



# Planning Local Review Body

## Decision Notice

Decision by South Lanarkshire Council Planning Local Review Body (PLRB)  
PLRB Reference NOR/CR/11/002

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- ◆ Site address: 71 Lightburn Road, Cambuslang, G72 8UD
- ◆ Application for review by C Gamble of the decision by an appointed officer of South Lanarkshire Council to refuse planning permission for planning application CR/11/0051
- ◆ Application CR/11/0051 for the siting of a mobile home to the rear of an existing house
- ◆ Application Drawings: Location plan, site plan and photographs

## 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 CR/11/0051 for the reasons stated on the Council's decision notice dated 16 May 2011.

*Rosemary Lake*

**Rosemary Lake**  
**Head of Administration Services**

Date of Decision Notice: *3 November 2011*

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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 2008.
- 1.2 The above application for planning permission was considered by the PLRB at its meeting on 10 October 2011. The PLRB was attended by Councillors Graham Scott (Chair), Jim Docherty, Bill Holman, Clare McColl, Alex McInnes and Patrick Ross-Taylor (Depute).

## **2 Proposal**

- 2.1 The application is for the siting of a mobile home to the rear of an existing house at 71 Lightburn Road, Cambuslang.
- 2.2 The options available to the PLRB were to uphold, reverse or vary the decision taken in respect of the application under review.
- 2.3 The applicant had indicated that he was introducing new information in respect of the application under review. This related to the reasons for requiring the development. The PLRB, however, concluded that the information could be accepted on the basis that it related to matters which had previously been raised.

## **3. Determining Issues**

- 3.1 The determining issue in this review was the proposal's compliance with the Adopted South Lanarkshire Local Plan.
- 3.2 The PLRB established that the site was located within a Designated Residential Area in terms of the Adopted South Lanarkshire Local Plan. The following policies applied to the application site:-
- ◆ Policy RES6 – Residential Land Use
  - ◆ Policy DM1 – Development Management
  - ◆ Policy DM5 – Sub-Division of Garden Ground
- 3.3 Policy RES6 of the Adopted South Lanarkshire Local Plan states that the Council will resist any development that would be detrimental to or have an adverse visual impact on residential areas.
- 3.4 Policy DM1 requires that all applications take account of the local context and built form and are compatible with adjacent buildings in terms of scale, design, materials and impact on amenity.
- 3.5 Policy DM5 states that there will be a presumption against sub-division of garden ground unless:-
- ◆ the proposed house has a proper road frontage
  - ◆ the proposal accords with the established pattern of development in the surrounding area
  - ◆ the garden ground for both houses is sufficient
  - ◆ the development will not cause an unacceptable reduction in privacy
- 3.6 In considering the case, the PLRB had regard to the applicant's submission that there was insufficient accommodation in his (the applicant's) home and the mobile home was required for the applicant's son, a carer for a family member residing in the applicant's house.
- 3.7 The PLRB concluded that the proposal would have a detrimental impact on the amenity of the area as a result of its appearance and its impact on privacy and that it was contrary to Policies RES6 and DM1 of the Adopted Local Plan. The PLRB further concluded that the proposal was contrary to Policy DM5 as it did not have:-
- ◆ adequate window to window distance
  - ◆ a proper road frontage
  - ◆ sufficient garden ground

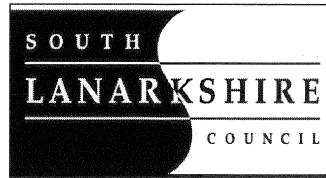
#### **4. Conclusion**

4.1 The PLRB considered a request to review the decision to refuse planning permission for the siting of a mobile home to the rear of an existing house at 71 Lightburn Road, Cambuslang. The PLRB concluded that the proposal did not comply with Policies RES6 and DM1 of the Adopted Local Plan as it would adversely impact on the residential and visual amenity of the area as a result of its appearance and impact on privacy. The PLRB also concluded that the proposal did not meet the requirements of Policy DM5 of the Adopted South Lanarkshire Local Plan in terms of window to window distance, road frontage and appropriate garden ground. As a result, the PLRB concluded that the development did not comply with policies RES6, DM1 and DM5 of the Adopted South Lanarkshire Local Plan and that there was no justification to depart from the terms of the Plan.

4.2 The PLRB, therefore, upheld the decision to refuse planning permission for planning application CR/11/0051 for the reasons set out in the decision notice from the Council dated 16 May 2011.

#### **5. Accompanying Notice**

5.1 Attached is a copy of the Notice to Accompany Refusal, etc in the terms set out in Section 2 to the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008.



## 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.