

STATEMENT OF CASE

FOR

**ARGYLL AND BUTE COUNCIL
LOCAL REVIEW BODY**

**REFUSAL OF PLANNING PERMISSION FOR
ERECTION OF DWELLINGHOUSE AND SITING
OF 2 TEMPORARY CARAVANS
(RETROSPECTIVE), ERECTION OF TIMBER
STORAGE SHED (RETROSPECTIVE)
INSTALLATION OF SEWAGE TREATMENT
PLANT, FORMATION OF CAR PARKING AREA
AND ASSOCIATED WORKS AT LAND WEST OF
STRATHHOLM CLACHAN TARBET ARGYLL
AND BUTE**

**PLANNING APPLICATION REFERENCE
NUMBER 21/02691/PP**

**LOCAL REVIEW BOARD REFERENCE
NUMBER 24/0009/LRB**

7th May 2024

STATEMENT OF CASE

is Mr Lee Wheeler

appellant

The planning application, reference number 21/02691/PP for the Erection of dwellinghouse and siting of 2 temporary caravans (retrospective), erection of timber storage shed (retrospective) installation of sewage treatment plant, formation of car pl/F3 12 Tji o3(r 3 12 Tea(e)}3(3(r 3 12 (m)3251(())13(r 3 12 ss3()- TJiat(d)

LDP SERV 7 should be disregarded. As such it is considered that Members have all the information they need to determine the case.

COMMENT ON APPELLANTS' SUBMISSION

Having regard to the detailed submission, it is noted the submission focusses on procedural concerns with the planning application rather than the reason for refusal. For clarity, and in

dated 9th do not provide information on

requirement for the appellant to undertake a Flood Risk Assessment.

Similarly, a response dated 25th

Advisor notes the need for a Flood Risk Assessment (FRA) that quantifies the 1:200 year plus climate change fluvial and surface water flood events. As such, the matter of flood risk was a live issue prior to the publication of NPF4 on 13th February 2023. Importantly, it should be noted that the burden of proof (in this case the need for a sufficient FRA) is on the applicant. Despite the passage of time, the appellant has not produced the evidence required by the
aintain the need for a
sufficient FRA in their correspondence dated and the 8th September 2023 and 19th September 2023 respectively. Indeed, SEPA (a Statutory Consultee) maintain a holding objection to the planning application.

In summary, none of the procedural points raised by the appellant raise any material considerations that would justify allowing the appeal, the determination of which must be based on the development plan at the point the decision is made.

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. It is considered there are no material considerations that indicate that the proposed development should be taken other than in accordance with the development plan. For the reasons set out in the Report of Handling and decision notice, it is considered that the proposed development would conflict with the development plan when taken as a whole. As such, it is respectfully requested that the request for a review be dismissed.

Appended documents:

Report of Handling.