

# Planning Local Review Body

## Decision Notice

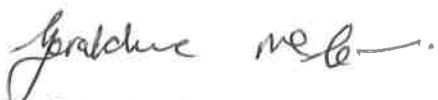
Decision by South Lanarkshire Council Planning Local Review Body (PLRB)  
PLRB Reference NOR/EK/22/002

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- ◆ Site address: Letham Cottage (ruin), Lethame Highway, Strathaven, ML10 6RW
- ◆ Application for review by HELCO of the decision by an appointed officer of South Lanarkshire Council to refuse planning permission for planning application P/21/1109
- ◆ Application P/21/1109 for the erection of 3 detached dwelling houses and formation of associated vehicular accesses and parking
- ◆ Application Drawings:-
  - ◆ L(0-)00 A - location plan
  - ◆ L(0-)01 A - proposed site plan
  - ◆ L(0-)02 - topographical survey
  - ◆ L(0-)03 - existing ruins
  - ◆ L(0-)04 - proposed tree down taking plan
  - ◆ L(2-)01 - ground and first floor plan house type two
  - ◆ L(2-)03 - elevations house type two
  - ◆ L(2-)03 - ground and first floor plan house type one
  - ◆ L(2-)04 - elevations house type one

## 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/21/1109 for the reasons detailed in the Council's decision notice dated 22 December 2021.



**Geraldine McCann**  
**Head of Administration and Legal Services**

Date of Decision Notice: 14. 07. 2022 -

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## 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 20 June 2022. The PLRB was attended by Councillors Alex Allison, Gerry Convery (Depute), Mary Donnelly, Gladys Ferguson-Miller, Mark Horsham, Lesley McDonald, Richard Nelson (Chair), Dr Ali Salamati and Graham Scott.

## **2. Proposal**

- 2.1. The proposal is for the erection of 3 detached dwelling houses and formation of associated vehicular accesses and parking at Letham Cottage (ruin), Lethame Highway, Strathaven.
- 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 issues in this review were:-

- ◆ the proposal's compliance with the adopted South Lanarkshire Local Development Plan 2
- ◆ whether there was valid policy justification to support the proposed dwelling houses at the proposed location within the green belt
- ◆ whether the proposed dwelling houses would result in sporadic development which would not result in significant and demonstrable visual and environmental benefits to the area
- ◆ impact on the local landscape character and surrounding landscape
- ◆ whether the physical footprint of the proposed dwelling houses would exceed the footprint of the existing buildings and would result in the loss of a number of trees without providing significant and clearly defined public benefits

- 3.2. The PLRB established that, in terms of the adopted South Lanarkshire Local Development Plan 2, the site was located within the designated green belt. The following policies applied to the application site:-

- ◆ Policy 2 – climate change
- ◆ Policy 4 – green belt and rural area
- ◆ Policy 5 – development management and placemaking
- ◆ Policy 14 – natural and historic environment
- ◆ Policy DM1 – new development design
- ◆ Policy GBRA1 – rural design and development
- ◆ Policy GBRA5 – redevelopment of previously developed land containing buildings
- ◆ Policy NHE13 – forestry and woodland

- 3.3. Policy 2 states that new development is required, where possible, to seek to minimise and mitigate against the effects of climate change.

- 3.4. Policy 4 states that the purpose of the green belt is to:-

- ◆ direct development to the most appropriate locations and support regeneration
- ◆ protect and enhance the character, landscape setting and identity of the settlement
- ◆ protect and provide access to open space

Development in the green belt will be strictly controlled and any proposals should accord with the appropriate uses set out in Scottish Planning Policy (SPP).

The green belt functions 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. Isolated and sporadic development will not be supported.

- 3.5. Policy 5 states that, in order to ensure that development takes account of the principles of sustainable development, all proposals require to be well designed and integrated with the local area. Proposals should have no unacceptable significant adverse impacts on the local community and the environment.

- 3.6. Policy 14 states that the Council will assess all development proposals in terms of their impact on the natural and historic environment, including biodiversity, geodiversity, landscape and townscape.

The Council will seek to protect important natural and historic sites and features from adverse impacts resulting from development, including cumulative impacts.

- 3.7. Policy DM1 states that new development will require to promote quality and sustainability in its design and layout and should enhance or make a positive contribution to the character and appearance of the urban or rural environment in which it is located.
- 3.8. Policy GBRA1 states that within the green belt and rural area all proposed developments will require to adhere to the following criteria:-
- ◆ developments shall be sited in a manner that respects existing built form, land form and local landscape character and setting
  - ◆ proposed developments shall be well related to locally traditional patterns of scale and shall avoid the introduction of suburban-style developments into the rural environment. Proposals specifically for residential development should not be isolated or sporadic
  - ◆ proposals shall be of a high quality, of either traditional or contemporary innovative design which interprets and adapts traditional principles and features
  - ◆ proposals shall make use of appropriate materials which respect and reinforce local character and identity
  - ◆ developments shall have no unacceptable adverse impacts on existing residential amenity, particularly in terms of overlooking or overshadowing of existing residential properties
  - ◆ proposals relating to residential development, including extensions and alterations, shall conform to the requirements of the Council's Residential Design Guide and, in particular, shall ensure the provision of appropriate private amenity space to all existing and proposed residential properties
  - ◆ development proposals shall incorporate suitable boundary treatment and landscaping proposals to minimise the visual impact of the development on the surrounding landscape. Existing trees, woodland and boundary features such as beech and hawthorn hedgerows and stone dykes, shall be retained on site. A landscape framework shall be provided, where appropriate, to demonstrate how the development would fit into the landscape and improve the overall appearance of the site
- 3.9. Policy GBRA5 states that within the green belt and rural area the Council will aim to retain traditional buildings wherever possible. Where it is not possible to retain the building, its façade or other important architectural features shall be kept. In addition, proposals involving the redevelopment of previously developed land containing buildings will be acceptable in principle for modern buildings where it is not desirable to retain an existing building because of its form and layout, for example, non-traditional agricultural or commercial buildings which have fallen into disuse or disrepair over an extended period. This includes sites which are visually or environmentally intrusive or detract from the rural and visual amenity of the area and where there is no realistic prospect of the site being returned to agricultural land or woodland, or the buildings are being converted to form an alternative use appropriate to the countryside.
- 3.10. Policy NHE13 states that development proposals should seek to manage, protect and enhance existing ancient semi-natural woodland (ASNW), other woodlands, hedgerows and individual trees. Proposals likely to impact on woodlands, hedgerows or individual trees should be accompanied by a full tree survey and written justification for any losses. Proposals should accord with the Council's Tree Strategy.

In all cases involving the proposed removal of existing woodland, the acceptability of woodland removal and the requirement for compensatory planting will be assessed against the criteria set out in the Scottish Government's Policy on Control of Woodland Removal. Removal for development purposes will only be permitted where it would achieve significant and clearly defined public benefits. Where the woodland proposed to be removed is ASNW, such public benefits should be of national importance. In all cases, developers will generally be expected to deliver compensatory planting.

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

- ◆ the proposal was for the redevelopment of land on the site of what was Letham Cottage, the walled remains, outbuildings, gate piers and iron railings of which were readily identifiable on site
- ◆ the proposed houses would fill a natural gap between existing buildings and act to consolidate a grouping with those and other adjacent buildings, which was in accordance with current planning policy
- ◆ whilst the proposal would add another 3 dwellings to the locale, this would represent less than a 100% uplift in total dwelling numbers in the immediate area
- ◆ no ribbon development or coalescence would occur as a result of the proposal
- ◆ the site was well screened, could be safely accessed and had ample car parking
- ◆ there would be no adverse impact on residential amenity
- ◆ although there would be some loss of trees within the site, the proposal minimised the visual impact of the development on the surrounding landscape largely by retaining existing boundary planting on its northern, southern and eastern boundaries
- ◆ the following green belt development had previously been approved:-
  - ◆ 14 dwelling houses at Westfield Farm, Strathaven which had been assessed in terms of South Lanarkshire Local Development Plan 1
  - ◆ 2 dwelling houses at South Hill of Dripps Cottage, Thorntonhall which had been assessed in terms of South Lanarkshire Local Development Plans 1 and 2

3.12. The PLRB considered the applicant's request for a hearing and took the view that a hearing was not required as it had sufficient information and adequate plans to allow proper consideration of the proposal. It further considered that:-

- ◆ there was no specific locational need for the proposed development to be located in the green belt
- ◆ the proposal would result in isolated and sporadic development which would not result in significant and demonstrable visual and environmental benefits to the area
- ◆ the proposed number of dwelling houses and scale of development would not respect the local landscape character and setting and would not integrate positively with the surrounding landscape
- ◆ the proposal would not occupy the same position on the site as the existing building ruins and the physical footprint of the proposed dwelling houses exceeded the footprint of the existing buildings
- ◆ the proposed development would result in the loss of a number of trees without providing significant and clearly defined public benefits

#### **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/21/1109 for the erection of 3 detached dwelling houses and formation of associated vehicular accesses and parking at Letham Cottage (ruin), Letham Highway, Strathaven. The PLRB concluded that there was no valid policy justification to support the proposed dwelling houses at the proposed location within the green belt and the proposal would not accord with Policies 2, 5, 14, DM1, GBRA1, GBRA5 and NHE13 of the adopted South Lanarkshire Local Development Plan 2.

- 4.2. The PLRB, therefore, upheld the decision to refuse planning permission for planning application P/21/1109 for the reasons stated on the Council's decision notice dated 22 December 2021.

**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.