

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

Andrew Megginson  
Andrew Megginson Architecture  
Andrew Megginson Architecture  
128 Dundas Street  
New Town  
Edinburgh  
EH3 5DQ

Our Ref: P/23/0413  
Your Ref:  
If calling ask for: Stuart Connolly  
Date: 4 July 2023

Dear Sir/Madam

**Proposal:** Ancillary accommodation to rear garden  
**Site address:** 67 School Road, Sandford, Strathaven, ML10 6BF,  
**Application no:** P/23/0413

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

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

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

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

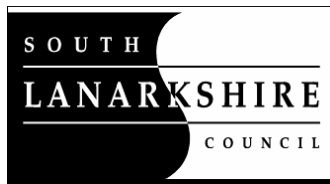
Yours faithfully

**Head of Planning and Regulatory Services**

Enc:

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





Application no.  
P/23/0413

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

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To: **Mr And Mrs Kirkeiner**

Per: **Andrew Megginson**

**67 School Road, Sandford,  
Strathaven, ML10 6BF,**

**Andrew Megginson  
Architecture, 128 Dundas  
Street, New Town,  
Edinburgh, EH3 5DQ,**

With reference to your application received on **31.03.2023** for planning permission under the above mentioned Act:

**Description of proposed development:**

**Ancillary accommodation to rear garden**

**Site location:**

**67 School Road, Sandford, Strathaven, ML10 6BF,**

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

### **REFUSE PLANNING PERMISSION**

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

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Date: 4th July 2023

**Head of Planning and Regulatory Services**

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

**South Lanarkshire Council  
Community and Enterprise Resources  
Planning and Regulatory Services**

## **South Lanarkshire Council**

### **Refuse planning permission**

**Paper apart - Application number:** P/23/0413

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

01. The proposed extension is contrary to Policy 16 of the National Planning Framework 4 (adopted 2023) in that it does not conform to the scale, design, or character of the original building on the site or the surrounding built form and would therefore be detrimental to the amenity of the area in general.
02. The proposal is contrary to policies 3, 5, DM2 & DM5 of the South Lanarkshire Local Development Plan 2 (adopted 2021) in that it would have a detrimental impact on the amenity of neighbouring properties due to a loss of privacy.

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

The proposal conflicts with 16 of the National Planning Framework 4 (adopted 2023) and Policies 3, 5, DM2 and DM5 of the Local Development Plan 2 (adopted 2021) and will result in a detrimental impact in terms of overlooking, loss of privacy, visual and residential amenity.

## Notes to applicant

**Application number: P/23/0413**

### Important

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

01. This decision relates to drawing numbers:

<b>Reference</b>	<b>Version No:</b>	<b>Plan Status</b>
PROPOSALS	B	Refused
LOCATION PLAN	B	Refused



## **COMMUNITY AND ENTERPRISE RESOURCES**

Executive Director **David Booth**

Planning and Economic Development

### **Important notes**

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

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

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

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

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

- (a) If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997, within three months from the date of this notice. The notice of review should be addressed to:

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

To obtain the appropriate forms:

Administrative Services at the above address.

Telephone: 01698 454108

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

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