

**UPDATE ON RECENT SCOTTISH GOVERNMENT PLANNING APPEAL DECISIONS**

**20/01901/PPP – LAND NORTH OF SWALLOWTALE, ACHNAGOUL, INVERARAY**

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**(A) INTRODUCTION**

This report summarises a recent decision by Scottish Ministers in relation to a Local Review Board appeal decision which was called in for Ministers determination.

**(B) RECOMMENDATION**

It is recommended that Members note the content of this report.

**(C) BACKGROUND – 20/01901/PPP**

This report refers to planning application reference 20/01901/PPP which sought planning permission in principle for a site for the demolition of an outbuilding and the erection of a dwellinghouse at land North of Swallowtale, Achnagoul, Inveraray.

Planning permission was refused under delegated powers on 17<sup>th</sup> February 2023 due to the access regime serving the location being identified in objections from both Transport Scotland and ABC Roads to be unsuitable without improvement to accommodate any intensification in use without giving rise to an adverse impact upon road safety, and the land required for such improvements being located outwith the control of the applicant. The proposal was identified to be contrary to the relevant provisions of NPF4 Policy 13, and Policy LDP 11 and SG LDP TRAN 4 of the Argyll and Bute Local Development Plan 2015.

A subsequent appeal was submitted to the Local Review Body, reference 23/0003/LRB, who recommended that planning permission be granted and that this intent be notified to Ministers in accordance with the relevant legislation.

**SCOTTISH MINISTERS' DECISION**

The Scottish Government was notified of the Council's intention to grant planning permission for this development contrary to the advice of Transport Scotland under the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 on the 19<sup>th</sup> September 2023. On 19<sup>th</sup> October 2023, the Scottish Government, under the powers conferred on them by Section 46(1) of the Town and Country Planning (Scotland) Act 1997, issued to the Council a Direction requiring the application to be referred to them for determination.

This report provides an update on Scottish Ministers' decision dated 9<sup>th</sup> April 2024. Consideration of this proposal was undertaken by a Scottish Government Reporter who then submitted a report containing the conclusions and recommendations to Scottish Ministers. Scottish Ministers accepted these conclusions and decided that planning permission should be refused. The reason for this decision was summarised in the Scottish Ministers' letter as follows:

“Scottish Ministers agree with the Reporter’s consideration (paragraph 40) of Policy 01 (Settlement Areas) of the A&BLDP2, that the proposal fails to comply with access and highway policies of the plan; that it is not supported by NPF4 Policy 13 (Sustainable Transport) (g), which expects that development proposals will not result in adverse impacts on the safety of the strategic transport network or unacceptable impacts on its operational performance and that the cost of mitigation measures to overcome the identified impacts be met by the developer is not feasible in this case; that it is contrary to Policies 37 and 39 of the A&BLDP2 as it fails to make the case for further use of the existing private access and does not provide suitable improvements to the access; and that it does not accord with Policy 35 of the A&BLDP2 in relation to making the case for further use of the access; and as it does not offer sustainable travel links, it is not supported by Policy 13(b)(i) and (ii) of NPF4.”

A copy of the letter from Scottish Ministers along with the DPEA Reporter’s report are appended to this report.

## **(D) IMPLICATIONS**

Policy: None

Financial: None

Personnel: None

Equal Opportunities: None

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**APPENDIX A: SCOTTISH MINISTERS DECISION NOTICE NA-130-009 (ABC ref. 20/01901/PPP)**

**APPENDIX B: PEAD REPORT TO SCOTTISH MINISTERS NA-130-009 (ABC ref. 20/01901/PPP)**