

Report

Report to:	Clydesdale Area Committee
Date of Meeting:	10/06/2008
Report by:	Executive Director (Enterprise Resources)

Application No	CL/08/0154
Planning Proposal:	Erection of Dwellinghouse (Outline)

1 Summary Application Information

- Application Type : Outline Planning Application
- Applicant : Mr A & Mrs M J Gilchrist
- Location : Land at Lillybank Nursery
Braidwood
ML8 5NE

2 Recommendation(s)

2.1 The Committee is asked to approve the following recommendation(s):-

- (1) Refuse Outline Planning Permission (Based on Reasons Attached)

2.2 Other Actions/Notes

- (1) The Area Committee has delegated powers to determine this application if the recommendation is accepted. However, in cases where the Committee decision would be contrary to local plan policy the application would have to be dealt with by the Planning Committee.
- (2) If the Council decides to grant consent, the application must be referred to Scottish Ministers as the proposal represents development in the Green Belt contrary to development plan policy.

3 Other Information

- ◆ Applicant's Agent: N/A
- ◆ Council Area/Ward: 01 Clydesdale West
- ◆ Policy Reference(s): **Lower Clydesdale Local Plan (Adopted)**
 - Policy ENV1 – Greenbelt
 - Policy SLP1– Greenbelt
 - Policy ENV7 – Area of Great Landscape Value

Finalised South Lanarkshire Local Plan – (As Modified)

- Policy STRAT3 – The Greenbelt
- Policy CRE1 - Housing in the Countryside

- Policy ENV28: Regional Scenic Area and Areas of Great Landscape Value Policy

**Glasgow and the Clyde Valley Joint
Structure Plan 2000**

- Policy STRAT1: Strategic Development Locations”
- Policy STRAT9: Assessment of development proposals”

◆ Representation(s):

▶	3	Objection Letters
▶	0	Support Letters
▶	0	Comments Letters

◆ Consultation(s):

Environmental Services

Roads and Transportation Services (South Division)

S.E.P.A. (West Region)

Scottish Water

Planning Application Report

1 Application Site

- 1.1 The application site comprises an area of Class 3 (2) agricultural land, extending to some 0.19 hectares or thereby. The land slopes gently downwards from north to south and is surrounded by fields on 2 sides (northern and southern). A dwellinghouse and garden ground, formerly associated with the application site, lies to the east of the site. To the west is land and redundant buildings formerly associated with the former horticultural unit. There is a glasshouse and a redundant brick building within the confines of the site, reflecting its former use as a nursery.

2 Proposal(s)

- 2.1 Outline planning permission is sought for the erection of a dwellinghouse. The applicant proposes to demolish the existing buildings to make land available for the development.

3 Background

3.1 Local Plan Status

- 3.1.1 The site lies within the Greenbelt (ENV1) and Area of Great Landscape Value (ENV7) in the adopted Lower Clydesdale Local Plan. Both policies seek to protect the area from unnecessary development unless it is for the furtherance of agriculture, forestry, rural enterprise or tourism. Policy SLP1 – Greenbelt, is also relevant.
- 3.1.2 Within the emerging Finalised South Lanarkshire Local Plan - As Modified the site also lies within the Greenbelt where Policy STRAT3, Policy CRE1: Housing in the Countryside and ENV28: Regional Scenic Area and Area of Great Landscape Value apply. All policies seek to protect the greenbelt from unjustifiable development
- 3.1.3 In terms of the Glasgow and Clyde Valley Joint Structure Plan 2006, the following apply:
- Strategic Policy 1 (Strategic Development Locations)
 - Strategic Policy 9 (Assessment of Development Proposals)

The site lies within the greenbelt and Area of Great Landscape Value designations in the adopted Lower Clydesdale Local Plan, where Policies ENV1 and ENV7 apply.

3.2 Relevant Government Advice/Policy

- 3.2.1 Scottish Planning Policy 3: Planning for Housing affirms that the planning system should encourage the creation of attractive, sustainable residential environments. The Scottish Government looks to planning authorities to maintain the effectiveness of existing greenbelts, safeguard the character and amenity of the countryside and protect the setting of towns. SPP3 advocates that housing requirements, therefore, should be met within or adjacent to existing settlements, making efficient use of existing infrastructure and public services, helping to conserve natural heritage and protect rural amenity. SPP21: Green Belts advises the key objectives of green belt policy are to direct planned growth to appropriate locations; protect and enhance the character, landscape setting and identity of towns and cities, and protect open space.

3.3 Planning History

- 3.3.1 Planning permission was previously refused for the erection of a dwellinghouse in 1990 (Ref. 01900669). Permission was more recently refused for a dwellinghouse on the same site in 2003 (Ref. CL/03/182). An appeal was lodged to the Scottish Ministers. It was subsequently dismissed. The Reporter stated that the existing buildings are a common feature in the Clyde Valley and even if neglected, would be expected to decay and become innocuous in the landscape. He also stated that the site did not fall within the definition of brownfield land and even if it did there was no presumption in favour of development of such sites in the Green Belt. The proposal would have an urbanising effect that the existing buildings do not.

4 Consultation(s)

- 4.1 **Roads and Transportation Services** – no objections, subject to conditions including that the applicant has to demonstrate control of the appropriate visibility splay.
Response: Roads and Transportation Services concerns can be suitably addressed through the imposition of conditions with the exception of the visibility splay. As the splay to the left on exiting the proposed access involves gaining control of land outwith his ownership, then it would not be possible to achieve the visibility requirements.
- 4.2 **Environmental Services** – have no objections to the proposal subject to conditions.
Response: Noted.
- 4.3 **SEPA** – no objections provided that the drainage arrangements are to SEPA's satisfaction.
Response: Noted.
- 4.4 **Scottish Water** – no objections subject to conditions.
Response: Noted.

5 Representation(s)

- 5.1 The application was advertised as development potentially contrary to the development plan in a local newspaper. Following this and neighbour notification, three letters of objections were received. The objections and my comments therein are summarised below:
- (a) **Approving the house would set a dangerous precedent.**
Response: This is not a material consideration in determining this application as each proposal is considered on its merits.
- (b) **The proposal goes against the 10 year plan.**
Response: The proposal does not accord with either the adopted or finalised Local Plans covering the area nor Structure Plan policies on development in the Green Belt.
- (c) **The proposal would cause disruption to wildlife.**
Response: There are overriding policy issues with the principle of development on the site. Impact on protected species etc have not been addressed or assessed at this time.
- (d) **The landscape would be altered to the detriment of the area.**
Response: Agreed.

(e) A similar proposal has already been turned down in the past.

Response: Noted and Agreed. Planning permission has in fact been turned down twice in the past, the later of which was appealed to the Scottish Executive in 2003 and subsequently dismissed.

(f) The applicant has started constructing his access to the proposed dwelling. They have not been notified of this proposal.

Response: On visiting the site, it is clear that the area of field that would be required for access purposes has been fenced off. The applicant has stated that no access is being constructed, he has however fenced off some land to delineate his ownership. The Council is satisfied with this procedure.

These letters have been copied and area available for inspection in the usual manner.

6 Assessment and Conclusions

- 6.1 The determining issue in the assessment of this application is the extent to which the proposal accords with development plan policy.
- 6.2 Strategic Policy 1 (Strategic Development Locations) of the Glasgow and Clyde Valley Joint Structure Plan requires the continued designation and safeguarding of the Glasgow and Clyde Valley Greenbelt, within which there is a presumption against the spread of built up areas and the encroachment of development into the countryside. This prescribes Local Plans to be the mechanism through which boundaries and policies to safeguard the greenbelt are enforced.
- 6.3 In order to accord with the Structure Plan, development proposals require to satisfy the criteria set out in Strategic Policy 9 (Assessment of Development Proposals). Any proposal which fails to meet these criteria will be regarded as a departure from the Development Plan and will require to be justified against the criteria in Strategic Policy 10. A key objective of the policy is to ensure that the location of development is appropriate. It specifically states that isolated and sporadic development in the greenbelt and wider countryside shall be avoided. By virtue of the location of the site within the Glasgow and Clyde Valley Greenbelt, the proposal is clearly contrary to both Strategic Policy 1 and Policy 9.
- 6.4 Any proposal which fails to meet the relevant criteria in Strategic Policy 9 will be regarded as a departure from the development plan and consideration shall require to be given to the appropriateness of the development, having regard to criteria set out in Policy 10 and any other material considerations. These include economic, social and environmental considerations. I do not consider that the proposal meets any of the criteria and, in this context, I am of the view that there are no other material considerations that merit a departure from the Glasgow and Clyde Valley Joint Structure Plan.
- 6.5 The site lies within the Lower Clydesdale Local Plan where Policy ENV1 – Greenbelt applies. The policy advocates a presumption against all development except where it can be shown to be necessary for the furtherance of agriculture, forestry or other uses considered by the Council to be appropriate to the Greenbelt. This is reinforced by Policy SLP1: Greenbelt which advises that the encroachment or the introduction of urban uses is unacceptable, in order to retain a quality rural environment and to encourage investment in existing urban centres. It emphasises that new housing

should be strictly controlled and in particular states that an agricultural justification is required. The site also falls within an Area of Great Landscape value where Policy ENV7 applies. This policy states that the quality of landscape in Lower Clydesdale is one of the area's greatest assets. Any development permissible in this area will usually be limited to that necessary for agriculture, forestry, rural enterprise or tourism, satisfying criteria relating to location, siting and design. The applicant has not demonstrated that the proposal complies with these adopted policies.

- 6.6 The finalised draft of the South Lanarkshire Local Plan is also a material consideration with Policies STRAT3 – The Greenbelt and CRE1 – New Housing in the Countryside being applicable. They broadly reiterate the policies summarised in paragraph 6.5 above, in that development in the Greenbelt will be discouraged unless it can be demonstrated that it is for the furtherance of agricultural etc. or it involves an appropriate use in the countryside. The developer has not demonstrated that the proposal complies with these policies.
- 6.7 Policy ENV28: Areas of Great Landscape Value states that development will only be accepted if it can be accommodated without adversely affecting the overall quality of the designated landscape area. It is considered that, although, the application is in outline only, any development at this location would be detrimental to its rural setting.
- 6.8 Policy SPP3: Planning for Housing states that the preferred location for new housing is within or adjacent to existing settlements where advantage can be taken of service provision. Such locations help prevent sprawl and the protection of the rural environment. Policy SPP15: Planning for Rural Development emphasises the need to plan carefully for new development to ensure the quality of the countryside is not eroded and in that respect criteria should be set out in Local Plans outlining circumstances where new housing outwith the settlement boundary can be accommodated. SPP21 advises that there is a strong presumption against inappropriate development in the Green Belt. I do not consider the proposal complies with any of this national guidance.
- 6.9 The applicant, submitted a letter as part of his submission. This letter sets out grounds in which the application should be approved.

Firstly he states that the application involves the removal of a redundant building, derelict greenhouse and asbestos.

Response: It is accepted that derelict buildings will be removed, however, the issue has been addressed in the previous applications and, indeed, the Scottish Ministers concluded that the buildings are of a kind that are fairly common in rural parts of the Clyde Valley, and are not of urban character in the way that a house unrelated to land management obviously would be. They are also not particularly substantial and, even if totally neglected, could be expected within a relatively short period to decay and become overgrown as an inconspicuous and innocuous part of the landscape.

The applicant considers that by allowing a dwellinghouse to be built, it will re-use an old, established Brownfield site in a manner which would greatly improve visual aspects of surrounding landscape.

Response: I disagree that the site is a brownfield site and that granting a house would visually improve the site. In particular, the site is not visually prominent and the current condition of the site does not detract from the rural character of this area.

The applicant states that he has secured additional land to provide an improved access where visibility is considered reasonable and that the existing access to the dwellinghouse at Lilybank will also benefit.

Response: As the applicant is not in control of the necessary visibility splay, the visibility requirements cannot be met thereby creating a road safety issue.

A previous application for an extension at Lilybank approved a second access just beyond the brow of the hill.

Response: The merits of this current application are being considered and it is considered that access to the site is unacceptable due to poor visibility.

It would appear that the reasons given for the previous refusal should have been applicable to a similar application that was approved at an adjacent site, namely Orchard Knowe.

Response: As with the above response, the merits of the current proposal are being considered. Each application is considered on its own merits. In the case of the site at Orchard Knowe this application was granted due to the personal circumstances of the applicant such that an exception to Green Belt policy was considered acceptable.

The application complies with the former Clyde Valley Local Plan which encompassed the re-use of horticultural units which have become uneconomical and unviable, it also complies with Scottish Planning Policy.

Response: The application is at odds with both local plan policy, strategic policy and national policy as outlined in paragraphs 6.1-6.8 above. The Clyde Valley Local Plan is no longer relevant as it has been superseded by the Lower Clydesdale Local Plan.

Brownfield land should be preferable to Greenfield sites.

Response: I agree that the development of Brownfield land is preferable to Greenfield land. This site is not however considered to be a Brownfield site.

- 6.10 In conclusion national, strategic and local plan policy requires development in the greenbelt to be strictly controlled. The encroachment or introduction of urban uses is to be strongly resisted. In terms of new housing, an exception is normally made only in the case of houses where an economic justification is provided. The redevelopment of previously developed land as in this case is not appropriate. Accordingly, the erection of a dwellinghouse within this area of greenbelt is contrary to the development plan, is unacceptable on road safety grounds and there are no material considerations to merit a departure from the development plan. I would also highlight the previous history of the site, in particular a refusal of planning permission and dismissal of an appeal for a similar proposal in 2003. I consider the comments made by the Reporter at that time are still highly relevant. I therefore recommend refusal of the application.

7 Reasons for Decision

- 7.1 The proposal would have an adverse impact upon the landscape character of the area. It does not comply with Strategic Policies 1, 9 and 10 of the Glasgow and Clyde Valley Joint Structure Plan, Policies ENV1, ENV7 and SLP1 of the adopted Lower Clydesdale Local Plan and Policies STRAT3, CRE1 of the Finalised South Lanarkshire Local Plan – As Modified.

Iain Urquhart
Executive Director (Enterprise Resources)

4 June 2008

Previous References

- ◆ 01900669
- ◆ CL/03/0182

List of Background Papers

- ▶ Application Form
- ▶ Application Plans

- ▶ Consultations
 - Roads and Transportation Services (South Division) 02/04/2008
 - Environmental Services 04/04/2008
 - Scottish Water 19/05/2008

- ▶ Representations
 - Representation from : W C Bell, 105 Clyde Street, Carluke, DATED 08/04/2008
 - Representation from : Frederick & Co, 19 Sandyford Place, Sauchiehall Street, Glasgow, G3 7NQ, DATED 09/05/2008
 - Representation from : Mr A Finnigan, 95 Cairney Mount Road, Carluke, ML8 4DZ, DATED 30/04/2008

Contact for Further Information

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

Jim Lennon, Planning Officer, South Vennel, Lanark ML11 7JT
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REASONS FOR REFUSAL

- 1 The proposal is contrary to Strategic Policies 1 and 9 B ii) a) and v) of the Glasgow & Clyde Valley Structure Plan in that it would involve the development of a greenfield site in preference to an urban brownfield site and would constitute sporadic and isolated development in the countryside.
- 2 The proposed dwellinghouse on the site would be contrary to Policy ENV1 and Policy SLP1 of the Lower Clydesdale Local Plan as it would constitute new residential development within the Greenbelt without appropriate justification.
- 3 The proposal is contrary to Policy ENV7 of the Lower Clydesdale Local Plan as it would have an adverse impact on the special quality of the Area of Great Landscape Value and the amenity it affords.
- 4 The proposal is contrary to Policy STRAT3 and Policy CRE1 of the Finalised South Lanarkshire Local Plan - As Modified as it would constitute new residential development in the Greenbelt without appropriate justification.
- 5 The proposal is contrary to Policy ENV28 of the Finalised South Lanarkshire Local Plan - As Modified as it would have an adverse impact on the special quality of the Area of Great Landscape Value and the amenity it affords.
- 6 In the interests of road safety, in that visibility is severely restricted due to land outwith the applicant's control, posing a risk to traffic and public safety.

For information only

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