



Council Offices, Almada Street,  
Hamilton

# Planning Local Review Body

## Decision Notice

Decision by South Lanarkshire Council Planning Local Review Body (PLRB)  
PLRB Reference NOR/HM/19/001

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- ◆ Site address: Land 50 Metres Northwest of 3 Millburn Road, Ashgill, Larkhall
- ◆ Application for review by D Collins of the decision by an appointed officer of South Lanarkshire Council to refuse the granting of planning permission in principle for planning application P/19/0158
- ◆ Application P/19/0158 for residential development including formation of vehicular access (planning permission in principle)
- ◆ Application Drawings: Application Site Boundary

## Decision

The PLRB upholds the decision by the appointed officer, in terms of the Scheme of Delegation, to refuse planning permission in principle for planning application P/19/0158 for the reasons detailed in the Council's decision notice dated 1 May 2019.

A handwritten signature in black ink, appearing to read 'G. McCann'.

**Geraldine McCann**  
**Head of Administration and Legal Services**

Date of Decision Notice: 30 October 2019

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## 1. Background

- 1.1 This Notice constitutes the formal decision notice of the Planning Local Review Body (PLRB) as required by the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.
- 1.2 The above application for planning permission in principle was considered by the PLRB at its meeting on 7 October 2019. The PLRB was attended by Councillors Alex Allison, John Bradley, Stephanie Callaghan, Isobel Dorman (Chair), Ann Le Blond, Graham Scott and Jim Wardhaugh.

## **2. Proposal**

- 2.1 The proposal is for a residential development, including formation of vehicular access, (planning permission in principle) at land 50 metres northwest of 3 Millburn Road, Ashgill, Larkhall.
- 2.2 The options available to the PLRB were to uphold, reverse or vary the decision taken in respect of the application under review.

## **3. Determining Issues**

- 3.1 The determining issues in this review were the proposal's compliance with the Adopted South Lanarkshire Local Development Plan (SLLDP) and Supplementary Guidance (SG).
- 3.2 The PLRB established that, in terms of the Adopted South Lanarkshire Local Development Plan, the site was located within the Green Belt. The following policies applied to the application site:-

- ◆ Policy 3 – green belt and rural area
- ◆ Policy 16 – travel and transport
- ◆ Policy GBRA4 – small scale settlement extensions – of the Green Belt and Rural Area Supplementary Guidance

- 3.3 The Proposed South Lanarkshire Local Development Plan 2 (SLLDP2), approved on 29 May 2018, was also a material consideration in determining the application. The following policies applied to the application site:-

- ◆ Policy 4 – green belt and rural area
- ◆ Policy 15 – travel and transport

The PLRB noted that, in some documentation relating to the review case, Policy 15 of the Proposed SLLDP2 had been incorrectly referenced as Policy 17.

- 3.4 Policy 3 of the Adopted South Lanarkshire Local Development Plan states that the Green Belt and the rural area function primarily for agriculture, forestry, recreation and other uses appropriate to the countryside. Development which does not require to locate in the countryside will be expected to be accommodated within the settlements identified on the proposals map, other than in the following circumstances where:-

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

- 3.5 Policy 3 also states that, in the rural area, limited expansion of an existing settlement may be appropriate where the proposal is proportionate to the scale and built form of the settlement, it is supportive of the sustainability of the settlement and a defensible boundary is maintained. The Policy further states that in both the Green Belt and rural area, isolated and sporadic development will not be supported.

- 3.6 Policy 16 of the Adopted Plan states that the development of walking, cycling and public transport networks which provide a viable and attractive alternative to car travel, thus reducing the effects of transport on the environment, will be supported. In addition,

existing and proposed walking and cycling routes will be safeguarded, including former railway lines which can provide walking, cycling and horse riding opportunities.

3.7 Policy GBRA4: Small Scale Settlement Extensions of the Green Belt and Rural Area Supplementary Guidance is relevant and states that proposals for new houses on sites adjoining existing settlements will require to meet the following criteria:-

- ◆ the development shall maintain a defensible settlement boundary through the retention of existing features or enhancement through additional structural planting
- ◆ the proposals should respect the specific local character and the existing pattern of development within the settlement and be of an appropriate small scale that is proportionate to the size and scale of the existing settlement
- ◆ development of the site should have no adverse impact on the amenity of any existing houses within the settlement, particularly in terms of overlooking, privacy or overshadowing
- ◆ proposals should incorporate substantial boundary landscaping proposals to minimise the development's impact on rural amenity and ensure appropriate landscape fit
- ◆ proposals should be able to be readily served by all necessary infrastructure including water, sewerage and electricity and be able to comply with all required parking and access standards
- ◆ proposals should have no adverse impact in terms of road safety
- ◆ proposals should have no adverse impact on biodiversity, including Natura 2000 sites and protected species, or features which make a significant contribution to the cultural and historic landscape value of the area
- ◆ in the case of development affecting a listed building or a property within a designated Conservation Area, proposals shall comply with the guidance and criteria contained in the Supplementary Guidance on the Natural and Historic Environment

3.8 In terms of Policies 4 and 15 of the Proposed South Lanarkshire Local Development Plan 2, these policies are broadly consistent with, and build on, the policies and proposals contained in the Adopted South Lanarkshire Local Development Plan.

3.9 In considering the case, the PLRB had regard to the applicant's submission that:-

- ◆ the site was derelict and redundant. Its condition detracted significantly from the amenity of the surrounding area. The development of the site would greatly improve its appearance
- ◆ applications for planning permission were dealt with on their individual merits. Approval of the proposal would not set a precedent. The Council had previously granted planning permission for a number of residential developments which affected the route of the former railway line, a number of which were located to the north of the application site. Other applications had also been approved which had been considered to round off sections of the settlement boundary
- ◆ the potential use of the former railway line as a walking and cycling route had already been compromised through development of other sections of the line. There was now no practical prospect of the railway line providing a continuous connection northwards
- ◆ the proposal represented an opportunity to provide new structure planting along the length of the eastern boundary of the site to ensure an enhanced level of amenity and an opportunity to round off the boundary of the settlement. The scale of the development was considered to be proportionate to the size and character of the existing settlement
- ◆ in terms of the assessment of the proposal, until it had gone through the Examination process, the weight attached to the Proposed South Lanarkshire Local Development Plan 2 was strictly limited
- ◆ the former railway line had no statutory protection as a wildlife corridor

3.10 The PLRB requested clarification on the position regarding development to the north of the

site. The Planning Adviser to the PLRB explained that, in some instances, garden ground had been extended out to the former railway line, but that this development appeared to be historic and did not necessarily indicate a decision by the Council to approve development.

- 3.11 Following its review of the information, the PLRB concluded that the proposal would constitute inappropriate development within the Green Belt without appropriate justification which could be prejudicial to the Green Belt designation and would be detrimental to the protection of a former railway line for walking and cycling.

#### **4. Conclusion**

- 4.1 The PLRB considered a request to review the decision taken by the appointed officer, in terms of the Scheme of Delegation, to refuse planning permission in principle for planning application P/19/0158 for a residential development including formation of vehicular access at land 50 metres northwest of 3 Millburn Road, Ashgill, Larkhall.
- 4.2 The PLRB concluded that that the proposed development would constitute inappropriate development within the Green Belt without appropriate justification which could be prejudicial to the Green Belt designation and would be detrimental to the protection of a former railway line for walking and cycling. As a result, the PLRB concluded that the proposal was contrary to Policies 3 and 16 of the Adopted South Lanarkshire Local Development Plan and Policy GBRA4 of the Green Belt and Rural Area Supplementary Guidance.
- 4.3 The PLRB, therefore, upheld the decision taken by the appointed officer, in terms of the Scheme of Delegation, to refuse planning permission in principle for planning application P/19/0158 for the reasons detailed in the Council's decision notice dated 1 May 2019.

#### **5. Accompanying Notice**

- 5.1 Attached is a copy of the Notice to Accompany Refusal, etc in the terms set out in Schedule 2 to the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.



## NOTICE TO ACCOMPANY REFUSAL ETC

### TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

1. 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 question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.
2. If permission to develop land is refused or granted subject to conditions 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 capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.

