



Council Offices, Almada Street  
Hamilton, ML3 0AA

Friday, 20 November 2020

Dear Councillor

## **Planning Local Review Body**

The Members listed below are requested to attend a meeting of the above Committee to be held as follows:-

**Date:** Monday, 30 November 2020  
**Time:** 10:30  
**Venue:** By Microsoft Teams,

The business to be considered at the meeting is listed overleaf.

Yours sincerely

**Cleland Sneddon**  
**Chief Executive**

### **Members**

Isobel Dorman (Chair), Mark Horsham (Depute Chair), Alex Allison, Maureen Devlin, Ann Le Blond, Davie McLachlan, Graham Scott, David Shearer, Jim Wardhaugh

### **Substitutes**

John Bradley, Walter Brogan, Stephanie Callaghan, Margaret Cowie, Ian Harrow, Martin Lennon, Katy Loudon, Joe Lowe, Lynne Nailon, Collette Stevenson

## BUSINESS

### 1 Declaration of Interests

### 2 Minutes of Previous Meeting

3 - 6

Minutes of the meeting of the Planning Local Review Body held on 21 September 2020 submitted for approval as a correct record. (Copy attached)

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#### Item(s) for Decision

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<b>3</b>	<b>Review of Case P191607 for Residential Development (Planning Permission in Principle) at Westyett Farm, Westshields Road, Lanark</b>	<b>7 - 10</b>
	Report dated 19 November 2020 by the Executive Director (Finance and Corporate Resources). (Copy attached)	
<b>3(a)</b>	<b>Appendix 1 Planning Application Form</b>	<b>11 - 20</b>
<b>3b</b>	<b>Appendix 2(a) Report of Handling</b>	<b>21 - 30</b>
<b>3c</b>	<b>Appendix 2(b) Consultation Responses</b>	<b>31 - 36</b>
<b>3(d)</b>	<b>Appendix 3 Site Photographs and Location Plan</b>	<b>37 - 50</b>
<b>3(e)</b>	<b>Appendix 4 Planning Decision Notice and Reasons for Refusal</b>	<b>51 - 58</b>
<b>3(f)</b>	<b>Appendix 5 Notice of Review</b>	<b>59 - 72</b>
<b>3(g)</b>	<b>Appendix 6 Further Representations</b>	<b>73 - 78</b>
<b>3(h)</b>	<b>Appendix 7 Applicant's Comments on Further Representations</b>	<b>79 - 86</b>

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#### Urgent Business

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### 4 Urgent Business

Any other items of business which the Chair decides are urgent.

#### ***For further information, please contact:-***

Clerk Name: Stuart McLeod

Clerk Telephone: 01698 454815

Clerk Email: [stuart.mcleod@southlanarkshire.gov.uk](mailto:stuart.mcleod@southlanarkshire.gov.uk)

## PLANNING LOCAL REVIEW BODY (PLRB)

2

Minutes of meeting held via Microsoft Teams and in Committee Room 1, Council Offices, Almada Street, Hamilton on 21 September 2020

### Chair:

Councillor Isobel Dorman

### Councillors Present:

Councillor Alex Allison, Councillor Maureen Devlin, Councillor Mark Horsham (Depute), Councillor Graham Scott, Councillor David Shearer, Councillor Jim Wardhaugh

### Councillors' Apologies:

Councillor Ann Le Blond, Councillor Davie McLachlan

### Attending:

#### Community and Enterprise Resources

G McCracken, Planning Advisor to the Planning Local Review Body

#### Finance and Corporate Resources

P MacRae, Administration Adviser; K McLeod, Administration Assistant; S McLeod, Administration Officer; G Stewart, Legal Adviser to the Planning Local Review Body

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## 1 Declaration of Interests

The following interests were declared:-

<b>Councillor(s)</b>	<b>Item(s)</b>	<b>Nature of Interest(s)</b>
Shearer	Reviews of Case:-	
	♦ P/19/1861 for Erection of House (Planning Permission in Principle) at Land 65 Metres Northwest of 16 Craighill Road, Kilncadzow	Friend of the Agent
	♦ P/19/0454 for Residential Development (Planning Permission in Principle) at Glaikhead, Coalburn Road, Coalburn	Friend of the Agent

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## 2 Minutes of Previous Meeting

The minutes of the meeting of the Planning Local Review Body held on 24 August 2020 were submitted for approval as a correct record.

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

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## 3 Review of Case P/19/1861 for Erection of House (Planning Permission in Principle) at Land 65 Metres Northwest of 16 Craighill Road, Kilncadzow

A report dated 31 August 2020 by the Executive Director (Finance and Corporate Resources) was submitted on a request for a review of the decision taken by officers, in terms of the Scheme of Delegation, to refuse planning permission for planning application P/19/1861 by A Blair for the erection of a house (planning permission in principle) at land 65 metres northwest of 16 Craighill Road, Kilncadzow.

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

- ◆ planning application form
- ◆ report of handling by the planning officer under the Scheme of Delegation together with responses from statutory consultees
- ◆ copies of representations
- ◆ site photographs and location plan
- ◆ decision notice
- ◆ notice of review, including applicant's statement of reasons for requiring the review
- ◆ further submissions from interested parties following notification of the request for the review of the case

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

The PLRB heard the Planning Adviser in relation to the case.

The PLRB considered it had sufficient information to allow it to proceed to determine the review. The options available to the PLRB were to uphold, reverse or vary the decision taken in respect of the application taken under review.

In reviewing the case, the PLRB considered:-

- ◆ the information submitted by all parties
- ◆ the relevant policies contained in the Adopted South Lanarkshire Local Development Plan and associated Supplementary Guidance (SG):-
  - ◆ Policy 2 – climate change
  - ◆ Policy 3 – green belt and rural area
  - ◆ Policy 4 – development management and placemaking
  - ◆ Policy GBRA4 – small scale settlement extensions
- ◆ the relevant policies contained in the Proposed South Lanarkshire Local Development Plan 2:-
  - ◆ Policy 2 – climate change
  - ◆ Policy 4 – green belt and rural area
  - ◆ Policy 5 – development management and placemaking
  - ◆ Policy GBRA7 – small scale settlement extensions

Following its review of the information, the PLRB concluded that the proposed development was contrary to Policies 3 and 4, of the Adopted South Lanarkshire Local Development Plan and Policy GBRA4 of the associated Supplementary Guidance as well as Policies 4, 5 and GBRA7 of the Proposed South Lanarkshire Local Development Plan 2.

**The Committee decided:**

that the decision taken by officers, in terms of the Scheme of Delegation, to refuse planning permission for planning application P/19/1861 by A Blair for the erection of a house (planning permission in principle) at land 65 metres northwest of 16 Craighenhill Road, Kilncadzow be upheld.

*Councillor Shearer, having declared an interest in this review case and the following review case, withdrew from the meeting during their consideration*

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#### **4 Review of Case P/19/0454 for Residential Development (Planning Permission in Principle) at Glaikhead, Coalburn Road, Coalburn**

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A report dated 31 August 2020 by the Executive Director (Finance and Corporate Resources) was submitted on a request for a review of the decision taken by officers, in terms of the Scheme of Delegation, to refuse planning permission for planning application P/19/0454 by J Brodie for a residential development (planning permission in principle) at Glaikhead, Coalburn Road, Coalburn.

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

- ◆ planning application form
- ◆ report of handling by the planning officer under the Scheme of Delegation together with representations and responses from statutory consultees
- ◆ site photographs and location plan
- ◆ decision notice
- ◆ notice of review, including applicant's statement of reasons for requiring the review
- ◆ further submissions from interested parties following notification of the request for the review of the case

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

The PLRB heard the Planning Adviser in relation to the case.

The PLRB considered it had sufficient information to allow it to proceed to determine the review. The options available to the PLRB were to uphold, reverse or vary the decision taken in respect of the application taken under review.

In reviewing the case, the PLRB considered:-

- ◆ the information submitted by all parties
- ◆ the relevant policies contained in the Adopted South Lanarkshire Local Development Plan and associated Supplementary Guidance (SG):-
  - ◆ Policy 3 – green belt and rural area
  - ◆ Policy 4 – development management and placemaking
  - ◆ Policy GBRA7 – redevelopment of previously developed land
- ◆ the relevant policies contained in the Proposed South Lanarkshire Local Development Plan 2:-
  - ◆ Policy 4 – green belt and rural area
  - ◆ Policy 5 – development management and placemaking
  - ◆ Policy GBRA5 – redevelopment of previously developed land containing buildings

Following its review of the information, the PLRB concluded that the proposed development was contrary to Policies 3 and 4, of the Adopted South Lanarkshire Local Development Plan and Policy GBRA7 of the associated Supplementary Guidance as well as Policies 4, 5 and GBRA5 of the Proposed South Lanarkshire Local Development Plan 2.

**The Committee decided:** that the decision taken by officers, in terms of the Scheme of Delegation, to refuse planning permission for planning application P/19/0454 by J Brodie for a residential development (planning permission in principle) at Glaikhead, Coalburn Road, Coalburn be upheld.

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**5 Urgent Business**

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There were no items of urgent business.

# Report

3

Report to:	<b>Planning Local Review Body</b>
Date of Meeting:	<b>30 November 2020</b>
Report by:	<b>Executive Director (Finance and Corporate Resources)</b>

Subject:	<b>Review of Case – Application P/19/1607 for a Residential Development (Planning Permission in Principle)</b>
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## 1. Purpose of Report

1.1. The purpose of the report is to present the information currently available to allow a review of the decision taken by officers, in terms of the Scheme of Delegation, on the following application:-

### 1.2. *Summary Application Information*

Application Type:	Planning Permission in Principle
Applicant:	J Hardie
Proposal:	Residential Development
Location:	Westyett Farm, Westshields Road, Braehead, Lanark, ML11 8NT
Council Area/Ward:	02 Clydesdale North

### 1.3. *Reason for Requesting Review*

<input checked="" type="checkbox"/> Refusal of Application	<input type="checkbox"/> Conditions imposed	<input type="checkbox"/> Failure to give decision (deemed refusal)
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## 2. Recommendation(s)

2.1. The Planning Local Review Body is asked to:-

- (1) consider whether it has sufficient information to allow it to proceed to determine the review without further procedure and, if so, that:-
  - (a) it proceeds to determine whether the decision taken in respect of the application under review should be upheld, reversed or varied
  - (b) in the event that the decision is reversed or varied, the reasons and the detailed conditions to be attached to the decision letter are agreed
- (2) in the event that further procedure is required to allow it to determine the review, consider:-
  - (a) what further information is required, which parties are to be asked to provide the information and the date by which this is to be provided
  - (b) what procedure or combination of procedures are to be followed in determining the review

### 3. Background

- 3.1. The Council operates a Scheme of Delegation that enables Council officers to determine a range of planning applications without the need for them to be referred to Area Committees or the Planning Committee for a decision.
- 3.2. In terms of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc (Scotland) Act 2006, and the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013, where an application for planning permission relates to a proposal that falls within the category of “local development” and has been or could have been determined under the Scheme of Delegation, the applicant is entitled to request that the determination be reviewed by the Planning Local Review Body.

### 4. Notice of Review – Statement of Reasons for Requiring the Review

- 4.1. In submitting their Notice of Review, the applicant has stated their reasons for requiring a review of the determination in respect of their application. **(Refer Appendix 5)**
- 4.2. The applicant is entitled to state a preference for procedure (or combination of procedures) to be followed and has indicated that their stated preference is as follows:-

<input type="checkbox"/>	Further written submissions	<input type="checkbox"/>	Site inspection
<input type="checkbox"/>	Hearing session(s)	<input checked="" type="checkbox"/>	Assessment of review documents only, with no further procedure

- 4.3. However, members will be aware that it is for the Planning Local Review Body to determine how a case is reviewed.

### 5. Information Available to Allow Review of Application

- 5.1. Section 43B of the Planning etc (Scotland) Act 2006 restricts the ability of parties to introduce new material at the review stage. The focus of the review should, therefore, be on the material which was before the officer who dealt with the application under the Scheme of Delegation.
- 5.2. The following information is appended to this report to assist the Planning Local Review Body in its review of the decision taken by officers:-
- ◆ Planning Application Form **(Appendix 1)**
  - ◆ Report of Handling by the Planning Officer under the Scheme of Delegation **(Appendix 2(a))**
  - ◆ Copies of submission(s) from statutory consultees **(Appendix 2(b))**
  - ◆ Site photographs and location plan **(Appendix 3)**
  - ◆ Decision notice **(Appendix 4)**
  - ◆ Notice of Review including statement of reasons for requiring the review **(Appendix 5)**
- 5.3. Copies of the relevant drawings are available for inspection by contacting Administration Services prior to the meeting.



## **6. Notice of Review Consultation Process**

- 6.1. A Statement of Observations from the Planning Officer on the applicant's Notice of Review, was received in the course of the 14 day period from the date on which notification of the request for a review of the case was given. This is listed at and attached as **Appendix 6**.
- 6.2 The applicant had the opportunity to comment on the further representations received. Comments from the applicant's agent are contained in the submission attached as **Appendix 7**.

**Paul Manning**

**Executive Director (Finance and Corporate Resources)**

19 November 2020

## **Link(s) to Council Values/Ambitions/Objectives**

- ◆ Work with communities and partners to promote high quality, thriving and sustainable communities
- ◆ Accountable, effective, efficient and transparent

## **Previous References**

- ◆ None

## **List of Background Papers**

- ◆ Guide to the Planning Local Review Body

## **Contact for Further Information**

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

Stuart McLeod, Administration Officer

Ext: 4815 (Tel: 01698 454815)

E-mail: [stuart.mcleod@southlanarkshire.gov.uk](mailto:stuart.mcleod@southlanarkshire.gov.uk)



# Appendix 1

3(a)

## Planning Application Form



Montrose House 154 Montrose Crescent Hamilton ML3 6LB Tel: 0303 123 1015 Email: [planning@southlanarkshire.gov.uk](mailto:planning@southlanarkshire.gov.uk)

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100194485-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

## Type of Application

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

- ☐ Application for planning permission (including changes of use and surface mineral working).
- ☒ Application for planning permission in principle.
- ☐ Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- ☐ Application for Approval of Matters specified in conditions.

## Description of Proposal

Please describe the proposal including any change of use: \* (Max 500 characters)

Erection of Two Houses

Is this a temporary permission? \*

☐ Yes ☒ No

If a change of use is to be included in the proposal has it already taken place?  
(Answer 'No' if there is no change of use.) \*

☐ Yes ☒ No

Has the work already been started and/or completed? \*

☒ No ☐ Yes – Started ☐ Yes - Completed

## Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☒ Applicant ☐ Agent

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *
Other Title:	<input type="text"/>	Building Name: <input type="text"/>
First Name: *	<input type="text" value="J D"/>	Building Number: <input type="text" value="32"/>
Last Name: *	<input type="text" value="Hardie"/>	Address 1 (Street): * <input type="text" value="Hillhouse Farm Gate"/>
Company/Organisation	<input type="text"/>	Address 2: <input type="text"/>
Telephone Number: *	<input type="text" value=""/>	Town/City: * <input type="text" value="Lanark"/>
Extension Number:	<input type="text"/>	Country: * <input type="text" value="UK"/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text" value="ML11 9HT"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text" value=""/>	

## Site Address Details

Planning Authority:	<input type="text" value="South Lanarkshire Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="WESTYETT FARM"/>
Address 2:	<input type="text" value="WESTSHIELDS ROAD"/>
Address 3:	<input type="text" value="BRAEHEAD"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="LANARK"/>
Post Code:	<input type="text" value="ML11 8NT"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="649227"/>	Easting	<input type="text" value="294408"/>
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## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

☒ Yes ☐ No

## Pre-Application Discussion Details Cont.

In what format was the feedback given? \*

☒ Meeting ☐ Telephone ☐ Letter ☐ Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) \* (max 500 characters)

Discussed the prior approvals and was advised to resubmit the application.

Title:

Other

Other title:

Dr

First Name:

J

Last Name:

Gigyha

Correspondence Reference Number:

Date (dd/mm/yyyy):

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

## Site Area

Please state the site area:

2575.00

Please state the measurement type used:

☐ Hectares (ha) ☒ Square Metres (sq.m)

## Existing Use

Please describe the current or most recent use: \* (Max 500 characters)

House Plots (with consent) then field

## Access and Parking

Are you proposing a new altered vehicle access to or from a public road? \*

☐ Yes ☒ No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting 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 change to public paths, public rights of way or affecting any public right of access? \*

☐ Yes ☒ No

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

## Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? \*

☒ Yes ☐ No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? \*

- ☐ Yes – connecting to public drainage network  
☒ No – proposing to make private drainage arrangements  
☐ Not Applicable – only arrangements for water supply required

As you have indicated that you are proposing to make private drainage arrangements, please provide further details.

What private arrangements are you proposing? \*

- ☒ New/Altered septic tank.  
☐ Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed).  
☐ Other private drainage arrangement (such as chemical toilets or composting toilets).

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 explain your private drainage arrangements briefly here and show more details on your plans and supporting information: \*

Septic tanks and soakaways for the new houses.

Do your proposals make provision for sustainable drainage of surface water?? \*  
(e.g. SUDS arrangements) \*

☐ Yes ☒ No

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

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

- ☒ Yes  
☐ No, using a private water supply  
☐ No connection required

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

## Assessment of Flood Risk

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

☐ Yes ☒ No ☐ Don't Know

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



## Trees

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

☐ Yes ☒ No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

## All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? \*

☐ Yes ☒ No

## Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013? \*

☐ Yes ☒ No ☐ Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

## Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? \*

☐ Yes ☒ No

## Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? \*

☒ Yes ☐ No

Is any of the land part of an agricultural holding? \*

☒ Yes ☐ No

Do you have any agricultural tenants? \*

☐ Yes ☒ No

## Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate E

# Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate E

I hereby certify that –

(1) – No person other than myself/the applicant 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/the applicant 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.

Name:

Address:

Date of Service of Notice: \*

(4) – I have/The applicant has taken reasonable steps, as listed below, to ascertain the names and addresses of the other owners or agricultural tenants and \*have/has been unable to do so –

Signed: Mr J D Hardie

On behalf of:

Date: 24/10/2019

☒ Please tick here to certify this Certificate. \*

## Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? \*

☐ Yes ☐ No ☒ Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? \*

☐ Yes ☐ No ☒ Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? \*

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? \*

☐ Yes ☐ No ☒ Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? \*

☐ Yes ☐ No ☒ Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? \*

☐ Yes ☐ No ☒ Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

☒ Site Layout Plan or Block plan.

☐ Elevations.

☐ Floor plans.

☐ Cross sections.

☐ Roof plan.

☐ Master Plan/Framework Plan.

☐ Landscape plan.

☐ Photographs and/or photomontages.

☐ Other.

If Other, please specify: \* (Max 500 characters)

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. \*

☐ Yes ☒ N/A

A Design Statement or Design and Access Statement. \*

☐ Yes ☒ N/A

A Flood Risk Assessment. \*

☐ Yes ☒ N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). \*

☐ Yes ☒ N/A

Drainage/SUDS layout. \*

☐ Yes ☒ N/A

A Transport Assessment or Travel Plan

☐ Yes ☒ N/A

Contaminated Land Assessment. \*

☐ Yes ☒ N/A

Habitat Survey. \*

☐ Yes ☒ N/A

A Processing Agreement. \*

☐ Yes ☒ N/A

Other Statements (please specify). (Max 500 characters)

## Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Colin Hardie

Declaration Date: 24/10/2019

## Payment Details

Online payment: IDOX00005535

Payment date: 24/10/2019 13:36:00

Created: 24/10/2019 13:37

# **Appendix 2(a)**

3b

## **Report of Handling**

Report dated 4 June 2020 by the Council's Authorised Officer under the Scheme of Delegation



	<b>Delegated Report</b>	Reference no.	P/19/1607
			<b>3b</b>
		Date	04 June 2020

<b>Planning proposal:</b>	Residential development (Planning permission in principle)
<b>Location:</b>	Westyett Farm Westshields Road Braehead Lanark ML11 8NT

**Application Type :** Permission in principle

**Applicant :** Mr J D Hardie  
**Location :** Westyett Farm  
Westshields Road  
Braehead  
Lanark  
ML11 8NT

**Decision:** Application refused

**Report by:** Area Manager (Planning & Building Standards)

#### **Policy reference:**

#### **South Lanarkshire Local Development Plan**

Policy 2: Climate change  
Policy 3: Green belt and rural area  
Policy 4: Development management and placemaking

#### **Supplementary Guidance 2: Green Belt and Rural Area**

Policy GBRA6: Consolidation of existing building group

#### **Proposed South Lanarkshire Local Development Plan 2**

Policy 2: Climate change  
Policy 4: Green Belt and Rural Area  
Policy 5: Development Management and Placemaking  
Policy GBRA9: Consolidation of Existing Building Groups

#### **Assessment**

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

#### **Consultations**

Environmental Services

#### **Summary of response**

Have no objections to the proposal in principle.

Roads Development Management Team

Have no objections subject to conditions relating to visibility splays, widening of site access and drainage system.

**Response:** Appropriate conditions would be attached to any consent granted.

**Representation(s):**

►	0	Objection letters
►	0	Support letters
►	0	Comment letters

## **Planning Application Delegated Report**

### **1 Application Summary**

- 1.1 The application site relates to a piece of agricultural land located to the north west of Westyett Farm steading. It is bounded to the north and west by open agricultural land, to the south by farm steading buildings and the existing farm access road and to the east by the public road. The topography and general landscape setting of the surrounding area including the site is such that it generally slopes from north to south and west to east with the site sitting at a slightly higher exposed ground level adjacent to Westyett Farm steading. There are no physical features in the form of substantive planting or shelter belts which define the site. The site has long distant views from the north, south and west.

### **2 Proposal**

- 2.1 The applicant seeks planning permission in principle for the residential development of the site. The applicant intends to use the existing farm access road off a public road as the site access to the proposed development.

### **3 Background**

#### **3.1 Local Development Plan**

- 3.1.1 The application site is identified as being within the Rural Area in the South Lanarkshire Local Development Plan. Policy 3 – Green Belt and Rural Area of the South Lanarkshire Local Development Plan seeks to resist any developments detrimental to the amenity of such areas. Other relevant policies include: Policy 2: Climate Change and Policy 4 – Development management and placemaking. Associated Supplementary Guidance on Green Belt and Rural Area - Policy GBRA6 – Consolidation of existing building groups is also relevant.
- 3.1.2 The application site is also identified as being within the rural area in the Proposed South Lanarkshire Local Development Plan 2. Policy 4 – Green Belt and Rural Area of the Proposed Plan seeks to resist any developments detrimental to the amenity of such areas. Other relevant policies include Policy 2 – Climate Change, Policy 5 – Development Management and Placemaking and Policy GBRA9 – Consolidation of existing building groups of the Proposed South Lanarkshire Local Development Plan 2.

#### **3.2 National Policy Advice and Guidance**

- 3.2.1 The Scottish Planning Policy document consolidates and updates previous Scottish Government advice, containing a section on promoting rural development. This document



states that the planning system should in all rural and island areas promote a pattern of development that is appropriate to the character of the particular area and the challenges it faces, and encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality. It also states that development plans should set out a spatial strategy which makes provision for housing in rural areas in accordance with the spatial strategy, taking account of the different development needs of local communities.

### **3.3 Planning History**

- 3.3.1 The site has in the past had the benefit of planning permission which was initially granted in 2005 for the erection of two dwellinghouses (outline), Application no: CL/05/0143. That outline consent was subsequently renewed in May 2008, Application no: CL/08/0152, expiring on 7 May 2013.
- 3.3.2 The planning applications in 2005 and 2008 were assessed against the policies of the then adopted Upper Clydesdale Local Plan, which included a policy (Policy 73: Remoter Rural Area) which was favourable to the erection of up to three dwellings in rural areas where they were related to a farm and its access. That policy was subsequently removed from the current local plan due to the evident detrimental impact which resulted from its implementation.
- 3.3.3 More recently, a very similar proposal to the current one for the formation of two residential plots, (application no: CL/14/0043), was refused on policy grounds on 09 April 2014.

## **4 Representation(s)**

- 4.1 None

## **5 Assessment and Conclusions**

- 5.1 The applicant seeks planning permission in principle for residential development on agricultural land adjacent to a farm steading. The determining issues in the consideration of this application are its compliance with adopted local development plan policy and associated supplementary guidance, the impact on the landscape character and visual amenity of the surrounding area, the road safety implications of the proposal, relevant government advice and policy and other material considerations in the determination of the application.
- 5.2 The Scottish Planning Policy (SPP) document consolidates and updates previous Scottish Government advice and contains a section on promoting rural development. This document states that the planning system should in all rural and island areas promote a pattern of development that is appropriate to the character of the particular area and the challenges it faces, and encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality. It also states that development plans should set out a spatial strategy which makes provision for housing in rural areas in accordance with the spatial strategy, taking account of the different development needs of local communities. In this instance the proposal is for the formation of residential plots and will not consolidate the building group of Westyett Farm where the steading buildings are tightly related and focused away from the field in which these plots are proposed. Rather, it would

expand the farm steading to the extent that it would detract from the environmental quality of the local area and does not therefore accord with the SPP.

- 5.3 The application site is located in the rural area and is subject to assessment against Policy 3 - Green Belt and Rural Area of the adopted South Lanarkshire Local Development Plan. The policy states that development which does not require to be located in the countryside will be expected to be accommodated within the settlements, other than in a number of circumstances. These include – where it is demonstrated that there is a locational requirement and established need for a proposal; it involves the redevelopment of derelict or redundant land and buildings where significant environmental improvement can be shown; the proposal is for the conversion of traditional buildings; the proposal is for extension of existing premises or uses providing it is of suitable scale and design; or where the proposal is for limited development within clearly identifiable infill, gap sites and existing building groups. It is considered that there is no locational requirement or established need for this proposal. Furthermore, the proposal does not relate to the redevelopment of derelict land, the conversion of traditional buildings, and the site does not constitute limited development within a clearly identifiable infill, gap site or existing building group as defined in the local development plan. The proposal therefore conflicts with this policy.

Policy GBRA6 – Consolidation of existing building groups - as contained in the Green Belt and Rural Area Supplementary Guidance states that proposals for new houses within existing building groups will be supported where the following criteria are met:

- The scale and siting of the new development should reflect and respect the character and amenity of the existing group and the individual houses within the group;
- The proposal should respect the character, cohesiveness, spacing and amenity of the existing group and the individual houses within the group;
- The proposal should not result in ribbon/linear development along a public road or the coalescence of the housing group with a nearby settlement/another housing group;
- Development should not extend into a previously undeveloped field or overwhelm the landscape setting of the area;
- The location, siting and design of the new houses should meet existing rural design guidelines;
- Landscape character should not be compromised by the development and must have regard to the landscape backdrop, topographical features and levels;
- Proposal should have no adverse impact in terms of road safety; and
- Proposal should have no adverse impact on biodiversity, including Natura 2000 sites and protected species, or features which make significant contribution to the cultural and historic landscape value of the area.

- 5.4 The proposal seeks consent for residential development on part of agricultural land located on the northern edge of the farm access road adjacent to Westyett farm steading, resulting in an expansion rather than a consolidation of the building group. The application site is part of an open agricultural field which has the farm steading partly as a backdrop to the south but has open views to the north, east and west, thus being exposed and visible from surrounding areas. The proposed development would be such that it would lead to an expansion towards the public road, whilst the orientation and position of the application site means it could be difficult to achieve two individual dwellings which would complement the scale and character of the farm steading, and the manner in which it is

set into the hillside. It is therefore considered that the proposal fails to meet the provisions of policy GBRA6.

- 5.5 Policy 2 – Climate Change states that proposals for new development must, where possible, seek to minimise and mitigate against the effects of climate change by being sustainably located and having no significant adverse impacts on the water and soils environment. The application site is not located within any flood risk area and the provision of any form of drainage system on the site would not significantly adversely impact on the water and soils environment of the surrounding area. The proposal therefore complies with Policy 2 of the current Local Development Plan.
- 5.6 Policy 4 - Development management and placemaking states that all development proposals will require to take account of and be integrated with the local context and built form. Development proposals should have no significant adverse impacts on the local community. As stated in 5.4 above, the proposal would result in a development that would not take account of nor integrate well with the local context and built form in the area and would therefore have significant adverse impacts on the landscape character and environment of the surrounding area. The proposal therefore also fails to comply with Policy 4 of the current Local Development Plan.
- 5.7 On 29<sup>th</sup> May 2018 the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. Therefore the Proposed SLLDP2 is now a material consideration in determining planning applications. The proposed development has been considered against the relevant policies in the proposed plan and it is noted that these policies are broadly consistent with the current adopted South Lanarkshire Local Development Plan. It is considered that the proposal does not accord with Policy 4 – Green Belt, Policy 5 – Development management and placemaking and Rural Area and Policy GBRA9 – Consolidation of existing building groups in the Proposed plan.
- 5.8 In view of the above, it is concluded that the proposal does not comply with any of the policy criteria contained within either Policy 3 – Green Belt and Rural Area of the adopted South Lanarkshire Local Development Plan, Policy 4 – Development management and placemaking, or Policy GBRA6 of the Green Belt and Rural Area SG that would allow for consolidation of existing building groups within the rural area. Furthermore, the proposal does not accord with Policy 4 – Green Belt and Rural Area, Policy 5 – Development management and placemaking and Policy GBRA9 – Consolidation of existing building groups of the approved Proposed South Lanarkshire Local Development Plan 2. It is therefore recommended that permission is refused.

## **6 Reason for decision**

- 6.1 The proposed development does not comply with the requirements of Policy 3 of the South Lanarkshire Local Development Plan (2015), Policy 4 and Policy GBRA6 of the Supplementary Guidance on Green Belt and Rural Area. The application is also contrary to Policy 4, Policy 5 and Policy GBRA9 of the proposed SLLDP2.

**Delegating officer:**

**Date:**

**Previous references**

- ◆ CL/14/0043
- ◆ CL/08/0152
- ◆ CL/05/0143

**List of background papers**

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Neighbour notification letter dated 28.11.2019
  
- ▶ Consultations

Environmental Services

Roads Development Management Team

19.12.2019

- ▶ Representations

**Contact for further information**

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

Jerry Gigya, Planning officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Phone: 01698 455180

Email: [jerry.gigya@southlanarkshire.gov.uk](mailto:jerry.gigya@southlanarkshire.gov.uk)

## Planning Application

Application number: P/19/1607

### Reasons for refusal

01. The proposed residential development would be contrary to Policy 3: Green Belt and Rural Area of the adopted South Lanarkshire Local Development Plan and Policy GBRA6 of the Green Belt and Rural Area Supplementary Guidance as there is no specific locational requirement and established need for the proposal and it does not constitute development of a gap site or the consolidation of a building group. It would therefore constitute an inappropriate development within the Rural Area without any reasoned justification.
02. The proposal would be contrary to Policy 4: Development Management and Placemaking of the Local Development Plan as it would have significant adverse impacts on the landscape character of the surrounding area.
03. The proposal would also be contrary to Policy 4: Green Belt and Rural Area of the approved Proposed South Lanarkshire Local Development Plan 2 and Policy GBRA9 of the Green Belt and Rural Area Supplementary Guidance of the proposed SLLDP2 as the development does not require to locate in the countryside and it does not constitute development of a gap site or the consolidation of a building group. It would therefore constitute an inappropriate form of development within the rural area without any reasoned justification.
04. The proposal would also be contrary to Policy 5: Development Management and Placemaking of the approved Proposed South Lanarkshire Local Development Plan 2 as it would have significant adverse impacts on the landscape character of the surrounding area.

### Reason(s) for decision

The proposed development does not comply with the requirements of Policy 3 of the South Lanarkshire Local Development Plan (2015), Policy 4 and Policy GBRA6 of the Supplementary Guidance on Green Belt and Rural Area. The application is also contrary to Policy 4, Policy 5 and Policy GBRA9 of the proposed SLLDP2.

### Informatives

01. This decision relates to drawing numbers:

Reference	Version No:	Plan Status
PL01		Approved
PL02		Approved



# Appendix 2(b)

3c

## Consultation Responses

- ◆ Response dated 6 December 2019 from Roads and Transportation Services
- ◆ Response dated 8 January 2020 from Environmental Services





**SOUTH LANARKSHIRE COUNCIL  
ROADS AND TRANSPORTATION SERVICES**

**OBSERVATIONS ON PLANNING APPLICATION**

**3c**

Planning Application No: P/19/1607

Dated: 21 November 2019

Received: 06/12/19

Applicant: Mr J D Hardie

Contact: Chris Hall

Proposed Development: Residential development (two plots)

Ext: 4295

Location: Westyett Farm, Westshields Road, Braehead, Lanark, ML11 8NT

Case officer: Jerry Gigya

Type of Consent: Permission in Principle No(s) of drg(s) submitted: As per portal

Proposals Acceptable?	Y or N
<b>1. EXISTING ROADS</b>	
(a) General Impact of Development	Y
(b) Type of Connection(s) (road junction/footway crossing)	Y
(c) Location(s) of Connection(s)	Y
(d) Sightlines (.....)	Y
(e) Pedestrian Provision	N/A

**2. NEW ROADS**

(a) Width(s) (.....)	N/A
(b) Layout (horizontal/vertical alignment)	N/A
(c) Junction Details (locations/radii/sightlines)	N/A
(d) Turning Facilities (circles/hammerheads)	N/A
(e) Pedestrian Provision	N/A
(f) Provision for PU Services	N/A

**3. SERVICING & CAR PARKING**

(a) Servicing Arrangements/Driveways	Y
(b) Car Parking Provision (.....)	Y
(C) Layout of Parking Bays/Garages	Y

**4. RECOMMENDATION**

(a) No Objections	N
(b) No Objections Subject to Conditions	Y
(c) Refuse	N
(d) Defer Decision	N
(e) SOID to advise	N

Item ref	Comments
1a & 1c	This application is for outline permission for two housing plots adjacent to Westyett Farm. This development proposes upgrading the existing farm access, where this meets Westshields Road, this road is derestricted. This site has had three previous planning applications for a similar development since 2005, the most recent CL/14/0043 was refused.
1b	The block states that the existing access will be upgraded, but no details have been shown for this. The access should be widened to 5.5m for the first 15m to allow two vehicles to pass each other, the length is to cater for agricultural vehicles. These works will require a Road Opening Permit.
1d	Visibility splays of 2.5m x 215m are shown on the plans, which are achievable. Within these splays nothing over 900mm in height, e.g. hedges, trees, shrubs & walls etc are permitted.
1e	A 2.0m wide verge should be provided along Westshield Road.
3a	The access should surfaced / sealed for the first 5m, with a drainage system capable of preventing water discharging onto the public road.
3b	No parking has been shown on plans, in the full planning application, each plot will have to provide in curtilage parking based on the number of bedrooms, as per the SCOTS National Roads Development Guide: 2 or 3 Bedrooms to have 2 x spaces. 4 or more bedrooms to have 3 x spaces
3c	Each space should be dimensioned as 3m x 6m and be accessed from the public road without the need to remove any vehicle already parked.  P.T.O.

THE APPLICANT MUST BE ADVISED OF THE FOLLOWING: -

(i) Construction Consent (S21)*	Not Required
(ii) Road Bond (S17)*	Not Required
(iii) Road Opening Permit (S56)*	Required
(iv) Dropped Kerb (S56)*	Required

\* Relevant Section of the Roads (Scotland) Act 1984

Signed: \_\_\_\_\_  
Engineering Manager

Date: \_\_\_\_\_

**SOUTH LANARKSHIRE COUNCIL  
ROADS AND TRANSPORTATION SERVICES**

**OBSERVATIONS ON PLANNING APPLICATION  
CONTINUATION SHEET**

Planning Application No: P/19/1607

Dated: 06/12/19

Contact: Chris Hall

Item Ref	Comments
3c	Turning facilities, which do not conflict with parking arrangements to be provided within the confines of the plot to allow the vehicles to enter and exit in forward gear.
Note	Developer is responsible for any alterations required to statutory undertaker's apparatus.
Note	Any detritus material carried from the site on to the public road network to be cleared by the applicant on a daily basis.
Note	During the construction period, the roads within the delivery route will be maintained by the applicant, or repaired by the Council's Roads & Transportation Services and recharged accordingly. Failure to comply with these conditions could result in the applicant being served notice under <b>Section 99</b> of the <b>Road (Scotland) Act 1984</b> and contact being made with Police Scotland, who have enforcement powers under the <b>Road Traffic Act</b> .  <b>This service would offer No Objections Subject to Conditions, see the standard comments above and the points raised in items; 1b / 1d / 1e / 3a / 3b / 3c / 3c.</b>

Signed: \_\_\_\_\_  
Engineering Manager

Date: \_\_\_\_\_



3c

Community & Enterprise Resources  
Executive Director Michael McGlynn  
Fleet and Environmental Services

To:	Planning & Building Standards Services	Our Ref.	KGJ/408143
		Your Ref.	P/19/1607
CC:		If Calling Ask for	Kenny Joyes
From:	Kenny Joyes	Phone	01698 454955
		Date.	8 January 2020

---

Subject:	Application Ref:	<b>P/19/1607</b>
	Address:	<b>Westyett Farm</b>
		<b>Westshields Road</b>
		<b>Braehead</b>
		<b>Lanark</b>
		<b>ML11 8NT</b>
	Proposed Development:	<b>Residential development (Planning permission in principle)</b>

I refer to the above planning application consultation and would comment as follows;

I have no objections to the proposal in principal.

The applicant should be aware that further assessment may be required at the detailed stage of the application.

Should you require any further information, please contact Kenny Joyes.

**Kenny Joyes**  
**Environmental Health Officer**



## **Appendix 3**

3(d)

**Site photographs and location plan**



**Photo 1** Distant views of site from the west.



13:40 8/OCT/2020



**Photo 2** Distant views of site from the west.





**Photo 3** Distant views of site from the west.





**Photo 4** Distant views of site from west.



**Photo 5** Distant views of site from the north.



13:49 8/OCT/2020



**Photo 6** Distant views of site from the north.



**Photo 7** Distant views of site from the north.





**Photo 8** Distant views of site from the north.



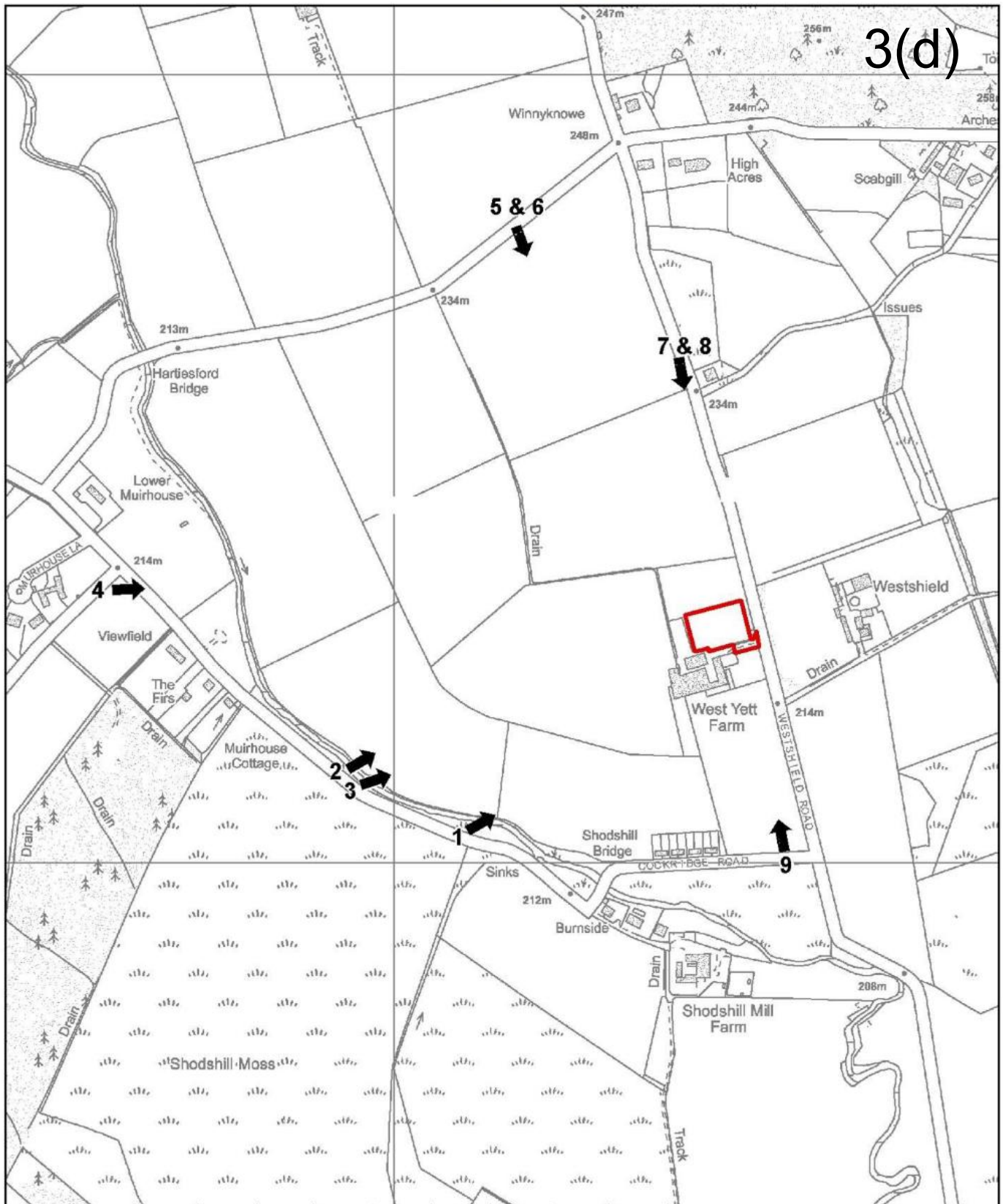
**Photo 9** Distant views of site from the south.







**Planning Review for application P/19/1607 Westyett Farm, Westshields Road, Braehead**  
**Location of photographs**



3(d)

This map indicates from where photographs were taken

-  Application site
-  Photograph viewpoints
-  Settlement Boundary

**Community and Enterprise Resources  
Planning and Economic Development**



Scale: 1:7,000

Date:

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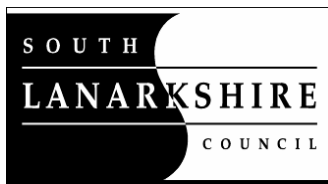


## **Appendix 4**

3(e)

### **Planning Decision Notice and Reasons for Refusal**





3(e)

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

Mr J D Hardie  
32 Hillhouse Farm Gate  
Lanark  
ML11 9HT

Our Ref: P/19/1607  
Your Ref:  
If calling ask for: Jerry Gigya  
Date: 19 June 2020

Dear Sir/Madam

**Proposal:** Residential development (Planning permission in principle)  
**Site address:** Westyett Farm, Westshields Road, Braehead, Lanark, ML11 8NT,  
**Application no:** P/19/1607

I would advise you that the above application was refused by the Council and I enclose the decision notice which sets out the reasons for refusal. Please note that the Council does not issue paper plans with the decision notice. The application is refused in accordance with the plans and any other documentation listed in the reasons for refusal imposed on the accompanying decision notice and which can be viewed using the Council's online planning application search at [www.southlanarkshire.gov.uk](http://www.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 Jerry Gigya on 01698 455180

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>

If you were the agent: <http://tinyurl.com/od26p6q>

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.

Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB  
Email [jerry.gigya@southlanarkshire.gov.uk](mailto:jerry.gigya@southlanarkshire.gov.uk) Phone: 01698 455180



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, selecting option 7, quoting the application number. We will send you a copy of the survey and a pre-paid envelope to return it.

Yours faithfully

**Head of Planning and Economic Development**

Enc:

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

---

To : **Mr J D Hardie**

Per :

**32 Hillhouse Farm Gate,  
Lanark, ML11 9HT,**

With reference to your application received on **24.10.2019** for planning permission in principle under the above mentioned Act :

**Description of proposed development:**

**Residential development (Planning permission in principle)**

**Site location:**

**Westyett Farm, Westshields Road, Braehead, Lanark, ML11 8NT,**

---

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

**REFUSE PLANNING PERMISSION 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: 19th June 2020

**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**

**Paper apart - Application number:** P/19/1607

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

01. The proposed residential development would be contrary to Policy 3: Green Belt and Rural Area of the adopted South Lanarkshire Local Development Plan and Policy GBRA6 of the Green Belt and Rural Area Supplementary Guidance as there is no specific locational requirement and established need for the proposal and it does not constitute development of a gap site or the consolidation of a building group. It would therefore constitute an inappropriate development within the Rural Area without any reasoned justification.
02. The proposal would be contrary to Policy 4: Development Management and Placemaking of the Local Development Plan as it would have significant adverse impacts on the landscape character of the surrounding area.
03. The proposal would also be contrary to Policy 4: Green Belt and Rural Area of the approved Proposed South Lanarkshire Local Development Plan 2 and Policy GBRA9 of the Green Belt and Rural Area Supplementary Guidance of the proposed SLLDP2 as the development does not require to locate in the countryside and it does not constitute development of a gap site or the consolidation of a building group. It would therefore constitute an inappropriate form of development within the rural area without any reasoned justification.
04. The proposal would also be contrary to Policy 5: Development Management and Placemaking of the approved Proposed South Lanarkshire Local Development Plan 2 as it would have significant adverse impacts on the landscape character of the surrounding area.

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

The proposed development does not comply with the requirements of Policy 3 of the South Lanarkshire Local Development Plan (2015), Policy 4 and Policy GBRA6 of the Supplementary Guidance on Green Belt and Rural Area. The application is also contrary to Policy 4, Policy 5 and Policy GBRA9 of the proposed SLLDP2.



## Notes to applicant

**Application number: P/19/1607**

### 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.

01. This decision relates to drawing numbers:

Reference	Version No:	Plan Status
PL01		Approved
PL02		Approved



## **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](mailto:pauline.macrae@southlanarkshire.gov.uk)

- (b) If permission to develop land is refused or granted subject to conditions, whether by the planning authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered incapable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the planning authority a purchase notice requiring the purchase of his interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

## **Appendix 5**

3(f)

**Notice of Review (including Statement of Reasons for Requiring the Review) submitted by applicant Mr J Hardie**



Montrose House 154 Montrose Crescent Hamilton ML3 6LB Tel: 0303 123 1015 Email: [planning@southlanarkshire.gov.uk](mailto:planning@southlanarkshire.gov.uk)

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100194485-004

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

## Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

## Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="Hardie Associates Ltd"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Colin"/>	Building Name:	<input type="text" value="78"/>
Last Name: *	<input type="text" value="Hardie"/>	Building Number:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Address 1 (Street): *	<input type="text" value="Hopetoun Street"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Bathgate"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="West Lothian"/>
		Postcode: *	<input type="text" value="EH48 4PD"/>
Email Address: *	<input type="text"/>		

Is the applicant an individual or an organisation/corporate entity? \*

☒ Individual ☐ Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *
Other Title:	<input type="text"/>	Building Name: <input type="text"/>
First Name: *	<input type="text" value="J"/>	Building Number: <input type="text" value="32"/>
Last Name: *	<input type="text" value="Hardie"/>	Address 1 (Street): * <input type="text" value="Hillhouse Farm Gate"/>
Company/Organisation	<input type="text"/>	Address 2: <input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: * <input type="text" value="Lanark"/>
Extension Number:	<input type="text"/>	Country: * <input type="text" value="UK"/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text" value="ML11 9HT"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text" value="REDACTED"/>	

## Site Address Details

Planning Authority:	<input type="text" value="South Lanarkshire Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="WESTYETT FARM"/>
Address 2:	<input type="text" value="WESTSHIELDS ROAD"/>
Address 3:	<input type="text" value="BRAEHEAD"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="LANARK"/>
Post Code:	<input type="text" value="ML11 8NT"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="649227"/>	Easting	<input type="text" value="294408"/>
----------	-------------------------------------	---------	-------------------------------------

## Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: \*  
(Max 500 characters)

Residential development (Planning permission in principle)

## Type of Application

What type of application did you submit to the planning authority? \*

- ☐ Application for planning permission (including householder application but excluding application to work minerals).
- ☒ Application for planning permission in principle.
- ☐ Further application.
- ☐ Application for approval of matters specified in conditions.

What does your review relate to? \*

- ☒ Refusal Notice.
- ☐ Grant of permission with Conditions imposed.
- ☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

## Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: \* (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Please see the attached statement of appeal.

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? \*

☐ Yes ☒ No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: \* (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: \* (Max 500 characters)

Statement of Appeal Appendix 1 to Statement of appeal

## Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

P/19/1607

What date was the application submitted to the planning authority? \*

21/11/2019

What date was the decision issued by the planning authority? \*

19/06/2020

## 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.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. \*

☒ Yes ☐ No

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

Can the site be clearly seen from a road or public land? \*

☒ Yes ☐ No

Is it possible for the site to be accessed safely and without barriers to entry? \*

☒ Yes ☐ No

## Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant? \*

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? \*

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? \*

☒ Yes ☐ No ☐ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? \*

☒ Yes ☐ No

Note: 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. 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.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review \*

☒ Yes ☐ No

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 (if any) from the earlier consent.



## **Declare – Notice of Review**

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Colin Hardie

Declaration Date: 18/09/2020

LOCAL REVIEW BOARD SUBMISSION

RESIDENTIAL DEVELOPMENT AT  
WESTYETT FARM, BRAEHEAD, LANARK

P/19/1607

Sep 2020

## BACKGROUND

Planning Permission in Principle was originally granted for the formation of two house plots in 2005, under application reference CL/05/0143.

This consent was never activated and the permission subsequently lapsed.

Following consultation with SLC, a new application was submitted and a refusal notice issued on 19/06/20.

## BASIS OF APPEAL

There are two fundamental reasons for requesting the LRB examine the handling of this application:

### *i. Pre-application advice*

The application was submitted following a meeting with SLC on 18<sup>th</sup> October 2019. Jerry Gigya gave positive feedback on the feasibility of the proposal, in light of there having been a prior consent and the setting in terms of the existing farm buildings.

My client submitted a new application on the strength of this advice, incurring close to £1000 in application and advertisement fees.

7 months passed and the application was refused in June 2020, without further discussion or consultation from the case officer.

We consider that either the applicant was poorly advised in the first instance or that the application was inadequately assessed, however there is evidently a lack of consistency in the handling of this.

### *ii. Handling report*

The reasons for refusal are given as:

01. The proposed residential development would be contrary to Policy 3: Green Belt and Rural Area of the adopted South Lanarkshire Local Development Plan and Policy GBRA6 of the Green Belt and Rural Area Supplementary Guidance as there is no specific locational requirement and established need for the proposal and it does not constitute development of a gap site or the consolidation of a building group. It would therefore constitute an inappropriate development within the Rural Area without any reasoned justification.

Contrary to the report, the proposed house plots do indeed consolidate the existing building grouping, creates a simple development pattern and utilises the existing access and private farm road (see appendix 1).

02. The proposal would be contrary to Policy 4: Development Management and Placemaking of the Local Development Plan as it would have significant adverse impacts on the landscape character of the surrounding area.

The development would not have a 'significant adverse impact' on the landscape character or the surrounding area.

The officer's report states the development would 'expand the farm steading to an extent that it would detract from the environmental quality of the locale'.

This statement is an exaggeration, as the new development is framed within the existing building grouping. There is no aspect where the new houses are viewed in isolation from the current farm steading.

Section 5.4 of the report suggests that the site has an open aspect to the North, South and West, however the topography is such that it is only clearly visible from the North. The proposal allows for new screen planting to the North boundary.

Section 1.1 states that 'there are no physical features in the form of substantive planting of shelter belts. The site has long distant views from the North, South and West'.

This is incorrect, as demonstrated by the aerial photo montage in Appendix 1, showing established tree planting on the South edge of the site.

03. The proposal would also be contrary to Policy 4: Green Belt and Rural Area of the approved Proposed South Lanarkshire Local Development Plan 2 and Policy GBRA9 of the Green Belt and Rural Area Supplementary Guidance of the proposed SLLDP2 as the development does not require to locate in the countryside and it does not constitute development of a gap site or the consolidation of a building group. It would therefore constitute an inappropriate form of development within the rural area without any reasoned justification.

We consider this a rewording of Reason 1, quoting a different SLC LDP policy number. The fundamental facts remain the same though and we consider the proposal to be a consolidation of the building grouping.

04. The proposal would also be contrary to Policy 5: Development Management and Placemaking of the approved Proposed South Lanarkshire Local Development Plan 2 as it would have significant adverse impacts on the landscape character of the surrounding area.

Again, this is restating Reason 2 and the impact on the landscape has been grossly overstated.

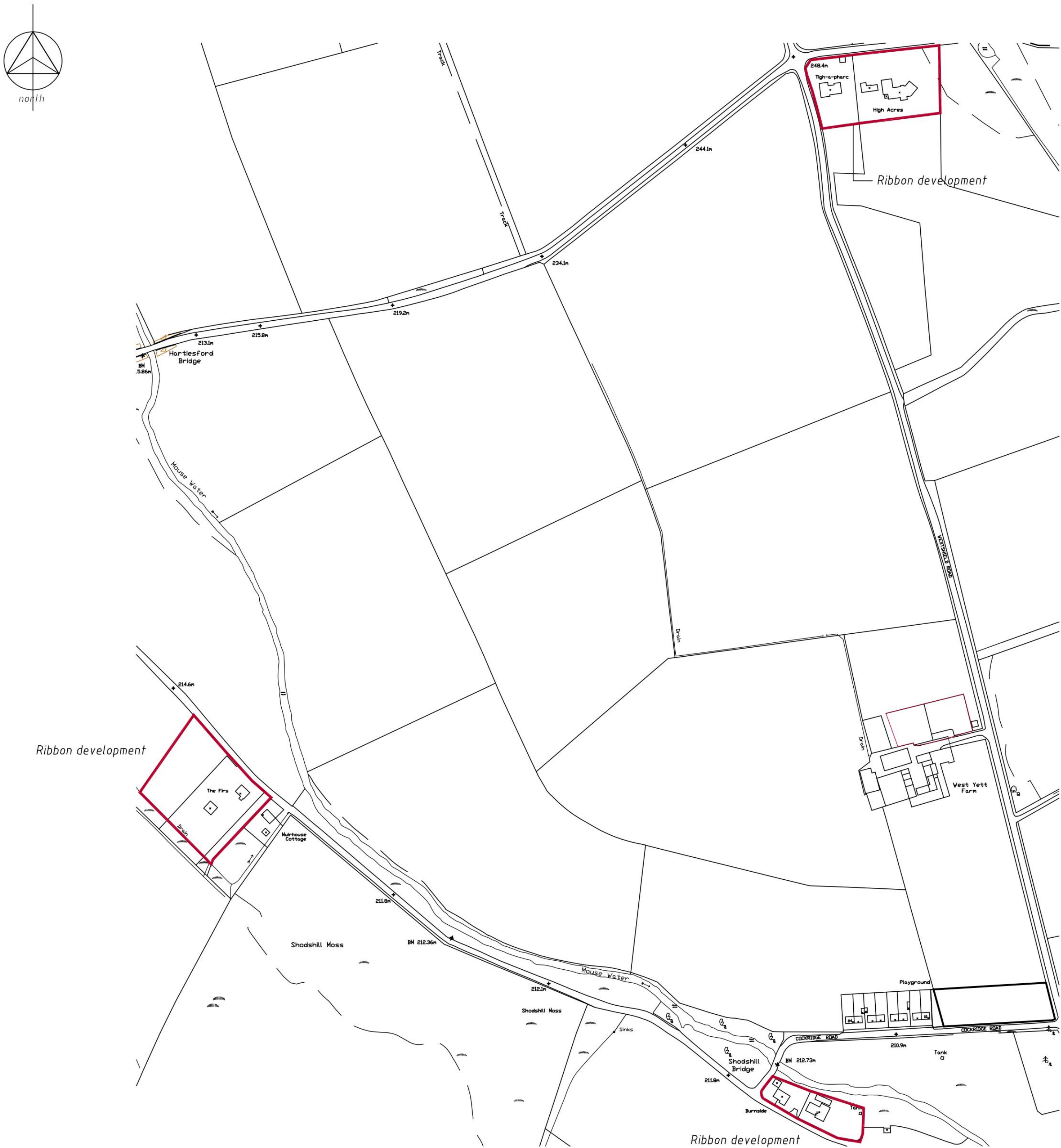
## SUMMARY

The handling report has been padded out to suggest there are 4 separate reason for refusal, whereas in fact there are only 2 issues, both of which we refute.

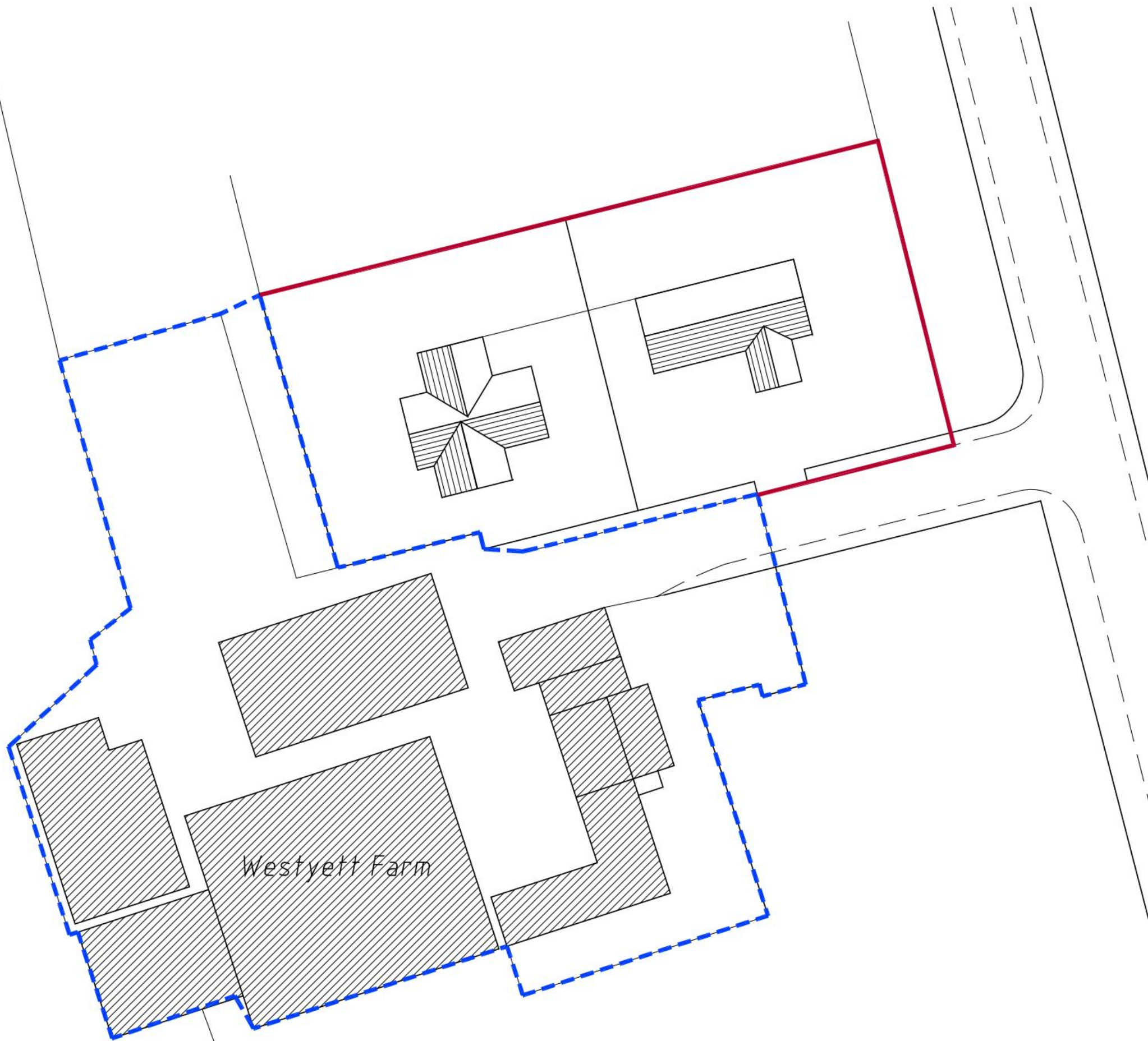
In conclusion, we ask that the LRB consider the facts and conclude that the officer's report contains inaccurate and misleading information, which does not reflect the actual site conditions.

Added to this, it is disappointing that the initial advice given to the applicant contradicts the outcome of the application, when the same case officer so clearly concluded that the proposal was without merit.



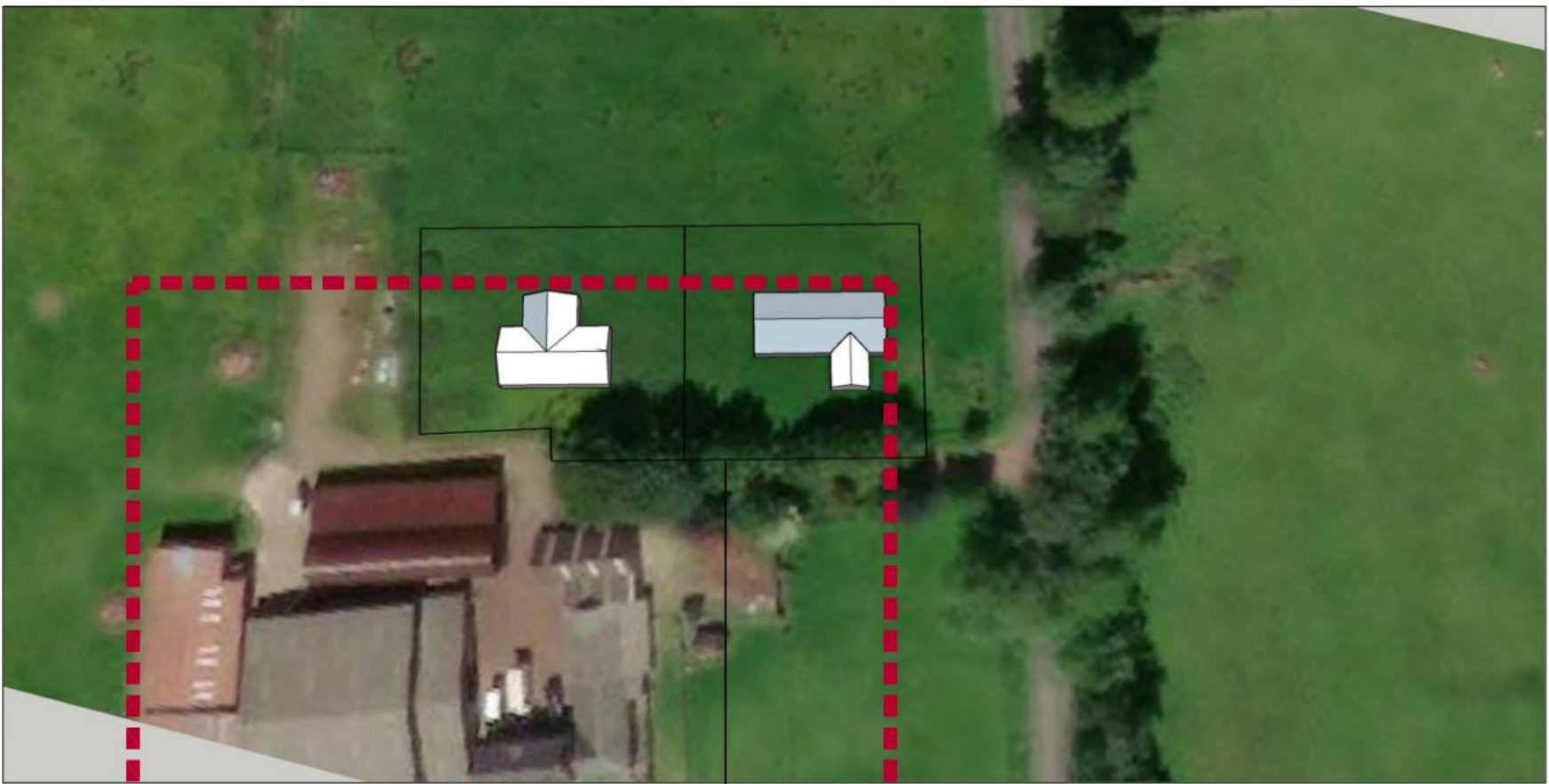


LOCATION PLAN 1:2500  
Adjacent development patterns, proposal clearly represents the most cohesive building grouping in the locale.



Building Grouping

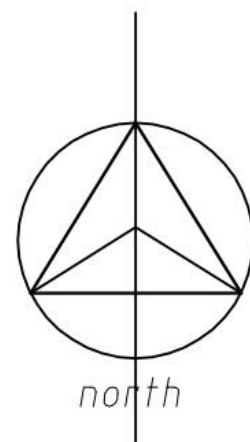
Grouping of buildings



Established tree planting

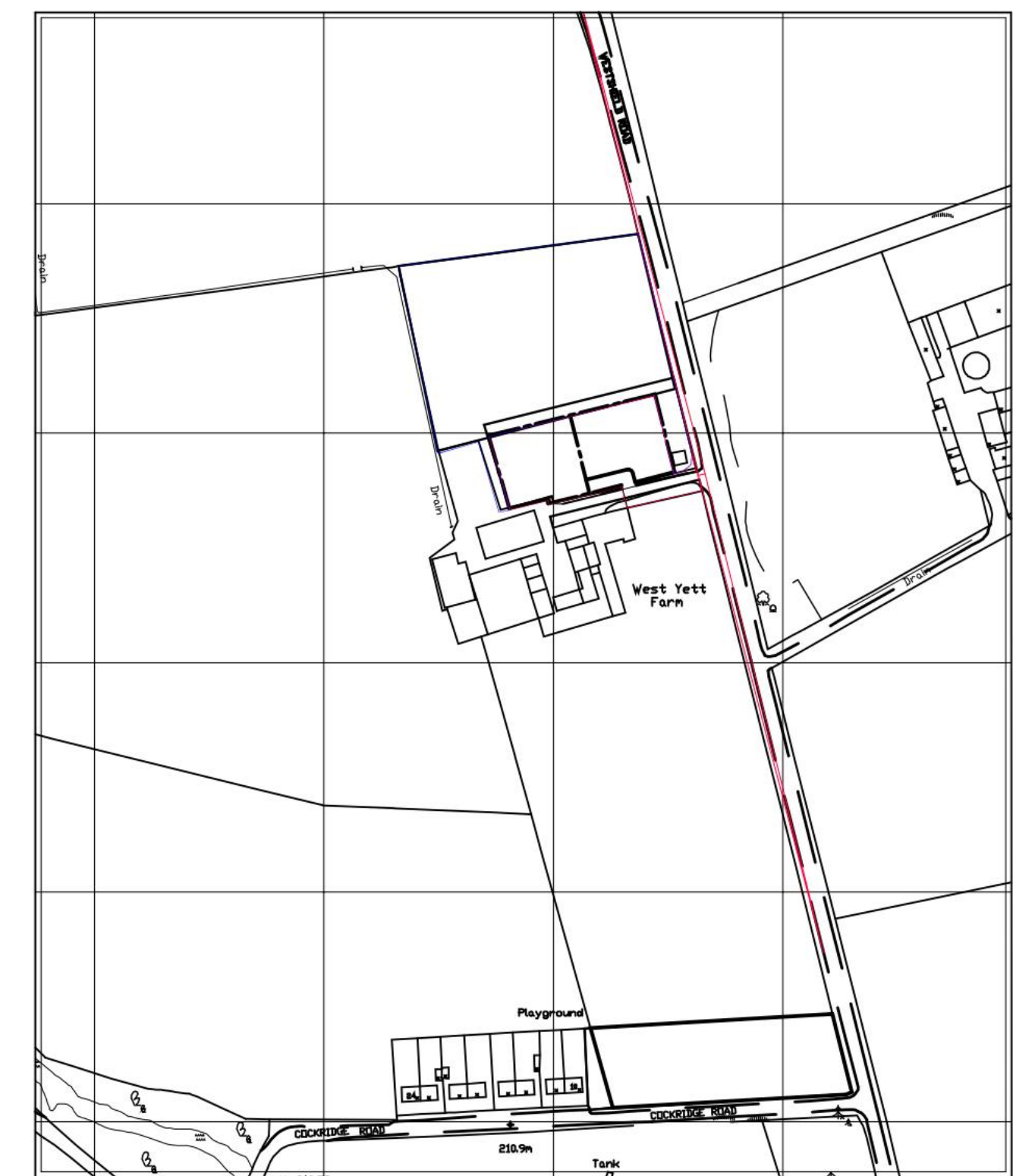
title: Appendix 1	
client: Mr J Hardie	
project: Residential Development Westyett Farm Lanark	
scale: 1:250 @ A1	date: Sept 20
drawing number: 20/069/APP01	
HARDIE ASSOCIATES Ltd.	
78 HOPETOUN STREET BATHGATE WEST LOTHIAN EH48 4PD tel: 01506 633979 email: chardie@hardie-associates.co.uk copyright : Hardie Associates Ltd.	





BLOCK PLAN (1:500)

Exist access upgraded, 2.5x215m visibility splay maintained on either side of the site entrance.

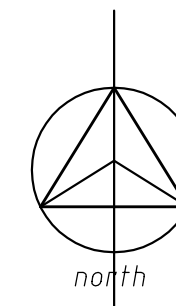


LOCATION PLAN 1:2500

title: <b>Block and Location Plan</b>	
client: <b>Mr J Hardie</b>	
project: <b>Proposed development : Westyett Farm Cleghorn</b>	
scale: <b>as noted @A1</b>	date: <b>Jan 14</b>
drawing number: <b>02/39/PL01A</b>	
<b>HARDIE ASSOCIATES LTD</b> 78 HOPETOUN STREET BATHGATE WEST LOTHIAN EH48 4PD TEL:- 01506 633979 FAX:- 01506 634656	
© COPYRIGHT - HARDIE ASSOCIATES	



Location Plan 1:2500



title:	Location Plan	date:	Oct 19
client:	Mr J Hardie	scale:	as noted
project:	Proposed development : Westyett Farm Cleghorn	drawing number:	PL02





# Appendix 6

3(g)

## Further Representations

### Further Representation From

- ◆ Statement of Observations from Planning Officer on Applicant's Notice of Review



**Planning Application No: P/19/1607**  
**Residential Development (Permission in Principle)**  
**Westyett Farm**  
**Westshields Road**  
**Braehead**  
**South Lanarkshire**

**1. Planning Background**

- 1.1 Planning permission was sought for residential development (Permission in Principle) on Land at Westyett Farm, Westshields Road, Braehead, Lanark. After due consideration of the application in terms of the Local Development Plan and other material planning considerations the application was refused by the Council under delegated powers on 19 June 2020. The report of handling dated 4 June 2020 explains the decision and the reasons for refusal are listed in the decision notice.
- 1.2 It should be noted that on 9 April 2014 the site had a planning application for residential development (permission in principle) application no: CL/14/0043, refused on policy grounds.

**2. Assessment Against the Development Plan and other Relevant Policies**

- 2.1 Section 25 of the Town and Country Planning (Scotland) Act 1997, as amended, requires that an application for planning permission is determined in accordance with the development plan unless material considerations indicate otherwise. The development plan in this instance comprises the adopted South Lanarkshire Local Plan and an assessment of the development proposal against the relevant policies is detailed in the officer report, dated 4 June 2020.

**3. Other Material Considerations**

- 3.1 On 29 May 2018 the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (SLLDP2) (Volumes 1 and 2) and it is now a material consideration in determining planning applications. The proposed development was considered against the relevant policies in the proposed plan and it is noted that these policies are broadly consistent with the current adopted South Lanarkshire Local Development Plan. The relevant Policies are 4 – Green Belt and Rural Area and 5 – Development Management and Placemaking of the approved Proposed South Lanarkshire Local Development Plan 2.
- 3.2 On 17 August 2020 the Directorate for Planning and Environmental Appeals issued its report of the Examination of the proposed South Lanarkshire Local Development Plan 2. A number of amendments to policy have been recommended which will be carried through to adoption stage. For the purposes of determining planning applications, the Council will assess proposals against the policies contained within the adopted South Lanarkshire Local Development Plan and those within the proposed South Lanarkshire Local Development Plan 2 alongside the Reporter's amendments. Whilst the Reporter's amendments have yet to be ratified by South Lanarkshire Council they are, nevertheless, a material consideration.

#### **4. Observations on Appellant's 'Notice of Review'**

- 4.1 The appellant's grounds for review relate to two parts – Pre-application advice and handling report.

##### **4.1.1 Pre-Application Advice**

The appellant feels that the pre- application advice given by the Council's Planning Officer was such that his proposal for residential development was feasible in the light of previous consents for the site and the setting in terms of the existing farm buildings. The appellant considers that either he was poorly advised in the first instance or that the application was inadequately assessed.

**Response:** The Council is satisfied that the Planning Officer's pre-application advice at that early stage was advisory - only when a planning application was submitted could the proposal be fully assessed and a decision made upon it. The pre-application advice referred to by the appellant was given without prejudice to the outcome of any future planning submissions for the site.

#### **4.2 Handling Report**

The appellant refers to the reasons for refusal as:-

- 01 **The proposed residential development would be contrary to Policy 3: Green Belt and Rural Area of the adopted South Lanarkshire Local Development Plan and Policy GBRA6 of the Green Belt and Rural Area Supplementary Guidance as there is no specific locational requirement and established need for the proposal and it does not constitute development of a gap site or the consolidation of a building group. It would therefore constitute an inappropriate development within the Rural Area without any reasoned justification.**

The appellant argues that contrary to the officer report, the proposed house plots will consolidate the existing building groupings, create a simple development pattern and use the existing access and farm road.

**Response:** The Council considers that the Officer report accurately reflects Policy 3: Green Belt and Rural Area of the adopted South Lanarkshire Local Development Plan and Policy GBRA6 of the Green Belt and Rural Area Supplementary Guidance application in the assessment of the proposed house plots on the application site. The appellant has failed to demonstrate how the proposed house plots would consolidate the existing building groupings, create a simple development pattern and use the existing access and farm road given the location of the site in relation to Westyett farm steading.

- 02 **The proposal would be contrary to Policy 4: Development Management and Placemaking of the Local Development Plan as it would have significant adverse impacts on the landscape character of the surrounding area.**

The appellant argues that the proposed development would not have a significant adverse impact on the landscape character of or the surrounding area. The appellant quotes part of the Officer's report which states that the 'development would expand the farm steading to an extent that it would detract from the environmental quality of the locale' and argues that the statement is an exaggeration, as the proposed development is framed within the existing building grouping with no aspect where the new houses are viewed in isolation from the current farm steading. Furthermore, the

appellant disputes part of the report which refers to the review site's distant views from the north, south and west.

**Response:** The assessment of the proposed development as detailed in the report of handling with regards to its impact on the environmental quality of the locale is not considered by the Council as an exaggeration because the review site is not framed within the existing building groupings but sits outwith Westyett farm steading. The appellant has provided no evidence to substantiate the basis of his disputes with regards to the review site's distant views referred to in the report of handling. The Council is satisfied that the attached map – Location of Photographs clearly shows the distant viewpoints of the review site referred to in 1.1 of the report of handling.

- 03 **The proposal would also be contrary to Policy 4: Green Belt and Rural Area of the approved Proposed South Lanarkshire Local Development Plan 2 and Policy GBRA9 of the Green Belt and Rural Area Supplementary Guidance of the proposed SLLDP2 as the development does not require to locate in the countryside and it does not constitute development of a gap site or the consolidation of a building group. It would therefore constitute an inappropriate form of development within the rural area without any reasoned justification.**

The appellant refers to the above reason for refusal and states that it is a rewording of Reason 1, quoting a different SLLDP policy number. The appellant states that the fundamental fact remains the same though that the proposal is considered to be a consolidation of the building.

**Response:** The Council has a statutory duty under the Planning etc (Scotland) Act 2006 to prepare a local development plan. This must contain the planning policies which provide the basis for assessing and determining planning applications and which guide and shape future land use. The Council is in the process of replacing the current adopted local development plan with a new SLLDP2 to ensure that its policies are up to date and relevant in assessing and determining planning applications and which also guide and shape future land use. The determining issues in the consideration of this application were and still are its compliance with adopted local development plan policy and associated supplementary guidance, the impact on the landscape character and visual amenity of the surrounding area, the road safety implications of the proposal, relevant government advice and policy and other material considerations in the determination of the application.

As explained in 3.1 above, the reason for refusal is not a rewording of a different policy number but the policy is now a material consideration in determining planning applications including the review site.

- 04 **The proposal would also be contrary to Policy 5: Development Management and Placemaking of the approved Proposed South Lanarkshire Local Development Plan 2 as it would have significant adverse impacts on the landscape character of the surrounding area.**

The appellant states that this is again restating Reason 2 and the impact on the landscape has been grossly overstated.

**Response:** The reason for refusal is not just a restatement of Reason 2 but the policy is now a material consideration in determining planning applications including the review site.

## **5 Conclusions**

The proposed development does not comply with the requirements of Policy 3 of the South Lanarkshire Local Development Plan (2015), Policy 4 and Policy GBRA6 of the Supplementary Guidance on Green Belt and Rural Area. The application is also contrary to Policy 4, Policy 5 and Policy GBRA9 of the proposed SLLDP2. It is respectfully requested that the Review Body refuse planning permission for the proposed development.

## **Appendix 7**

3(h)

**Applicant's Comments on Further Representations  
Submitted by Interested Parties in the Course of the  
Notice of Review Consultation Process**





## RESPONSE TO STATEMENT OF OBSERVATIONS

Planning Application No: P/19/1607  
Residential Development (Permission in Principle)  
Westyett Farm  
Westshields Road  
Braehead  
South Lanarkshire

Having taken time to consider the response from SLC, there are a number of observations we would like to bring to the attention of the PLRB. I have extracted the relevant parts from the SLC Report and added our comments below.

### 1.

#### 4.1.1 *Pre-Application Advice*

*The appellant feels that the pre-application advice given by the Council's Planning Officer was such that his proposal for residential development was feasible in the light of previous consents for the site and the setting in terms of the existing farm buildings. The appellant considers that either he was poorly advised in the first instance or that the application was inadequately assessed.*

**Response:** *The Council is satisfied that the Planning Officer's pre-application advice at that early stage was advisory - only when a planning application was submitted could the proposal be fully assessed and a decision made upon it. The pre-application advice referred to by the appellant was given without prejudice to the outcome of any future planning submissions for the site.*

**This response does not explain why advice of this nature was given to a member of the general public, when the limitations of this advice was evidently not made clear. Based on this guidance, the applicant felt confident enough to proceed with a planning application.**

**The reasons for refusal claim to be unequivocal in policy terms and if that were the case, this should have been obvious at pre application stage, whereby the advice offered would have suggested that a planning application was unlikely to have a successful outcome. This was not how it was intimated to the applicant however.**

## 2.

### 4.2 Handling Report

*The appellant refers to the reasons for refusal as:-*

*01 The proposed residential development would be contrary to Policy 3: Green Belt and Rural Area of the adopted South Lanarkshire Local Development Plan and Policy GBRA6 of the Green Belt and Rural Area Supplementary Guidance as there is no specific locational requirement and established need for the proposal and it does not constitute development of a gap site or the consolidation of a building group. It would therefore constitute an inappropriate development within the Rural Area without any reasoned justification.*

*The appellant argues that contrary to the officer report, the proposed house plots will consolidate the existing building groupings, create a simple development pattern and use the existing access and farm road.*

**Response:** *The Council considers that the Officer report accurately reflects Policy 3: Green Belt and Rural Area of the adopted South Lanarkshire Local Development Plan and Policy GBRA6 of the Green Belt and Rural Area Supplementary Guidance application in the assessment of the proposed house plots on the application site. The appellant has failed to demonstrate how the proposed house plots would consolidate the existing building groupings, create a simple development pattern and use the existing access and farm road given the location of the site in relation to Westyett farm steading.*

**The response here is both dismissive and deliberately vague, plus it contradicts the block plan submitted with the application and Appendix 01 from the original LRB documents:**

- i. **The house at Plot 1 is directly opposite the existing traditional farm buildings, with Plot 2 being an extension of the development pattern.**
- ii. **The Northern extent of the proposed development aligns with the extent of the existing farm hardstanding/machinery storage area to the West, creating a regularised pattern.**
- iii. **Most significantly, contrary to the local development pattern where new houses front the public road in a ribbon format, this development seeks to share the farm access road and create a development cluster around it.**

### 3.

**02 The proposal would be contrary to Policy 4: Development Management and Placemaking of the Local Development Plan as it would have significant adverse impacts on the landscape character of the surrounding area.**

*The appellant argues that the proposed development would not have a significant adverse impact on the landscape character of or the surrounding area. The appellant quotes part of the Officer's report which states that the 'development would expand the farm steading to an extent that it would detract from the environmental quality of the locale' and argues that the statement is an exaggeration, as the proposed development is framed within the existing building grouping with no aspect where the new houses are viewed in isolation from the current farm steading. Furthermore, the appellant disputes part of the report which refers to the review site's distant views from the north, south and west.*

**Response:** *The assessment of the proposed development as detailed in the report of handling with regards to its impact on the environmental quality of the locale is not considered by the Council as an exaggeration because the review site is not framed within the existing building groupings but sits outwith Westyett farm steading. The appellant has provided no evidence to substantiate the basis of his disputes with regards to the review site's distant views referred to in the report of handling. The Council is satisfied that the attached map – Location of Photographs clearly shows the distant viewpoints of the review site referred to in 1.1 of the report of handling.*

**This is a dismissive response, which makes no acknowledgment of the specifics stated in the appeal document.**

**The handling report asserts that the site is wholly unacceptable in it's distant views from ALL directions. If we look at the actual views from the South, Appendix 01 clearly demonstrates that Plot 1 is directly behind the line of the existing steading and the aerial photography shows established tree planting on the South edge of the plots, creating a reasonable amount of screening.**

**Added to this, there is very little opportunity to view the development where it is not screened by natural features or in relief of the existing farm buildings.**

**It is a gross exaggeration to suggest "significant adverse impact to the landscape character"**

#### 4.

**03 The proposal would also be contrary to Policy 4: Green Belt and Rural Area of the approved Proposed South Lanarkshire Local Development Plan 2 and Policy GBRA9 of the Green Belt and Rural Area Supplementary Guidance of the proposed SLLDP2 as the development does not require to locate in the countryside and it does not constitute development of a gap site or the consolidation of a building group. It would therefore constitute an inappropriate form of development within the rural area without any reasoned justification.**

*The appellant refers to the above reason for refusal and states that it is a rewording of Reason 1, quoting a different SLLDP policy number. The appellant states that the fundamental fact remains the same though that the proposal is considered to be a consolidation of the building.*

*Response: The Council has a statutory duty under the Planning etc (Scotland) Act 2006 to prepare a local development plan. This must contain the planning policies which provide the basis for assessing and determining planning applications and which guide and shape future land use. The Council is in the process of replacing the current adopted local development plan with a new SLLDP2 to ensure that its policies are up to date and relevant in assessing and determining planning applications and which also guide and shape future land use. The determining issues in the consideration of this application were and still are its compliance with adopted local development plan policy and associated supplementary guidance, the impact on the landscape character and visual amenity of the surrounding area, the road safety implications of the proposal, relevant government advice and policy and other material considerations in the determination of the application.*

*As explained in 3.1 above, the reason for refusal is not a rewording of a different policy number but the policy is now a material consideration in determining planning applications including the review site.*

**04 The proposal would also be contrary to Policy 5: Development Management and Placemaking of the approved Proposed South Lanarkshire Local Development Plan 2 as it would have significant adverse impacts on the landscape character of the surrounding area.**

*The appellant states that this is again restating Reason 2 and the impact on the landscape has been grossly overstated.*

**Response:** *The reason for refusal is not just a restatement of Reason 2 but the policy is now a material consideration in determining planning applications including the review site.*

**We are of the opinion that SLC can only list two rationales given in the reasons for refusal in terms of policy:**

- i. Not a consolidation of building groupings**
- ii. Significant adverse impact on the landscape character.**

**The handling report lists four reasons, in an attempt to bolster the case for refusal by referring to the same reasons in regard to different policies as wholly separate reasons for refusal.**

## **Conclusion**

**The SLC response to our appeal has not clearly addressed the individual issues raised. Instead, there are blanket statements that they have acted correctly, without acknowledging there are anomalies in their own handling report. Furthermore, there is no acknowledgement that their pre application advice was ambiguous at best and at worst, wholly contradicted their own planning policy. We respectfully ask the PLRB to look at the pertinent issues raised and grant planning consent.**

