



Council Offices, Almada Street,
Hamilton

Planning Local Review Body

Decision Notice

Decision by South Lanarkshire Council Planning Local Review Body (PLRB)
PLRB Reference NOR/HM/17/001

- ◆ Site address: Greenlea Caravan Storage, Muttonhole Road, Hamilton ML3 8RU
- ◆ Application for review by C Taylor of the decision by an appointed officer of South Lanarkshire Council to refuse planning permission in principle for planning application HM/16/0299
- ◆ Application HM/16/0299 for the erection of a house in association with an established caravan storage business (planning permission in principle)
- ◆ Application Drawings: Site Location – Drawing no. L-001-B; Indicative Site Layout – Drawing no. L-002-B; Caravan and Boat Storage Layout – Drawing no. L-003-B

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 HM/16/0299 for the reasons stated on the Council's decision notice dated 22 March 2017.

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

Geraldine McCann
Head of Administration and Legal Services

Date of Decision Notice: 4.09.2017,

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 in principle was considered by the PLRB at its meeting on 14 August 2017. The PLRB was attended by Councillors Walter Brogan, Isobel Dorman (Depute), Fiona Dryburgh, Alistair Fulton (Chair), Mark Horsham, Richard Nelson, David Shearer and Jim Wardhaugh.

2. Proposal

- 2.1 The proposal is for the erection of a house in association with an established caravan storage business (planning permission in principle) at Greenlea Caravan Storage, Muttonhole Road, Hamilton.
- 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 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 they could demonstrate that:-
- ◆ the matter could not have been raised before the review
 - ◆ the matter was not raised before due to exceptional circumstances
- 2.4 In their further submission, an interested party had referred to the Caravan Storage Site Owners' Association's publication "A Guide to Secure Caravan Storage." The Legal Adviser to the PLRB clarified the position in relation to this information which did not form part of the original application.
- 2.5 The PLRB concluded that this information did not meet the above criteria and that it, or any comments on it, could not be considered by the PLRB.

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 GBRA11 – House Associated with Established Business (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 development proposals must also accord with other relevant policies and proposals in the Development Plan and other appropriate Supplementary Guidance.

3.5 Policy GBRA11 (House Associated with Established Business) of the Green Belt and Rural Area Supplementary Guidance states that proposals for permanent accommodation following the granting of consent for temporary accommodation under Policy GBRA10, or where living accommodation is required in association with an existing established business or enterprise within the countryside will be required to meet the following criteria:-

- ◆ evidence must be submitted to demonstrate that the existing business or enterprise has been established and viable for at least 2 years and is financially sound with a clear prospect of remaining so. A business plan must demonstrate that the income from the business can support the worker's needs, the business premises and the associated residential accommodation which, with regard to financial viability, should be treated as part of the infrastructure of the business
- ◆ evidence is submitted which demonstrates that the proposed dwelling is essential to the functional needs of the enterprise, not merely convenient
- ◆ the need for a worker cannot be fulfilled by another existing dwelling on site, or by any other existing accommodation in the area which is suitable and available for occupation by the worker concerned
- ◆ there are no opportunities to re-use, convert or renovate an existing building on the site
- ◆ the siting, design and location of the proposed dwelling should not adversely affect the character and amenity of its surroundings, particularly landscape, countryside amenity and nature conservation interests
- ◆ the siting of the proposed house and its scale, design and character shall comply with guidance in Appendix 1 of the Supplementary Guidance
- ◆ the new dwelling meets access and parking standards and can be readily provided with services such as water, drainage and sewerage
- ◆ there is no adverse impact on, or conflict with, the operations of the existing business or other operations
- ◆ the new dwelling should be of a size commensurate with the established functional requirement of the business. Dwellings that are unusually large and/or expensive to construct in relation to the needs of the business and/or long term business turnover will not normally be permitted
- ◆ 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

3.6 The Policy also states that a planning condition may be required to restrict the occupancy of the new house where its siting and design does not comply with the guidance in Appendix 1 of the Supplementary Guidance.

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

- ◆ the Planning Service did not specify in its observations what additional information was required in the Business Plan submitted and it was clear that the business was long established and on a sound financial footing
- ◆ the information provided in support of the application demonstrated the need for on-site residential accommodation. The cost of paying for a non-resident manager/watchman on site could not be supported by the revenue for the business. The provision of permanent residential accommodation was the only means by which adequate security could be provided at a viable cost. A resident was required on-site to be able to respond to adverse weather conditions and to any security risks
- ◆ the applicant's parents marketed the original house and the caravan storage business as a single package for a number of years with no interest generated or offers received. The removal of the legal agreement which allowed the original house to be sold separately allowed the applicant's parents to operate both their cattery and caravan storage businesses from their new property. The proposal for the applicant to take over the caravan storage business has only arisen as a result of the sudden death of her father

3.8 The PLRB concluded that, in terms of compliance with Planning Policy, the key points for consideration were:-

- ◆ the viability of the business
- ◆ the necessity of a house on-site

In respect of the above, the PLRB concluded that the Business Plan provided by the applicant demonstrated the viability of the business in terms of the first criterion contained within Policy GBRA11. The PLRB, however, further concluded that, in terms of the second criterion contained within Policy GBRA11, it had not been demonstrated that the proposal was essential to the business and not merely convenient.

3.9 The PLRB, therefore, concluded that the proposal would constitute new residential development in the green belt without appropriate justification and 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 in principle for planning application HM/16/0299 for the erection of a house in association with an established caravan storage business at Greenlea Caravan Storage, Muttonhole Road, Hamilton. The PLRB concluded that the proposal was contrary to Policy 3 of the Adopted South Lanarkshire Local Development Plan and Policy GBRA11 of Supplementary Guidance 2: Green Belt and Rural Area 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 in principle for planning application HM/16/0299 for the reasons stated on the Council's decision notice dated 22 March 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.

