

# Report

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

Application no.	P/19/1283
Planning proposal:	Conversion and extension of midden to form garage/store building (retrospective)

## 1 Summary application information

Application type:	Householder
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)**

**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

Policy 14 - Natural and Historic Environment

Policy GBRA1 - Rural Design and Development

Policy NHE3 - Listed Buildings

◆ **Representation(s):**

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

◆ **Consultation(s):**

None

## **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 an area of ground associated with the main farmhouse, including the access to the property from the Strathaven to Chapelton road. The application site measures approximately 0.1 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 property at Burn 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 conversion of an open midden on site to form a single storey detached building for use as an ancillary domestic building associated with the property at Brae Farm. The application is retrospective as the building has already been constructed on site. In order to convert the building, the walls of the midden have been increased in height and a roof and garage door have been put in place. The building measures 26 square metres in area.

### **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 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, 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 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 erection of a detached building for use as a granny flat/ancillary residential accommodation is under Council consideration at this time (Planning Ref: P/19/1539).

#### **4 Consultation(s)**

- 4.1 No planning consultations were required to be undertaken in respect of this application.

#### **5 Representation(s)**

- 5.1 Statutory neighbour notification procedures were undertaken and the application was advertised in the East Kilbride News due to the location of the development within the curtilage of a listed building. In response, two 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.**

**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 this case, the development relates to the conversion of an existing structure within the curtilage of a residential property to form a small scale ancillary garage/storage building. 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, it has been suggested that this building may be used for business purposes as a vehicle repair garage.**

**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 concerns raised relating to the potential use of the building for business purposes, the applicants have advised that, in this instance, the building in question is utilised for ancillary domestic purposes only and no evidence has been provided by any other parties to suggest that this is not the case. For the avoidance of any doubt, a planning condition would be attached to any consent issued restricting the use of the building to domestic purposes only.

**c) Given that the building may be used as a commercial garage, planning permission should not be granted for the development as the driveway**

**to the property is shared with a neighbouring property and the neighbouring property has not consented the use of the driveway for commercial purposes.**

**Response:** As set out in b) above, the applicants have advised that the building to which the application relates is utilised for ancillary domestic purposes only and it is noted that no evidence has been provided by any other parties to suggest that this is not the case. A planning condition would be attached to any consent issued restricting the use of the building to domestic purposes only. As such, the existing access to the property is considered appropriate in terms of the development under consideration. It should be noted that the issue of shared ownership of the driveway is a civil matter that requires to be resolved separately by the parties involved, outside of the planning process.

- d) 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 is granted for the development.

- e) 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 conversion of an existing midden to form a small detached building. As such, it is considered extremely 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 conversion of an open midden on site to form a single storey detached building for use as an ancillary domestic building associated with the property at Brae Farm. The application is retrospective as the building has already been constructed on site. In order to convert the building, the walls of the midden have been increased in height and a roof and garage door has been put in place. The building measures 26 square metres in area.

6.2 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.

- 6.3 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.
- 6.4 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 impacts 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.
- 6.5 In this instance it is noted that the development relates to the conversion of a former midden to form a detached garage/store building to be utilised for purposes ancillary to the residential property on site. As the building in question is a small scale domestic building that has been developed from an existing structure, it is not considered that the development has any adverse impact on the character or function of the Green Belt. Similarly, given the small scale of the building and its location within the curtilage of the existing residential property at Brae Farm, it is not considered that it has any adverse impact on surrounding amenity or the local environment. However, in order to ensure the continued protection of local amenity, a condition would be attached to any consent issued restricting the use of the building to ancillary domestic purposes associated with Brae Farm only. Subject to this condition the development is considered to be compliant with Policies 3 and 4 and their associated supplementary guidance documents.
- 6.6 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. 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 small scale and is significantly removed from the main dwellinghouse. As such, it is not considered that there is any adverse impact on the listed building resulting from the development and the development is considered to be compliant with Policy 15 and its associated supplementary guidance, with particular regard to Policy NHE3.
- 6.7 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, GBRA1 and NHE3 in the proposed plan.

- 6.8 In addition to the standard neighbour notification procedure carried out by the Council, the application was also advertised in the local press. One letter 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.
- 6.9 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 condition.

## **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 and NHE3) and the Proposed South Lanarkshire Local Development Plan 2 (Policies 4, 5, 14, 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/18/1298
- ◆ P/18/1308
- ◆ P/19/1539

### **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 25 November 2019
- ▶ Representations

Dated:

Joe Allan, 94 Franklin Place, East Kilbride, G75 8LS

31.12.2019

Councillor Graeme Campbell, Council Buildings, Beckford  
Street, Hamilton ML3 0AA

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](mailto:declan.king@southlanarkshire.gov.uk)



Detailed planning application

Paper apart – Application number: P/19/1283

**Conditions and reasons**

01. That the building hereby approved shall be used for domestic or ancillary purposes associated with the main dwellinghouse on site at Brae Farm only 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.

P/19/1283

Brae Farm, A726 from Strathaven to Chapelton, Chapelton



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



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