

**Community And Enterprise Resources**  
Executive Director **David Booth**  
**Planning And Regulatory Services**

Mr Stephen Paul Davies  
Ard Taigh  
Kilbank Road  
Kirkfieldbank  
Lanark  
ML11 9UH

Our Ref: P/22/1355  
Your Ref:  
If calling ask for: Stuart Connolly  
Date: 24 March 2023

Dear Sir/Madam

**Proposal:** Change of use of agricultural land to private garden ground.  
**Site address:** Ard Taigh, Kilbank Road, Kirkfieldbank, Lanark, ML11 9UH,  
**Application no:** P/22/1355

I would advise you that the above application was refused by the Council and I enclose the decision notice which sets out the reasons for refusal. Please note that the Council does not issue paper plans with the decision notice. The application is refused in accordance with the plans and any other documentation listed in the reasons for refusal imposed on the accompanying decision notice and which can be viewed using the Council's online planning application search at <https://publicaccess.southlanarkshire.gov.uk/online-applications/>

If you consider that you can overcome the reasons for refusal and that it is not the principle of the development that is unacceptable, you may submit an amended application. If you do amend your proposals and re-apply within one year of this refusal, then you will not have to pay a fee, provided the proposal is of the same character or description as the application which has just been refused.

As your application has been refused, you may appeal against the decision within 3 months of the date of the decision notice. The attached notes explain how you may appeal.

Should you have any enquiries relating to the refusal of your application or a potential amended submission, please contact Stuart Connolly on 07385516139

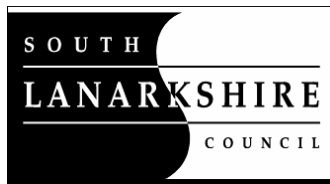
Yours faithfully

**Head of Planning and Regulatory Services**

Enc:

Floor 6, Council Offices, Almada Street, Hamilton, ML3 0AA  
Email [stuart.connolly@southlanarkshire.gov.uk](mailto:stuart.connolly@southlanarkshire.gov.uk) Phone: 07385516139





Application no.  
P/22/1355

## Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006

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To: **Mr Stephen Paul Davies** Per:

**Ard Taigh, Kilbank Road,  
Kirkfieldbank, Lanark,  
ML11 9UH,**

With reference to your application received on **21.09.2022** for planning permission under the above mentioned Act:

**Description of proposed development:**

**Change of use of agricultural land to private garden ground.**

**Site location:**

**Ard Taigh, Kilbank Road, Kirkfieldbank, Lanark, ML11 9UH,**

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SOUTH LANARKSHIRE COUNCIL in exercise of their powers under the above mentioned Act hereby:

### **REFUSE PLANNING PERMISSION**

for the above development in accordance with the plan(s) specified in this decision notice and the particulars given in the application, for the reason(s) listed overleaf in the paper apart.

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Date: 24th March 2023

**Head of Planning and Regulatory Services**

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This permission does not grant any consent for the development that may be required under other legislation, e.g. Building Warrant or Roads Construction Consent.
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**South Lanarkshire Council  
Community and Enterprise Resources  
Planning and Regulatory Services**

## **South Lanarkshire Council**

### **Refuse planning permission**

**Paper apart - Application number:** P/22/1355

#### **Reason(s) for refusal:**

01. The proposed change of use is contrary to Policy 17 of National Planning Framework 4 (2023) in that it seeks to use land in the rural area for housing purposes in a location where that site has not been allocated for residential development in the Local Development Plan.
02. The proposal is contrary to Policies 4, 5 and NHE16 of the South Lanarkshire Local Development Plan 2 (2021) in that the proposal would detract from the established character of the surrounding locale and adversely impact upon the established amenity of the area.

#### **Reason(s) for decision**

The proposal is contrary to Policies 4, 5 and NHE16 of the South Lanarkshire Local Development Plan 2 (2021) and Policy 17 of the NPF4 in that the change of use from agricultural land to private garden ground detrimentally impacts upon the special landscape character of the area and that which would conflict with the rural area designation set out in the development plan.

## Notes to applicant

**Application number: P/22/1355**

### Important

The following notes do not form a statutory part of this decision notice. However, it is recommended that you study them closely as they contain other relevant information.

01. This decision relates to drawing numbers:

<b>Reference</b>	<b>Version No:</b>	<b>Plan Status</b>
Location Plan	A	Refused



## **COMMUNITY AND ENTERPRISE RESOURCES**

Executive Director **David Booth**

Planning and Economic Development

### **Important notes**

## **Town and Country Planning (Scotland) Act 1997**

### **1. Compliance with conditions**

Under the provisions of the Town and Country Planning (Scotland) Act 1997 (Section 145), failure to comply with any condition(s) imposed on any planning permission may result in the service by the Council of a "Breach of Condition Notice" requiring compliance with the said condition(s).

There is no right of appeal against such a Notice and failure to comply with the terms of the Notice within the specified time limit will constitute a summary offence, liable on summary conviction to a fine not exceeding £1000.

### **2. Procedure for appeal to the planning authority**

- (a) 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 require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997, within three months from the date of this notice. The notice of review should be addressed to:

**Executive Director (Corporate Resources)**  
**Council Headquarters**  
**Almada Street**  
**Hamilton**  
**ML3 0AA**

To obtain the appropriate forms:

Administrative Services at the above address.

Telephone: 01698 454108

E-mail: [pauline.macrae@southlanarkshire.gov.uk](mailto:pauline.macrae@southlanarkshire.gov.uk)

- (b) If permission to develop land is refused or granted subject to conditions, whether by the planning authority or by the Scottish Ministers, 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 incapable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the planning authority a purchase notice requiring the purchase of his interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.