

Delegated or Committee Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 11/00851/PP

Planning Hierarchy: Local Development

Applicant: Mr E & Mrs H Howarth

Proposal: Erection of dwellinghouse, installation of septic tank and formation of access.

Site Address: Cul A Mhill, Ardtun, Bunessan, Isle of Mull

SUPPLEMENTARY REPORT NO. 1

(A) BACKGROUND

This application was presented to the Planning, Protective Services and Licensing Committee meeting on 22 February 2012, at which time the item was continued.

As a result of preparing two very similar reports (11/00847/PP and 11/00851/PP), regrettably there were errors in the reports in terms of the section heading numbering and indeed the content of the reports relative to each application reference. This opportunity has been taken to correct and update the report such that the Committee can reliably determine the application. The updated sections of the report have been highlighted for ease of reference.

In addition, the following updates have also been made:

- 1) The Crofters Commission response was received after the initial report was finalised, and their response has been included, as well as a statement on subsequent queries posed to them to which no response has been received.
 - 2) The earlier report mistakenly advised that an existing track would require an upgrade to adoptive standards if it were to be used to facilitate development of the preferred options highlighted in the ACE. This has been adjusted to require only commensurate improvements as provided for in Policy LP TRAN 4 for existing private access arrangements.
 - 3) Minor typographical errors have been corrected.
 - 4) The amended report has been re-dated.
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(B) RECOMMENDATION:

Having due regard to the Development Plan and all other material considerations, it is recommended that:

- i) the appended Area Capacity Evaluation (ACE) be adopted as a material consideration in the determination of this application and any future application within the defined area of common landscape character;
 - ii) the application be refused for the reasons given in the amended report; and
 - iii) the applicant be encouraged to pursue one of the alternative sites identified in the ACE to secure a house for the croft.
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Author of Report: **Stephen Fair** **Date:** 06/03/12

Reviewing Officer: **Richard Kerr** **Date:** 07/03/12

Angus Gilmour
Head of Planning and Regulatory Services

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DECISION ROUTE

Local Government Scotland Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of dwellinghouse
- Installation of septic tank
- Formation of access

(ii) Other specified operations

- Connection to public water supply
-

(B) RECOMMENDATION:

It is recommended that:

- iv) the appended Area Capacity Evaluation (ACE) be adopted as a material consideration in the determination of this application and any future application within the defined area of common landscape character;
 - v) the application be refused for the reasons given in this report; and
 - vi) the applicant be encouraged to pursue one of the alternative sites identified in the ACE to secure a house for the croft.
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(C) HISTORY:

11/00847/PP – current application for house, septic tank and access; incorporating an alternative design from application 11/00851/PP.

The following applications have been granted on adjacent land:

02/01478/OUT – erection of house in outline (subsequently granted detailed consent under 06/01584/DET), constructed on site to east of application site. House name: 'Faolainn'.

03/01460/OUT – erection of house in outline (subsequently amended under 06/00612/DET), constructed on site to east of application site. House name 'Tigh Aigan Oir'.

05/00564/OUT – erection of house in outline (subsequently amended under 09/01883/PP), constructed on site to west of existing barn (plot 2 Torr Na Locha Croft)

05/00567/OUT – erection of house in outline (subsequently granted Reserved Matters approval under ref 08/00814/REM), under construction to south of existing barn.

(D) CONSULTATIONS:

Area Roads Manager - report received 29/06/11, no objections.

Scottish Water - letter dated 24/06/11 no objections. No public sewers in vicinity of site. Capacity in public water system at present. No guarantee of connection is given.

Environmental Health - memo received 27/06/11, no objections.

Animal Health and Welfare Officer - email dated 21/07/11. Confirms it would be excellent if the croft management plan were fully implemented and a residential presence on or near the site would be necessary to fully implement the plan. However, the plan relates to proposed activities and as such, there is no current agricultural or animal welfare need for a house; with such need only being created by implementation of the croft development plan submitted in support of the planning application. Financial viability queried, but crofting is rarely financially viable. Possibility highlighted that the croft development plan may not be fully implemented.

Crofters Commission - response received 07/02/12 (after the initial planning report was concluded)

Confirms that the site is the poorest quality part of the remaining croft land and the applicants have submitted a thorough croft development plan. No views are given on the history of the croft(s) and any prior sub-divided plots or holdings.

Although the house site area of 0.38Ha exceeds the Crofters Commissions normal decrofting limit of 0.1Ha per house, a smaller site area will not be insisted on because the applicants have indicated they have no intention to decroft the house site. (Decrofting would become necessary if lending is required to develop the house.)

No response has been received to a request on 17 February 2011 for the Crofters Commission to provide a clear comment on the viability of the croft or the sustainability of the project given the previous croft sub-division that has occurred (as required by Local Plan policy HOU 1).

Core Paths – no response to date.

(E) PUBLICITY:

The proposal has been advertised in terms of Regulation 20, closing date 14/07/11.

(F) REPRESENTATIONS:

Five objections and representation in support have been received. A subsequent collective objection was also received, signed by all objectors with the addition of Mr I Young and Mrs P Logan:

Support:

Mr & Mrs T Jeffree, Suidhe Farm, Bunessan, Isle of Mull & 11a Poplar Grove, Sale, Cheshire (email dated 11/07/11)

Objections:

Dr Anita Tunstall, Faolainn, Ardtun, Bunessan, Isle of Mull, PA67 6DH (letter dated 29/06/11)

Dr Susan Reed, Taigh Aig An Oir, Ardtun, Bunessan, Isle of Mull, PA67 6DH (letter dated 30/06/11)

Ms Lesslie Young, Scridain House, Ardtun, Bunessan, Isle of Mull, PA67 6DH (email dated 05/07/11)

Mr & Mrs P Townsend, Highfields, Ardtun, Bunessan, Isle of Mull, PA67 6DH (letter dated 29/06/11)

Mr & Mrs C Garnett, Scridain View, Ardtun, Bunessan, Isle of Mull, PA67 6DH (letter dated 30/06/11)

Residents of Ardtun (Mr & Mrs C Garnett and 7 other signatories), c/o Scridain View, Ardtun, Bunessan, Isle of Mull, PA67 6DH (letter dated 18/07/11)

(i) Summary of issues raised

The supporters submit:

- Wish to respond to misunderstandings and misconceptions about the applicant's intentions, which they have read in the objections that have been submitted.
- Many of the objectors have themselves benefitted from house plots being sold off separately from croft land.
- The applicants have bought the land with the express purpose of living on it and working it as a croft and have no intentions of repeating the previous bad practice of sub-dividing croft land. Indeed, they are willing to enter a binding agreement to prevent further sub-division of the land.
- We have known the applicants for 15 years, during which time they have worked a small holding, using similar skills that will be required to run the croft.
- The croft is above the average croft size of 5Ha (being around 6Ha in size) and a thorough croft development plan is submitted in support of the application.
- Question the coherence of the existing vernacular (contrary to the statements of the objectors) in support of the building design and materials that are proposed, which include timber cladding and corrugated roof sheeting.
- Highlight the need for the applicants to have somewhere to reside first, in response to criticism that they do not live on Mull at present.
- Consider the applicants to have sincere intentions and advise that they would be assets to the existing community, with their other skills as a beekeeping instructor and diving instructor.
- Request that the Planning Authority supports the applicant's aspirations for a house which will enable them to run the croft.

Comment – these supportive comments are noted and correlate with the agents submissions in support of the application, which are discussed and debated later in this report.

The objectors concerns are:

- The development is on land defined for its scenic qualities with a presumption against development. The proposal contravenes the provisions of the Development Plan, particularly the Landscape Capacity Study, which allocates the land 'Red' – not for further development.

Comment – This concern is supported by the planning assessment.

- The development would blight views across Loch Scridain, which are supposed to be protected in the Local Plan.

Comment – This concern is supported by the planning assessment.

- Misuse of crofting laws and repeated sub-division of croft land has been used to justify houses where no crofting purpose exists. Land sales have been at house plot prices, rather than agricultural land prices, which has prevented neighbouring crofters from increasing their holdings to incorporate the site. Resultant indiscriminate housing mars the beauty of the area. Further croft houses should not be considered on these uneconomic crofts. The break-up of croft assets is discouraged by the Local Plan.

Comment – A former larger croft has been sub-divided. Whilst not the responsibility of the current owner, they have purchased what remained as a vacant croft and propose a house on that basis. The application must be assessed on its merits, taking account of relevant Development Plan policies and material considerations.

- There is already too much building in this part of Ardtun, which strains existing roads, electricity and water supply infrastructure.

Comment – no objections have been submitted by infrastructure providers.

- The land was used for grazing of sheep and haymaking until the applicant's purchased it in 2010, following which it has not been worked as the owners are absentee.

Comment – the applicants have sought to obtain planning permission for a house since the application was submitted in May 2011, shortly after their purchase of the land. Absenteeism in the interim is not considered to be of importance to the planning decision.

- The house is too large, oddly shaped and aesthetically unattractive. The two storey elevation, bay windows, extensive glazing and balconies are out of keeping with surrounding dwellinghouses and will be intrusive. The roof is hipped with corrugated roof sheeting and the extensive timber clad walls and areas of stone all differ from adjacent house designs. Derogatory comments regarding the 'off-the-shelf' kit houses around the site are challenged, because these houses more closely reflect the character of traditional croft buildings in the area and adhere to planning policies. The neighbouring white or off white masonry walls and gabled, tiled or slated 1½ storey houses are strongly characteristic of the area. The proposed muted colours differ from what surrounds the site.

Comment – there appears some confusion between the two designs that have been submitted, one under 11/00851/PP which is the subject of this report, and an alternative design under 11/00847/PP, which is the subject of a separate report. This design is discussed and analysed later in the report, but in summary it provides for a two storey house set into the ground such that a single storey is visible above ground to the south-west and two storeys face the north-east. On the north-west elevation, a reduced wallhead height of 1800mm is incorporated, meaning the building height can be described as 1¾ storey, with two dormers and a central projection with full two storey high eaves. The roof is proposed with gable ends and pitched slopes finished in corrugated sheeting. Walls are a mixture of vertical timber cladding, rendered blockwork and adjacent natural stone retaining walls at each side elevation.

- Proposed planting will not successfully nestle the building in the site and may take years to become established. The planting is on top of existing service trenches and will interfere with those services.

Comment – Impact on existing services is a civil matter between the parties. However, the site is generally open and significant screen planting would alter this characteristic of the area and further impact on open views across the site.

- Impact on privacy through overlooking from the glazing and balconies.

Comment – the house is well in excess of the 18m separation distance below which overlooking might normally be problematic. The objectors concerns are understood in the context of a rural, low density settlement, but are not objectively supported by the planning assessment.

- Object to the access routing, which wraps around one of the objector's curtilages, due to noise and intrusion, as well as needless use of good croft land, when a closer track exists at the west of the site, which will still need to be used to access the agricultural barn.

Comment – the proposed access route passes close to a house that currently enjoys good privacy through separation from neighbours and its location at the end of an existing private access track. Adverse impacts on privacy would occur, but concerns regarding noise are not supported, because the access is only to serve a single house. Utilising the existing track to the west of the site does make more planning sense as it will use less croft land and will not affect any existing neighbours to the same degree as the current proposal would.

- Impact on open landscape. Proposed screen planting not in keeping with the current open landscape, nor has any consultation taken place with neighbours on the planting proposals.

Comment – both the house and the proposed planting will impact on the open landscape that exists at present. Such impact is considered unacceptable and contrary to the aims of the Local Plan, as described in the adopted Landscape Capacity Study.

- The land involved, i.e. three fields covering 15 acres, is insufficient to be defined as a 'croft'.

Comment – this point is not supported by the planning assessment. The croft exceeds the average croft size in the country according to information sourced from the Crofters Commission.

- Wildlife would be disturbed.

Comment – development of any greenfield site will have some impact on wildlife. However, the site is not known to host any protected species and it is not considered that any unacceptable impacts on wildlife would be created.

- If a house is to be built on the croft, recommend it replaces the existing barn and that a vernacular design is used. The existing barn exceeds what is necessary to serve such a croft of this size. The total number of buildings would then not be increased, and a barn near Harbour Cottage, recently renovated by the applicants, could still serve the needs of the croft. Utilising the existing track serving the barn to the west would also address other concerns of the objectors.

Comment – this concern is supported by the planning assessment and ACE undertaken by the Planning Service and appended to this report.

- There are no exceptional reasons why a house should be supported contrary to the provisions of the Local Plan and the Council should stick to its adopted policies. The genuineness of the crofting need should be tested.

Comment – a special case is being proposed on the basis of operational need – i.e. a house for a bareland croft. SRGPID confirm the land is the poorest quality part of the remaining croft and Animal Health advisors confirm that if the croft development plan were fully implemented there would be a requirement for the crofter to live on or near the site. In terms of providing a house on the bareland croft, and taking account of settlement pattern and key views, the appended ACE recommends there are two preferable options that should be explored as an alternative to developing the current proposed site. Both of these options would be less damaging to the key features of importance here, which are expressly identified for protection through the Local Plan, namely maintaining the open views across the site to the sea and islands beyond, and consolidating the cluster of development along the west of the track at the west of the site.

- Potential for a precedent to be established.

Comment – a precedent for scattered housing has already been established at Ardtun, but there have been no houses approved since the adoption of the Landscape Capacity Study which contravene its provisions for Ardtun. In this regard, a further precedent could be established if the application was granted. This could be mitigated within this croft by a Section 75 Agreement, but landownership beyond the croft has not been examined to ascertain how significant such a precedent would be.

- The supporters are not resident on Mull.

Comment – this is not a material planning consideration. Any third party can comment on a planning application. The supporters have however given two addresses, one on Mull and one elsewhere.

- Highlight comments of the Council's Animal Health Officers regarding agricultural need.

Comment – the Animal Health Officer submitted initial comments followed by more detailed comments at a later date. He confirms that no current agricultural need exists to justify a house, but that implementation of the croft development plan would create a need for a residential presence on or near the site.

The above represents a summary of the issues raised. Full details of the letters of representation are available on the Council's Public Access System by clicking on the following link <http://www.argyll-bute.gov.uk/content/planning/publicaccess>.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- | | |
|---------------------------------------------------------------------------------------------------|-----|
| (i) Environmental Statement: | No |
| (ii) An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994: | No |
| (iii) A design or design/access statement: | Yes |

Design statement/supporting statement submitted by agent, following informal pre-application discussion and meetings.

The statement advises that the site has been selected following a detailed assessment of the topography, the client's requirements, the sensitivity of the site and the quality of the built environment.

The site has dictated the design elements with the express purpose of achieving a more sustainable and ergonomic use as well as visually setting the building into its environs.

Design developed with the intention of complying with the Council's Sustainable Design Guidance, which correctly challenges the ubiquitous pastiche and clichéd efforts of the existing off the peg kit houses which have become the dominant built form in recent times, whilst maintaining cognisance of traditional qualities.

Providing two storeys set into the land allows for a reduced building footprint with single storey appearance from public vantage points. Locally sourced stone is proposed to anchor the house in the local landscape. Muted colours will further blend the house into the landscape. The house, ground modelling and planting will make a positive contribution to the site. Corrugated roofing is more affordable and adheres to the many similar examples in the area.

Challenges the informal pre-application direction towards a more vernacular design and defends and explains the design choices made and proposed as part of the development. [NB this statement relates more closely to a defence of the applicant's preferred design option which is separately assessed under ref 11/00847/PP]

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| (iv) A report on the impact of the proposed development e.g. retail impact, transport impact, noise impact, flood risk, drainage impact etc: | No |
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(H) PLANNING OBLIGATIONS

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|------------------------------------------------|----|
| (i) Is a Section 75 agreement required: | No |
|------------------------------------------------|----|

No Section 75 Agreement is being proposed as the application is being recommended for refusal. In the event that planning permission were to be granted, it would be necessary to first conclude a Section 75 legal agreement to tie the proposed house to the entire croft holding and prevent the further sub-division of the croft as this is an area where general housing development would not be supported, and to underpin the bareland croft argument being proposed by the applicant and the croft development plan submitted in support of the application.

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

(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.**

Argyll and Bute Structure Plan 2002

STRAT SI 1 – Sustainable Development

STRAT DC 4 – Development in Rural Opportunity Areas

STRAT DC 5 – Development in Sensitive Countryside

STRAT DC 8 – Landscape and Development Control

STRAT AC 1 – Development in Support of Farms, Crofts and Estates

Argyll and Bute Local Plan 2009

LP ENV 1 – Impact on the General Environment

LP ENV 10 – Impact on Areas of Panoramic Quality (APQs)

LP ENV 19 – Development Setting, Layout and Design

LP HOU 1 – General Housing Development

LP SERV 1 – Private Sewage Treatment Plants and Wastewater Systems

LP TRAN 4 – New and Existing Public Roads and Private Access Regimes

LP TRAN 6 – Vehicle Parking Provision

P/DCZ 4 – Rural Opportunity Areas – Areas and Boundaries

LP DEP 1 – Departures to the Development Plan

Appendix A – Sustainable Siting and Design Principles

Appendix C – Access and Parking Standards

(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 4/2009.**

Isle of Mull Landscape Capacity Study December 2009

The Town & Country Planning Act (Scotland) 1997

The Planning etc. (Scotland) Act, 2006

Argyll & Bute Sustainable Design Guidance (2006)

Area Capacity Evaluation Technical Note (2009)

Area Capacity Evaluation (appended to this report - subject to Committee consideration before determining planning application)

Scottish Planning Policy (SPP) 2010

Planning Advice Note (PAN)72 – Housing in the Countryside

Planning Advice Note (PAN)44 – Fitting New Housing Development into the Landscape

(K)	Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment:	No
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(L)	Has the application been the subject of statutory pre-application consultation (PAC):	No
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(M)	Has a sustainability check list been submitted:	No
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(N)	Does the Council have an interest in the site:	No
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(O)	Requirement for a hearing:	No
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There are no matters of significant complexity, nor such a high level of representation as to necessitate the holding of a discretionary hearing prior to the determination of the application.

(P) Assessment and summary of determining issues and material considerations

Planning permission is sought for the erection of a dwellinghouse at land at Cul A Mhill Croft, Ardtun, Isle of Mull.

The site is allocated within Rural Opportunity Area in the Argyll and Bute Local Plan (2009) subject to Argyll and Bute Structure Plan (2002) policy STRAT DC 4, refined by the provisions of the adopted Isle of Mull Landscape Capacity Study 2009.

The Landscape Capacity Study identifies the site within a 'Red Area' not recommended for development; to protect key views across the site, reduce visual impacts arising from development, and to avoid steep or rocky areas. On such land, the Planning Authority assesses applications on the basis of the land being 'sensitive countryside', where sporadic housing is discouraged and only small scale infill, rounding off or redevelopment is generally supported. The current proposal is to be assessed as a 'special case' under STRAT DC 5 part (B), including a requirement for a formal Area Capacity Evaluation (ACE). The ACE is contained in full at Appendix B, and concludes that either redevelopment of the existing metal barn, or a new build house alongside the barn, with access taken via the existing track at the west of the site are the best two options to secure a house for the remaining bareland croft. The applicants disagree with the conclusion of the ACE and seek a positive determination of the current proposal. Whilst the agent has submitted further justification of the current site (see appendix B), it

is not accepted that the proposal is the best opportunity available for a house within the croft.

The Landscape Capacity Study allocates a generous area of land for further small scale housing development along the western side of the public road and track, but safeguards against further development on the eastern side of the track as it runs a high risk of intruding on key views looking into the site, across the site and within the site; to reduce visual impacts arising from development; and to avoid steep or rocky areas.

The proposed site is not considered to be the best opportunity to provide a house within the croft. If the house were to be approved in the proposed location, along with the associated planting proposals, there would be an adverse impact on the key features of the area, namely the protected open views across the site, contrary to the provisions of the Development Plan. In this case, these conflicts are considered to outweigh the general support for a house on a bareland croft in STRAT AC 1, DC 5 and LP HOU 1.

The application has attracted one supportive representation and six objections. The points submitted are detailed in section F of this report. On balance, the planning officer supports the position of the objectors on a number of points, critically; that the retention of the open views across the site should be decisive. Placing a house there, almost regardless of how it is designed, and irrespective of how it is screened, will have an unacceptable adverse impact on this key feature which is specifically protected under the Local Plan. Indeed, the efforts to utilise extensive screen planting in itself only adds to the potential obstruction of the existing open views and runs contrary to the existing open character of the land. Two less damaging alternatives exist to secure a house for this remaining bareland croft. It is considered that the applicant should pursue these options and is only likely to do so if the current application is refused, having failed to take up these alternatives to date.

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

(R) Reasons why planning permission should be refused:

Stated in full below.

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

N/A.

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

Author of Report: Stephen Fair **Date:** 06/03/12

Reviewing Officer: Rickard Kerr **Date:** 07/03/12

Angus Gilmour
Head of Planning and Regulatory Services

GROUNDS OF REFUSAL RELATIVE TO APPLICATION REFERENCE 11/00851/PP

1. The proposed house occupies an area of land identified in the Isle of Mull Landscape Capacity Study as not appropriate for further development, where open views across and within the site towards the Treshnish Isles and Ardmeanach are key features to be maintained. A generous area of land is allocated for further small scale housing development along the western side of the track to the west of the site by the Landscape Capacity Study, which deliberately applies a strategy of consolidating distinct clusters of development as opposed to perpetuating a wider scattered housing pattern sprawling across the countryside. The Study safeguards exist against further development on the eastern side of the track as it runs a high risk of intruding on key views looking into the site, across the site and within the site; to reduce visual impacts arising from development; and to avoid steep or rocky areas. As the proposed house would intrude on key views across the croft towards the Treshnish Isles and Ardmeanach and generate visual impacts on the horizon when approaching the site from the south, the application site does not represent a suitable opportunity for development. Whilst this unfortunately already occurs with Tigh Aigan Oir, this is not a desirable or dominant feature of development at Ardtun and should not be further encouraged.

Whilst the Development Plan includes general support for single croft houses on bareland crofts, the site is not the best location for a house within the croft. If the house were to be approved in the proposed location, along with the associated planting proposals, this would generate adverse impacts on the key features of the area, namely the protected open views across the site, contrary to the provisions of the Development Plan. In this case, these conflicts are considered to outweigh the general support for a house on a bareland croft in STRAT AC 1, DC 5 and LP HOU 1.

2. Whilst the Development Plan includes general support for single croft houses on bareland crofts via Structure Plan policy STRAT AC 1, provision of a further house on a croft where four plots have already been separated off from the landholding in the last 5 - 10 years is difficult to justify, particularly given that a breakdown of croft assets runs contrary to the aims of the Argyll & Bute Structure Plan to support crofting. Whilst the applicant only purchased the land in February 2010 and therefore is not responsible for what occurred previously, this does not alter the fact that the croft has been repeatedly sub-divided. Planning history is a material consideration in the determination of planning applications. Supporting a further house as a 'special case' on the land underpinned by a bareland croft argument would seriously undermine the wider policy objective to support crofting, because it would encourage the break-up of croft assets. The applicants could potentially service the croft from adjacent housing within Ardtun or Bunessan, or failing that could seek to develop an alternative site within the croft, where development could be supported by the Development Plan as being the most appropriate option available within the landholding. The Area Capacity Evaluation undertaken in response to the planning application has concluded that the best opportunity for a house at the croft is presented by the redevelopment opportunity afforded by the existing ageing barn at the west of the site, or that a second best option would be to develop a house alongside that barn, held close to the western track, in a position which would integrate more closely with the settlement pattern, and the provisions of the adopted Landscape Capacity Study. It is not considered that the interests of the management of the croft provide the necessary justification as a 'special case' for development in the location currently proposed.

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

The site is allocated within Rural Opportunity Area in the Argyll and Bute Local Plan (2009) subject to Argyll and Bute Structure Plan (2002) policy STRAT DC 4. The Rural Opportunity Area in question lies within a designated Area of Panoramic Quality, subject to Local Plan policy LP ENV 10 and P/DCZ 4, and is therefore refined by the provisions of the adopted Landscape Capacity Study of 2009.

The site lies within a Rural Opportunity Area, refined by the adopted Landscape Capacity Study of December 2009 (LCS), which identifies the site within a 'Red Area' not recommended for development. The land has been so identified to protect key views across the site, reduce visual impacts arising from development, and to avoid steep or rocky areas. On such land, the Planning Authority assesses applications on the basis of the land being 'sensitive countryside', where sporadic housing is discouraged and only small scale infill, rounding off or redevelopment is generally supported. Although single croft houses, and single additional houses on crofts, are also supported in principle by STRAT DC 5 part (A) (subject to compliance with STRAT AC1); the existence of more than one previous additional house on croft land since the policy has been applicable necessitates assessment of the application as a 'special case' under STRAT DC 5 part (B). Special cases include a requirement for a formal Area Capacity Evaluation (ACE) (see appendix B).

B. Location, Nature and Design of Proposed Development

Planning permission is sought for the erection of a dwellinghouse, installation of a septic tank and formation of a private access at land at Cul A Mhill Croft, Ardtun, Isle of Mull.

The design features a two storey house set into the ground such that a single storey is visible above ground to the south-west and two storeys face the north-east. On the north-west elevation, a reduced wallhead height of 1800mm is incorporated, meaning the building height can be described as 1¾ storey, with two dormers and a central projection with full two storey high eaves. The roof is proposed with gable ends and pitched slopes finished in corrugated sheeting. Walls are a mixture of vertical timber cladding, rendered blockwork and adjacent natural stone retaining walls at each side elevation. The house footprint comprises a main rectangular area measuring 8m wide by 14m long, with a front projection of 5.6m x 2.4m and a rear projection at the upper floor only of 6.7 x 2.4m. The lower floor will comprise a bedroom, 2 bathrooms, a plant room, honey preparation room, office/study, and a workroom. The upper floor comprises an open plan kitchen/dining/living room, utility room, wc, vestibule, bedroom with dressing room and en-suite shower room. A covered porch exists to the south-west elevation. Two balconies are proposed on the north-east elevation, facing towards the outstanding views beyond the site.

Of the two design options currently under consideration (11/00847/PP and 11/00851/PP), this one gives greater regard to the character of existing housing around the site, which includes gabled walls, symmetrically pitched roofs and a 1¾ maximum wallhead height.

The overall pattern of development in this area of Ardtun is one of scattered housing, made up of the distinctive elements of staggered linear development along a private track running north, where the varied orientation of the houses disguises the linear arrangement; and a lower lying arc of three houses occupying a less prominent part of the landscape when viewed from the east. Perception of these three houses changes to one of greater isolation from the rest of the settlement as you approach the site from the

south. The first is a well contained low lying traditional stone built house, the second (Faolainn) remains on low lying land near the shore, and the third occupies a more prominent location on higher ground (Tigh Aigan Oir). Housing is generally well spaced out, traditionally styled and finished, set within a loose cluster that gives an overall cohesive appearance at present. Tigh Aigan Oir has the most unfortunate siting of the existing development within the group, being set within the key views and obstructing them. It is not considered that this situation should be promoted or repeated in future proposals as to do so would undermine the key features of the settlement.

C. Natural Environment and Landscape Character

The character of this rural area is one of a moorland with rough grazing and grazed fields and a low density settlement. Existing development appears scattered within a loose cluster, and the adopted Landscape Capacity Study seeks to reinforce the existing clustered development on the west side of the public road and private track that runs south to north through the compartment. Ardtun is perceived as a whole within the same visual envelope from fairly long distances across the open low lying landscape that surrounds the site.

The site is in an area categorised by the Scottish Natural Heritage *Landscape Assessment of Argyll and the Firth of Clyde 1996* as 'Basalt Lowlands', characterised by:

- Indented coastline – low headlands with a distinctive stepped profile
- Open moorland broken by rocky outcrops and ledges
- Scattered small-holdings and cottages on the edge of the moor
- Gently undulating landform, between 20m and 60m AOD, with numerous rocky outcrops of varying height and size.

The application site lies beyond the northern edge of the gently sloping grazed fields that constitute the majority of the croft, and occupies a slightly steeper, more rugged landscape with bracken vegetation cover, leading into scrub vegetation across the raised rocky knoll further north.

D. Built Environment

A single house and barn are located near the public road junction south of the site, which is separated from other development at Ardtun by an area of open moorland. Clustered development starts at 'Achnahard Mobile Home' running north alongside the private track heading to 'Highfields' and encompassing five houses staggered along the track, plus an existing metal barn within the applicant's croft. A second arc of three houses lies along a further private track running around to the east, closer to the shore and on lower lying land.

The built environment is strongly characterised by symmetrically pitched roofs, gable walls, masonry finishes and a maximum 1¾ storey wallhead height.

E. Other Policy Provisions

STRAT AC 1 and LP HOU 1 support the principle of a single dwellinghouse on appropriate sites on bareland crofts subject to the proposed development being consistent with sustaining the key environmental features and the operational integrity of agricultural units, croft or estate land.

STRAT DC 8 discourages development which by reason of location, siting, scale, form, design or cumulative impact, damages or undermines the key environmental features of a landscape. Such development shall be treated as 'non-sustainable' and contrary to this policy.

Policy LP ENV 10 resists development where its scale, location or design will have a significant adverse impact on the character of the landscape.

Policy LP ENV 19 requires developers to produce and execute a high standard of appropriate design in accordance with specific criteria. Development must be sited and positioned so as to pay regard to the context within which it is to be located. Development layout, density and design shall effectively integrate with the countryside setting of the development.

LP P/DCZ 4 requires that proposals within Rural Opportunity Areas, which also lie within National Scenic Areas or Areas of Panoramic Quality (as is the case here), comply with the provisions of the associated Landscape Capacity Study which refines the provisions the allocation boundaries.

F. Road Network, Parking and Associated Transport Matters.

The public road terminates near Achnahard Mobile Home at present, where two private tracks spur off to serve existing houses. The first runs north towards Highfields and serves five houses and the second swings east then north and serves three houses. The proposal incorporates use and extension of the eastern track, by extending it around the south-western side of Tigh Aigan Oir and into the site. No objections have been raised by the Area Roads Manager, but objections exist regarding the impacts of the track on croft land and on privacy at Tigh Aigan Oir.

G. Infrastructure

Scottish Water confirm a public water supply is available. Private drainage arrangements are proposed and are likely to be achievable within the site.

H. Conclusion.

A generous area of land is allocated for further small scale housing development along the western side of the public road and track to the west of the site within the Landscape Capacity Study, which deliberately opts for a strategy of consolidating distinct clusters of development as opposed to perpetuating a wider scattered layout sprawling across the countryside. The Study safeguards exist against further development on the eastern side of the track as it runs a high risk of intruding on key views looking into the site, across the site and within the site; to reduce visual impacts arising from development; and to avoid steep or rocky areas. For a combination of these reasons, it is not considered that the application site represents a suitable opportunity for development.

It is further considered that provision of a further house on a croft where four plots have already been separated off from the landholding in the last 5-10 years is difficult to justify. Such a breakdown of croft assets runs contrary to the aims of the Structure Plan to support crofting. Whilst it is understood that the applicant has purchased the land in February 2010, after the other plots had been sold separately, and therefore is not responsible for what has occurred in the past, this does not alter the fact that the croft has been repeatedly subdivided previously. Planning history is a material consideration in the determination of planning applications. Although the Council seeks to support crofting, supporting a further house on the land underpinned by a bareland croft argument would seriously undermine the wider policy objective to support crofting, because it would encourage the break-up of croft assets. The applicants could service the croft from adjacent housing within Ardtun or Bunessan, or could seek an alternative site within land where development can be supported by the Development Plan. In the event that a croft house is to be proposed, it should be on the best house site within the holding.

It is considered that the open and exposed grazing land comprising the majority of the croft would not be suitable for a dwellinghouse. A house here would not relate to

existing development, nor tie into any existing landscape features. It would intrude on key views across the croft towards the Treshnish Isles and Ardmeanach. When approaching the site from the south, a house on the site applied for would encroach onto the near horizon (which acts as a sky line to all intents and purposes). Whilst this already happens with Tigh Aigan Oir, this is not a desirable or prominent facet of development at Ardtun and should not be further encouraged. When originally granted (03/01460/OUT), this plot followed a previous approval of the adjacent house (Faolainn) and was generally justified on the basis that it reflected the scattered pattern of housing at Ardtun and was located in a discrete setting that mirrored the sensitive, contained siting of Faolainn and Harbour Cottage. In reality, it occupies a more prominent position with greater visual impact, and is situated in a line of view across the site, which is not true of Faolainn. Repetition of this impact should not be encouraged, nor should unnecessary extensions of tracks be supported across what remains of the croft, where there is an alternative option with less of an impact.

Development potential within the area is limited to reasonably well spaced sites on the public road and track running north south through the compartment, located and oriented where they are able to reinforce the existing linear form of clustered development at Ardtun. None of the allocated 'Orange Areas' are within the remaining croft that forms part of the application, and it is not considered that a croft house should be supported as a 'special case'.

Nevertheless, there is an opportunity for a different site that is within the applicant's landholding. A sizeable ageing metal barn exists alongside the track leading to 'Highfields'. This presents an ideal opportunity for small scale redevelopment, which would bring about a visual enhancement to the area. Redevelopment is supported under Structure Plan Policy STRAT DC5 part (A) without the need for a 'special case' to be argued by the applicant or assessed by the Planning Authority. Redevelopment would create a net benefit to the settlement, by removing the ageing barn, and the location of the site is right on the boundary between a 'Red Area' and an 'Orange Area', where a new house would relate very well to the existing staggered linear settlement pattern set along both sides of the private track running north south. Avoiding the need for an extended private track across the croft land is also a further benefit over the currently proposed site. A short section of the existing private track that runs north south would require commensurate improvements to meet Local Plan policy. Improvements are physically possible. Indeed, given the low use of the track and rural context within which the site is located, it is anticipated that only minimal upgrades should be proposed, in the interests of retaining the rural character of the area. It is considered that the applicant's should consider that option further and re-submit a proposal for redevelopment of the barn with a new croft house.

In the event that the existing barn is deemed essential for the running of the croft, it is considered that a second alternative exists for a house sited immediately south of the existing barn, held against the existing track; where the croft house and barn could co-exist at a location that accords with the settlement pattern, albeit with marginally less spacing than exists between houses at present. Development of a house here would integrate satisfactorily with the existing settlement pattern, and retain the majority of the landholding as open croft land. The crofting settlement pattern would be retained from key views into Ardtun, and the key feature of open views across the site to the sea and islands beyond would be retained and its integrity would not be compromised, as has unfortunately happened with Tigh Aigan Oir.

APPENDIX B – AREA CAPACITY EVALUATION RELATIVE TO ARDTUN, ISLE OF MULL

Area Capacity Evaluation in respect of Cul A Mhill, Ardtun, Bunessan, Isle of Mull

a) Purpose of the assessment

This assessment has been undertaken in accordance with the Supplementary Planning Guidance approved by the Council on 19th February 2009.

In this case, the evaluation is triggered on the basis of a house for a bareland croft, on land that has been subdivided with four house plots having been separated from a larger croft in the past (formerly known as Torr Na Locha Croft). Plots subdivided off have references 02/01478/OUT, 03/01460/OUT, 05/00564/OUT, and 05/00567/OUT. All of those plots have been subject to subsequent detailed applications running between 2005 and 2009. None of those plots were submitted with a claim of locational or operational need, nor was such justification sought prior to granting the initial outline applications.

Two different designs have been submitted for a house on the same proposed site, because the applicants seek a decision on both prospective designs. The site lies within a 'rural opportunity area', refined by the adopted Landscape Capacity Study of December 2009 (LCS), which identifies the site within a 'Red Area' not recommended for development. On such land, the Planning Authority assesses applications on the basis of the land being 'sensitive countryside'. Although single croft houses, and single additional houses on crofts, are supported in principle by Argyll and Bute Structure Plan 2002 Policy STRAT DC5 part (A) (subject also to compliance with STRAT AC1), the existence of more than one previous additional house on croft land necessitates assessment of the current proposal as a 'special case' under STRAT DC5 part (B) which includes a requirement for a formal area capacity evaluation (ACE).

The Council's adopted guidance requires that the findings should be made available to applicants and/or agents and to Members in advance of the determination of any related planning application(s) in order that, if necessary, there is an opportunity to prepare a response to the findings for consideration by Committee at the time the application(s) is/are determined and the ACE is given consideration as part of that determination process.

The area to be assessed should be identified as a wider 'area of common landscape character' within which the prospective development site(s) is/are located. ACE's will be considered by Members at the same time as the related development proposal(s) is/are being determined, and once endorsed will become a material consideration in respect of any future applications within that ACE compartment.

b) Area of Common Landscape Character

The application site and bareland croft lie within the northern section of an expansive 'rural opportunity area' (ROA), encompassing Ardtun in the centre and north, Knockan to the east, Loch Assapol to the south, and almost reaching Eorabus to the west. The Landscape Capacity Study recognises that the settlement pattern forms distinct clusters of development that are separated from each other within the wider ROA. The ACE compartment to be reviewed through this process may legitimately be restricted to the land spurring north from the Knockan to Lower Ardtun public road. The compartment straddles land rising from the foreshore in the east, crossing the settled area and includes improved fields and contained grazing fields as far as their boundary with open moorland to the west. The eastern and western boundaries follow existing mapped fence lines. The north of the compartment is defined by a raised knoll. The entire site and croft are visually perceived within this northern settled part of the ROA.

The ROA was identified through the local plan as a generally homogenous and relatively low lying area with some potential to absorb small scale development which would be capable of reinforcing the established settlement pattern in the locality and which could be accommodated without compromising the landscape character of the area. Its character is distinct from the

lower lying shore to the east and from the slightly more elevated undeveloped land which bounds the ROA to the north and west, which is included within the 'sensitive countryside' zone. The public road forms the southern compartment boundary.

The local plan allocation was refined by the 2009 LCS, because the ROA also lies within an Area of Panoramic Quality. The study identifies large areas of the ROA which are not considered appropriate for development (Red Areas), whilst identifying a number of opportunities for strengthening the established clusters of development spread throughout the ROA (Orange Areas).

The ACE compartment is in an area categorised by the Scottish Natural Heritage *Landscape Assessment of Argyll and the Firth of Clyde 1996* as 'Basalt Lowlands', characterised by:

- Indented coastline – low headlands with a distinctive stepped profile
- Open moorland broken by rocky outcrops and ledges
- Scattered small-holdings and cottages on the edge of the moor
- Gently undulating landform, between 20m and 60m AOD, with numerous rocky outcrops of varying height and size.

Within the ACE compartment, there are different areas of common landscape character as illustrated on the plans attached to this evaluation, and detailed in the matrix below. The application site lies beyond the northern edge of the gently sloping grazed fields that constitute the majority of the croft, and occupies a slightly steeper, more rugged landscape with bracken vegetation cover, leading into scrub vegetation across the raised rocky knoll further north.

c) Key Environmental Features

Most of the ACE compartment is open moorland comprising rough grazing and areas of bracken and heather, along with substantial areas of grazed fields on similar, gently sloping low lying land. There is very little tree cover. Existing housing development is made up of two patterns of development. The main development has a linear form, staggered on both sides of the private track that runs from the end of the public road and bounds the west of the croft. Housing here is a mixture of ages with orientations running both parallel with and perpendicular to the private track which gives visual interest. 'Achnahard Mobile Home' marks the start of the linear development, which then comprises three modern houses (2006, 2008 and 2009) and a barn within the croft boundary, before terminating at 'Highfields' at the northern end of the settlement. A second arc of three houses occupies lower lying land around the eastern fringe of the croft. Two of these houses are fairly recent (2006 – 2008) and one appears to be much older. Of the housing within the compartment, four units all dating since 2006, have been separated from the former Torr Na Locha croft and the remaining croft has a significantly reduced boundary.

The key environmental features comprise open moorland, improved fields and fenced rough grazing fields throughout the majority of the ACE compartment. The shoreline and foreshore strip is a smaller key environmental feature to the east, and a slightly raised knoll to the north acts as a containing feature. Open views exist across much of the site toward the Treshnish Isles and Ardmeanach to the north and north-east. Existing housing is collectively perceived as a settlement.

The overall character of development in this area of Ardtun is one of scattered housing, but it is made up of the distinctive elements of staggered linear development along a private track running north south through the compartment, where the varied orientation of the houses disguises the linear arrangement; and the lower lying arc of three houses occupying a less prominent part of the landscape when viewed from the east. Perception of these three houses changes to one of greater isolation from the rest of the settlement as you approach the site from the south. Housing is generally well spaced out, traditionally styled and finished, set within a loose cluster that gives a cohesive appearance at present.

d) Capacity to Absorb Development Successfully

The character of this rural area is one of a moorland with rough grazing and grazed fields and a low density settlement. Existing development appears scattered within a loose cluster, and the Landscape Capacity Study seeks to reinforce the existing clustered development on the west side of the public road and private track that runs south to north through the compartment.

Of the five houses approved in the area since 2006, three follow the line of the track running to 'Highfields' and two occupy lower lying land closer to the shore. Four of these houses have been segregated from the former Torr Na Lochá croft and the remaining 'bareland croft' is considerably smaller than previously existed.

The Landscape Capacity Study allocates a generous area of land for further small scale housing development along the western side of the public road and track, but safeguards against further development on the eastern side of the track as it runs a high risk of intruding on key views looking into the site, across the site and within the site; to reduce visual impacts arising from development; and to avoid steep or rocky areas. For a combination of these reasons, it is not considered that the site represents a suitable opportunity for development.

It is further considered that provision of a further house on a croft where four plots have already been separated off from the landholding in the last 5-10 years, is difficult to justify. Such a breakdown of croft assets runs contrary to the aims of the Structure Plan to support crofting. Whilst it is understood that the applicant has purchased the land in February 2010, after the other plots had been sold separately, and therefore does not have responsibility for what has occurred in the past, this does not alter the fact that the croft has been subdivided previously. Although the Council shall seek to support crofting, and what remains is a bareland croft, the method by which the bareland croft came to exist, means that to support a further house on the land underpinned by a bareland croft argument would seriously undermine the wider policy objective to support crofting. To allow repeat house plots to be separated from the croft will breakdown the croft land such that crofting activity disappears at the site and becomes entirely non-viable. The applicants could service the croft from adjacent housing within Ardtun or Bunessan, or could seek an alternative site within land where development can be supported by the Development Plan.

It is considered that the open and exposed grazing land comprising the majority of the croft would not be suitable for a dwellinghouse. A house here would not relate to existing development, nor tie into any existing landscape features. It would intrude on key views across the croft towards the Treshnish Isles and Ardmeanach. When approaching the site from the south, a house within the croft, and indeed the site applied for, would encroach onto the near horizon (which acts as a sky line to all intents and purposes. Whilst this happens with the house to the east already (Tigh Aigan Oir), this is not a desirable or prominent facet or development at Ardtun and is should not be further encouraged. When originally granted (03/01460/OUT), this plot followed a previous approval of the adjacent house (Faolainn) and was generally justified on the basis that it reflected the scattered pattern of housing at Ardtun and was located in a discrete setting that mirrored the sensitive, contained siting of Faolainn and Harbour Cottage. In reality, it occupies a more prominent position with greater visual impact, including encroachment into the key views. Repetition of this impact should not be encouraged, nor should unnecessary extensions of tracks across what remains of the croft, where there are alternatives with less of an impact.

Development potential within the compartment is limited to reasonably well spaced sites on the public road and track running north south through the compartment, located and oriented where they are able to reinforce the existing linear form of clustered development at Ardtun.

None of the allocated 'Orange Areas' are within the remaining croft that forms part of the application, and as such, it is not considered that a croft house should be supported as a 'special case'.

e) Alternative Development Opportunities

- 1) Nevertheless, there is an opportunity for a different site that is within the applicant's landholding. A sizeable ageing metal barn exists alongside the track leading to 'Highfields'. This presents an ideal opportunity for small scale redevelopment. Such redevelopment can be supported under Structure Plan Policy STRAT DC5 part (A) without the need for a 'special case' to be argued by the applicant or assessed by the Planning Authority. Redevelopment would create a net benefit to the settlement, by removing the ageing barn, and the location of the site is right on the boundary between a 'Red Area' and an 'Orange Area', where a new house would relate very well to the existing staggered linear settlement pattern set along both sides of the public road and private track running north south through the compartment. Avoiding the need for an extended private track across the croft land is also a further benefit over the currently proposed site. A short section of the existing private track that runs north south would require an upgrade to adoptive standards to meet Local Plan policy, but such an upgrade is physically possible. It is considered that the applicant's should consider that option further and re-submit a proposal for redevelopment of the barn with a new croft house.
- 2) In the event that the existing barn is essential for the viable running of the croft, it is considered that a second alternative option exists for a house sited immediately south of the existing barn, held against the existing track; where the croft house and barn could co-exist at a location that accords with the settlement pattern, albeit with marginally less spacing than exists between houses at present. Development of a house here would integrate satisfactorily with the existing settlement pattern, and retain the majority of the landholding as open crofting land. The crofting settlement pattern would be retained for key views into Ardtun, such that the integrity of its character would not be compromised. It would also avoid encroachment into the key views through and across the site as has unfortunately happened with the house called Tigh Aigan Oir.

AREA CAPACITY EVALUATION MATRIX			
ACE Title		Ardtun, Isle of Mull	
Date	08/12/11	Location	Cul A Mhill, Ardtun, Isle of Mull
Surrounding Strategic Planning Zones			
Town Village:		Not Applicable	
Minor Settlement:		Not Applicable	
Green Belt:		Not Applicable	
Countryside Around Settlements:		Not Applicable	
Sensitive Countryside/Coast:		<p>The majority of the ACE compartment is situated within a section of a 'rural opportunity area' identified in the adopted Landscape Capacity Study as a 'Red Area' not recommended for development. This is equivalent to 'sensitive countryside' status. A section of the ACE compartment to the west of the track has been identified as an 'Orange Area' with potential to accommodate development subject to certain criteria, without damaging the landscape character of the area.</p> <p>The land surrounding the ACE compartment to the north, west and east has been designated as 'Sensitive Countryside'.</p>	
Very Sensitive Countryside/Coast:		Not Applicable	
Landscape Character			
Landform	<p><u>Landscape Character Type 1</u></p> <ul style="list-style-type: none"> Gently undulating open moorland, rough grazing and grazed fields, interspersed with existing housing. <p><u>Landscape Character Type 2</u></p> <ul style="list-style-type: none"> Steeper and becoming raised, rocky, less cultivated and less developed land. <p><u>Landscape Character Type 3</u></p> <ul style="list-style-type: none"> Low lying, rocky coast and foreshore Gently rising land towards fields on higher ground 		
Land Cover	<p><u>Landscape Character Type 1</u></p> <ul style="list-style-type: none"> Open rough grazing land with grazed small holdings and residential gardens on the edge of the moor. Scatter of buildings (mostly residential) along the western edge relating to an access track which dissects the ACE compartment from 		

	<p>north to south. Three lower lying house plots and gardens to the east.</p> <ul style="list-style-type: none"> • Gently undulating landform with very little or no tree cover. • This is an open and exposed area which possesses key views to the Treshnish Isles and Ardmeanach in the distance. <p><u>Landscape Character Type 2</u></p> <ul style="list-style-type: none"> • Steeper rocky area with indented coastline, comprising a raised knoll at the northern end of the existing settlement and acting as a backdrop for existing housing set along the west of the settlement. Land steps down to the coastline to the east and gently grades down through the north of the application site. This area of ground is highly visible and prominent from surrounding areas outwith the ACE compartment. <p><u>Landscape Character Type 3</u></p> <ul style="list-style-type: none"> • Rocky coast with grazed areas, shoreline plants, and intertidal area at foreshore.
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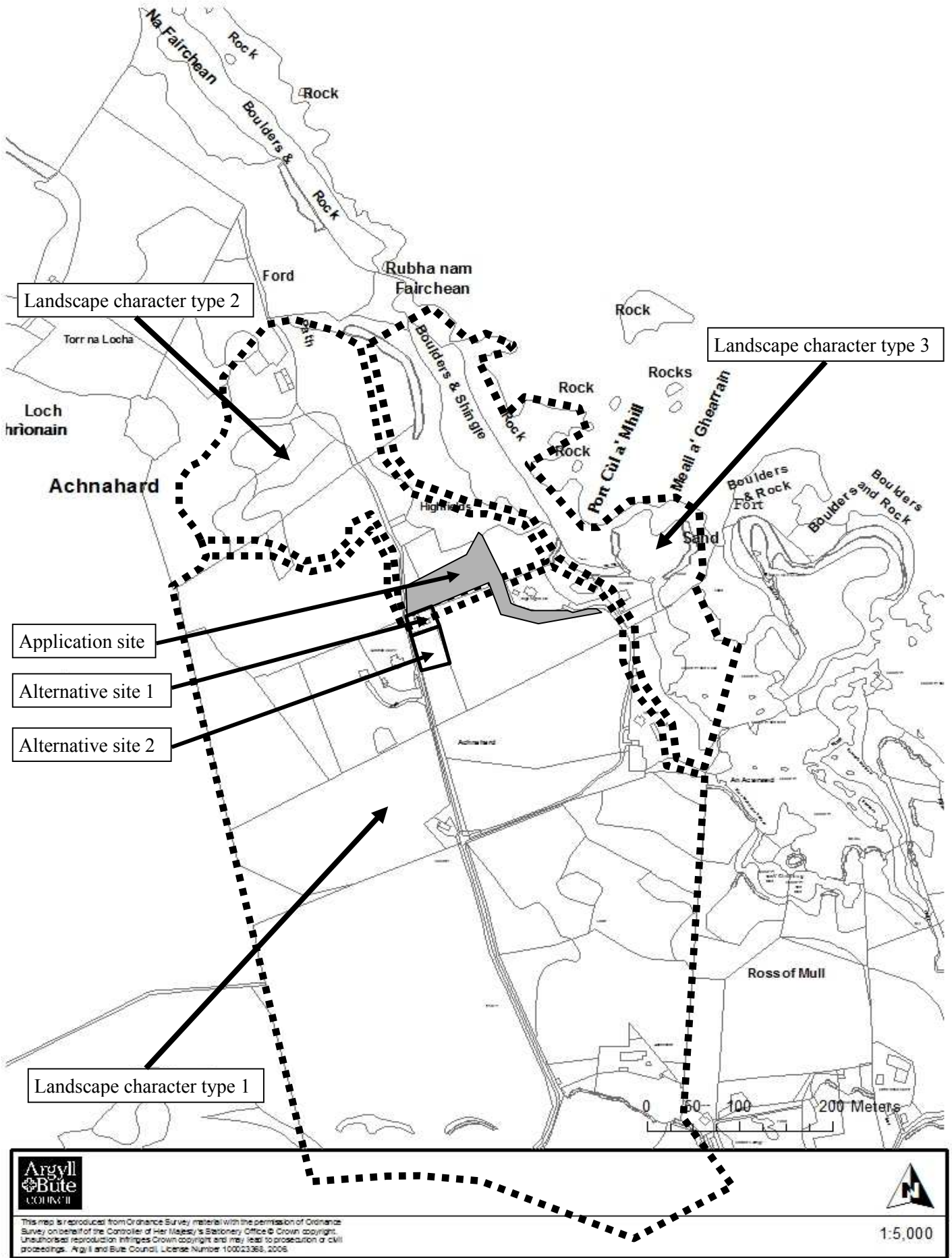
Development pattern	<p><u>Landscape Character Type 1</u></p> <ul style="list-style-type: none"> • Single house and barn at the southern end of the landscape character type area, then an open moorland area. Clustered development starts at ‘Achnahard Mobile Home’ running north alongside the private track heading to ‘Highfields’ and encompassing five houses staggered along the track, plus an existing metal barn within the applicant’s croft. A second arc of three houses lies along a further private track running around to the east, closer to the shore and on lower lying land. <p><u>Landscape Character Type 2</u></p> <ul style="list-style-type: none"> • ‘Highfields’ located on the edge of the raised rocky and scrub covered knoll, but otherwise free of development. <p><u>Landscape Character Type 3</u></p> <ul style="list-style-type: none"> • Harbour Cottage lies near the edge of this area and Faolainn lies on a low lying area within the landscape character type area. The majority of the land is free of development.
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Notable Key Environmental Features

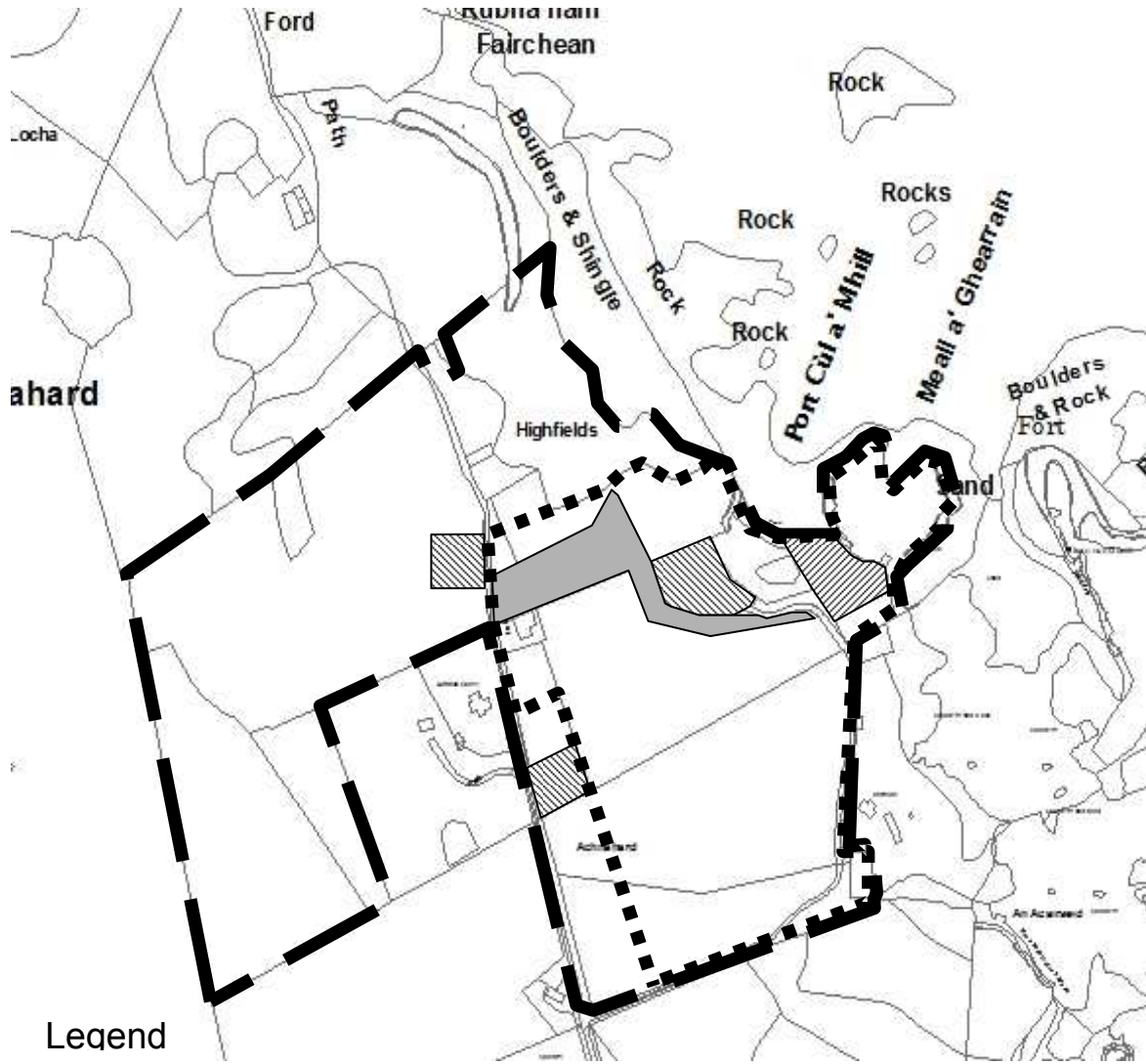
Significant Historical Interest and Important Cultural Associations	Scheduled Monuments Unscheduled Monuments etc	None
	Gardens & Designed Landscapes	None
	Locations associated with people, events, art, literature and music culture etc	None

Built Heritage Importance	Important individual buildings including Listed Buildings and other locally important buildings	None
	Important groups or areas of buildings including Conservation Areas	None
	Other important examples of built heritage including transport/industrial heritage	None
Nature Conservation Importance	Internationally important wildlife sites including SPA's, SAC's and Ramsar Sites	None
	Nationally important wildlife sites including NNR's, SSSI's and Marine Consultation Zones	None
	Locally important habitats e.g. SINC and SNW	None
	Nationally and regionally important Geological/Geomorphological Sites	None
Access and Amenity Importance	Long distance routes trails, mountain routes and other designated paths and their immediate corridors	None
	Important local paths/networks and their immediate corridors	None
	Important views and prospects	Open views across the site to the Treshnish Isles and Ardmeanach beyond.
	Named and other waterfalls shown on Ordnance Survey	None
	Important car parks, lay byes etc	None
	Valued landscapes including NSA's, RSA's and LSAs	The proposed site is situated within the North Argyll Area of Panoramic Quality.
Health and Safety Constraints	Water catchment zones	None
	MoD Zones	Not Applicable
	Air Safety - Airfield Safeguarding and CAA Consultation Zones	Not Applicable
	Safety - Health and Safety Executive Consultation Zone	Not Applicable

INFRASTRUCTURE	
Road Access	It is proposed to extend a private vehicular access around the boundary of Tigh Aigan Oir into the proposed development site. The existing public road stops adjacent to 'Achnahard Mobile Home' before splitting into two tracks. The track running north serves 5 further houses and the track spurring east serves three existing houses. The proposed track encroaches into the croft land at its edge.
Water	Water supply is proposed as a private supply.
Sewerage	Private drainage arrangements consisting of a single septic tank and soakaway are proposed.
Electricity	Existing BT apparatus is located within close proximity to the roadside verge.
DEVELOPMENT	
Proposed Development	Erection of a croft house, installation of septic tank and formation of new access (two alternative house designs on the same site)
Other Issues/Notes	The proposed development site forms part of a Registered Croft, currently with no croft house, but with recent sub-division and separation of four house plots within the last 5-10 years.



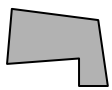
Plan showing original croft boundary, current croft boundary, house plots separated from croft and current application site:



Legend



Original croft boundary



Application site boundary



House plot split from croft (4)



Remaining croft boundary

Applicant's response to ACE:

The applicant disagrees with the content and conclusions of the ACE. The agent's response can be read in full at <http://publicaccess.argyll-bute.gov.uk/publicaccess> but specifically, concerns are raised as follows:

- The earlier croft Torr Na Locha is an amalgamation of Achnahard 24, 26 and 27.
- 15.5 acres exceeds the average croft size in Scotland
- The former sub-division of the croft is not relevant to the current application and should not be prejudicial to the outcome of the application.
- The provision of a croft house should be encouraged by the Council, in line with the adopted Development Plan policies.
- The applicant proposes a low rise, hipped roof building amongst planting, which visually integrates with the landscape. Only due to the insistence of the planners has a gabled building been proposed and this makes it more intrusive in the key views. The applicants preferred design is an acceptable solution at the site, which accords with the Council's Sustainable Design Guidance.
- The site selected is bracken covered, beyond the grazed fields, and has been deliberately selected because it is of poorer agricultural quality.
- The overall character of housing in Ardtun is scattered and this should be duplicated by further scattered housing, with which the proposed site is compatible.
- Disagrees with the reasoning of the Landscape Capacity Study to protect against development on the east side of the track.
- Considers that development of alternative option 2 in the ACE would have greater impact on the existing house to the west.
- Emphasising the linear pattern is out of keeping with the settlement as a whole.
- Utilising the proposed site enables a house to be visually recessive and set into the landscape.
- Considers the ACE to be contradictory by indicating the existing linear pattern is disguised by orientation of buildings and then subsequently encouraging consolidation of the linear settlement pattern.
- Agree the previous subdivision and selling off of plots has been detrimental, but the current owner is willing to enter a Section 75 Agreement to prohibit repetition of this in the future.
- The existence of a generous allocation for housing west of the track is not relevant as the applicants only own land to the east of the track.
- The proposed house location extends the arc of three houses set along the lower track, maintains equal spacing and has a minimal impact on open views.
- Using Tigh Aigan Oir for comparison is unfair because the applicants have proposed a low rise hipped roof design from the outset, which is less intrusive than the gabled design they have been pressurised into.

- The alternative site 1 is not desirable because:
 - a) The barn is essential to the working of the croft
 - b) This option is economically prohibitive
 - c) There is no financial support for a replacement barn
 - d) This site contains fill material and extensive amounts of concrete
 - e) Disposal of the barn and concrete arising from redevelopment is not sustainable
 - f) Any re-sited barn would likely cause intrusion
 - g) The upgrade of 150m, of track to an adoptive standard road is cost prohibitive
 - h) The current proposed private track extension would be almost invisible and is a shorter length than the alternative track upgrade associated with this option.

- The alternative site 2 is not desirable because:
 - a) The upgrade of 150m, of track to an adoptive standard road is cost prohibitive
 - b) Reinforcing the linear pattern is undesirable
 - c) The impact of a house here is greater than the limited impact of the applicants preferred design and site.
 - d) Siting a house here would seriously impact on Scridain House.
 - e) The applicants wish to retain all good crofting land, not just the majority of it.

- The ACE plans erroneously show a larger application site than is proposed *[NB the plan accurately depicts one of the plans submitted as part of the application, but conflicts with another, which shows a smaller site. Members are encouraged to examine the detailed site plans to see the exact extent of site proposed].*

- The proposal accords with STRAT AC 1 and STRAT DC 5 and should be supported.

Planning Service comment:

The applicant and agent clearly disagree with the provisions of the Landscape Capacity Study, which makes a conscious decision to consolidate clustered development west of the site and resist further scattered housing across the site. However, this policy is adopted and sensibly identifies the key open views across the site as meriting protection.

Efforts to set the house into the landscape and provide screen planting are not sufficient to overcome the fact that the site selection is fundamentally flawed and should not be supported.

The cost of upgrading the existing private track is understood to be a stumbling block for considering the alternatives proposed in the ACE, but it is recommended that if only minimal upgrades were imposed the costs could be reduced and a preferred option of redevelopment of the barn, or siting a house alongside the barn, would be more achievable. Policy TRAN 4 allows that for existing private access tracks, only commensurate improvements need be secured, which would help reduce the cost implications and retaining the existing rural character.

The best site for a house within the croft should be proposed, utilising a design that integrates with the settlement and maintains the key features of the settlement.