

Appendix 5

Notice of Review (including Statement of Reasons for Requiring the Review) submitted by applicant Claire Taylor

The applicant submitted the following documents with their Notice of Review, however, these are contained elsewhere in the agenda at the undernoted pages:-

- ◆ Document 1 Planning Application Form (included at pages 9 to 17) – Appendix 1
- ◆ Document E Letter dated 10 November 2016 from Derek Scott Planning (DSP) to South Lanarkshire Council (SLC) (included at pages 105 to 108) – Appendix 6
- ◆ Document F Letter dated 21 December 2016 from SLC to DSP (included at pages 113 to 116) – Appendix 6
- ◆ Document G Letter dated 9 January 2017 from DSP to SLC (included at page 118) – Appendix 6
- ◆ Document K Decision Notice dated 22 March 2017 (included at pages 45 to 50) – Appendix 4
- ◆ Document L Planning Officer's Report of Handling (included at pages 19 to 28) – Appendix 2(a)

NOTICE OF REVIEW

Under Section 43A(8) Of the Town and County Planning (SCOTLAND) ACT 1997 (As amended) In Respect
of Decisions on Local Developments

The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (SCOTLAND)
Regulations 2013

The Town and Country Planning (Appeals) (SCOTLAND) Regulations 2013

IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.

**PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS
ELECTRONICALLY VIA <https://www.eplanning.scot>**

1. Applicant's Details		2. Agent's Details (if any)	
Title	Ms.	Ref No.	ep403Muttonhole Road
Forename	Claire	Forename	Derek
Surname	Taylor	Surname	Scott
Company Name		Company Name	Derek Scott Planning
Building No./Name	11	Building No./Name	Unit 9
Address Line 1	Mansfield Crescent	Address Line 1	Dunfermline Business Centre
Address Line 2	Chapelton	Address Line 2	Izatt Avenue
Town/City	Strathaven	Town/City	Dunfermline
Postcode	ML10 6SB	Postcode	KY11 3BZ
Telephone		Telephone	01383 620300
Mobile		Mobile	07802 431970
Fax		Fax	01383 844999
Email		Email	enquiries@derekscottplanning.com
3. Application Details			
Planning authority	South Lanarkshire Council		
Planning authority's application reference number	HM/16/0299		
Site address	<div style="border: 1px solid black; padding: 5px;"> Greenlea Caravan Storage Muttonhole Road Hamilton ML3 8RU </div>		
Description of proposed development	<div style="border: 1px solid black; padding: 5px;"> Erection of dwelling house in association with established caravan storage business </div>		

Date of application

Date of decision (if any)

Note. This notice must be served on the planning authority within three months of the date of decision notice or from the date of expiry of the period allowed for determining the application.

4. Nature of Application

- Application for planning permission (including householder application)
- Application for planning permission in principle
- Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission and/or modification, variation or removal of a planning condition)
- Application for approval of matters specified in conditions

5. Reasons for seeking review

- Refusal of application by appointed officer
- Failure by appointed officer to determine the application within the period allowed for determination of the application
- Conditions imposed on consent by appointed officer

6. Review procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

- Further written submissions
- One or more hearing sessions
- Site inspection
- Assessment of review documents only, with no further procedure

If you have marked either of the first 2 options, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing necessary.

7. Site inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

- Can the site be viewed entirely from public land?
- Is it possible for the site to be accessed safely, and without barriers to entry?

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

None

8. Statement

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

Please refer to attached letter and documents.

Have you raised any matters which were not before the appointed officer at the time your application was determined?

Yes No

If yes, please explain below a) why your are raising new material b) why it was not raised with the appointed officer before your application was determined and c) why you believe it should now be considered with your review.

N/A

9. List of Documents and Evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review

Please refer to attached letter and documents.

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

10. Checklist

Please mark the appropriate boxes to confirm that you have provided all supporting documents and evidence relevant to your review:

Full completion of all parts of this form

Statement of your reasons for requesting a review

All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

DECLARATION

I, the applicant/agent hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

Signature



Name:

Date:

Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act.

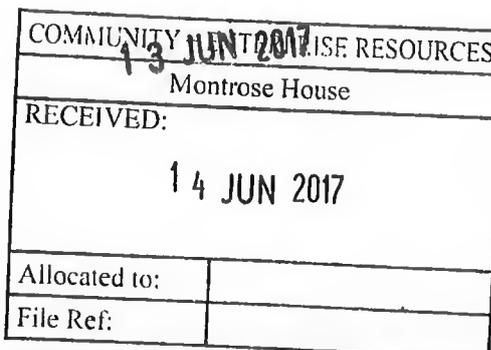


Our Ref: ep403/let017/DS

09th June 2017



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



Dear Sirs

HM/16/0299 - ERECTION OF DWELLING HOUSE IN ASSOCIATION WITH AN ESTABLISHED CARAVAN STORAGE BUSINESS AT GREENLEA CARAVAN STORAGE, MUTTONGHOLE ROAD, HAMILTON, ML3 8RU

We write on behalf of our client, Ms. Claire Taylor, to request that your Council's Local Review Body reviews the decision of the Appointed Planning Officer (James Watters), to refuse our client's application for the erection of a dwelling house in association with an established caravan storage business at Greenlea Caravan Storage, Muttonhole Road, Hamilton. ML3 8RU.

Background

The caravan storage facility to which the application relates was originally established in the 1960's and taken over by Mr. Martin and Mrs. Angela Gechonis in 1989 since which they established a cattery business on another part of the wider site. The storage facility accommodates upto 173 vehicles on the site, the majority of which are caravans although some boats are also stored.

Mr. Martin Gechonis died suddenly in November 2015 and his wife, Angela has operated both the caravan storage business and the cattery business since then on her own. With advancing age and a general inability to run both businesses, her daughter Claire Taylor, now wishes to take over and run the caravan storage business. Mrs. Gechonis will continue operating the cattery business.

The prospects of selling the caravan storage business in association with a newly erected dwelling house had previously been discussed in a pre-application meeting with Mr. James Watters in October 2015 prior to the death of Mr. Gechonis. Mr. Watters, at the time, advised that such an application would be supported in principle by the Council.

Submission of Planning Application

Based on the entirely positive pre-application discussions held in October 2015 we submitted an application to your Council on behalf of Ms. Taylor on 27th June 2016 (See Document B). This application sought planning permission in principle for the erection of a dwelling house which was to be used in association with the caravan storage business. The house was proposed in a position on the site which allowed for maximum surveillance over the stored caravans and boats. The presence of an onsite resident was stated in the application as being an essential pre-requisite

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to operating a business of this nature from both security and maintenance (adverse weather) perspectives. The application was also accompanied with a business plan which demonstrated that it was long established and profitable and that the dwelling house could be supported as an integral part of the business.

Determination of Planning Application

Mr. Watters was contacted on a number of occasions following the submission of the application for updates on progress (See Document C) and until 09th November 2016, some four months after the submission of the application and over twelve months after the initial pre-applications referred to, he remained positively disposed towards granting permission for the proposed dwelling house. On the 09th November 2016 he issued an email, presumably following influence from elsewhere, stating that he was now of the view that the proposal for the siting of a dwelling house on the site was not justifiable. Given the positive pre and post submission discussions had with Mr. Watters both our client and we were aggrieved with the about turn taken by Mr. Watters. Indeed had our client been made aware from the outset that her application would not be supported she may not have embarked on the exercise. Protracted correspondence followed between the parties culminating in a decision notice being eventually released on 22nd March 2017, almost nine months after the application was submitted, citing the following reasons for refusal.

1. *The policy is contrary to Policy 3 – Green Belt and Rural Area of the South Lanarkshire Local Development Plan (adopted 2015) in that it would constitute new residential development in the Greenbelt without appropriate justification.*
2. *The proposal is contrary to Policy GBRA 11- House Associated with Established Business of the South Lanarkshire Local Development Plan (adopted 2015) Supplementary Guidance on Green Belt as the applicant has failed to demonstrate that the accommodation is essential rather than convenient to the operation of the business.*
3. *If approved, the proposal would set an undesirable precedent which could encourage further similar applications for development prejudicial to the Greenbelt designation.*

A copy of the Decision Notice is attached as **Document K**.

An examination of Mr. Watter's Report of Handling on the application (**Document L**) suggests that there are two key areas of concern associated with the application as outlined below:

- a. He does not consider the submitted business plan to provide sufficient detail to support its conclusions; and
- b. He is of the view that onsite residential presence is not a necessity as on-site security and monitoring can be achieved through means other than by permanent residential accommodation on the site;

The Business Plan

The business plan submitted in support of the application, based on historic trading records, demonstrates that the storage facility has the potential to generate a turnover of £48,065 and a net profit of £40,855. Mr. Watters fails to specify, in his report what additional information or detail he would have required to satisfy any concerns he might have had. Our client and her family have operated a caravan storage facility from this location since 1989 (almost 30 years). They are

well placed to comment on the viability of a business and have a thorough understanding of its potential moving forward.

The Need for Permanent Accommodation

Mr. Watters clearly acknowledges in his Report of Handling that there is a need for adequate security arrangements to be provided at a caravan storage facility. However, having 'Googled' the subject, he has formed the view, based on advices contained on The Caravan Storage Site Owner's Association's (CaSSOA) website that adequate security can be provided through the principles of robust physical perimeter protection and technical detection systems combined with a non-resident site manager/watchman.

It is significant that Mr. Watters accepts the need for a site manager/watchman on the site albeit he considers that they don't need to reside there. As noted above the storage facility is forecast to generate a turnover of £48,065 per annum. A non-resident site manager/watchman would require to be on site for 24 hours a day and for 365 days a year. Assuming a minimum wage of £7.50 per hour for a person over 25 years of age that alone would amount to business cost of £65,700. Whilst that might work in some situations it would not work at Greenlea as the capacity of the storage facility is not sufficiently large to fund the employment of such security staff. Put simply, if Mr. Watters' suggestions were instigated the business would fold and would have to close down within months.

The provision of permanent residential accommodation is the only means by which adequate security can be provided at a viable cost on this particular site due to the scale of the operations carried out thereon. That security must be viewed in the context of the hugely valuable items stored there.

In response to the need to have a resident on site to be able to respond to adverse weather conditions Mr. Watters claims that it is not uncommon for buildings within countryside locations to be left unattended citing as examples farm buildings and holiday homes. With the utmost respect to Mr. Watters, caravans and boats of the nature stored at Greenlea are considerably more susceptible to the effects of adverse weather than farm buildings or holiday homes.

Other Considerations

Mr. Watters has also referred in his report to the fact that a dwelling house previously tied to the caravan storage business was sold by Mr. & Mrs Gechonis some years ago. Whilst that is the case it should be noted that Mr. and Mrs Gechonis marketed that house and the caravan business as a single package for a number of years with no interest generated or offers received. They were granted permission to remove the tie between that house and the caravan storage business by the Council who were made fully aware of their intentions to sell that house and to move into an adjoining house from where they would manage both the caravan storage and cattery businesses. Circumstances have changed significantly for the entire family since the sudden death of Mr. Gechonis in 2015. It has created an opportunity out of need for Mrs. Gechonis's daughter to take over the business and keep it in the family but that can only be achieved if permission is forthcoming for the dwelling house applied for.

The application site itself is ideally sited at the entrance to the storage facility and represents a logical addition to the existing cluster of houses existing on this part of Muttonhole Road. None of the property owners or occupiers adjacent or nearby have objected to the application as submitted.

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Summary and Conclusions

The Gechonis family have run a successful caravan and boat storage business from this site since 1989. With advancing years and a desire to ease into retirement, Mrs Gechonis, following the death of her husband now wishes to pass that business over to her daughter so that the service provided to many local people for the best part of the last thirty years can be continued. It is essential from the perspective of security that there is a resident on site at all times. Mr. Watters has suggested that such security can be provided by a watchman/site manager who need not necessarily have to reside on site. We have demonstrated unequivocally that such a proposition is unviable. The business plan submitted with the application has demonstrated that the business is long established and is on a sound financial footing. These, in our opinion are circumstances that should allow for the erection of a new house on the site.

In light of these considerations it is respectfully requested that your Council grants permission for the proposal as applied for. We reserve the right to provide additional information in response to any further comments provided by the Appointed Planning Officer.

Please acknowledge receipt and registration of this appeal at your earliest convenience. Thanking you in anticipation of your assistance.

Yours faithfully,



Derek Scott

enc.

cc. Claire Taylor

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List of Documents

- Document A** – Review Request Forms
- Document B** – Copy of Planning Application submitted to South Lanarkshire Council dated 27th June 2016
- Document C** – Copy of email exchanges between Derek Scott Planning and James Watters, South Lanarkshire Council between 29th July 2016 and 07th November 2016.
- Document D** – Copy of email from James Watters, South Lanarkshire Council to Derek Scott Planning dated 09th November 2016
- Document E** – Copy of letter from Derek Scott Planning to South Lanarkshire Council dated 10th November 2016
- Document F** – Copy of letter from Ms. Lesley Campbell, South Lanarkshire Council to Derek Scott Planning dated 21st December 2016
- Document G** – Copy of letter from Derek Scott Planning to Ms. Lesley Campbell, South Lanarkshire Council dated 09th January 2017
- Document H** – Copy of emails from Derek Scott Planning to South Lanarkshire Council between 09th January and 16th March 2017
- Document I** – Copy of letter from Claire Taylor to Chief Executive, South Lanarkshire Council dated 28th February 2017.
- Document J** – Copy of letter from Chief Executive, South Lanarkshire Council to Ms. Claire Taylor dated 14th March 2017.
- Document K** – Copy of decision notice dated 22nd March 2017
- Document L** – Copy of Planning Officer's Report of Handling dated 27th March 2017

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Document B

COMMUNITY + ENTERPRISE RESOURCES	
Montrose House	
RECEIVED: 14 JUN 2017	
Allocated to:	
File Ref:	



Our Ref: ep403/let012/DS

27th June 2016

Mr. James Watters
Planning Officer
Planning & Building Standards (Hamilton)
Community and Enterprise Resources
South Lanarkshire Council
Montrose House
154 Montrose Crescent
Hamilton ML3 6LB

Dear James

**ERECTION OF DWELLING HOUSE IN ASSOCIATION WITH AN ESTABLISHED CARAVAN STORAGE
BUSINESS at GREENLEA CARAVAN STORAGE, MUTTОНHOLE ROAD, HAMILTON
ML3 8RU**

I refer to our recent telephone conversation in connection with the above-mentioned subject and now attach for your attention an application for planning permission in principle for the erection of a dwelling house in association with an established caravan storage business at Greenlea Caravan Storage, Muttonhole, Hamilton on behalf of our client Ms. Claire Taylor. The application is accompanied with a cheque for the sum of £401.00 made payable to South Lanarkshire Council

Please acknowledge receipt and registration of the application at your earliest convenience. Thanking you in anticipation of your assistance.

Yours sincerely



Derek Scott

enc.

PLANNING APPLICATION

**ERECTION OF DWELLING HOUSE IN ASSOCIATION WITH ESTABLISHED
CARAVAN STORAGE BUSINESS**

At

**GREENLEA CARAVAN STORAGE
MUTTONHOLE ROAD
HAMILTON
ML3 8RU**

Prepared by

**Derek Scott Planning
Planning and Development Consultants**



**21 Lansdowne Crescent
Edinburgh
EH12 5EH**

Tel No: 0131 535 1103

Fax No: 0131 535 1104

E-Mail: enquiries@derekscottplanning.com

On behalf of

Ms. Claire Taylor

Executive Summary

**ERECTION OF DWELLING HOUSE IN ASSOCIATION WITH ESTABLISHED
CARAVAN STORAGE BUSINESS at GREENLEA CARAVAN STORAGE,
MUTTONHOLE ROAD, HAMILTON
ML3 8RU**

- The application site which measures approximately 0.19 hectares (0.47 acres) comprises part of the Greenlea Caravan Storage Facility which is located off Muttonhole Road to the north of Hamilton.
- The caravan storage facility was originally established in the 1960's and taken over by Mr. Martin and Mrs. Angela Gechonis in 1989 who have also operated a cattery business from another part of the wider site. The storage facility accommodates upto 173 vehicles on the site; the majority of which are caravans although some boats are also stored.
- Mr. Martin Gechonis passed away suddenly in November 2015 and his wife, Angela has now decided to sell the business as she is unable, on her own, to operate both the cattery and caravan storage businesses. She proposes to sell the caravan storage business and associated lands to Ms. Claire Taylor.
- The current application which seeks planning permission in principle for the erection of a dwelling house to be used in association with the caravan storage business is being submitted by Ms. Taylor. It is proposed that the house will be erected in a position on the site which allows for maximum surveillance over the stored caravans and boats. The presence of an onsite resident is an essential prerequisite to operating a business of this nature from both security and maintenance (adverse weather) perspectives.
- As noted above the business is long established and profitable. A business plan has been submitted with the application which demonstrates unequivocally that the dwelling house can be supported as an integral part of the business.
- The application accords with Policy 3 on the '*Green Belt and Rural Area*' as contained within the South Lanarkshire Local Development Plan and with Policy GBRA11 in the Council's Supplementary Guidance on the '*Green Belt and Rural Area*' which deals with the erection of a house in association with an established business.
- In light of the considerations outlined above it is respectfully requested that the application be approved and planning permission in principle granted for the dwelling house being applied for.

SUPPORTING STATEMENT

ERECTION OF DWELLING HOUSE IN ASSOCIATION WITH ESTABLISHED CARAVAN STORAGE
BUSINESS at GREENLEA CARAVAN STORAGE, MUTTONGHOLE ROAD, HAMILTON
ML3 8RU

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SUPPORTING STATEMENT

ERECTION OF DWELLING HOUSE IN ASSOCIATION WITH ESTABLISHED CARAVAN STORAGE BUSINESS at GREENLEA CARAVAN STORAGE, MUTTОНHOLE ROAD, HAMILTON, ML3 8RU

1. INTRODUCTION

- 1.1** This statement has been prepared by Derek Scott Planning, Chartered Town Planning and Development Consultants and is in support of an application seeking planning permission in principle for the erection of a dwelling house in association with an established caravan storage business at Greenlea Caravan Storage, Muttonhole Road, Hamilton. The planning application is attached as **Document 1**.

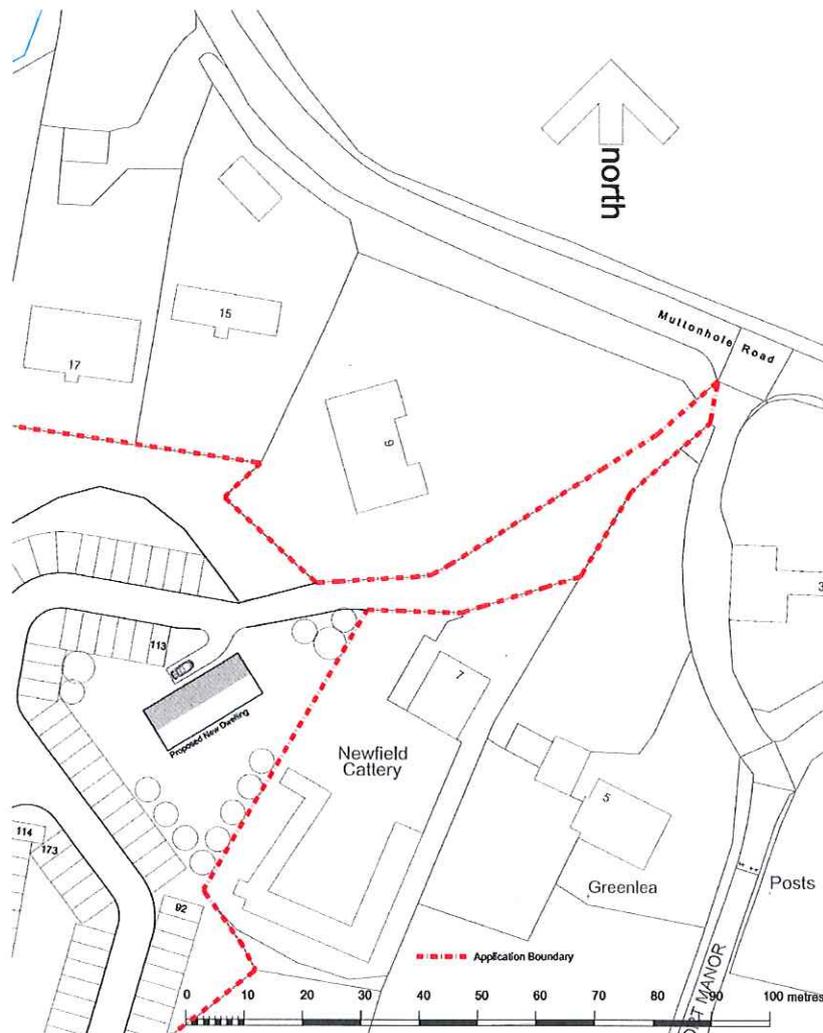


currently used primarily for the storage of caravans and a modest number of boats. It has capacity to store 173 such vehicles. A cattery business (Newfield Cattery) has been established next to the site since 1991 which Mrs. Gechonis took over in 2000. Sadly, Mr. Gechonis passed away very suddenly in November 2015 and whilst Mrs. Gechonis has continued to operate both businesses since then she has now decided to sell the caravan business but continue running the cattery business. There is an agreement in place to sell the caravan business to Ms. Claire Taylor subject to the receipt of a satisfactory planning permission for the erection of a dwelling house on the site.



3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1 The application submitted seeks planning permission in principle for the erection of a dwelling house at the entrance to the caravan storage facility in the approximate position shown on the Indicative Site Plan below.



Indicate Site Layout

- 3.2 The house, which will be modest in scale will be positioned in a location which provides opportunity for surveillance over the storage area thus offering maximum security and protection from theft and vandalism. Given the high values associated with the caravans and boats stored and to be stored on site the presence of an on-site resident is an essential and fundamental requirement of a business of this nature from the perspectives of both security and the need to respond, for example, to adverse weather conditions (high winds). There is no other accommodation within the area suitable of fulfilling this requirement.

4. PLANNING POLICY

4.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) states that:

'where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the development plan unless material considerations indicate otherwise.'

4.2 In the context of the above it is worth making reference to the House of Lord's Judgement on the case of the City of Edinburgh Council v the Secretary of State for Scotland 1998 SLT120. It sets out the following approach to deciding an application under the Planning Acts:

- identify any provisions of the development plan which are relevant to the decision;
- interpret them carefully, looking at the aims and objectives of the plan as well as detailed wording of policies;
- consider whether or not the proposal accords with the development plan;
- identify and consider relevant material considerations, for and against the proposal; and
- assess whether these considerations warrant a departure from the development plan.

4.3 The relevant development plan for the area comprises the Glasgow and the Clyde Valley Strategic Development Plan which was approved by Scottish Ministers in May 2012 and the South Lanarkshire Local Development Plan which was adopted by South Lanarkshire Council in June 2015. Other material considerations in the determination of the application include the Council's Supplementary Guidance on the Green Belt and Rural Area.

Glasgow and Clyde Valley Strategic Development Plan

4.4 The Glasgow and Clyde Valley Strategic Development Plan was approved by Scottish Ministers in May 2012. This plan provides the strategic framework for the determination of planning applications and the preparation of local development plans. The Plan contains no specific policies or proposals which are considered to be of overriding relevance to either the site or the proposed development.

South Lanarkshire Local Development Plan

4.5 The South Lanarkshire Local Development Plan was adopted by South Lanarkshire Council on 29th June 2015. The application site lies within the Green Belt on the south side of Hamilton where Policy 3 on the '*Green Belt and rural area*' applies. This states the following:

'The Green Belt and the rural area functions primarily for agriculture, forestry, recreation and other uses appropriate to the countryside. Development which does not require to locate in the countryside will be expected to be accommodated within the settlements identified on the proposals map, other than in the following circumstances;

- i. *Where it is demonstrated that there is a specific locational requirement and established need for a proposal.*
- ii. *The proposal involves the redevelopment of derelict or redundant land and buildings where significant environmental improvement can be shown.*
- iii. *The proposal is for the conversion of traditional buildings and those of local vernacular.*
- iv. *The proposal is for limited development within clearly identifiable infill, gap sites and existing building groups.*
- v. *The proposal is for extension of existing premises or uses providing it is of a suitable scale and design. Any new built form should be ancillary to the main use.*

In the Rural Area limited expansion of an existing settlement may be appropriate where the proposal is proportionate to the scale and built form of the settlement, it is supportive of the sustainability of the settlement and a defensible settlement boundary is maintained.

In both the Green Belt and rural area isolated and sporadic development will not be supported.

Development proposals must also accord with other relevant policies and proposals in the development plan and other appropriate supplementary guidance. Appropriate uses in the Green Belt and rural area are contained within supplementary guidance.'

- 4.6 As outlined in Paragraph 3.2 above the presence of an on-site resident is an essential prerequisite to the successful operation of a caravan storage business. The proposal therefore accords with the criterion in the policy which justifies development '*where it is demonstrated that there is a specific locational requirement and established need*' and therefore with the terms of the development plan.

Other Material Considerations

- 4.7 As noted previously, in addition to the development plan due cognisance must also be given in the determination of planning applications to other material considerations including, in this instance, the Council's Supplementary Guidance 2 on the Green Belt and Rural Area.
- 4.8 The said guidance was approved in 2014 with the purpose of supporting Policy 3 on the Green Belt and Rural Area as contained within the Local Development Plan. It provides more detail than the policy referred to in respect of the requirements for all new development proposed within both the Green Belt and rural area of South Lanarkshire.
- 4.9 The key policy within the supplementary guidance, insofar our client's proposed dwelling house is concerned, is Policy GBRA11 which deals with the erection of a house in association with an established business. The said policy is outlined below in italics with our response to each individual criterion of the policy outlined in bold.

'Proposals for permanent accommodation following the granting of consent for temporary accommodation under Policy GBRA 10, or, where living accommodation is required in association with an existing established business or enterprise within the countryside will be assessed against the following criteria:

- *Evidence must be submitted to demonstrate that the existing business or enterprise has been established and viable for at least two years and is financially sound with a clear prospect of remaining so. A business plan must demonstrate that the income from the business can support the worker's needs, the business premises and the associated residential accommodation, which with regard to financial viability, should be treated as part of the infrastructure of the business.*

As noted in Section 2 previously the caravan storage business has been established on site since the 1960's and has been operated by the present owner and her late husband since 1989. Attached as Document 2 is a Summary Business Plan which records turnover and profit levels during the course of the past four years along with projected turnover and profit levels envisaged by Ms. Taylor looking forward. It is evidently clear from the information provided that the business is financially sound; it will be able to support Ms. Taylor's needs, the business premises and the accommodation to which the application relates. Please note that the Business Plan is Confidential and should not be published.

- *Evidence is submitted which demonstrates that the proposed dwelling is essential to the functional needs of the enterprise, not merely convenient.*

As noted in Section 3 previously it is an essential and fundamental requirement of a business of this nature, from the perspectives of both security and the need to respond, for example, to adverse weather conditions, to have someone present on site at all times. Given the high values associated with the caravans and boats stored on site a business of this nature could not operate without a permanent on-site presence.

- *The need for a worker cannot be fulfilled by another existing dwelling on the site, or by any other existing accommodation in the area which is suitable and available for the worker concerned.*

There is no other accommodation within the area suitable of fulfilling this requirement. The dwelling must be located on the caravan storage site to provide for maximum surveillance and security.

- *There are no opportunities to re-use, convert or renovate and existing building on the site.*

There are no such opportunities on the site or in the vicinity of the site.

- *The siting, design and location of the proposed dwelling should not adversely affect the character and amenity of its surroundings, particularly landscape, countryside amenity and nature conservation interests.*

The proposed dwelling house will be located within part of the existing caravan storage area which by definition is a brownfield site. The site is well related to other houses and will contribute to rather than detract from the cohesiveness of the existing group or cluster. The house can be

positioned sufficiently distant from other residential properties to ensure that their amenities are not adversely affected. There are no other landscape, countryside amenity or nature conservation interests precluding the development of the site.

- *The siting of the proposed house and its scale, design and character shall comply with guidance in Appendix 1.*

Whilst the current application is for planning permission in principle only it is nonetheless important to recognise, as noted above, that the site is capable of absorbing a new dwelling house which relates well to and respects other established houses in the group.

- *The new dwelling meets access and parking standards and can be readily provided with services such as water, drainage and sewerage.*

There is sufficient space within the site to accommodate all access and parking requirements associated with the proposed dwelling house. It is our understanding that the site can be provided with all services including water, drainage and sewerage.

- *There is no adverse impact on or conflict with the operations of the existing business or other operations.*

The proposed dwelling house is entirely complimentary to and an essential requirement of the caravan storage business. Furthermore it is separated sufficiently from the cattery business to ensure that its operation is not adversely impacted in any way.

- *The new dwelling house be of a size commensurate with the established functional requirement of the business. Dwellings that are unusually large and/or expensive to construct in relation to the needs of the business and/or long term business turnover will not normally be permitted.*

Our client has no desire whatsoever to erect a house which is not commensurate in size with the caravan storage business to which it relates.

- 4.10 Based on the analysis undertaken of policies in the Local Development Plan and the associated Supplementary Guidance we are firmly and unequivocally of the view that the application should be approved.

5. SUMMARY AND CONCLUSIONS

5.1 We would wish summarise our client's case in the following terms:

- The application site which measures approximately 0.19 hectares (0.47 acres) comprises part of the Greenlea Caravan Storage Facility which is located off Muttonhole Road to the north of Hamilton.
- The caravan storage facility was originally established in the 1960's and taken over by Mr. Martin and Mrs. Angela Gechonis in 1989 who have also operated a cattery business from another part of the wider site. The storage facility accommodates up to 173 vehicles on the site; the majority of which are caravans although some boats are also stored.
- Mr. Martin Gechonis passed away suddenly in November 2015 and his wife, Angela has now decided to sell the business as she is unable, on her own, to operate both the cattery and caravan storage businesses. She proposes to sell the caravan storage business and associated lands to Ms. Claire Taylor.
- The current application which seeks planning permission in principle for the erection of a dwelling house to be used in association with the caravan storage business is being submitted by Ms. Taylor. It is proposed that the house will be erected in a position on the site which allows for maximum surveillance over the stored caravans and boats. The presence of an onsite resident is an essential prerequisite to operating a business of this nature from both security and maintenance (adverse weather) perspectives.
- As noted above the business is long established and profitable. A business plan has been submitted with the application which demonstrates unequivocally that the dwelling house can be supported as an integral part of the business.
- The application accords with Policy 3 on the '*Green Belt and Rural Area*' as contained within the South Lanarkshire Local Development Plan and with Policy GBRA11 in the Council's Supplementary Guidance on the '*Green Belt and Rural Area*' which deals with the erection of a house in association with an established business.
- In light of the considerations outlined above it is respectfully requested that the application be approved and planning permission in principle granted for the dwelling house being applied for.

5.2 We reserve the right to provide additional information in support of this application or to respond to representations made by third parties prior to its determination.

Signed



Derek Scott

Date 27th June 2016



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Document 1

APPLICATION FOR PLANNING PERMISSION

Town and Country Planning (Scotland) Act 1997
The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please refer to the accompanying Guidance Notes when completing this application
PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS
ELECTRONICALLY VIA <https://www.eplanning.scot>

1. Applicant's Details		2. Agent's Details (if any)	
Title	Ms.	Ref No.	ep403
Forename	Claire	Forename	Derek
Surname	Taylor	Surname	Scott
Company Name	-----	Company Name	Derek Scott Planning
Building No./Name	11 Mansfield Crescent	Building No./Name	Unit 9
Address Line 1	Chapelton	Address Line 1	Dunfermline Business Centre
Address Line 2	-----	Address Line 2	Izatt Avenue
Town/City	Strathaven	Town/City	Dunfermline
Postcode	ML10 6SB	Postcode	KY11 3BZ
Telephone	-----	Telephone	01383 620300
Mobile	-----	Mobile	07802 431970
Fax	-----	Fax	01383 844999
Email	-----	Email	enquiries@derekscottplanning.com

3. Postal Address or Location of Proposed Development (please include postcode)

Greenlea Caravan Storage
Muttonhole Road
Hamilton
ML3 8RU

NB. If you do not have a full site address please identify the location of the site(s) in your accompanying documentation.

4. Type of Application

What is the application for? Please select one of the following:

- Planning Permission
- Planning Permission in Principle
- Further Application*
- Application for Approval of Matters Specified In Conditions*
- Application for Mineral Works**

NB. A 'further application' may be e.g. development that has not yet commenced and where a time limit has been imposed a renewal of planning permission or a modification, variation or removal of a planning condition.

*Please provide a reference number of the previous application and date when permission was granted:

Reference No: Date:

**Please note that if you are applying for planning permission for mineral works your planning authority may have a separate form or require additional information.

5. Description of the Proposal

Please describe the proposal including any change of use:

Erection of Dwelling House in association with an established Caravan Storage Business

Is this a temporary permission?

Yes No

If yes, please state how long permission is required for and why:

N/A

Have the works already been started or completed?

Yes No

If yes, please state date of completion, or if not completed, the start date:

Date started: N/A

Date completed: N/A

If yes, please explain why work has already taken place in advance of making this application

N/A

6. Pre-Application Discussion

Have you received any advice from the planning authority in relation to this proposal?

Yes No

If yes, please provide details about the advice below:

In what format was the advice given?

Meeting Telephone call Letter Email

Have you agreed or are you discussing a Processing Agreement with the planning authority? Yes No

Please provide a description of the advice you were given and who you received the advice from:

Name: James Watters

Date: Various

Ref No.:

7. Site Area

Please state the site area in either hectares or square metres:

Hectares (ha): 0.19

Square Metre (sq.m.) 1900 sq. m.

8. Existing Use

Please describe the current or most recent use:

Caravan Storage

9. Access and Parking

Are you proposing a new altered vehicle access to or from a public road? Yes No

If yes, please show in your drawings the position of any existing, altered or new access and explain the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any changes to public paths, public rights of way or affecting any public rights of access? Yes No

If yes, please show on your drawings the position of any affected areas and explain the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application site?

Refer to Plans

How many vehicle parking spaces (garaging and open parking) do you propose on the site? (i.e. the total number of existing spaces plus any new spaces)

Refer to Plans

Please show on your drawings the position of existing and proposed parking spaces and specify if these are to be allocated for particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, etc.)

10. Water Supply and Drainage Arrangements

Will your proposals require new or altered water supply or drainage arrangements? Yes No

Are you proposing to connect to the public drainage network (e.g. to an existing sewer?)

Yes, connecting to a public drainage network

No, proposing to make private drainage arrangements

Not applicable – only arrangement for water supply required

What private arrangements are you proposing for the new/altered septic tank?

Discharge to land via soakaway

Discharge to watercourse(s) (including partial soakaway)

Discharge to coastal waters

Please show more details on your plans and supporting information

What private arrangements are you proposing?

Treatment/Additional treatment (relates to package sewer treatment plants, or passive sewage treatment such as a reed bed)

Other private drainage arrangement (such as a chemical toilets or composting toilets)

Please show more details on your plans and supporting information.

Do your proposals make provision for sustainable drainage of surface water? Yes No

Note:- Please include details of SUDS arrangements on your plans

Are you proposing to connect to the public water supply network?

Yes No

If no, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site)

11. Assessment of Flood Risk

Is the site within an area of known risk of flooding?

Yes No

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your planning authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? Yes No Don't Know

If yes, briefly describe how the risk of flooding might be increased elsewhere.

N/A

12. Trees

Are there any trees on or adjacent to the application site?

Yes No

If yes, please show on drawings any trees (including known protected trees) and their canopy spread as they relate to the proposed site and indicate if any are to be cut back or felled.

13. Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste? (including recycling)

Yes No

If yes, please provide details and illustrate on plans.

If no, please provide details as to why no provision for refuse/recycling storage is being made:

Application for Planning Permisison in Principle Only

14. Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats?

Yes No

If yes how many units do you propose in total?

One

Please provide full details of the number and types of units on the plan. Additional information may be provided in a supporting statement.

15. For all types of non housing development – new floorspace proposed

Does your proposal alter or create non-residential floorspace? Yes No

If yes, please provide details below:

Use type:

N/A

If you are extending a building, please provide details of existing gross floorspace (sq.m):

N/A

Proposed gross floorspace (sq.m.):

N/A

Please provide details of internal floorspace(sq.m)

Net trading space:

N/A

Non-trading space:

N/A

Total net floorspace:

N/A

16. Schedule 3 Development

Does the proposal involve a class of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008?

Yes No Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in your area. Your planning authority will do this on your behalf but may charge a fee. Please contact your planning authority for advice on planning fees.

17. Planning Service Employee/Elected Member Interest

Are you / the applicant / the applicant's spouse or partner, a member of staff within the planning service or an elected member of the planning authority? Yes No

Or, are you / the applicant / the applicant's spouse or partner a close relative of a member of staff in the planning service or elected member of the planning authority? Yes No

If you have answered yes please provide details:

N/A

DECLARATION

I, the applicant/agent certify that this is an application for planning permission The accompanying plans/drawings and additional information are provided as part of this application. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

I, the applicant/agent hereby certify that the attached Land Ownership Certificate has been completed

I, the applicant/agent hereby certify that requisite notice has been given to other land owners and /or agricultural tenants Yes No N/A

Signature

Name: Derek Scott Planning

Date: 27/06/16

Any personal information provided on this form will be held and processed in accordance with the requirements of the Data Protection Act.

LAND OWNERSHIP CERTIFICATES

Town and Country Planning (Scotland) Act 1997
Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland)
Regulations 2013

CERTIFICATE A, B, C, D OR CERTIFICATE E MUST BE COMPLETED BY ALL APPLICANTS

CERTIFICATE A

Certificate A is for use where the applicant is the only owner of the land to which the application relates and none of the land is agricultural land.

I hereby certify that -

- (1) No person other than myself was owner of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the application.
- (2) None of the land to which the application relates constitutes or forms part of agricultural land.

Signed:

On behalf of:

Date:

CERTIFICATE B

Certificate B is for use where the applicant is not the owner or sole owner of the land to which the application relates and/or where the land is agricultural land and where all owners/agricultural tenants have been identified.

I hereby certify that -

- (1) I have served notice on every person other than the applicant who, at the beginning of the period of 21 days ending with the date of the application was owner of any part of the land to which the application relates. These persons are:

Name	Address	Date of Service of Notice
Mrs Angela Gechonis	7 Muttonhole Road Hamilton ML3 8RU	27/06/16

- (2) None of the land to which the application relates constitutes or forms part of agricultural land

or

- (3) The land or part of the land to which the application relates constitutes or forms part of agricultural land and I have served notice on every person other than myself who, at the beginning of the period of 21 days ending with the date of the application was an agricultural tenant. These persons are:

Name	Address	Date of Service of Notice

Signed:

On behalf of:

Date:

CERTIFICATE C

Certificate C is for use where the applicant is not the owner or sole owner of the land to which the application relates and/or where the land is agricultural land and where it has not been possible to identify ALL or ANY owners/agricultural tenants.

(1) I have been unable to serve notice on every person other than myself who, at the beginning of the period of 21 days ending with the date of the application was owner of any part of the land to which the application relates.

or

(2) I have been unable to serve notice on any person other than myself who, at the beginning of the period of 21 days ending with the date of the accompanying application, was owner of any part of the land to which the application relates.

(3) None of the land to which the application relates constitutes or forms part of an agricultural holding.

or

(4) The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have been unable to serve notice on any person other than myself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant.

or

(5) The land or part of the land to which the application relates constitutes or forms part of an agricultural holding I have served notice on each of the following persons other than myself who, at the beginning of the period of 21 days ending with the date of the application was an agricultural tenant. These persons are:

Name	Address	Date of Service of Notice

(6) I have _____ taken reasonable steps, as listed below, to ascertain the names and addresses of all other owners or agricultural tenants and have _____ been unable to do so.

Steps taken:

Signed:

On behalf of:

Date:

CERTIFICATE D

Certificate D is for use where the application is for mineral development.

(1) No person other than myself _____ was an owner of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

or

(2) I have _____ served notice on each of the following persons other than myself _____ who, at the beginning of the period of 21 days ending with the date of the accompanying application, was to the applicant's knowledge, the owner, of any part of the land to which the application relates. These persons are:

Name	Address	Date of Service of Notice

(3) None of the land to which the application relates constitutes or forms part of an agricultural holding.

or

(4) The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have _____ served notice on each of the following persons other than myself _____ who, at the beginning of the period of 21 days ending with the date of the application, was an agricultural tenant.

(5) Notice of the application as set out below has been published and displayed by public notice

Signed:

On behalf of:

Date:

CERTIFICATE E

Certificate E is required where the applicant is the sole owner of all the land and the land to which the application relates is agricultural land and there are or are not agricultural tenants.

I hereby certify that -

(1) No person other than myself _____ was the owner of any part of the land to which the application relates at the beginning of the period 21 days ending with the date of the application.

(2) The land to which the application relates constitutes or forms part of an agricultural holding and there are no agricultural tenants.

or

(1) No person other than myself _____ was the owner of any part of the land to which the application relates at the beginning of the period 21 days ending with the date of the application.

(2) The land to which the application relates constitutes or forms part of an agricultural holding and there are agricultural tenants. These people are:

Name	Address	Date of Service of Notice

(3) I have _____ taken reasonable steps, as listed below, to ascertain the names and addresses of the other agricultural tenants and have _____ been unable to do so.

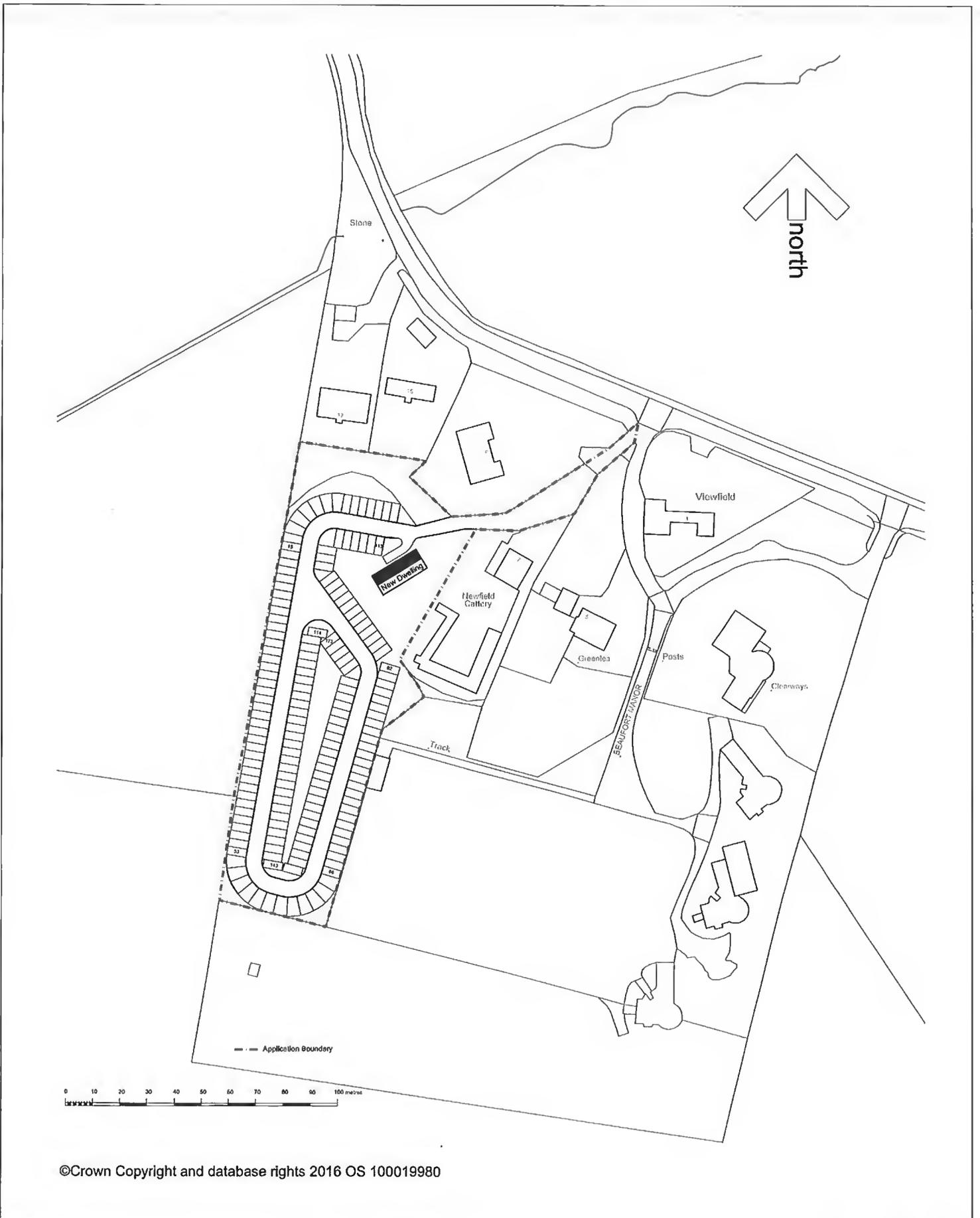
Steps taken:

Signed:

On behalf of:

Date:

Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act

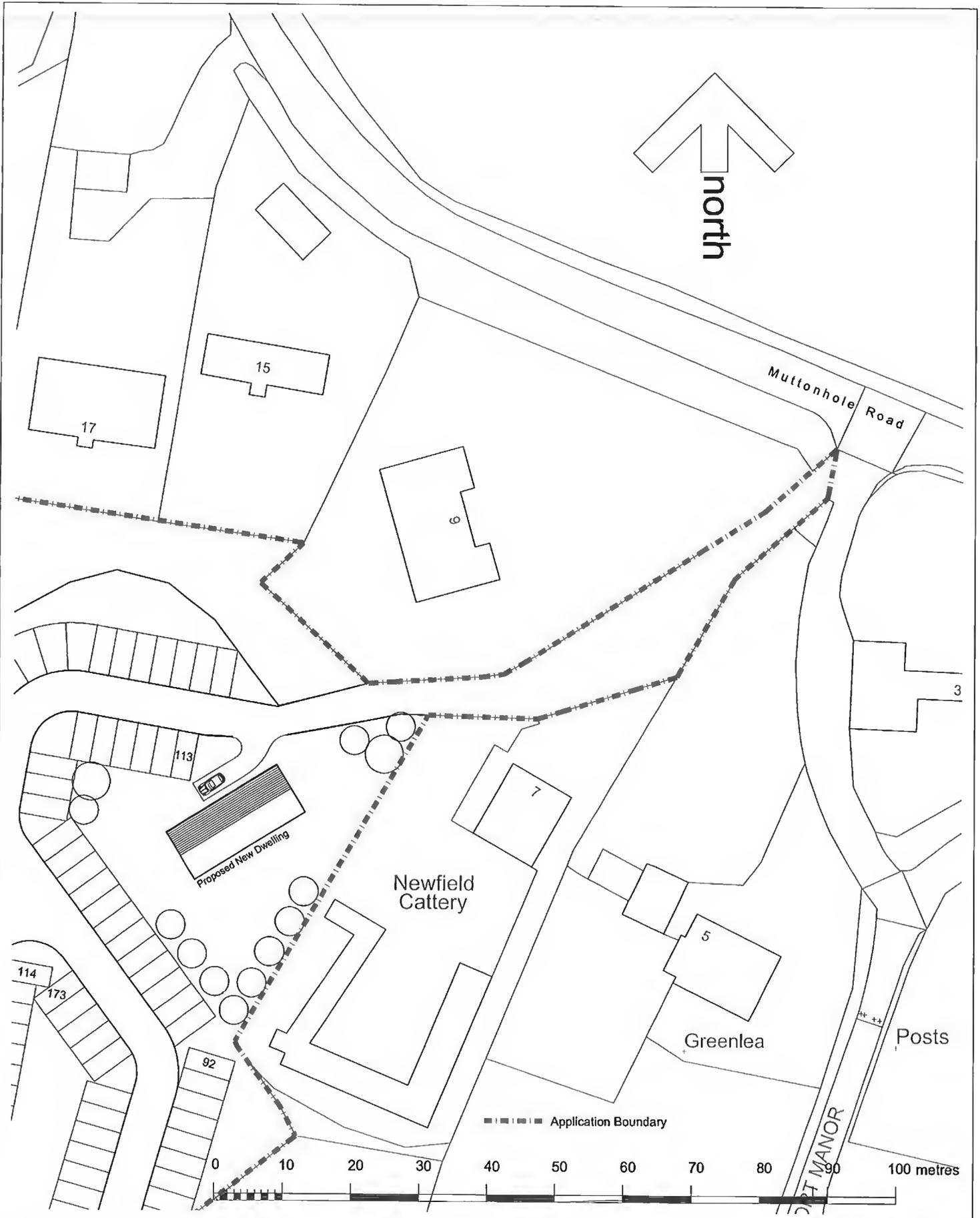


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Project Proposed New Dwelling Muttonhole Road Hamilton ML3 8RU		Drawing No L(--)-001(B)	
Drawing Site Location		Job No : G 76	
Scales 1:1250 @ A3		Date May 2016	

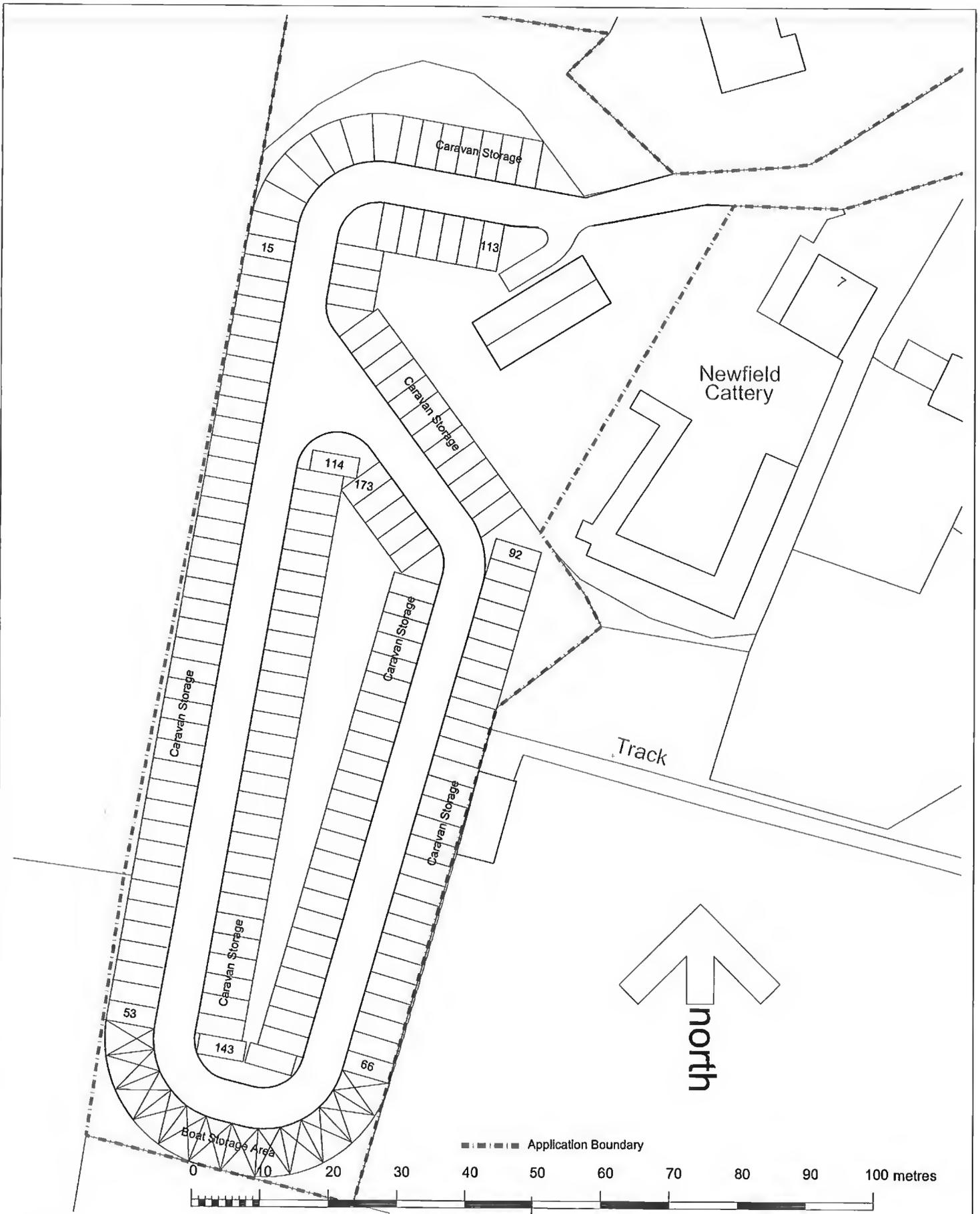


Derek Scott Planning
 Unit 9
 Dunfermline Business Park
 Izalt Avenue
 Dunfermline KY11 3BZ
 Tel 01383 620300
 ds@dsplanning.com



Project		Drawing No	
Proposed New Dwelling Muttonhole Road Hamilton ML3 8RU		L(--)-002(B)	
Drawing		Job No :	
Indicative Site Layout		G 76	
Scales		Date	
1:500 @ A3		May 2016	

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 Dunfermline KY11 3BZ
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 enquiries@derekscottpanning.com



Project	Muttonhole Road Hamilton ML3 8RU	Drawing No	L(--)003(B)
Drawing	Caravan & Boat Storage Layout	Job No :	G 76
Scalas	1:500 @ A3	Date	May 2016

Derek Scott Planning
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 Izatt Avenue
 Dunfermline KY11 3BZ
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 enquiries@derekscottpanning.com



Document 2

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Summary Business Plan

Greenlea Caravan Storage Facility

Background

The Greenlea caravan storage facility was originally set up during the 1960's with permission granted by the then Hamilton District/Town/Burgh Council.

The present owner (Mrs. Angela Gechonis) and her late husband (Mr. Martin Gechonis) acquired the site in 1989. The business has grown organically in the intervening years due to an increase in the popularity of caravanning generally and a progressive lack of storage capability in house owner's driveways. As the attached plan shows the storage facility provides a total of 173 spaces. Twelve of those spaces are reserved for boat storage and the remainder (161) for caravans.

The site is ideally located in a rural area away from vandals but within a ten minute drive of the motorway network. It has enjoyed a good reputation for safety over the past twenty five years with only two thefts and one attempted break-in.

Previous Performance

The income/expenditure figures for the past four years (October – September) have been kindly provided by Mrs Gechonis and are as follows:

Year	Number of Caravans Stored	Rate per Space	Income	Expenditure	Net Profit
2011/12	129	£220	£28380	£3716	£24664 – 87%
2012/13	94	£220	£20680	£2200	£18480 – 89.5%
2013/14	101	£240	£24240	£2500	£21740 – 89.7%
2014/15	112	£240	£26880	£4300	£22580 – 84%

Numbers fell in 2012/13 as a result of a few retirements/deaths and some customers moving their caravans to the new Caravan and Camping Club storage site in Strathclyde Park which is now the biggest storage facility in the County. There has been no marketing or advertising of any kind associated with the facility during the course of the past five years.

The Future

As noted above the storage facility has a total of 173 spaces, some 161 of which can be used for caravans and 12 for boats. With limited advertising through social media and referrals from a local caravan storage dealership full occupancy can easily be achieved given the demand for storage facilities presently existing. Rates for caravans will be increased to £265 per year and rates of £450 per year will be introduced for boats resulting in a net profit of £40855 as outlined in the table below.

Year	Storage	Rate per Space	Income	Expenditure	Net Profit
2016/17	161 Caravans	£265	£42665	£6400	£36265
	12 Boats	£450	£5400	£810	£4590
Total	173		£48065	£7210	£40855 – 85%

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Document C

Derek Scott

From: Derek Scott
Sent: Monday, November 7, 2016 2:35 PM
To: 'Watters, James'
Subject: RE: HM/16/0299 - Proposed Erection of Dwelling House at Muttonhole Road, Hamilton

James

Thanks for getting back. I'll be more than happy if you can get this determined (positively that is) this week and in the circumstances do not need to speak to Lesley.

Regards

Derek

From: Watters, James [mailto:James.Watters@southlanarkshire.gcsx.gov.uk]
Sent: Monday, November 7, 2016 2:33 PM
To: Derek Scott <enquiries@derekscottplanning.com>
Subject: HM/16/0299 - Proposed Erection of Dwelling House at Muttonhole Road, Hamilton

Derek,

Firstly please accept my apologies for the delay in determining this application within the timescales previously discussed. It is confirmed that I am currently working on the report in order to have it determined this week and would request your further patience in this matter.

I have discussed your client's application with my manager, Lesley Campbell, and she is aware of the delay in dealing with the application and my current timescales for its determination. However, should you wish to discuss this matter further in the meantime I would suggest that you contact her at lesley.campbell@southlanarkshire.gov.uk or 01698 455179. I would, however, take this opportunity to advise that she is not available this afternoon.

I trust that this is of assistance in the meantime.

James

James Watters
Planning Officer
Planning & Building Standards (Hamilton)
Community and Enterprise Resources
South Lanarkshire Council
Montrose House
154 Montrose Crescent
Hamilton ML3 6LB
Tel: 01698 454970
Email: james.watters@southlanarkshire.gov.uk

CUSTOMER
SERVICE
EXCELLENCE



From: Derek Scott [<mailto:enquiries@derekscottplanning.com>]
Sent: 07 November 2016 09:50
To: Watters, James
Subject: RE: Re: HM/16/0299 - Proposed Erection of Dwelling House at Muttonhole Road, Hamilton

James

Is there any chance of getting a decision to us on this application this week? You originally advised me at the end of August that you would be issuing a decision (positive) at the beginning of September. Can you provide me with the name and contact details of and for your line manger as I'll need to raise the matter with them at this stage?

I look forward to hearing from you.

Regards

Derek

From: Derek Scott
Sent: Wednesday, November 2, 2016 3:47 PM
To: 'Watters, James' <James.Watters@southlanarkshire.gcsx.gov.uk>
Subject: RE: Re: HM/16/0299 - Proposed Erection of Dwelling House at Muttonhole Road, Hamilton

Hi James

Can you please get back to me with an update on progress with this application? As you will appreciate Mrs. Geochonis whose circumstances are far from ideal is very anxious about matters and wants to know where she is going or needs to do one way or the other as soon as possible.

I look forward to hearing from you.

Regards

Derek

From: Derek Scott
Sent: Thursday, October 13, 2016 1:27 PM
To: 'Watters, James' <James.Watters@southlanarkshire.gcsx.gov.uk>
Subject: RE: Re: HM/16/0299 - Proposed Erection of Dwelling House at Muttonhole Road, Hamilton

James

Can you please get back to me with an update on progress with this application?

Regards

Derek

From: Derek Scott

Sent: Friday, October 7, 2016 4:04 PM

To: 'Watters, James' <James.Watters@southlanarkshire.gcsx.gov.uk>

Subject: RE: Re: HM/16/0299 - Proposed Erection of Dwelling House at Muttonhole Road, Hamilton

James

Can you please provide me with an update on progress with this application? When we spoke last week you were hoping to get the decision out this week. I've not received it yet. I look forward to hearing from you.

Enjoy your weekend.

Kind Regards

Derek

From: Derek Scott

Sent: Friday, September 23, 2016 4:32 PM

To: 'Watters, James' <James.Watters@southlanarkshire.gcsx.gov.uk>

Subject: RE: Re: HM/16/0299 - Proposed Erection of Dwelling House at Muttonhole Road, Hamilton

James

I'd appreciate an update on progress with this application?

Kind Regards

Derek

From: Derek Scott

Sent: Friday, September 16, 2016 4:29 PM

To: 'Watters, James' <James.Watters@southlanarkshire.gcsx.gov.uk>

Subject: RE: Re: HM/16/0299 - Proposed Erection of Dwelling House at Muttonhole Road, Hamilton

Hi James

How are you getting on with this application? Any sign of a decision emerging anytime soon? I look forward to hearing from you.

Kind Regards

Derek

From: Watters, James [mailto:James.Watters@southlanarkshire.gcsx.gov.uk]
Sent: Wednesday, September 7, 2016 2:34 PM
To: Derek Scott <enquiries@derekscottplanning.com>
Subject: RE: Re: HM/16/0299 - Proposed Erection of Dwelling House at Muttonhole Road, Hamilton

Derek

Unfortunately I was off ill most of last week and I am currently working through my applications and will advise you when it's with my team leader.

Regards
James

James Watters
Planning Officer
Planning & Building Standards (Hamilton)
Community and Enterprise Resources
South Lanarkshire Council
Montrose House
154 Montrose Crescent
Hamilton ML3 6LB
Tel: 01698 454970
Email: james.watters@southlanarkshire.gov.uk



From: Derek Scott [mailto:enquiries@derekscottplanning.com]
Sent: 05 September 2016 15:04
To: Watters, James
Subject: RE: Re: HM/16/0299 - Proposed Erection of Dwelling House at Muttonhole Road, Hamilton

James

How are you getting on with this application? As far as I recall you were intending to issue your decision notice last week. Did you manage that?

Regards

Derek

From: Derek Scott
Sent: Friday, July 29, 2016 3:31 PM
To: 'Watters, James' <James.Watters@southlanarkshire.gcsx.gov.uk>
Subject: Re: HM/16/0299 - Proposed Erection of Dwelling House at Muttonhole Road, Hamilton

Hi James

I was wondering if you could provide me with an update on progress with this application. I look forward to hearing from you and thank you in anticipation of your assistance.

Kind Regards

Derek
Derek Scott Planning
21 Lansdowne Crescent
Edinburgh
EH12 5EH
0044 (0) 131 535 1103 - T
0044 (0) 131 535 1104 - F
0044 (0) 7802 431970 - M

also at

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0044 (0) 1383 620 300 - T
0044 (0) 1383 844 999 - F
0044 (0) 7802 431970 - M

scott.planning@btconnect.com - E
www.derekscottplanning.com - W

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Derek Scott

From: Watters, James <James.Watters@southlanarkshire.gcsx.gov.uk>
Sent: Wednesday, November 9, 2016 1:16 PM
To: Derek Scott
Subject: HM/16/0299 - Muttonhole Road, Hamilton - Proposed Dwellinghouse

Categories: Red category

Derek

I note your previous comments with regard to a "positive outcome" for your client's application. I would advise that, in consideration of this proposal, I am of the view that the proposal for the siting of a dwelling at this location is not justifiable in this instance.

It is accepted that there is scope within the adopted South Lanarkshire Local Development Plan, and its supporting guidance, for the provision of residential accommodation, both temporary and permanent, associated with an existing business operation within the Green Belt (Policies 3- Green Belt and Rural Areas, GBRA10 – Temporary Residential Accommodation Associated with Existing or Proposed Business and GBRA11 – House Associated with Established Business apply). However, such uses would only be acceptable subject to compliance with specified criteria; which includes:

- i) that evidence has been provided that demonstrates that the business is established and viable for at least two years and is financially sound with clear prospects of remaining so. The business plan must demonstrate that the income from the business can support the worker's needs, the business premises and the associated residential accommodation which, with regard to financial viability, should be treated as part of the infrastructure of the business.
- ii) that evidence has been provided which demonstrates that the proposed dwelling is essential to the functional needs of the enterprise, not merely convenient.

The Council do not support the contention that "the presence of an on-site resident is an essential pre-requisite to the successful operation of a caravan storage business" as security could be provided through other appropriate means, such as improved security fencing, CCTV cameras, non-residential watchman etc, rather than through on-site residential occupation of the site. It is further noted that within the submitted business plan that it is highlighted the "the site is ideally located in a rural area away from vandals"..... "with only two thefts and one attempted break-in". Furthermore, it is noted that an existing dwelling, formerly associated with the caravan storage business, was sold independent of the business thereby supporting the opinion that the business does not require permanent on-site residential accommodation.

In terms of the submitted Business Plan it is considered that this does not sufficiently demonstrate the operation, by your client, of a viable business for the required two year period. The business model relies heavily on the financial records of its current owner with limited projection costs showing maximum occupation, which does not accord with the previous actual occupation rates provided and would appear unrealistic. The financial statement also takes no account for the costs associated with the provision, and running, of a new dwelling associated with the proposed operation. In addition there are no details provided within the supporting documents of the knowledge and experience of your client with regards to the running of a successful caravan storage business.

As previously discussed, given that the current proposal seeks "Planning in Principle" for a dwelling consideration was given to whether it would be appropriate to grant permission subject to condition(s) requiring that the business operated for a two year period, to demonstrate that the proposed operation remains viable, with only temporary accommodation being provided, as required by policy GBRA10. However, it is considered that this would not be an appropriate course of action given the fact that the provision of on-site residential accommodation is not accepted in

this instance and the proposal therefore remains at odd with the requirements of adopted Local Plan policies. It is further understood, through our discussions, that such an approach was likely to be considered unacceptable to your client.

On this basis it is advised that that it is intended to recommend the application for refusal, which is consistent with other recommendations for similar applications within the Green Belt.

I appreciate that the above response is not one that either you, or your client, would have hoped for. However, given the Council position I would be grateful if you could confirm whether your client wishes the application to be determined on this basis or if they wish to withdraw the application prior to any decision being made by this Authority.

I look forward to your response on the above.

Regards
James

James Watters
Planning Officer
Planning & Building Standards (Hamilton)
Community and Enterprise Resources
South Lanarkshire Council
Montrose House
154 Montrose Crescent
Hamilton ML3 6LB
Tel: 01698 454970
Email: james.watters@southlanarkshire.gov.uk



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Our Ref: ep403/let014/DS

10th November 2016

Mr. James Watters
Planning Officer
Planning & Building Standards (Hamilton)
Community and Enterprise Resources
South Lanarkshire Council
Montrose House
154 Montrose Crescent
Hamilton ML3 6LB

Dear James

**HM/16/0299 - ERECTION OF DWELLING HOUSE IN ASSOCIATION WITH AN ESTABLISHED
CARAVAN STORAGE BUSINESS at GREENLEA CARAVAN STORAGE, MUTTONGHOLE ROAD,
HAMILTON, ML3 8RU**

I refer to your e-mail of 09th November 2016 (copy attached) in connection with the above-mentioned planning application, the contents of which, to the say the least, are an unwelcome surprise.

In situations of this nature it is sometimes better to look back before looking forward and that is exactly what I intend to do within the scope of this letter. You will be aware that I have acted on this site for a number of years, originally on behalf of the late Mr. Martin Gechonis and his wife Angela and more latterly on behalf of Ms. Claire Taylor, the current applicant.

You will recall that you and Allan Forrest from your Roads Department met with the late Mr. Gechonis and myself on 22nd October 2015 to discuss the potential redevelopment of the caravan site which Mr. Gechonis had been considering at the time as part of his retirement plans. We discussed various possibilities including the redevelopment of the site for 5-6 dwelling houses, which you discouraged, but as an alternative you suggested the submission of an application for a single dwelling house to provide accommodation for an essential worker at the caravan site. You advised at the time that such an application would be supported in principle. Unfortunately Mr. Gechonis died very suddenly the following month leaving his wife Angela to run both the cattery and caravan storage business, which occupy the wider site, on her own.

Struggling to operate both businesses Mrs. Gechonis saw the approach from Claire as an ideal opportunity to sell the caravan business but continue operating the cattery business from the site. An application for the erection of a dwelling house was subsequently submitted by us on behalf of Ms. Taylor on 27th June 2016. Whilst progress with that application has been painfully slow I have spoken to you on a number of occasions and received assurances that the application was being supported by you in principle. You can imagine my surprise in reading the first paragraph of your e-mail that you have done a complete about turn, presumably following discussions with your line manager, and you are now of the view that *'the proposal for the siting of a dwelling at this location is not justifiable in this instance.'*

You make a number of claims in your e-mail which I would like to respond to on behalf of our client and outline below:

'The Council do not support the contention that "the presence of an on-site resident is an essential pre-requisite to the successful operation of a caravan storage business" as security could be provided through other appropriate means, such as improved security fencing, CCTV cameras, non-residential watchman etc., rather than through on-site residential occupation of the site.

Response - It is more than disturbing that your views on this matter are only being drawn to our attention now and were not raised at any time during our discussions over the course of the past 12 months. Your comments in respect of security being provided through other appropriate means, such as improved security fencing, CCTV Cameras, non-residential watchmen etc., rather than through on-site residential occupation of the site are naive to the say the least and represent a complete misunderstanding of the manner in which the business is operated. It's a simple fact that the success of the business in the past has been due, in no small part, to the on-site presence of a resident. Unless you can convince us otherwise with an appropriately prepared business plan your suggested measures renders the business entirely unviable. As a matter of courtesy can you please provide us with qualified information to support the position you have taken?

'It is further noted that within the submitted business plan that it is highlighted that "the site is ideally located in a rural area away from vandals"..... "with only two thefts and one attempted break-in.'

Response – The low numbers of thefts and break-ins are as a direct consequence of both the location of the caravan storage facility and the presence of an on-site resident.

'Furthermore, it is noted that an existing dwelling, formerly associated with the caravan storage business, was sold independent of the business thereby supporting the opinion that the business does not require permanent on-site residential accommodation.'

Response – With the utmost respect it would appear that you have not undertaken a comprehensive review of the planning history associated with this site in the context of recent events including the death of Mr. Gechonis in November 2015. The house to which you refer was sold prior to the death of Mr. Gechonis. At that time Mr. and Mrs. Gechonis had moved into a new house adjacent which had been granted by your Council under Planning Application Reference Number HM/07/0457 and renewed with an amended design under Planning Application Reference Number HM/10/0327. The caravan storage business was operated from the new dwelling house from that point.

The former house to which you have referred was tied to the caravan business via a legal agreement but that tie was removed prior to the house being sold. Indeed in the statement submitted in support of the application to remove the tie which existed, we advised the following:

'The current application seeks permission to discharge the clause in the Section 75 Agreement tying the occupation of the existing dwelling house to the caravan storage business and the clause which prohibits the operation, leasing or selling separately or independently of the dwelling house and caravan storage business so as to enable our clients to consider retirement from the business and to market the property.'

It is clear from the above that Mr and Mrs Gechonis have never hidden from your Council that it was their intention to sell that house as part of their retirement plans. Unfortunately Mr. Gechonis died 20-30 years before his time and was never able to execute his retirement plans. The reality of the situation is that Mrs. Gechonis is now struggling to operate two businesses and wishes to realise the opportunity to retire from one.

The statement you have made in relation to that former house is, as a consequence of the above considerations, completely wrong and entirely misleading.

'In terms of the submitted Business Plan it is considered that this does not sufficiently demonstrate the operation, by your client, of a viable business for the required two year period. The business model relies heavily on the financial records of its current owner with limited projection costs showing maximum occupation, which does not accord with the previous actual occupation rates provided and would appear unrealistic. The financial statement also takes no account for the costs associated with the provision, and running, of a new dwelling associated with the proposed operation. In addition there are no details provided within the supporting documents of the knowledge and experience of your client with regards to the running of a successful caravan storage business.'

Response – The business plan submitted contains as much, if not more detail than many other business plans that have been submitted to your Council in support of housing applications in rural areas in the past, some of them prepared by this company. Perhaps you could furnish me with examples of business plans submitted in the past which comply fully with the requirements you have outlined for comparative purposes. Ms. Taylor, the applicant and a daughter of Mrs. Gechonis has considerable experience in the business having assisted in its operation during the course of the past 25 years and as such is well qualified to take it over. In fact I can think of no one better qualified. Whilst I appreciate that costs associated with the provision and running of a new dwelling house have not been incorporated within the business plan Ms. Taylor is keen to assure your department that the required funds are available to construct the house and the projected profits more than sufficient to run it.

'As previously discussed, given that the current proposal seeks "Planning in Principle" for a dwelling consideration was given to whether it would be appropriate to grant permission subject to condition(s) requiring that the business operated for a two year period, to demonstrate that the proposed operation remains viable, with only temporary accommodation being provided, as required by policy GBRA10. However, it is considered that this would not be an appropriate course of action given the fact that the provision of on-site residential accommodation is not accepted in this instance and the proposal therefore remains at odd with the requirements of adopted Local Plan policies. It is further understood, through our discussions, that such an approach was likely to be considered unacceptable to your client.'

Response – I fully accepted your previously given advices that consideration might have to be given to the imposition of a condition on any consent granted requiring the business to operate for a two year period to prove financial viability. I advanced the argument during discussions on this matter that such a condition was not required as the business had already been established for two years and that Ms. Taylor was simply taking it over and left it at that. I never for a moment imagined that your views on the proposal as expressed at a meeting and during a number of telephone calls would change so fundamentally.

You make reference above to the requirement to demonstrate that the *'proposed operation remains viable.'* Can you please specify the criteria you use to assess viability in such circumstances and the thresholds above and below the line of viability?

'I appreciate that the above response is not one that either you, or your client, would have hoped for. However, given the Council position I would be grateful if you could confirm whether your client wishes the application to be determined on this basis or if they wish to withdraw the application prior to any decision being made by this Authority.'

Response – There is, in my opinion, much more discussion to be had on the merits of the current application prior to it being determined by your Council. Both my client and I, and the late Mr. Gechonis before that, have been clearly led up a garden path as a result of advices previously given to and taken in good faith by us. Our client will not be withdrawing the application and would wish it to be determined by your Council but not before a meeting is convened with your Head of Planning and the Convenor of your Planning Committee so that our client's grievances with your department's handling of this application/proposal can be tabled and discussed. I would be grateful if you could facilitate such a meeting at your earliest convenience but in the meantime respond to the queries raised in this letter.

I look forward to hearing from you

Yours sincerely

Derek Scott

cc. C Taylor

Derek Scott

From: Watters, James <James.Watters@southlanarkshire.gcsx.gov.uk>
Sent: Wednesday, November 9, 2016 1:16 PM
To: Derek Scott
Subject: HM/16/0299 - Muttonhole Road, Hamilton - Proposed Dwellinghouse

Categories: Red category

Derek

I note your previous comments with regard to a "positive outcome" for your client's application. I would advise that, in consideration of this proposal, I am of the view that the proposal for the siting of a dwelling at this location is not justifiable in this instance.

It is accepted that there is scope within the adopted South Lanarkshire Local Development Plan, and its supporting guidance, for the provision of residential accommodation, both temporary and permanent, associated with an existing business operation within the Green Belt (Policies 3- Green Belt and Rural Areas, GBRA10 – Temporary Residential Accommodation Associated with Existing or Proposed Business and GBRA11 – House Associated with Established Business apply). However, such uses would only be acceptable subject to compliance with specified criteria; which includes:

- i) that evidence has been provided that demonstrates that the business is established and viable for at least two years and is financially sound with clear prospects of remaining so. The business plan must demonstrate that the income from the business can support the worker's needs, the business premises and the associated residential accommodation which, with regard to financial viability, should be treated as part of the infrastructure of the business.
- ii) that evidence has been provided which demonstrates that the proposed dwelling is essential to the functional needs of the enterprise, not merely convenient.

The Council do not support the contention that "the presence of an on-site resident is an essential pre-requisite to the successful operation of a caravan storage business" as security could be provided through other appropriate means, such as improved security fencing, CCTV cameras, non-residential watchman etc, rather than through on-site residential occupation of the site. It is further noted that within the submitted business plan that it is highlighted the "the site is ideally located in a rural area away from vandals"..... "with only two thefts and one attempted break-in". Furthermore, it is noted that an existing dwelling, formerly associated with the caravan storage business, was sold independent of the business thereby supporting the opinion that the business does not require permanent on-site residential accommodation.

In terms of the submitted Business Plan it is considered that this does not sufficiently demonstrate the operation, by your client, of a viable business for the required two year period. The business model relies heavily on the financial records of its current owner with limited projection costs showing maximum occupation, which does not accord with the previous actual occupation rates provided and would appear unrealistic. The financial statement also takes no account for the costs associated with the provision, and running, of a new dwelling associated with the proposed operation. In addition there are no details provided within the supporting documents of the knowledge and experience of your client with regards to the running of a successful caravan storage business.

As previously discussed, given that the current proposal seeks "Planning in Principle" for a dwelling consideration was given to whether it would be appropriate to grant permission subject to condition(s) requiring that the business operated for a two year period, to demonstrate that the proposed operation remains viable, with only temporary accommodation being provided, as required by policy GBRA10. However, it is considered that this would not be an appropriate course of action given the fact that the provision of on-site residential accommodation is not accepted in

this instance and the proposal therefore remains at odd with the requirements of adopted Local Plan policies. It is further understood, through our discussions, that such an approach was likely to be considered unacceptable to your client.

On this basis it is advised that that it is intended to recommend the application for refusal, which is consistent with other recommendations for similar applications within the Green Belt.

I appreciate that the above response is not one that either you, or your client, would have hoped for. However, given the Council position I would be grateful if you could confirm whether your client wishes the application to be determined on this basis or if they wish to withdraw the application prior to any decision being made by this Authority.

I look forward to your response on the above.

Regards
James

James Watters
Planning Officer
Planning & Building Standards (Hamilton)
Community and Enterprise Resources
South Lanarkshire Council
Montrose House
154 Montrose Crescent
Hamilton ML3 6LB
Tel: 01698 454970
Email: james.watters@southlanarkshire.gov.uk



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Community and Enterprise Resources
Executive Director **Michael McGlynn**
Planning and Economic Development

Derek Scott Planning
Unit 9
Dunfermline Business Centre
Izatt Avenue
Dunfermline
KY11 3 BZ

Our ref: JW/HM/16/0299
Your ref:
If calling ask for: James Watters
Date: 21 December 2016

Dear Mr Scott

Planning Application Reference: HM/16/0299
Greenlea Caravan Storage, Muttonhole Road, Hamilton ML3 8RU

I write with reference to your letter of 10 November 2016, the contents of which are noted.

I have now had the opportunity to discuss the matter with the case officer, James Watters. On the basis of this discussion it is my understanding that Mr & Mrs Gechonis had highlighted at an early stages of their discussions with James that their intention was for the separation of two business elements, a cattery and caravan storage business, that they operated at this location to allow their independent operation. This was due to the fact that they wished to remove their involvement in the caravan storage business and enjoy a more relaxed retirement. It was their hope that they would be able to sell the caravan storage business and associated dwelling as a going concern. The existing dwellinghouse on site was tied through a legal agreement to the existing cattery operation.

As you are aware, to achieve this application submissions were made in 2007 and 2010 which allowed the separation of the business operations and provided a new cattery building and dwellinghouse. However, these were conditioned, and tied through a legal obligation which restricted the sale of the dwellinghouses independently of the associated business operations, and vice versa. The new cattery building was tied to the new dwellinghouse, with the existing cattery building being removed. The existing dwellinghouse was tied to the existing caravan storage facility. This was consistent with Council policies, and Government guidance, which were in place at that time and with the agreement of Mr & Mrs Gechonis.

As a result of difficulties in finding a purchaser for the business, and revised advice from the Scottish Government on the use of planning obligations, a number of applications were approved by the Council in 2013. These approvals removed the various conditions and legal restriction attached to the business operations and dwellings and would allow their independent sale.

In terms of the advice, provided by James at your meeting of 22 October 2015, that the principle of residential accommodation associated with an established business is correct as there are policies

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Email: planning@southlanarkshire.gov.uk
buildingstandards@southlanarkshire.gov.uk
Phone 0303 123 1015



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within the adopted Local Plan which support such provision in certain circumstances, subject to appropriate justification being provided.

In reply to the various responses highlighted in your letter I would offer the following comments:

Response 1

I note your concern that the Council has only now indicated that the provision of permanent on-site residential accommodation cannot be supported however it is my understanding that this had been previously discussed, along with the potential provision of temporary accommodation, during your discussions. It would appear that there may have been a misunderstanding in this regard. Notwithstanding this, as you will be aware, there is a requirement for planning applications to be determined in accordance with the development plan, unless material considerations dictate otherwise and each case is fully assessed on its merits following the submission of any application. The submitted application's supporting statement and business plan were assessed and it is our position that they do not provide a justification for a permanent residential associated with the current caravan storage business. I would highlight that a similar further application, within close proximity to your client's site, was under consideration at this time which was also unsupported by the Council and was ultimately withdrawn by the applicant.

With regards to the need for on-site presence whilst the Council accept that such provision may be necessary when the operation relates to the care and well being of livestock they do not support the view that such provision is a necessity for the operation of a caravan storage facility. In reaching this viewpoint on-line research was carried out and it is noted that organisations such as The Caravan Storage Site Owner's Association's (CaSSOA) advise, within their "Guide To Secure Caravan Storage", that theft and criminal damage cannot be completely eliminated and that the use of an "in-depth" security system; a combination of physical security supplemented by electronic detection measures should deny or delay access to any intruder. A successful storage site will be founded on the principles of robust physical perimeter protection, Technical detection systems that supplement physical protection and effective site administration and management.

The purpose of access control to a secure area is twofold, firstly to deny unauthorised and secondly, to monitor the movement of authorised users. Access control is a specialist field where technology has all but replaced the human element. However the purpose of access control can still be achieved without technology, although it may require a physical presence to do so.

It is therefore clear that on site presence is not a necessity as on-site security and monitoring can be achieved through means other than permanent residential accommodation on site.

Response 2

Whilst it may be possible that the low level of thefts or break-in at the site is attributed to the presence of on-site residential accommodation it does not mean that such presence is necessary to its operation. As previously stated, on site security and monitoring can be achieved through other means. Furthermore, it is noted that there are a number of residential properties within the area which, although no directly related to the business operation, may provide a level of overlooking of the site and represent a deterrent to potential intruders.

Response 3

The case officer is well aware of the history of this site, given his involvement in all of the previous planning submissions for this site. As stated above he was well aware of Mr & Mrs Gechonis' intentions. There was no suggestion in his comments that this was done in an underhand way. It is however factually correct to state that original dwelling, which was tied to the caravan storage business, through the approvals in 2007 and 2010, was sold independently of the business. This

occurred as a result of the various planning approvals in 2013. These subsequent decision were consistent with the guidance from Scottish Government that the use of such obligations and restrictive conditions were not appropriate in planning terms.

The operation, by Mrs Gechonis, of both businesses from her house does not justify, or necessitate, the provision of a further dwellinghouse associated with the caravan storage business.

Response 4

As you will appreciate the "Business Plan" information provided by applicants is treated as confidential and I am therefore unable to provide copies of such information. I would however refer you to Policies GBRA10 – Temporary Residential Accommodation Associated With Existing or Proposed Business and GBRA11 – House Associated With Established Business of the Council's approved Green Belt and Rural Area Supplementary Guidance for guidance on the information that should be provided in support of such applications. I note your comments with regard to the relationship of the current applicant to Mrs Gechonis and their previous involvement with the running of the caravan storage business, which could have been included within the supporting information provided for the application.

Response 5

The Council's assessment of the application has not fundamentally changed, as you suggest. Through a general discussions on the application, James highlighted that if the Council was to accept that the provision of a residential dwelling was necessary to the business operation there was potentially an option, under the terms of the above Policies, to restrict the type of accommodation to that of a temporary nature until it had been demonstrated, to the Council's satisfaction, that the proposed business operation remained viable for a further period of two years. It is James's recollection that was unacceptable to your client.

The Council remain of the opinion that it has not been satisfactorily demonstrated that the dwelling is necessary for the business operation or that appropriate justification has been provided in support of the application.

Response 6

I am sorry that you feel that you have been misled by the Planning Officer with regard to any potential outcome of your client's proposal. However, given my discussions and the provisions of the adopted Local development Plan, I do not feel that this is the case.

I note your request for a meeting, with the Head of Service and Convenor of the Planning Committee, however would suggest we meet in the first instance to discuss the progression of the application. Given the complexity of the history of the site, the nature of the current businesses and the current application proposal I feel that it would be beneficial for all parties; Mrs Gechonis, Ms Taylor and yourself, to attend this meeting. If this is acceptable please advise myself or James Watters of suitable dates/times and he will organise this.

I trust that the above provides an appropriate response to the points raised within your letter. However, should you require any clarification please do not hesitate to contact either myself or James Watters on 01698 454970.

Yours sincerely



Lesley Campbell |
Area Manager



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Our Ref: ep403/let015/DS

09th January 2017

Ms. Lesley Campbell
Area Manager
Planning & Building Standards (Hamilton)
Community and Enterprise Resources
South Lanarkshire Council
Montrose House
154 Montrose Crescent
Hamilton ML3 6LB

Dear Ms. Campbell

**HM/16/0299 - ERECTION OF DWELLING HOUSE IN ASSOCIATION WITH AN ESTABLISHED
CARAVAN STORAGE BUSINESS at GREENLEA CARAVAN STORAGE, MUTTОНHOLE ROAD,
HAMILTON, ML3 8RU**

I refer to your letter of 21st December 2016 in connection with the above-mentioned planning application which arrived in our office during the Christmas/New Year Holiday Period.

I have read the contents of your letter very carefully and would reiterate the point that there was no misunderstanding about the intention of James Watters to recommend this application for approval. He was unequivocally clear in that advice albeit he had suggested that a condition might have to be framed to prove the ongoing financial viability of the business. Such a condition was, in my opinion and as I expressed to James, totally unnecessary as the business had been established for many years and its financial viability already proven.

You have suggested in the penultimate paragraph of your letter that we meet *'in the first instance to discuss the progression of the application.'* Given that you have already concluded that there is no requirement for a house to be provided in association with the caravan business I see no merit in having such a meeting. Should you think otherwise please provide me with your reasons.

In light of the considerations outlined and given the length of time your Department has had this application it is respectfully requested that it be determined and a decision issued as a matter of urgency. Please advise by return when such a decision will be issued.

I look forward to hearing from you.

Yours sincerely


Derek Scott

cc. C Taylor



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Derek Scott

From: Derek Scott
Sent: Thursday, March 16, 2017 9:53 AM
To: 'planning@southlanarkshire.gov.uk'
Cc: 'Watters, James'
Subject: FW: HM/16/0299 - ERECTION OF DWELLING HOUSE IN ASSOCIATION WITH AN ESTABLISHED CARAVAN STORAGE BUSINESS at GREENLEA CARAVAN STORAGE, MUTTONHOLE ROAD, HAMILTON, ML3 8RU
Attachments: ep403.let015.ds.lc.09.01.17.pdf
Importance: High

FAO – Ms. Lesley Campbell/James Watters

I refer to my e-mails of 09th, 16th, 24th, 31st January 2017 and 08th February 2017 below. I would appreciate the courtesy of at least an acknowledgement, if not a response. Out of courtesy I would advise you that our client has lodged a complaint with the Chief Executive in relation to your Council's failure to co-operate or communicate in connection with this application.

Regards

Derek Scott

From: Derek Scott
Sent: Wednesday, February 8, 2017 10:41 AM
To: 'planning@southlanarkshire.gov.uk' <planning@southlanarkshire.gov.uk>
Cc: 'Watters, James' <James.Watters@southlanarkshire.gcsx.gov.uk>; 'james.watters@southlanarkshire.gov.uk' <james.watters@southlanarkshire.gov.uk>
Subject: FW: HM/16/0299 - ERECTION OF DWELLING HOUSE IN ASSOCIATION WITH AN ESTABLISHED CARAVAN STORAGE BUSINESS at GREENLEA CARAVAN STORAGE, MUTTONHOLE ROAD, HAMILTON, ML3 8RU
Importance: High

FAO – Ms. Lesley Campbell

I refer to my e-mails of 09th, 16th, 24th and 31st January 2017 below. I would appreciate a response.

Regards

Derek Scott

From: Derek Scott
Sent: Tuesday, January 31, 2017 4:48 PM
To: 'planning@southlanarkshire.gov.uk' <planning@southlanarkshire.gov.uk>
Cc: 'Watters, James' <James.Watters@southlanarkshire.gcsx.gov.uk>
Subject: FW: HM/16/0299 - ERECTION OF DWELLING HOUSE IN ASSOCIATION WITH AN ESTABLISHED CARAVAN STORAGE BUSINESS at GREENLEA CARAVAN STORAGE, MUTTONHOLE ROAD, HAMILTON, ML3 8RU
Importance: High

FAO – Ms. Lesley Campbell

I refer to my e-mails of 09th, 16th, and 24th January 2017 below. Could someone please provide a response?

Regards

Derek Scott

From: Derek Scott

Sent: Tuesday, January 24, 2017 1:44 PM

To: 'planning@southlanarkshire.gov.uk' <planning@southlanarkshire.gov.uk>

Cc: 'Watters, James' <James.Watters@southlanarkshire.gcsx.gov.uk>

Subject: FW: HM/16/0299 - ERECTION OF DWELLING HOUSE IN ASSOCIATION WITH AN ESTABLISHED CARAVAN STORAGE BUSINESS at GREENLEA CARAVAN STORAGE, MUTTОНHOLE ROAD, HAMILTON, ML3 8RU

Importance: High

FAO – Ms. Lesley Campbell

I refer to my e-mails of 09th and 16th January 2017 below. A response with an update on the present situation with this application would be appreciated.

Regards

Derek Scott

From: Derek Scott

Sent: Monday, January 16, 2017 4:20 PM

To: 'planning@southlanarkshire.gov.uk' <planning@southlanarkshire.gov.uk>

Cc: 'Watters, James' <James.Watters@southlanarkshire.gcsx.gov.uk>

Subject: FW: HM/16/0299 - ERECTION OF DWELLING HOUSE IN ASSOCIATION WITH AN ESTABLISHED CARAVAN STORAGE BUSINESS at GREENLEA CARAVAN STORAGE, MUTTОНHOLE ROAD, HAMILTON, ML3 8RU

Importance: High

FAO – Ms. Lesley Campbell

It would be appreciated if a response to the attached letter could be provided as a matter of urgency.

Kind Regards

Derek Scott

From: Derek Scott
Sent: Monday, January 9, 2017 5:02 PM
To: 'planning@southlanarkshire.gov.uk' <planning@southlanarkshire.gov.uk>
Cc: 'Watters, James' <James.Watters@southlanarkshire.gcsx.gov.uk>
Subject: HM/16/0299 - ERECTION OF DWELLING HOUSE IN ASSOCIATION WITH AN ESTABLISHED CARAVAN STORAGE BUSINESS at GREENLEA CARAVAN STORAGE, MUTTONHOLE ROAD, HAMILTON, ML3 8RU
Importance: High

FAO – Ms. Lesley Campbell

Copy letter attached in connection with above application. Original in post.

Regards

Derek Scott
Derek Scott Planning
Unit 9
Dunfermline Business Centre
Izatt Avenue
Dunfermline
KY11 3BZ
0044 (0) 1383 620 300 - T
0044 (0) 1383 844 999 - F
[REDACTED]

also at

21 Lansdowne Crescent
Edinburgh
EH12 5EH
0044 (0) 131 535 1103 - T
0044 (0) 131 535 1104 - F
[REDACTED]

scott.planning@btconnect.com - E
www.derekscottplanning.com - W

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Our Ref: ep403/let015/DS

09th January 2017

Ms. Lesley Campbell
Area Manager
Planning & Building Standards (Hamilton)
Community and Enterprise Resources
South Lanarkshire Council
Montrose House
154 Montrose Crescent
Hamilton ML3 6LB

Dear Ms. Campbell

**HM/16/0299 - ERECTION OF DWELLING HOUSE IN ASSOCIATION WITH AN ESTABLISHED
CARAVAN STORAGE BUSINESS at GREENLEA CARAVAN STORAGE, MUTTONHOLE ROAD,
HAMILTON, ML3 8RU**

I refer to your letter of 21st December 2016 in connection with the above-mentioned planning application which arrived in our office during the Christmas/New Year Holiday Period.

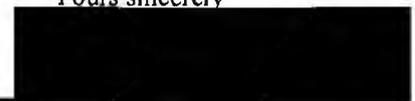
I have read the contents of your letter very carefully and would reiterate the point that there was no misunderstanding about the intention of James Watters to recommend this application for approval. He was unequivocally clear in that advice albeit he had suggested that a condition might have to be framed to prove the ongoing financial viability of the business. Such a condition was, in my opinion and as I expressed to James, totally unnecessary as the business had been established for many years and its financial viability already proven.

You have suggested in the penultimate paragraph of your letter that we meet '*in the first instance to discuss the progression of the application.*' Given that you have already concluded that there is no requirement for a house to be provided in association with the caravan business I see no merit in having such a meeting. Should you think otherwise please provide me with your reasons.

In light of the considerations outlined and given the length of time your Department has had this application it is respectfully requested that it be determined and a decision issued as a matter of urgency. Please advise by return when such a decision will be issued.

I look forward to hearing from you.

Yours sincerely


Derek Scott

cc. C Taylor



Document I

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**Claire Taylor
11 Mansfield Crescent
Chapleton
Strathaven
ML10 6SB**

28th February 2017

Mr. Lindsay Freeland
Chief Executive
South Lanarkshire Council
Floor 2
Council Offices
Almada Street
Hamilton
ML3 0AA

Dear Mr. Freeland

**HM/16/0299 - ERECTION OF DWELLING HOUSE IN ASSOCIATION WITH AN ESTABLISHED
CARAVAN STORAGE BUSINESS AT GREENLEA CARAVAN STORAGE, MUTTONGHOLE ROAD,
HAMILTON, ML3 8RU**

I am writing to seek your intervention and assistance as Chief Executive of South Lanarkshire Council in connection with the above-mentioned planning application which was submitted to your Council on my behalf, by my Planning Consultants, Derek Scott Planning, on 27th June 2016. I regret to advise you that the service received has been less than satisfactory.

As you will see from the documents attached the application was originally submitted to your Council on the back of a suggestion made by one of your Council's Planning Officers, Mr. James Watters who subsequently advised my Planning Consultant on a number of occasions following its submission, that he would be approving it. You can imagine my surprise when my Planning Consultant received an e-mail from Mr. Watters on 09th November 2016, over four months after the application was submitted, advising, presumably following consultation with his line manager, that he would not now be able to support the application.

Subsequent correspondence issued to your Council from my Planning Consultant expressing his surprise and dissatisfaction with the u-turn in your Council's position is attached and should be read in association with this letter. My Planning Consultant wrote to a Ms. Lesley Campbell in your Planning Department on 09th January 2017 requesting that the application be determined. Subsequent reminders were issued on the 16th January, 24th January, 31st January and 08th February 2017. He has not received even the courtesy of an acknowledgement to any of these e-mails and the application remains undetermined, now over seven months after it was originally submitted.

Whilst my planning application may not be particularly high in your Planning Department's Priority List it is high in my list of priorities and I would expect your Council to have least some sympathy with position my family are in. As you will see from the information contained in the

attached documents my application for the dwelling house arose as a result of my father's very sudden death in November 2015 and my decision to take over (purchase) the caravan storage business from my mother who is unable to cope with the very many demands it generates.

Your Planning Department's handling of my application raises a number of questions which I would appreciate you investigating and responding to:

- (i) Why has my application still not been determined given that it was submitted over seven months ago?
- (ii) Why has your Planning Department not responded to my Planning Consultants letter of 09th January 2017 and the subsequent email reminders sent on the 16th January, 24th January, 31st January and 08th February 2017?
- (iii) Why did Mr. James Watters encourage the submission of a planning application in association with the caravan storage business and following submission indicate that he would be supporting it only to subsequently change his mind, or have his mind changed for him by his line manager?
- (iiii) When will the application be determined so that I can exercise my right of appeal against any refusal issued?

As I said at the outset, the service received has been less than satisfactory and considerably below what I would have expected at the outset of the process. I look forward to receiving your response.

Yours sincerely



Claire Taylor

enc.

- Document 1 – Copy of Planning Application submitted to South Lanarkshire Council
- Document 2 – Copy of e-mail from James Watters dated 09th November 2016
- Document 3 – Copy of letter from Derek Scott Planning to Mr. James Swatters dated 10th November 2016
- Document 4 – Copy of letter from Mr. Lesley Campbell to Derek Scott Planning dated 21st December 2016
- Document 5 – Copy of letter to Ms. Lesley Campbell from Derek Scott Planning dated 09th January 2017
- Document 6 – Copy of e-mails from Derek Scott Planning to Ms. Lesley Campbell (copied to Mr. James Watters) dated 09th January, 16th January, 24th January, 31st January and 08th February 2017.

cc. Derek Scott Planning



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Document J

Chief Executive Lindsay Freeland
Chief Executive's Office

Ms Claire Taylor
11 Mansefield Crescent
Chapelton
Strathaven
ML10 6SB

Our ref: Plan/9
Your ref:
If calling ask for: Pauline Macrae
Phone: 01698 454108
Date: 14 March 2017

Dear Ms Taylor

Enquiry - Application HM/16/0299 - Erection of House in Association with Established Caravan Storage Business at Greenlea, Muttonhole Road, Hamilton

I refer to your letter of 28 February 2017 and write to update you.

In terms of the pre application discussion on the above planning application, both the Planning and Roads Officers who attended the pre application meeting with your planning consultant are of the view that, while various scenarios were discussed, this did not extend to encouraging an application. Further advice was given which cautioned that the proposal was not entirely in accordance with the Council's statutory guidance on development within the Green Belt and rural areas. I would also reiterate that, while Planning Officers aim to give consistent and clear advice at pre application stage, this is without prejudice and any planning application submitted is fully considered on its own merits following submission. I would also advise that the pre application discussion took place prior to the preparation or submission of the necessary business case.

Following submission of the proposal, together with the supporting information and a review of the complex history of the site, it was considered that, although there had, at one time, been a cattery business with an associated house and the caravan storage business, also with an associated house, the current proposal did not meet the Council's guidance on new houses associated with an existing business. As you will be aware, planning applications were submitted and approved in the past to remove the conditions which restricted the separate sale of these associated houses from the businesses. The house associated with the caravan business was then sold and both businesses operated from the house currently owned by your mother, Mrs Geochonis. When assessing the current application to effectively replace the house which had been sold separately from the caravan business, the proposal did not comply with the Council's guidance. The reason for non-compliance centres around the need for a new house. The Council's statutory guidance states that, when considering applications for new houses in connection with an established business, evidence must be submitted which demonstrates that the proposed house is essential to the functional needs of the enterprise, not merely convenient. While there is an established business, it has not been demonstrated that a house is essential for the running of the business and, indeed, it was previously justified by the existing owner of the caravan business that there was no need to have a house on the site. This was submitted with an application in 2013 which successfully sought to remove the tie between the caravan storage business and the house which was then sold. In

Floor 2, Council Offices, Almada Street, Hamilton ML3 0AA Phone: 01698 454208 Fax: 01698 454275
Text Phone: 01698 454039 Email: pach.exec@southlanarkshire.gcsx.gov.uk

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the Planning Service dated 27 December 2016. The Service suggested that a meeting would be beneficial to all parties to discuss a potential way forward. However, it is noted that you chose not to take up this offer and asked that the proposal be determined on the basis of recent correspondence.

Turning to the delay in determining your application, I would firstly advise that the emails attached as Document 6 of your submission were not received by the Planning Service. While they were marked for the attention of Lesley Campbell, they were not sent to her inbox, nor did they reach James Watters' inbox, or the generic planning email account. The Planning Service and Support Services have carried out a number of searches for emails from your agent, however, there is no trace of these ever being received.

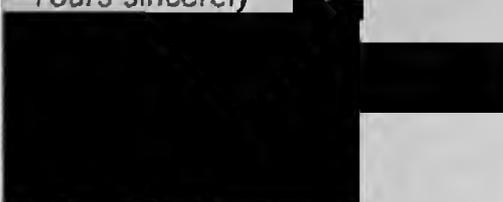
Notwithstanding, the Planning Service did receive, by post, the letter from your agent dated 9 January 2017 in which your agent confirmed that you did not wish to take up the offer of a meeting but wished for the application to be determined. At this point, the application should have been refused and the decision issued. I accept that the delay in doing so is unacceptable and this has caused a delay in you taking up your opportunity to appeal the decision. I would apologise for this delay, as this is not the level of service the Planning Service or the Council seek to provide. The case has been reviewed and a decision should be issued by 17 March 2017.

In summary, and to address the four points at the conclusion of your letter, I would offer the following comments

1. While planning application HM/16/0299 was submitted some time ago, the initial period was taken up with research and corresponding with your agent on the issues the Planning Service was seeking to resolve in order to reach a decision.
2. Despite a thorough search of mail and electronic workflow systems, no trace of the emails from your Planning Consultant can be found.
3. While pre application discussions took place, it is not the view of either officer attending that an application was encouraged. There is a complex history to the site and discussions took place prior to any submitted justification.
4. The application will be determined by 17 March 2017.

I hope that the above information clarifies the position and, once again, offer my apologies for the delay in issuing a decision on your application.

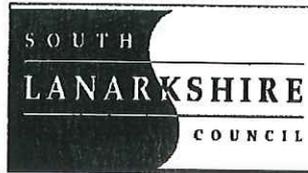
Yours sincerely


Lindsay Freeland
Chief Executive



Document K

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Community and Enterprise Resources
Executive Director **Michael McGlynn**
Planning and Economic Development

Derek Scott Planning
Unit 9
Dunfermline Business Centre
Izatt Avenue
Dunfermline
KY11 3BZ

Our Ref: HM/16/0299
Your Ref:
If calling ask for: James Watters
Date: 22 March 2017

Dear Sir/Madam

Proposal : **Erection of dwellinghouse (Planning permission in principle)**
Site Address : **Greenlea Caravan Storage**
Muttonhole Road
Hamilton
ML3 8RU
Application No : **HM/16/0299**

I would advise you that the above application was refused on 22 March 2017 and I enclose the decision notice which sets out the reasons for refusal. Please note that the Council does not issue paper plans in respect of applications determined on or after 4 January 2012. 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 www.southlanarkshire.gov.uk

If you require a hard copy of the refused plans, please contact us quoting the application number at planning@southlanarkshire.gov.uk.

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 James Watters on 01698 454970.

The Planning Service is undertaking a Customer Satisfaction Survey in order to obtain feedback about how we can best improve our Service to reflect the needs of our customers. The link to the survey can be found here:

If you were the applicant: <http://tinyurl.com/nrtgmy6>

Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB
Email: james.watters@southlanarkshire.gov.uk Phone: 01698 454970

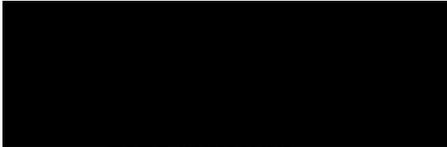


If you were the agent: <http://tinyurl.com/od26p6g>

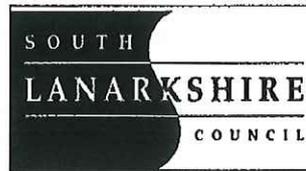
We would be grateful if you would take a few minutes to answer the questions in the survey based on your experience of dealing with the Planning Service in the past 12 months. We value your opinion and your comments will help us to enhance areas where we are performing well, but will also show us where there are areas of the service that need to be improved.

I do hope you can take part in this Customer Survey and look forward to receiving your comments in the near future. If you prefer to complete a paper version of the survey, please contact us by telephone on 0303 123 1015 quoting the application number. We will send you a copy of the survey and a pre-paid envelope to return it.

Yours faithfully



Area Manager



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

To : **Ms Claire Taylor**
11 Mansfield Crescent
Chapelton
Strathaven
ML10 6SB

Per : **Derek Scott Planning**
Unit 9
Dunfermline Business
Centre
Izatt Avenue
Dunfermline
KY11 3BZ

With reference to your application dated 27 June 2016 for planning permission in principle under the above mentioned Act :

Description of Proposed Development :

Erection of dwellinghouse (Planning permission in principle)

Site Location :

Greenlea Caravan Storage
Muttonhole Road
Hamilton
ML3 8RU

South Lanarkshire Council in exercise of their powers under the above mentioned Act hereby:

REFUSE PLANNING PERMISSSION IN PRINCIPLE

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.

Date: 22/03/17


Head of Planning and Economic Development

This permission does not grant any consent for the development that may be required under other Legislation, e.g. Planning Permission, Building Warrant or Roads Construction Consent.

South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

South Lanarkshire Council
Refuse planning permission in principle

Application Number: HM/16/0299

Reason(s) for Refusal:

- 1 The proposal is contrary to Policy 3 - Green Belt and Rural Area of the South Lanarkshire Local Development Plan (adopted 2015) in that it would constitute new residential development in the Greenbelt without appropriate justification.
- 2 The proposal is contrary to Policy GBRA 11 - House Associated with Established Business of the South Lanarkshire Local Development Plan (adopted 2015) Supplementary Guidance on Green Belt as the applicant has failed to demonstrate that the accommodation is essential rather than convenient to the operational needs of the business.
- 3 If approved, the proposal would set an undesirable precedent which could encourage further similar applications for development prejudicial to the Greenbelt designation.

REASON(S) FOR DECISION

- 1 The applicant has failed to demonstrate that on-site living accommodation is essential to the operational requirements of the horticultural business and as such is contrary to policies and guidance of the adopted South Lanarkshire Local Development Plan (Policy 3 - Green Belt and Rural Area) and its Supplementary Guidance (Policy GBRA 11 - House Associated with Established Business).

NOTES TO APPLICANT

APPLICATION NUMBER: HM/16/0299

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 information which guides you to other relevant matters that may assist in ensuring that the development is properly carried out.

1 This decision relates to drawing numbers:

- 01. Site Location - Drg No L-001-B
- 02. Indicative Site Layout - Drg No L-002-B
- 03. Caravan and Boat Storage Layout - Drg No L-003-B



COMMUNITY AND ENTERPRISE RESOURCES

EXECUTIVE DIRECTOR **Michael McGlynn**

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

- (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.



Document L

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	<h2 style="margin: 0;">Delegated Report</h2>	Reference No	HM/16/0299
		Date	27 March 2017

Planning proposal:	Erection of dwellinghouse (Planning Permission in Principle)
Location:	Greenlea Caravan Storage Muttonhole Road Hamilton ML3 8RU

Application Type : Permission in Principle
Applicant : Ms Claire Taylor
Location : Greenlea Caravan Storage
Muttonhole Road
Hamilton
ML3 8RU
Decision: Grant detailed planning permission (based on the conditions overleaf)
Report by: Area Manager (Planning & Building Standards)

Policy ref:
South Lanarkshire Local Development Plan (adopted 2015)
Policy 3 - Green Belt and Rural Area

Green Belt and Rural Area – Supplementary Guidance
Policy GBRA 11 – House Associated with Established Business Assessment

Impact on privacy?	No
Impact on sunlight/daylight?	No
Impact on amenity?	No
Traffic issues?	No
Adheres to development plan policy?	Yes
Adverse comments from consultees?	No

Representations: None

Planning Application Delegated Report

1 Material Considerations

- 1.1 The applicant seeks approval (Planning Permission in Principle) for the erection of a dwellinghouse associated with an existing caravan storage business, at Muttonhole Road, Hamilton. The application site is bound to the north by residential properties, by open land to the south, east and part of its western boundary. The remaining western boundary is formed by land associated with a cattery and associated dwelling.
- 1.2 The existing caravan storage facility and the adjacent cattery are currently owned and operated by Mrs. Gechonis, who resides at this location. The current applicant is the daughter of Mrs. Gechonis.
- 1.3 A Statement submitted in support of the application, advises that the applicant considers that "the presence of an onsite resident is an essential pre-requisite to operating a business of this nature from both security and maintenance (adverse weather) perspective". Furthermore, it assesses the proposal against the policies within the South Lanarkshire Local Development Plan and concludes that the application proposal accords with applicable policies and guidance. A Summary Business Plan was also submitted in support of the application.
- 1.4 With regard to the current proposals the planning history of the site is complex. It is understood that the caravan storage facility has operated from this location since the 1960's, with the current owner taking over the business in the late 1980's. Mr and Mrs Gechonis received planning permission, for the establishment of a cattery business within the site, in 1994 (HN/94/0426). Subsequent to this a new dwelling was approved in 1997 (HN/97/H350), which was tied to the cattery business through the use of conditions and a legal agreement.
- 1.5 A further dwelling house and new cattery buildings (replacing the existing cattery buildings) on the site was approved in May 2010 (HM/07/0457). A new legal agreement was concluded which tied together the new dwelling and new cattery operations. In association with this consent permission was also approved for the transfer of the existing legal agreement requirements from the original cattery operation to the caravan operation. A subsequent application amending the proposed house type was approved in August 2011 (HM/10/0327) and the legal agreement was amended to reflect this change. The permission granted in respect of HM/10/0327 was renewed in 2014 (HM/14/0336). The works associated with both the new dwellinghouse and cattery has been completed.
- 1.6 In 2013, the owner was successful in securing the discharge and modification of the legal agreement in terms of the requirement to tie the existing property to the caravan storage business and the timescales for implementation of the application (Application nos.: HM/13/0190, HM/13/0192 and HM/13/0193) and for the further discharge of the legal obligation relative to occupancy restrictions for the proposed new dwelling relative to the establishment of a single planning unit for the proposed new dwelling and new cattery buildings (Application no.: HM/13/0321).

- 1.7 Further applications (HM/13/0327, HM/13/0328, HM/13/0329 and HM/13/0339) were submitted, and subsequently granted, in 2013, for the amendment or removal of conditions attached to previous approvals (HM/07/0457 and HM/10/0327) in respect of occupancy restrictions and the creation of a single planning unit.
- 1.8 It noted that the original dwellinghouse, previously tied to the caravan storage facility, was subsequently sold independently of the business operation.
- 1.9 The determining issues in the consideration of this current application are its compliance with the adopted South Lanarkshire Local Development Plan and associated Supplementary Guidance.
- 1.10 Scottish Planning Policy (SPP) sets out the Scottish Governments planning policies. In terms of Green Belt, SPP states that certain types and scale of development may be appropriate. It advises that within the rural area, outwith Green Belt, there is a more flexible approach to new housing and that the Green Belt designation should be used to direct development to appropriate locations.
- 1.11 In terms of the adopted South Lanarkshire Local Development Plan (2015) the site lies within an area designated as Green Belt (Policy 3 applies). In addition to this land use designation Policy GBRA 11 – House Associated with Established Business within its associated Green Belt and Rural Area - Supplementary Guidance is of relevance to the determination of this application.

2 Consultation(s)

- 2.1 **Roads and Transportation Services (Hamilton Area)** – have offered no objections to the proposal, subject to conditions relative to access arrangements.

Response: Such requirements can be addressed through the use of appropriately worded conditions were consent to be issued.

- 2.2 **Environmental Services** - have offered no objection, subject to the inclusion of conditions and informatives relative to noise, pest control, contamination and submission of a Piling Method Statement.

Response: Such requirements can be addressed through the use of appropriately worded conditions and/or informative were consent to be issued.

3 Representation(s)

- 3.1 Statutory neighbour notification was undertaken in respect of this proposal and the application was advertised in the local newspaper due to the non-notification of neighbours and as a development contrary to the development plan. No letters of representation were received in response to these procedures.

4 Assessment and Conclusions

- 4.1 The determining issues in the consideration of this application are its compliance with the adopted South Lanarkshire Local Development Plan (SLLDP) and associated Supplementary Guidance.
- 4.2 The application site lies within an area designated as Green Belt within the SLLDP (Policy 3 – Green Belt and Rural Area applies). Within such areas uses, such as caravan storage facilities, will generally be supported. The existing use of the site for this purpose is therefore acceptable in terms this policy. Notwithstanding this fact the Council's Supplementary Guidance on Green Belt and Rural Area advises that new housing development, associated with existing businesses in the Green Belt will only be supported in the certain circumstances, subject to appropriate criteria being met (GBRA 11 – House Associated with Established Business).
- 4.4 In this instance the applicant seeks the approval of planning permission in principle for the erection residential dwelling associated with the existing caravan storage facility. Policy GBRA 11 states, amongst other criterion, that:
- i) Evidence must be submitted to demonstrate that the existing business has been established and viable for at least two years and is financial sound with a clear prospect of remaining so. A business plan must demonstrate that the income from the business can support the worker's needs, the business premises and the associated residential unit, which should be treated as part of the infrastructure of the business.
 - ii) Evidence is submitted which demonstrates that the proposed dwelling is essential to the functional needs of the business, not merely convenient.
 - iii) That the need of the worker cannot be fulfilled by another existing dwelling on the site or by other existing accommodation in the area which is suitable and available for occupation by the worker concerned.
- 4.5 However, following an assessment of the proposal it is considered that the development does not satisfy all the necessary requirements, as follows:
- i) The submitted Summary Business Plan states that full capacity of the site can easily be achieved through advertisement, referrals from caravan dealership and due to the demand for such facilities. The submitted Supporting Statement and Summary Business Plan do not provide sufficient detail to support its conclusions and do not provide a justification for a permanent residential associated with the current caravan storage business.
 - ii) The applicant's justification for the proposed dwelling is that that "an on-site resident is an essential and fundamental requirement of a business of this nature from the perspectives of both security and the need to response, for example, to adverse weather conditions". However, again they provide no evidence to demonstrate that this is indeed the case. Indeed it is highlighted, within their submitted business plan that "The site is ideally located in a rural area away from vandals...".

Whilst it is accepted that on-site presence may be necessary when the operation relates to the care and well being of livestock I do not support the view that such provision is a necessity for the operation of a caravan storage facility.

However, it is noted that organisations such as The Caravan Storage Site Owner's Association's (CaSSOA) advise, within their "Guide To Secure Caravan Storage", that theft and criminal damage cannot be completely eliminated and that the use of an "in-depth" security system; a combination of physical security supplemented by electronic detection measures should deny or delay access to any intruder. A successful storage site will be founded on the principles of robust physical perimeter protection, Technical detection systems that supplement physical protection and effective site administration and management. They further advise that "the purpose of access control to a secure area is twofold, firstly to deny unauthorised and secondly, to monitor the movement of authorised users. Access control is a specialist field where technology has all but replaced the human element".

It is also considered that on-site security could, more appropriately, be provided by means of a site manager/watchman, rather than through on-site residential occupation of the site. The proposal to site a residential dwelling at this location is clearly not a necessity, in terms of the existing business operation, but could be viewed as being convenient.

In terms of the need to respond to adverse weather conditions it is not uncommon for buildings within countryside location be left unattended, e.g. farm buildings, holiday homes etc.

Whilst there is an established business, it has not been demonstrated that a dwellinghouse is essential for the running of the business and indeed it was previously justified by the existing owner of the caravan business that there was no need to have a dwellinghouse on the site. This was submitted with an application in 2013 which successfully sought to remove the tie between the caravan storage business and the dwelling which was then sold.

- iii) The applicant has stated that there is no other accommodation within the area suitable of fulfilling this requirement, due to the requirement for maximum surveillance and security. However, again no specific information has been provided in support of this statement. The issue of security has been addressed through the response at Point ii) above.

4.6 It is therefore clear that on site residential presence is not a necessity as on-site security and monitoring can be achieved through means other than permanent residential accommodation on site. On this basis the proposal is contrary to the applicable policies of the adopted SLLDP (Policy 3 - Green Belt and Rural Area and Policy GBRA 11 – House Associated with Established Business of the adopted).

4.7 No third party objections have been received in respect of the proposal and the requirements of the statutory consultees can be addressed through the use of appropriately worded conditions and/or informatives, if permission was to be granted.

- 4.7 In summary, it is considered that the proposal is contrary to the policies of the adopted Local Plan as it has not been satisfactorily demonstrated that the dwelling is necessary for the business operation or that appropriate justification has been provided in support of the application. Furthermore, the decision to sell the original dwellinghouse independently of the business operation clearly demonstrates that its retention was not necessary in association of the caravan storage facility as a standalone business. The approval of a further unrestricted residential property associated with an existing business at this location could, in the future, lead to the sale of that property independently of the business operation which would set an undesirable precedent and undermine the policies of the adopted local plan.
- 4.9 On the basis of the above it is considered that planning permission be refused in this instance.

5 Reason for Decision

- 5.1 The applicant has failed to demonstrate that on-site living accommodation is essential to the operational requirements of the horticultural business and as such is contrary to policies and guidance of the adopted South Lanarkshire Local Development Plan (Policy 3 - Green Belt and Rural Area) and its Supplementary Guidance (Policy GBRA 11 – House Associated with Established Business).

Delegating Officer:

Date:

Previous References

- ◆ HN/94/H426
- ◆ HN/97/H350
- ◆ HM/07/0457
- ◆ HM/10/0327
- ◆ HM/13/0190
- ◆ HM/13/0192
- ◆ HM/13/0193
- ◆ HM/13/0321
- ◆ HM/13/0327
- ◆ HM/13/0328
- ◆ HM/13/0329
- ◆ HM/13/0339
- ◆ HM/14/0336

List of Background Papers

- ▶ Application Form

- ▶ Application Plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ South Lanarkshire Local Development Plan - Green Belt and Rural Area - Supplementary Guidance
- ▶ Neighbour notification letter dated 11 July 2016
- ▶ Press Advertisement dated 21 July 2016

- ▶ Consultations
 - Roads and Transportation Services (Hamilton Area) 31/05/2016
 - Environmental Services 26/05/2016

- ▶ Representations
 - None

Contact for Further Information

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

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Permission in principle

PAPER APART – APPLICATION NUMBER: HM/16/0299

REASONS FOR REFUSAL

- 1 The proposal is contrary to Policy 3 - Green Belt and Rural Area of the South Lanarkshire Local Development Plan (adopted 2015) in that it would constitute new residential development in the Greenbelt without appropriate justification.
- 2 The proposal is contrary to Policy GBRA 11 - House Associated with Established Business of the South Lanarkshire Local Development Plan (adopted 2015) Supplementary Guidance on Green Belt as the applicant has failed to demonstrate that the accommodation is essential rather than convenient to the operational needs of the business.
- 3 If approved, the proposal would set an undesirable precedent which could encourage further similar applications for development prejudicial to the Greenbelt designation.

INFORMATIVES

- 1 This decision relates to drawing numbers:
 01. Site Location - Drg No L-001-B
 02. Indicative Site Layout - Drg No L-002-B
 03. Caravan and Boat Storage Layout - Drg No L-003-B