

**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**

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**Reference No:** 12/00648/PP

**Planning Hierarchy:** Local

**Applicant:** Mr George Paton

**Proposal:** Erection of Dwellinghouse and Installation of Septic Tank

**Site Address:** Land South of Garchell, Clachan of Glendaruel

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**DECISION ROUTE**

**(i) Sect 43 (A) of the Town and Country Planning (Scotland) Act 1997**

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**(A) THE APPLICATION**

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

- Erection of dwellinghouse;
- Installation of sewage treatment plant with infiltration bed;
- Formation of vehicular access.

**(ii) Other specified operations**

- Connection to public water main
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**(B) RECOMMENDATION:**

Having due regard to the Development Plan and all other material considerations, it is recommended that planning permission be refused for the reasons provided at the end of this report.

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**(C) HISTORY:**

Outline planning permission 01-90-0274 granted in 1990 for the erection of a dwellinghouse on the northernmost plot.

Outline planning permission 01/91/0013 granted in 1991 for the erection of three dwellinghouses on part of the land contained within the subject site. This permission expired in 1994.

Detailed Planning Permission 01/91/0649 granted in 1992 for the erection of a dwellinghouse on the northernmost plot. This permission expired in 1997.

Detailed Planning Permission (ref: 11/01860/PP) granted on 23<sup>rd</sup> November 2011 for the erection of three dwellinghouses on land to the immediate north of the current application site.

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**(D) CONSULTATIONS:**

**Scottish Water** (letter dated 29<sup>th</sup> March 2012)

The public water supply system has capacity.

**Environmental Health Officer** (memo dated 2<sup>nd</sup> April 2012)

No objections.

**Area Roads Manager** (reports dated 27<sup>th</sup> March 2012 and 11<sup>th</sup> April 2012)

No objections subject to conditions.

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**(E) PUBLICITY:**

Neighbour Notification (closing date 12<sup>th</sup> April 2012) and Regulation 20 Advert (closing date 20<sup>th</sup> April 2012).

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**(F) REPRESENTATIONS:**

One representation has been received from:

John Buchanan, 34 Ancaster Drive, Glasgow (e-mail dated 12<sup>th</sup> April 2012)

The points raised can be summarised as follows:

- i. The application is for a dwellinghouse outwith the settlement zone for the area. The application should have been made at the same time as Planning Permission was sought for the three other properties on immediately adjacent land.

**Comment:** The issue of settlement zone will be addressed in the Assessment section below. The timing of the application does not have a material bearing upon the planning aspects of the case.

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**(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:**

Intention is to create a modern house type capable of internal adaptation, located on relatively level ground in a location which would not dominate the surrounding landscape. The dwelling would be a one-and-a-half storey detached property with a separate private garden terrace. The roof would be steep pitched (40 degrees) finished with slate. Traditional materials will be used in its construction and the building will be contemporary in appearance with walls clad in render and glass.

Design and detailing will blend together to provide a cohesive appearance for this small scale development. It is intended, in keeping with the adjacent development, that a common approach is adopted in matters of roof pitch, cladding, design and detailing. The building will, therefore, blend with the adjacent but have a distinctive identity.

**(iv) A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:** No

**(v) Supporting Planning Statement**

A report dated February 2012 has been prepared by A & K Solutions Ltd in support of the application. This can be summarised as follows:

- The site has previously been deemed suitable for residential development and, had it not been for the personal circumstances of the applicant, would have been developed;
- Previous correspondence with Argyll and Bute Council (in 2004 and 2008) clearly and unequivocally indicates that the development of the site was supported by the Planning Department;
- It is only due to the arbitrary delineation of the settlement boundary which places this site in the area designated as Countryside Around Settlement. Notwithstanding this designation, the proposal retains policy support under the terms of policy STRAT DC 2 of the Argyll and Bute Structure Plan 2002 as it comprises reasonable rounding off, it comprises small scale development and does not constitute ribbon development;
- The site lies within an area which is capable of accommodating change without compromising the landscape quality of the area.

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**(H) PLANNING OBLIGATIONS**

**Is a Section 75 agreement required:** No

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

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**(J) Section 25 of the Act; Development Plan and any other material considerations over and above those listed above which have been taken into account in the assessment of the application**

- (i) **List of all Development Plan Policy considerations taken into account in assessment of the application.**

Argyll and Bute Structure Plan 2002

STRAT DC 2 – Development within the Countryside Around Settlements  
STRAT HO 1 – Housing – Development Control Policy

Argyll & Bute Local Plan 2009

LP ENV 1 sets out the general considerations against which all applications will be assessed.

LP ENV 10 seeks to resist development within Areas of Panoramic Quality where its scale, location or design will have a significant adverse effect on the character of the landscape.

LP ENV 19 requires developers to execute a high standard of setting, layout and design where new developments are proposed.

LP HOU 1 promotes ‘small scale’ housing development within ‘minor settlements’ unless there is an unacceptable environmental, servicing or access impact, but presumes against housing development in the ‘countryside around settlement’ development control zone.

LP SERV 1 recommends connection to public sewer where possible.

LP TRAN 4 seeks to ensure that new accesses are constructed to incorporate the minimum standards to function effectively and safely.

- (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.**

Not applicable

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**(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 (PAN41 or other): No.**

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

### **A. Settlement Strategy**

Planning Permission is sought for the erection of one dwellinghouse on a site measuring 0.12 hectares located outwith the southern boundary of Clachan of Glendaruel. A new access would be formed (in conjunction with the approval for three dwellinghouses on land to the north). A new private sewerage system is proposed to serve the dwellinghouse and connection is to be made to the public water main.

In terms of the principle of developing the site for residential purposes, the site is located within the '*Countryside Around Settlement*' zone located to the immediate south of Clachan of Glendaruel as identified in the 'Argyll and Bute Local Plan' 2009.

Policy STRAT DC 2 of the Structure Plan 2002 and Policy HO 1 of the Local Plan 2009 explain that these countryside areas experience variable development pressure depending upon the function of the settlements and their success in attracting investment, development and population. In most cases, these peripheral countryside areas can successfully absorb development providing it is planned for and co-ordinated by a settlement plan.

The co-ordinated approach described above can normally accommodate planned development as well as limited housing development on croft lands and small scale development taking place opportunistically on infill, rounding-off, redevelopment and change of use of building sites provided that such development does not result in undesirable forms of settlement coalescence, the extension of the established settlement boundary or ribbon development. There is a resistance to housing development in the open countryside within this zone since this would be inappropriate in the more pressured territory on the periphery of settlements.

The application site is within the '*Countryside Around Settlement*' zone and would not represent an infill, rounding-off, redevelopment and change of use of building site. It would, however, clearly represent an extension of the established settlement boundary which would be **contrary to STRAT DC 2 and Policy HO 1 of the Development Plans**.

### **B. Location, Nature and Design of Proposed Development (Including Impact upon Built Environment)**

The application site lies to the south of Clachan of Glendaruel and occupies a narrowing portion of ground between the main A886 Strachur – Colintrave road and unclassified single track road that serves the Clachan. The site slopes from west to east and is partly covered in birch. The proposed dwelling will be of contemporary design and will be built using traditional materials and building techniques. Given that the proposed dwelling will reflect those already approved in the site to the immediate north, there are no significant design issues relating to the current proposal.

However, as stated in Section A above, the proposed dwelling would extend beyond the boundary of Clachan of Glendaruel and, if it were to be approved, it would represent an unacceptable extension to the settlement boundary. Whilst the agent has stated that this would be the final dwellinghouse located on the applicant's land, there is no straightforward mechanism to ensure that this would be the case. On this basis, the approval of a dwellinghouse might also set an undesirable precedent for the erection of additional dwellinghouses on land to the south, which would further erode the character of the southern part of the village, which itself is located within an Area of Panoramic Quality.

On the basis of the foregoing, it is considered that the proposal would be contrary to Policies LP ENV 10 and LP ENV 19 of the 'Argyll and Bute Local Plan' 2009.

**C. Road Network, Parking and Associated Transport Matters.**

The application proposes branching off of the access approved under Planning Permission 11/01860/PP and the creation of two additional parking spaces. The Area Roads Manager has no objections to the proposal subject to certain conditions.

On the basis of the foregoing, it is considered that the proposal accords with Policies LP TRAN 4 of the 'Argyll and Bute Local Plan' 2009.

**D. Infrastructure**

It is proposed to connect to the public water main and Scottish Water has no objections to this arrangement. Scottish Water has also confirmed that there is no public sewerage system within the village. On this basis, a private sewage system is proposed and this is not likely to result in or add to existing environmental, amenity or health problems.

On the basis of the foregoing, it is considered that the proposal accords with Policy LP SERV 1 of the Argyll and Bute Local Plan 2009.

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

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**(R) Reasons why planning permission or a Planning Permission in Principle should be granted**

Not applicable – application being recommended for refusal.

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

No

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

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**Author of Report:** Steven Gove

**Date:** 27/6/2012

**Reviewing Officer:** David Eaglesham

**Date:** 29/6/2012

**Angus Gilmour**  
**Head of Planning & Regulatory Services**

## **REASON FOR REFUSAL RELATIVE TO APPLICATION REF: 12/00648/PP**

1. The application site is located within the '*Countryside Around Settlement*' zone located to the immediate south of Clachan of Glendaruel as identified in the 'Argyll and Bute Local Plan' 2009.

Development Plan policies explain that these countryside areas experience variable development pressure depending upon the function of the settlements and their success in attracting investment, development and population. In most cases, these peripheral countryside areas can successfully absorb development providing it is planned for and co-ordinated by a settlement plan.

The co-ordinated approach described above can normally accommodate planned development as well as limited housing development on croft lands and small scale development taking place opportunistically on infill, rounding-off, redevelopment and change of use of building sites provided that such development does not result in undesirable forms of settlement coalescence, the extension of the established settlement boundary or ribbon development. There is a resistance to housing development in the open countryside within this zone since this would be inappropriate in the more pressured territory on the periphery of settlements.

The development of a dwellinghouse on the application site would not represent an infill, rounding-off, redevelopment and change of use of building site and it would lead to an extension of the existing settlement boundary that has been established by the Argyll and Bute Local Plan 2009. The approval of a dwellinghouse might also set an undesirable precedent for the erection of additional dwellinghouses on land to the south, which would further erode the character of the southern part of the village, which itself is located within an Area of Panoramic Quality.

The proposal is, therefore, contrary to the following policies:

### **Argyll and Bute Structure Plan 2002**

STRAT DC 2 – Development within Countryside Around Settlements

STRAT HO 1 – Housing – Development Control Policy

### **Argyll & Bute Local Plan 2009**

LP ENV 10 – Development Impact on Areas of Panoramic Quality

LP ENV 19 – Development Layout, Setting & Design

LP HOU 1 – General Housing Development

## APPENDIX TO DECISION REFUSAL NOTICE

Appendix relative to application 12/00648/PP

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**(A)** Submitted Drawings

For the purpose of clarity it is advised that this decision notice relates to the following refused drawings:

Drawing No. 1050/00 Rev A; Drawing No. 1050; Drawing No. 1050/02A; Drawing No. 1050/004; and Drawing No. 1050/007.

**(B)** Has the application been the subject of any “non-material” amendment in terms of Section 32A of the Town and Country Planning (Scotland) Act 1997 (as amended) to the initial submitted plans during its processing.

No