

Report

Report to:	Planning Committee
Date of Meeting:	23 June 2020
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/19/1539
Planning proposal:	Erection of detached building for use as ancillary residential accommodation/granny flat associated with Brae Farm with associated decking and fencing (retrospective)

1 Summary application information

Application type:	Detailed planning application
Applicant:	Mr Adam Simpson and Scott Bennett
Location:	Brae Farm A726 From Strathaven To Chapelton Chapelton Strathaven ML10 6RR

2 Recommendation(s)

2.1 The Committee is asked to approve the following recommendation(s):-

- (1) Grant detailed planning permission (subject to conditions) based on conditions attached

2.2 Other actions/notes

- (1) The Planning Committee has delegated powers to determine this application.
(2) This application is one that would usually be determined under delegated powers. However, due to a request from an elected member, the application has been referred to the Planning Committee for determination.

3 Other information

- ◆ Applicant's Agent: William Findlater
- ◆ Council Area/Ward: 05 Avondale And Stonehouse
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**
 - Policy 3 - Green Belt and rural area
 - Policy 4 - Development management and placemaking
 - Policy 15 - Natural and historic environment

Development management, placemaking and design supplementary guidance (2015)

Policy DM5 – Extended family accommodation

Natural and Historic Environment

Supplementary Guidance (2015)

Policy NHE3 - Listed buildings

Green belt and rural area supplementary

Guidance (2015)

**Proposed South Lanarkshire Local Development
Plan 2 (2018)**

Policy 4 - Green Belt and Rural Area

Policy 5 - Development Management and Placemaking
Placemaking

Policy 14 - Natural and Historic Environment

Policy GBRA1 - Rural Design and Development

Policy NHE3 - Listed Buildings

Policy DM5 – Extended Family Accommodation

◆ **Representation(s):**

▶	2	Objection Letters
▶	0	Support Letters
▶	1	Comment Letters

◆ **Consultation(s):**

Roads and Transportation Services (Development Management Team)

Planning Application Report

1 Application Site

- 1.1 The application relates to Brae Farm, a steading located between Strathaven and Chapelton. The property is a Category C listed building. In addition to the main farmhouse, the original farm buildings within the property have been subdivided and converted to form two additional residential properties. The application site in this instance relates to the main house at Brae Farm, an area of ground located in front of the main house and the access to the property from the Strathaven to Chapelton road. The application site measures approximately 0.15 hectares in size.
- 1.2 The application site is bounded to the north, south and east by land associated with Brae Farm and to the west by land associated with the adjacent residential properties at Burn View and Bridge View. The application site is relatively flat throughout, although it is noted that it slopes gently upwards from the location of the building that has been constructed to the main road, from where access to the site is taken.

2 Proposal(s)

- 2.1 The application relates to the erection of a detached building for use as ancillary residential accommodation associated with the main dwellinghouse at Brae Farm. The application is retrospective as the building has already been constructed on site. The building comprises living and kitchen facilities, a toilet and two bedrooms as well as a store room and has a total floor area of 84 square metres. An area of timber decking has been constructed at the front of the building which is enclosed by a timber fence.
- 2.2 The applicants have advised that the building is required to accommodate the parents of a resident of the main house. Supporting information has been provided as part of the application detailing the need for the residents of the building to be accommodated on the property.

3 Background

3.1 Local Plan Status

- 3.1.1 With regard to the South Lanarkshire Local Development Plan (adopted 2015) the site is located within the Green Belt as designated by Policy 3. Policy 4 – Development Management and Placemaking and its associated supplementary guidance are also of relevance to the proposed development. In particular, Policy DM5 – Extended Family Accommodation is of relevance in this case. In addition, as the property is a Category C listed building, Policy 15 – Natural and Historic Environment and its associated supplementary guidance are of relevance in this instance.
- 3.1.2 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the currently adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications, the proposed South Lanarkshire Local Development Plan 2 is now a material consideration. In this instance, Policies

4 – Green Belt and Rural Area, 5 – Development Management and Placemaking, 14 – Natural and Historic Environment, DM5 – Extended Family Accommodation, GBRA1 – Rural Design and Development and NHE3 Listed Buildings are considered to be of relevance to the application.

3.2 **Planning Background**

3.2.1 Planning permission was previously sought in respect of this building as a change of use from an outbuilding to the current use (Planning Ref: P/18/0868). However, the applicants were unable to provide sufficient justification to demonstrate that the building had been in situ for at least four years prior to its use as residential accommodation, which would be the minimum permissible time period to allow a change of use application to be submitted in respect of the development. The applicants, therefore, withdrew that application and submitted the current application in its place.

3.2.2 With regard to other developments within the property, planning permission was granted for the conversion of agricultural buildings associated with the main dwellinghouse on site to form two additional dwellinghouses in 2004 (Planning Ref: EK/04/0219). These conversions have been undertaken and the properties are now occupied. Retrospective applications for the erection of domestic stable buildings and the formation of a new access road (Planning Ref: P/18/0849) and for a tool shed and children's play house (Planning Ref: P/18/1308) have previously been consented by the Council. A retrospective application for the erection of a kennel and cattery building on site was refused planning consent by the Planning Committee in September 2019 (Planning Ref: P/19/1298). However, this decision was subsequently overturned by the Scottish Government on appeal and planning permission has therefore now been granted for the building. In addition, an application for the conversion and extension of a midden to form a garage/store building is under Council consideration at this time (Planning Ref: P/19/1283).

4 **Consultation(s)**

4.1 **Roads and Transportation Services (Development Management Team)** – offered no objections subject to the provision of two parking spaces on site to serve the development.

Response: Noted. Any consent issued would be appropriately conditioned in this regard.

5 **Representation(s)**

5.1 Statutory neighbour notification procedures were undertaken and the application was advertised in the East Kilbride News for neighbour notification purposes and due to the location of the development within the curtilage of a listed building. In response, three letters of representation were received in respect of the proposals, the points of which are summarised below:

a) **Planning permission should be refused as the development relates to the erection of a building on Green Belt land and the granting of planning consent would be inconsistent with previous decisions to refuse planning permission for residential developments in Green Belt areas. As such, the development fails to comply with Policy 3 of the adopted Local Development Plan.**

Response: While Council policy relating to development in Green Belt areas is more restrictive than within designated settlements, the policy states that

the extension and development of existing properties can be considered appropriate provided that it is of an acceptable scale and design. In addition, when assessed against Policy 3, it is noted that the proposal relates to limited development within an existing building group and that there is a specific locational requirement for the development. As such, there is not considered to be any adverse impact on the Green Belt or any conflict with Green Belt policy in this instance.

- b) There is no justification for this building as Brae Farm is not a working farm. In addition, the approval of the development would set an undesirable precedent in the area.**

Response: Council planning policy relating to Green Belt areas does not restrict additional development to working farms only. Provided that developments are of an acceptable design and scale and are justifiable in terms of Council planning policy, development within other existing properties in the Green Belt can also be considered to be acceptable. With regard to the issue of precedent, the Council is required to consider each application on its own merits. As such, the granting of permission for a development does not set a precedent for other future developments in the Green Belt.

- c) The development is out of character with and has an adverse impact on the setting of the listed building that is situated on site and restricts the view of the building from the public road. As such, the development fails to comply with Policies 15 and NHE3 of the adopted Local Development Plan and associated supplementary guidance.**

Response: It is noted that the building is relatively small in terms of scale and massing, is detached from the main dwellinghouse and that no alterations to the main house itself are proposed in this instance. It is also noted that, as part of the Scottish Government appeal decision in respect of the adjacent kennel and cattery building, the Reporter noted that the view of the main house from the public road is not a significant viewpoint, as only a momentary glimpse of the farmhouse would have been provided to passing traffic and no pedestrian footpath is in place at this location. As such, there is not considered to be any significant impact on the listed building, its setting or on a significant viewpoint and the proposal is, therefore, considered to be compliant with Policies 15 and NHE3.

- d) The development does not comply with the Council's policy relating to development of gap sites in Green Belt areas.**

Response: As the development does not relate to a gap site, there is no requirement for it to comply with the Council's planning policy relating to gap sites. However, the application has been assessed against the relevant Council planning policy and the view is taken that it complies with all relevant policies in this instance.

- e) The building represents further unauthorised development within the property at Brae Farm. Given the repeated breaches of planning regulations an enforcement order should be put in place to have this building, as well as all other unauthorised buildings, removed from the site.**

Response: The Council is required to consider each planning application on its own merits and the retrospective nature of an application cannot be taken into account when assessing its merits in planning terms. In this instance the application has been fully assessed and the view is taken that it is fully compliant with Council planning policy. It is therefore recommended that planning permission be granted for the development.

f) The building was erected more recently than has been claimed by the applicants.

Response: It is noted that the applicants originally sought change of use planning consent for the development on the basis that the building was originally used as a storage unit and was constructed more than four years before a planning application was sought by the Council. However, the applicants were unable to provide sufficient evidence to back up their position in this regard and, therefore, the Council required the submission of a retrospective planning application for the erection of the building. This application has now been submitted to the Council and is being considered as a new build development on site, rather than a change of use. As such, the exact date of construction of the building is no longer relevant to the assessment of the planning application.

g) It should be ensured that no protected species or other wildlife are harmed as a result of the development.

Response: It is noted that, in this instance, the works relate to the construction of a relatively small scale detached building on a hardstanding and grassed area adjacent to Brae Farm. As the application is retrospective in nature it is not possible to further manage the protection of species, however it is considered unlikely that there would have been any impact on protected species as a result of the development undertaken by the applicants.

5.2 These letters are available for inspection on the planning portal.

6 Assessment and Conclusions

6.1 The applicants seek planning permission for the erection of a detached building for use as ancillary residential accommodation associated with the main dwellinghouse at Brae Farm. The application is retrospective as the building has already been constructed on site. The building comprises living and kitchen facilities, a toilet and two bedrooms as well as a store room and has a total floor area of 84 square metres. An area of timber decking has been constructed at the front of the building which is enclosed by a timber fence.

6.2 The applicants have advised that the building is required to accommodate the parents of a resident of the main house. Supporting information has been provided as part of the application detailing the need for the residents of the building to be accommodated on the property.

6.3 The determining issues in the assessment of this application are its compliance with local development plan policy as well as its impact on surrounding amenity. Under the terms of 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. In this case, the development plan framework against which the proposal requires to be assessed comprises the South Lanarkshire Local Development Plan (adopted 2015) and its associated supplementary guidance. The Proposed South Lanarkshire Local Development Plan 2 is also a material consideration in this instance.

- 6.4 In terms of the adopted local development plan, it is noted that the site is located in an area which is designated as Green Belt under Policy 3 and its associated supplementary guidance. The Green Belt functions primarily for agriculture, forestry, recreation and other appropriate uses. Other uses can also be considered appropriate, but only in specific circumstances such as where there is a locational need, where the proposal relates to the rehabilitation of redundant land or buildings or where the proposal relates to the extension of an existing property or premises or to development within an existing building group.
- 6.5 With regard to the specific design and layout of the proposed development, Policy 4 – Development Management and Placemaking requires all proposals to take account of and be integrated with the local context and built form. The policy states that development proposals should have no significant adverse impact on amenity or the local environment in planning terms. These requirements are further supported by the associated supplementary guidance relating to development management, placemaking and design. In particular, Policy DM5 of this document provides policy and guidance with regard to the provision of extended family accommodation such as granny flats and other ancillary accommodation. This policy advises that such proposals can be supported in instances where a social need can be demonstrated, there is no significant amenity impact and all roads and transportation related requirements can be met on site to the Council's satisfaction.
- 6.6 In this instance, it is noted that the building forms part of an existing building group at Brae Farm. The building is of a relatively small scale, does not appear out of character in the context of the building group and does not have an overbearing effect on the remainder of the building group. It is not considered that, by virtue of its appearance or scale, the building has any adverse impact on the surrounding Green Belt or on local residential amenity.
- 6.7 The applicants have advised that the building is required to accommodate the parents of a resident of the main house. Additional supporting justification has been provided in this regard and this information is considered acceptable to the Planning Service in terms of justifying the requirement for the building. A condition would be attached to any consent issued restricting the use of the building to purposes ancillary to the main dwellinghouse on site. It is further noted that the development does not raise any issues in terms of roads and transportation issues, subject to a condition relating to car parking provision which would also be attached to any consent issued. Taking all of the above into account, the view is taken that the development is compliant with the relevant provisions of Policies 3 and 4 of the adopted local plan as well as with all relevant policy and guidance contained within their associated supplementary guidance documents, with particular regard to Policy DM5.
- 6.8 Policy 15 – Natural and Historic Environment and its associated supplementary guidance seeks to protect designated natural and historic features of interest from inappropriate development. In this instance it is noted that the main steading at Brae

Farm is designated as a Category C listed building. Policy NHE3 of the Council's Natural and Historic Environment Supplementary Guidance seeks to retain the character and appearance of listed buildings and seeks to restrict inappropriate alterations to such buildings.

- 6.9 In this instance, it is noted that no alterations to the listed building itself are proposed to be carried out. Furthermore, it is noted that the building to which the application relates is of a relatively small scale and is detached from the main dwellinghouse. It is also noted that, as part of the Scottish Government appeal decision in respect of the kennel and cattery building located adjacent to the building, the Reporter noted that the view of the main house from the public road is not a significant viewpoint, as only a momentary glimpse of the farmhouse would have been provided to passing traffic and no pedestrian footpath is in place at this location. As such, taking account of the Reporter's decision, it is not considered that there would be any adverse impact on any significant views of the listed building as a result of this development. As such, there is not considered to be any significant impact on the listed building, its setting or on a significant viewpoint in this instance and the development is, therefore, considered to be compliant with Policies 15 and NHE3.
- 6.10 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. Therefore, the Proposed SLLDP2 is now a material consideration in determining planning applications. The submission has been considered against the relevant policies in the proposed plan and it is noted that these policies are broadly consistent with the current adopted South Lanarkshire Local Development Plan 1. It is considered that the submission generally accords with Policies 4, 5, 14, DM5, GBRA1 and NHE3 in the proposed plan.
- 6.11 In addition to the standard neighbour notification procedure carried out by the Council, the application was also advertised in the local press. Two letters of objection and one letter of comment have been received in relation to the application. The points raised are addressed in detail in Section 5 above. It is not considered appropriate for the application to be refused planning consent based on the points of objection raised.
- 6.12 In conclusion, it is considered that the development is appropriate to the site in question in terms of design and layout, does not have any significant adverse impact on surrounding amenity, the adjacent listed building or the surrounding countryside and is fully compliant with the provisions of the relevant policies of the South Lanarkshire Local Development Plan and its associated supplementary guidance as well as the Proposed South Lanarkshire Local Development Plan 2. I would, therefore, recommend that planning permission is granted for the development subject to the attached conditions.

7 Reasons for Decision

- 7.1 The development has no significant adverse impact on amenity and complies with the relevant policies of the adopted South Lanarkshire Local Development Plan and Supplementary Guidance (Policies 3, 4, 15, DM5 and NHE3) and the Proposed South Lanarkshire Local Development Plan 2 (Policies 4, 5, 14, DM5, NHE3 and GBRA1). There are no additional material considerations which would justify refusing to grant consent.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

Date: 28 May 2020

Previous references

- ◆ EK/04/0219
- ◆ P/18/0849
- ◆ P/18/0868
- ◆ P/18/1298
- ◆ P/18/1308
- ◆ P/19/1283

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Neighbour notification letter dated 26 November 2019
- ▶ Consultations
 - Roads and Transportation Services (Development Management Team) 13.01.2020
- ▶ Representations Dated:
 - Joe Allan, 94 Franklin Place, East Kilbride, G75 8LS 31.12.2019
 - John Jackson And Dick, Received Via Email 18.12.2019
 - Councillor Graeme Campbell, By Email 17.12.2019

Contact for further information

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

Declan King, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Phone: 01698 455049

Email: declan.king@southlanarkshire.gov.uk

Detailed planning application

Paper apart – Application number: P/19/1539

Conditions and reasons

01. That the granny annex hereby approved shall be used solely as accommodation ancillary to the main dwellinghouse, shall not be occupied, let or sold as a separate dwelling unit and no business or commercial activity shall be carried out in or from the building.

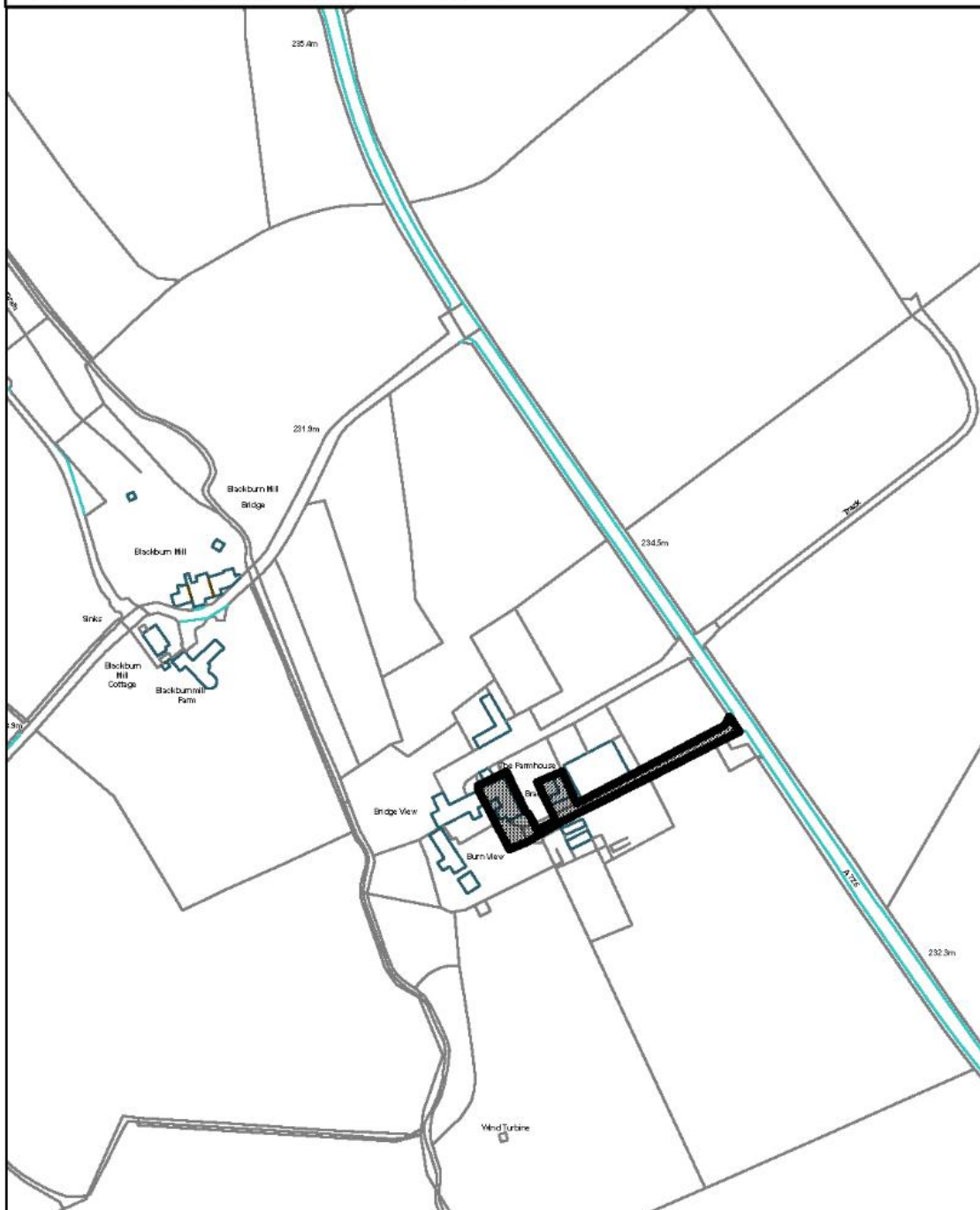
Reason: To safeguard the amenity of the area and in order to retain effective planning control.

02. That, within two months of the date of this permission, a plan shall be submitted detailing the provision of two parking spaces, each measuring a minimum of 6m x 3m, to serve the development, to the satisfaction of the Council as Roads and Planning Authority. The parking spaces shall be put in place within six months of the date of this consent and shall thereafter be maintained to the satisfaction of the Council as Roads and Planning Authority.

Reason: To ensure the provision of adequate parking space to serve the development.

P/19/1539

Brae Farm, A726 from Strathaven to Chapelton, Chapelton



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Scale:
1:2,500
Date:
01/04/2020



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development