

Central Validation Team at Argyll and Bute Council 1A Manse Brae Lochgilphead PA31 8RD Tel: 01546 605518 Email: planning.hq@argyll-bute.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE

100664462-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

# **Applicant or Agent Details**

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant 
Applicant

Agent Details							
Please enter Agent details							
Company/Organisation:	MH Planning Associates						
Ref. Number:		You must enter a Bu	uilding Name or Number, or both: *				
First Name: *	Michael	Building Name:					
Last Name: *	Hyde	Building Number:	63				
Telephone Number: *	07816 907203	Address 1 (Street): *	West Princes Street				
Extension Number:		Address 2:					
Mobile Number:		Town/City: *	Helensburgh				
Fax Number:		Country: *	Scotland				
		Postcode: *	G84 8BN				
Email Address: *	mh@mhplanning.co.uk						
Is the applicant an individual or an organisation/corporate entity? *							
☑ Individual ☐ Organisation/Corporate entity							

Applicant Details							
Please enter Applicant details							
Title:	Other	You must enter a Bu	ilding Name or Number, or both: *				
Other Title:	Mr and Mrs	Building Name:	Coultorsay Farm				
First Name: *	Neil and Rosemary	Building Number:					
Last Name: *	Wood	Address 1 (Street): *	Bruichladdich				
Company/Organisation		Address 2:					
Telephone Number: *		Town/City: *	Isle of Islay				
Extension Number:		Country: *	Scotland				
Mobile Number:		Postcode: *	PA49 7UN				
Fax Number:							
Email Address: *	octofad@btinternet.com						
Site Address	Details						
Planning Authority:	Argyll and Bute Council						
Full postal address of the site (including postcode where available):							
Address 1:							
Address 2:							
Address 3:							
Address 4:							
Address 5:							
Town/City/Settlement:							
Post Code:							
Please identify/describe	the location of the site or sites						
Land at Coultorsay Farm, Bruichladdich, Isle of Islay, Argyll And Bute							
Northing		Easting					

Description of Proposal					
Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: * Max 500 characters)					
Site for the Erection of 4 Dwellinghouses					
Type of Application					
What type of application did you submit to the planning authority? *					
<ul> <li>□ Application for planning permission (including householder application but excluding application to work minerals).</li> <li>☑ Application for planning permission in principle.</li> <li>□ Further application.</li> <li>□ Application for approval of matters specified in conditions.</li> </ul>					
What does your review relate to? *					
Refusal Notice.  Grant of permission with Conditions imposed.  No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.					
Statement of reasons for seeking review					
You must state in full, why you are a seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)					
Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.					
You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.					
See attached Grounds for Review					
Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *					
If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)					

Please provide a list of all supporting documents, materials and evidence which you wish to to rely on in support of your review. You can attach these documents electronically later in the			intend			
Grounds for Review, Location and Site Plans, Documents 1-4						
Application Details						
Please provide the application reference no. given to you by your planning authority for your previous application.	23/01028/PPP					
What date was the application submitted to the planning authority? *	24/05/2023					
What date was the decision issued by the planning authority? *	15/02/2024					
Review Procedure						
The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.						
Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *  Yes \sum No						
In the event that the Local Review Body appointed to consider your application decides to in	spect the site, in your op	oinion:				
Can the site be clearly seen from a road or public land? *	X	🛛 Yes 🗌 No				
Is it possible for the site to be accessed safely and without barriers to entry? *	☒ Yes ☐ No					
Checklist – Application for Notice of Review						
Please complete the following checklist to make sure you have provided all the necessary in to submit all this information may result in your appeal being deemed invalid.	nformation in support of	your appeal.	Failure			
Have you provided the name and address of the applicant?. *	X Yes □ I	X Yes ☐ No				
Have you provided the date and reference number of the application which is the subject of review? $^{\star}$	this X Yes I	No				
If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with review should be sent to you or the applicant? *		No N/A				
Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? $^{\star}$	⊠ Yes ☐ I	No				
Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.						
Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *	⊠ Yes □ I	No				
Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.						

# **Declare - Notice of Review**

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Michael Hyde

Declaration Date: 12/03/2024

REQUEST FOR REVIEW IN RESPECT OF THE REFUSAL OF AN APPLICATION FOR PLANNING PERMISSION IN PRINCIPLE FOR THE ERECTION OF FOUR DWELLINGHOUSES, INCLUDING FORMATION OF ACCESS AND INSTALLATION OF SEPTIC TANK AND SOAKAWAY, LAND AT COULTORSAY FARM, BRUICHLADDICH, ISLE OF ISLAY (LPA REFERENCE 23/01028/PPP)

**GROUNDS FOR REVIEW** 

Submitted on behalf of Rosemary and Neil Wood



MH Planning
Associates

REQUEST FOR REVIEW IN RESPECT OF THE REFUSAL OF AN APPLICATION FOR PLANNING PERMISSION IN PRINCIPLE FOR THE ERECTION OF FOUR DWELLINGHOUSES, INCLUDING FORMATION OF ACCESS AND INSTALLATION OF SEPTIC TANK AND SOAKAWAY, LAND AT COULTORSAY FARM, BRUICHLADDICH, ISLE OF ISLAY (LPA REFERENCE 23/01028/PPP)

#### **GROUNDS FOR REVIEW**

# 1. Background:

1.1 At the time when the review application was submitted (May 2023) the application site was almost entirely within a **Rural Opportunity Area** (ROA) as defined in the now superseded Local Development Plan (see **Figure 1** below). For some reason, assumed to be a drafting error, the ROA did not extend quite to the edge of the public highway.



Figure 1: Extract from 2015 Local Development Plan Proposals Map

- 1.2 Whilst the ROA designation no longer exists, it was in place when the review application was submitted, and would furthermore have still been in place had the Council been able to determine the application within the statutory 2-month period.
- 1.3 In the Council's Supplementary Guidance, with respect to ROAs, it said:

"The ROAs have been mapped specifically with a view to identifying areas within which there is a general capacity to successfully absorb small scale housing development. This includes open countryside locations where appropriate forms of small-scale housing development will be in tune with landscape character and development pattern. Consequently, there is a presumption in favour of small-scale housing development within this zone, subject to on-going capacity evaluation. Conversely, there is a presumption against medium and large-scale housing development that would not be generally appropriate for these rural areas and would undermine the intentions of the settlement strategy."

- 1.4 Small scale housing development was defined as being up to five dwellings.
- 1.5 The application site is also adjacent to, but not within, The Rinns of Islay Site of Special Scientific Interest (SSSI)/Special Protection Area (SPA), which is shown hatched on the LDP extract above. This site is designated primarily based on it regularly supporting populations of European importance of Annex 1 species (1986 and 1987) including Hen Harrier (Circus cyaneus), Corncrake (Crex crex), Chough (Pyrrhocorax pyrrhocorax), Whooper Swan (Cygnus cygnus) and Greenland White-Fronted Goose (Anser albifrons flavirostris).
- 1.6 Prior to the submission of the review application, in April 2022, a preapplication enquiry in respect of the proposed development was submitted (LPA reference 22/00709/PREAPP). The response received on 18 May 2022 (**Document 1**) contained the following:
  - "In this case the more northerly site is likely to be the most suitable, notwithstanding the councils hesitation regarding creating an artificial infill site beside Bruichladdich. It is recommended that the proposals for LDP 2 are reviewed. These are available on the Council's planning web site".
- 1.7 A further, more detailed, pre-application inquiry was submitted in April 2023, given the then recent adoption of the revised National Planning Framework. The encouraging response received was as follows (**Document 2**):

"Of relevance, NPF4 Policy 9 sets out that proposals on greenfield sites will not be supported unless the site is explicitly supported by policies in the LDP. NPF7 Policy 17c) sets out that new homes in remote rural areas will be supported where it supports and sustains

existing fragile communities, supports identified local housing outcomes and is suitable in terms of location, access and environmental impact

NPF4 Policy 16f) sets out that new homes on land not allocated for housing in the LDP will only be supported in limited specified circumstances, which of relevance includes where there is an agreed timescale for build out; where the proposal is consistent with the plan spatial strategy and policies such as local living, and where the proposal is consistent with policy on rural homes. The concept of Local Living is further detailed in NPF4 Policy 15.

The development is located within a Rural Opportunity Area (ROA) as defined by the LDP, wherein Policy DM1 envisages small scale development on appropriate sites, including the open countryside. As such, subject to an agreed build out timescale secured by planning condition, the proposal would meet the requirements of NPF4 Policy 16f).

It is considered that the small scale of the proposed development and its rural location would reasonably comply with policies 2a), 15 and 17c) of NPF4 given the existing dispersed geographical scale of the environment within which the development is to be located, and the level and quality of interconnectivity of the proposed development with the surrounding area where people can reasonably meet the majority of their daily needs within a reasonable distance of their home and support the community. This is underpinned by the broad settlement strategy policy contained within Policy LDP DM 1, LDP 5, LDP 8, LDP 10 and LDP 11 of the Local Development Plan.

<u>Drawing the above together, the principle of residential</u> <u>development at the site is considered acceptable in principle,</u> subject to acceptability of the detailed matters set out below."

1.8 Notwithstanding the confirmation from the original Planning Officer (Derek Wilson) that the application proposal would be able to be supported in principle, the application (after being with the Council for some 8 months), was allocated to a new Planning Officer (Francis Gillespie). Contrary to the advice provided by Mr Wilson, Mr Gillespie then recommended that planning permission should be refused for the following reason (**Document 3**):

"The proposed development, by reason of its scale, form, layout and location, would introduce an urban character/form of

development into this countryside setting which would have an adverse visual impact which would, as a result, have a significant adverse impact on the character of the landscape. Consequently, the proposal would be contrary to Policies LDP DM1, LDP 3, LDP 9, SG LDP HOU (A) (B), LDP ACE 1, SG LDP Sustainable, SG LDP ENV 14 of the Argyll and Bute Local Development Plan 2015, NPF4 policies 4a, 9b, 14, 16f) 17c) iii, and emerging LDP2 policies 02, 04, 05, and 08."

- 1.9 Whilst it is fully accepted that pre-application advice cannot guarantee the outcome of a subsequent planning application, if it is to be of any value, such advice should be reasonably reliable. In particular, it is logical for an applicant to expect the advice made by Planning Officers regarding the principle of a development to be consistent with their subsequent recommendation following the receipt of a formal submission.
- 1.10 The attached awards of costs in relation to appeal APP/M1710/W/20/3256965 (**Document 4**), albeit an English decision, address the issue of the reliability of pre-application advice. As the Inspector stated:

"Pre-application advice is provided informally and on a without prejudice basis. There may be circumstances where representations received during the course of a planning application justify making a departure from earlier advice. However, none of the responses in this case raise any matter that could not have been foreseen at the pre-application stage. The issues are clear and straightforward. Had the pre-application advice been negative then the appellants may not have proceeded with a planning application, and they would have avoided the costs of an appeal. Their application was submitted in good faith".

1.11 There is a fair expectation that pre-application advice should be reliable and that potential applicants should not be given "false hope". This is however exactly what has happened in the current case, the applicants believe that they were given false hope. Mr Wilson, on behalf of the Council, stated unambiguously that the principle of residential development at the site was considered to be acceptable. On the basis of his advice the applicants committed themselves to the payment of the required fee of £5,622 (£5,400 for the application and £222 for the newspaper advert). They were naturally extremely disappointed when, because of a change of Planning Officer, planning permission in principle was then ultimately refused.

### 2. Proposed Development:

2.1 The development proposed is, in principle, the erection of four dwellinghouses. All matters other than indicative siting and access are reserved for subsequent approval. A new access will be formed, and a septic tank (or treatment plant) and soakaway will also be provided.

### 3. Relevant Development Plan Policies:

- 3.1 Section 25 of the Town and County Planning (Scotland) Act 1997 states that "where in making any determination under the planning act regard is to be had to the Development Plan, the determination shall be in accordance with the plan unless material considerations indicate otherwise".
- 3.2 The Development Plan relevant to the current planning application now comprises:
  - The National Planning Framework (2023); and
  - The Argyll and Bute Local Development Plan 2 (2024).
- 3.3 Section 13 of the Planning (Scotland) Act 2019 is now in force. This altered Section 24 of the 1997 Act to state that in the event of 'any incompatibility' between a provision of the National Planning Framework ('the NPF') and a provision of a Local Development Plan ('the LDP'), whichever of them is the later in date is to prevail.

### **National Planning Framework**

- 3.4 The following polices of NPF4 were referred to in the reason for refusal of the review application:
  - **Policy 4** (Natural Places), which states that development proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment, will not be supported.
  - **Policy 9** (Brownfield, Vacant and Derelict Land and Empty Buildings), which states inter alia that proposals on greenfield sites will not be supported unless the site has been allocated for development or the proposal is explicitly supported by policies in the LDP.
  - **Policy 14** (Design, Quality and Place), which states that development proposals will be supported where they are consistent with the six qualities of successful places:

- Healthy: Supporting the prioritisation of women's safety and improving physical and mental health.
- Pleasant: Supporting attractive natural and built spaces.
- Connected: Supporting well connected networks that make moving around easy and reduce car dependency
- Distinctive: Supporting attention to detail of local architectural styles and natural landscapes to be interpreted, literally or creatively, into designs to reinforce identity.
- Sustainable: Supporting the efficient use of resources that will allow people to live, play, work and stay in their area, ensuring climate resilience, and integrating nature positive, biodiversity solutions.
- Adaptable: Supporting commitment to investing in the long-term value of buildings, streets and spaces by allowing for flexibility so that they can be changed quickly to accommodate different uses as well as maintained over time.

**Policy 16** (Quality Homes), which states *inter alia* that development proposals for new homes on land not allocated for housing in the LDP will only be supported in limited circumstances where:

- i. The proposal is supported by an agreed timescale for build-out; and
- ii. The proposal is otherwise consistent with the plan spatial strategy and other relevant policies including local living and 20 minute neighbourhoods;
- iii. and either:
  - Delivery of sites is happening earlier than identified in the deliverable housing land pipeline. This will be determined by reference to two consecutive years of the Housing Land Audit evidencing substantial delivery earlier than pipeline timescales and that general trend being sustained; or
  - The proposal is consistent with policy on rural homes; or
  - The proposal is for smaller scale opportunities within an existing settlement boundary; or
  - The proposal is for the delivery of less than 50 affordable homes as part of a local authority supported affordable housing plan.

**Policy 17** (Rural Homes), which states that development proposals for new homes in remote rural areas will be supported where the proposal:

- i. Supports and sustains existing fragile communities;
- ii. Supports identified local housing outcomes; and
- iii. Is suitable in terms of location, access, and environmental impact.

### Local Development Plan 2

3.5 The following policies of the recently adopted Local Development Plan 2 were also referred to in the single reason for refusal:

**Policy 02** (Outwith Settlement Areas), which states that outwith the Settlement Areas shown on the proposals map, development will only be acceptable where it can be demonstrated that it accords with:

- An allocation of this plan, or
- Parts A, B or C as set out below, and
- All other relevant policies of the LDP2.

With respect to the third bullet point, particular attention is drawn to the need for development proposals to accord with Policies 70 to 76 with respect to landscape and the natural environment.

# A – Countryside Areas

Within the Countryside Areas there is a presumption in favour of sustainable development where this is of an appropriate scale, design, siting and use for its countryside location, as detailed in the relevant subject policies. In particular, the following types of development will be supported by the council, generally without the need for detailed environmental assessments, although such may still be required where there is evidence of any environmental risk:

- Infill; or
- Rounding off; or
- Redevelopment opportunities of clusters; or
- Previously developed sites.

Note: Development adjacent to, but outwith settlement boundaries which are delineated in the Proposals Maps will not constitute infill, rounding off or redevelopment.

**Policy 04** (Sustainable Development), which states that in preparing new development proposals, developers should seek to demonstrate the following sustainable development principles, which the planning authority will also use in deciding whether or not to grant planning permission:

- a) Maximise the opportunity for local community benefit, including the creation of district (renewable) heat networks, where viable;
- b) Make efficient use of vacant and/or derelict land including

- appropriate buildings;
- Support existing communities and maximise the use of existing infrastructure and services;
- d) Maximise the opportunities for sustainable forms of design including minimising waste, reducing our carbon footprint, increasing energy efficiency, solar panels, ground, water and air source heat pumps and other forms of renewable energy generation;
- e) Avoid the use of locally important good quality agricultural land;
- f) Utilise public transport corridors and active travel networks;
- g) Avoid the loss of important recreational and amenity open space;
- h) Conserve and enhance the natural and built environment and avoid significant adverse impacts on biodiversity, natural and heritage assets;
- i) Respect the landscape character of an area and the setting and character of settlements;
- j) Avoid places with significant risk of flooding, tidal inundation, coastal erosion or ground instability; and
- k) Avoid having significant adverse impacts on land, air and water environment.

**Policy 05** (Design and Placemaking), which states that to achieve good quality places proposals should endeavour to comply with all of the following placemaking criteria:

- The proposed use should be compatible with surrounding land uses.
- The proposal should, where practicable, be resource efficient by utilising existing infrastructure and facilities.
- The design should respect site topography and any surrounding important landmarks or views.
- The design should create and improve connectivity within, and where practical, beyond the site.
- Green and blue infrastructure should be an integral part of the design process from the outset.
- The design should develop the area's sense of identity by understanding and embracing the existing distinctive characteristics, with the design respecting and complementing its surroundings in terms of density, appearance, height, scale, massing, materials and finishes.
- Where the site contains existing buildings, structures and/or natural features that contribute to the character and identity of the wider area, these should be retained and sensitively integrated into the design unless it has been clearly demonstrated to the planning authority that it is not practicable.
- The siting and design should respond to the natural environment in a sustainable manner.

- The proposal should consider the design of active frontages, and create welcoming, inclusive places with a coherent structure of streets, spaces and buildings which are easy to move around, prioritising the needs of pedestrians and cyclists above motor vehicles.
- The access to and orientation of buildings should reinforce the street or open space to create safe and pleasant places.
- The design should be sustainable in terms of materials and construction and should consider future adaptability, and climate change mitigation measures.

**Policy 08** (Sustainable Siting), which states that each of the following will apply when assessing any proposal for development, including those for outbuildings and extensions:

- The development should integrate into the landscape or existing built form to minimise detrimental effects on the environment. Particularly careful attention should be given to hilltop, skyline or ridge locations, where development will only be acceptable if such a location cannot be avoided and any significant adverse landscape and visual effects are clearly outweighed by social, environmental or economic benefits of community wide importance arising from the development proposal, and have been sufficiently mitigated through an environmental impact assessment or landscape and visual impact assessment.
- Development on a sloping site should be designed sensitively taking account of the topography in order to prevent significant excavation or under-building.
- The siting of a development should take into account the character of the area in terms of its settlement pattern, layout and density.
- All new residential developments are required to consider provision for Growing Spaces – See Policy 06 – Green and Blue Infrastructure.
- Any development should be carefully sited to avoid overshadowing or overlooking of itself or other properties.
- The development should be positioned within the landscape to make the best use of solar gain, natural ventilation and shelter from the elements and minimise adverse environmental effects – this need must be balanced with the restrictions and opportunities the topography places on the siting.
- The development should be sited within easy access of existing infrastructure and services
- Any ancillary development such as parking and service areas, should be sensitively designed and sited.
- A co-ordinated approach is required to development in that it must not compromise the effective development of adjacent land or the

comprehensive development and regeneration of a wider area as provided for in a masterplan, strategy or development brief approved by the Council.

#### 2. Grounds for Review:

2.1 The Scottish Government have stated that planning should take a positive approach to enabling high-quality development and making efficient use of land to deliver long-term benefits for the public while protecting and enhancing natural and cultural resources. With respect to the submitted application for review, having regard to the provisions of the Development Plan the following is the only planning issue that will require to be assessed by the Members of the Local Review Body.

# The Principle of the Development

- 2.2 Having regard to the single reason for refusal of the review application, whilst a significant number of Development Plan polices have been referred to, the key issue appears to be one of potential landscape impact. The Planning Officer states that in his opinion, by reason of its scale, form, layout and location, the proposal would introduce an <u>urban character/form of development</u> into a countryside setting, and that this would have a <u>significant adverse impact</u> on the character of the landscape.
- 2.3 This assessment is not agreed with for the following reasons.
- 2.4 The review application is only for planning permission in principle. The Council can exercise full control over all matters of siting, access, design, external appearance and landscaping at the 'Matters Specified in Conditions' stage. Whilst an <u>indicative site plan</u> was submitted to accompany the review application, this simply showed how four house plots, and access and drainage arrangements, could in principle be accommodated within the application site boundary.
- 2.5 The prevailing pattern of development on the Isle of Islay, outwith the defined settlements, is one of dispersed groups of 2, 3, 4 or more dwellings, in the main sited parallel to the public road. This has been acknowledged by Officers for many years. In the Report of Handing with respect to another almost identical planning application for planning permission in principle for the erection of four dwellings on land South-East of Neriby Cottage, Bridgend (LPA reference 22/00462/PPP) the Planning Officer (Mr Wilson) stated:

"The proposal is for four detached houses within the site accessed

by two new separate accesses. A new septic tank (or treatment plant) will also be provided. No details of siting or design have been supplied. Similarly, policies LDP 10, SG LDP SERV 1, SERV 2 and SERV 5(b) regarding water, drainage and waste management on site require further detail. It is expected that modest single storey style cottage dwellinghouses would be proposed with retention of roadside vegetation and new plantings to the rear. It is also inappropriate (sic) to create a row of houses rather than four standalone developments. The latter is deemed not be a ribbon development as defined in the LDP as it is fewer than six houses, with no potential for easterly expansion. It is expected that the design will have all houses addressing the main road and be a single house deep within the plot. The application is within a locality where development is relatively sparse and predominantly relates to isolated farms and individual and small linear groupings of modest roadside cottages. Whilst a grouping of four dwellings would be a significant presence in its self within this context it is noted that there is a similar grouping of four semi-detached dwellings to the SE at Mulindry. The details currently submitted show development set approximately 17m back within the site with the intention being to create a regular building line."

2.6 The same assessment should be able to be made in respect of the review application, i.e. that the development of four roadside dwellings would not have a significant adverse impact on the character of the landscape, and furthermore would be entirely in keeping with the prevailing pattern of development on the island.

#### **Material Considerations**

2.7 In 2019 the Council Commissioned the Islay Strategic Housing Overview. A report was prepared by Community Housing Scotland (<a href="https://www.argyll-bute.gov.uk/sites/default/files/migrated files/islay strategic housing overview - cht - september 2019.pdf">https://www.argyll-bute.gov.uk/sites/default/files/migrated files/islay strategic housing overview - cht - september 2019.pdf</a>). This noted in particular that central and south Islay had demonstrated the highest demand in terms of locations for new housing, that second homes represented approximately 22% of the housing stock (Islay, Jura and Colonsay), and that there was a strong demand evidenced from businesses who require more housing in order to attract and retain a skilled workforce, the lack of which was restricting their growth and expansion.

#### The Housing Emergency

2.8 After careful consideration of a range of issues, including the rise in homelessness, and a lack of housing choice for key workers, it was

considered necessary in June 2023 for the Council to acknowledge a "Housing Emergency". The report that led to this decision notes that a lack of accommodation stifles employment and that the majority of employers surveyed on Islay have experienced difficulties recruiting staff due to lack of housing.

2.9 Whilst the Planning Officer (Mr Gillespie) accepts in his Report of Handling that there are a number of benefits associated with the proposed development, including the contribution it would make to existing communities and local housing outcomes, particularly in the context of the Council declaring a 'Housing Emergency', he nevertheless concludes that these factors would (in his opinion) not outweigh the conflict the proposed development would have with the provisions of the Development Plan when taken as a whole.

#### 3. Conclusions:

- 3.1 It is not accepted that the proposed development would introduce an 'urban' character/form of development into a countryside setting, or that there would be a significant adverse impact on the character of the landscape. The prevailing pattern of development on the Isle of Islay, outwith the defined settlements, is already one of dispersed groups of 2, 3, 4 or more dwellings sited parallel to the public road. All of the details of siting, design and external appearance of the four new dwellings can be adequately controlled through the required detailed application submissions.
- 3.2 The Council have recently declared a 'Housing Emergency', and on Islay in particular it had been evidenced that the lack of accommodation on the island is stifling employment, and thus economic growth, and that the majority of employers surveyed have experienced difficulties recruiting staff due to a lack of housing.
- 3.3 With respect to **Policy 16** of the National Planning Framework, as was noted by Mr Wilson, this policy would be complied with subject to an agreed build out timescale, which can be secured by a planning condition.
- 3.4 Given the acknowledged demand for new dwellings on Islay there were however potential purchasers for all four of the plots applied for. All of these, so it is understood, were people who live and work on the island. In the light of this, as has been accepted elsewhere in Argyll and Bute, the applicants would also have no objection to the imposition of the following occupancy restriction:

- "**Primary Residence**: The dwelling houses that are the subject of this permission must only be occupied as a primary residence (i.e. the dwelling must be the main residence of the occupier and the dwelling where the occupier usually lives)."
- 3.5 This restriction would prevent any of the proposed new dwellings being occupied as second or holiday homes.
- 3.6 In conclusion it is therefore considered that any potential landscape impact, which would not in any event be significant, should easily be able to outweighed by the acute need for new housing for local people who live and work on Islay.

### Argyll and Bute Council Comhairle Earra Gháidheal agus Bhóid

### **Development And Infrastructure Services**

Executive Director: Kirsty Flanagan



1A Manse Brae Lochgilphead PA31 8RD

Our Ref: 22/00709/PREAPP

18 May 2022

Rosemary Wood Coultorsay Farm Bruichladdich Isle Of Islay Isle Of Islay Argyll And Bute PA49 7UN

Dear Sir/ Madam

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)
PRELIMINARY ENQUIRY PROPOSAL: Sell 4 plots for developments.
SITE ADDRESS: Coultorsay Farm Bruichladdich Isle Of Islay Isle Of Islay Argyll And Bute

Thank you for your enquiry regarding the above proposal, which was received on 4th April 2022,

This report has been prepared in the office using case cross referencing, remote sensing and map views both commercial and council maintained, and records of a site visit on 11.05.2022. Argyll and Bute proposed Local Development Plan 2 (November 2019) – The unchallenged policies and proposals within pLDP2 may be afforded significant material weighting in the determination of planning applications at this time as the settled and unopposed view of the Council. The provisions of pLDP2 that may be afforded significant weighting in the determination of this application are listed below:

- Policy 35 Design of New and Existing, Public Roads and Private Access Regimes
- Policy 36 New Private Accesses
- Policy 37 Development Utilising an Existing Private Access or Existing Private
- Road
- Policy 38 Construction Standards for Public Roads
- Policy 39 Construction Standards for Private Access
- Policy 40 Vehicle Parking Provision
- Policy 58 Private Water Supplies and Water Conservation

This proposal identifies two approximately 0.5ha rectangular sites either side of the Bruichladdich warehouses access road and around 135m and 375m south of the boundary of the Minor Settlement. Both sites address the A847 and may be accessed from the warehouse road rather than the main road. The northerly site lies mainly in a Rural Opportunity Area (ROA). The southerly in the countryside and additionally partly in a Site of Scientific Interest (SSSI) and a Special Protection Area (SPA) associated with the Rinns of Islay. These designations are defined in the Local Development Plan (adopted 2015)(LDP). LDP 2 is likely to remove the ROA classification in favour of simply settlement and countryside designations.

It is understood the preferred site would be designed to contain four houses.



A map outlining these designations is attached to the end of this report.

Policy LDP DM1 encourages sustainable development on appropriate sites within the ROA, however the areas designated as the Countryside Zone would only be encouraged on sites which would be a change of use of an existing building or the following definitions:

- Redevelopment a development of new buildings involving significant demolitions; or the
  extension of a building involving more than a doubling of the cubic volume of the building
  but not exceeding three times the cubic volume (less than a doubling being treated as a
  building extension and more than trebling as a new build).
- Infill new development positioned largely between other substantial buildings and this new development being of a scale subordinate to the combined scale of the buildings adjacent to the development site.
- Rounding off new development positioned largely between substantial building(s) on one side and a substantial ground or natural feature on the other side and arranged such that the local pattern of development terminates at that point.

The proposed southerly site fails to meet any of those criteria and an exceptional case for housing would be required to be made if this was the proposer's preferred site. Additionally, building on this plot would create infill opportunities for the subsequent development of the northerly site which would be contrary to the intention of the spatial plan and would extend the settlement contrary to the plan. The southerly site may also encroach the SSSI and SPA and therefore would require natural heritage reports regarding species and habitats. The map may guide you to alter the red line boundaries to avoid countryside and Natura designations requiring to be assessed.

Any development would be a change of use of the land what is not deemed to be high quality agricultural land. The change of use would be to Class 9 Houses. This is a designation of the Town and Country Planning Use Classes (Scotland) Order 1997.

Any chosen site should be sufficient for modest buildings, parking infrastructure, foul water treatment and amenity space.

In exceptional cases, up to and including large scale may be supported in the coutryside if it accords with an Area Capacity Evaluation (ACE) which is likely to be absent from LDP 2 but is still relevant at present.

The 'exceptional case' required to justify carrying out of an ACE is in all circumstances, either; the demonstration of a locational and/or operational need tied to a precise location which is agreed with and acceptable to the planning authority, or;

demonstration of an overriding economic or community benefit which outweighs other policies of the Local Development Plan and is agreed with and acceptable to the planning authority.

Proposals in the countryside will be assessed on their individual merits and impacts. In this respect any application would benefit from a detailed design statement including landscape visualisations. Similarly the onus is on the applicants and their agents to supply the visualisations to aid council officers where an ACE is required.

In this case the more northerly site is likely to be the most suitable, notwithstanding the councils hesitation regarding creating an artificial infill site beside Bruichladdich. It is recommended that the proposals for LDP 2 are reviewed. These are available on the councils planning web site.

As we move towards LDP 2 (possibly October) we will be able to treat each application with the assistance not only of site visits but Landscape Visual Impact Assessment documentation which we expect to accompany any application. In this respect we would require to see how the house sits near other buildings and any substantial natural feature. Registered croft land which does not



have an occupying house may considered with regard to a competent and comprehensive medium term croft management plan.

Policy requires any development to respect the character of an area and to conserve and enhance the natural and built environments and avoid significant adverse impacts on biodiversity and natural resources; hence the emphasis on \*sustainable development.

If the applicant is not making a formal application, permissions in principle do not require the detail of the building and/or its position within the plot, however, conditions are attached to any approval outlining the expectations in this regard. These conditions must be consistent with any subsequent formal application and may require to be discharged in advance of any express application for permission.

A design and access statement should be attached to any application clearly showing the site selection criteria and the reasons for sites in the settlements being ruled out. This should also provide detailed modelling of the development within the landscape and reference the council's own guidance and housing reports regarding the island.

Any new access and road will require consultation with the council's Roads department and may be worth while contacting in advance. Council policy is generally to refuse intensification of use from an unadoptable road.

Any proposed work will require to comply with minimum building standards and building warrants may also be required before the work starts. You can verify this with your local authority building standards department.

A construction and movement management plan should be considered regarding access, and maintenance around infrastructure and with regard to surrounding properties and built environment and be attached to any application.

We are happy to answer any questions arising from (or related to) this report. Please note that this preliminary assessment is based on current information. In the event of a formal planning application being submitted, the Council must take into account views of consultees and representations from the public as appropriate. Any subsequent assessment must reflect this and may therefore differ from the initial assessment. Finally, the above is the view of Development Management and may not necessarily be that of the Planning Authority. Should you decide to make an application for planning permission, please be aware that the Council actively promotes online submission of applications through the Government's ePlanning Portal at <a href="https://www.eplanning.scotland.gov.uk">www.eplanning.scotland.gov.uk</a>. You can also get more advice and guidance on our own website at <a href="https://www.argyll-bute.gov.uk">www.argyll-bute.gov.uk</a>.

#### Definition:

\* Sustainable: "development that meets the needs of the present without compromising the ability of future generations to meet their own needs" Brandtland. The principle is applied in the plan by way of the development management zones, which are largely founded on general development capacities.

Consultations on any formal proposal may include (though not exclusive to):

- Building Standards
- Environmental Health
- Roads and Amenity
- Scottish Water
- SEPA
- Nature Scotland
- WoSAS



The LDP policies covering any proposal may include (though not exclusive to):

LDP STRAT 1 - Sustainable Development

LDP DM 1 - Development within the Development Management Zones

LDP 3 - Supporting the Protection, Conservation and Enhancement of our Environment

LDP 5 - Supporting the Sustainable Growth of our Economy

LDP 8 – Supporting the Strength of our Communities

LDP 9 - Development Setting, Layout and Design

LDP 10 – Maximising Our Resources and Reducing Our Consumption

LDP 11 - Improving Our Connectivity and Infrastructure

SG LDP HOU 1 - General Housing Development Including Affordable Housing Provision

SG LDP ENV 1 - Development Impact on Habitats, Species and our Biodiversity

SG LDP ENV 2 = Development Impact on European Sites

SG LDP ENV 4 = Development Impact on Sites of Special Scientific Interest (SSSIs) and National Nature Reserves

SG LDP ENV 14 - Landscape

SG LDP Sustainable - Sustainable Siting and Design Principles

SG LDP ACE 1 - Area Capacity Evaluation

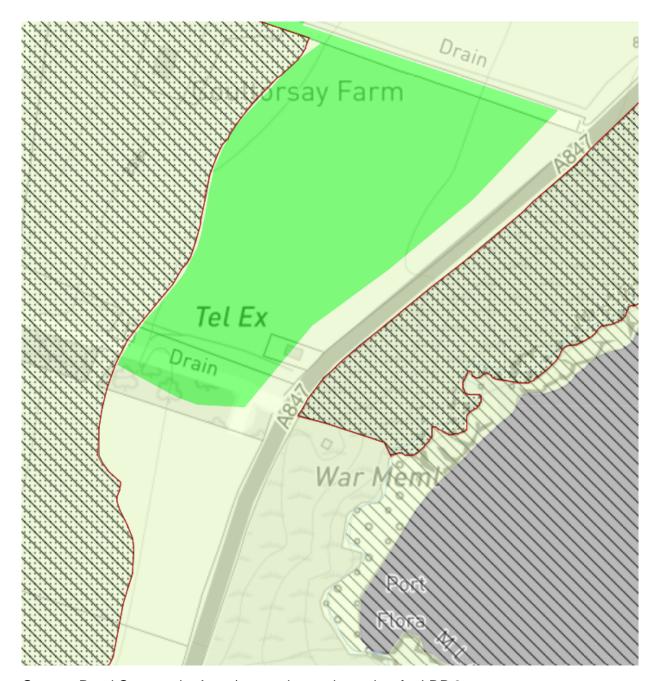
SG LDP TRAN 4 - New and Existing, Public Roads and Private Access Regimes

SG LDP TRAN 6 - Vehicle Parking Provision

https://www.argyll-bute.gov.uk/ldp

Spatial policy map





Green – Rural Opportunity Area (current but under review for LDP 2 Cross hatch – Countryside, SSSI, SPA Buff – Countryside zone

If you wish to discuss any aspect of the above, please do not hesitate to contact me.

Yours faithfully

Derek Wilson Planning Officer



### Michael Hyde

Subject:

FW: Land at Coultorsay Farm, Bruichladdich, Isle of Islay [OFFICIAL]

From: Wilson, Derek < Derek. Wilson@argyll-bute.gov.uk>

**Sent:** Wednesday, April 12, 2023 7:13 AM **To:** Michael Hyde <mh@mhplanning.co.uk>

Subject: RE: Land at Coultorsay Farm, Bruichladdich, Isle of Islay [OFFICIAL]

Classification: OFFICIAL

#### Morning,

Apologies for the delay.

When considering NPF4 regarding ROH sites, we try to establish a principle which does not mean every ROH site is suitable.

#### Principle

Of relevance, NPF4 Policy 9 sets out that proposals on greenfield sites will not be supported unless the site is explicitly supported by policies in the LDP. NPF7 Policy 17c) sets out that new homes in remote rural areas will be supported where it supports and sustains existing fragile communities, supports identified local housing outcomes and is suitable in terms of location, access and environmental impact

NPF4 Policy 16f) sets out that new homes on land not allocated for housing in the LDP will only be supported in limited specified circumstances, which of relevance includes where there is an agreed timescale for build out; where the proposal is consistent with the plan spatial strategy and policies such as local living, and where the proposal is consistent with policy on rural homes. The concept of Local Living is further detailed in NPF4 Policy 15.

The development is located within a Rural Opportunity Area (ROA) as defined by the LDP, wherein Policy DM1 envisages small scale development on appropriate sites, including the open countryside. As such, subject to an agreed build out timescale secured by planning condition, the proposal would meet the requirements of NPF4 Policy 16f).

It is considered that the small scale of the proposed development and its rural location would reasonably comply with policies 2a), 15 and 17c) of NPF4 given the existing dispersed geographical scale of the environment within which the development is to be located, and the level and quality of interconnectivity of the proposed development with the surrounding area where people can reasonably meet the majority of their daily needs within a reasonable distance of their home and support the community. This is underpinned by the broad settlement strategy policy contained within Policy LDP DM 1, LDP 5, LDP 8, LDP 10 and LDP 11 of the Local Development Plan.

Drawing the above together, the principle of residential development at the site is considered acceptable in principle, subject to acceptability of the detailed matters set out below.

This is now a standard housing template for reports but may vary with the specifics of the proposals.

Regards, Derek Wilson

From: Michael Hyde < mh@mhplanning.co.uk >

Sent: 04 April 2023 09:49

To: Wilson, Derek < Derek. Wilson@argyll-bute.gov.uk >

Cc: Bowker, Bryn < Bryn.Bowker@argyll-bute.gov.uk >; ldp < ldp@argyll-bute.gov.uk >

Subject: RE: Land at Coultorsay Farm, Bruichladdich, Isle of Islay

Hello Derek

Back in May last year you responded to a pre-application enquiry in respect of the development of potentially 4 house plots on land at Coultorsay Farm, Bruichladdich (copy of response attached). In respect of the 'northern site', which is mainly in a ROA at the moment, you said:

"In this case the more northerly site is likely to be the most suitable, notwithstanding the councils hesitation regarding creating an artificial infill site beside Bruichladdich. It is recommended that the proposals for LDP 2 are reviewed. These are available on the Council's planning web site.

As we move towards LDP 2 (possibly October) we will be able to treat each application with the assistance not only of site visits but Landscape Visual Impact Assessment documentation which we expect to accompany any application. In this respect we would require to see how the house sits near other buildings and any substantial natural feature. Registered croft land which does not have an occupying house may considered with regard to a competent and comprehensive medium term croft management plan".

Clearly in policy terms things have now changed fundamentally! The new NPF4 policy on rural homes (Policy 17) does not seem to be as accommodating as the proposed Policy 02 in the (hopefully) soon to be adopted Local Development Plan 2. Policy 17 says that:

- (a) development proposals for new homes in rural areas will be supported where the development is suitably scaled, sited and designed to be in keeping with the character of the area and the development:
  - i. Is on a site allocated for housing within the LDP;
  - ii. Reuses brownfield land where a return to a natural state has not or will not happen without intervention;
  - iii. Reuses a redundant or unused building;
  - iv. Is an appropriate use of a historic environment asset or is appropriate enabling development to secure the future of historic environment assets;
  - v. Is demonstrated to be necessary to support the sustainable management of a viable rural business or croft, and there is an essential need for a worker (including those taking majority control of a farm business) to live permanently at or near their place of work;
  - vi. Is for a single home for the retirement succession of a viable farm holding;
  - vii. Is for the subdivision of an existing residential dwelling; the scale of which is in keeping with the character and infrastructure provision in the area; or
  - viii. Reinstates a former dwelling house or is a one-for-one replacement of an existing permanent house.

None of (i) to (viii) would appear to apply? Policy 17 however has other elements as follows:

- b) Development proposals for new homes in rural areas will consider how the development will contribute towards local living and take into account identified local housing needs (including affordable housing), economic considerations and the transport needs of the development as appropriate for the rural location.
- c) Development proposals for new homes in remote rural areas will be supported where the proposal:
  - i. Supports and sustains existing fragile communities;
  - ii. Supports identified local housing outcomes; and
  - iii. Is suitable in terms of location, access, and environmental impact.

Would either of (b) or (c) add support for a proposal? I'm really struggling (as I'm sure you are) to work out how to approach applications for new houses in the countryside given the interplay between the NPF4 and the LDP.

What do you think? I've copied in the Policy Team in case they might be able to help.

Regards

Mike

Michael Hyde MRTPI
MH Planning Associates
www.mhplanning.co.uk
m: 07816 907203

New Office Address: 63 West Princes Street, Helensburgh, G84 8BN

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#### TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)

# TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS 2013

#### REFUSAL OF PLANNING PERMISSION IN PRINCIPLE

**REFERENCE NUMBER: 23/01028/PPP** 

Mr and Mrs Rosemary and Neil Wood MH Planning Associates 63 West Princes Street Helensburgh Argyll And Bute G84 8BN

I refer to your application dated 25th May 2023 for planning permission in principle under the above mentioned Act and Regulations in respect of the following development:

Site for the erection of 4 dwellinghouses at Land At Coultorsay Farm Bruichladdich Isle Of Islay Argyll And Bute

Argyll and Bute Council in exercise of their powers under the above mentioned Act and Regulations hereby refuse planning permission in principle for the above development for the reason(s) contained in the attached appendix.

Dated: 15 February 2024

Fergus Murray

Head of Development and Economic Growth



#### REASONS FOR REFUSAL RELATIVE TO APPLICATION NUMBER: 23/01028/PPP

1. The proposed development, by reason of its scale, form, layout and location, would introduce an urban character/form of development into this countryside setting which would have an adverse visual impact which would, as a result, have a significant adverse impact on the character of the landscape. Consequently, the proposal would be contrary to Policies LDP DM1, LDP 3, LDP 9, SG LDP HOU (A) (B), LDP ACE 1, SG LDP Sustainable, SG LDP ENV 14 of the Argyll and Bute Local Development Plan 2015, NPF4 policies 4a, 9b, 14, 16f) 17c) iii, and emerging LDP2 policies 02, 04, 05, and 08.



# NOTES TO APPLICANT (1) RELATIVE TO APPLICATION NUMBER 23/01028/PPP

- 1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 (as amended) within three months from the date of this notice. A Notice of Review request must be submitted on an official form which can be obtained by contacting The Local Review Body, Committee Services, Argyll and Bute Council, Kilmory, Lochgilphead, PA31 8RT or by email to localreviewprocess@argyll-bute.gov.uk
- 2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state, and it cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the landowner's interest in the land, in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997 (as amended).



#### APPENDIX TO DECISION REFUSAL NOTICE

Appendix relative to application: 23/01028/PPP

A. 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.

Yes/No (delete as appropriate) if yes, list amendments

No

B. Is the proposal a departure from the Development Plan:

No

If yes, state level of departure:

C. Summary justification statement for refusal of planning permission in principle

The proposed development, by reason of its scale, form, layout and location, would introduce an urban character/form of development into this countryside setting which would have an adverse visual impact which would, as a result, have a significant adverse impact on the character of the landscape. Consequently, the proposal would be contrary to Policies LDP DM1, LDP 3, LDP 9, SG LDP HOU (A) (B), LDP ACE 1, SG LDP Sustainable, SG LDP ENV 14 of the Argyll and Bute Local Development Plan 2015, NPF4 policies 4a, 9b, 14, 16f) 17c) iii, and emerging LDP2 policies 02, 04, 05, and 08.



# **Costs Decision**

Site visit made on 16 November 2020

# by Robert Parker BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 December 2020

# Costs application in relation to Appeal Ref: APP/M1710/W/20/3256965 17 Lovage Way, Horndean, Waterlooville PO8 0JG

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Mr and Mrs K Sweeney for a full award of costs against East Hampshire District Council.
- The appeal was against the refusal of planning permission for change of use of a small section of amenity land to the rear to residential use and enclose it with timber fencing, with concrete posts to match the existing garden fencing.

#### **Decision**

1. The application for an award of costs is allowed in the terms set out below.

#### Reasons

- 2. Parties in planning appeals normally meet their own expenses. The Planning Practice Guidance advises that costs may only be awarded against a party who has behaved unreasonably and thereby caused another party to incur unnecessary or wasted expense in the appeal process. Behaviours and actions prior to the appeal can be taken into account in the Inspector's consideration of whether or not costs should be awarded.
- 3. The National Planning Policy Framework emphasises the importance of good quality pre-application discussion. Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. The appellants followed this advice and sought an opinion from the local planning authority prior to making a planning application. The Council's response contained caveats in relation to the choice of boundary treatments, but a reasonable person reading the letter would conclude that the principle was acceptable. The fact that the author of the letter was a principal officer of the Council gave added confidence regarding the reliability of the advice.
- 4. Pre-application advice is provided informally and on a without prejudice basis. There may be circumstances where representations received during the course of a planning application justify making a departure from earlier advice. However, none of the responses in this case raise any matter that could not have been foreseen at the pre-application stage. The issues are clear and straightforward. Had the pre-application advice been negative then the appellants may not have proceeded with a planning application and they would have avoided the costs of an appeal. Their application was submitted in good faith.

- 5. The officer report accepted that existing vegetation could be removed and that there was a fallback of erecting a 1 m high fence without needing permission. However, the proposal for taller fencing was deemed to be more harmful. Whilst I do not agree, this was a judgement which the Council was entitled to make. The authority has taken account of the relevant material considerations.
- 6. Where the Council has behaved unreasonably is in its lack of consistency with pre-application advice. There is a fair expectation that such advice should be reliable and that potential applicants should not be given false hope. After encouraging the appellants to submit an application the Council has backtracked to a position whereby it considers the principle of the change of use is unacceptable, notwithstanding that removal of vegetation has already taken place. There is no convincing explanation for this change in stance.
- 7. If the concern had related solely to the design of boundary treatment then this should have been flagged up before the application was determined. Better still, the Council's preference should have been set out in its pre-application letter. To make the appellants guess, when there are only a finite number of options for height and material, is patently unreasonable.
- 8. To conclude, had the appellants been actively dissuaded from making the application in the first place, as opposed to being encouraged to proceed, they would not have incurred the costs of going to appeal. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process has been demonstrated and a full award of costs is justified.

#### **Costs Order**

- 9. In the exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that East Hampshire District Council shall pay to Mr and Mrs K Sweeney, the costs of appeal proceedings described in the heading of this decision such costs to be assessed in the Senior Courts Costs Office if not agreed.
- 10. The applicants are now invited to submit to East Hampshire District Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

Robert Parker

**INSPECTOR** 

