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|---|-------------------------|---------------|-----------|
|  | <b>Delegated Report</b> | Reference no. | P/22/1355 |
|   |                         |               |           |
|   |                         | Date          |           |

**Planning proposal:** Change of use of agricultural land to private garden ground.  
**Location:** Ard Taigh, Kilbank Road  
Kirkfieldbank. Lanark, ML11 9UH

**Application Type :** Detailed planning application

**Applicant :** Mr Stephen Paul Davies  
**Location :** Ard Taigh  
Kilbank Road  
Kirkfieldbank  
Lanark  
ML11 9UH

**Decision:**

**Other action/notes:** (1)

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

**Policy reference:**

**South Lanarkshire Local Development Plan 2 (adopted 2021)**

Policy 2: Climate Change  
Policy 4: Green Belt and Rural Area  
Policy 5: Development Management and Placemaking  
Policy NHE16: Landscape

**National Planning Framework 4 (adopted 2023)**

Policy 1: Tackling the Climate and Nature Crises  
Policy 2: Climate Mitigation and Adaptation  
Policy 17: Rural Homes

**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**

**Summary of response**

No Consultations Required

**Representation(s):**

|   |   |                   |
|---|---|-------------------|
| ► | 0 | Objection letters |
| ► | 0 | Support letters   |
| ► | 0 | Comment letters   |

## **Planning Application Delegated Report**

### **1 Application Summary**

- 1.1 The applicant seeks planning permission for the change of use of agricultural land to form a private garden ground at Ard Taigh, Kilbank Road in Kirkfieldbank. The proposed site is located on agricultural adjacent to an existing dwelling approved in 2019 (P/19/0615).

### **2 Representation(s)**

- 2.1 Statutory neighbour notification was undertaken in respect of this application, and no letters of representation has been received because of this publicity. No formal consultations were required to be undertaken in respect of this proposal.

### **3 Assessment and Conclusions**

- 3.1 Under Section 25 of the Town and Country Planning (Scotland) Act 1997, all applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan comprises the South Lanarkshire Local Development Plan 2 (SLLDP2) (adopted 2021) and National Planning Framework 4 (NPF4) (which was laid before the Scottish Parliament on the 8<sup>th</sup> of November 2022 and adopted by Scottish Ministers on 13<sup>th</sup> February 2023). Section 24(3) of the 1997 Act confirms that if there is an inconsistency between NPF4 policies and a Local Development Plan which was adopted before the 13<sup>th</sup> February 2023, then the policies in NPF4 prevail.
- 3.2 The application site is existing agricultural land located in the rural area and designated as part of a Special Landscape Area within the South Lanarkshire Local Development Plan 2021.
- 3.3 Policy 17 of The National Planning framework states a development proposal for new homes in rural areas will be supported where the development is suitably scaled, sited and designed to be in keeping with the character of the area and the development:
- i. is on a site allocated for housing within the LDP;
  - ii. reuses brownfield land where a return to a natural state has not or will not happen without intervention;
  - iii. reuses a redundant or unused building;
  - iv. is an appropriate use of a historic environment asset or is appropriate enabling development to secure the future of historic environment assets;
  - v. is demonstrated to be necessary to support the sustainable management of a viable rural business or croft, and there is an essential need for a worker (including those taking majority control of a farm business) to live permanently at or near their place of work;
  - vi. is for a single home for the retirement succession of a viable farm holding;

- vii. is for the subdivision of an existing residential dwelling; the scale of which is in keeping with the character and infrastructure provision in the area; or
- viii. reinstates a former dwelling house or is a one-for-one replacement of an existing permanent house.

3.4 Policy NHE16 – Landscape advises that development proposals within Special Landscape Areas will only be permitted where they can be accommodated without having an unacceptable significant adverse effect on the landscape character, scenic interest and special qualities and features for which the area has been designated. All proposed development should take into account the detailed guidance contained in the South Lanarkshire Landscape Character Assessment 2010. The site falls within the Rolling Farmland landscape type in the Middle Clyde Valley where landscape planning and management should aim to conserve the open and undeveloped character and profiles of the foothills and the quality of the panoramic views. Built development on the open hillsides should generally be resisted.

3.5 In view of the above, it is concluded that the proposed extension of garden ground into the protected special landscape land within the rural area is inappropriate and does not comply with the requirement of applicable policies within National Planning Framework 4 or the South Lanarkshire Local Development Plan 2. It is therefore recommended that permission is Refused.

#### **4 Reason for decision**

4.4 The proposal is contrary to Policies 4, 5 and NHE16 of the South Lanarkshire Local Development Plan 2 (2021) and Policy 17 of the NPF4. In that the change of use from agricultural land to private garden space introduces a level of activity that is detrimental to the amenity of the area and that it would conflict with the land use set out in the SLC2.

**Delegating officer: David Russell**

**Date: 17/3/2023**

#### **Previous references**

- ◆ None

#### **List of background papers**

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ Neighbour notification letter dated

- ▶ Consultations

No Consultations required.

- ▶ Representations

**Contact for further information**

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

Stuart Connolly, Planning officer, Floor 6, Council Offices, Almada Street, Hamilton, ML3 0AA

Phone: 07385516139

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

## Planning Application

Application number: P/22/1355

### Reasons for refusal

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

### Reason(s) for decision

The proposal is contrary to Policies 4, 5 and NHE16 of the South Lanarkshire Local Development Plan 2 (2021) and Policy 17 of the NPF4. In that the change of use from agricultural land to private garden space introduces a level of activity that is detrimental to the amenity of the area and that it would conflict with the land use set out in the SLC2.

### Informatives

01. This decision relates to drawing numbers:

| Reference     | Version No: | Plan Status |
|---------------|-------------|-------------|
| Location Plan | A           | Refused     |