

# Appendix 2(a)

## Report of Handling

Report dated 27 April 2010 by the Council's Authorised Officer under the Scheme of Delegation



# Delegated Report

Report to: **Delegated Decision**  
Date of Report: **27 April 2010**  
Report by: **Area Manager (Planning & Building Services)**

Application No CL/09/0483  
Planning Proposal: Formation of 1 No. house plot (in principle)

## 1 Summary Application Information

- Application Type : Permission in principle
- Applicant : Mr & Mrs Fraser Dunlop
- Location : Westsidewood Farm  
Carnwath  
ML11 8LJ

## 2 Decision

### 2.1 Refuse Planning Permission in Principle (For reasons stated)

### 2.2 Other Actions/Notes

None.

## 3 Other Information

- ◆ Applicant's Agent:
- ◆ Council Area/Ward: 02 Clydesdale North
- ◆ Policy Reference(s): Adopted South Lanarkshire Local Plan

STRAT5 – Rural Investment Area  
CRE1 – Housing in the Countryside

- ◆ Representation(s):
  - ▶ 6 Objection Letters
  - ▶ 0 Support Letters
  - ▶ 0 Comments Letters

- ◆ Consultation(s):

Environmental Services

Scottish Water

Roads and Transportation Services (South Division)

## **Planning Application Delegated Report**

### **1 Material Considerations**

- 1.1 The site area (excluding the proposed access road) extends to 0.18 hectares and is mainly rectangular in shape. The site is detached from agricultural land to the west by an area of woodland which bounds the site on three sides, and is bound on the remaining side to the west by a main public road beyond which is open land. The site is accessed via a gate from the public road and opens into a partially cleared area which is reasonably small in size and consists of hardened land with no formal hardscaping. To the south of this cleared area there is a steep gully in the land, with partial evidence of fly tipping and tree removal within this gully. This gully is not prominent from the public view. The area at the north of the site, where the applicant proposes to erect a dwellinghouse, contains mature trees and sits at a significantly higher ground level. The proposed access to the south-east slopes downwards and follows the line of the woodland to the west, where it then rises up a slope to an existing access gate along the public road.
- 1.2 The application site does not relate to a farm steading and the applicant has confirmed that the development is not related to the furtherance of agriculture. There are no buildings within close vicinity of the application site and the site is isolated within the Rural Area.
- 1.3 A previous planning application CL/07/0247 for the erection of a 1¾ storey dwellinghouse and detached garage with access via the existing gate at the site was refused on the 19<sup>th</sup> June 2007. The application was refused on grounds of road safety, non-compliance with local plan policy (in terms of the requirement and principle of a dwelling at the site), and the adverse visual impact the development would create.

### **2 Proposal**

- 2.1 The applicant seeks planning permission in principle for the formation of a house plot at land to the south west of Westsidewood Farm, near Carnwath. The applicant has shown an indicative house and garage position. No ground level information has been provided to demonstrate if a house and garage at this position will interfere with the embankment to the north-east of the site. Notwithstanding this omission, it should be noted that the position of a dwelling at this site can be fully assessed under any further planning applications required if planning permission in principle is granted.
- 2.2 The applicant proposes to create a new vehicular access which will be constructed along the rear of woodland to the south-west of the site, and will adjoin the public road an approximate distance of 92m<sup>2</sup> to the south-west.

### 3 Local Plan Policy

- 3.1 The application site is identified within the adopted local plan as being within the Rural Investment Area where policy STRAT5 applies. Policy STRAT 5 encourages development within settlement boundaries. Thereafter, consideration may be given to limited expansion to settlement boundaries where consideration is given to environmental quality, including the restoration of derelict land. It is important to note that the restoration of derelict land is only considered under the above policy where it adjoins a settlement boundary. Outwith these areas development will be directed to existing building groups and gap sites that consolidate such groups. Isolated and sporadic development will generally not be supported. Any housing development within the Rural Investment Area should conform to policies CRE 1 - Housing in the countryside.
- 3.2 Policy CRE1 Housing in the Countryside will be used to assess the principle of the proposed dwellinghouse. This policy aims to restrict new build housing proposals in the rural area, and will only favour such applications where it can be demonstrated that the dwelling meets both essential locational and functional needs. Where an application site is considered a gap site within an existing building group, the policy sets out relevant criteria to be considered such as the visual impact on the existing building group and road safety.

### 2 Consultation(s)

- 2.1 **Roads and Transportation Services:** Recommend that the access road is relocated to improve visibility splays where the proposed access meets the public road. The access should be relocated 20 metres to the north-east of the access indicated on the plans submitted, and this should be achievable as the land is within the applicant's control.

**Response:** Noted. The applicant has been advised to reposition the access point to a suitable location. Whilst to date no amended plans have been submitted, I am satisfied that satisfactory access can be achieved using land within the applicant's control.

- 2.2 **Scottish Water:** has no objections to the proposal; however advise the applicant to discuss any development proposal with SEPA prior to commencing on site to resolve issues such as treatment of foul drainage.

**Response:** Noted. If consent is granted a condition will be attached to ensure the applicant addresses any drainage issues.

- 2.3 **Environmental Services:** have no objections to this proposal; however recommend that if consent is granted a condition is attached to ensure the developer carries out an investigation into any contaminated land within the site.

**Response:** I do not consider that a condition is required to investigate land contamination at this vacant site. It should be noted that land contamination would be assessed through the submission of a building warrant if planning permission is granted at this site.

### **3 Representation(s)**

3.1 Following the carrying out of neighbour notification and the advertisement of the proposal in the Lanark Gazette, 6 letters of representation were received. The grounds of objection are summarised as follows:

- a) **Public services and the quality of road surface within the area is unacceptable, in particular the potholes, and as such there should be no further development in this area.**

**Response:** The issue of public services and the quality of surfacing along public roads are not material considerations in the assessment of this planning application. Notwithstanding this, Roads and Transportation have not objected on the grounds of roads surfacing.

- b) **Government policies are against housing within the countryside and have identified sufficient areas within settlement boundaries for new housing. There is too much housing being built in this rural area.**

**Response:** Government policies aim to encourage appropriate housing development within the countryside, and policies STRAT5 and CRE1 of the adopted South Lanarkshire Local Plan provide instances where such housing may be acceptable. With regard to any housing proposal being granted within the rural area it should be noted that each planning application is assessed on its individual merits against local plan policy.

- c) **Electricity supply and television reception are prone to disruption in this area, along with the water supply. Furthermore, this area does not receive a mains gas supply.**

**Response:** The issue of electricity and mains gas supply is not a material planning consideration, nor is the quality or availability of television reception. With regard to the supply of water the site is located within an area served by the public water supply, and any issues should be addressed with Scottish Water. It should be noted that Scottish Water has no objections to the proposal.

- d) **This land has been used in relation to a haulage business and has created rural employment, and this should continue.**

**Response:** No planning permission has been sought or granted at this site for activities relating to a haulage business. No reference will be therefore be made to any implied use of the site.

- e) **The proposed development would cause noise nuisance.**

**Response:** Disagree. Any noise nuisance created would be short term during the construction of the development. However, should noise nuisance occur then Environmental Services should be contacted to address the issue.

#### **4 Assessment and Conclusions**

- 4.1 The applicant seeks planning permission in principle for the formation of a house plot at land to the south west of Westsidewood Farm, near Carnwath. The main considerations in determining this application are its compliance with local plan policy, road and public safety, the impact on the character of the surrounding Rural Area and the planning history of the site.
- 4.2 The application site, which is significant in area in comparison to an average sized house plot, is located in an isolated location on undeveloped land outwith an established settlement boundary. The proposal constitutes development of an isolated site with no justification; in particular the development is not essential for the furtherance of agriculture or an appropriate rural business. Although there is a clearing of ground which is bounded by trees, this does not mean that the site is a 'gap' site. The Council classifies a gap site as a site bounded closely on a minimum of two sides by buildings on the same road frontage. The isolated position of the site reinforces the fact that this application site cannot be considered as a gap site. Furthermore, the site can by no means be considered derelict or adjoining a settlement boundary, and is simply an opening of land within the rural area. Given the lack of justification and the inappropriateness of the site location, the principle of residential development at this site is not acceptable and does not comply with policies STRAT5 and CRE1 of the adopted local plan.
- 4.3 The principle of a dwellinghouse at this site was refused under a previous planning application CL/07/0247. There are no new material considerations or circumstances which have changed since this refusal which would merit a change in the Council's consideration of the principle of residential development at this site. The applicant has repositioned the proposed vehicular access from the previous planning application; however the visibility splays could be improved further in the interests of road safety. The applicant was made aware that the access could be repositioned within land in their control to address this issue however no amended plans have been submitted to date. In view of the above, I consider that there are no road safety concerns which could not be addressed.
- 4.4 Notwithstanding the visual impact on the site itself, I consider that in recent years the numerous houses which have been built in the locality of the application site has started to erode the quality of the countryside and therefore I am of the opinion that the capacity of the wider area to absorb additional houses, without appropriate justification, has been reached.



4.5 In view of the above I consider that the principle of residential development is not acceptable at this site and would have an adverse impact on the character and visual amenity of the rural area. The proposal therefore fails to comply with local plan policy.

4.6 It should be noted that the application site boundary varies between the location plan and the block plan by at least 10m. The applicant was requested to rectify this issue by submitting accurate plans but has failed to do so.

## 5 Reason for Decision

5.1 The principle of residential development at this site is unjustified and unacceptable. Notwithstanding the principle, a dwelling at this site would have an adverse impact on the character of the wider rural area. The proposal fails to meet the aims of policies STRAT5 and CRE1 of the adopted local plan.

**Signed:** .....  
**(Council's authorised officer)**

**Date:** .....

## Previous References

- ◆ CL/07/0247

## List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ Consultations
  - Roads and Transportation Services (South Division) 20/11/2009
  - Scottish Water 17/11/2009
  - Environmental Services 26/11/2009

► Representations

Representation from : Mr Andrew Peacock, 36 Carnwath Road  
Braehead  
Forth  
ML11 8EY, DATED 16/11/2009

Representation from : Mrs Angela Frame, 96 Cloglands  
Forth  
ML11 8DY, DATED 16/11/2009

Representation from : Linda Palmer, 98 Murray Terrace  
Carnwath  
Lanark  
ML11 8HX, DATED 17/11/2009

Representation from : William Rice, 7 Jeanfield Road  
Carnwath  
ML11 8LS, DATED 19/11/2009

Representation from : Owner/Occupier, 40 Woodlands Drive  
Lanark  
ML11 9FS, DATED 19/11/2009

Representation from : George McLarty, 8 Birchwood Gardens  
Bellsquarry  
Livingston  
EH54 9JR, DATED 18/11/2009

**Contact for Further Information**

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

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Permission in principle

PAPER APART – APPLICATION NUMBER : CL/09/0483

**REASONS FOR REFUSAL**

- 1 This decision relates to plans: Site plan; and location plan.
- 2 The proposal is contrary to Policy STRAT5 of the adopted South Lanarkshire Local Plan as it does not consolidate an existing group of buildings or constitute a gap site, and would result in isolated development in the Rural Area to the detriment of the amenity and character of the rural environment.
- 3 The proposed dwellinghouse is contrary to Policy CRE 1 of the adopted South Lanarkshire Local Plan as it has not been shown that the proposal is essential for the furtherance of agriculture, forestry or other use appropriate to the Rural Area.