

STATEMENT OF CASE

FOR

**ARGYLL AND BUTE COUNCIL
LOCAL REVIEW BODY**

24/0004/LRB

REFUSAL OF PLANNING PERMISSION 22/01950/PPP

SITE FOR THE ERECTION OF A DWELLINGHOUSE

PLOT 2, ACHNACAIRN, NORTH CONNEL

18 MARCH 2024

STATEMENT OF CASE

The Planning Authority is Argyll and Bute Council ('the Council'). The appellant is Mr and Mrs A MacLaurin ("the appellant").

Planning permission 22/01950/PPP for the site for the erection of a dwellinghouse on an area of land referred to as Plot 2, Achnacairn, North Connel, ("the appeal site") was refused by the Planning Service under delegated powers on the 4 December 2023.

The decision has been appealed and is subject of referral to a Local Review Body.

DESCRIPTION OF SITE

The site the subject of this review is situated to the rear of a dwellinghouse known as 'Iasgair' within a long established residential area of North Connel.

Whilst an indicative layout for the site has been shown, the purpose of the application was to establish the principle of development with the detailed matters of layout and design to be addressed by way of future application(s) for approval of matters specified in conditions.

STATUTORY BASIS ON WHICH THE APPEAL SHOULD BE DECIDED

Section 25 of the Town and Country Planning (Scotland) Act 1997 provides that where, in making any determination under the Planning Act, regard is to be had to the development plan, and all other material planning considerations and 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 issue in relation to the case is as follows:

Whether the proposed site represents an appropriate opportunity for development with a single dwellinghouse having sufficient regard to the established settlement pattern of the surrounding area.

The Report of Handling (Appendix 1) sets out the Council's full assessment of the application in terms of Development Plan policy and other material considerations.

REQUIREMENT FOR ADDITIONAL INFORMATION AND A HEARING

It is not considered that any additional information is required in light of the appellant's submission. The issues raised were assessed in the Report of Handling which is contained in Appendix 1. 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 any significant public representation, it is not considered that a Hearing is required.

COMMENT ON APPELLANT'S SUBMISSION

The appellant contends the view of the Planning Service, stating that:

- “...whilst the 4 immediate existing properties do front the public road, both Achnacairn and Greenloaning are set back from the public road and new developments in the close vicinity represent backland development and the approved application for planning permission in principle for plot 1 sites directly in front of Greenloaning. The proposal is on a greenfield site within the settlement area on the Local Development Plan however it does not have the benefit of having been allocated for development when just further north along the road there is a large development being formed”.

Officer Comment: *Whilst it is noted that the development approved on ‘Plot 1’, sits directly in front of Greenloaning, it fronts onto the existing private access track and is not directly to the rear of the dwellings which front onto the public road.*

It remains the view of the Planning Service, as set out in the assessment of the proposal at Section P of the Report of Handling appended to this Statement, that extending the development to the rear of the linear strip of roadside development would result in an inappropriate form of backland development contrary to the existing settlement pattern of the area to the detriment of the wider landscape.

- **The appellant indicates that pre-application advice was sought from the Planning Service prior to the application being submitted.**

Officer Comment: *Whilst this comment is noted, all pre-application advice issued comes with a caveat advising the enquirer that the advice provided represents the informal view of the Planning Officer and is given without prejudice to the outcome of any subsequent planning application submitted in respect of the proposed development.*

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’ (LDP2) (28/02/24)

It is highlighted that subsequent to planning permission in principle being refused (on 04/12/23) that the LDP2 has been adopted on 28 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 and offer a view on how each of these policy matters relate to the proposal. 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:

The site is located within North Connel identified as Settlement Area in LDP2 wherein the provisions of Policy 01 serve to give encouragement in principle for development. Within the settlement area, LDP2 Policy 01 sets out a general presumption in support of development provided that such development is appropriately sited, is of a scale and design which fits within the context of the locale, is compatible with the character and amenity of its surrounds and, does not give rise to adverse access or servicing implications. NPF4 Policy 9 sets out support in principle for the sustainable reuse of brownfield land, including vacant and derelict land and buildings subject to consideration of impact upon biodiversity and potential contaminants from previous uses.

As set out above, it is considered that the determining issue in relation to the case is as follows:

Whether the proposed site represents an appropriate opportunity for development with a single dwellinghouse having sufficient regard to the established settlement pattern of the surrounding area.

Whilst this location within the settlement area for North Connel has some potential to accommodate residential development, officers have reached a view that the development of the site with a dwellinghouse would represent an inappropriate form of backland development which would be contrary to the established settlement pattern within the surrounding area which is generally characterised by dwellinghouses presenting to the public road.

The proposal is accordingly considered to be contrary to NPF4 Policy 9 and LDP2 Policy 01, 04, 05 and 08.

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

APPENDIX 1

Argyll and Bute Council
Development & Economic Growth

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: 22/01950/PPP
Planning Hierarchy: Local
Applicant: Mr and Mrs A. McLaurin
Proposal: Site for the Erection of a Dwellinghouse
Site Address: Plot 2, Achnacairn, North Connel

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 Express Planning Permission

- Site for the erection of a dwellinghouse
- Formation of vehicular access
- Installation of septic tank and soakaway

(ii) Other specified operations

- Connection to public water main
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(B) RECOMMENDATION:

Having due regard to the Development Plan and all other material considerations, it is recommended that planning permission be REFUSED for the reasons appended to this report.

(C) CONSULTATIONS:

Argyll and Bute Council – Roads Authority

Report dated 28/10/22 advising no objection to the proposed development subject to conditions being imposed on the grant of permission to secure the clearance and ongoing maintenance of visibility splays at the junction with the public road and the provision of an appropriate parking and turning area within the site.

Scottish Water

Letter dated 19/10/22 advising no objection to the proposed development which would be serviced from the Tullich Water Treatment Works. Scottish Water do however advise that further investigations may be required once a formal application for connection to their infrastructure is submitted to them for consideration.

West of Scotland Archaeology Service (WOSAS)

E-mail dated 02/12/22 advising that the application site is within a landscape populated with recorded archaeological sites of prehistoric date and the Moss of Achnacree and surrounding area are exceptional in this regard as reflected by the number and density of Scheduled Ancient Monuments (SAM). WOSAS provide comments on the impact of the proposed development on the nearest SAM and advise the Planning Authority to consult with Historic Environment Scotland. WOSAS further note that the large area of ground that will be disturbed by the development stands a good chance of unearthing visible or buried unrecorded remains which could be of any period and which may survive below ground level. Accordingly, should permission be granted, WOSAS seek that a condition be imposed on the grant of permission to secure a programme of archaeological works for the site.

Historic Environment Scotland (HES)

Letter dated 01/11/23 advising, in summary, that whilst the proposed dwellinghouse is likely to affect the setting of the adjacent SAM, the impact would be relatively minor. In views to or from the monument, a dwellinghouse in this location would appear as part of the existing settlement pattern around Achnacree Bay. The integrity of the monument's setting would not, therefore, be significantly affected. HES note that the application is for planning permission in principle and therefore they advise that their comments are based on the assumption that any eventual planning application will be for a house of a similar scale and design to those existing in the vicinity i.e. a building of one or 1.5 storeys. A larger dwellinghouse may result in greater impacts to the setting of the monument, which could, depending on the magnitude of impact, result in an objection.

(D) HISTORY:

22/01949/PPP (adjacent site)

Site for the erection of a dwellinghouse – Withdrawn on advice from HES.

(E) PUBLICITY:

The proposal has been advertised in terms of Neighbour Notification procedures, closing date 04/11/22.

(F) REPRESENTATIONS:

(i) Representations received from:

No representations have been received regarding the proposed development.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- (i) **Environmental Impact Assessment Report:** Yes No
- (ii) **An Appropriate Assessment under the Conservation (Natural Habitats) Regulations 1994:** Yes No
- (iii) **A Design or Design/Access statement:** Yes No
- (iv) **A report on the impact of the proposed development e.g. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:** Yes No
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(H) PLANNING OBLIGATIONS

Is a Section 75 agreement required: Yes No

- (I) **Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32:** Yes No
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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 3 – Biodiversity

NPF4 Policy 4 – Natural Places

NPF4 Policy 7 – Historic Assets and Places

NPF4 Policy 9 – Brownfield, Vacant and Derelict Land and Empty Buildings
(includes provisions relevant to Greenfield Sites)

NPF4 Policy 12 – Zero Waste

NPF4 Policy 13 – Sustainable Transport

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 18 – Infrastructure First

NPF4 Policy 22 – Flood Risk and Water Management

'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
LDP 10 – Maximising our Resources and Reducing our Consumption
LDP 11 – Improving our Connectivity and Infrastructure

'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

Landscape and Design

SG LDP ENV 14 – Landscape

Historic Environment and Archaeology

SG LDP ENV 19 – Impact on Scheduled Ancient Monuments (SAMs)
SG LDP ENV 20 – Sites of Archaeological Importance

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
SG LDP SERV 5(b) – Provision of Waste Storage & Collection Facilities within New Development

Transport (Including Core Paths)

SG LDP TRAN 2 – Development and Public Transport Accessibility
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.**

- Consultation Responses

- [ABC Technical Note – Biodiversity \(Feb 2017\)](#)

[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 01 – 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
Policy 15 – Protection, Conservation and Enhancement of Our Historic Environment
Policy 19 – Scheduled Monuments
Policy 21 – Sites of Archaeological Importance

Connected Places

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 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)
Policy 63 – Waste Related Development and Waste Management

Homes for People

Policy 67 – Provision of Housing to Meet Local Needs Including Affordable Housing

High Quality Environment

Policy 73 – Development Impact on Habitats, Species and Biodiversity

(K) Is the proposal a Schedule 2 Development not requiring an Environmental

Impact Assessment: Yes No

(L) Has the application been the subject of statutory pre-application consultation (PAC): Yes No

(M) Has a Sustainability Checklist been submitted: Yes No

(N) Does the Council have an interest in the site: Yes No

(O) Requirement for a pre-determination hearing: Yes No

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

- Scheduled Ancient Monument SM3707 – Achnacree Moss Cairn

(P)(ii) Soils

Agricultural Land Classification:

Class 4.2 - Land capable of producing a narrow range of crops, primarily on grassland with short arable breaks of forage crops.

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 is seeking to secure planning permission in principle (PPP) for a single dwellinghouse on an area of ground to the south of Achnacairn, North Connel.

The site is referenced as Plot 2 as it was submitted with an associated application directly to the north which was referenced as Plot 1 which has since been withdrawn on the advice of HES due to the impact of the development on the setting on SAM 3707 to the west.

Whilst an indicative layout for the site has been shown, the purpose of this application is to establish the principle of development with the detailed matters of layout and design to be addressed by way of future application(s) for approval of matters specified in conditions.

The site is within the defined Minor Settlement of North Connel where LDP Policies LDP STRAT 1 and LDP DM 1 give general encouragement to small scale development on appropriate sites. These main policy considerations are underpinned by the SG contained within SG LDP HOU 1 and SG LDP ENV 14 which offer further support to appropriate scales of residential development where such development would have no significant adverse impact upon the character of the landscape and where there is no unacceptable environmental, servicing or access impact.

However, whilst the general presumption in favour of development within this area of North Connel is established by current policy, this is qualified by the requirement to ensure that developments accord with the existing and established pattern of development and do not result in an unacceptable environmental, servicing or access impact. The Sustainable Siting and Design Principles (SSDP) of the LDP advise on the standards that will be applied to all developments with an overwhelming emphasis on respecting the character and setting of the area into which the individual development proposal is to be located, taking account of local spacing, layout, densities, privacy and amenity standards. This remains the main criteria against which the suitability or otherwise a development shall be evaluated.

The site the subject of this application is situated to the rear of a dwellinghouse known as 'Iasgair' within a long established residential area of North Connel.

Development within this area of North Connel is mixed in style and appearance but properties are generally situated within spacious plots fronting the C25 Bonawe public road. It is considered that extending the development to the rear of this linear strip of roadside development would result in an inappropriate form of backland development contrary to the existing settlement pattern of the area to the detriment of the wider landscape.

An existing private access track spurring from the C25 Bonawe public road is to be utilised to serve the proposed development with a new spur into the site with water supply via connection to the public water main and drainage via the installation of a septic tank and soakaway due to the lack of public drainage infrastructure within the vicinity of the site.

NPF4 Policy 1 seeks to prioritise the climate and nature crises in all decisions; it requires to be applied together with other policies in NPF4. Guidance from the Scottish Government advises that it is for the decision maker to determine whether the significant weight to be applied tips the balance in favour for, or against a proposal on the basis of its positive or negative contribution to climate and nature crises.

NPF4 Policy 2 seeks to ensure that new development proposals will be sited to minimise lifecycle greenhouse gas emissions as far as possible, and that proposals will be sited and designed to adapt to current and future risks from climate change. Guidance from the Scottish Government confirms that at present there is no single accepted methodology for calculating and / or minimising emissions. The emphasis is on minimising emissions as far as possible, rather than eliminating emissions. It is noted that the provisions of the Settlement Strategy set out within Policy LDP DM 1 of the LDP promotes sustainable levels of growth by steering significant development to our Main Towns and Settlements, rural growth is supported through identification of Key Rural Settlements and safeguards more sensitive and vulnerable areas within its various countryside designations.

NPF4 Policy 3 seeks to protect biodiversity, reverse biodiversity loss and deliver positive effects from development and strengthen nature networks.

In the case of the development proposed by this application, it is considered that there are no issues of compliance with Policy 3. No material biodiversity impacts have been identified in the assessment of this application by the Planning Authority and whilst no specific proposals for biodiversity improvements have been submitted it is considered that adequate and proportionate measures for biodiversity enhancement and protection could be secured via planning condition in the event that PPP was to be granted. The proposed development is therefore considered to be in compliance with NPF4 Policy 3 as underpinned by LDP Policies LDP 3 and SG LDP ENV 1 and Policy 73 of pLDP2.

NPF4 Policy 4 seeks to protect, restore and enhance natural assets making best use of nature-based solutions.

The development proposed by the current planning application is considered appropriate in terms of its type, location and scale such that it will have no unacceptable impact on the natural environment. The proposed development is not within any designated European site of natural environment conservation or protection, it is not located within a National Park, a National Scenic Area a SSSI or RAMSAR site, or a National Nature Reserve. Neither is it located within a site

designated as a local nature conservation site or landscape area or within an area identified as wild land.

The proposed development is therefore considered to be in accordance with NPF4 Policy 4 as underpinned by LDP Policies LDP 3 and SG LDP ENV 1 and Policy 73 of pLDP2.

NPF4 Policy 7 seeks to protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places.

The development the subject of this application will not affect a listed building and neither is it located within a conservation area or any other historic designation.

Part (a) of Policy 7 seeks to ensure that any proposals which are likely to have a significant impact on historic assets or places are accompanied by an assessment which is based on an understanding of the cultural significance of the historic asset and/or place. In this case, it is not considered that the proposed development will have a significant impact on historic assets or places.

Part (h) of Policy 7 seeks to ensure that proposed developments do not have an adverse impact on the appearance or setting of SAMs.

Part (o) of Policy 7 seeks to ensure that where there is potential for non-designated buried archaeological remains to exist below a site, developers will provide an evaluation of the archaeological resource at an early stage to allow the Planning Authority to assess impacts.

With regards to Policy 7(h) above, HES have advised that whilst the proposed dwellinghouse is likely to affect the setting of the adjacent SAM, the impact would be relatively minor. HES advise that in views to or from the monument, a dwellinghouse in this location would appear as part of the existing settlement pattern around Achnacree Bay. HES therefore advise that the integrity of the monument's setting would not be significantly affected, provided that the scale of the dwellinghouse was in keeping with the size and scale those in the surrounding area.

Furthermore, notwithstanding the provisions of Policy 7(o) above, the WOSAS advised that, whilst there is the potential for archaeological discoveries within the site, this can be adequately addressed by a condition imposed on the grant of permission to secure an archaeological watching brief for the site to be undertaken and agreed with the WOSAS prior to work starting on the proposed development.

Accordingly, in the event that PPP was to be granted, the requirements of the WOSAS and HES could be secured by a condition imposed on the grant of permission deeming the proposal to be in compliance with NPF4 Policy 7 as underpinned by LDP Policies LDP 3, SG LDP ENV 19 and SG LDP ENV 20 and Policies 20 and 21 of pLDP2.

NPF4 Policy 9 seeks to encourage, promote and facilitate the reuse of brownfield, vacant and derelict land and empty buildings, and to help reduce the need for greenfield development.

The site is within the defined Minor Settlement of North Connel where LDP Policies LDP STRAT 1 and LDP DM 1 give general encouragement to small scale development on appropriate sites. These main policy considerations are

underpinned by the SG contained within SG LDP HOU 1 and SG LDP ENV 14 which offer further support to appropriate scales of residential development where such development would have no significant adverse impact upon the character of the landscape and where there is no unacceptable environmental, servicing or access impact.

However, as detailed above, whilst the general presumption in favour of development within this area of North Connel is established by current policy, this is qualified by the requirement to ensure that developments accord with the existing and established pattern of development and do not result in an unacceptable environmental, servicing or access impact. The SSDP of the LDP advise on the standards that will be applied to all developments with an overwhelming emphasis on respecting the character and setting of the area into which the individual development proposal is to be located, taking account of local spacing, layout, densities, privacy and amenity standards. This remains the main criteria against which the suitability or otherwise a development shall be evaluated.

Development within this area of North Connel is mixed in style and appearance but properties are generally situated within spacious plots fronting the C25 Bonawe public road. It is considered that extending the development to the rear of this linear strip of roadside development would result in an inappropriate form of backland development contrary to the existing settlement pattern of the area to the detriment of the wider landscape.

In terms of pLDP2, the site is identified as being within a 'Settlement Area' where Policy 01 gives general support to development provided that it is compatible with surrounding uses; provides appropriate infrastructure; is of an appropriate scale and fit for the size of settlement in which it is proposed; and respects the character and appearance of the surrounding townscape in terms of density, scale, massing, design, external finishes and access arrangements.

It is considered that the proposed development is contrary to NPF4 Policy 9 as underpinned by LDP Policies LDP STRAT 1, LDP DM 1, SG LDP ENV 14 and SG LDP HOU 1 and Policy 01 of pLDP2.

NPF4 Policy 12 seeks to encourage, promote and facilitate development that is consistent with the waste hierarchy as defined within the policy document.

The development the subject of this planning application seeks to establish the principle of a new single dwellinghouse. Whilst this is a development likely to generate waste when operational, it will benefit from regular waste uplifts by the Council and will be expected to comply with our adopted and enforced recycling and reuse strategy. In this regard, the proposed development is considered to be in compliance with NPF 4 Policy 12(c) as underpinned by LDP Policies LDP 10 and SG LDP SERV 5(b) and Policy 63 of pLDP2.

NPF4 Policy 13 seeks to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably.

The development the subject of this planning application seeks to establish the principle of a new single dwellinghouse. The application proposes to utilise an existing private access track spurring from the C25 Bonawe public road to serve the proposed development. The Council's Roads Authority has raised no objection to the proposed development subject to conditions being imposed on any

permission granted to secure the clearance and ongoing maintenance of visibility splays at the junction with the public road and the provision of an appropriate parking and turning area within the site. Subject to such details being secured via condition in the event that PPP were to be granted, the proposal is considered to be compliant with the terms of NPF4 Policy 13 as underpinned by LDP Policies LDP 11, SG LDP TRAN 2, SG LDP TRAN 4 and SG LDP TRAN 6, and Policies 35, 36, 37, 39 and 40 of pLDP2, which collectively seek to ensure that developments are served by a safe means of vehicular access and have an appropriate parking and turning area within the site.

NPF4 Policy 14 seeks to encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the 'Place Principle'.

NPF4 Policy 14(c) states that development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful place will not be supported. In this instance, whilst the site the subject of the application is within the defined Minor Settlement Zone of North Connel, where the LDP gives general support to small scale housing development, on appropriate sites, this is subject to the requirement to ensure that developments accord with the existing and established pattern of development and do not result in an unacceptable environmental, servicing or access impact. As detailed above, the SSDP advise on the standards that will be applied to all developments with an overwhelming emphasis on respecting the character and setting of the area into which the individual development proposal is to be located, taking account of local spacing, layout, densities, privacy and amenity standards. This remains the main criteria against which the suitability or otherwise a development shall be evaluated.

It is considered that extending the development to the rear of this linear strip of roadside development would result in an inappropriate form of backland development contrary to the existing settlement pattern of the area to the detriment of the wider landscape.

The proposed development fails to pay regard to the wider surroundings of the site in terms of the existing character, scale and density and is considered to be contrary to NPF4 Policy 14 as underpinned by LDP Policy LDP DM 1 and SG LDP HOU and Policies 02 and 08 of pLDP2.

NPF4 Policy 15 seeks to encourage, promote and facilitate the application of the Place Principle and create connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home.

In terms of our adopted settlement strategy, as detailed at NPF4 Policies 9 and 14 above, the site of the proposed development is within the defined Settlement Zone of Oban where LDP Policies LDP STRAT 1 and LDP DM 1 give general encouragement to development on appropriate sites with these main policy considerations underpinned by the SG contained within SG LDP HOU 1 and SG LDP ENV 14 which offer further support to appropriate scales of residential development where such development would have no significant adverse impact upon the character of the landscape and where there is no unacceptable environmental, servicing or access impact.

However, as detailed at NPF4 Policies 9 and 14 above, the presumption in favour of development within the defined Settlement Zones, is qualified by the requirement

to ensure that developments accord with the existing and established pattern of development with an overwhelming emphasis on respecting the character and setting of the area into which the individual development proposal is to be located, taking account of local spacing, layout, densities, privacy and amenity standards.

It is considered that extending the development to the rear of this linear strip of roadside development would result in an inappropriate form of backland development contrary to the existing settlement pattern of the area to the detriment of the wider landscape.

In this instance, the proposed development site would fail to respect the existing established settlement pattern resulting in an adverse environmental impact and therefore would fail to meet the requirements of NPF4 Policy 15 as underpinned by the settlement strategy policies contained within LDP Policies LDP DM 1, LDP 8, SG LDP ENV 14 and SG LDP HOU 1 and Policies 04 and 08 of pLDP2.

NPF4 Policy 16 seeks to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable homes in the right locations and providing choice of tenure to meet diverse housing needs.

Policy 16 supports development proposals for new homes that improve choice, including at Policy 16(c) 'self-provided homes'.

The need in Policy 16(f) to ensure that development proposals for an agreed timescale for build-out will be covered through the use of a planning condition.

In the case of this application, whilst the timescale for build-out could be secured via condition to be addressed by way of future application(s) for approval of matters specified in conditions, the application site is not consistent with the LDP spatial strategy. The proposed development is therefore considered to conflict with NPF4 Policy 16 as underpinned by LDP Policies LDP DM 1, LDP 8 and SG LDP HOU 1.

NPF4 Policy 18 seeks to encourage, promote and facilitate an infrastructure first approach to land use planning.

The development the subject of this planning application proposes connection to the public water main with drainage via installation of a septic tank and soakaway due to the lack of public drainage infrastructure within the vicinity of the site. Scottish Water raised no objection to connection to the public water main but provided advisory comments for the Applicant with regards to further investigations once a formal application for connection is submitted to them for consideration. As the application is seeking PPP, no details of the finer details of the septic tank and soakaway have been submitted with the application, with these being subject of approval through a further planning application(s) should PPP be granted. In this regard the proposal would be consistent with the broad aims of NPF4 Policy 18 as underpinned by LDP Policies LDP 11 and SG LDP SERV 1 and Policies 04, 05, 08 and 60 of pLDP2 which seek to ensure that suitable infrastructure is available to serve developments and give support to private arrangements where connection to the public systems is not available.

NPF4 Policy 22 seeks to strengthen resilience to flood risk and to ensure that water resources are used efficiently and sustainably.

As detailed above water supply is via connection to the public water main to which Scottish Water raised no objection. The management of rain and surface water at

the site would be managed through the provision of a sustainable urban drainage system, which could be adequately secured through the use of a planning condition should PPP be granted. The proposed development is considered to be acceptable in terms of NPF4 Policy 22 as underpinned by LDP Policies LDP 10, LDP 11, SG LDP SERV 6 and Policies 04, 05, 08, 59 and 61 of pLDP2.

Whilst it has been demonstrated that appropriate servicing and infrastructure arrangements can be provided to serve a single dwellinghouse on the site, the principle of the development of the site with a dwellinghouse is not considered to be acceptable as it would result in an inappropriate form of backland development contrary to the existing settlement pattern of the area to the detriment of the wider landscape.

There is sufficient alignment in the assessment of the proposal against both provisions of the current Local Development Plan and the Proposed Local Development Plan 2 (as modified) that a decision can be made under the current development plan without giving rise to fundamental conflict with PLDP2 (as modified).

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

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

See reasons for refusal below.

(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

Author of Report: Fiona Scott

Date: 22/11/23

Reviewing Officer: Peter Bain

Date: 04.12.2023

Fergus Murray
Head of Development & Economic Growth

REASONS FOR REFUSAL RELATIVE TO APPLICATION REF. NO. 22/01950/PPP

1. The proposed development on this greenfield site conflicts with National Planning Policy NPF4 Policy 9.

NPF4 Policy 9 (b) states that proposals on greenfield sites will not be supported unless the site has been allocated for development or the proposal is explicitly supported in the LDP.

Whilst the development proposed by this planning application is on a greenfield site, in terms of the adopted settlement strategy, the site of the proposed development is within the defined Minor Settlement of North Connel where LDP Policies LDP STRAT 1 and LDP DM 1 give general encouragement to development, up to and including large scale, on appropriate sites. These main policy considerations are underpinned by the SG contained within SG LDP HOU 1 and SG LDP ENV 14 which offer further support to appropriate scales of residential development where such development would have no significant adverse impact upon the character of the landscape and where there is no unacceptable environmental, servicing or access impact.

However, whilst the general presumption in favour of development within this area of North Connel is established by current policy, this is qualified by the requirement to ensure that developments accord with the existing and established pattern of development and do not result in an unacceptable environmental, servicing or access impact. The Sustainable Siting and Design Principles of the LDP advise on the standards that will be applied to all developments with an overwhelming emphasis on respecting the character and setting of the area into which the individual development proposal is to be located, taking account of local spacing, layout, densities, privacy and amenity standards. This remains the main criteria against which the suitability or otherwise a development shall be evaluated.

Development within this area of North Connel is mixed in style and appearance but properties are generally situated within spacious plots fronting the C25 public road. The site the subject of this application is situated to the rear of a row of established residential properties which front the public road representing backland development contrary to the established settlement pattern.

It is considered that the development of the site with a dwellinghouse would represent an inappropriate form of backland development which would be contrary to the established settlement pattern within the surrounding area which is generally characterised by dwellinghouse presenting to the public road and therefore it is considered that the proposed development is contrary to NPF4 Policy 9 as underpinned by LDP Policies LDP STRAT 1, LDP DM 1, SG LDP ENV 14 and SG LDP HOU 1 and Policy 01 of pLDP2.

APPENDIX TO DECISION REFUSAL NOTICE

Appendix relative to application **22/01950/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

(B) The reason why planning permission has been approved:

See reasons for refusal above.