

Report

Report to:	Planning Committee
Date of Meeting:	14 November 2023
Report by:	Executive Director (Community and Enterprise Resources)

Subject	Planning Appeal Decisions – April to October 2023
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1. Purpose of Report

1.1 The purpose of the report is to:-

- ◆ advise Committee of decisions that have been made by the Scottish Government's Department of Planning and Environmental Appeals Division during the period 1 April to 31 October 2023 in relation to South Lanarkshire Council

2. Recommendation(s)

2.1 The Committee is asked to approve the following recommendation(s):-

- (1) that Committee note the decisions that have been issued by the Scottish Government's Department of Planning and Environmental Appeals; and
- (2) that Committee note that twice yearly updates on ongoing decisions will be presented to future meetings of the Planning Committee.

3. Background

3.1 Members will be aware that applicants whose planning applications are refused by the Planning Committee have a right to appeal that decision to the Scottish Ministers within three months of the date of the decision. The Appeals are processed by the Department of Planning and Environmental Appeals and, in most cases, a Reporter is appointed by the Scottish Ministers to undertake the Appeal.

3.2 Applicants are also able to ask the Council for a Screening Opinion to determine whether an Environmental Impact Assessment (EIA) is required in connection with a development proposal. Where the Council decides an EIA is required the applicant has the right to request a Screening Direction from Scottish Ministers.

3.3 It is considered appropriate to bring this report to Committee to update members on the outcome of these decisions and a link to each of the Cases on the Scottish Government DPEA website can be found in the report.

4 Planning Appeals

4.1 Since April 2023, three applications refused by South Lanarkshire Council have been the subject of an appeal to Scottish Ministers and a decision has been issued. The following sets out each of the proposals.

4.2 Change of use of after school care facility to class 1 retail use and associated external alterations at 20 Argyle Drive, Hamilton (application reference P/21/2167) - [Scottish Government - DPEA - Case Details \(scotland.gov.uk\)](#)

This application was refused by the Planning Committee on 22 November 2022 against officer recommendation on the grounds of public safety, due to insufficient parking provision, including for the receipt of deliveries to the unit.

The Reporter found that the amenity of local residents would be adversely affected by the proposed parking and servicing arrangements and dismissed the appeal.

4.3 Formation of two house plots at Lockhart Mill Farm near Lanark (application reference P/22/1789) - [Scottish Government - DPEA - Case Details \(scotland.gov.uk\)](#)

The application was refused by Planning Committee on 9 May 2023 on the grounds that the proposal was contrary to a number of local and national policy considerations.

The Appointed Reporter dismissed the appeal agreeing that the proposal failed to accord with policies in the adopted South Lanarkshire Local Development Plan 2 (SLLDP2) and National Planning Framework 4 (NPF4).

4.4 Erection of dwellinghouse at Peel Road, Thorntonhall (application reference P/22/1122) - [Scottish Government - DPEA - Case Details \(scotland.gov.uk\)](#)

The application was refused by Planning Committee on 9 May 2023 on the grounds the proposal was contrary to national and local development planning policy.

The Reporter found the proposal did not satisfy the requirements of NPF4 or the SLLDP2 and dismissed the appeal.

4.5 Erection of five dwellinghouses with associated works at Fence Terrace, Tillietudlem (application reference P/22/1507) - [Scottish Government - DPEA - Case Details \(scotland.gov.uk\)](#)

This application was refused by Planning Committee on 6 June 2023 as being contrary to a number of local and national policy considerations.

The Reporter dismissed the appeal stating that the proposals did not accord with the provisions of the development plan and that there were no material considerations that would justify granting planning permission.

5. **Screening Direction**

5.1 Leisure Development at Kersewell Mains Farm, Carnwath - [Scottish Government - DPEA - Case Details \(scotland.gov.uk\)](#)

The Council issued a Screening Opinion on 9 May 2023 that an Environmental Impact Assessment was required in relation to the variation of a condition associated with a proposed development at Kersewell Mains Farm which included a 200 bed hotel, log cabins, golf course and equestrian activities.

The applicant subsequently requested a 'Screening Direction' from Scottish Ministers. A decision letter was issued on 11 August 2023 which stated that the development would have a significant effect on the environment and an EIA was required. In addition, it was considered that the baseline environmental conditions that existed when the development was first approved in 2005 would have significantly changed.

6. Next Steps

- 6.1 At the time of the preparation of this report a further 6 planning appeals have been made against decisions made by the Council and a further report will be presented to the Planning Committee to provide an update on appeal decisions made up to 31 March 2024.

7. Employee Implications

- 7.1 There are no employee implications.

8 Financial Implications

- 8.1 The resource commitment and financial costs for the Planning Authority in relation to the Planning Appeals process must be borne from existing budgets and resources and no external funding is provided for this activity.

9. Climate Change, Sustainability and Environmental Implications

- 9.1 The planning system will have an increasingly key role in addressing the climate change agenda. Investing additional income in resources within the planning service will contribute to meeting these aims.

10. Other Implications

- 10.1 There would be a reputational risk if this was not undertaken as this action has previously been specified in the Council's Planning Performance Framework.

11. Equality Impact Assessment and Consultation Arrangements

- 11.1 The content of this report is not relevant to the Council's equalities duties and, therefore, no impact assessment is required.
- 11.2 There was no requirement to undertake any consultation in terms of the information contained in the report.

David Booth

Executive Director (Community and Enterprise Resources)

2 November 2023

Link(s) to Council Values/Priorities/Outcomes

- ◆ Accountable, effective, efficient and transparent
- ◆ Ambitious, self-aware and improving

Previous References

- ◆ Planning Committee report on application P/21/2167 – 22 November 2022 - associated planning appeal decision [Scottish Government - DPEA - Case Details \(scotland.gov.uk\)](#)
- ◆ Planning Committee report on application P/22/1789 – 9 May 2023 - associated planning appeal decision [Scottish Government - DPEA - Case Details \(scotland.gov.uk\)](#)
- ◆ Planning Committee report on application P/22/1122 – 9 May 2023 - associated planning appeal decision [Scottish Government - DPEA - Case Details \(scotland.gov.uk\)](#)
- ◆ Planning Committee report on application P/22/1507 – 6 June 2023 – associated planning appeal decision [Scottish Government - DPEA - Case Details \(scotland.gov.uk\)](#)

List of Background Papers

- ◆ Screening Direction issued by Scottish Ministers – Leisure development at Kersewell Mains Farm near Carnwath [Scottish Government - DPEA - Case Details \(scotland.gov.uk\)](#)

Contact for Further Information

If you would like to inspect the background papers or want further information, please contact:-

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