

Report

Report to:	Planning Committee
Date of Meeting:	8 August 2023
Report by:	Executive Director (Community and Enterprise Resources)

Reference no:	P/22/1359
Proposal:	Change of use of domestic office and gym to a one-bedroom self-catering holiday let (retrospective)
Site Address:	3 Mauldslie Castle Orchard Mauldslie Road Carluke ML8 5FJ
Applicant:	Mr Archie Loudon
Agent:	David Haire
Ward:	01 Clydesdale West
Application Type:	Full Planning Permission
Advert Type:	Non-notification of neighbours
Development Plan Compliance:	Yes
Departures:	n/a
Recommendation:	Grant subject to conditions
Legal Agreement:	n/a
Direction to Scottish Ministers	n/a

1. Reason for Report

- 1.1. The application is required to be determined by the Planning Committee under Clause 4.1 of the Decision-Making Process 2015: any application which has attracted more than five objections.

2. Site Description

- 2.1. The application site is an existing one and a half storey, residential garage set within the curtilage of a detached residential property within a newly established small housing development within the Mauldslee Estate approximately 200m to the north of Rosebank on the opposite side of the River Clyde.
- 2.2. The garage comprises parking for 3 cars on the ground floor with living accommodation above. The living accommodation is accessed via an internal stair and comprises a living, kitchen area, bathroom and 1 bedroom. The upper floor was originally to provide a domestic office and gym space with bathroom facilities ancillary to the main dwellinghouse. Hardstanding is located to the front of the garage with external parking for a minimum of 3 vehicles in front of the garage doors.

3. Description of Proposed Development

- 3.1. The application seeks retrospective consent for the change of use of the upper floor of the building to allow it to be used for a one-bedroom self-catering holiday let. As the proposals are to operate a short-term holiday let they are separate to the existing domestic use of the property and as such are in a separate use class of their own which requires planning permission.

4. Relevant Planning History

- 4.1. The donor dwellinghouse is part of a 9 house development granted planning permission in November 2013 (CL/13/0348). Planning permission was granted in July 2019 under delegated powers for the erection of the detached triple garage with upper floor office and gym, formation of retaining walls and raised patio with screen fence (Planning Ref: P/19/0215).

5. Supporting Information

- 5.1. The application was submitted with a location and site plans and elevational drawings of the garage including the internal layout.

6. Consultations

- 6.1. **Environmental Services** – have no objections to the proposals and do not recommend any conditions being attached to any permission, if granted. Requested that a standard advisory note relating to noise nuisance be attached to any permission if granted.

Response: Noted.

7. Representations

- 7.1. Following the statutory period of neighbour notification and advertisement, a total of 9 objections have been received from 8 separate third parties. The issues raised are summarised as follows:-

- ◆ Increase in traffic
- ◆ Road Safety – traffic speeds
- ◆ Road Safety – inadequate access
- ◆ Impact on wildlife through traffic
- ◆ Pedestrian safety
- ◆ Late night / early morning activity
- ◆ Noise disturbance

- ◆ Impact on amenity
- ◆ Garage restricted to domestic use

The above issues will be considered in the assessment below and full copies are available to view on the planning portal.

8. Development Plan

8.1 Section 33 of the Town and Country Planning (Scotland) Act 1997 allows a Planning Authority, should they be minded, to grant planning permission to a development including development that has already been carried out (i.e. in retrospect). Therefore, the retrospective nature of this application does not prohibit the Council, as Planning Authority, to carry out a detailed assessment of the planning application as required under Section 25 of the Town and Country Planning Act 1997.

8.2. Under Section 25 of the Town and Country Planning (Scotland) Act 1997, all applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

8.3. National Planning Framework 4

National Planning Framework 4 (NPF4) is Scotland's national spatial strategy for Scotland. It sets out spatial principles, regional priorities, national developments and national planning policy. NPF4 supports the planning and delivery of sustainable places, liveable places and productive places.

National Planning Framework 4 Policies

Policy 1 - Tackling the climate and nature crisis

Policy 2 - Climate mitigation and adaptation

Policy 8 – Green belts

Policy 30 – Tourism

8.4. South Lanarkshire Local Development Plan 2 (2021)

For the purposes of determining planning applications the Council will, therefore, assess proposals against the policies contained within the adopted South Lanarkshire Local Development Plan 2 (SLLDP2).

8.5. In this regard the application site and associated proposals are affected by the following policies contained in the SLLDP2:-

SLLDP2 Volume 1 Policies

Policy 2 - Climate Change

Policy 4 – Green Belt and Rural Area

Policy 5 - Development Management and Placemaking

SLLDP2 Volume 2 Policies

Policy GBRA2 – Business proposals in the Green Belt and Rural Area

South Lanarkshire Council (SLC) Supporting Planning Guidance

Development at a Dwellinghouse

9. Guidance

9.1. None

10. Assessment and Discussion

10.1. Introduction

The main issues to be addressed in the determination of this application includes the acceptability in principle of the proposed development, impact upon amenity and an assessment of technical matters. The policies contained within National Planning Framework 4 and the South Lanarkshire Local Development Plan 2 are the main consideration in this case, together with an assessment of any other material planning considerations.

10.2 Principle of Development

The application site is located within a small residential group identified as lying in the Green Belt in the adopted South Lanarkshire Local Development Plan 2. NPF4 Policy 8 Green Belts is a high-level strategic policy designed to encourage, promote and facilitate compact urban growth and use the land around towns sustainably. It sets out a range of uses that may be supported and they include tourism uses.

10.3 SLLDP2 Policy 4 – Green Belt and Rural Area states that the purpose of the Green Belt is to direct development to the most appropriate locations and support regeneration, protect and enhance the character, landscape setting and identity of the settlement and protect and provide access to open space. Policy GBRA2 defines uses that are considered appropriate in the Green Belt and they include holiday accommodation.

10.4 The proposals do not involve an extension or alterations to the building and, as such, they do not impact on the objectives of the Green Belt or the environmental quality of the area. In view of this, it is considered that the principle of the change of use of part of an existing building accords with the relevant policies of the Development Plan subject to detailed assessment as set out below.

10.5 Climate Change

Policies 1 and 2 of NPF4 identify that: development shall take account of the global climate and nature crises; and that development should minimise emissions and be adapted to take account of current and future climate risks. In addition, Policy 2 – Climate Change in SLLDP2 states that all new development proposals should seek to minimise and mitigate against the effects of climate change. In this instance, the proposal is only for the change of use of an existing building which makes use of existing services. The site is not at risk of flooding and there would be no adverse impacts on biodiversity, soils or air quality of the blue/green network. The site is within walking distance of a bus route on the A72.

10.6 Impact Upon Amenity

NPF4 Policy 30 - Tourism states that the reuse of existing buildings for short term holiday letting will not be supported where the proposal has an unacceptable impact on local amenity or the character of the area, or where the proposal would result in the loss of residential accommodation where such loss is not outweighed by demonstratable local benefits. SLLDP2 Policy 5 states that all proposals require to be well designed and integrated with the local area and that proposals should have no unacceptable significant adverse impacts on the local community and environment. It provides a checklist of amenity issues that will be considered in the assessment of development proposals. In support of Policy 5, the Supporting Planning Guidance: Carrying out Development at a Dwellinghouse, contains detailed guidance on short term lets and provides a list of matters to be considered in the assessment of any planning application for such a proposed use. These matters relate to residential amenity, waste collection/disposal, car parking and the use of garden ground. This

guidance also states that only a temporary consent is likely to be approved for such a use, for 10 years, after which time the use of the property would revert to residential use.

10.7 It is considered that the scale of the property with one bedroom and a shared kitchen/ living area minimises the number of users that can stay at any one time which in itself adds an element of control to the use and numbers of each short-term let. The location of the property is set within the residential grounds of an existing dwellinghouse and does not share an access or grounds with any separate third party residential property which again naturally limits the impact of the short-term use on the amenity of the area. The location within the curtilage of an existing residential property introduces an element of self-control for the short-term use as the operator would generally be on site and the accommodation is a recognised part of the curtilage of an occupied, residential property. An area of hardstanding to the front of the property provides at least 3 spaces to ensure cars are parked within the curtilage of the host property and not in any public or shared areas. The proposals do not involve the loss of residential accommodation as, in this instance, the proposals relate to an existing building that is ancillary to the residential use of the host property and not a dwellinghouse in its own right.

10.8 Informally as part of the planning application process, the applicant has submitted a statement which describes the management of the activity. Guests are only allowed to stay when the operator is in residence in the host property; guests with campervans are not permitted; parking is provided; detailed directions to the property are given as part of the booking; bookings are limited to two adults only at a time or an adult with a child over 16; and that the keys are required to be collected from the operator in person at check in. It is considered that these practices would ensure that any impact on the surrounding amenity of the area would be kept to a minimum.

10.9 It is considered that the scale and location of the proposals within the curtilage of an occupied residential property would not result in its use for short-term lets having a significant, adverse impact upon the surrounding amenity of the area subject to it being suitably managed by the applicant. The impact upon amenity and the character of the area would not be significantly changed by short term-lets of the scale proposed in a one-bedroom property with a small living/ kitchen area of this size. The scale of the proposals would not result in the generation of waste on a commercial basis and it is considered that any waste could be managed as part of the host property's domestic waste collection. The proposals are for a change of use of an existing building and there is no impact upon the level of garden ground provision in relation to the host property. It is therefore considered that the proposals accord with the relevant policies of the Development Plan in this instance.

10.10 Technical Matters

From 1 October 2022 all new short-term let hosts and operators were required to have a licence with all existing hosts or operators requiring a licence by 1 October 2023. Whilst separate to the Planning System, it is noted that the licence considerations include whether the applicant is 'fit and proper', the condition of the premises in relation to fire safety and occupancy numbers. It is therefore noted that as well as planning permission, the operation of this short-term let would also require separate controls through its licence in relation to safety and management concerns.

10.11 Other Concerns Raised

In relation to the garage being restricted to domestic use, the only conditions attached to the permission for the garage related to external finishes and a screen fence. In relation to the remaining road safety concerns, it is considered that there is no tangible evidence linking the operation of a short-term let that utilises an existing road in relation to an impact upon wildlife.

10.12 Conclusion

In conclusion it is considered that, as the proposals do not involve any new physical development and are for the change of use of an existing building to a use considered appropriate in the countryside, they do not have any strategic implications nor undermine the Green Belt policy aims in either NPF4 or the SLLDP2 and therefore are acceptable in principle. The scale and nature of the proposals naturally limit the impact they can have on the amenity of the surrounding area. It is therefore recommended that approval is granted subject to conditions.

11. **Recommendation and Conditions**

11.1. The Committee is asked to agree the following recommendation:-

Grant subject to conditions:-

01. That the permission hereby granted is for a temporary period only and shall expire ten years from the date of this decision notice. For the avoidance of doubt, at the expiry of this permission the property will revert to being ancillary, domestic accommodation to the host property, unless an application is submitted to and approved by the Council as Planning Authority.

Reason: To safeguard the amenity of the area.

02. The short term let hereby approved shall be used solely as temporary holiday/letting accommodation and shall not be used as a permanent residential unit without the prior express grant of planning permission by the planning authority. The short term let shall not be sold, let or occupied as a person's sole or main residence.

Reason: To ensure that the accommodation does not become occupied by long term or permanent residents without the express grant of planning permission and to ensure compliance with local plan policy.

12. **Reason for Decision**

- 12.1. The proposal complies with Policies 1, 2, 8 and 30 of the National Planning Framework 4 (adopted 2023), Policies 2, 4 and 5 of the South Lanarkshire Local Development Plan 2 (adopted 2021) and South Lanarkshire Council's Supporting Planning Guidance: Development at a Dwellinghouse and will not result in any significant detrimental impact on residential amenity. There are no other material considerations which would justify the refusal of planning permission.

David Booth

Executive Director (Community and Enterprise Resources)

Date: 31 July 2023

Background Papers

Further information relating to the application can be found online:

[P/22/1359 | Change of use of domestic office and gym to a one bedroom self catering holiday let \(retrospective\) | 3 Mauldslie Castle Orchard Mauldslie Road Carluke ML8 5FJ \(southlanarkshire.gov.uk\)](#)

Corporate Considerations

The report raises no impacts or risks in terms of equalities or financial implications. Any implications in terms of climate change, sustainability or the environment will have been considered above in terms of the relevant national and local policies.

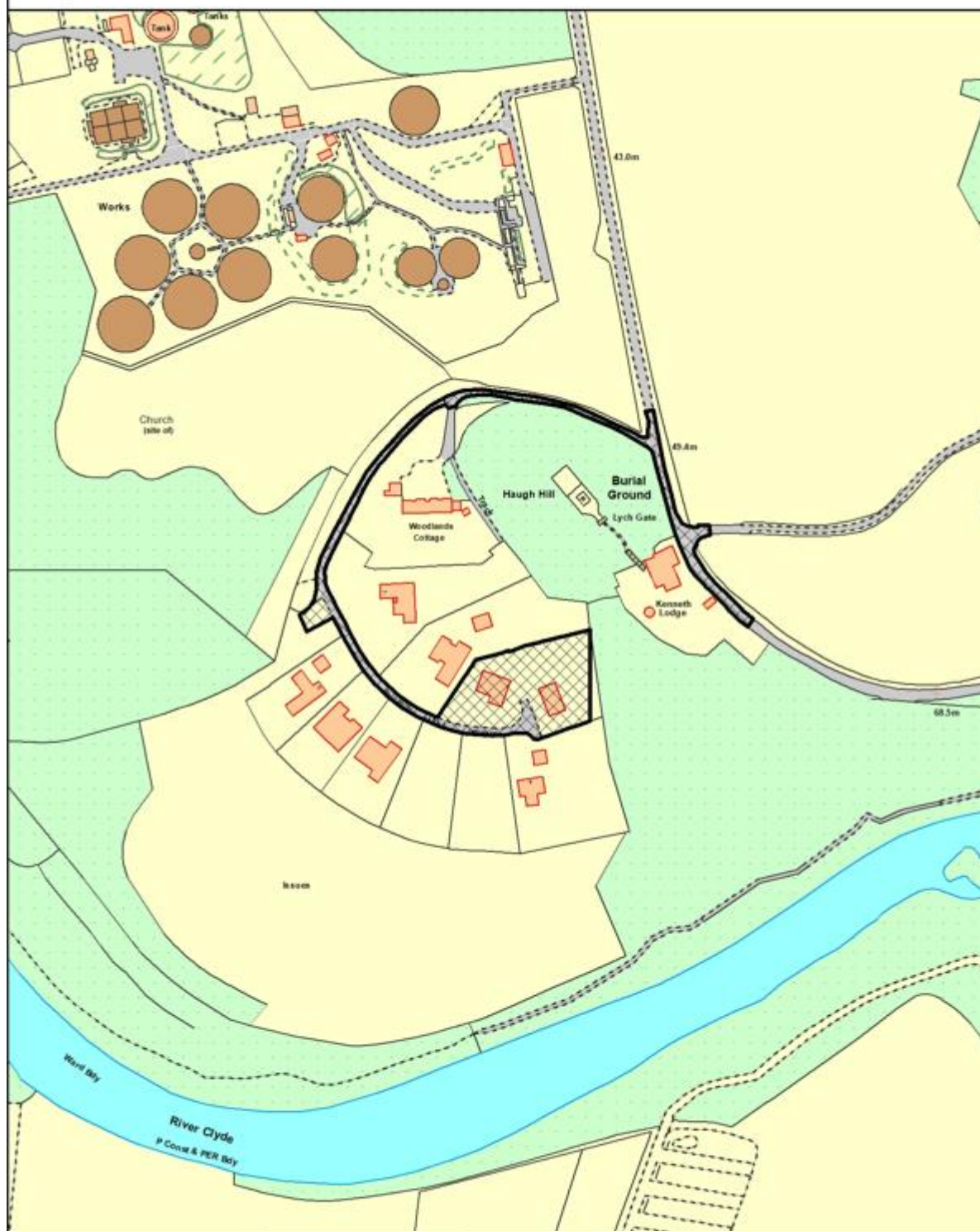
Contact for Further Information

If you would like to inspect the background papers or want further information, please contact:-

Tel: 01698 454867

E-mail: planning@southlanarkshire.gov.uk

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1:2,500
Date:
18/07/2023



South Lanarkshire Council
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