

For official use: NOR/ _ _ / _ _ / _ _
Date received by PLRB: _ _ / _ _ / _ _

Notice of Review

Under Section 43A(8) of The Town and Country Planning (Scotland) Act 1997 (as amended) in respect of decisions on local developments

The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013

The Town and Country Planning (Appeals) (Scotland) Regulations 2013

This notice requires to be served on the Planning Authority within 3 months of the date of the decision notice or from the date of expiry of the period allowed for determining the application which is set as 2 months following the validation date of the application

IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your Notice of Review.

Please complete in BLOCK CAPITALS

Applicant(s)	Agent (if any)
Name: Mr Stephen Davies	Name:
Address: Ard Taigh Kilbank Rd Kirkfieldbank South Lanarkshire	Address:
Postcode: ML11 9UH	Postcode:
Contact Telephone 1: [REDACTED]	Contact Telephone 1:
Contact Telephone 2: [REDACTED]	Contact Telephone 2:
Fax No:	Fax No:
E-mail:* [REDACTED]	E-mail:*

Mark this box to confirm that all contact should be through this representative: ☐

* Do you agree to correspondence regarding your review being sent by e-mail? Yes No
x ☐

Application reference number:	P [] / 2 2 / 1 3 5 5
Site address:	Ard Taigh, Kilbank Rd, Kirkfieldbank, South Lanarkshire, ML11 9UH.
Description of proposed development:	Change of use of agricultural land to private garden ground.
Validation date of application:	Date of decision (if any):

Nature of application

- | | |
|--|-------------------------------------|
| 1. Application for planning permission (including householder application) | <input checked="" type="checkbox"/> |
| 2. Application for planning permission in principle | <input type="checkbox"/> |
| 3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition) | <input type="checkbox"/> |
| 4. Application for approval of matters specified in conditions | <input type="checkbox"/> |

Reasons for requesting review

- | | |
|---|-------------------------------------|
| 1. Refusal of application by appointed officer | <input checked="" type="checkbox"/> |
| 2. Failure by appointed officer to determine the application within the period allowed for determination of the application | <input type="checkbox"/> |
| 3. Conditions imposed on consent by appointed officer | <input type="checkbox"/> |

Review procedure

In cases where the Planning Local Review Body considers that it has sufficient information, including the Notice of Review, the decision notice, report of handling and any further representations from interested parties, it may, under Regulation 12, proceed to determine the review. It is anticipated that the majority of cases the Planning Local Review Body deals with will fall into this category.

The Planning Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable it to determine the review. Further information may be required by one or a combination of procedures, such as written submissions, the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Although the Planning Local Review Body will decide on the procedure to be used to determine your review, you can indicate what procedure (or combination of procedures) you consider most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

- | | | | |
|---------------------------------|-------------------------------------|---|--------------------------|
| 1. Further written submissions | <input checked="" type="checkbox"/> | 3. Site inspection | <input type="checkbox"/> |
| 2. One or more hearing sessions | <input type="checkbox"/> | 4. Assessment of review documents only, with no further procedure | <input type="checkbox"/> |

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

Improving the clarity of the application.

Site inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

- | | | |
|--|-------------------------------------|-------------------------------------|
| | Yes | No |
| 1. Can the site be viewed entirely from public land? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If there are reasons why you think the Planning Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

None.

Statement of reasons for requiring the review

You must state, in full, why you are requesting a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is, therefore, essential that you submit with your Notice of Review all necessary information and evidence that you rely on and wish the Planning Local Review Body to consider as part of the review.

If the Planning Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your Notice of Review and all matters you wish to raise. If necessary, this statement can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

See attached letter, plus 5 photographs.

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made? Yes ☐ No ☒

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

List of documents and evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your Notice of Review and intend to rely on in support of your review.

Attached letter and 5 photographs.

- Photo 1. Showing wreckage of original stone wall.
- Photo 2. Showing dilapidated wire fence with wooden fenceposts.
- Photo 3. Showing recently harvested field and distance of mown grass from slope.
- Photo 4. Showing boulder strewn slope which cannot be part of harvest area.
- Photo 5. Showing existing rear garden area without as yet timber frames for wild flowers.

Note: A copy of the Notice of Review, the review documents and any notice of the procedure of the review will be made available for inspection by prior appointment (Phone: 08457 406080) at the office of Planning and Building Standards Services, Montrose House, 154 Montrose Crescent, Hamilton ML3 6LB until such time as the review is determined. It may also be made available on the Council's website.

Checklist

Please mark the appropriate boxes to confirm that you have provided all supporting documents and evidence relevant to your review:

- ☒ Full completion of all parts of this form
- ☒ Statement of your reasons for requiring a review
- ☒ **2 copies** of all documents, materials and evidence which you intend to rely on (eg planning application form, plans and drawings, decision notice or other documents) which are now the subject of this review.

Note. Where the review relates to a further application, eg renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

Declaration

I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed: Steve Davies

Date: 22nd June 2023

This form and 2 copies of all supporting documents should be sent to:-

**Planning and Building Standards Services
Community and Enterprise Resources, Montrose House, 154 Montrose Crescent,
Hamilton ML3 6LB**

Email: planning@southlanarkshire.gov.uk

Phone: 08457 406080

For more information or if you want this information in a different format or language, please phone 01698 455379 or send email to planning@southlanarkshire.gov.uk

For official use

Date stamp)

Mr and Mrs Stephen and Yvette Davies
Ard Taigh
Kilbank Road
Kirkfieldbank (Near Lanark)
South Lanarkshire
ML11 9UH.

Planning and Environmental Appeals Division
Hadrian House
Callendar Business Park
Falkirk
FK1 1XR.

Date 22nd June 2023.

STATEMENT OF APPEAL.

Dear Sir, or Madam,

There are several reasons for appealing the refusal of planning permission for application P/22/1355 first submitted 21st September 2022 and refused 24th March 2023.

Firstly, basic common sense in that it is a reasonable request to allow a new build house to have a rear garden. Every other residential property in the area has a garden, so for us to be allowed to have one would simply align us with all other houses in the area. Prior to the new house, Ard Taigh, being built, a tree survey was required, and this resulted in 15 trees being protected for the duration of the build. The location of these trees resulted in the house being located on the building plot closer to the Western boundary so that the Eastern entrance, through the front door was physically possible. This reduced the remaining plot width at the rear or Western side to approximately three metres, and of course resulted in our planning application to make the area larger and useable as a rear garden. It also begs the question as to why planning permission for a residential property was allowed in the first place if it was not going to be allowed to function in a normal manner. By normal, I mean amenities like all other properties in the area.

The metreafe affected by the above planning application is in fact sloping ground where the level drops some 1.2 to 1.5 metres across the entire width of the plot. This means that any crop on this agricultural field cannot be planted or harvested here for safety reasons. In addition, over decades there was originally a stone wall running from South to North near the top of this slope, which is now almost completely in ruins resulting in the stones it was built from being strewn over this area. Presumably because of this stone wall collapsing is why a wooden post with wire fencing was installed some 1.2 metres West of the original site of the stone wall. This wire fence was installed so long ago that this has also fallen into disrepair but at least was recognisable and indeed used as the building plot boundary.

The planning refusal quotes "4, 5, and NHE 16 of the South Lanarkshire Local Development plan 2 (2021) and Policy 17 of the NPF4 in that change of use from agricultural land to private garden ground detrimentally impacts upon the special landscape character of the area and that would conflict with the rural designation set out in the development plan.

In the 3rd paragraph I have done my best to accurately describe the state of the ground area where the planning application would change it from agricultural to private garden. Basically, I am trying to change what was a run down, debris strewn area, with the wreckage of two boundaries, one stone, and one a rotten and falling down fence, into a planned and pleasing to the eye area. Our current intention assuming success, is to not have any fencing but to build out of timber, several rectangular frames, fill with soil, and to then plant pollen bearing flowers inside them, to provide improved foraging for the bees from our beehives.

I have included 5 photographs of the area in question. 1/ shows the wreckage of the stone wall. 2/ shows the dilapidated wire fence with wooden support posts. 3/ shows the recently harvested field and the berth given by the tractor so as to avoid all the boulders and the slope. The grass closer to the house has been strimmed by me. 4/ shows the slope so that you can see it would be unsafe for the tractor to be on this area. 5/ shows the existing rear garden area, as yet without the timber frames for wild flowers.

The application is for 5 metres, but only half of this will be garden. The other 2.5 metres will be the unusable slope where over time we hope to remove the stones and boulders and to simply grass it.

We sincerely believe that our application and planned improvements to this 5 metre strip of land will actually make it most certainly more pleasing to the eye, and, to actually attain "A special landscape character" and indeed achieve the aims of the Council Development Plans and Policies. It most certainly will not have a detrimental impact.

My request is therefore that this planning application appeal be approved.

Yours Sincerely,
Mr Stephen Davies.

Photo 1



Photo 2



Photo 3



Photo 4



Photo 5

