



Council Offices, Alameda Street,
Hamilton

Planning Local Review Body

Decision Notice

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

- ◆ Site address: Plot 3, Hollybraes Barn, East Kilbride Road, Rutherglen G73 5RB
- ◆ Application for review by M Connelly of the decision by an appointed officer of South Lanarkshire Council to refuse planning permission for planning application P/18/1195
- ◆ Application P/18/1195 for the erection of a house and garage
- ◆ Application Drawings: Location Plan, Proposed Site Plan, Proposed Side and Rear Elevations, Proposed Ground and Upper Floor Plans, Proposed Front Elevations and Cross Sections, Site Plan Levels, Proposed Lower Ground Floor Plan.

Decision

The PLRB upholds the decision taken by the appointed officer, in terms of the Scheme of Delegation, to refuse planning permission for planning application P/18/1195 for the reasons detailed in the Council's decision notice dated 28 November 2018.

Susan Somerville

for

Geraldine McCann
Head of Administration and Legal Services

Date of Decision Notice: 5 June 2019

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 was considered by the PLRB at its meeting on 13 May 2019. The PLRB was attended by Councillors Alex Allison, Walter Brogan, Isobel Dorman (Chair), Fiona Dryburgh, Mark Horsham and Lynne Nailon.

2. Proposal

- 2.1 The proposal is for the erection of a house and garage at Plot 3, Hollybraes Barn, East Kilbride Road, Rutherglen.
- 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 issue in this review was 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 4 – development management and place making
 - ◆ Green Belt and Rural Area Supplementary Guidance - Policy GBRA5 (development of gap sites)
- 3.3 The Proposed South Lanarkshire Local Development Plan 2, 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 5 – development management and place making
 - ◆ Policy GBRA1 – rural design and development
 - ◆ Policy GBRA8 – development of gap sites
 - ◆ Policy DM1 - design
- 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 or 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

In terms of Policy 3, 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 settlement boundary is maintained. In both the green belt and rural area, isolated and sporadic development will not be supported.

- 3.5 Policy 4 states that all planning applications will require to take account of and be integrated with the local context and built form.

3.6 Policy GBRA5 (development of gap sites) of the Green Belt and Rural Area Supplementary Guidance states that, to be favourably considered, proposals involving the development of gap sites should satisfy all the following criteria:-

- ◆ the building group should form a clearly identifiable nucleus with strong visual cohesion. The site should be bounded on at least two sides by habitable houses or other buildings that are either in use or capable of being brought back into use
- ◆ the distance between the buildings should be no more than needed to allow the formation of a maximum of two plots of a size in keeping with the curtilage and frontage of the existing group. The garden area of an existing property can be included providing sufficient amenity space is retained to serve that property and the size of the resulting plot is in keeping with that of the existing group
- ◆ an extension to a building group will not normally be acceptable where it would result in ribbon development or coalescence with another building group. Exceptionally, the layout of the existing group of houses may allow the infill of a small area up to a natural boundary, for example, an established tree belt or other landscaping feature, a physical feature such as a boundary wall or road, or the land form
- ◆ new housing should be well related in scale and siting to the existing adjoining development, reflect local distinctiveness and respect the existing built form, the landform and the local landscape character. The proposal must have regard to the existing character of the built frontage, for example, a two storey house, if the built frontage comprises two storey houses
- ◆ the location, siting and design of the new houses should meet existing rural design guidelines and advice provided. Generally, the design, appearance and the materials of the proposed house should be complementary to the character of the existing built frontage
- ◆ provision must be made for a private amenity space for the house comparable to adjoining properties in the built up frontage
- ◆ the house size to plot ratio and separation distances between houses should be comparable to adjoining properties in the built up frontage
- ◆ the landscape character of the area must not be compromised by the development and proposals should have regard to the landscape backdrop, topographical features and levels. Trees, woodland and boundary features such as hedgerows, particularly beech and hawthorn, and stone dykes should be retained. Proposals should be able to be readily served by all necessary infrastructure including water, sewerage, 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 which make a significant contribution to the cultural and historic landscape value of the area

3.7 In terms of Policies 4, 5, GBRA1, GBRA8 and DM1 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. With regard to Policy GBRA8 of the Proposed Plan, any exceptional circumstances where development up to natural boundaries would be acceptable was only applicable in rural areas and not in green belt locations.

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

- ◆ the proposal met criteria (v) of Policy 3 in that it involved limited development within a clearly identifiable infill site and existing building group
- ◆ the site which was the subject of the review was a brownfield site which had fallen within the curtilage of the farm steading for 160 years before it was developed for 2 plots. The site did not fall within the open countryside; the boundary of the steading had remained unchanged and original features were still evident; the site formed part of the now disused steading and was included in the area which had been developed under previous planning permissions, ie garden ground
- ◆ the two recently constructed houses were clearly visible on the approach to

Rutherglen. The review site had the benefit of mature tree planting along the eastern boundary and had a backdrop of trees. Additional hedge and tree planting would enhance those features

- ◆ there was a defined pocket of residential use in the immediate vicinity of residential properties which had been built or for which planning permission had been granted. The review site and that pocket of land made no contribution to the purpose or function of the green belt
- ◆ the land sloped naturally down to East Kilbride Road and this was reflected in the design of the house. The new houses on the site did not resemble the former barn structures
- ◆ design matters could be addressed by revisions to the design and by use of different materials. The proposed house had been designed to reduce the visual impact by including a sloping roof on the East Kilbride frontage in order to step the building back from the road and reduce the built mass. The design and scale of the house was not raised as an issue during discussion with the Planning Officer
- ◆ the new housing development to the east of the site would result in development which was visible on the skyline and which would fail to respect existing landscape character and built form

3.9 The PLRB considered whether it should undertake a site visit and took the view that a site visit was not required as it had sufficient information to determine the application. In reviewing the case, the PLRB noted that the Local Development Plan identified the site as being within the green belt and considered that the proposal was not in accordance with the purpose of the green belt. The PLRB then considered whether the proposal met the criteria contained in Policy 3 of the Development Plan which allowed development to be located in the countryside. In particular, it considered whether the proposal would:-

- ◆ involve the redevelopment of derelict or redundant land and buildings where significant environmental improvement can be shown
- ◆ be for limited development within a clearly identifiable infill, gap site and existing building group

The PLRB concluded, however, that the application site did not appear to contain any previously developed land or buildings nor, due to the lower level of the application site, would the proposed development appear as a natural extension to the existing building group.

3.10 The PLRB also concluded that the design, mass and scale of the proposed house would have an adverse impact on the landscape character and amenity of the area.

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 for planning application P/18/1195 for the erection of a house and garage at Plot 3, Hollybraes Barn, East Kilbride Road, Rutherglen. The PLRB concluded that the proposal did not accord with policy on development in the green belt and the design, scale and mass of the proposed house would not be acceptable. As a result, the PLRB concluded that the proposal was contrary to Policies 3 and 4 of the Adopted South Lanarkshire Local Development Plan and Policy GBRA5 of the Green Belt and Rural Area Supplementary Guidance.

4.2 The PLRB, therefore, upheld the decision to refuse planning permission for planning application P/18/1195 for the reasons stated on the Council's decision notice dated 28 November 2018.

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.

