



Council Offices, Almada Street,  
Hamilton

# Planning Local Review Body

## Decision Notice

Decision by South Lanarkshire Council Planning Local Review Body (PLRB)  
PLRB Reference NOR/EK/17/003

---

- ◆ Site address: Newton Road, Strathaven, ML10 6PA
- ◆ Application for review by H Nelson of the decision by an appointed officer of South Lanarkshire Council to refuse planning permission for planning application EK/17/0262
- ◆ Application EK/17/0262 for the erection of 2 houses with detached garages and formation of access road
- ◆ Application Drawings: PP(01)001, PP(01)001 Rev B, PP(01)002 Rev C, PP(02)001 Rev A, AD(02)001

### 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 EK/17/0262 for the reasons stated on the Council's decision notice dated 17 October 2017.

A handwritten signature in black ink, appearing to read 'G. McCann'.

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

Date of Decision Notice: 8 March 2018

---

### 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 12 February 2018. The PLRB was attended by Councillors John Bradley, Walter Brogan, Fiona Dryburgh, Alistair Fulton (Chair), Mark Horsham, Ann Le Blond, Richard Nelson, Graham Scott and Jim Wardhaugh.

## **2. Proposal**

- 2.1 The proposal is for the erection of 2 houses with detached garages and formation of access road at Newton Road, 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 (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 an area designated as green belt. The following policies applied to the application site:-
- ◆ Policy 3 – Green Belt and Rural Area
  - ◆ Policy 4 – Development Management and Place Making
  - ◆ Policy DM1 – Design (Development Management, Place Making and Design Supplementary Guidance)
  - ◆ Policy GBRA5 – Development of Gap Sites (Green Belt and Rural Area Supplementary Guidance)
  - ◆ Policy GBRA6 – Consolidation of Existing Building Groups (Green Belt and Rural Area Supplementary Guidance)
- 3.3 Policy 3 states that 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
- 3.4 Policy 3 also states that, in both the green belt and the rural area, isolated and sporadic development will not be supported and that, 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, is supportive of the sustainability of the settlement and a defensible settlement boundary is maintained.
- 3.5 Policy 4 states that all planning applications require to take account of and be integrated with the local context and built form.
- 3.6 Policy DM1 (Design) of the Development Management, Place Making and Design Supplementary Guidance states that the Council will expect the design and layout of new development to meet the appropriate criteria within the local development plan and supplementary guidance.
- 3.7 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 2 sides by habitable houses or other buildings that are either in use or capable of being brought back to use
- ◆ the distance between the buildings should be no more than that needed to allow the formation of a maximum of 2 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 2 storey house if the built frontage comprises 2 storey houses
- ◆ the siting, design and location of the new houses should meet existing rural design guidelines and advice. 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, and 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 protected species, or features which make a significant contribution to the cultural and historic landscape value of the area

3.8 Policy GBRA6 (Consolidation of Existing Building Groups) of the Green Belt and Rural Area Supplementary Guidance states that proposals for new houses within existing building groups will be supported where all of the following criteria can be met:-

- ◆ the scale and siting of the new development should reflect and respect the character and amenity of the existing group and the individual houses within the group. The existing housing group should not expand (including cumulatively) by more than 100% the number of houses existing in that group
- ◆ the character, cohesiveness, spacing and amenity of the existing group and the individual houses within the group should be respected. Any new build should be located within a reasonable distance of the existing properties within the building group. The spacing between the existing properties within the group should guide the appropriate distance between existing properties and proposed new build
- ◆ the proposal should not result in ribbon/linear development along a public road or the coalescence of the housing group with a nearby settlement/another housing group
- ◆ development should not extend into a previously undeveloped field or overwhelm the landscape setting of the area. Definable natural boundaries between the existing group and the field should be maintained. Natural boundaries should take precedence over man made boundaries when defining the extent of a building group

- ◆ existing mature trees or landscaping which are important to the character, setting, amenity and/or containment of the housing group or surrounding landscape should be maintained
- ◆ the location, siting and design of the new houses should meet existing rural design guidelines and advice. Generally, the design, appearance and the materials of the proposed house should be complementary to the character of the existing building group unless it is shown that there is no distinct design character within it
- ◆ the overall scale and massing of new houses should respect that of the adjoining group
- ◆ provision must be made for a private amenity space for the house comparable to adjoining properties in the built up frontage. The house must not prejudice the size or use of the amenity space available to an existing house
- ◆ house size to plot ratio and separation distances between houses should be comparable to adjoining properties in the built up frontage
- ◆ landscape character should not be compromised by the development and must have regard to the landscape backdrop, topographical features and levels
- ◆ proposals should be able to be readily served by all necessary infrastructure, including water, sewerage, and 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, or features which make a significant contribution to the cultural and historic landscape value of the area

3.9 In terms of Policy GBRA6, a housing group was defined as one where there were at least 3 detached houses grouped in close proximity to one another, no more than 50 metres apart, which shared a well defined cohesive character

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

- ◆ planning consent had been granted for housing in the Green Belt on the site opposite the application site and the location and position of the approved development allowed the proposal to be considered to be in accordance with Policy GBRA5 as it was a gap site
- ◆ in terms of character and amenity, the approval of the development on the site opposite had set a precedent. The design of the proposed homes would be in keeping with those on the site opposite
- ◆ other similar sites had been given consent and meetings had taken place with the Planning Service to advise them of this
- ◆ ribbon development could not be achieved as there was a building neighbouring the appeal site to the north, an adopted road to the front with a mature tree line, an adopted road to the south and the corner of the site was required to achieve visibility splays and SUDS. The gardens of the development opposite the appeal site to the west also came up to the roadside. No concerns had been raised about the proposed access
- ◆ the proposed development had been designed to the same footprint as the approved development opposite the application site. The proposal would blend in with the group by defining a natural boundary within that specific countryside setting. The proposal was also well related in size to scale/plot ratio and separation distances and did not break any building lines
- ◆ the drainage field would also be set aside to create a safe splay line and, as this area would not be built on, there would be no ribbon development

3.11 The PLRB also had regard to the Legal Adviser's comments on the position regarding the other sites which had been raised by the appellant's agent and noted that each application required to be dealt with on its individual merits in accordance with the relevant Policies.

- 3.12 The PLRB considered the location of the proposal, which lay within a section of an undeveloped field, and the distance of the application site from the Strathaven settlement boundary. The PLRB also noted the distance of the closest properties to the site. The PLRB concluded, therefore, that the proposal would involve the loss of Green Belt without appropriate justification, resulting in ribbon development that would adversely affect the character and function of the Green Belt as well as visual amenity. It also concluded that, if approved, the proposal would set an undesirable precedent which could encourage further, similar applications for development, prejudicial to the green belt designation.

#### **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 EK/17/0262 for the erection of 2 houses with detached garages and the formation of an access road at Newton Road, Strathaven. The PLRB concluded that the proposal was contrary to Policies 3 and 4 of the Adopted South Lanarkshire Local Development Plan, Policy DM1 of Development Management Place Making and Design Supplementary Guidance and Policies GBRA5 and GBRA6 of the associated Green Belt and Rural Area Supplementary Guidance and would set an undesirable precedent to the detriment of the Green Belt designation.
- 4.2 The PLRB, therefore, upheld the decision to refuse planning permission for planning application EK/17/0262 for the reasons stated on the Council's decision notice dated 17 October 2017.

#### **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.

