

Report

Report to:	Planning Committee
Date of Meeting:	24 January 2023
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/22/0360
Planning proposal:	Erection of dwellinghouse (Planning Permission in Principle)

1 Summary application information

Application type: Permission in principle

Applicant: Mr Kevin Brown
 Location: Land at Spittal Farm
 Spittal Road
 Carnwath
 Lanark
 ML11 8LY

2 Recommendation(s)

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

(1) Refuse detailed planning permission (for the reasons stated).

2.2 Other actions/notes

(1) The Planning Committee has delegated powers to determine this application.

3 Other information

- ◆ Applicant's Agent: Catherine Lyon
- ◆ Council Area/Ward: 03 Clydesdale East
- ◆ Policy Reference(s): SLDP2: Policy 2 Climate Change
 SLDP2: Policy 4 Green Belt and Rural Area
 SLDP2: Policy 5 Development Management and Placemaking
 SLDP2: Policy GBRA1 Rural Design and Development
 SLDP2: Policy GBRA8 Development of Gap Sites
 SLDP2: Policy GBRA9 Consolidation of Existing Building Groups

◆ **Representation(s):**

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

◆ **Consultation(s):**

West of Scotland Archaeology Service

Roads Development Management Team

Scottish Water

Arboricultural Services

Planning Application Report

1 Application Site

- 1.1 The site (0.3975 ha) is located to the east of a line of 6 dwellings, the easternmost of which is a property called Medwyn Rise, on agricultural land forming part of the Spittal Farm landholding, the steading of which adjoins the eastern boundary of the site. To the south the site faces onto Spittal Road, a minor public road and beyond by agricultural land sloping down to the North Medwyn. To the north is the remaining agricultural field area. In the middle of the site there is a sparse line of low quality trees in a state of decline, formerly following a field boundary. Carnwath lies 1km to the north.

2 Proposal(s)

- 2.1 The applicant seeks planning permission in principle for a detached dwelling (the site plan shows the indicative footprint of the proposed dwelling). The proposal also includes re-establishing and consolidating the tree line which previously formed a field boundary crossing the site. The house will be sited to the west of the proposed tree line – the land to the east of the tree line will be retained as a paddock. The applicant proposes a legal agreement to ensure the land to the east of the tree line remains undeveloped.
- 2.2 A Supporting Statement, addendum and correspondence have been submitted as supporting information.

3 Background

3.1 Local Plan Status

- 3.1.1 In the adopted South Lanarkshire Local Development Plan 2 the following Policies - 2 - Climate Change, 4 – Green Belt and Rural Area, 5 - Development Management and Place Making, GBRA1 - Rural Design and Development, GBRA8 - Development of Gap Sites and GBRA9 - Consolidation of Existing Building Groups are of relevance to the determination of this application.

3.2 Relevant Government Advice/Policy

- 3.2.1 In terms of residential development, Scottish Planning Policy (SPP) advises that the planning system should identify a generous supply of land to support the achievement of housing land requirements and maintaining at least a 5 year supply of land at all times. It should also enable the development of well designed, energy efficient, good quality housing in sustainable locations and focus on the delivery of allocated sites. Consideration should be given to the re-use or re-development of brownfield land before development takes place on greenfield sites. In all rural and island areas promote a pattern of development that is appropriate to the character of the particular rural area and the challenges it faces. Where ongoing development pressures are likely to continue, it is important to protect against an unsustainable growth in car based commuting and the suburbanisation of the countryside. Include provision for small scale housing which supports sustainable economic growth in a range of locations, taking account of environmental protection policies and addressing issues of location, access, siting, design and environmental impact.
- 3.2.2 The Revised Draft National Planning Framework 4 was approved by the Scottish Parliament on 11 January 2023. The next step is its formal adoption and publication by Scottish Ministers. Due to its advanced stage, the Revised Draft NPF4 is now considered to be a material consideration in the determination of this application. However, there are not considered to be any specific implications in respect of the provisions of the draft framework relating to this application. The Revised Draft

National Planning Framework 4 aims to encourage low and zero carbon design and energy efficiency, development that is accessible by sustainable travel, whilst stressing the need to ensure the right development happens in the right place.

3.3 **Planning Background**

3.3.1 There have been no previous planning applications within the site although immediately to the east within the same landholding (owned by the agent for the applicant) Planning Permission CL/06/0880 was granted for a farmhouse in May 2008. Planning Permission CL/07/0788 was granted for the siting of a residential caravan (temporary consent) in December 2007. A Discharge of Planning Obligation CL/12/0468 attached to planning consent CL/06/0880 which restricted occupancy and sale of the farmhouse was granted in May 2012 because further finance to complete the approved dwelling was not possible without the removal of these restrictions. Planning Permission CL/12/0256 for removal of condition 02 'restricting occupancy of house to someone employed in agriculture' was approved in December 2012. New outbuildings have been built beside the farmhouse. This represents a new farmhouse and steading – the development does not relate to the consolidation of an original farm steading. At the western extremity of the landholding, well beyond the building group and steading, Prior Approval CL/17/0076 was not required for an agricultural building in March 2017. P/20/1640 was granted for an extension to that agricultural shed in November 2020. Prior Approval P/18/0922 was not required for a container for agricultural equipment in July 2018, sited to the north of Old Medwyn Mill. Prior Notification CL/14/0299 for an agricultural building in isolated location to the north of Spittal Road, was granted in August 2014. Prior approval for a sheep handling shed and feed silo at the same location, was granted in March 2015. Planning Permission CL/15/0405 for temporary accommodation, beside the silo and shed, was granted in January 2016 because accredited flock requires to be isolated from other breeds for biosecurity reasons – as the temporary consent expired in 2019 a new temporary consent for accommodation was granted in February 2021. Prior Approval P/18/0147 for a polytunnel to the north of Old Medwyn Mill, was granted April 2018. These developments represent a random scattering of buildings across the landholding at odds with the normal and preferred practice of consolidating agricultural operations at the one steading.

4 **Consultation(s)**

4.1 **Scottish Water** – There is sufficient capacity at the Coulter Water Treatment Works. Unfortunately, according to their records there is no public Scottish Water Waste Water infrastructure within the vicinity of this proposed development, therefore, the applicant is advised to investigate private treatment options. For reasons of sustainability and to protect their customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into their combined sewer system.

Response: Noted. If permission is granted conditions will be applied requiring details of surface water drainage and private sewerage arrangements. There is no combined sewer in the vicinity to connect into.

4.2 **Roads and Transportation Services** – No objection subject to conditions covering visibility, parking, turning area, location of gates and provision of passing place between Medwyn Rise and the proposed site access.

Response: Noted. If the Planning Committee determine that the planning application should be approved, then appropriate conditions can be attached.

- 4.3 **WOSAS** – Due to the proximity to the line of a Roman road, normally an archaeological investigation condition would be recommended. In this instance, Dr Swanson, the former Manager of the Archaeology Service, provided comments in response to a 2006 application for the construction of a new farmhouse immediately to the north-east (planning reference CL/06/0880). Dr Swanson advised that she did not consider archaeological work to be required in relation to that application and given the proximity of the current proposal to the site of the (now-completed) farm, it is accepted that it could raise issues of consistency if a condition was attached to any consent issued in relation to the current application.

Response: Noted.

- 4.4 **Arboricultural Services** – No response received to date.

Response: No existing trees are directly affected by this proposal.

5 Representation(s)

- 5.1 In response to the carrying out of neighbour notification and the advertisement of the application in the local press due to Development Contrary to the Development Plan and non-notification of neighbours, 1 comment letter has been received. The issues raised are summarised below:-

- a) **Existing soakaway drain and septic tank outfall pipe from neighbouring property falls within the application site boundary. The neighbour has a continuing right to access for maintenance purposes. Any planning approval should make reference to this drainage and ensure that the drainage is not affected, or a condition is attached requiring approval for any modification to the drainage.**

Response: If the Planning Committee determine that the application should be approved then an appropriate condition could be attached to protect this drainage.

- 5.2 This letter is available for inspection on the planning portal.

6 Assessment and Conclusions

- 6.1 The determining issues in the consideration of this application are its compliance with the adopted South Lanarkshire Local Development Plan 2 (SLLDP2).
- 6.2 The Scottish Planning Policy (SPP) states that the planning system should in all rural and island areas promote a pattern of development that is appropriate to the character of the particular area and the challenges it faces and encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality. In this instance it is considered that the proposed development is not consistent with the SPP in that it would further erode the quality of the countryside and represents the continuing urbanisation of the rural area within this vicinity. The proposal, if approved, would not protect, or enhance the environment at this location nor support a prosperous and sustainable community. Local Plan policies already allow for multiple opportunities for small scale housing development in the rural area.
- 6.3 In terms of local plan policy the application site lies within the rural area and is subject to assessment against Policy 4 - Green Belt and Rural Area of the adopted South Lanarkshire Local Development Plan 2 (SLLDP2). This states that development which does not require to be located in the countryside will be expected to be included within a settlement boundary. This policy further states that within rural areas the Council seeks to protect the amenity of the countryside while, at the

same time, support small scale development in the right places that is appropriate in land use terms and is of high environmental quality that support the needs of the community.

- 6.4 Policy GBRA1's primary requirement is that proposed development "should be sited in a manner that respects existing built form, land form and local landscape character and setting".
- 6.5 Policy GBRA8 development of gap sites outlines criteria which should be adhered to in order for a proposal on a gap site to be favourably considered; the salient criteria are as follows:-
- ◆ the building group should form a clearly identifiable nucleus with strong visual cohesion. The site should be bounded on at least two sides by habitable houses or other buildings that are either in use or capable of being brought back into use. The distance between the existing buildings shall be no more than that needed to form a maximum of two house plots of a size in keeping with the curtilage and frontage of the existing group
 - ◆ the proposed house size to plot ratio shall be comparable to existing properties in the building group
 - ◆ the proposed development shall not result in ribbon development or coalescence with another building group
 - ◆ exceptionally, within the rural area only, the layout of the existing group of houses may allow the infill of a small area up to a natural boundary, for example, an established tree belt or other landscaping feature, a physical feature such as a boundary wall or road
- 6.6 Policy GBRA9, relative to the consolidation of existing building groups, advises that proposals for new houses within existing building groups will be supported, subject to specified criterion. It requires that new development shall:-
- ◆ reflect and respect the scale, character, cohesiveness of the building group
 - ◆ not result in ribbon/linear development
 - ◆ shall not significantly adversely affect the landscape character or setting of the area. It is noted that existing natural boundaries between the existing group and the countryside shall be maintained and that natural boundaries shall generally take precedence over man-made boundaries when defining the extent of a building group
- 6.7 The site sits to the east of a line of five suburban bungalows situated on the north side of Spittal Road which were constructed in the 80s/90s. Although subject of approval at the time, this one sided line of bungalows appears as an anomaly at odds with the pattern of rural development in the area and certainly contrary to current planning policy and guidance which aims to discourage this type of suburbanisation – approval cumulatively would exacerbate the impact of suburbanisation in this locality. The indicative house plot located to the west of the line of trees would not be closely bounded by buildings and the small number of sparse trees in poor condition would not physically or visually provide a strong defensible edge. Although it is noted that the applicant is willing to restrict the development on the site area between Spittal Farm and the line of trees, that area nevertheless falls within the application site boundary thereby giving an assigned curtilage significantly larger than the existing dwellings in the nearby building group. There is a proposal to strengthen the line of trees with additional planting, however,

that would take time to mature and become established. Therefore, the criteria for a gap site development cannot be met. Whether two or only one house is proposed, it still represents inappropriate ribbon/linear development which exacerbates the impact of existing ribbon/linear development. The applicant believes that the building group should have been designated as a settlement as it is similarly sized to other building groups which have already been formally designated as settlements through the Local Plan process and if designated, the proposal could be considered as a proportionate expansion of the settlement under the terms of Policy GBRA7 – Small Scale Settlement Extensions. There has to date been no representation during the preparation and consultation period for previous Local Plans for Spittal to be designated as a settlement, however, the applicant asserts that due to the time delay in preparing a new local plan there is material justification for theoretically assessing the proposal as if Spittal was already a designated settlement. From a South Lanarkshire planning perspective with numerous emerging environmental issues to address, designating a new settlement for the purpose of allowing the addition of a single dwelling is not seen as a pressing priority. Even if Spittal was a designated settlement, this proposal would not represent the natural and proportionate rounding off of the settlement edge for the reasons outlined above. The proposal would not consolidate nor round off the building group rather it would extend beyond the defined group into a greenfield site currently used as productive agricultural land. On this basis, it is considered that the application proposal is contrary to Policies 4, GBRA1, GBRA8 and GBRA9 of the adopted SLLDP2.

- 6.8 Policy 2 – Climate Change states that proposals for new development must, where possible, seek to minimise and mitigate against the effects of climate change by being sustainably located and having no significant adverse impacts on the water and soils environment. The application site is not located within any flood risk area and the provision of any form of drainage system on the site would not significantly adversely impact on the water and soils environment of the surrounding area. At the further detailed stage conditions could be attached requiring energy efficiency, low carbon technology and a charging point for electrical cars. The proposal, therefore, complies with Policy 2 of the current Local Development Plan.
- 6.9 Policy 5 - Development management and placemaking states that all development proposals will require to take account of and be integrated with the local context and built form. Development proposals should have no significant adverse impacts on the local community. As stated above, the proposal would result in a development that would not take account of nor integrate well with the local context and built form in the area and would therefore have significant adverse impacts on the local community and environment of the surrounding area. The proposal also fails to comply with Policy 5 of the current Local Development Plan.
- 6.10 The supporting statement accompanying the application refers to the draft Fourth National Planning Framework (NPF4) having the aims of increasing the population of the rural areas, choice about where people live, encouraging remote working and consolidating 20 minute neighbourhoods. Guidance encourages local authorities to facilitate sensitive housing development in the rural area, however, that does not imply unrestricted development at the expense of countryside quality and a distinctive rural character. Local Plan policies already afford a range of opportunities for small scale housing developments in the countryside, subject to environmental, amenity, road safety and infrastructure constraints, which tie in with these aims – these include: gap site developments; consolidation of existing building groups; small scale settlement extensions; redevelopment of previously developed land containing buildings; conversion and re-use of existing buildings and accommodation

associated with an existing or proposed rural business. For the reasons outlined above this planning application does not comply with Local Plan policies covering new housing in the rural area.

- 6.11 The agent for the applicant who owns Spittal Farm, which includes the application site, advises that the sale of the land will help raise money to complete the approved handling shed, silo and cabin. This is the only reason the application was made, as it will assist the farm development at a time when the government is looking to increase food production from local resources. This is somewhat contradictory as the proposal will result in the loss of productive agricultural land and if land must be sold off to complete agricultural buildings, the viability of the farm business is questionable. Also, over the years there has been a random spread of assorted sheds and structures in isolated locations throughout the landholding, distant from the steading, contrary to normal practice whereby operations are consolidated within the confines of one steading (see paragraph 3.3.1 documenting the history of prior notifications and planning permissions at Spittal Farm). This spread of structures in various locations has cumulatively created an impression of rural clutter – that pattern of development along with the current proposal will further erode the quality of the countryside in this locality.
- 6.12 This application has been resubmitted following deferral from the previous Planning Committee held on 22 November 2022 to allow members to view the site plan prior to deciding on the merits of the proposal. The site plan is available as a background paper and can be viewed on the planning portal via the link included under background papers.
- 6.13 In view of the above, it is concluded that the proposal does not comply with the requirement of applicable policies within the adopted South Lanarkshire Local Development Plan 2. It is therefore recommended that permission is refused.

7 Reasons for Decision

- 7.1 The proposed development does not comply with the requirements of Policies 4 (Green Belt and Rural Area), 5 (Development Management and Placemaking), GBRA1 (Rural Design and Development), GBRA8 (Development of Gap Sites) and GBRA9 (Consolidation of Existing Building Groups) of the adopted South Lanarkshire Local Development Plan 2.

David Booth

Executive Director (Community and Enterprise Resources)

Date: 16 January 2023

Previous References

- ◆ P/22/0360 – Planning Committee - 22 November 2022

List of Background Papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ Neighbour notification letter dated 23 March 2022
- ▶ Site Plan available at following link:–
<https://publicaccess.southlanarkshire.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=R8JM4UOPHU500>

- ▶ Consultations
 - West of Scotland Archaeology Service 28.03.2022
 - Roads Development Management Team 27.04.2022
 - Scottish Water 29.03.2022
 - Arboricultural Services 22.03.2022

 - ▶ Representations
 - Robert and Roberta Dunsire, Medwyn Rise Spittal, Spittal Road, Carnwath, Lanark, South Lanarkshire, ML11 8LY
- Dated:
03.04.2022

Contact for further information

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

Ian Hamilton, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB
Phone: 07551 845 733
Email: ian.hamilton@southlanarkshire.gov.uk

Detailed planning application

Paper apart – Application number: P/22/0360

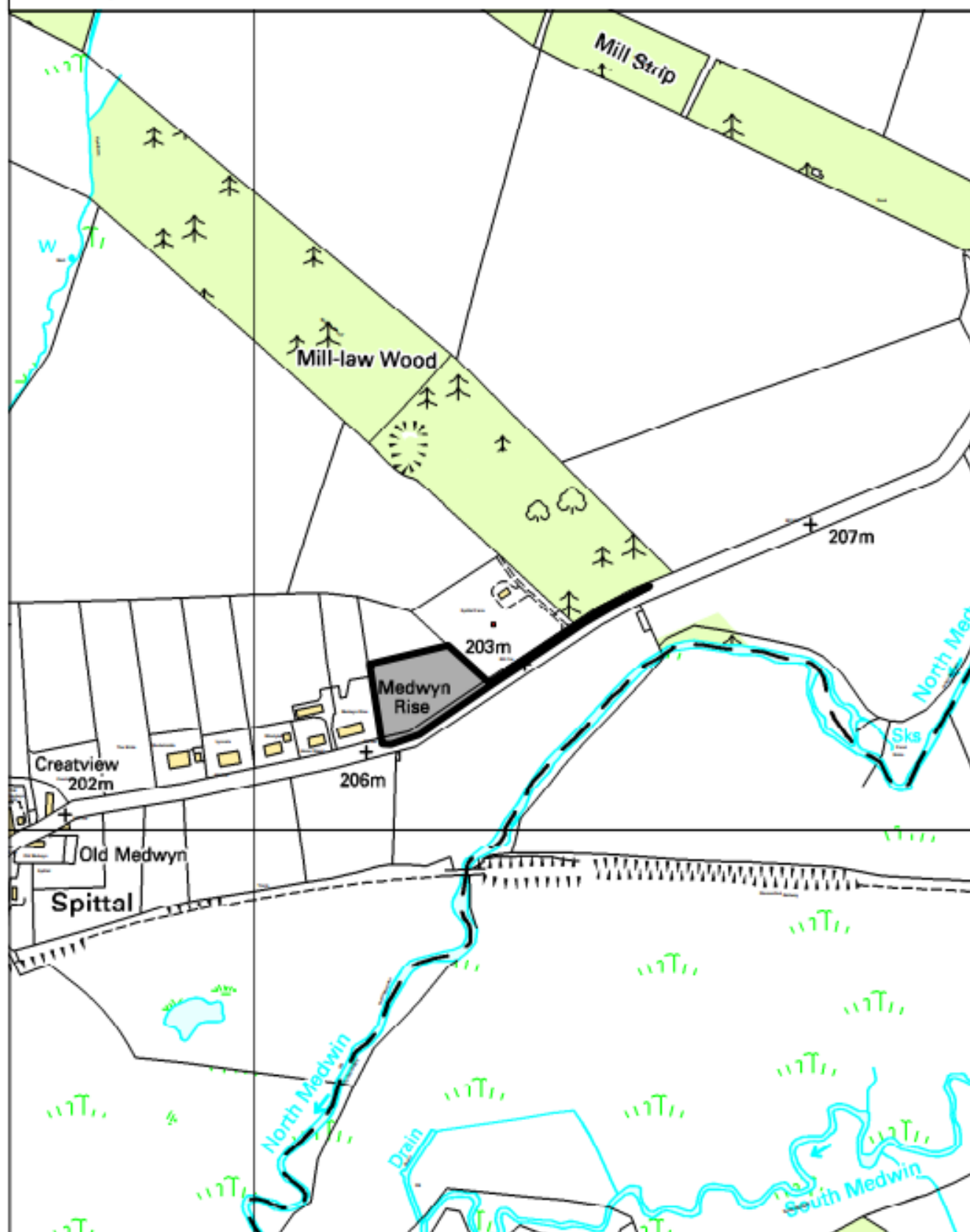
Conditions and reasons

Reasons for refusal

01. The proposal would be contrary to Policy 4 (Green Belt and Rural Area) of the South Lanarkshire Local Development Plan 2 as it would constitute an inappropriate form of development, without appropriate justification, which adversely affects the character of the Rural Area at this location.
02. The proposal would be contrary to Policy 5 (Development Management and Placemaking) and GBRA1 (Rural Design and Development) of the South Lanarkshire Local Development Plan 2 as it would constitute an inappropriate form of development, without appropriate justification, which would exacerbate the impression of suburbanisation at this location, leading to further erosion of the rural character.
03. The proposed residential dwelling on the site would be contrary to Policy GBRA8 (Development of Gap Sites) of the South Lanarkshire Local Development Plan 2 as it would constitute an inappropriate form of development, without appropriate justification. The site is not closely bounded on two sides by existing buildings and the proposed dwelling and associated curtilage would be significantly larger than existing plots within the linear group. The proposal would exacerbate the impression of existing ribbon/linear development adversely affecting the amenity of the Rural Area at this location.
04. The proposed residential dwelling on the site would be contrary to Policy GBRA9 (Consolidation of Existing Building Groups) of the South Lanarkshire Local Development Plan 2 as it would constitute an inappropriate form of development, without appropriate justification. The proposal would exacerbate the impression of existing ribbon/linear development, extending the building group beyond the existing boundary of the existing group into greenfield/agricultural land, which would adversely affect the amenity of the Rural Area at this location.

P/22/0360

Camwath, Lanark



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Scale:
1:5,000
Date:
19/08/2022



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development