

Report

Report to:	Planning Committee
Date of Meeting:	5 September 2023
Report by:	Executive Director (Community and Enterprise Resources)

Reference no:	P/23/0848
Proposal:	Erection of dwellinghouse with associated access and parking (in part retrospective)
Site Address:	Land 50m SSW of 1 Milton Cottage Milton Road Carluke ML8 5PT
Applicant:	Mr and Mrs David Cornwell
Agent:	Derek Scott
Ward:	01 Clydesdale West
Application Type:	Full Planning Permission
Advert Type:	Non-notification of neighbours and Development Contrary to Development Plan: Lanark Gazette 26 July 2023
Development Plan Compliance:	No
Departures:	None
Recommendation:	Refuse
Legal Agreement:	Not required
Direction to Scottish Ministers	Not required

1. Reason for Report

- 1.1. As required by the approved South Lanarkshire Council Planning Application Decision-Making Process 2015, a request that this otherwise delegated application be determined by the Planning Committee was received from Councillor David Shearer and this was agreed by the Head of Planning and Regulatory Services and the Chair of the Planning Committee.

2. Site Description

- 2.1. The application site is located in designated Green Belt to the south-east of Carluke and is accessed from Milton Road via an existing private access track (approximately 278m in length). The site itself is roughly triangular and bound on the northern side by a hedge and private access track, providing pedestrian access to Carluke.
- 2.2. The site is relatively level and lies south of an existing building group comprising Milton Cottages (three separate dwellings) and a modern house built on the site of a demolished stables block.
- 2.3. On a site visit in July 2023 it was noted the dwellinghouse applied for was substantially completed and appeared to be occupied. To the west is an area of woodland and to the east and south lies agricultural land. Directly to the southeast there are 3 chalets which have been erected without Planning Permission, a fourth unauthorised chalet sits further south. A more detailed timeline of works and changes to the site is included in Section 4 (Relevant Planning History) and Section 10 (Assessment).

3. Description of Proposed Development

- 3.1. Planning permission is sought for the erection of a detached one and a half storey dwellinghouse (containing 4 bedrooms), finished in stonework, white render and slate substitute - features include entrance porch, pitched roof dormers with vertical timber boarding, solar panels and rear roof overhang to create a covered veranda. The dwelling would be served by a driveway, parking spaces and a landscaped garden.
- 3.2. Private drainage arrangements in the form of a treatment plan and discharge are detailed in the submitted application form. However, specific drainage details are not shown on proposed plans. A public water supply connection is proposed.

4. Relevant Planning History

4.1. Pre-Autumn 2021

According to aerial mapping dated December 2004 the application site contained woodland, a building and open/vacant land. Photographs of the building are included within the applicants' supporting statement.

4.2. Autumn 2021-2022

The supporting statement details the building was demolished and woodland removed in autumn 2021. A planning application (ref P/21/1780) was submitted in October 2021 by Mr Bryan Neil for the erection of three houses on this application site and additional land to the southwest. Site photography associated with this application, taken by an officer in January 2022, show a cleared site with an area of open compacted gravel to the front with grass to the rear. This application was withdrawn in August 2022 prior to determination.

4.3. Summer 2022-2023

A planning application (ref P/22/1178) was submitted in August 2022 for a single dwelling which was submitted by Mr and Mrs Cornwell - the same applicant to this current application. In September 2022 the site photographs show foundations being erected. By June 2023 the dwellinghouse was substantially complete. This

application was refused by Planning Committee on 6 June 2023. That decision has not yet been appealed to the Department of Planning, Environmental Appeals (DPEA). However, the applicant has a right to appeal that decision up until 8 September 2023. A Planning Contravention Notice was served on the property by Sherrif Officers on 9 June 2023. The application being presented to this Committee is a second application, for the same proposal as previously refused.

- 4.4. In addition, it was discovered in September 2022 that 4 chalets (3 directly adjacent and one further south) had been constructed, on land adjacent to the application site. These had been constructed and were being occupied without planning permission. Investigations (Ref. ENP/22/0336) commenced in September 2022 to address this alleged breach of planning control. The supporting statement submitted details these works were undertaken by another party and are not in relation to the current application and/or development.

5. **Supporting Information**

- 5.1 The applicant submitted the following information to support the application.
- 5.2 A covering letter which highlights issues relating to the previous Committee Report which was presented to Committee on 6 June 2023 and details the personal impact of further refusal and enforcement proceedings.
- 5.3 A supporting statement which sets out details of the site prior to works, the proposed development and why works took place on site. It then takes each point of refusal of the previously submitted application (P/22/1178) in turn. The main arguments put forward are that the site is brownfield, forms a homogenous group of buildings, the site is sustainably located in proximity of Carluke and does not undermine the Green Belt. The statement raises issues in relation to the timescale to determine the previous application, description of the site in the previous report and refers to other applications determined post adoption of NPF4.

6 **Consultations**

- 6.1 Environmental Services - No objection subject to conditions requiring a contaminated land investigation/remediation strategy and informatives on construction noise, nuisance, pest control and a remediation completion report.
Response – noted.
- 6.2 Roads Development Management Team - No objections, this would represent the 5th authorised dwelling off a private road which is acceptable. The passing places, visibility and parking spaces are acceptable. In this instance, the application site is served from an existing private access and there are currently 4 lawful residential dwellings using this access. As such, the proposed additional dwelling proposed would not trigger the requirement for Roads Construction Consent. It is noted that there are also unauthorised chalets adjacent to the application site which are not considered to contribute to the number of dwellings using the existing access.
Response – noted.
- 6.3 Scottish Water – There is sufficient capacity at the Camps Water Treatment Works and at the Maudslie Waste Water Treatment for a foul only connection. For reasons of sustainability and to protect their customers from potential future sewer flooding, Scottish Water do not accept any surface water connections into their combined sewer system.
Response – noted.

7 Representations

- 7.1. Following the statutory period of neighbour notification and advertisement, no valid representations have been received.

8 Development Plan

- 8.1. 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.

8.2. 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 crises
- ◆ Policy 2 - Climate mitigation and adaptation
- ◆ Policy 3 - Biodiversity
- ◆ Policy 8 - Green belts
- ◆ Policy 9 - Brownfield, vacant and derelict land and empty buildings
- ◆ Policy 14 - Design, quality and place
- ◆ Policy 15 - Local Living and 20-minute neighbourhoods
- ◆ Policy 16 - Quality Homes

8.3. 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). 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
- ◆ Policy 14 - Natural and Historic Development

SLLDP2 Volume 2 Policies

- ◆ Policy GBRA1 - Rural Design and Development
- ◆ Policy GBRA9 - Consolidation of Existing Building Groups
- ◆ Policy GBRA5 – Redevelopment of previously developed land containing buildings
- ◆ Policy GBRA8 – Development of Gap Sites
- ◆ Policy NHE16 - Landscape

9 Guidance

9.1 South Lanarkshire Council (SLC) Supporting Planning Guidance

- ◆ Electric Vehicle Charging Points August 2022
- ◆ South Lanarkshire Landscape Character Assessment 2010
- ◆ South Lanarkshire Validating Local Landscape Designations 2010

10 Assessment and Discussion

10.1 Introduction

The applicant seeks detailed planning permission, in part retrospect, for the erection of a dwellinghouse with associated access and parking.

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

10.3 Principle of Development

The site is located within the Green Belt and the supporting statement advises that the site is brownfield. The policies relating to the Green Belt and brownfield land should be considered in the first instance in order to assess and establish the principle of development.

10.4 NPF4 Policy 8 Green Belts seeks to encourage, promote and facilitate compact urban growth and use the land around our towns and cities sustainably. The policy is twofold, part (i) sets out circumstances where various types of development in the Green Belt can be considered acceptable. The proposal is for a single dwelling, it is not in relation for accommodation for a key worker, it does not involve the one for one replacement of an existing dwelling nor does it relate to the reuse of a historic environment asset. The proposal fails to meet any of the criteria in part (i) of the policy. Therefore, it is not appropriate to assess the proposal against part (ii). As such, the proposal is contrary to Policy 8 of National Planning Framework 4.

10.5 NPF4 Policy 3 Biodiversity seeks to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks. It requires that developments contribute to the enhancement of biodiversity and integrate nature-based solutions where possible. The application site was vacant land which was in the process of naturalising before unauthorised works commenced. As such, the site had biodiversity value with significant capacity for enhancement. Whilst the current proposal would see the creation of landscaped garden ground, there is no information or specification detailed which would demonstrate biodiversity enhancement of these garden areas in comparison to the larger naturalised site. Given that the current proposal does not propose any specific measures to conserve, restore and enhance biodiversity, it is contrary to Policy 3 of National Planning Framework 4

10.6 NPF4 Policy 9 Brownfield, vacant and derelict land and empty buildings aims to encourage, promote and facilitate the reuse of brownfield, vacant and derelict land and empty buildings to help reduce the need for greenfield development. The supporting statement purports the land is brownfield land. This application is the second application following the previous refusal. It should also be noted that the proposal is in part retrospective, as the dwelling is now substantially complete. Therefore, in assessing whether the land is brownfield, the condition of the land will be taken at the point before unauthorised work commenced, i.e., prior to August/September 2022.

10.7 As advised earlier in this report, the application site in 2021 was cleared of a building and woodland. The supporting statement details the trees were removed due to a fungal disease and had only related to 15% of the site. The supporting statement advises the remainder of the site was hardstanding. The site photos taken by a Planning Officer in January 2022 show this hardstanding area to be an area of

compacted gravel, a permeable covering, located at the front of the site. There is grass evident in these photographs to the rear of the site and this remains the case in July 2023 with the land immediately to the rear of the under-construction house, and which would form its garden, being a grass field.

- 10.8 Policy 9 states that when determining whether the re-use of a brownfield site is sustainable, the biodiversity value of the brownfield land which has naturalised should be considered. Given the permeable open nature of the hardstanding at the front of the site, which was already naturalising, the grass to the rear, and the surrounding context of adjacent, agricultural land, hedges and woodland, the site could have easily naturalised if the unauthorised development had not occurred and increased in biodiversity value. As set out above, the site does not comply with Policy 8 Green Belt and is not considered a sustainable location for residential use. Consequently, the proposal is not considered a sustainable reuse of brownfield land. It is not in a sustainable location and the semi-naturalised state of the site (prior to recent unauthorised development) would have resulted in an increased biodiversity value. The proposal is contrary to Policy 9 of National Planning Framework 4.
- 10.9 NPF4 Policy 14 – Design, Quality and Place advises that proposals will be supported where they are consistent with the 6 qualities of successful places. It confirms that proposals which are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the 6 qualities of place will not be supported. The proposed erection of a single dwellinghouse in the green belt, contrary to policies designed to preserve that green belt, is not considered to be characteristic of a sustainable place and, as such, is contrary to Policy 14 of NPF4.
- 10.10 NPF4 Policy 15 – Local Living and 20-minute neighbourhoods seeks to create connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home, preferably by using sustainable transport options. A site placed just beyond the settlement boundary, would have access to a significant number of the criteria listed in Policy 15. However, it should also be noted that encouraging new homes just outwith approved settlement boundaries, within the designated green belt, leads to exactly the sort of sprawled out, unconnected residential areas lacking facilities and services that this policy is designed to avoid. Whilst residents might indeed have access to many of the facilities/benefits of local living identified in the policy, the development itself would run directly contrary to the policy intent, namely, to create connected and compact settlements and mixed-use neighbourhoods. As such, the proposal is not considered compatible with the intent of Policy 15 of NPF4.
- 10.11 NPF4 Policy 16 – Quality Homes seeks to encourage, promote, and facilitate the delivery of high-quality homes, in the right locations. It advises that development proposals for new homes on land not allocated for housing in the Local Development Plan (LDP) will only be supported in limited circumstances. The proposed housing development is not consistent with the spatial strategy and other relevant policies in the plan and does not involve; delivery of a site in the housing land pipeline; housing in the rural area; an opportunity within an existing settlement boundary or a proposal for affordable homes. As such, the proposal is directly contrary to Policy 16 – Quality Homes of NPF4.
- 10.12 In terms of Local Development Plan policy, the application site lies within the Green Belt and is subject to assessment against Policy 4 - Green Belt and Rural Area of the adopted SLLDP2. The policies in the SLLDP2 which can be used to justify new residential buildings in the green belt are GBRA5 – Redevelopment of previously

developed land containing buildings, GBRA8 – Development of Gap Sites and GBRA9 – Consolidation of building groups.

10.13 The proposed dwelling does not need to be in the countryside. It is not sustainable to incrementally add additional housing to this Green Belt location. None of the 'GBRA' exceptions apply in this instance as the proposal is on a site with no remaining buildings; does not constitute the consolidation of an existing building group (being distinct from the buildings to the north and in effect extending the group south of the access track, rather than consolidating it); and which is not a gap site (having open countryside on 3 sides). As, such the proposal is contrary to Policy 4 Green Belt and Rural Area and Green Belt and Rural Area Policies GBRA5, GBRA8 and GBRA9 of SLLDP2.

10.14 As advised above, the proposal is also considered contrary to NPF4 Policy 9 Brownfield, vacant and derelict land and empty buildings, however, even if the proposal had complied with Policy 9, this would not be considered sufficient to outweigh the provisions of NPF4 Policy 8 Green Belt. Whilst Policy 9 addresses brownfield land generally, Policy 8 specifically applies to green belt areas and, as such, takes precedence in the determination of planning applications in the green belt.

10.15. Climate Change

NPF4 Policy 1 requires that when considering all development proposals, significant weight will be given to the global climate and nature crises. NPF4 Policy 2 Climate Change and Mitigation expands on this requiring all new developments to be sited and designed (1) to minimise lifecycle greenhouse gas emissions as far as possible and (2) to adapt to the current and future risks from climate change. The Chief Planner letter (4 February 2023) confirms that at this stage quantitative assessments are not expected for all applications. In the absence of a methodology for measuring the emissions which would result from the emissions of the proposed buildings, it is considered appropriate at this time to instead consider the general sustainability of the proposal in land-use planning terms (whether the use of this site as housing land is supportable when assessed against other relevant policies in NPF4) and use that as an indicator in whether or not it is likely to minimise emissions and adapt to current and future impacts of climate change. It has been detailed above the principle of development at this site is not established.

10.16. Policy 2 Climate Change of SLLDP2 seeks to minimise and mitigate against the effects of climate change by considering various criteria including: being sustainably located; reuse of vacant and derelict land; avoidance of flood risk areas; incorporating low and zero carbon generating technologies; opportunities for active travel routes and trips by public transport; electrical vehicle recharging infrastructure and where appropriate connection to heat networks.

10.17. The site is not at risk of flooding. If the proposal was considered acceptable the applicant could be asked to submit further details of low carbon technology; a tree planting scheme and the installation of electric vehicle charging points for the approval of the planning authority. In consideration, the proposals would not undermine the objectives of Policy 2 of the South Lanarkshire Local Development Plan 2 (2021).

10.18. Layout, Siting and Design

Given that the principle of development is not considered to be acceptable in this location, the design of the proposed dwelling in terms of Policies 5 'Development Management and Place Making' and GBRA1 'Rural Design and Development' of

SLLDP2 is not considered to be a determining factor in the assessment of this application.

10.19. Landscape Impact

Policy 14 – Natural and Historic Environment of SLLDP2 states that the Council will assess all development proposals in terms of their impact on the natural and historic environment, including landscape. The Council will seek to protect important natural and historic sites and features from adverse impacts resulting from development, including cumulative impacts. Category 3 areas include Special Landscape Areas where development which would have a significant adverse impact following the implementation of mitigation measures will only be permitted where the effects are outweighed by significant social or economic benefits.

10.20. Policy NHE16 – Landscape of the SLLDP2 advises that development proposals within Special Landscape Areas will only be permitted where they can be accommodated without having an unacceptable significant adverse effect on the landscape character, scenic interest and special qualities and features for which the area has been designated. All proposed development should consider the detailed guidance contained in the South Lanarkshire Landscape Character Assessment 2010.

10.21. The site falls within the Urban Fringe Farmlands where further incremental release of land for residential development should be carefully planned and the use of vernacular building designs is encouraged. The proposed development reflects traditional rural architecture with appropriate contemporary features. No historic or landscape features which contribute to landscape quality will be affected. In view of these circumstances the proposal complies with policies 14 and NHE16 of SLLDP2.

10.22 Conclusion

In summary, taking all the above into account, it is considered that the proposed development would constitute inappropriate development with regards to the sites Green Belt designation and there are no exceptions to policy, in either NPF4 or SLLDP2, which would justify a dwellinghouse in this location. As such, the proposed development fails to adhere to the provisions of the development plan, with specific regard to Policies 1, 2, 3, 8, 9, 14, 15 and 16 of National Planning Framework 4 (adopted 2023) and Policies 4, GBRA5, GBRA8 and GBRA9 of the South Lanarkshire Local Development Plan 2 (adopted 2021) and there are no material considerations which would outweigh this variance with the development plan. In view of this, it is recommended that the application is refused planning permission.

11. Recommendation and Conditions

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

Refuse Planning Permission for the reasons outlined below:-

01. The proposal would be contrary to Policy 8 – Green belts of National Planning Framework 4 as it does not meet the criteria set out in the policy for green belt development and as such fails to encourage, promote and facilitate compact urban growth and use the land around our towns and cities sustainably.
02. The proposal would be contrary to Policies 4 - Green Belt and Rural Area of the South Lanarkshire Local Development Plan 2 as it would constitute an inappropriate form of development, that cannot be justified under policies GBRA5, GBRA8 or GBRA9 and which adversely affects the character of the Green Belt at this location.

03. The proposal would be contrary to Policy 9 - Brownfield, vacant and derelict land and empty buildings of National Planning Framework 4 as the site no longer has any buildings upon it, has reverted to a naturalised state with biodiversity value and is not allocated housing land.
04. The proposal would be contrary to Policy 3 – Biodiversity of National Planning Framework 4 as it does not include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance.
05. The proposal would be contrary to Policy 14 – Design, Quality and Place of National Planning Framework 4 as it is not consistent with the 6 qualities of successful places. Specifically, it fails to achieve the characteristics of a sustainable place.
06. The proposal would be contrary to Policy 15 - Local Living and 20 minute neighbourhoods of National Planning Framework 4 as it fails to create connected and compact settlements and mixed-use neighbourhoods.
07. The proposal would be contrary to Policy 16 – Quality Homes of National Planning Framework 4 as it does not constitute the delivery of high quality homes in the right locations as set out in the policy criteria.

David Booth

Executive Director (Community and Enterprise Resources)

Date: 28 August 2023

Background Papers

Further information relating to the application can be found online:-

[P/23/0848 | Erection of dwellinghouse with associated access and parking \(in part retrospective\) | Land 50M SSW Of 1 Milton Cottage Milton Road Carluke ML8 5PT](#)

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.

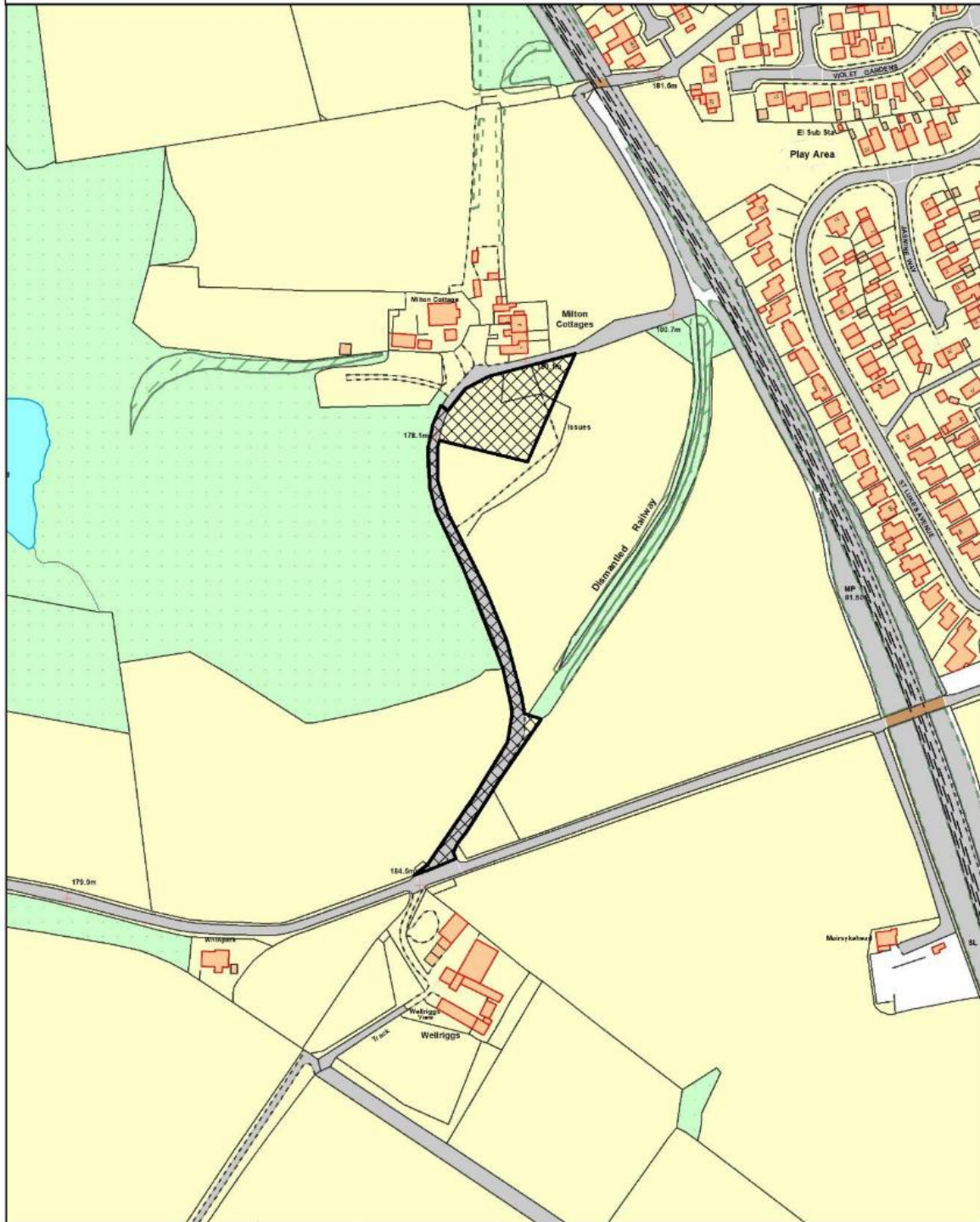
Contact for Further Information

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

Tel: 01698 454867

E-mail: planning@southlanarkshire.gov.uk

P/23/0848 Land 50m SSW Of 1 Milton Cottage, Milton Road, Carluke



© Crown copyright and database rights 2023 OS 100020730. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.



Scale:
1:3,000
Date:
04/08/2023



South Lanarkshire Council
Community and Enterprise Resources
Planning and Regulatory Services