

STATEMENT OF CASE

FOR

**ARGYLL AND BUTE COUNCIL
LOCAL REVIEW BODY**

**REFUSAL OF PLANNING PERMISSION IN
PRINCIPLE FOR ERECTION OF 4NO.
DWELLINGHOUSES AT LAND AT
COULTORSAY FARM, BRUICHLADDICH, ISLE
OF ISLAY, ARGYLL AND BUTE**

**PLANNING APPLICATION REFERENCE
NUMBER 23/01028/PPP**

**LOCAL REVIEW BOARD REFERENCE
NUMBER 24/0006/LRB**

27th March 2024

STATEMENT OF CASE

The planning authority is Argyll and Bute Council ('the Council'). The appellants are Mr and Mrs Rosemary and Neil Wood ('the appellants').

The planning application, reference number 23/01028/PPP, for the erection of 4No. dwellinghouses at Land at Coultorsay Farm, Bruichladdich, Isle of Islay, Argyll and Bute ("the appeal site") was refused under delegated powers on the 15th February 2024. The planning application has been appealed and is subject of referral to a Local Review Body.

DESCRIPTION OF SITE

The application site is located in the countryside (formerly within part within a designated Rural Opportunity Area and part within a Countryside Zone) as designated in the Argyll and Bute Local Development Plan 2 (Adopted 2024). The application site, which is cut out from a larger field, comprises an undeveloped area of rough grazing land which is devoid of any buildings.

SITE HISTORY

The planning history of the site and locality is detailed in Section D of the Report of Handling.

STATUTORY BASIS ON WHICH THE APPEAL SHOULD BE DECIDED

Section 25 of the Town & Country Planning (Scotland) Act 1997 provides that where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise. This is the test for this application.

STATEMENT OF CASE

Argyll and Bute Council considers the determining issues in relation to the case are as follows:-

- **Whether the proposed scale, form, layout and location would have an adverse visual impact which would, as a result, have a significant adverse impact on the character of the landscape.**
- **Whether the proposed scale, form, layout and location would introduce an urban character/form of development into this countryside setting.**

The Report of Handling (attached) sets out the Council's assessment of the application in terms of Development Plan policy and other material considerations.

REQUIREMENT FOR ADDITIONAL INFORMATION AND A HEARING

It is considered that no new information has been raised in the appellants' submission. A detailed planning policy assessment (which was relevant at the time of the assessment of the planning application) and all other material planning considerations is covered in the Report of Handling. As such it is considered that Members have all the information they need to determine the case. Given the above and that the proposal is small-scale, has no complex or challenging issues and has not been the subject of significant body of conflicting representation, then it is considered that a Hearing is not required.

COMMENT ON APPELLANTS' SUBMISSION

Having regard to the detailed grounds for review set out in the appellant's submission, the following points are noted:

- 1. At Section 1 'Background' paragraph 1.1 of the appellant's review submission, the appellants assume that there was a drafting error in the now superseded Argyll and Bute Local Development Plan (adopted March 2015) because the Rural Opportunity Area designation within which the appeal site was located at the time the planning application was submitted (and assessed) did not extend to the full extent of the appeal site to the road.***

Officers can confirm that no drafting error exists in the particular circumstances of this case.

As detailed within Section P of the main report of handling, the appeal site is located part within a designated Rural Opportunity Area (ROA) and part within a Countryside Zone (CZ) as designated in the Argyll and Bute Local Development Plan 2015 (LDP). A detailed assessment of the relevant planning policies pertaining to these two designations is subsequently set out within Section P of the main report of handling under the sub-section titled 'Principle'.

- 2. At Section 1 paragraph 1.1 of the appellant's review submission, the appellants refer to the Council's supplementary guidance with respect to ROA's and highlights the following:***

"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".

Officers agree with the appellant that the highlighted text provides for a presumption in favour of small-scale housing development within this zone. However, the highlighted text goes on to expressly qualify that the small-scale housing development must be 'appropriate' and that it must be 'in tune with the landscape character and development

pattern'. As detailed within Section P of the main report of handling, and primarily addressed under the sub-section titled 'Character of the Landscape' in this case, Officers consider that the scale, form and layout of the proposed development, when set in this particular location and context, 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, noticeable from the surrounding area and adjacent road.

3. At Section 1 paragraphs 1.6 – 1.11 of the appellant's review submission, the appellants set out their own view in respect to the pre-application advice they received from the Council. At paragraph 1.11, they conclude that in their opinion '*...there is a fair expectation that pre-application advice should be reliable and that potential applicants should not be given "false hope"*'.

Officers note that the appellants correctly refer to the Council's formal pre-application advice letter dated 18 May 2022 in which the planning officer set out his opinion/consideration of the proposal in principle for 4 No. dwellinghouses both at the appeal site and at another potential site on the opposite side of the road. Of the two sites, the Officer clearly states that '*...In this case the more northerly site is likely to be the most suitable*', that is, the appeal site is most suitable of the two sites identified by the appellants. However, whilst stating that of the two sites, the appeal site is the most suitable, the Officer goes on to qualify his opinion by referring to the '*...councils hesitation regarding creating an artificial infill site beside Bruichladdich*'. As such, the Officer sets out his concerns regarding the appeal site and no express support for the scheme was provided.

Importantly, the Council's pre-application advice dated 18 May letter contains the following statement, '*Finally, the above is the view of Development Management and may not necessarily be that of the Planning Authority*'. From this, it should be clear to the reader that the Officer is providing an informal opinion in respect to the information he/she has been provided at the time of the pre-application advice and neither does it constitute a detailed assessment of the planning merits of the proposal nor does it bind the Council to the same conclusion if/when the formal submission of the planning application has been made to the Council. Equally, there is an onus upon the appellant's agent to make that clear to his clients/the appellants.

It is also noted that the email from Mr Wilson (dated 12.04.24) provided by the appellant does not offer support for the proposal as the appellant states. This email includes a body of text that Mr Wilson explains to Mr Hyde was being used as a template in reports, which '*may vary with the specifics of the proposals*'.

4. **At Section 1 paragraph 1.10 of the appellant's review submission, the appellants refer to a decision of the Planning Inspectorate in England under APP/M1710/W/20/3256965 in which the Inspector comments upon pre-application advice.**

Officers would comment that this decision and/or its content has no jurisdiction or planning weight in the Scottish Planning system.

5. **At Section 2 'Grounds for Review' paragraphs 2.4 – 2.6, the appellants set out their own opinion of the Principle of Development.**

Officers note at the outset that the appellants' opinion does not make any reference to prevailing planning policy relevant to the particular circumstances of the appeal development. Officers would respectfully refer to the detailed planning policy assessment set out within Section P of the main report of handling.

At paragraph 2.5 of the appellant's review submission, Officers note that the appellants state that 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. Whilst that may or may not be the case in the wider Isle of Islay, it is not the prevailing pattern of development within the immediate proximity of the appeal site and against which the proposal would be read. The prevailing pattern of development at the appeal site is one of isolated dwellings.

At paragraph 2.5 of the appellant's review submission, the appellants refer to planning application 22/00462/PPP for planning permission in principle for the erection of four dwellings on land South-East of Neriby Cottage, Bridgend and state that it is 'almost identical' to the appeal proposal. Officers consider that not to be the case. Notwithstanding that each planning application must be considered on its own merits and in its own evidential context, the fundamental difference between that planning application and the appeal proposal is that in that case, the Officer noted the presence of a 'similar grouping of four semi-detached dwellings to the SE at Mulindry' and attached weight accordingly. In this case, there is no similar 'grouping' of 4No. dwellinghouses within close proximity of the appeal site.

6. **At Section 2 under the sub-heading 'The Housing Emergency', the appellants paragraphs 2.8 – 2.9, the appellants refer to the Council declaring a 'housing emergency' in June 2023 because of the difficulties of employers attracting staff as a result of the lack of housing. At paragraph 2.9, the appellants state that whilst the Planning Officer referred to a number of benefits associated with the proposed development, he concluded that these factors would not outweigh the conflict the proposed development would have with the development plan when taken as a whole.**

- The Planning Officer assessed that the 'housing emergency' was a material consideration but that in the final planning balance, it did not outweigh the fundamental planning policy conflict with the Local Development Plan of the appeal proposal. Notwithstanding that there is a housing emergency, this should not outweigh proposals which are contrary to prevailing policy and which, in this case, 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.

CONCLUSION

Section 25 of the Town and Country Planning Act 1997 requires that all decisions be made in accordance with the development plan unless material considerations indicate otherwise.

Adoption of the Argyll and Bute Local Development Plan 2 (28.02.2024)

It is highlighted that subsequent to planning permission being refused (on 02.02.24) that the Argyll and Bute Local Development 2 has been adopted on 28th February 2024. As of that date, the 'Development Plan' for Argyll and Bute (excluding the area covered by the Loch Lomond and the Trossachs National Park Authority) is National Planning Framework 4 and LDP2 which require to be applied holistically with preference afforded to LDP2, as the most recent expression of policy, in the event of any conflict between the two policy documents. For the avoidance of doubt, it is also confirmed that the Argyll and Bute Local Development Plan 2015 and its associated Supplementary Guidance are now superseded and accordingly should not be afforded significant material weight in planning determinations.

It is understood that the determination of these LRB proceedings will accordingly require to be made with regard to the updated 'Development Plan' position. The report of handling includes commentary that identifies the provisions of LDP2 which were relevant to the determination of this application. It is confirmed that the adoption of LDP2 does not give rise to any substantive change to the matters considered within the assessment previously undertaken by officers in respect of this particular application.

Summary Commentary on Key Material Considerations:

- **Whether the proposed development is acceptable in principle in the countryside.**

The site is located outside Bruichladdich and within the countryside as defined in the Argyll and Bute Local Development Plan 2 2024 (LDP2).

Policy 02 'Outwith Settlement Areas' of LDP 2 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’.*

The policy goes on to state:

‘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.

Development proposals will also be required to demonstrate that there will be no unacceptable adverse effects (either individually or cumulatively) on natural heritage resources, built and/or cultural heritage resources, and landscape and visual amenity (emphasis added). Where a major development is proposed, or for any development where there is preliminary evidence that there may be such adverse effects (and where a formal environmental impact assessment is not required), a landscape and visual impact assessment, natural heritage assessment, or built and/or cultural heritage assessment may be required. In circumstances where there is otherwise evidence of a risk to the environment (for example flood risk or environmental pollution) other assessments may be required. The need for any such assessments would be determined at the development management stage, generally through pre-planning application processes’.

Part A is titled ‘Countryside Areas’ and wherein the appeal site lies. Part A states that *‘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’.

In this case, Officers consider that the appeal proposal represents neither infill development, rounding off, nor is it a redevelopment opportunity of clusters or a previously developed site.

In this regard, as the appeal proposal does receive support from Policy 02 as it does not comprise (infill/rounding off/redevelopment opportunities of clusters or previously developed sites) within the policy. Furthermore, the proposal would result in unacceptable adverse landscape and visual amenity effects.

As such, the proposal would be contrary to Policy 02 of LDP 2 and Policy 9(b) of NPF4 such that it is not acceptable in principle in the countryside.

- **Whether the proposed location, scale, form and layout of the proposed development have sufficient regard to the context of their setting and the character of the landscape.**

Policy 04 'Sustainable Development' of LDP 2 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 number of criteria are subsequently detailed one of which is that the appeal proposal would:

- (i) respect the landscape character of an area and the setting and character of settlements.

Policy 08 'Sustainable Siting' of LDP 2 details a number of criteria that will apply when assessing any proposal for development. These include:

- 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; and
- The siting of a development should take into account the character of the area in terms of its settlement pattern, layout and density.

In this case, Officers consider that the character of the area is predominantly agricultural land interspersed with isolated dwellings. Notwithstanding that the appeal site is not sited on a hilltop, skyline or ridge location, its scale, form and layout would introduce an urban character/form of development which would not visually integrate into this prominent open landscape setting along this part of the road and which would, as a result, have a significant adverse effect on the overall character and setting of the landscape. Officers also consider that it would establish an undesirable precedent which, if repeated in a similar locational context, would have a significant detrimental impact on the integrity of the countryside.

Policy 10 'Design: All Development' details a number of criteria that will apply when assessing any proposal for development. This includes that:

- Development must demonstrate an understanding of and appropriate response to the proposed development site and wider context including consideration of character and, where applicable, urban grain..'

For the reasons given above, it is considered the proposed development would not be an appropriate response to the character of the wider site context.

The proposal is accordingly considered to be contrary to NPF4 Policy 14, and Policies 04, 08 and 10 of LDP 2.

Taking account of the above, it is respectfully requested that the request for a review be dismissed.

Appended documents:

Report of Handling

Planning Application Report and Report of Handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 23/01028/PPP
Planning Hierarchy: Local
Applicant: Mr and Mrs Rosemary and Neil Wood
Proposal: Site for the erection of 4 dwellinghouses
Site Address: Land At Coultorsay Farm, Bruichladdich, Isle Of Islay, Argyll And Bute

DECISION ROUTE

- Delegated - Sect 43 (A) of the Town and Country Planning (Scotland) Act 1997
 Committee - Local Government Scotland Act 1973
-

(A) THE APPLICATION

- (i) Development Requiring In Principle Planning Permission**
- Erection of 4 dwellinghouses
 - Formation of Access
 - Installation of Septic Tank and Soakaway
- (ii) Other specified operations**
- Connection to services
-

(B) RECOMMENDATION:

For the reasons set out below, planning permission in principle should be refused for the proposed development

(C) CONSULTATIONS:

ABC Roads – No objection subject to conditions – 19.06.2023
Scottish Water – No objection - 02.06.2023
West of Scotland Archaeology – No objection subject to conditions - 15.06.2023

(D) HISTORY:

(LPA reference 22/00709/PREAPP) – Responded on 18.05.2022 – *“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”.*

(E) PUBLICITY:

Oban Times advertisement – published 18.06.2023, expired 29.06.2023

(F) REPRESENTATIONS:

- (i) **Representations received from:**
 - N/A
 - (ii) **Summary of issues raised:**
 - N/A
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(G) SUPPORTING INFORMATION

Has the application been the subject of:

- (i) **Environmental Impact Assessment Report:** Yes No (if Yes insert EIA topics below)
 - (ii) **An Appropriate Assessment under the Conservation (Natural Habitats) Regulations 1994:** Yes No (if Yes attach as an appendix)
 - (iii) **A Design or Design/Access statement:** Yes No (if Yes insert summary of key issues below)
 - (iv) **A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:** Yes No (if Yes list supporting documents below)
Supporting Planning Statement – 25.05.2023
-

(H) PLANNING OBLIGATIONS

- Is a Section 75 agreement required:** Yes No (if Yes insert details of the terms and heads of agreement and, grounds for refusal if not completed within 4 months below)
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- (I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32:** Yes No (if Yes insert details of direction below)
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- (J) Section 25 of the Act; Development Plan and any other material considerations over and above those listed above which have been taken into account in the assessment of the application**

- (i) **List of all Development Plan Policy considerations taken into account in assessment of the application.**

[National Planning Framework 4 \(Adopted 13th February 2023\)](#)

Part 2 – National Planning Policy

Sustainable Places

NPF4 Policy 1 – Tackling the Climate and Nature Crises

NPF4 Policy 2 – Climate Mitigation and Adaption

NPF4 Policy 4 – Natural Places

NPF4 Policy 5 – Soils

NPF4 Policy 12 – Zero Waste

Liveable Places

NPF4 Policy 14 – Design, Quality and Place

NPF4 Policy 15 – Local Living and 20 Minute Neighbourhoods

NPF4 Policy 16 – Quality Homes

NPF4 Policy 17 – Rural Homes

Productive Places

NPF4 Policy 29 – Rural Development

[‘Argyll and Bute Local Development Plan’ Adopted March 2015](#)

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 8 – Supporting the Strength of our Communities

LDP 9 – Development Setting, Layout and Design

[‘Supplementary Guidance to the Argyll and Bute Local Plan 2015’ \(Adopted March 2016 & December 2016\)](#)

Natural Environment

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

SG LDP ENV 2 – Impact on European Sites

SG LDP ENV 4 – Impact on SSSIs and National Nature Reserves

SG LDP ENV 11 – Protection of Soil and Peat Resources

Landscape and Design

SG LDP 14 – Landscape

SG LDP ACE 1 – Area Capacity Evaluation

General Housing Development

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

Sustainable Siting and Design

SG LDP Sustainable – Sustainable Siting and Design Principles

Resources and Consumption

SG LDP SERV 1 – Private Sewage Treatment Plants & Wastewater Systems
SG LDP SERV 2 – Incorporation of Natural Features / SuDS

Transport (Including Core Paths)

SG LDP TRAN 4 – New & Existing, Public Roads & Private Access Regimes
SG LDP TRAN 6 – Vehicle Parking Provision

(ii) List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 3/2013

- Scottish Planning Policy
- Consultation Responses
- Planning History

[Argyll and Bute proposed Local Development Plan 2 \(November 2019\)](#) – The Examination by Scottish Government Reporters to the Argyll and Bute Local Development Plan 2 has now concluded and the [Examination Report](#) has been published (13th June 2023). The Examination Report is a material consideration of significant weight and may be used as such until the conclusion of the LDP2 Adoption Process. Consequently, the Proposed Local Development Plan 2 as recommended to be modified by the Examination Report and the published Non Notifiable Modifications is a material consideration in the determination of all planning and related applications.

Spatial and Settlement Strategy

Policy 02 – Outwith Settlement Areas
Policy 04 – Sustainable Development

High Quality Places

Policy 05 – Design and Placemaking
Policy 08 – Sustainable Siting
Policy 09 – Sustainable Design
Policy 10 – Design – All Development

Connected Places

Policy 34 – Electric Vehicle Charging Points
Policy 35 – Design of New and Existing, Public Roads and Private Access Regimes
Policy 39 – Construction Standards for Private Accesses
Policy 40 – Vehicle Parking Provision

Sustainable Communities

Policy 60 – Private Sewage Treatment Plants and Wastewater Drainage Systems
Policy 61 – Sustainable Urban Drainage Systems (SUDS)

High Quality Environment

Policy 79 – Protection of Soil and Peat Resources

(K) Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment: Yes No (if Yes confirm date of screening opinion and reference below)

(L) Has the application been the subject of statutory pre-application consultation (PAC): Yes No (if Yes provide summary detail of PAC below)

(M) Has a Sustainability Checklist been submitted: Yes No (if Yes provide detail below)

(N) Does the Council have an interest in the site: Yes No (if Yes provide detail below)

(O) Requirement for a pre-determination hearing: Yes No (if Yes insert details below)

(P)(i) Key Constraints/Designations Affected by the Development:

- N/A

(P)(ii) Soils

Agricultural Land Classification:

Class 4.10

Peatland/Carbon Rich Soils Classification:

- Class 1
Class 2
Class 3
N/A

Peat Depth Classification:

N/A

Does the development relate to croft land?

Yes No

Would the development restrict access to croft or better quality agricultural land?

Yes No N/A

Would the development result in fragmentation of croft / better quality agricultural land?

Yes No N/A

(P)(iii) Woodland

Will the proposal result in loss of trees/woodland?
(If yes, detail in summary assessment)

Yes
No

Does the proposal include any replacement or compensatory planting?

Yes

- No details to be secured by condition
- N/A

(P)(iv) Land Status / LDP Settlement Strategy

Status of Land within the Application
(tick all relevant boxes)

- Brownfield
- Brownfield Reclaimed by Nature
- Greenfield

ABC LDP 2015 Settlement Strategy
LDP DM 1 (tick all relevant boxes)

- Main Town Settlement Area
- Key Rural Settlement Area
- Village/Minor Settlement Area
- Rural Opportunity Area
- Countryside Zone
- Very Sensitive Countryside Zone
- Greenbelt

ABC LDP 2015 Allocations/PDAs/AFAs etc:

N/A

ABC pLDP2 Settlement Strategy
(tick all relevant boxes)

- Settlement Area
- Countryside Area
- Remote Countryside Area
- Helensburgh & Lomond Greenbelt

ABC pLDP2 Allocations/PDAs/AFAs etc:

N/A

(P)(v) Summary assessment and summary of determining issues and material considerations

The application for planning permission in principle proposes the erection of 4 dwellinghouses on land at Land at Coultorsay Farm, Bruichladdich which is part within a designated Rural Opportunity Area and part within a Countryside Zone as designated in the Argyll and Bute Local Development Plan 2015 (LDP). The application site, which measures some 0.89 hectares in area and which comprises an undeveloped area of rough grazing land, extends in a south-west to north-east direction along this particular part of the A847.

The application proposes the erection of 4No. detached dwellings which are positioned in a linear form within the application site. Each of the 4No. dwellings will front onto the A847. Dwelling/Plot 1 which is sited at the south-western extent of the application site measures some 2013m², Dwelling Plot 2 measures some 1627m², Dwelling Plot 3 measures some 1640m² and Dwelling Plot 2 measures, which is positioned towards the north-eastern extent of the application site measures 1712m². To the rear of each dwelling is positioned a parking area which is designed to accommodate two cars.

Access to the development is gained via a single entrance directly from the A847. This entrance leads onto a laneway which provides access to the rear of each of the four dwellings and their respective parking areas and which culminates towards the north-eastern extent of the application site in a turning area. The laneway incorporates approximately 2No. passing areas in its design.

Positioned along the north-eastern boundary of the site and within proximity to the aforementioned turning area is a septic tank/partial soakaway to serve the proposed development.

To the north of the application site lies Coultorsay House/Coultorsay Farm, to the north-east lies the laneway serving the aforementioned house/farm, to the east and south-east lies the A847, to the south lies a single storey detached building and 2No. telecommunication structures and to the west lies agricultural land.

As this is an application in principle, details in respect of the design of each dwelling, the access, landscaping etc. are not provided.

Principle

In the first instance, Policy LDP STRAT 1 is relevant to the application proposal. As detailed above, the application site is an undeveloped area of rough grazing land. As it therefore avoids the use of locally important good quality agricultural land, it complies with Policy LDP STRAT 1 of the LDP.

As also detailed above, the application site is located part within the Rural Opportunity Area and part within a Countryside Zone as designated in the Argyll and Bute Local Development Plan 2015. For this reason, Policy LDP DM 1 also provides the relevant policy context in this case. Herein criterion (D) relates to development within a Rural Opportunity Area (ROA) and criterion (E) relates to development within a Countryside Zone (CZ).

Policy LDP DM1 states that encouragement shall be given to sustainable forms of development. In respect of development within an ROA, this includes small scale development on appropriate sites including the open countryside. As the proposed development is for 4No. dwellings, it would represent 'small-scale' development as defined by SG LDP HOU 1. However, whilst the proposed development would be partly within the ROA, for the reasons that follow (see Landscape Character section below), the site would not represent an 'appropriate site' in the ROA with reference to Policy LDP DM1 (D).

Whilst the policy in respect of CZ essentially mirrors that of within ROA in that it also provides development up to small scale, it is qualified upon being on an appropriate infill, rounding off and redevelopment site. The application site, however, does not fall within any of these types of development sites.

Criterion (E) goes on to state that in exceptional cases, development in the open countryside up to and including large scale may be supported on appropriate sites if this accords with an Area Capacity Evaluation (ACE) in accordance with Policy SG LDP ACE 1 of the LDP.

In respect of this application, however, no ACE has been submitted with the application. Furthermore, whilst a supporting planning statement has been submitted, no exceptional case/reasons have been provided as to why the development is necessary in this location. For all these reasons, as the exception case has not been satisfied in the particular circumstances of this application, it is considered that the proposed development fails to comply with Policies LDP DM1, SG LDP HOU (A) and (B), SG LDP ACE 1 of the LDP, and as such NPF4 policies 9b), and 16f) ii).

Character of the Landscape

Policy SG LDP ENV 14 of the LDP provides the relevant policy context in addition to Policy LDP 3 of the LDP in the particular circumstances of this application in principle.

Policy SG LDP ENV 14 states, inter alia, that outwith National Scenic Areas and Areas of Panoramic Quality, of which this application site is not within, the Council will resist development when its scale, location or design will have a significant adverse impact on the character of the landscape unless two exceptions are accepted.

In this location, it is considered that the character of the landscape is predominantly agricultural land interspersed with isolated dwellings. This form of development I consider maintains the rural/countryside aspect of the area and maintains its landscape character and distinction from an urban setting. I consider however that the scale, form and layout of the proposed development, when set in this particular location and context, 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, noticeable from the surrounding area and adjacent road.

As no social, economic or environmental benefits of community wide importance have been provided in support of the application and I consider that no mitigation measures have been incorporated into the development proposal to minimise the aforementioned adverse effect, a policy exception has not been made out in this case. For these reasons, it is considered that the proposed development is contrary to Policies LDP 3, LDP 9, SG LDP Sustainable, SG LDP ENV 14 of the LDP, NPF4 policies 4a, 14 and 17c) iii.

Access

As detailed above, access would be taken directly from the A846. ABC Roads has raised no objection to the proposal subject to conditions. It is therefore considered that the proposed development complies with Policies LP TRAN 4 and LP TRAN 6 of the LDP.

All in all, and notwithstanding the conclusion in respect of the matter of access, for the reasons detailed above, I consider that the proposal is contrary Policies LDP DM1, LDP 3, LDP 9, LDP ACE 1, SG LDP Sustainable and SG LDP ENV 14 of the LDP, which are determining, and that as a result, I recommend that planning permission is refused.

Other Matters

The site is outwith but surrounded by the Rinns of Islay SSSI and SPA. However, based on the available evidence, it is not considered likely that the proposed development would have a significant effect (including cumulatively) on either designation.

It is also considered that a suitably worded planning conditions could address the consultation comments raised by the Roads Authority and West of Scotland Archaeological Services.

Matters Raised by Proposed Local Development Plan 2 (as modified by Examination)

For the reasons set out above and insofar as they relate to the harm identified, the proposal would also be contrary to

Policy 02 – Outwith Settlement Areas
Policy 04 – Sustainable Development

Policy 05 – Design and Placemaking
Policy 08 – Sustainable Siting

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’. However these factors would not outweigh the conflict the proposed development would have with the development plan when taken as a whole.

The proposal is considered to be in conflict with the relevant provisions of the Development Plan, and there are no other material considerations of sufficient significance to indicate that it would be appropriate to grant planning permission having regard to s25 of the Act.

(Q) Is the proposal consistent with the Development Plan: Yes No

(R) Reasons why Planning Permission or Planning Permission in Principle Should be Refused:

The proposal is considered to be in conflict with the relevant provisions of the Development Plan, and there are no other material considerations of sufficient significance to indicate that it would be appropriate to grant planning permission having regard to s25 of the Act. As such, planning permission should be refused for the proposed development.

(S) Reasoned justification for a departure to the provisions of the Development Plan

N/A

(T) Need for notification to Scottish Ministers or Historic Environment Scotland:
Yes No (If yes provide detail below)

Author of Report: Francis Gillespie **Date:** 15.01.2023

Reviewing Officer: Bryn Bowker **Date:** 14.02.2024

Fergus Murray
Head of Development & Economic Growth

REASONS FOR REFUSAL RELATIVE TO APPLICATION REF. NO. 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.

NOTE TO APPLICANT (Copy Informative Notes to Uniform Decision Tab)

- N/A.

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
(Complete Uniform Reception, Plans Tab)
- (B) The reason why planning permission in principle has been refused:

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.

From: [roadsconsmaiki](#)
To: [MacInnes, Hazel](#); [localreviewprocess](#)
Subject: RE: Notice of Review - Coultorsay, Bruiachladdich [OFFICIAL] [NOT PROTECTIVELY MARKED]
Date: 22 March 2024 14:52:41
Attachments: [Roads response 23.01028.PPP.pdf](#)

Classification: NOT PROTECTIVELY MARKED

Hi Hazel,

I have nothing further to add. I have attached a copy of my response, for ease of reference.

Regards

James

James Ross
Traffic & Development Officer MAKI
Argyll & Bute Council
Roads & Infrastructure Services
1A Manse Brae
Lochgilphead
Argyll
PA31 8RD
Tel. 01546 604655
e mail. james.ross@argyll-bute.gov.uk

From: MacInnes, Hazel <Hazel.MacInnes@argyll-bute.gov.uk>
Sent: 18 March 2024 10:51
To: localreviewprocess <localreviewprocess@argyll-bute.gov.uk>
Subject: Notice of Review - Coultorsay, Bruiachladdich [OFFICIAL]

Classification: OFFICIAL

Good morning,

Please find attached Notice of Review in respect of Coultorsay Farm, Bruiachladdich, Isle of Islay.

As detailed in the attached AB3 form, you have 14 days to provide any representation you may wish to make (by 1 April 2024).

Regards,
Hazel

Hazel Kelly MacInnes
Committee Services Officer
Legal and Regulatory Support

Argyll and Bute Council
Kilmory
Lochgilphead
PA31 8RT
Tel: 01546 604269
hazel.macinnes@argyll-bute.gov.uk
www.argyll-bute.gov.uk

Argyll and Bute Council classify the sensitivity of emails according to the Government Security Classifications. The adopted classifications are:

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Non public sector business i.e. does not require protection.

OFFICIAL

Routine public sector business, operations and services.

OFFICIAL-SENSITIVE

Particularly sensitive information that can be shared on a need to know basis, where inappropriate access or release could have damaging consequences. Disclosure in response to FOISA should be verified with the data owner prior to release.

OFFICIAL-SENSITIVE PERSONAL

Particularly sensitive information that can be shared on a need to know basis relating to an identifiable individual, where inappropriate access or release could have damaging consequences. For example, where relating to investigations, vulnerable individuals, or the personal / medical records of people.

OFFICIAL-SENSITIVE COMMERCIAL

Commercial or market-sensitive information, including that subject to statutory or regulatory obligations, that may be damaging to Argyll and Bute Council, or to a commercial partner if improperly accessed. Disclosure in response to FOISA should be verified with the data owner prior to release.

OBSERVATIONS ON PLANNING APPLICATION

Application No. **23 01028 PPP**

Contact James Ross

Tel. 01546-604655

Received 30/05/2023

Return By Date 20/06/2023

Call By Date

District Islay

Recommendation

No objection subject to conditions

Grid Reference 1255872 660360 Dated

Applicant Mr and Mrs Rosemary and Neil Wood

Proposed Development Site for erection of 4 dwellings

Location Land At Coultorsay Farm, Bruichladdich

Type of consent Outline Permission

Drawing Refs.

Comments

- 1. The applicant should ensure their plans show the required visibility splays within the site edge red.**

Conditions/Reasons for refusal/deferment

- 1. Connection of site access to public road, 136 x 2.40 x 1.05 metres.**
- 2. Connection of site access to public road to be constructed as per the Council's standard detail drawing ref: SD 08/006 Rev a. Access width to be 5.50 metres wide, for a distance of 10.00 metres.**
- 3. Roadside ditch to be culverted.**
- 4. Headwalls to be provided at each end of the culvert under the proposed vehicular access.**
- 5. Refuse collection point to be provided adjacent to the public road.**
- 6. A turning head to be provided at the end of the proposed private access.**
- 7. Details for the servicing of the proposed septic tank to be provided, for written approval by Roads & Infrastructure Services.**
- 8. Parking and turning for each dwelling, as per The Local Plan.**
- 9. Applicant to provide a scaled plan showing a positive surface drainage system to prevent the discharge of surface water onto the public road. For written approval by Roads & Infrastructure Services.**
- 10. If the applicant wishes to remove the stone walls rather than reduce the height, there should be no fences walls or hedges within 2.00 metre of the public road or within 1.00 metre of a roadside ditch.**

SEE COMMENTS ABOVE

Notes for Intimation to Applicant

- | | |
|----------------------------------|---------------------|
| (i) Construction Consent (S21)* | Not Required |
| (ii) Road Bond (S17)* | Not Required |
| (iii) Road Opening Permit (S56)* | Required |
| (iv) No surface water discharge* | Required |

*Relevant Section of the Roads (Scotland) Act 1984

Signed: J. Ross

Date 19/06/2023

ID 6521