of any discrepancies is to refer them directly to the Architect prior to commencement of works.

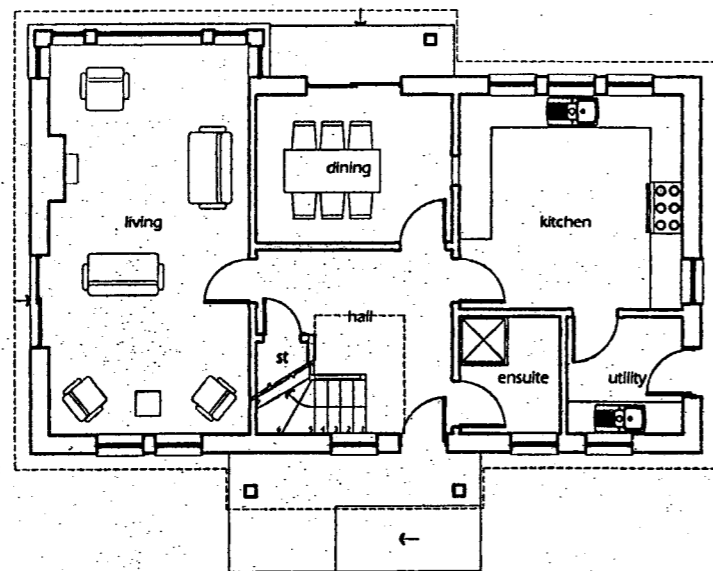
Written dimensions are to be taken at all times. Dimensions are generally to structural frame unless specified otherwise. Drawings should not be scaled. In case of doubt refer to Architect.

The contractor will ensure that all materials conform to the British Standards relating to them and/or certificates issued by the British Board of Agreement and that they are fixed, mounted or installed strictly in accordance with the B.S Code of practice relative to them or the Manufacturer's printed instructions. British Standards & Codes of Practice will include amendments made on or before date of tender.

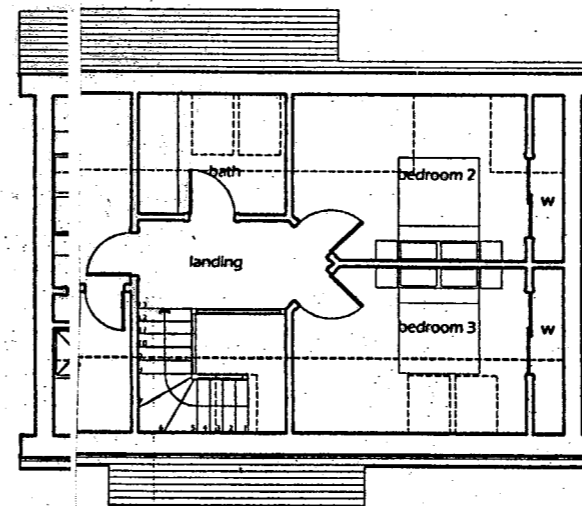
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Argyll and Bute Council  
Planning Services  
Application ref no. 09/00828/DET  
Date received: 10.10.09  
Plan no.: 10F2  
P.O. Initials: AG

date	revisions	mk	by	chk'd



GROUND FLOOR PLAN



FLOOR PLAN

**Bruce & Neil**  
chartered architects

26 Alexandra Place, Corran Esplanade, Oban  
tel:(01631) 563222 fax:(01631) 566801

project  
Proposed Dwelling House  
West of Tigh Mhullean,  
Glencruitten, Oban, Argyll

client  
Mr K MacLean

drawing title  
Plans & Elevations  
SCHEME DESIGN

scale 1:50	date APRIL 2009	drawn ADM
Job no. OB.09/05	Drg no. 02	Checked

**Development Services**

Director: George Harper

Lorn House, Albany Street, Oban, Argyll, PA34 4AR  
Tel: (01631) 567950  
Fax: (01631) 570366

20<sup>th</sup> August 2008

Our Ref: DC/15/Lorn/Glencruitten/ES

Contact: Ewen Stewart  
Direct Line: 01631 567961  
E-mail: ewen.stewart@argyll-bute.gov.uk

Roseann MacLean,  
Tigh Mhuillean,  
Glencruitten,  
Oban.  
PA34 4QS

Dear Roseann MacLean,

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997  
SITE FOR THE ERECTION OF A DWELLINGHOUSE TIGH MHUILLEAN GLENCRUITTEN OBAN**

I refer to your recent enquiry concerning the erection of a dwellinghouse within the curtilage of your existing dwellinghouse in Glencruitten.

The site is between your existing house, which is located within an area defined in the Modified Finalised Draft Local Plan as *settlement area* and an *open space protection area* again defined in the Modified Finalised Draft Local Plan. This being the case then there are no fundamental objections to the principle of residential development on the site in terms of land use. I understand that infrastructure arrangements (water and adequate drainage) are available but there may be concerns with regard to additional use of the vehicular access. I would suggest you contact John Heron, who deals with road safety issues, with regard to the access arrangements before you submit a planning application. (01631- 562125)

These comments are made on an informal basis and should not be taken to bind or commit the Council to dealing with any subsequent application in a particular manner. Planning applications require to be considered against a wide range of issues that will only become apparent once an application has been submitted.

Yours sincerely

*Ewen Stewart*

Ewen Stewart, Senior Planning Officer,  
Oban, Lorn & The Isles,  
Planning Services.

CC: John Heron



Development & Environment Services  
Lorn House  
Albany Street  
Oban  
PA34 4AR

Tigh Mhuillean  
Glencruitten  
Oban  
PA34 4QB

21.12.09

**Letter of Appeal**

Dear Sir / Madam

We are writing in support of appeal for planning permission for our son Kenneth Mac Lean. Kenneth is 27yrs old, born and brought up in Oban. He works as a Maintenance and Repair Operator with ACHA. Unfortunately his salary is minimal and does not provide him with the income that would secure a mortgage to buy any property in this area.

For the past 3 years we have looked at many options in a bid to enable Kenneth to get a foot on the property ladder and have a home of his own. This has included part ownership with local housing associations. Kenneth's set of circumstances, being a single person meant he was not classed as priority. Kenneth has also been on the waiting list for both ACHA and West Highland Housing Assoc again he has been advised that unless his circumstances change (ie) has a family, he will not be considered for a number of years. We find it very frustrating that a community that is looking to encourage young people to stay and work in the area do not provide affordable housing to enable this to happen.

We have some land next to our own home and therefore we explored the possibility of how financially viable it would be for Kenneth to build a home of his own if we gifted the land to him. Kenneth we believe has taken all the right steps in order to progress this project by making contact with planning and roads depts prior to investing all of his life savings. On advice provided by planning Kenneth has spent in excess of £9,000. This has included detailed drawings from the architect, planning and building warrant applications and clearing the site. We were very upset to be notified of refusal of planning in particular the reasons for refusal. We believe the reasons provided should have been known to the planning officer Kenneth spoke with prior to commencing with his application. If this information had been given at the time Kenneth most certainly would not have spent all his savings in having a detailed application and would have been encouraged to apply for outline planning in the first instance.

Yours Sincerely   
*R. MacLean*

Kenny and Roseann MacLean

GROUNDS OF APPEAL  
REF: 09/00828/DET  
ERECTION OF DWELLINGHOUSE AT TIGH MHUILLEAN, OBAN  
PA34 4QB

The above application was refused on 16 October 2009 and two reasons were contained in the attached appendix for the refusal. The first reason stated that the site lay within a Development Road Allocation and that the application was premature pending the future provision, detailed design and alignment of the road.

The route has now been surveyed and I have ascertained that the route of the road is on the opposite side of the road and will not affect the group of three houses at the former Old Sawmill site, otherwise those houses would have to be demolished. Argyll & Bute Council would certainly not wish to add demolition and compensation costs to the construction of the road. Therefore the house site is not now associated with the Oban Development Road.

The second reason relates to the loss of ground which could affect the wider planning of the area as a recognised expansion opportunity for Oban. The granting of planning approval for a single house beside Tigh Mhuillean and rounding off the development at the former sawmill site would not undermine the future potential of a much larger area. The adjoining area may not be developed for some time and it is unreasonable for the Council to ask the applicant to wait until those matters are resolved.

A letter is attached from the applicant's parents outlining the reasons for the planning application. He has already spent over £9,000 for a detailed application because he believed that the letter dated 20 August 2008 from the Planning Officer (Production 3) stated, "There are no fundamental objections to the principle of residential development on the site in terms of land use".

The applicant is a young man born and brought up in Oban working in the area and endeavouring to set up a home for himself. The site was gifted to him by his parents so that he could afford to build otherwise he would have to wait a long time to be allocated a house from a Housing Association.

There are no objections from third parties. The policies of Argyll & Bute Council are surely geared to support and encourage applicants like Kenneth MacLean. I urge the Review Panel to grant planning permission.