

**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 2013 relative to applications for Planning Permission or Planning Permission in Principle**

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**Reference No:** 25/00516/PP  
**Planning Hierarchy:** Local  
**Applicant:** Mr Billy McPhee  
**Proposal:** Repositioning of 3 chalets (static caravans) (retrospective)  
**Site Address:** Auchengower Caravan Park, Auchengower Park, Cove, Argyll  
And Bute

**SUPPLEMENTARY REPORT NO. 1**

**1.0 INTRODUCTION:**

This report provides Members with an update following the publication of the main report of handling.

**2.0 ADDITIONAL REPRESENTATIONS:**

Members are advised that following the publication of the main report, officers have received a representation. Additional comments have been received from James McLean an existing objector. Mr McLean states that he is representing other existing objectors but has not named them.

- Mr James McLean, Seymour Lodge, Shore Road, Cove

Within their additional comments on this application the objectors have noted that the following points which will be addressed in turn;

- Under (A) The application title is for “repositioning” of 3 chalets. The report continues to refer to “repositioning” which is misleading, when the truth is that these are new chalets, delivered in halves to the site from elsewhere – as was confirmed in various photos submitted to planning.

**Officer comment:** *It is acknowledged that they are new caravans but the reason they are referred to as re-positioned caravans is that the caravan site has permission for 60 caravans and therefore the caravan stance in effect is re-positioned with the caravan park. It is therefore not considered to be misleading and is a reflection of the historical permissions.*

- Under (B) recommendation it refers to this being a minor departure to DPP, but in the context of the site, legislation and guidance, it is not minor.

**Officer comment:** *Officers consider the departure to be minor given it is for three caravans only, there is suitable mitigation and compensation measures that reduce the impacts.*

- Under (D) History it lists 16 enforcement notices of which none has been resolved.

**Officer comment:** *As stated in the report, the case in relation to the demolition of the listed house will be closed as it is not considered expedient to take action. In terms of the other breaches, the applicant has stated that they will make a further application to rectify the breaches and gain approval for a layout for the full caravan park which will enable all the other notices to be closed. There will be an opportunity for the public to comment on the further application when it is submitted.*

- Under (F) The officer comment referring to tree removal without permission, particularly in view of the volume of trees felled, contravenes the Forestry and Land Management (Scotland) Act 2018 which states it is a criminal offence to cut down trees without a licence from Scottish Forestry.

**Officer comment:** *Scottish Forestry were contacted and they have confirmed there is no restocking direction. Members should note that up to five cubic metres of timber within any set calendar quarter can be felled without the need for a license and also smaller trees are also exempt. As the trees were felled both in 2020 and then in 2023 then this may have negated the need for a licence, which is also the opinion of Scottish Forestry. Scottish Forestry also confirmed from the review of photographs taken by a contributor that some trees would have been too small to have required a felling licence. If there had been a restocking direction then a different approach would have been taken and we would have worked with Scottish Forestry to help get the site back to woodland again. There is no criminal offence in this instance in relation to tree removal.*

- Under (F) The officer comment about site designation is misleading – the original planning approval was for 60 caravans above the tree line above this site, so they were masked from the road, not adjacent to and entirely visible from Shore Road.

**Officer comment:** *This is not considered misleading, the application site of the caravan park as approved in 1968 included this area of woodland. This is important as it means the breach relates only to a breach of layout rather than a change of use of land. The land is part of the caravan site, albeit the originally approved layout is entirely above the cliff. This is explained in detail in the report at Appendix, para 1.2 where it states “The historic planning permissions provide clear detail on the layout of the caravan park as it relates to the pitches and access to caravans in the upper part of the site”.*

- Under (F) The reference to foundations and hardstanding – the works relating to the formation of the mound and hardstanding were substantially executed during spring 2024 and were the subject of numerous complaints to the planners. The material used was demolition material from the unauthorised demolished listed house on the site which is unsuitable to adequately “engineer” the support platform.

**Officer comment:** *The council has evidence as obtained from colleagues in Building Standards that the hardstanding was created in 2020 following the demolition and there are photographs of this that will be presented to Members at the meeting.*

- Under (F) supporting statement

- Economic Impact – states “the caravans are repositioned from elsewhere in the site” This is untrue. See photos previously supplied

**Officer comment:** *This is quoted directly from the applicant’s supporting statement and the matter is addressed above.*

- Under (P) key conclusions of the officer’s assessment:

Point 1 - The reference to providing “affordable accessible permanent homes” is misleading. The park management agreements cover a lease that lapses after a period (~15years) Renewal requires a new caravan to be bought.

**Officer comment:** *It is not considered that the reference to the permanent homes being misleading as it is referring to the fact they are for primary residence and not holiday homes.*

Point 2 – We do not understand how income stream is a planning issue.

**Officer comment:** *Economic benefits and the viability of this long-established site is a material planning consideration.*

Point 3 – We do not believe impacts listed can be significantly reduced given that the view is the applicant’s selling point for these chalets. In addition, in view of the 16 enforcement notices that are outstanding on the site, it is not realistic to expect this to be satisfactorily delivered.

**Officer comment:** *The applicant has control over the land surrounding the caravans even though the caravans themselves are sold individually. Therefore, the applicant can deliver the proposed landscaping.*

Point 4 – This is factually incorrect – most of the woodland was removed in the spring of 2024.

**Officer comment:** *It is acknowledged in the report that there has been woodland removed recently – where it states “There was also further removal of trees to create views from the caravans within the Ancient Woodland” and also see 3.11 “On the officer’s site visit it was noted that there were a number of stumps of Sycamore trees left along the edge of the site beside the road, and one stump from a birch.” Members will be shown photographs at the Committee to explain the woodland removal that has been undertaken both in 2020 then also more recently.*

Point 5 – The hardstanding was substantially executed in spring 2024 and therefore not lawful.

**Officer comment:** *As stated above, the council has photographic evidence that the platform was created in 2020 and it is agreed the further hardstanding in the form of the tarmac road and monoblock paving was then built in Spring 2024 when the caravans were sited.*

### **3.0 RECOMMENDATION:**

It is recommended that planning permission be granted subject to the recommended list of conditions as appended to main report of handling.