



Report to the Scottish Ministers

Town and Country Planning (Scotland) Act 1997

Report by Malcolm Mahony, a reporter appointed by the Scottish Ministers

- Case reference: NA-130-009
- Site Address: Land north of Swallowtale, Achnagoul, Inveraray, Argyll, PA32 8XT
- Application by Mr I MacArthur
- Application for planning permission in principle, ref. 20/01901/PPP dated 20 October 2020
- The development proposed: demolition of outbuilding and erection of a dwellinghouse
- Date site visit: 11 January 2024

Date of this report and recommendation: 09 April 2024

Recommendation

Refuse planning permission in principle.

Background

1. On 17 February 2023, Argyll and Bute Council refused planning permission in principle for the demolition of outbuilding and erection of a dwellinghouse at land north of Swallowtale at Achnagoul, Inveraray (reference [20/01901/PPP](#)). The decision was appealed to the council's Local Review Body, which determined on 11 September 2023 that it was minded to grant planning permission in principle, subject to conditions ([minutes of local review body meetings](#)). That determination was made against the advice of Transport Scotland, which objects because the proposal has the potential to impact on the safe and efficient operation of the A83 trunk road. The Local Review Body is minded to grant permission as it disputes the views of Transport Scotland and questions the need for improved visibility and the upgrading of the private access road.

2. Following notification by the council, the Scottish Ministers have decided to require the application to be referred to them for determination, in terms of section 46 of the Town and Country Planning (Scotland) Act 1997. On 19 October 2023, a direction to that effect was given to the council in view of the potential of the proposed development to impact on the safe and effective operation of the A83(T).

3. The proposal seeks planning permission in principle for demolition of what is described as an outbuilding and the erection of a dwellinghouse. Aside from details of site access, only indicative detail of siting and services has been provided for assessment. The application site extends to 0.36 hectares and is occupied by a derelict stone building and native broadleaf woodland. It lies adjacent to a cluster of five dwellinghouses and other buildings known as Achnagoul. The settlement is set back from the A83 trunk road and linked to it by an unadopted, private access some 550 metres in length. This winds downhill

to a bell-mouth junction with the trunk road. The area is sparsely populated and the surrounding hills are mostly covered with commercial forestry plantations. The A83 connects to Inveraray, some five kilometres to the north-east, and Lochgilphead, some 27 kilometres to the south-west.

4. The trunk road in this location is of single carriageway construction and subject to the national speed limit of 60mph. It is characterised by fairly long straight stretches followed by smooth bends; these and undulations in the road restrict forward visibility. At the same time, those characteristics allow for relatively high traffic speeds. As southbound traffic approaches the junction, there is a carriageway marking indicating “SLOW” and a triangular road sign indicating a bend with access junctions to either side. The road then rises over a small crest before descending on a gradual gradient past the junction with the Achnagoul private access. There is an access drive to an individual dwellinghouse on the opposite side of the road and slightly offset from the Achnagoul junction. The Achnagoul junction is marked by a non-standard private sign on a low pole to the side of the bell-mouth.

5. For clarification, the A83 carries traffic in a generally north-south direction, but in the locality of the application site the road runs in a roughly east-west direction. The eastward direction carries northbound traffic and the westward direction carries southbound traffic.

6. The application site relates to an area of 0.36 hectares, which falls below the defined threshold required for an urban development project under 10(b) of the table in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. The planning authority has not carried out a screening opinion but it is clear that an Environmental Impact Assessment is not required.

Policy context

7. At the time the application was considered by the council, the development plan comprised [National Planning Framework 4](#) (NPF4) and the Argyll and Bute Local Development Plan adopted 2015 (A&BLDP 2015) together with its associated supplementary guidance. It is the policies and guidance from these documents which are referred to in most of the documents submitted for this application (see [A&BLDP 2015](#) and [supplementary guidance adopted 2016](#)).

8. The local development plan element of the development plan changed at a late stage in the preparation of this report when the [Argyll and Bute Local Development Plan 2](#) (A&BLDP2), was adopted on 28 February 2024. Consequently, the development plan now comprises NPF4 and A&BLDP2.

9. In giving notice to the Scottish Ministers that it was minded to grant planning permission for the Achnagoul development, the council’s reasons referred to policies of the A&BLDP 2015. On 30 January 2024, I issued [further information request 2](#) inviting the council to address those reasons in terms of the relevant policies in what was then the emerging A&BLDP2, but shortly became the adopted plan. The council’s response was to identify all relevant policies in the new plan with commentary on their implications for the proposed development ([council response to procedure notice 2](#)). Neither the applicant nor Transport Scotland commented on that response.

10. With respect to other relevant policy and guidance documents, the parties make reference to national standards contained in the Design Manual for Roads and Bridges (DMRB). These standards are [CD 109 - Highway link design](#) and [CD 123 - Geometric design of at-grade priority and signal-controlled junctions](#).

The relevant issues for Ministers' consideration

11. Having considered all the evidence before me, my advice is that the main considerations for Ministers in deciding this application are as follows.

- Potential traffic generation from the proposed development compared with the existing situation.
- Substandard characteristics of the Achnagoul access junction with the trunk road.
- The potential for mitigation of the substandard characteristics of the junction.
- The potential for approval to result in pressure to allow further residential proposals at Achnagoul.
- Consistency with other planning approvals.
- Whether further use of the existing private access to serve the proposed development is acceptable on policy grounds.
- Whether the proposal is acceptable as rural housing development on a brownfield site.
- Whether the proposal should be accepted as a minor departure from development plan policies.

The main points for the applicant

- The applicant's position is set out principally in a [planning statement](#) and in documents attached to the [local review body meeting 3rd calling](#).
- It is proposed to remove a derelict stone building, which has been used as byre, and in its place to erect a modest family home on a 0.36 hectare site to the north of Swallowtale. The new building would reflect the vernacular style of the existing settlement at Achnagoul.
- The development should be supported as being located on a brownfield site in an area designated for housing in the local development plan.
- The byre on the site forms part of a smallholding. There is nothing to impede the applicant continuing that use and generating traffic by predominantly larger, slower moving vehicles in comparison to the private car. If planning permission is granted for one house, that could generate an average 2-2.5 daily two-way trips onto the adjacent highway network and represent a reduction by comparison with the potential agricultural use.
- In addition to five existing residential properties, the private access serves uses including a borrow pit (not currently active but recently in use), forestry (including timber extraction) and estate management activities. It has been used for the last 15 years without any recorded road traffic accident in the vicinity. Transport Scotland has provided no information regarding accidents or near misses to demonstrate that the junction is unsafe.
- Transport Scotland's comments on traffic speed as "fairly high" and on actual reaction time and stopping sight distance as "considerably less than the desirable minimum" are vague and unspecified.
- It is accepted that forward visibility on the A83 is impaired due to the vertical and horizontal alignments not complying with standards. Also that visibility at the junction between the private access and the A83 is restricted due to the trunk road alignment. However, mitigation works could include: improving forward visibility and visibility splays by trimming the verge vegetation along the A83 and by regrading works;

provision of a static road sign advising of an access road ahead; additional signage warning "JUNCTION AHEAD"; rumble strips applied to the road surface; and installation of flashing "SLOW" signs, possibly at the applicant's expense.

- The existing junction may not accord to modern design standards, however many junctions across the country have evolved, rather than been designed.
- The most recent traffic count shows the average daily traffic to be 2,817 two-way vehicle movements per day. This compares with the theoretical capacity of the A83 in the vicinity of the junction of 43,200 two-way vehicle movements per day, demonstrating significant spare capacity.
- In 2009, planning application, reference 09/00745/PP, was submitted on the same site for the erection of a new dwellinghouse and office building. This application was refused for reasons essentially the same as those stated by Transport Scotland and the council's roads service during the current application. However, the current application does not include an office building, which would significantly reduce its traffic impact.
- Transport Scotland has not been consistent in its comments on planning applications in this locality and has supported permission for higher intensity traffic generating uses on a junction it does not consider safe.
- During processing of application 09/00745/PP, Transport Scotland stated that use of the private access for forestry commission purposes was acceptable because the vehicles tend to be higher and therefore visibility standards are significantly better than those experienced by private car drivers. However, regulation of visibility splay standards does not distinguish between vehicle types. Moreover, large vehicles are generally slower moving with a higher rate of right-turning accidents, and forestry workers tend to access sites by car.
- Transport Scotland did not advise against the granting of permission for application reference 19/01422/MIN to extract minerals from an existing borrow pit. This use would result in significantly greater intensification of use of the access junction than a single dwelling, including by slow moving vehicles and additional staff vehicles. The majority of construction traffic would be likely to access the site from the north, making a right hand turn manoeuvre at the junction, the movement that Transport Scotland has concerns about.
- Transport Scotland failed to comment on how the access junction would serve the wider electrical grid reinforcement project that would appear to require deliveries of concrete and steel to facilitate up to 10 overhead line electricity transmission towers and all associated cable stringing activities in this section.
- Transport Scotland has opposed the current proposal even though in a response to the council, they stated that the addition of one housing unit would have little or no impact.
- As the private access serves other land uses such as mineral extraction and commercial forestry as well as the five dwellings, the council should have asked for it to have been made up to adoptable standards prior to this application.
- The applicant, whilst not increasing the residual impact on the private access, is still willing to fund improvements to the benefit of all other parties served by the access. If required, additional passing spaces could be formed along the private access to improve safety, but it would not be necessary to bring it up to adoptable standard.
- The supplementary guidance to the local development plan allows for exceptions to the requirement for a private access to be brought up to adoptable standard. The council has previously found it acceptable to approve access to other land use applications without the need for adoption.

The main points for the planning authority

- The planning authority's points are mainly found in the document Minutes of Local Review Body Meetings.
- Transport Scotland has objected to the subject application on grounds of road safety. However, it did not object to the granting of permission for application reference 19/01422/MIN for commercial works, forestry and extraction. This generated traffic by heavy slow moving vehicles, albeit for a limited number of journeys, without road/access improvements at the trunk road other than temporary signage. It failed to take account of the large number of supporting vehicles that would have accessed the junction on a daily basis. There is clear, objective and substantive reasoning to overrule Transport Scotland's objection in that a precedent was set in relation to its stance on that application.
- Transport Scotland refers to the proposal generating an increase of 5–6 two-way trips per day. This is a figure taken from the TRICS database but no context is provided for the type of development to which these figures apply. The applicant's transport consultancy suggests 2–2.5 trips per day.
- The existing junction as configured already serves a settlement of five residential properties and has done so without incident.
- The nearest traffic count site is approximately 4 kilometres north of the junction. The most recent traffic data available is for 2019 (pre-Covid) and shows average daily traffic to be 2,817 two-way movements per day. Based on the DMRB Vol 15 part 5, the theoretical capacity for the A83 is 43,200 two-way vehicle movements per day. While the likely daily additional number of movements at junction is disputed, even six extra movements per day in the context of this situation is not excessive and does not pose significant extra risk to road safety at the Achnagoul junction.
- On balance therefore, there would not be an intensification in the use of the junction which would have any impact on the safety of the road at the location. As such, the requirement for 215 metres visibility to the south of the junction is not necessary; the current visibility is sufficient.
- For the same reason, upgrading of the private access is not necessary.
- Permission 19/01422/MIN was granted without requiring upgrading of the private access to Achnagoul despite the type of vehicles to be used during that activity being likely to cause more damage to the road than those likely to be going to a dwellinghouse.
- The proposal should therefore be granted planning permission in principle as a minor departure from: NPF4 Policy 13, policies LDP 11 and SG LDP TRAN 4 of the adopted A&BLDP 2015, and the advice of Transport Scotland, subject to specified conditions and reasons (see appendix 1).

The main points for Transport Scotland

- Transport Scotland's responses and comments are principally found at: Local Review Body Meeting 3rd calling, and [comment from Transport Scotland](#).

Existing access layout

- The private access between the trunk road and the development site already serves five other houses, plus some employment/agricultural usage. It joins the A83 trunk road at an access which does not meet current design standards.
- The proposed development would result in increasing the number of vehicles entering and leaving the traffic stream at a point where visibility is restricted, thus creating interference with the safety and free flow of traffic on the trunk road.

- The proposed development would result in an increase in traffic using the junction. This would include traffic from the north waiting to turn right off the trunk road onto the private access and traffic turning right from the private access onto the trunk road in order to travel south. These manoeuvres would be taking place at a location where forward visibility for approaching southbound traffic on the trunk road is substandard, thus creating interference with the safety and free flow of traffic on the trunk road.
- Visibility to the left on exiting, and the forward stopping sight distance for southbound traffic approaching the access, are significantly below current design standards.
- On-site measurements have identified that visibility to the left when exiting the access is between 120 metres and 130 metres (at X-distances of 4.5 metres and 2.4 metres respectively). This means that a driver exiting the junction and looking left from a distance of 2.4 metres back from the carriageway edge would be able to see traffic up to 130 metres away. Looking from 4.5 metres back, the driver would be able to see traffic up to 120 metres away. Visibility to the left is therefore well below the minimum desirable standard of 215 metres. Visibility to the right is acceptable.
- For southbound traffic on the trunk road, visibility of the junction is restricted by the brow of a hill to around 140 metres. This is significantly less than the minimum desirable standard of 215 metres. It significantly increases the risk that drivers on the trunk road would not be able to stop in time if a vehicle is waiting to turn right into the access or is turning right out of the access.
- These measurements do not vary with respect to type or height of vehicles likely to use the junction, which is in accordance with the DMRB.
- Vehicle speed information available to Transport Scotland (from monthly videos) is indicative only but suggests fairly high approach speeds of 54 miles per hour. An in-vehicle video survey undertaken on 19th January 2021 shows that the approach speed of traffic approaching the access from the east is fairly high. The video shows the vehicle speed of 47mph, at which speed the reaction time and stopping sight distance are considerably less than the desirable minimum, representing a potential road safety risk.
- Visibility to the left for exiting traffic might be improved by vegetation clearance. However, this assumes such work would be in the applicant's control, and it would, in any case, have only a limited effect.
- Transport Scotland accepts that there are many private accesses across the trunk road network which have evolved over the years and which do not meet current design standards. It therefore tries to take as pragmatic a view as possible as to any intensification of use of such accesses.

Signage

- Warning signs highlighting the presence of the junction along with "SLOW" carriageway road markings are already in place on both A83(T) mainline approaches. These are considered to be appropriate for the current situation and to comply with the necessary design standards. There is little if anything additional which can be done to further advise trunk road users as to the presence of the access.
- The applicant's suggestions of introducing rumble strips and/or flashing signs are not considered appropriate or acceptable in this case or location.
- Rumble strips can be used in some locations across the trunk road network, generally on the mainline approaches to major junctions, for example roundabouts. Their use in isolation on the approaches to below-standard minor accesses is not generally considered appropriate, on both environmental and safety grounds. They are noisy, they create a danger in such situations for two-wheeled users, and they introduce discomfort to all road users. Were Transport Scotland to introduce rumble strips on the approaches to this sub-standard access, they would no doubt receive

requests to install them more widely across the trunk road network for similar accesses which, for the reasons outlined, would not be appropriate.

- Flashing “SLOW” signs are generally introduced in locations where there is a known accident issue. Transport Scotland would not proactively introduce these in a location to simply ameliorate a sub-standard access where there are currently no accidents. Doing so would again likely set a precedent and Transport Scotland could be asked for these on the approaches to other sub-standard accesses across the trunk road network. Even if the applicant were to pay for the installation, Transport Scotland would be left with the operational and maintenance liability, as well as the replacement liability if the signs were damaged.

Accidents

- The existing access currently serves a small number of properties as well as occasional quarrying and forestry activities, albeit on a temporary basis. There is no history of accidents. However, this does not warrant allowing further development and further intensification of use. Any sustained/ongoing intensification of use of the access, such as from a new dwelling, would inevitably increase the risk of an accident occurring.

Usage – trip generation, etc.

- The outbuilding to be demolished is a byre. Transport Scotland accepts that there is some existing usage associated with the byre which could potentially cease or decrease if this is replaced by a dwellinghouse. Any such reduction cannot however be guaranteed and some or all of these existing movements may still take place.
- Comments on behalf of the applicant are on the basis that a single dwelling has the potential to generate an average of 2–2.5 daily two-way trips. Transport Scotland would disagree and would advise that a single dwelling is generally assumed to generate an average of 5-6 daily two-way trips. This range is taken from the industry standard TRICS database and relates to the 12-hour period 0700-1900. Additional trips outside this period would increase the overall number of trips. On that basis, it seems unlikely that a new dwelling will result in any reduction in trips associated with the existing access.

Capacity

- Transport Scotland does not suggest that the proposal would result in any capacity issues on the A83(T). In its reasons for refusal, the reference to interference with the “free flow” of traffic does not refer to capacity, but simply means the safe and efficient operation of traffic on the road.
- There is no dispute that the physical layout/scale of the existing access has the capacity to accommodate the additional traffic associated with an additional single dwelling. However, the access is below current design standards.

Previous applications

- Transport Scotland’s advice on planning application 09/00745/PP was consistent to that on the present application.
- In 2021, Transport Scotland recommended refusal for an earlier version of the current application (reference 20/01901/PPP).
- Transport Scotland has not objected to some applications for temporary use for timber extraction and borrow pit extraction using the same access onto the trunk road. This was not inconsistent because those applications involved a small number of traffic movements and were on a temporary basis for a short period of time.
- For example, application 10/01422/MIN for a temporary use of an existing borrow pit to extract rock required use of the private access to mobilise and demobilise the site plant and equipment. Once operational, all borrow pit traffic would run on the existing

forestry network. Up to eight additional trips per day to and from the site by plant operatives were expected. These were considered to be low figures and would apply on a temporary basis.

- For the applicant, it has been suggested that Transport Scotland did not object to a previous application using the Achnagoul access on the basis that heavy goods vehicles tend to be higher and, as such, visibility standards are significantly better than those experienced by car drivers. Transport Scotland does not recognise those comments and regulates all visibility standards on the same basis, regardless of the type of vehicle, as in this case.

Remit

- Transport Scotland is only responsible for considering the road safety implications associated with the trunk road network, but its position aligns with that of the council's roads service.

Other parties' cases

- The objectors, Mr and Mrs Knowles, live at Achnagoul House, to the west of Swallowtale Cottage. Their comments are found at [objection from Mr and Mrs Knowles](#) and in the local review board meeting 3rd calling.
- They object to the lack of detail in the application and have concerns as to current services at Achnagoul.
- The septic tank and soak away proposed would drain into a burn uphill of Achnagoul House and through its grounds. There is a potential for increased blocking which could cause flooding within the boundaries of Achnagoul House.
- The outlet would be only eight metres from Swallowtale Cottage and closer to the road through the settlement, which could increase the potential for odour.
- The main transformer for the site is located in the grounds of Achnagoul House. If it needed upgrading, it would cause noise, disruption and extra traffic on the access road. Would the applicant pay compensation and for any damage?
- The removal of five trees on the application site would detract from the appearance of the settlement with no indication that they would be replaced elsewhere on the site.
- There is no description of the proposed surface treatment of the new access driveway and parking areas.
- Access to Achnagoul is just adequate for the current number of permanent residents. The plans make no reference to the repair of the existing private access during the building process and after completion. The documents refer to installing passing places along the private access implying an expected increase in future traffic. There is no evidence that the Duke of Argyll, who owns the private access, has given permission for this.
- Mains cold water pressure may be reduced once the new property is completed as some neighbouring properties have inadequate pressure.
- Construction of the new house could damage the private access and burn crossings.
- The byre is not being used for any purpose and there is no agricultural equipment currently being used anywhere in Achnagoul.
- Since forestry harvesting finished last year, there have been very few logging lorries using the junction.
- With respect to the borrow pit permission, the bulk of the material, which was blasted and crushed on site, went to make roadways further up Achnagoul during the project and very little traffic left the site using the junction with the A83.
- Rumble strips would create noise nuisance 24 hours a day; signage would be ineffective.

- There have been two accidents on this stretch of road within the past two years, one involving attendance by police and an ambulance, the other involved a motor cyclist.
- Bats and owls are present at the location, but no survey has been carried out. Tree loss would disturb wildlife.

Reporter's findings

Potential traffic generation from the proposed development compared with the existing situation.

12. The applicant's transport adviser, Millard Consulting, does not cite any evidence to support its claim that the level of daily trips rates arising from one dwellinghouse has the potential to generate an average 2-2.5 daily two-way trips onto the adjacent highway network. By contrast, Transport Scotland cites the TRICS database, which is the industry standard source, as generally assuming that a single dwellinghouse will generate 5-6 two-way trips per 12 hour day (over the period 0700-1900 hours). Trips outside that period would increase that number range. The Transport Scotland figures are to be preferred.

13. Traffic generation from the proposed dwelling would be influenced by several factors. The intention to build a family dwelling is unlikely to result in a below average level of traffic. Achmagoul has no services or facilities, the nearest settlement with services being Inveraray, some five kilometres to the north-east. The closest bus stops which I observed on my site inspection were at the Argyll Caravan Park roughly 800 metres east of the Achmagoul junction, but with no footway link between the junction and those stops. These last two factors would make active travel and public transport impractical for accessing services, and therefore be likely to increase the generation of private motor vehicle traffic in comparison with a dwelling located in a more accessible location.

14. With respect to the potential for traffic to be generated as a result of reuse of the byre for agricultural purposes, the byre is a traditional-style stone building with a more modern corrugated metal roof. The site is overgrown and the walls forming the south-west corner of the building have collapsed. At the north-east corner, a mature tree is growing against the wall. The earthen floor of the byre is scattered with rubble and there are no signs of current agricultural use. The building is located up a fairly steep slope from the private access with no existing vehicular access. The applicant has not submitted any information as to when the byre was last used, whether there is any interest in reviving its use or the likely traffic generation from such use. Because of the condition of the building, potential access issues, and the level of uncertainty over its potential reuse, I am not persuaded that this scenario should be afforded much weight.

15. I find that, compared with the existing situation, the proposed development would be likely to result in an increase in the number of vehicles entering and leaving the traffic stream on the trunk road.

Substandard characteristics of the Achmagoul access junction with the trunk road.

16. National standards for highways in the DMRB require that unobstructed visibility splays are provided at various types of junctions between minor and major roads. These are measured by visibility splays with a Y-distance along the major road carriageway edge and an X-distance set back from the carriageway edge along the centreline of the minor road. At the Achmagoul junction, the visibility splay to the left (east) for traffic emerging from the private access onto the trunk road has been measured as 120 metres (Y-distance) at 4.5 metres (X-distance) and as 130 metres (Y-distance) at 2.4 metres (X-distance).

Transport Scotland advises that, for either X-distance, this is considerably less than the minimum desirable Y-distance of 215 metres for the A83 trunk road in this location.

17. It follows that, for drivers from Achnagoul entering the major road, visibility to the left is restricted to between 56% and 60% of the minimum desirable standard, making it difficult to judge whether there is sufficient time to safely turn right, enter the southbound lane and accelerate to an appropriate speed.

18. For southbound traffic on the trunk road, forward visibility of the junction is restricted by the brow of a hill to around 140 metres, which is 65% of the minimum desirable standard of 215 metres. This significantly increases the risk that drivers on the trunk road would not be able to stop in time if a vehicle is waiting to turn right into the Achnagoul private access or is turning right out of the access.

19. These dimensions and the related standards have not been disputed, and I saw nothing on my site inspection which would lead me to question Transport Scotland's assessment that the visibility splay to the east and forward visibility for approaching southbound traffic are substantially substandard.

20. Transport Scotland has submitted evidence of fairly high approach speeds in the vicinity of the junction, the applicant's transport consultants have not offered any contrary evidence, and what I observed at my site inspection gave me no reason to question that evidence. This underlines the need for appropriate visibility standards at the junction.

21. Trunk roads are designed to allow free flow of traffic, as far as possible, in the interests of factors such as maximising traffic capacity, efficiency of travel (including in relation to emissions) and reducing driver stress (as for example caused by the need to brake sharply to avoid hazards). Capacity is not an issue on the stretch of trunk road near Achnagoul as the road is not heavily trafficked; however, the other factors would be worsened by the proposal.

22. Mr and Mrs Knowles state that they are aware of two accidents occurring on the relevant stretch of road within the recent past, but without confirmatory records that must carry limited weight. Nonetheless, the lack of an officially recorded history of accidents at the junction does not, in itself, warrant allowing further development and increased use of the junction where this carries an increased risk of accidents occurring in future.

23. I therefore find that the likely increase in traffic movements would occur at a point on the trunk road where visibility for road users is substantially restricted and would fall well below national standards as set out in the DMRB thus increasing the potential for interference with the safety and free flow of traffic on the trunk road.

Potential for mitigation of the substandard characteristics of the junction.

24. Transport Scotland gives convincing reasons, summarised above, for its view that the existing signage warning of the private access junction complies with design standards and is appropriate for the current situation. I confirmed on my site inspection that the scope for improving visibility at the junction by trimming verge vegetation alongside the A83 would be minimal. The main obstacle to visibility is the crest in the road, for which no practical mitigation has been proposed.

25. With regard to the other additional measures suggested on behalf of the applicant, I agree with Transport Scotland that these would lead to inconsistency, environmental and

safety issues, as well as unacceptable cost implications for Transport Scotland. I consider that they would be unlikely to significantly improve safety at the junction.

26. Whilst there is already in place a pole-mounted sign forewarning southbound drivers of a bend and junctions ahead, I observed that there is only an informal sign at the junction itself indicating Achnagoul settlement. A formal road sign for the settlement would represent some improvement, however I have no evidence that this would make a significant difference to road safety, and consider that it would not address the key factor, namely substandard visibility distances. Consequently, I find no potential for mitigation of the substandard characteristics of the junction.

Potential for approval to result in pressure to allow further residential proposals at Achnagoul.

27. There is a history of pressure for residential development in this locality. Application 09/00745/PP for a dwelling house and office on the current site was refused by the council, partly on highway grounds. Application 21/021192/PPP for erection of a dwelling house on land adjoining the current application site was withdrawn prior to determination following objections on highway matters. I note that the officer's [report of handling](#) on the current planning application commented that "there are further areas of 'settlement area' and rural opportunity served by the private access which indicate potential capacity/demand for development beyond the scope of the current application site". I consider that approval of the current application would make it more difficult to refuse similar applications in future, to the cumulative detriment of road safety.

Consistency with other planning approvals.

28. The council and the applicant have sought to compare the impact of the current proposal on the Achnagoul junction with previous planning approvals and potential traffic generating activity in this locality. However, most of these relate to temporary or intermittent development proposals. They concern economic activities which have a specific focus in this locality: the borrow pit already exists and is used from time to time; the felling and removal of timber is from the adjoining hills; agricultural activities arise from farmland in the immediate area; and any potential activity connected with the nearby section of the overhead electricity transmission line would again be site specific (no detail on this potential activity has been provided). These factors contrast with the current dwellinghouse proposal which would be permanent and which is subject to no equivalent locational necessity.

29. With respect to the borrow pit application (19/01422/MIN), this was for temporary extraction of hard rock to provide and improve access tracks and other works associated with construction of a nearby section of the Inveraray-Crossaig overhead power line. The council's decision, informed by Transport Scotland's advice, will have required to take account of the fact that using the borrow pit as a source of material would avoid the need to transport large volumes of hard rock over substantial distances on the road network (as explained in the council's report of handling). That would have required road safety implications to be weighed against impacts on temporary use of the Achnagoul junction.

30. With those points in mind, I am satisfied that Transport Scotland is required to take account of a variety of circumstances and factors which distinguish those applications to which they have not objected from those to which they have objected. Its position not to advise against the granting of permission for applications 09/00745/PP and 19/01422/MIN was based on the specific circumstances of each proposal, and I see no inconsistency with its advice on the current proposal. That said, the current application requires to be

assessed on its own merits rather than in relation to the consistency or otherwise of consultation responses.

Whether further use of the existing private access to serve the proposed development is acceptable on policy grounds

31. The private access to Achnagoul is lengthy and already serves five dwellings in addition to agricultural and forestry uses. The case has not been made for further development using an existing private access in accordance with Policy 37 (Development utilising an existing private access or existing private road) of the A&BLDP2. This requires improvements considered by the roads authority to be appropriate to the scale and nature of the proposal and to take into account the current access issues. Nor has Policy 39 (Construction standards for private access) been satisfied. This requires construction to minimum standards, referring to the council's Road Development Guide, and to the requirement to consult with Transport Scotland over impact on a trunk road. The roads service considers that improvements to the access would be needed in line with the guide. However, this would require ownership or control of land which lies outside the application site and outside the ownership of the applicant; no agreement with the landowner has been cited. Based on my site inspection and the policy framework, I consider that the service's advice is appropriate. Transport Scotland did not support the proposal.

32. On its face, the development is acceptable under Policy 35 (Design of new and existing public roads and private access regimes) of A&BLDP2, as worded, in that the council as roads authority and planning authority has expressed satisfaction with road safety and street design issues. However, I consider that this policy has not been framed with called-in applications in mind, and it is therefore more significant that the council's support was given against the advice of the relevant road and planning service officials.

33. The proposal 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. Policy 13's further expectation that the cost of mitigation measures to overcome the identified impacts be met by the developer is not feasible in this case

34. I therefore find that further use of the existing private access to serve the proposed development is not acceptable under the policies of the A&BLDP2 or NPF4.

Whether the proposal is acceptable as rural housing development on a brownfield site

35. The applicant's agent has contended that the local development plan would support the proposal as being on a brownfield site designated for housing. In fact, rather than designating land for housing, the A&BLDP 2015 and its replacement, the A&BLDP2, define Achnagoul as an area where development may be accepted subject to criteria. In A&BLDP2, the [proposals map \(Mid-Argyll\)](#) indicates Achnagoul as a Settlement Area. Policy 01 states that in Settlement Areas development will normally be acceptable on a brownfield site, subject to compatibility in matters such as scale and character. These requirements are satisfied, however, there is also a need to comply with all other relevant policies of the plan. As I find above that the proposal fails to comply with access and highway policies of the plan, it does not comply with Policy 01.

Whether the proposal should be accepted as a minor departure from development plan policies

36. The local review body, in its determination, concedes that development plan policies are breached, but wishes to grant the application as a minor departure from the development plan policies. However, given the degree to which visibility for drivers at the Achmagoul junction falls below national standards, the lack of potential for significant mitigation, the context of fairly high measured traffic speeds on the trunk road, and the need for consistency across the network, these cannot be described as minor shortfalls in standards. Increasing usage of the junction on a permanent basis would therefore be unacceptable. To allow this proposal as an exception would make it more difficult for the council to maintain its policies in relation to similar future applications throughout the district, to the detriment of road safety and the free flow of traffic on the trunk road.

Other matters for Ministers' consideration

37. As the application is for permission in principle, were permission granted then detailed matters of drainage, flooding, odour, power supply, tree removal and planting, surface treatments, and water pressure, as raised by Mr and Mrs Knowles would be for assessment against council's planning policies at development management stage. Other relevant matters raised by Mr and Mrs Knowles have been considered above.

Proposed Conditions

38. In response to [further information request 1](#), the council supplied a finalised list of the [proposed conditions and reasons](#), subject to which it was minded to grant planning permission, to the applicant's agent for comment. The applicant's agent raised no objections to these conditions.

39. Should Ministers decide to grant permission subject to conditions, I consider that the council's list is satisfactory, subject to amendments to rationalise the numbering system and minor changes to improve consistency and clarity. I am satisfied that conditions as amended would meet the necessary tests in [Planning Circular 4/1998: the use of conditions in planning permissions](#). The amended list is found at Appendix 1 below.

Conclusions and recommendation

The development plan

40. I conclude that, whilst the proposal satisfies most of the relevant criteria in Policy 01 (Settlement Areas) of the A&BLDP2, it fails to comply with access and highway policies of the plan and therefore does not accord overall with the policy. The proposal 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. Policy 13's further expectation that the cost of mitigation measures to overcome the identified impacts be met by the developer is not feasible in this case. The proposal 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. Properly considered, it does not accord with Policy 35 of the A&BLDP2 in relation to making the case for further use of the access. As it does not offer sustainable travel links, it is not supported by Policy 13(b)(i) and (ii) of NPF4.

41. Overall, the proposal does not accord with the relevant provisions of the development plan.

Other material considerations

42. The considerations raised by the objectors would be capable of resolution at development management stage, were the proposal to progress. No other material considerations have been raised that would justify determining the application other than in accordance with the development plan.

Overall conclusion and recommendation.

43. I therefore conclude, for the reasons set out above, that the proposed development does not accord overall with the relevant provisions of the development plan and that there are no material considerations which would still justify granting planning permission.

44. Therefore I recommend that planning permission in principle is refused.

45. If Ministers disagree with the above recommendation and are minded to grant planning permission in principle then I recommend that this is subject to the conditions listed in Appendix 1.

Malcolm Mahony

Reporter

Appendix 1: recommended conditions

1. Standard Time Limit Condition

This consent constitutes a planning permission in principle under Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended and as such does not authorise the commencement of development until matters requiring the further consent of the planning authority, as specified in condition 2, have been satisfied.

Application(s) for approval of matters specified in conditions must be made in accordance with the provisions of Regulation 12 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 within the time limits specified below.

Any application for approval of matters specified in conditions must be submitted to the planning authority no later than three years from the date of this permission in principle.

Any elements of the planning permission in principle for which further approval of the planning authority has not been sought within the prescribed three year time period will no longer be capable of being implemented within the terms of this permission.

The development to which this planning permission in principle relates must commence no later than five years from the date of this permission, or within the expiration of two years from the final approval of all approval of matters specified in conditions, whichever is the later. If the development has not commenced within this period, then this planning permission in principle shall lapse.

Reason: to accord with Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended.

2. Matters Requiring Approval of Matters Specified in Conditions Submission

Plans and particulars of the matters specified in conditions 4, 6, 7, 8, 9, 10, 11, 12, below shall be submitted by way of application(s) for approval of matters specified in conditions in accordance with the timescales and other limitations in Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended. Thereafter the development shall be completed wholly in accordance with the approved details.

Reason: to accord with Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended.

3. Approved Details

The development shall be implemented in accordance with the details specified on the application form dated 19/10/2020 supporting information and, the approved drawings listed below.

Location plan. Reference 0927/300/B. Received 16.12.2020.

Site plan. Reference 0927/301/A. Received 09.12.2020.

Reason: to accord with Regulation 28 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.

4. Archaeological Watching Brief

No development or ground breaking works shall commence until a method statement for an archaeological watching brief has been submitted to and approved in writing by the planning authority.

The method statement shall be prepared by a suitably qualified person and shall provide for the recording, recovery and reporting of items of interest or finds within the application site.

Thereafter the development shall be implemented in accordance with the duly approved details with the suitably qualified person being afforded access at all reasonable times during ground disturbance works.

Reason: to protect archaeological resources.

5. Junction with the A83(T) Trunk Road

Visibility splays as currently existing shall be maintained on each side of the access.

Reason: in the interest of road safety.

6. Private Road & Parking Provision

No development shall commence until plans and particulars of the parking/turning arrangements to serve the development have been submitted to and approved in writing by the planning authority. Such details shall incorporate the following.

- (i) Provision of a turning head for a commercial vehicle within the development site; and
- (ii) provision for parking and turning in accordance with the requirements of policy LP TRAN 6 and Appendix C of the Argyll and Bute Local Plan 2015.

The approved parking and turning layout shall be implemented in full prior to the development first being occupied and shall thereafter be maintained clear of obstruction for the parking and manoeuvring of vehicles.

Reason: in the interest of road safety

7. Details of New Private Foul Drainage System

No development shall commence until details of the proposed means of private foul drainage to serve the development have been submitted to and approved in writing by the planning authority.

The duly approved scheme shall be implemented in full concurrently with the development that it is intended to serve and shall be operational prior to the occupation of the development.

Reason: to ensure that an adequate means of foul drainage is available to serve the development.

8. Surface Water Drainage

Notwithstanding the provisions of condition 3, the development shall incorporate a surface water drainage system which is consistent with the principles of Sustainable urban Drainage Systems (SuDS) compliant with the guidance set out in CIRIA's SuDS Manual C753 (or any successor guidance). No development shall commence until details of the system have been submitted to and approved in writing by the planning authority. The requisite surface water drainage shall be operational prior to the development being brought into use and shall be maintained as such thereafter.

Reason: to ensure the provision of an adequate surface water drainage system and to prevent flooding.

9. Full Landscaping Scheme

No development shall commence until a scheme of boundary treatment, surface treatment and landscaping has been submitted to and approved by the planning authority. The scheme shall comprise a planting plan and schedule which shall include details of the following.

- i) Existing and proposed ground levels in relation to an identified fixed datum;
- ii) Existing landscaping features and vegetation to be retained;
- iii) Location design and materials of proposed walls, fences and gates;
- iv) Proposed soft and hard landscaping works including the location, species and size of every tree/shrub to be planted;
- v) A biodiversity statement demonstrating how the proposal will contribute to conservation/restoration/enhancement of biodiversity, and how these benefits will be maintained for the lifetime of the development;
- vi) A programme for the timing, method of implementation, completion and subsequent on-going maintenance.

All of the hard and soft landscaping works shall be carried out in accordance with the approved scheme unless otherwise approved in writing by the planning authority.

Any trees/shrubs which within a period of five years from the completion of the

approved landscaping scheme fail to become established, die, become seriously diseased, or are removed or damaged shall be replaced in the following planting season with equivalent numbers, sizes and species as those originally required to be planted unless otherwise approved in writing by the planning authority.

The biodiversity statement should refer to Developing with Nature guidance published by NatureScot, as appropriate.

Reason: to assist with the integration of the proposal with its surroundings in the interest of amenity and biodiversity.

10. Tree Survey, Retention and Protection

No development shall commence until a scheme for the retention and safeguarding of trees during construction has been submitted to and approved in writing by the planning authority. The scheme shall comprise the following.

- i) A survey of trees on and overhanging the site indicating the location, species, height, canopy spread and condition of each tree;
- ii) An assessment of the amenity and nature conservation value of tree groups and individual trees which shall inform the layout of the development proposed;
- iii) Details of all trees to be removed and the location and canopy spread of trees to be retained as part of the development;
- iv) A programme of measures for the protection of trees during construction works which shall include fencing at least one metre beyond the canopy spread of each tree in accordance with BS 5837:2005 "Trees in Relation to Construction".

Tree protection measures shall be implemented for the full duration of construction works in accordance with the duly approved scheme. No trees shall be lopped, topped or felled other than in accordance with the details of the approved scheme unless otherwise approved in writing by the planning authority.

Reason: in order to retain trees as part of the development in the interests of amenity and nature conservation

11. Building Siting, Design and Finishes

No development shall commence until plans and particulars of the site layout, design and external finishes of the development have been submitted to and approved in writing by the planning authority. These details shall incorporate the following.

- i) A statement addressing the action checklist for developing design contained within the Argyll and Bute Sustainable Design Guide 2006;
- ii) Local vernacular design;
- iii) Maximum of 1½ storeys in design;
- iv) Symmetrically pitched roof angled between 37 and 42 degrees finished in natural slate or good quality artificial slate;
- v) External walls finished in natural stone, timber cladding, or wet dash render or, a combination of these elements;
- vi) Details of finished ground floor levels relative to an identifiable fixed datum located outwith the application site;
- vii) Window openings with a vertical emphasis.

Reason: in order to integrate the proposed dwellinghouse with its surrounds.

12. Further Investigation of Potential for Land Contaminants from Historic Use

Unless otherwise agreed in writing and in advance by the planning authority, no development shall commence until a scheme has been submitted by the developer (at their expense) to identify and assess potential contamination on site.

No construction work shall commence until the scheme has been submitted to, and approved in writing, by the planning authority, and is thereafter implemented in accordance with the scheme so approved.

The scheme shall be undertaken by a competent person or persons in accordance with relevant authoritative guidance including PAN 33 (2000) and BS10175:2011 or, in the event of these being superseded or supplemented, the most up-to-date version(s) of any subsequent revision(s) of, and/or supplement(s) to, these documents. This scheme should contain details of proposals to investigate and remediate potential contamination to the satisfaction of the planning authority, and must include the following.

- i) A desk study and development of a conceptual site model including (where necessary) a detailed site investigation strategy. The desk study and the scope and method of recommended further investigations shall be agreed with the council prior to addressing parts ii, iii, and iv of this condition. Should the desk study show the need for further assessment this will be undertaken in the following sequence.
- ii) A detailed investigation of the nature and extent of contamination on site, and assessment of the risks such contamination presents.
- iii) Development and agreement of a remedial strategy (if required) to treat/ remove contamination ensuring the site is made suitable for its proposed use (this shall include a method statement, programme of works, and proposed verification plan).
- iv) Submission of a verification report for any agreed remedial actions detailing and evidencing the completion of these works.

No development shall commence until the planning authority has provided written confirmation that the scheme has been satisfactorily implemented and completed. Where remedial measures are required as part of the development construction detail, commencement must be agreed in writing with the planning authority.

Reason: to ensure that the potential risks to human health, the water environment, property, and ecological systems arising from any identified land contamination have been adequately addressed.

13. Soil Management During Construction

Where the development involves ground breaking works, soil management should be undertaken in compliance with the established best practice set out in the DEFRA publication "Construction Code of Practice for the Sustainable Use of Soils on Construction Sites 2009", unless an alternative methodology for sustainable management of soil is submitted to and approved in writing by the planning authority.

Reason: to ensure sustainable management of soils and compliance with the requirements of NPF4 Policy 5A.

Appendix 2: Application drawings

[Location plan, reference 0927/300/B rev -;](#) [Site plan, reference 0927/201/A rev -](#)