

MACFHEARGHUIS, MACSUAIN AGUS STIUBHAIRT
Fir-lagha agus Notairean

Rathad na Drochaid, Port Ruighe, An t-Eilean Sgitheanach

FERGUSON MACSWEEN & STEWART
Solicitors and Notaries

Bridge Road, Portree, Isle of Skye, IV51 9ER

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Fax: 01478 612709
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Argyll & Bute Council,
Customer Services,
Kilmory,
Lochgilphead,
ARGYLL,

Our Ref: MMacS/CC/288

Your Ref:

By fax and post: 01546604444

F.A.O. Melissa Stewart

Dear Sirs,

2nd November, 2010.

MR. & MRS. DUNCAN ALEXANDER MacINTYRE
LAND AT LITTLE RAHANE FARM, RAHANE, HELENSBURGH
PLANNING APPLICATION BY MR. & MRS. MacGREGOR
REFERENCE NO: 10/00536/PP

We enclose for your attention a copy of our letter of to-day's date to Messrs. Richmond Architects along with a copy of the title plan therein referred to. Can you please note that our clients have not and will not consent to any part of their land being encroached upon to provide a lay-by or passing place or to accommodate the requisite bellmouth. We shall be obliged if you will kindly acknowledge receipt of this letter and confirm that you have noted its contents.

Yours faithfully,



Ferguson, MacSween & Stewart

Enc:



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Richmond Architects,
10 G/R Castle Terrace,
DUMBARTON,
G82 1QY.

Our Ref: MMacS/CC/288

Your Ref:

Dear Sirs,

2nd November, 2010.

MR. & MRS. DUNCAN ALEXANDER MacINTYRE
MR. & MRS. MacGREGOR
LAND AT LITTLE RAHANE FARM, RAHANE, HELENSBURGH

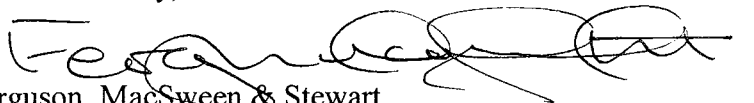
We act for Mr. & Mrs. MacIntyre who have consulted us regarding the Planning Application which you have submitted to Argyll & Bute Council on behalf of Mr. & Mrs. MacGregor in respect of the demolition of outbuildings and the erection of five dwellings at land owned by your clients at Little Rahane Farm, Rahane, Helensburgh. Our clients have had sight of the Planning Application and relative plans submitted by you on behalf of Mr. & Mrs. MacGregor. The plans you have prepared suggest that there is adjacent to the access road which serves our clients' property and your clients' property and located entirely within our clients' property, a passing place or lay-by.

We enclose a copy of the plan from our clients' Land Certificate, the extent of our clients' land is shown delineated in red and it will be noted there is no lay-by or passing place within the curtilage of our clients' land.

Furthermore, our clients have noted that your plans as submitted envisage the provision of a bellmouth as the private road meets the B833 public road. The manner in which you have configured the bellmouth on the plans submitted with your clients' application, shows part of the bellmouth to be formed within our clients' land.

Our clients wish to record that they have given no consent for the formation of either a bellmouth or a passing place or lay-by within their land and if your clients' application is reliant on either or both of these accommodations, please note that these are not available.

Yours faithfully,



Ferguson, MacSween & Stewart

Enc:

Partners: Murdo MacSween, LL.B., N.P., Sorley T Henderson, LL.B., Dip. L.P., N.P.

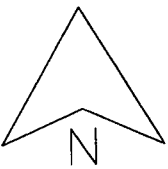
Practice Manager: Margaret Bond

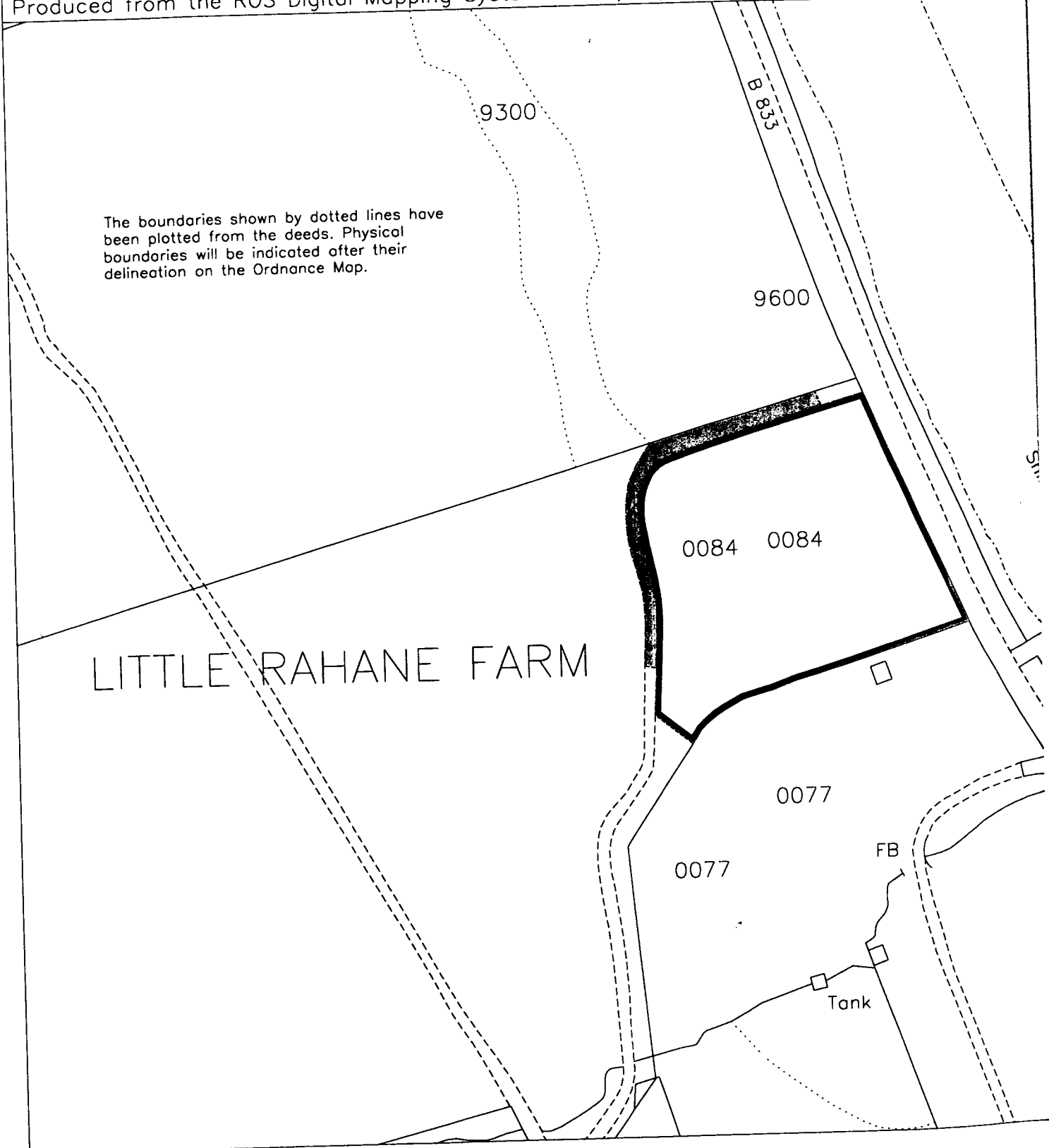
Also at Main Street, Kyle of Lochalsh, Ross-shire, IV40 8AB. Telephone 01599 534500. Fax 01599 534480.

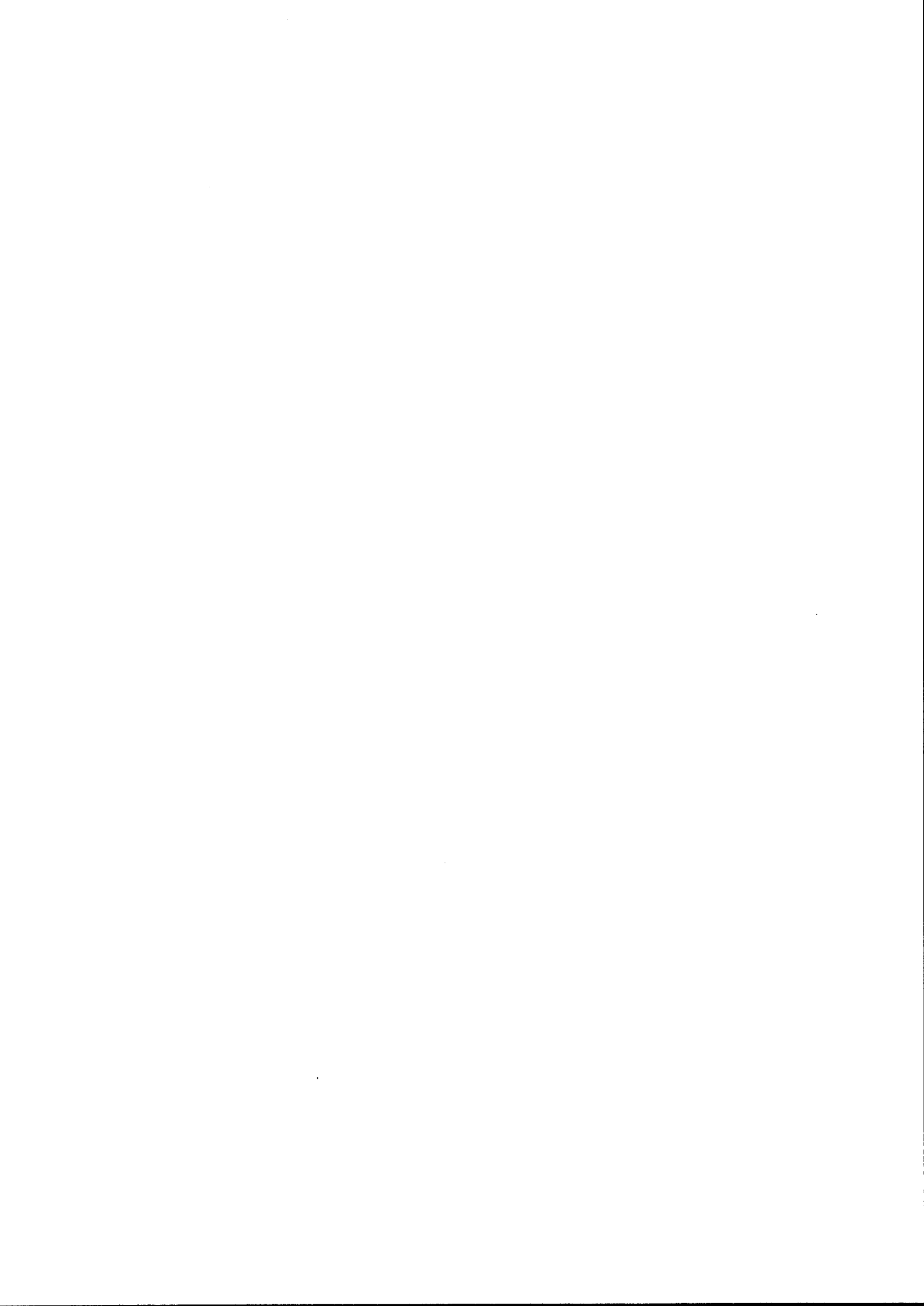
Finance and Administration PO Box 26 Ullapool, IV26 2SZ. Telephone 01854 612826. Fax 01854 612826.



INVESTOR IN PEOPLE

LAND REGISTER OF SCOTLAND	Officer's ID/Date	TITLE NUMBER
	2989 23/1/1998	DMB51384
	ORDNANCE SURVEY NATIONAL GRID REFERENCE	Scale
	NS28NW NS2385 NS2485 NS2386	1/1250
		Survey Scale
		1/2500
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Little Rahane Farm

Information for Discretionary Hearing

Re. Planning Application 10/00536/PP

Having attended the PPSL meeting in Dunoon, we wish to make the following points to clarify the situation at Little Rahane Farm:

- **The recommendation for refusal is based on the results of an holistic Noise Impact Assessment** and a site visit by an Environmental Health Officer. Noise nuisance in this case is a key material consideration. In addition, an independent value judgement report by a very experienced Environmental Health professional – Sandy Taylor – concurs with this view.
- **We purchased Little Rahane Farm in 2003 and have been working and improving the registered smallholding since then.** We run this as a business and as such this has been an established land use for the last seven years. We have, as an integral part of our smallholding business: pigs, geese, ducks, hens, sheep, alpacas, goats, horses, donkeys, and we are ready to begin beekeeping in the spring.
- **To assist in running our smallholding business we have various types of machinery** in operation on a daily basis. We have a dumper truck (100dB sound power level), tractor, quad bike, JCB excavator, pickup truck, Land Rover, 7.5 ton HGV lorry and various trailers, plus implements for the tractor. **These are noisy vehicles and they will, in a regular and sustained manner, be in operation at the boundary of the proposed development.**
- **Our working day begins early - 4:45am in winter and 5:45am in summer.** This involves the use of mechanical equipment and together with animal noise would cause disturbance and nuisance to neighbours in such close proximity, as established by the Noise Impact Assessment. Weekends and holidays are particularly busy times throughout the day. Accordingly, **this is a typical bad neighbour development.**
- **Should this application be approved, the potential residents would constantly experience high noise levels** as advised by the Council's Environmental Health Officer and the independent Environmental Health Advisor. This would clearly require - in terms of legislation - the Council to investigate such matters on a regular basis. This would come at a considerable cost to Council taxpayers, as well as inconvenience and stress to all those involved.
- **We are not against residential development by the applicants on their land,** but the current proposal, sitting cheek by jowl with our established working smallholding, would result in unacceptable noise levels and complaints from the potential householders.
- **In terms of a resolution to these circumstances** we respectfully consider that there **are alternative sites** identified in the local plan within the land owned by the applicants. They own over 200 acres of which around 30 acres have the potential for development; particularly the land next to current residential properties (see map). This is a more acceptable location for a residential development.

All we are asking for is a common sense, practical and sensible solution - housing is acceptable in this locale, **BUT not on this specific site** because of the close proximity to the already established land use of our registered, working smallholding business, with its related noisy activities.

The key determining factor in this case is: is this an acceptable land use?

We contend, for the reasons stated above, it is not!

Accordingly, we would urge the Council to engage in meaningful discussion with the applicants with a view to finding a more appropriate location for residential land use in this locale, and within the ownership of the applicants, avoiding the noise and disturbance created by an already existing and established land use.

Although not planning experts, we respectfully suggest that there are alternative sites on the applicants' land which we have indicated on the following map:

686400

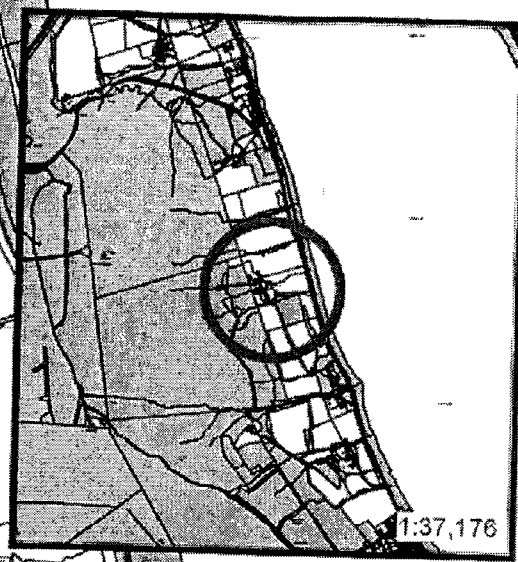
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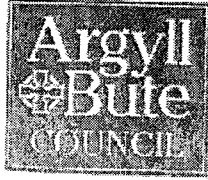
OUR REGISTERED
SMALLHOLDING
BUSINESS

HATCHED AREA
IS AVAILABLE
TO APPLICANT

Application Site

IDEAL
ALTERNATIVE
SITE

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**Location Plan relative to
Application Ref: 10/00536/PP**

Date: 23.08.10

Scale: 1:5,000

