

PLANNING LOCAL REVIEW BODY (PLRB)

Minutes of meeting held via Confero and in Committee Room 1, Council Offices, Almada Street, Hamilton on 4 September 2023

Chair:

Councillor Richard Nelson

Councillors Present:

Councillor Alex Allison, Councillor Gerry Convery (Depute), Councillor Colin Dewar, Councillor Gladys Ferguson-Miller, Councillor Lesley McDonald, Councillor Davie McLachlan (*substitute for Councillor Graham Scott*), Councillor Norman Rae

Councillors' Apologies:

Councillor Elise Frame, Councillor Mark Horsham, Councillor Graham Scott

Attending

Community and Enterprise Resources

J Wright, Planning Adviser to the Planning Local Review Body

Finance and Corporate Resources

M Cannon, Legal Adviser to the Planning Local Review Body; S Jessup, Administration Assistant; S McLeod, Administration Officer

1 Declaration of Interests

No interests were declared.

2 Minutes of Previous Meeting

The minutes of the meeting of the Planning Local Review Body held on 7 August 2023 were submitted for approval as a correct record.

The Committee decided: that the minutes be approved as a correct record.

3 Review of Case – Application P/22/1355 for Change of Use of Agricultural Land to Private Garden Ground at Ard Taigh, Kilbank Road, Kirkfieldbank, Lanark

A report dated 25 August 2023 by the Executive Director (Finance and Corporate Resources) was submitted on a request for a review of the decision taken by officers, in terms of the Scheme of Delegation, to refuse planning permission for planning application P/22/1355 by S Davies for the change of use of agricultural land to private garden ground at Ard Taigh, Kilbank Road, Kirkfieldbank, Lanark.

To assist the PLRB in its review, copies of the following information had been appended to the report:-

- ◆ planning application form
- ◆ report of handling by the planning officer under the Scheme of Delegation
- ◆ site photographs and location plan
- ◆ decision notice
- ◆ notice of review, including applicant's statement of reasons for requiring the review
- ◆ submission from Planning and Regulatory Services following notification of the request for the review of the case

The relevant drawings in relation to the review were available for inspection prior to the meeting of the PLRB.

The PLRB noted that the applicant had requested that further written submissions be sought, however, on the basis of the above, the PLRB considered it had sufficient information to allow it to proceed to determine the review. The options available to the PLRB were to uphold, reverse or vary the decision taken in respect of the application taken under review.

In reviewing the case, the PLRB considered:-

- ◆ the information submitted by all parties
- ◆ the relevant policies contained in the adopted South Lanarkshire Local Development Plan 2:-
 - ◆ Policy 4 – Green Belt and Rural Area
 - ◆ Policy 5 – Development Management and Placemaking
 - ◆ Policy NHE16 – Landscape
- ◆ the relevant policy contained in the National Planning Framework 4 which had been adopted on 13 February 2023 and formed part of the statutory development plan:-
 - ◆ Policy 17 – Rural Homes

Following its review of the information and after discussion, the PLRB concluded that there was adequate justification in terms of Policies 4, 5 and NHE16 of the adopted South Lanarkshire Local Development Plan 2 and Policy 17 of the National Planning Framework 4 for the application to be granted on the grounds that the proposal was not contrary to the development plan. The PLRB then considered an appropriate condition to be attached to the planning consent.

The PLRB decided:

that the decision taken by officers, in terms of the Scheme of Delegation, to refuse planning permission for planning application P/22/1355 by S Davies for the change of use of agricultural land to private garden ground at Ard Taigh, Kilbank Road, Kirkfieldbank, Lanark be reversed and that planning permission be granted for the proposal subject to the condition specified by the PLRB, attached as Appendix 1 to this minute.

4 Urgent Business

There were no items of urgent business.

Application P/22/1355 - Condition and Reason**Appendix 1**

Change of Use of Agricultural Land to Private Garden Ground at Ard Taigh, Kilbank Road, Kirkfieldbank, Lanark

1. The development to which this permission relates shall be begun no later than the expiration of three years beginning with the date of grant of this decision notice.

Reason: To comply with Section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).