

Report

Report to:	Planning Committee
Date of Meeting:	13 February 2024
Report by:	Executive Director (Community and Enterprise Resources)

Reference no:	P/23/1477
Proposal:	Amendment to application site boundary, adjustment of driveway head, positioning of dwellinghouse, erection of fence and erection of detached double garage (retrospective) (amendment to P/19/1093)
Site Address:	Mid Crosshill Farm Langlands Road Auldhouse G75 0QQ
Applicant:	Mr Jacob Kean
Agent:	Block Architects Ltd
Ward:	05 Avondale and Stonehouse
Application Type:	Full Planning Permission
Advert Type:	Non-notification of neighbours
Development Plan Compliance:	Yes
Departures:	N/A
Recommendation:	Grant subject to conditions
Legal Agreement:	N/A
Direction to Scottish Ministers	N/A

1. Reason for Report

- 1.1. This application must be presented to the Planning Committee for determination as it has received more than 5 objections, as detailed in paragraph 3.5(b) of the approved South Lanarkshire Council Planning Application Decision Making Process April 2015.

2. Site Description

- 2.1. The application site which lies within the designated Greenbelt, relates to an area of ground associated with land at Mid Crosshill Farm and sits on the eastern side of Langlands Road, to the northeast of Auldhouse, East Kilbride.
- 2.2. The site is an area of approximately 2130 square metres and relatively flat, albeit the topography of the land starts to rise to the north where it is bounded by the farm steading at East Crosshill Farm and to the south by open fields.

3. Description of Proposed Development

- 3.1. Planning permission is sought for an amendment to the application site boundary, adjustment of the driveway head, positioning of the dwellinghouse, erection of a fence and the erection of detached double garage (retrospective) (amendment to P/19/1093).
- 3.2. The previously consented site boundary has been amended and in doing so has reduced the overall site area and introduced a new relatively small area of ground to the north of the site to accommodate a detached double garage with associated landscaping. The access is already approved in the location currently shown under planning consent P/19/1093. The current proposal is also seeking a small alteration to the radius bend at the junction of the road within the site.
- 3.3. The approved dwellinghouse which is currently under construction, has been built in a slightly different position within the site. As illustrated on the submitted drawings, it has been repositioned approximately 1.8 metres towards the north/east boundary of the site.
- 3.4. The proposed double garage (retrospective) is located to the northern part of the site with partial tree screening. It is approximately 10 metres by 9.5 metres, rising to a maximum height of approximately 6 metres at the top of the pitched roof. The applicant's agent has confirmed that the garage would be used in conjunction with the existing business to store light machinery.
- 3.5. Finally, it is proposed to erect a 1.8 metre timber fence around most of the perimeter of the boundary and to incorporate some tree/hedge screening behind the garage and to the south side of the dwellinghouse as detailed on the proposed site plan.

4. Relevant Planning History

- 4.1. Planning consent (EK/16/0367) granted in March 2017 for the erection of a farmworkers house with associated stables and barn.
- 4.2. Planning consent (P/19/1093) granted October 2019 for the erection of dwellinghouse (substitution of house type approved under planning consent EK/16/0367) and erection of two agricultural barns.
- 4.3. Planning consent (P/20/0429) granted September 2020 for the erection of a cow shed with associated silage storage at existing agricultural holding.

- 4.4. Planning application (P/23/1152) for the amendment to application site boundary, formation of new access, erection of new entry gate/wall, associated landscaping and erection of detached double garage (retrospective) (amendment to P/19/1093) was withdrawn.

5. Supporting Information

- 5.1. Agent email in response to representations.

6. Consultations

- 6.1. Roads and Transportation Services (Development Management) – No objection.
Response: Noted.
- 6.2. Auldhouse and Chapelton Community Council – Object as the work on site has already commenced – including the construction of a garage in the green belt.
Response: Noted. The above issues will be considered in the assessment below.

7. Representations

- 7.1. Following the statutory period of neighbour notification and advertisement, a total of 6 representations have been received. The issues raised are summarised as follows:-
- ◆ Loss of Greenbelt contrary to South Lanarkshire Council Local Development Plan
 - ◆ The garage and house are being applied for retrospectively which should not have been allowed to happen and is unfair to the community
 - ◆ Proposed access is highly dangerous on a blind well used bend, used as a short cut by farm machinery
 - ◆ There is little difference between this application and the previous one which was withdrawn

The above issues will be considered in the assessment below and full copies are available to view on the planning portal.

8. Development Plan

- 8.1. 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.
- 8.2. National Planning Framework 4
National Planning Framework 4 (NPF4) is Scotland's national spatial strategy for Scotland. It sets out spatial principles, regional priorities, national developments, and national planning policy. NPF4 supports the planning and delivery of sustainable places, liveable places, and productive places.

National Planning Framework 4 Policies

Policy 1 - Tackling the climate and nature crises

Policy 2 - Climate mitigation and adaptation

Policy 8 - Greenbelt

Policy 14 - Design, quality, and place

Policy 16 - Quality homes

8.3. South Lanarkshire Local Development Plan 2(2021)

For the purposes of determining planning applications the Council will, therefore, assess proposals against the policies contained within the adopted South Lanarkshire Local Development Plan 2 (SLLDP2). In this regard the application site and associated proposals are affected by the following policies contained in the SLLDP2.

SLLDP2 Volume 1 Policies

Policy 2 - Climate Change

Policy 4 - Green Belt and Rural Area

Policy 5 - Development Management and Place Making

Policy 15 – Travel and Transport

SLLDP2 Volume 2 Policies

Policy DM1 – New Development Design

Policy DM2 House Extensions and Alterations

South Lanarkshire Council (SLC) Supporting Planning Guidance

N/A

9. Guidance

9.1. None

10. Assessment and Discussion

Introduction

10.1. The applicant seeks planning permission for an amendment to application site boundary, adjustment of driveway head, positioning of dwellinghouse, erection of 1.8 metre timber fence and erection of detached double garage (retrospective) (amendment to P/19/1093).

10.2. Principle of Development

The application site is located in the Greenbelt in the South Lanarkshire Local Development Plan 2, however, it is noted that the majority of the current application site has already been established by the previous planning consent as the curtilage of a consented dwellinghouse. The amendment to the site boundary would include the addition of a small percentage of the overall established site to the north (where the garage is situated) out with the approved curtilage. It is noted that the applicant's agent has confirmed that the garage, which would have partial tree screening would be used in conjunction with the existing agricultural business to store light machinery. On this basis, it is considered that there is no significant conflict with greenbelt policy in relation to either NPF Policy 8 or SLLDP Policy 4.

10.3. Climate Change

Policies 1 and 2 of NPF4 and Policy 2 of the South Lanarkshire Local Development Plan 2 seek to encourage, promote and facilitate development that addresses the global climate emergency and nature crisis, and which minimises emissions and adapts to the current and future impacts of climate change. Given that development has already been established here, this application to amend the proposal is not considered to raise any issues which conflict with the aims of policies 1 and 2 of NPF4 and Policy 2 of the South Lanarkshire Local Development Plan 2.

10.4. Layout, Siting and Design

Policies 14 and 16 of NPF4 relate to liveable places. Policy 14 sets out that all development should be designed to improve the quality of an area and be consistent with the six qualities of a successful place: healthy, pleasant, connected, distinctive,

sustainable, and adaptable. Policy 16 intends to provide quality homes and identifies that housing proposals will be supported where they do not have a detrimental impact on the character of the house or the surrounding area or a detrimental effect on neighbouring amenity. In this instance, given the previous planning history and having assessed the proposal against these policies, there are no provisions which would change the assessment of the proposal, or the conclusions reached in the context of the local development plan.

- 10.5. Policy 5 Development Management and Policy DM1 New Development Design of the Local Development Plan state that all planning applications should take fully into account the local context and built form in terms of layout, scale, massing, design and external materials. Given the location of the garage, along with the materials used, it is considered that the garage would have no significant adverse impact on the amenity of the area that would merit refusal of the application.
- 10.6. In relation to the proposed 1.8 metre timber fencing, it is considered that a post and wire fence would be more in keeping with the rural location. Therefore, notwithstanding the type of fence proposed, a planning condition requiring full details of the design and location of all fences and walls to be erected on the site to be submitted for consideration will be attached to ensure appropriate fencing/boundary treatment at the site. On this basis, it is considered that the current proposal is generally consistent with Policy 5 and Policy DM1 of the adopted Local Development Plan.
- 10.7. In relation to Policy DM2 'House extensions and alterations' of the South Lanarkshire Local Development Plan as contained in the Development Management Place Making and Design supplementary guidance, the double garage is located forward of the building line and to the side. However, it would be finished in materials to match the existing property and partially screened by planting. Given the location and the physical characteristics of this site, it is considered that the garage would be generally consistent with Policy 5 and Policy DM1 of the adopted Local Development Plan.
- 10.8. Technical Matters
Concerns have been expressed regarding the proposed access location and its safety. Policy 15 - Travel and Transport - requires all new development proposals to consider the resulting impacts of traffic growth. The impact of the proposal on the local road network has been fully assessed by Roads and Transportation Services who have offered no objections as detailed previously. The proposal can therefore be considered to comply with Policy 15 of the adopted Local Development Plan.
- 10.9. The Community Council and neighbouring proprietors have commented that the application is partly retrospective and therefore the community has not had the opportunity to comment and that the planning system is perhaps being misused, lacks effective monitoring and the previous consent has been breached. While the site already has planning consent for a dwellinghouse, it is acknowledged that the applicant commenced works on site in relation to the garage and that the consented house was built in a slightly different position. However, the current application still requires to be considered on its own merits, taking into consideration any relevant comments received.

10.10. Conclusion

In conclusion, it is noted that the principle of residential development within the site is already established by the previous planning consent. None of the proposals in this instance would merit refusal of the application. Furthermore, given that the proposal would not result in adverse amenity, environmental or safety impacts that would merit refusal of the application, it is considered that the proposal is generally in compliance with the provisions of the relevant policies of the National Planning Framework 4 and the adopted South Lanarkshire Local Development Plan 2. It is therefore considered appropriate for planning permission to be granted for the proposed development subject to the attached conditions.

11. **Recommendation and Conditions**

11.1. The Committee is asked to agree the following recommendation:-

Grant detailed planning permission, subject to the following conditions:-

01. The development to which this permission relates shall be begun no later than the expiration of three years beginning with the date of grant of this decision notice.

Reason: To comply with Section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).

02. That the occupation of the dwellinghouse authorised by this permission shall be limited to a person solely or mainly employed or last employed locally in agriculture as defined in Section 277 of the Town and Country Planning (Scotland) Act 1997, or forestry or a dependent of such a person residing with him or her or the widow or widower of such a person.

Reason: To define the permission.

03. That within 3 months of the date of this consent, a scheme of landscaping shall be submitted to the Council as Planning Authority for written approval and it shall include: (a) an indication of all existing trees and hedgerows plus details of those to be retained and measures for their protection in the course of development; (b) details and specification of all trees, shrubs, grass mix, etc., including, where appropriate, the planting of fruit/apple trees; (c) details of any top-soiling or other treatment to the ground; (d) sections and other necessary details of any mounding, earthworks and hard landscaping; (e) proposals for the initial and future maintenance of the landscaped areas; (f) details of the phasing of these works; and no work shall be undertaken on the site until approval has been given to these details.

Reason: In the interests of the visual amenity of the area.

04. That the landscaping scheme required by condition 3 above shall be completed to the satisfaction of the Council as Planning Authority during the first available planting season following occupation of the building(s) or the completion of the development hereby approved, whichever is the sooner.

Reason: In the interests of amenity.

05. That within 3 months of the date of this consent, full details of the design and location of all fences and walls, to be erected on the site shall be submitted to and approved by the Council as Planning Authority.

Reason: These details have not been submitted or approved.

06. That before the dwellinghouse hereby approved is brought into use, a dropped kerb access to the site shall be constructed in accordance with the specification and to the satisfaction of the Council as Roads and Planning Authority.

Reason: In the interest of public safety.

07. That before the dwellinghouse hereby approved is completed or brought into use, a turning space shall be provided within the site to enable vehicles to enter and leave the application site in forward gears at all times.

Reason: In the interest of public safety.

08. That before the dwellinghouse hereby approved is completed or brought into use, a private vehicular access or driveway of at least 8 metres in length shall be provided and the first 8 metres of this access from the heel of the footway/service strip shall be hard surfaced across its full width to prevent deleterious material being carried onto the road.

Reason: To prevent deleterious material being carried into the highway.

09. That before the dwellinghouse hereby approved is completed or brought into use, a visibility splay of 2.4 metres by 43 metres measured from the road channel shall be provided on both sides of the vehicular access and everything exceeding 0.9 metres in height above the road channel level shall be removed from the sight line areas and thereafter nothing exceeding 0.9 metres in height shall be planted, placed or erected within these sight lines.

Reason: In the interest of road safety.

10. That no fences or walls shall be erected, and no trees or shrubs shall be planted within the 2 metre wide public utility strip which runs parallel to the rear of the kerb defining the edge of the road.

Reason: In the interest of road safety.

11. The surface of access hereby approved shall be so trapped and finished in hardstanding as to prevent any surface water or deleterious material from running onto or entering the highway.

Reason: In the interest of public safety.

12. That no development shall commence on site until the applicant provides written confirmation from Scottish Water to the Council as Planning Authority that the site can be satisfactorily served by a sewerage scheme designed in accordance with Scottish Water's standards.

Reason: To ensure the provision of a satisfactory sewerage system.

13. That notwithstanding the terms of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (or any such order revoking or re-enacting that order), no fences, walls or other means of enclosure shall be erected on the site other than post and wire fences up to 1 metre in height or those expressly authorised by this permission without the prior written permission of the Council as Planning Authority.

Reason: To ensure only fencing of a type and height appropriate to the countryside is erected.

12 Reason for Decision

- 12.1. The proposal would have no significant adverse impact on amenity, public safety or the local environment that would merit refusal of the application and generally complies with the provisions of Policies 1, 2, 8, 14 and 16 of the National Planning Framework 4 and Policies 2, 4, 5, 15 DM1 and DM2 of the adopted South Lanarkshire Local Development Plan 2 (2021).

David Booth

Executive Director (Community and Enterprise Resources)

Date: 5 February 2024

Background Papers

Further information relating to the application can be found online:

[P/23/1477 | Amendment to application site boundary, adjustment of driveway head, positioning of dwellinghouse, erection of fence and erection of detached double garage \(retrospective\) \(amendment to P/19/1093\) | Mid Crosshill Farm Langlands Road Auldhouse G75 0QQ \(southlanarkshire.gov.uk\)](#)

Corporate Considerations

The report raises no impacts or risks in terms of equalities or financial implications. Any implications in terms of climate change, sustainability or the environment will have been considered above in terms of the relevant national and local policies.

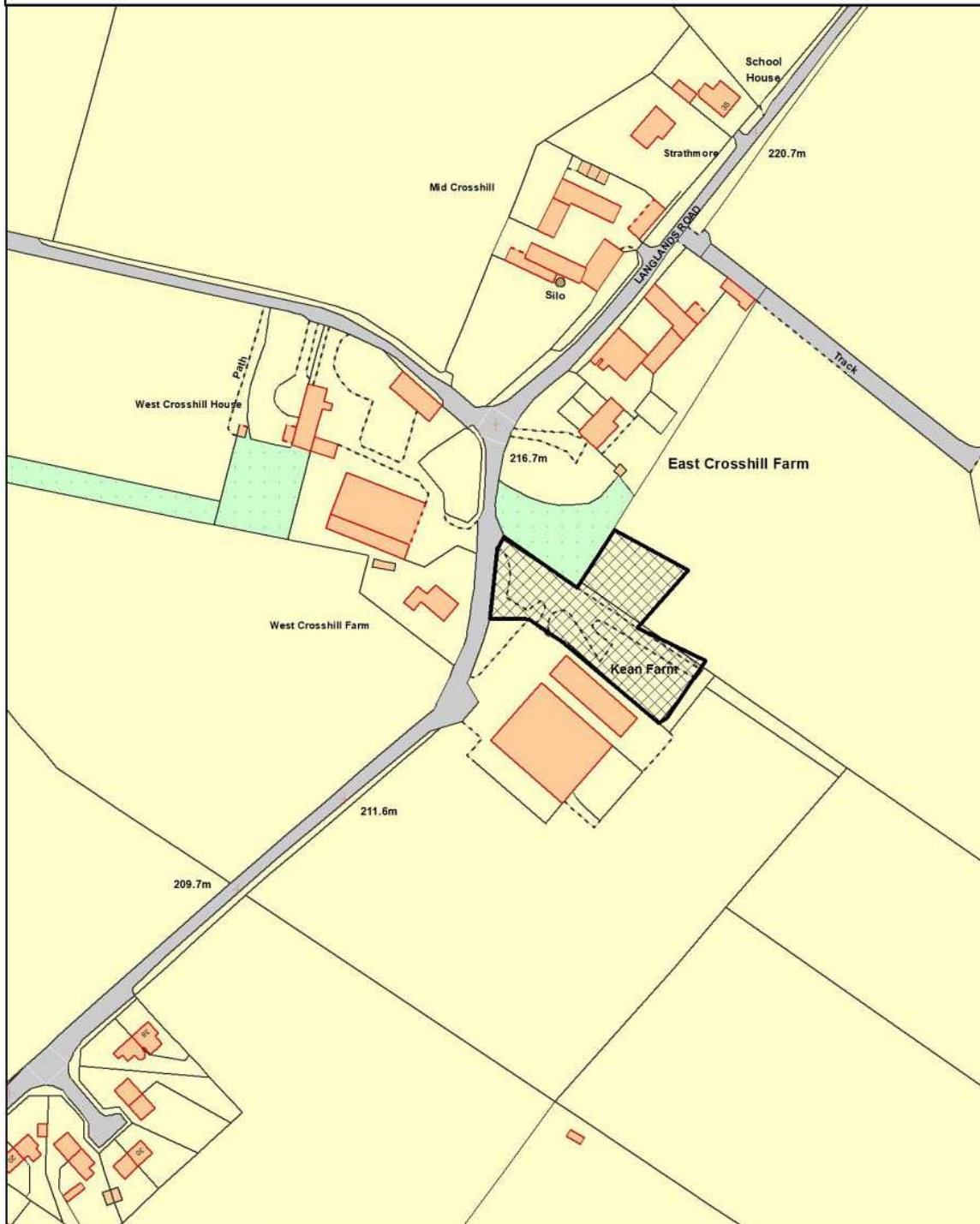
Contact for Further Information

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

Tel: 01698 454867

E-mail: planning@southlanarkshire.gov.uk

P/23/1477 Mid Crosshill Farm, Langlands Road, Auldhouse



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Scale:
1:2,000
Date:
17/01/2024



South Lanarkshire Council
Community and Enterprise Resources
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