

Reference Number: 08/01109/DET
Applicants Name: Rev Margaret Robb McRae Millar
Application Type: Detailed Planning Permission
Application Description: Erection of a log cabin (retrospective)
Location: Land at Fearnoch Cottage, Taynuilt, Argyll

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of a log cabin

(ii) Other specified operations.

- Connection to existing private sewer/septic tank
 - Proposed Private water supply
-

(B) RECOMMENDATION

That retrospective planning permission be granted subject to the attached conditions and reasons, and the satisfactory conclusion of a Section 75 agreement restricting the occupation of the unit and its subsequent sale.

(C) SUMMARY OF DETERMINING ISSUES AND MATERIAL CONSIDERATIONS

(i) Development Plan Context:

The site is within the settlement of Fearnoch and is situated on a site immediately north east of 2 bungalow style dwelling houses. It is considered that this log cabin successfully rounds off this part of the settlement as it terminates the local pattern of development at the most northerly point adjacent to the existing private road. **It is therefore considered that the proposed development is consistent with Policy HO 23 of the adopted Lorn Local Plan.**

Policy STRAT DC 5 of the Argyll & Bute Structure Plan supports the general principle of development within the Settlement Zones on appropriate infill, rounding off and redevelopment sites. The Finalised Draft Argyll and Bute Local Plan designates the proposal site as being within the settlement zone and it is considered that this log cabin constitutes rounding-off of development at the northern part of the settlement. **Therefore, it is considered that this development would be consistent with Policy STRAT DC 1(C) of the Structure Plan and Policies LP HOU 1 and LP ENV 19 of the Modified Finalised Argyll & Bute Local Plan.**

(ii) Representations:

Three written representations to the current application have been received. Details of the objections are contained in Appendix A to this report.

- (iii) **Consideration of the Need for Non-Statutory or PAN 41 Hearing:**
This is not necessary
- (iv) **Reasoned Justification for a Departure to the Provisions of the Development Plan.**
No departure
- (v) **Is the Proposal a Schedule 1 or 2 EIA development:**
No
- (vi) **Does the Council have an interest in the site:**
No
- (vii) **Need and Reason for Notification to Scottish Ministers.**
None
- (viii) **Has a sustainability Checklist Been Submitted:**
No, a checklist was not required or submitted.

Angus J Gilmour
Head of Planning
3rd September 2008

Author: Lesley Chisholm 01631 567955
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NOTE: Committee Members, the applicant, agent and any other interested party should note that the consultation responses and letters of representation referred to in Appendix A, have been summarised and that the full consultation response or letter of representations are available on request. It should also be noted that the associated drawings, application forms, consultations, other correspondence and all letters of representations are available for viewing on the Council web site at www.argyll-bute.gov.uk

CONDITIONS AND REASONS RELATIVE TO APPLICATION: 08/01109/DET

1. That prior to the occupation of the log cabin, a full appraisal to demonstrate the wholesomeness and sufficiency of the private water supply to serve the development shall be submitted to and approved in writing by the Planning Authority. This assessment shall be carried out by a qualified and competent person(s). Such appraisal shall include a risk assessment having regard to the requirements of Schedule 4 of the Private Water Supplies (Scotland) Regulations 2006 and shall on the basis of such risk assessment specify the means by which a wholesome and sufficient water supply shall be provided and thereafter maintained to the development. Such appraisal shall also demonstrate that the wholesomeness and sufficiency of any other supply in the vicinity of the development, or any other person utilising the same source or supply, shall not be compromised by the proposed development. Furthermore, the development itself shall not be brought into use or occupied until the required supply has been installed in accordance with the agreed specification.

Reason: In the interests of public health and in order to ensure that an adequate private water supply in terms of both wholesomeness and sufficiency can be provided to meet the requirements of the proposed development and without compromising the interests of other users of the same or nearby private water supplies.

2. The applicant shall follow guidance issued by the Institute of Lighting Engineers and shall ensure that all external lighting shall be of the minimum required and shall be so positioned and controlled and shrouded so as to prevent spillage of the light and glare beyond the site boundary.

Reason: In order to prevent glare and light nuisance to the surrounding area and in the interests of residential amenity.

SECTION 75 HEADS OF AGREEMENT: 08/01109/DET

To ensure that the use of the cabin is ancillary to the enjoyment of the existing dwellinghouse, 'Fearnoch Cottage' and that it shall not be let or sold separately from Fearnoch Cottage.

GROUNDS FOR REFUSAL IF AGREEMENT NOT COMPLETED WITHIN FOUR MONTHS:

The proposed development would result in increasing the number and type of vehicles entering and leaving the traffic stream at a point where visibility to the west is restricted thus creating interference with the safety and free flow of the traffic on the trunk road.

MATERIAL CONSIDERATIONS AND ADVICE

(i) POLICY OVERVIEW AND MATERIAL ADVICE

Adopted Lorn Local Plan (2nd alteration 1993)

POL HO 23 – The Council is in favour of single or small scale residential development, providing there are no infrastructure, servicing or environmental constraints. Particular attention will be paid to infill, rounding off and redevelopment opportunities related to the existing development and landform.

Argyll and Bute Structure Plan 2002

STRAT DC1 – Supports the general principle of development within the Settlement Zones on appropriate infill, rounding off and redevelopment sites.

Modified Finalised Draft Argyll and Bute Local Plan 2006

LP HOU 1 – Establishes a presumption in favour of development unless there is an unacceptable environmental, servicing or access impact.

LP ENV 19 – Facilitates development in accordance with specific criteria (Development setting, development layout and density and development design)

The Scottish Government Publications

Planning Advice Note 72 – Housing in the Countryside

Landscape considerations - developments should try to fit into or nestle within the landscape. Skyline development should normally be avoided, as should heavily engineered platforms. This is to ensure that the building does not interrupt and conflict with the flow of the landform or appear out of scale.

Note (i): The applicable elements of the above Policies have not been objected too or have no unresolved material planning issues and are therefore material planning considerations.

Note (ii): The Full Policies are available to view on the Council's Web Site at www.argyll-bute.gov.uk

(ii) SITE HISTORY

This log cabin has already been positioned on the site in place of an older wooden cabin which has since been disassembled and removed from the site. There are no records showing planning permission being granted for the original wooden cabin.

(iii) CONSULTATIONS

- Area Roads Manager (09/07/08) – No objections
- Scottish Water (26/06/08) – No objections
- SEPA (30/06/08) – No comment
- Environmental Services (08/07/08) – No objections subject to control of external lighting and provision of wholesome water
- Building Standards – No response
- Trunk Roads (11/09/08 revised) – No objections subject to cabin being ancillary to the existing dwelling.

(iv) PUBLICITY AND REPRESENTATIONS

The application has been advertised in the local press and 3 letters of representation have been received from,

1. Steven and Debbie Day, 6 Fearnoch
2. Letter from solicitors acting on behalf of Mr & Mrs Day
3. Peter & Isobel MacArthur, 7 Fearnoch

Details of the objections can be summarised as follows: -

'The log cabin has been connected to electric, water and septic tank'

Comment: The log cabin is replacing a structure which was already in place and is considered to be an improvement on what previously existed.

'Any connections or agreements to connect the former structure to the septic tank only allowed the discharge of surface water'

Comment: The log cabin replaces an existing structure which was also connected to the septic tank. Any permission which might apply to land title is not material planning considerations.

'This development would count for another connection to the private water supply'

Comment: Matters relating to private water supply are dealt with by Environmental Services and they have added a condition to the permission asking for a hydrologists report indicating the quality and quantity of the existing private supply prior to use.

'We have never been asked or given permission for domestic access'

Comment: Matters relating to rights of access and ownership are considered to be a private legal matter and are not material planning considerations.

'Allowing the vehicles to remain at this point leaves cars in a potentially dangerous situation crossing from the right'

Comment: The Area Roads Engineer has no objections

'Our access was partially blocked during the construction'

Comment: This is not considered to be a material planning consideration and is a private civil matter.

'No further development was to be allowed until the access on to the A85 was improved....we regard the replacement of a storage facility with a building for human habitation to be a further development with potentially even more vehicles'

Comment: This application is for the replacement of a significant structure with a log cabin for ancillary domestic use only. Therefore it is considered that no extra traffic will be created by virtue of this log cabin. The log cabin will not be used as an extra dwellinghouse and this aspect can be controlled through planning legislation.

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

The application site is located within an area covered by the 'Lorn Local Plan' in which the provisions of policy POL HO 23 apply where only infill, rounding off and redevelopment opportunities related to the existing development and landform are appropriate. It is considered that this proposal successfully rounds off this part of the settlement as it would terminate the local pattern of development at the most northerly point of Fearnoch adjacent to the existing private road.

The adopted Argyll and Bute Structure Plan 2002 contains policy STRAT DC1 which supports the general principle of development within the Settlement Zones on appropriate infill, rounding off and redevelopment sites.

The emerging 'Argyll and Bute Local Plan' (Modified Finalised Draft) 2006, which reflects the above Structure Plan Policy has identified Fearnoch as a 'Minor Settlement'. Policy HOU 1 supports housing development in the settlements. As the proposal comprises development rounding off the existing settlement and accords with Policy ENV 19, the proposal is compliant with the terms of the emerging Local Plan.

B. Location, Nature and Design of Proposed Development

This application for retrospective planning permission seeks approval for the erection of a log cabin on land associated with Fearnoch Cottage, Fearnoch. The log cabin replaces an older wooden cabin which has been dismantled and removed from the site (photographs of the original structure have been supplied in support of the application). The area of ground upon which the log cabin is now erected, is separated from the existing dwelling house by the private road which serves the remaining houses in this group.

The log cabin is approximately 9 metres long and 6 metres wide, has a brown stain finish, grey concrete tiled roof with a small roofed veranda on the west facing elevation. The cabin is based upon a double width caravan and is on wheels.

C. Built Environment

The site lies within the consolidated settlement boundary of Fearnoch as expressed in the emerging Argyll & Bute Finalised Draft Local Plan. The application site lies within the established group of houses and replaces a previous timber structure which existed at this location.

D. Impact on Woodland/Access to Countryside.

Although the site lies within the confines of Fearnoch Woodland, the proposal does not directly affect any trees or the woodland or access to the countryside generally. The settlement of Fearnoch was formerly utilised by the Forestry Commission for forestry workers in the area.

E. Road Network, Parking and Associated Transport Matters.

A significant constraint to any additional development within Fearnoch is the current access off the A85T. Transport Scotland had initially opposed the application and resisted any new additional development within Fearnoch as the visibility available to emerging traffic from Fearnoch onto the A85T is severely limited to the north west due to the horizontal alignment of the road and traffic at the junction with the A85T would have been intensified. However, as the current application is for ancillary domestic accommodation and is not a dwellinghouse in

its own right, Transport Scotland has withdrawn their objection provided the unit is ancillary to the main house.

To ensure this arrangement continues, it is proposed that any planning permission be the subject of a legal agreement in terms of Section 75 of the Town & Country Planning (Scotland) Act 1997 restricting the cabin as ancillary accommodation to the main dwellinghouse (Fearnoch Cottage) and that it shall not be let or sold separately from the main dwellinghouse.

F. Conclusion.

The principle of a residential unit on this site complies with the terms of both the adopted Local Plan and the emerging Argyll & Bute Local Plan. However, due to the constraint of the junction of the access to the settlement of Fearnoch with the A85T any intensification of the use of this access would not be in the best interests of road safety. However, this proposal does not relate to the erection of a separate house but is for ancillary accommodation for the use of the occupants of the main house, Fearnoch Cottage. The proposal is therefore acceptable as the use of the cabin is ancillary to the enjoyment of the existing dwelling house, Fearnoch Cottage.

To ensure that this situation prevails, any planning permission should be granted following on from the completion of a legal agreement in terms of Section 75 of the Town and Country Planning (Scotland) Act 1997 restricting the occupation of the cabin as ancillary accommodation to the main dwellinghouse (Fearnoch Cottage) and that it shall not be let or sold separately from the main dwellinghouse.