

From – Mr Stephen Paul Davies,
Ard Taigh,
Kilbank Road,
Kirkfieldbank,
Lanark, ML11 9UH.

To – Mr Stuart McLeod Page 1 of 2.
South Lanarkshire.gov.uk

Reference Planning Application No. P/22/1355

Proposal – Change of use of agricultural land to private garden ground at Ard Taigh, Kilbank Road, Kirkfieldbank, Lanark, ML11 9UH.

Appellant: Mr Stephen Paul Davies.

Rebuttal of Statement of Observations.

Response to **1.1**, 1.2, 1.3, 1.4 - none.

Response to 1.5 - The length of the plot, North to South is I agree 31.358 metres. The depth of the garden is currently 3 metres deep, not 7.542 as claimed in 1.5. If we had 7.542 metres depth there would be no need for any garden extension application. To protect existing mature trees at the rear to both the North and South of the plot we are not and will not in the future be making use of 9 metres to the South, and 9.3 metres to the North as rear garden. This means the current width of the rear garden is 13.058 metres by 3 metres, or 39.174 square metres. If the appeal is successful then it would add 13.058 metres by 2 metres only (The other 3 metres is simply the slope down to the field) or 26.116 square metres. This means that if this appeal is successful then the total rear garden area will be 65.29 square metres, still less than the 70 square metres minimum stated in 1.5.

Response to 1.6 – none.

Response to 1.7 – Part one. Simple common sense and logic dictate that the proposed change of use cannot be contrary to Policy 17 of the National Planning Framework 4 (2023) or by it's own definition, there would be no planning approval for the house, Ard Taigh in the first place.

Response to 1.7 – Part two. It is nonsensical to suggest that a reasonable sized rear garden to a residential house would detract or adversely impact on the surrounding locale, or established amenity of the area. As with Part one, planning consent for the new house being allowed, destroys the logic of this argument.

Response to **2.1**, 2.1, and 2.2 – none

Response to 2.3 – As above the proposed change to useable garden area is, "Suitably scaled, sited, and designed to be in keeping with the character of the area and the development." It is perhaps sensible at this point to emphasize that the entire rear garden including the change of use area is to be hard standing with a timber edging, both of which fall within the definition of, "Agricultural." The only addition to this will be wooden planters at both rear corners holding soil and pollen bearing flowers for our 3 beehives.

Response to 2.3, **1** though to **8** – none and indeed not applicable in any sense to this case.

Response to 2.4 – See reply to 1.5

Response to 2.5 – With respect to Policy NHE16. I find myself in total agreement with the description in this section. I would however, query how one is supposed to support these aims if one is not allowed to reside in the area in an acceptable abode including a rear garden, which I notice, every other house in the area already has.

Response to 2.6 – The only logical conclusion to this is that nobody should be allowed to live in the area. An obvious nonsense. I therefore query the inclusion of 2.6 in this “Statement of Observations.”

Response to 2.7 – This is very simple. If the house complies, then so does a reasonably sized garden.

Response to **3.1** through to **3.6** – I am a pensioner in his 70’s and not a qualified planning officer. There is obviously going to be a difference in knowledge area between us. I have attempted to use common sense in my approach to this issue and continue to do so. The house has not been repositioned contrary to approved drawings. If my memory is correct, our architect agreed positioning with the planning department, in respect of taking into account tree locations which needed to be protected. There was no change in orientation. The state of disrepair at the rear of the property was inherited by me upon purchase of the building plot and the adjoining land. Since then the wreckage of the wire fence has been removed and similarly the loose stones and boulders have been dealt with. Use of the slope for agricultural purposes would be unsafe due to the steepness of the slope.

Response to 4.1, 4.2, 4.3, and 4.4 – The writer decides to include, Policy 17, National Planning Framework 4, Policies 4, 5, and NHE 16, Local Development Plan 2. I notice he ignores policies which might have the reverse effect, for example “The Honey Bee Health Strategy 2022 – 2032”. This was publicly supported by, Mairi Gougeon, Cabinet Secretary for Rural Affairs and Islands. Who stated “I am delighted to announce the launch and publication of Scotland's second 10-year Honey Bee Health Strategy - - - My colleagues and I look forward to working with all those who have an interest in honey bee health and other pollinators to achieve this. I cannot help but wonder if examples were cherry picked to aid refusal instead of a more fair and balanced approach.

Throughout the entire planning process, from start to finish, a highly respected and hugely experienced professional architect with all associated indemnities etc was totally in control, dealt with all the applications with your planning officers. All appropriate planning approvals were sought and gained throughout the process. During the building process this architect and your planning officers “signed off” the build at each relevant stage. All these professionals concurred at all times.

Yours Sincerely, Mr Stephen Paul Davies.