



Council Offices, Almada Street,  
Hamilton

# Planning Local Review Body

## Decision Notice

Decision by South Lanarkshire Council Planning Local Review Body (PLRB)  
PLRB Reference NOR/CL/22/002

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- ◆ Site address: land to the south of Wiston Mains Cottage, Millrig Road, Wiston, Biggar, ML12 6HT
- ◆ Application for review by the estate of the late Nellie French of the decision by an appointed officer of South Lanarkshire Council to refuse planning permission for planning application P/21/0405
- ◆ Application P/21/0405 for the erection of a dwelling (planning permission in principle)
- ◆ Application Drawings:-
  - ◆ 10080/0-01
  - ◆ 10080/0-02

## Decision

The PLRB upholds the decision taken by the appointed officer, in terms of the Scheme of Delegation, to refuse planning permission for planning application P/21/0405 for the reasons detailed in the Council's decision notice dated 24 December 2021.

**Geraldine McCann**  
**Head of Administration and Legal Services**

Date of Decision Notice: 14.07.2022.

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## 1. Background

- 1.1. This Notice constitutes the formal decision notice of the Planning Local Review Body (PLRB) as required by the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.
- 1.2. The above application for planning permission was considered by the PLRB at its meeting on 20 June 2022. The PLRB was attended by Councillors Alex Allison, Gerry Convery (Depute), Mary Donnelly, Gladys Ferguson-Miller, Mark Horsham, Lesley McDonald, Richard Nelson (Chair), Dr Ali Salamati and Graham Scott.

## **2. Proposal**

- 2.1. The proposal is for the erection of a dwelling (planning permission in principle) at land to the south of Wiston Mains Cottage, Millrig Road, Wiston, Biggar.
- 2.2. The options available to the PLRB were to uphold, reverse or vary the decision taken in respect of the application under review.

## **3. Determining Issues**

- 3.1. The determining issues in this review were:-

- ◆ the proposal's compliance with the adopted South Lanarkshire Local Development Plan 2
- ◆ impact on the residential and visual amenity of the surrounding area
- ◆ impact on road safety
- ◆ relevant government advice and other material considerations in the determination of the application

- 3.2. The PLRB established that, in terms of the adopted South Lanarkshire Local Development Plan 2, the site was located within the rural area and Special Landscape Area. The following policies applied to the application site:-

- ◆ Policy 4 – green belt and rural area
- ◆ Policy 5 – development management and placemaking
- ◆ Policy GBRA1 – rural design and development
- ◆ Policy GBRA9 – consolidation of existing building groups

- 3.3. Policy 4 states that 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
- ◆ protect and provide access to open space

Development in the green belt will be strictly controlled and any proposals should accord with the appropriate uses set out in Scottish Planning Policy (SPP).

The green belt functions primarily for agriculture, forestry, recreation and other uses appropriate to the countryside. Development which does not require to locate in the countryside will be expected to be accommodated within the settlements identified on the proposals map. Isolated and sporadic development will not be supported.

- 3.4. Policy 5 states that, in order to ensure that development takes account of the principles of sustainable development, all proposals require to be well designed and integrated with the local area. Proposals should have no unacceptable significant adverse impacts on the local community and the environment.

- 3.5. Policy GBRA1 states that within the green belt and rural area all proposed developments will require to adhere to the following criteria:-

- ◆ developments shall be sited in a manner that respects existing built form, land form and local landscape character and setting
- ◆ proposed developments shall be well related to locally traditional patterns of scale and shall avoid the introduction of suburban-style developments into the rural environment. Proposals specifically for residential development should not be isolated or sporadic
- ◆ proposals shall be of a high quality, of either traditional or contemporary innovative design which interprets and adapts traditional principles and features
- ◆ proposals shall make use of appropriate materials which respect and reinforce local character and identity

- ◆ developments shall have no unacceptable adverse impacts on existing residential amenity, particularly in terms of overlooking or overshadowing of existing residential properties
- ◆ proposals relating to residential development, including extensions and alterations, shall conform to the requirements of the Council's Residential Design Guide and, in particular, shall ensure the provision of appropriate private amenity space to all existing and proposed residential properties
- ◆ development proposals shall incorporate suitable boundary treatment and landscaping proposals to minimise the visual impact of the development on the surrounding landscape. Existing trees, woodland and boundary features such as beech and hawthorn hedgerows and stone dykes, shall be retained on site. A landscape framework shall be provided, where appropriate, to demonstrate how the development would fit into the landscape and improve the overall appearance of the site

3.6. Policy GBRA9 states that within the green belt and rural area proposals for new houses within existing building groups will be supported where all of the following criteria can be met:-

- ◆ the scale and siting of new development shall reflect and respect the scale, character, cohesiveness, spacing and amenity of the existing group and the individual houses within the group. Any new building shall be located within a reasonable distance of the existing properties within the building group
- ◆ the proposal shall not result in ribbon/linear development or the coalescence of the housing group with a nearby settlement or another housing group
- ◆ development shall not significantly adversely affect the landscape character or setting of the area. In addition, it shall have regard to the landscape backdrop, topographical features and levels. Definable natural boundaries between the existing group and adjacent countryside shall be maintained. Natural boundaries shall generally take precedence over man-made boundaries when defining the extent of a building group
- ◆ private amenity space shall be provided to any new dwelling at a comparable scale to existing properties within the building group. Any new dwelling, or private amenity space afforded to it, shall not unacceptably prejudice the size or use of the amenity space afforded to an existing dwelling house
- ◆ the location, siting and design of the new house(s) shall meet existing rural design policy and guidance as set out in Policy GBRA1 and in supporting planning guidance. Generally, the design, massing, scale, appearance and materials of the proposed house(s) shall be complementary to the character of the existing building group unless it is shown that there is no distinct design character within it

3.7. In considering the case, the PLRB had regard to the applicant's submission that:-

- ◆ the proposal accords with the relevant adopted policy of the Local Development Plan and that there are no material considerations which justify the refusal of the application
- ◆ the proposed development represents the erection of a dwelling on a site which is well related to an existing building group at Wiston Mains and would contribute positively to the local sense of place and setting
- ◆ the proposed development represents an acceptable form of development and sits immediately adjacent to Wiston Mains Farm which the existing building group is centred on
- ◆ the site lies within the setting and forms part of an existing building group at Wiston Mains as it currently exists and that the proposed dwelling would enhance the defined sense of place
- ◆ the applicant does not agree with the appointed Planning Officer that the farm access track adjacent to the north forms "a defined and defensible boundary for the building group"

- ◆ determination of the application ignored the spatial context of the application site in the overhead electricity gantry which encloses the south-east boundary of the site and the proposed hedgerow and tree planting which would serve to strengthen the south-east and south-west boundaries
- ◆ the site lies in close proximity to the eponymous Wiston Mains Farm around which the other existing dwellings have coalesced, it shares the access track link with the farm, and is enclosed together with the existing building group by the overhead electricity gantry to the south-east; it is considered that the scale and siting of the proposed development reflects and respects the scale, character, cohesiveness, spacing and amenity of the building group and is located within a reasonable distance of the principal farmhouse. Therefore, the proposed development accords with criteria 1 of Policy GBRA9
- ◆ the proposed development represents the expansion of an existing building group which comprises 7 dwellings by 1 dwelling. Within this context, it is considered that the landscape character of the local area could not conceivably be “significantly adversely” affected. The conceptual site layout places a dwelling set in a garden commensurate in size with those of the local area. Therefore, the proposed development is considered to be acceptable in landscape terms and to accord with criteria 3 of Policy GBRA9
- ◆ the proposed development comprises generous garden space more than sufficient to prevent significant or unacceptable impacts on amenity arising. The form of development proposed raises no risks of cramming or over-development. As such, no conflict or contradiction with criteria 4 or 5 of Policy GBRA9 is raised
- ◆ it is considered that the proposed development is well related to the existing building group lying within the local setting and defined sense of place. The appeal site is enclosed together with the existing building group by the overhead electricity gantry to the south-east. The proposed hedgerow and tree planting would strengthen the south-east and south-west boundaries of the site and preclude further development into the countryside. The proposed development represents the expansion of an existing building group by 1 new dwelling and is considered not to represent a “significant adverse” impact on the local landscape. Therefore, it is considered that the principle of development in erection of a new dwelling on-site is acceptable in planning terms in accordance with Policy GBRA9
- ◆ the proposed development represents an acceptable form of development and sits immediately adjacent to Wiston Mains Farm which the existing building group is centred on
- ◆ the proposed development is considered to be acceptable in planning terms and to accord with Policy GBRA9 of the South Lanarkshire Local Development Plan 2021
- ◆ that Policy 5 primarily relates to matters of detailed design which are deferred for the subsequent stage of the planning process, therefore remaining within the control of the Planning Authority. Therefore, the proposed development does not conflict with Policy 5 and the second reason for refusal is considered to be unsupported and unsafe
- ◆ Wiston Mains Cottage is the farmhouse of Wiston Mains Farm. Both the agricultural buildings and farmyard remain extant and in use to this day
- ◆ the comments of Development Management are considered not to be well-made. Firstly, the Planning Authority has not refreshed its Supplementary Guidance following adoption of Local Development Plan 2 in January 2021 and currently does not have any Supplementary Guidance. Secondly, it is not the role of Government guidance to instruct Planning Authorities on identifying distinct landscape features. Thirdly, the response does not take due cognisance of the letter of the Chief Planner for Scotland to Heads of Planning (local authority Chief Planning Officers) of 4 November 2011 which states that:-  
“Scottish Planning Policy [SPP] promotes a positive approach to rural housing. It states that development plans should support more opportunities for small scale housing development in all rural areas”
- ◆ that the Notice of Review should be determined in accordance with policy and guidance which has been adopted rather than assertions about the absence of policy and guidance

- ◆ a distinct landscape feature enclosing a building group can comprise any entity which is substantial in appearance and body. A distinct landscape feature should visibly and functionally enclose an existing building group from the surrounding countryside and preclude further development. The case of the applicant definitively demonstrates that the overhead electricity gantry does represent a distinct landscape feature
- ◆ no weight can be attached to the assertion that the overhead electricity gantry can, should or will be relocated. Statutory undertakers maintain a general reluctance to relocate their infrastructure and other assets to enable general development proposals
- ◆ the only precedent that would be created by granting planning permission would be approval of planning applications that accord with the adopted policies of the Local Development Plan
- ◆ the site comprises low quality agricultural land – a matter of fact that the comments of Development Management do not contest

3.8. In reviewing the case, the PLRB considered that the applicant had supplied sufficient information and adequate plans to allow proper consideration of the proposal. It further considered that the proposed development would lead to an urbanising incursion into an agricultural field, without appropriate justification, would detract from the character and setting of the area and potentially encourage further similar applications for development.

#### **4. Conclusion**

4.1. The PLRB considered a request to review the decision taken by the appointed officer, in terms of the Scheme of Delegation, to refuse planning permission for planning application P/21/0405 for the erection of a dwelling (planning permission in principle) at land to the south of Wiston Mains Cottage, Millrig Road, Wiston, Biggar. The PLRB concluded that there was no valid policy justification to support the proposed dwelling house at the proposed location and the proposal would not accord with Policies 4, 5, GBRA1 and GBRA9 of the adopted South Lanarkshire Local Development Plan 2.

4.2. The PLRB, therefore, upheld the decision to refuse planning permission for planning application P/21/0405 for the reasons stated on the Council's decision notice dated 24 December 2021.

#### **5. Accompanying Notice**

5.1. Attached is a copy of the Notice to Accompany Refusal, etc in the terms set out in Schedule 2 to the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.



## NOTICE TO ACCOMPANY REFUSAL ETC

### TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

1. If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.