

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>21 November 2006</b>
Report by:	<b>Executive Director (Enterprise Resources)</b>

Application No	HM/06/0695
Planning Proposal:	Change of Use of Land to Form Garden Ground and Extension of Boundary Fence

## 1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Maureen Grant
- Location : Open ground to rear of  
16 Craigmuir Road  
High Blantyre

## 2 Recommendation(s)

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

- (1) Grant Detailed Planning Permission – Subject to Conditions (based on conditions attached)

### 2.2 Other Actions/Notes

The Planning Committee has delegated powers to determine this application.

## 3 Other Information

- ◆ Applicant's Agent: N/A
- ◆ Council Area/Ward: 36 High Blantyre
- ◆ Policy Reference(s): **Hamilton District Local Plan**  
Policy EN1a – Greenbelt  
Policy DC1 - Development Control General  
**South Lanarkshire Local Plan (Finalised)**  
Policy STRAT3 – Greenbelt  
Policy DM1 – Development Management

- ◆ Representation(s):  
  - ▶ 0 Objection Letters

- ◆ Consultation(s):

None

# **Planning Application Report**

## **1 Application Site**

- 1.1 The site represents land located to the west of an established residential development on Craigmuir Road, High Blantyre. The land that forms this planning application would originally have been situated outwith the boundary fences of the residential development and formed part of the open land to the west. The application site is at largely the same level as the greenbelt land to the west, as well as residential property to which it relates following the leveling of the site by the applicant.

## **2 Proposal(s)**

- 2.1 The proposals that form this planning application are retrospective in nature. The applicant has extended his garden ground onto an area of land that is designated as Greenbelt in the adopted Hamilton District Local Plan that is at the same level as the residential development. The application site has been leveled by the applicant and fencing has been erected around the area, extending from the existing rear garden of the property.

## **3 Background**

### **3.1 Local Plan Status**

- 3.1.1 The site is designated within the adopted Hamilton District Local Plan as being affected by Policy EN1a, Greenbelt. This policy states that there will be a strong presumption against development, including changes of use, unless it is shown to be necessary for the furtherance of agriculture, forestry or other uses appropriate to the Greenbelt. This policy situation is reinforced by the Finalised South Lanarkshire Local Plan in which the site is affected by Policy STRAT3 – The Green Belt and Urban Settlements in the Green Belt. Policy DC1, Development Control General, should also be referred to. This policy states that all planning applications shall fully take into account the local context and built form - i.e. development should not take place in isolation and must take cognisance of scale, position and materials of adjacent buildings and surrounding street scale. Policy DM1 – Development Management – of the Finalised South Lanarkshire Local Plan also applies and reinforces this situation.

### **3.2 Relevant Government Advice**

- 3.2.1 There is no government advice relevant to this application.

### **3.3 Site History**

- 3.3.1 Members may recall that a similar retrospective planning application was approved at Planning Committee on 14<sup>th</sup> March 2006 for a property at 24 Craigmuir Road. This planning application currently under consideration was obtained through enforcement proceedings along with two further applications for similar developments at this development in an attempt to regularize the situation.

## **4 Consultation(s)**

- 4.1 No consultations were undertaken during the determination of this application.

## **5 Representation(s)**

- 5.1 Statutory neighbour notification was undertaken and the application was advertised as Development Potentially Contrary to the Development Plan during which no letters of representation were received against the application.

## **6 Assessment and Conclusions**

- 6.1 This application relates to the change of use of open land to form garden ground within an established residential area of High Blantyre. The main determining factors in assessing the application relate to its ability to comply with local plan policy and the impact upon the amenity of surrounding area and properties.
- 6.2 In terms of policy, the site is located within an area of land designated as Greenbelt within the adopted Hamilton District Local Plan as well as the Finalised South Lanarkshire Local Plan. Policy EN1a, Greenbelt, states that there will be a strong presumption against development, including changes of use, unless it is shown to be necessary for the furtherance of agriculture, forestry or other uses appropriate to the Greenbelt. As can be noted, the general presumption against development applies to this area of land. Policy STRAT3 of the Finalised South Lanarkshire Local Plan also states that within the Green Belt the Council will strongly resist the encroachment or introduction of urban uses. In terms of Policy DC1 and DM1 of the adopted and finalised local plans respectively the proposed development would not have a negative impact upon the streetscape of the surrounding area being to the rear of the properties and take sufficiently into account the local context and built form.
- 6.3 The area of land to which this application relates forms a strip that graduates slightly from east to west and which is the same level as the adjacent residential development for the majority of its length. The incorporation of the land into the residential curtilages of the properties bounding the site would therefore not represent the loss of a strategic area of Greenbelt and its incorporation into a residential curtilage does not dilute the Councils Greenbelt Policy.
- 6.4 As noted above, the property at 24 Craigmuir Road benefited from planning permission for the change of use of a similar area of land. It was stated at that time that the other properties along Craigmuir Road which had also converted the area of land at the rear of their properties would be pursued for a planning application and this has been done. It is therefore considered that the approval of this application represents the regularisation of the situation and formalises the arrangement.
- 6.5 Given the above, I would raise no objections to the proposals and recommend that planning permission can be granted. A departure from the development plan can be justified for the following reasons:
- The area of land that forms the application site and is zoned EN1a and STRAT3 of the adopted and finalized Local Plans respectively is of a scale and position that its conversion to garden ground would have a minimal impact upon the remaining Greenbelt area.
  - Residential development exists along the boundary of the Greenbelt and there is limited scope for properties at this location to convert the land to garden ground. This area of land is therefore unique due to its levels and relationship to the remaining Greenbelt area.

## **7 Reasons for Decision**

7.1 For the reasons set out in paragraph 6.5 above.

**Iain Urquhart**  
**Executive Director (Enterprise Resources)**

**13 November 2006**

### **Previous References**

◆ None

### **List of Background Papers**

- ▶ Application Form
- ▶ Application Plans
  
- ▶ Consultations  
None
  
- ▶ Representations  
None

### **Contact for Further Information**

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

Jamie McCracken, Planning Officer, Brandon Gate, Hamilton  
Ext: 3552 (Tel :01698 453552 )  
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## **CONDITIONS**

- 1 That the development hereby permitted shall be started within five years of the date of this permission.
- 2 That the development shall be carried out strictly in accordance with the plans hereby approved and no change to the design or external finishes shall take place without the prior written approval of the Council as Planning Authority.
- 3 That before development starts, full details of the design and location of all fences and walls, including any retaining walls, to be erected on the site shall be submitted to and approved by the Council as Planning Authority.
- 4 That before the development hereby permitted is occupied or brought into use, all the fences or walls for which the permission of the Council as Planning Authority has been obtained under the terms of Condition 3 above, shall be erected and thereafter maintained to the satisfaction of the Council.

## **REASONS**

- 1 To accord with the provisions of the Town and Country Planning (Scotland) Act 1997.
- 2 In the interests of amenity and in order to retain effective planning control.
- 3 These details have not been submitted or approved.
- 4 In the interests of amenity and in order to retain effective planning control.

For information only

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