



Planning Local Review Body

Decision Notice

Decision by South Lanarkshire Council Planning Local Review Body (PLRB)
PLRB Reference NOR/CL/10/005

- ◆ Site address: Westsidewood Farm, Carnwath, ML11 8LJ
- ◆ Application for review by Mr and Mrs Dunlop of the decision by an appointed officer of South Lanarkshire Council to refuse planning permission in principle for planning application CL/09/0483
- ◆ Application CL/09/0483 for formation of 1 house plot (in principle)
- ◆ Application Drawings: Site plan and location plan

Decision

The PLRB upholds the decision taken by the appointed officer, in terms of the Scheme of Delegation, to refuse planning permission in principle for planning application CL/09/0483 for the reasons stated on the Council's decision notice dated 29 April 2010.

Rosemary M Lake
for Douglas Wilson
Head of Administration Services

Date of Decision Notice: 11 November 2010

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 in principle was considered by the PLRB at its meeting on 18 October 2010. The PLRB was attended by Councillors Graham Scott (Chair), Hugh Dunsmuir, Tommy Gilligan, Ian Gray, Bill Holman, Patrick Ross-Taylor (Depute) and Chris Thompson.

2. Proposal

- 2.1 The application is for the formation of 1 house plot (in principle) at Westsidewood Farm, Carnwath.
- 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 applicants had indicated that they were introducing new information in relation to:-
- ◆ the scale and significance of the applicants' business operations
 - ◆ the reason for the submission of the application

In terms of Section 43B of the Planning etc (Scotland) Act 2006, parties could not raise any matter which was not before the planning officer who made the determination unless the parties could demonstrate that:-

- ◆ the matter could not have been raised before the review
- ◆ the matter was not raised before due to exceptional circumstances

The PLRB concluded that the applicants had not demonstrated that the new information met the above criteria and, therefore, that it could not consider the new information.

3. Determining Issues

- 3.1 The determining issues in this review were:-
- ◆ the proposal's compliance with the Adopted South Lanarkshire Local Plan
 - ◆ impact on the character of the surrounding rural area
- 3.2 The PLRB established that the site was located on undeveloped land outwith an established settlement boundary. Policies STRAT5, Rural Investment Area, and CRE1; Housing in the Countryside, of the Adopted Local Plan applied.
- 3.3 Policy STRAT5 of the Adopted South Lanarkshire Local Plan states that:-
- ◆ development should be directed to within established settlements
 - ◆ outwith settlements, new build developments should be directed to existing building groupings and gap sites that consolidate groupings
 - ◆ consideration could be given to limited settlement expansion, proportional to settlement size, which supports economic and social development and focuses on design and environmental quality
 - ◆ isolated and sporadic development will generally not be supported
 - ◆ housing development should conform to Policy CRE1
- 3.4 Policy CRE1 states that all new housing proposals will be assessed against the following criteria:-
- ◆ development will not extend, expand or intensify grouping to the detriment of local amenity or traffic safety
 - ◆ the proposal will not adversely affect the character and amenity of the surrounding landscape and countryside
 - ◆ the proposal is satisfactorily integrated with adjoining development
- 3.5 In considering the case, the PLRB had regard to the applicants' submission that:-

- ◆ the site was currently used as a trailer park and its replacement with residential use would not be more visually intrusive and would prevent fly tipping on the site
- ◆ the proposal would have no adverse impact on the character or amenity of the area as it was characterised by scattered housing unrelated to natural features
- ◆ the site was screened by trees
- ◆ the proposal did not conflict with Policies STRAT5 and CRE1 of the Adopted South Lanarkshire Local Plan

3.6 The PLRB concluded that, as the plot was not bounded on any side by built development, it did not constitute a gap site. The proposal, therefore, would not consolidate any existing building groups or infill a gap site. The PLRB also concluded that the proposal represented sporadic and isolated development and, as a result, was contrary to Policy STRAT5 of the Adopted Local Plan. The PLRB also noted that no planning consent had been issued for the use of the site as a trailer park.

3.7 The PLRB considered whether the proposal complied with Policy CRE1 of the Adopted Local Plan. The PLRB concluded that the proposal would have a significant visual impact and that it would further erode the quality of the surrounding area. As a result, the proposal was contrary to Policy CRE1.

3.8 The PLRB also gave consideration to the applicants' contention that the decision to refuse planning application CL/09/0483 was based solely on the officer's view that the development did not accord with the provisions of the Adopted South Lanarkshire Local Plan. The applicant had indicated that no account had been taken of more recent guidance from the Scottish Government which required that:-

- ◆ a generous supply of housing land was allocated to meet housing requirements in both urban and rural areas
- ◆ planning authorities should take a proactive approach to encourage the reuse of previously developed land
- ◆ developments which provided employment benefits should be encouraged particularly where they involved the sensitive use of previously used land
- ◆ planning policies should promote and support opportunities for the environmental enhancement and regeneration of rural areas, particularly in areas where there was a history of mining activity

The applicant had advanced the view that the development drew support from those recent policy statements which was sufficient to outweigh current Development Plan considerations.

3.9 Having considered the applicants' views, the PLRB concluded that:-

- ◆ the Adopted South Lanarkshire Local Plan provided a robust and relevant set of policies against which to assess development proposals
- ◆ the Plan identified sufficient land in the rural area to satisfy any shortfalls
- ◆ there was in excess of 25 years of housing land supply for the Lanark area
- ◆ the Local Plan properly reflected the need to be flexible in the assessment of proposals for previously used land
- ◆ the site was not of poor visual quality and there was no significant remaining evidence of former mining activity

4. Conclusion

4.1 The PLRB considered a request to review the decision to refuse planning permission in principle for the formation of a house plot at Westsidewood Farm, Carnwath. The PLRB concluded that the proposal was outwith any settlement and represented isolated and sporadic development. Similarly, it considered that the proposal would adversely affect the character and amenity of the surrounding landscape and countryside. As a result, on the basis of the information which it could consider, the PLRB concluded that the proposal did

not comply with Policies STRAT5 and CRE1 of the Adopted South Lanarkshire Local Plan and did not consider that there was a justification to depart from the terms of the Plan.

- 4.2 The PLRB, therefore, upheld the decision to refuse planning permission in principle for planning application CL/09/0483 for the reasons set out in the decision notice from the Council dated 29 April 2010.

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 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.