

Appendix 2(a)

Report of Handling

Report dated 22 March 2017 by the Council's Authorised Officer under the Scheme of Delegation

	<h2 style="margin: 0;">Delegated Report</h2>	Reference No	HM/16/0299
		Date	27 July 2017

Planning proposal:	Erection of dwellinghouse (Planning Permission in Principle)
Location:	Greenlea Caravan Storage Muttonhole Road Hamilton ML3 8RU

Application Type : Permission in Principle
Applicant : Ms Claire Taylor
Location : Greenlea Caravan Storage
Muttonhole Road
Hamilton
ML3 8RU
Decision: Grant detailed planning permission (based on the conditions overleaf)
Report by: Area Manager (Planning & Building Standards)

Policy ref:
South Lanarkshire Local Development Plan (adopted 2015)
Policy 3 - Green Belt and Rural Area

Green Belt and Rural Area – Supplementary Guidance
Policy GBRA 11 – House Associated with Established Business Assessment

Impact on privacy?	No
Impact on sunlight/daylight?	No
Impact on amenity?	No
Traffic issues?	No
Adheres to development plan policy?	Yes
Adverse comments from consultees?	No

Representations: None

Planning Application Delegated Report

1 Material Considerations

- 1.1 The applicant seeks approval (Planning Permission in Principle) for the erection of a dwellinghouse associated with an existing caravan storage business, at Muttonhole Road, Hamilton. The application site is bound to the north by residential properties, by open land to the south, east and part of its western boundary. The remaining western boundary is formed by land associated with a cattery and associated dwelling.
- 1.2 The existing caravan storage facility and the adjacent cattery are currently owned and operated by Mrs. Gechonis, who resides at this location. The current applicant is the daughter of Mrs. Gechonis.
- 1.3 A Statement submitted in support of the application, advises that the applicant considers that “the presence of an onsite resident is an essential pre-requisite to operating a business of this nature from both security and maintenance (adverse weather) perspective”. Furthermore, it assesses the proposal against the policies within the South Lanarkshire Local Development Plan and concludes that the application proposal accords with applicable policies and guidance. A Summary Business Plan was also submitted in support of the application.
- 1.4 With regard to the current proposals the planning history of the site is complex. It is understood that the caravan storage facility has operated from this location since the 1960’s, with the current owner taking over the business in the late 1980’s. Mr and Mrs Gechonis received planning permission, for the establishment of a cattery business within the site, in 1994 (HN/94/0426). Subsequent to this a new dwelling was approved in 1997 (HN/97/H350), which was tied to the cattery business through the use of conditions and a legal agreement.
- 1.5 A further dwelling house and new cattery buildings (replacing the existing cattery buildings) on the site was approved in May 2010 (HM/07/0457). A new legal agreement was concluded which tied together the new dwelling and new cattery operations. In association with this consent permission was also approved for the transfer of the existing legal agreement requirements from the original cattery operation to the caravan operation. A subsequent application amending the proposed house type was approved in August 2011 (HM/10/0327) and the legal agreement was amended to reflect this change. The permission granted in respect of HM/10/0327 was renewed in 2014 (HM/14/0336). The works associated with both the new dwellinghouse and cattery has been completed.
- 1.6 In 2013, the owner was successful in securing the discharge and modification of the legal agreement in terms of the requirement to tie the existing property to the caravan storage business and the timescales for implementation of the application (Application nos.: HM/13/0190, HM/13/0192 and HM/13/0193) and for the further discharge of the legal obligation relative to occupancy restrictions for the proposed new dwelling relative to the establishment of a single planning unit for the proposed new dwelling and new cattery buildings (Application no.: HM/13/0321).

- 1.7 Further applications (HM/13/0327, HM/13/0328, HM/13/0329 and HM/13/0339) were submitted, and subsequently granted, in 2013, for the amendment or removal of conditions attached to previous approvals (HM/07/0457 and HM/10/0327) in respect of occupancy restrictions and the creation of a single planning unit.
- 1.8 It noted that the original dwellinghouse, previously tied to the caravan storage facility, was subsequently sold independently of the business operation.
- 1.9 The determining issues in the consideration of this current application are its compliance with the adopted South Lanarkshire Local Development Plan and associated Supplementary Guidance.
- 1.10 Scottish Planning Policy (SPP) sets out the Scottish Governments planning policies. In terms of Green Belt, SPP states that certain types and scale of development may be appropriate. It advises that within the rural area, outwith Green Belt, there is a more flexible approach to new housing and that the Green Belt designation should be used to direct development to appropriate locations.
- 1.11 In terms of the adopted South Lanarkshire Local Development Plan (2015) the site lies within an area designated as Green Belt (Policy 3 applies). In addition to this land use designation Policy GBRA 11 – House Associated with Established Business within its associated Green Belt and Rural Area - Supplementary Guidance is of relevance to the determination of this application.

2 Consultation(s)

- 2.1 **Roads and Transportation Services (Hamilton Area)** – have offered no objections to the proposal, subject to conditions relative to access arrangements.

Response: Such requirements can be addressed through the use of appropriately worded conditions were consent to be issued.

- 2.2 **Environmental Services** - have offered no objection, subject to the inclusion of conditions and informatives relative to noise, pest control, contamination and submission of a Piling Method Statement.

Response: Such requirements can be addressed through the use of appropriately worded conditions and/or informative were consent to be issued.

3 Representation(s)

- 3.1 Statutory neighbour notification was undertaken in respect of this proposal and the application was advertised in the local newspaper due to the non-notification of neighbours and as a development contrary to the development plan. No letters of representation were received in response to these procedures.

4 Assessment and Conclusions

- 4.1 The determining issues in the consideration of this application are its compliance with the adopted South Lanarkshire Local Development Plan (SLLDP) and associated Supplementary Guidance.
- 4.2 The application site lies within an area designated as Green Belt within the SLLDP (Policy 3 – Green Belt and Rural Area applies). Within such areas uses, such as caravan storage facilities, will generally be supported. The existing use of the site for this purpose is therefore acceptable in terms this policy. Notwithstanding this fact the Council's Supplementary Guidance on Green Belt and Rural Area advises that new housing development, associated with existing businesses in the Green Belt will only be supported in the certain circumstances, subject to appropriate criteria being met (GBRA 11 – House Associated with Established Business).
- 4.4 In this instance the applicant seeks the approval of planning permission in principle for the erection residential dwelling associated with the existing caravan storage facility. Policy GBRA 11 states, amongst other criterion, that:
- i) Evidence must be submitted to demonstrate that the existing business has been established and viable for at least two years and is financial 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 unit, which should be treated as part of the infrastructure of the business.
 - ii) Evidence is submitted which demonstrates that the proposed dwelling is essential to the functional needs of the business, not merely convenient.
 - iii) That the need of the worker cannot be fulfilled by another existing dwelling on the site or by other existing accommodation in the area which is suitable and available for occupation by the worker concerned.
- 4.5 However, following an assessment of the proposal it is considered that the development does not satisfy all the necessary requirements, as follows:
- i) The submitted Summary Business Plan states that full capacity of the site can easily be achieved through advertisement, referrals from caravan dealership and due to the demand for such facilities. The submitted Supporting Statement and Summary Business Plan do not provide sufficient detail to support its conclusions and do not provide a justification for a permanent residential associated with the current caravan storage business.
 - ii) The applicant's justification for the proposed dwelling is that that "an on-site resident is an essential and fundamental requirement of a business of this nature from the perspectives of both security and the need to response, for example, to adverse weather conditions". However, again they provide no evidence to demonstrate that this is indeed the case. Indeed it is highlighted, within their submitted business plan that "The site is ideally located in a rural area away from vandals...".

Whilst it is accepted that on-site presence may be necessary when the operation relates to the care and well being of livestock I do not support the view that such provision is a necessity for the operation of a caravan storage facility.

However, it is noted that organisations such as The Caravan Storage Site Owner's Association's (CaSSOA) advise, within their "Guide To Secure Caravan Storage", that theft and criminal damage cannot be completely eliminated and that the use of an "in-depth" security system; a combination of physical security supplemented by electronic detection measures should deny or delay access to any intruder. A successful storage site will be founded on the principles of robust physical perimeter protection, Technical detection systems that supplement physical protection and effective site administration and management. They further advise that "the purpose of access control to a secure area is twofold, firstly to deny unauthorised and secondly, to monitor the movement of authorised users. Access control is a specialist field where technology has all but replaced the human element".

It is also considered that on-site security could, more appropriately, be provided by means of a site manager/watchman, rather than through on-site residential occupation of the site. The proposal to site a residential dwelling at this location is clearly not a necessity, in terms of the existing business operation, but could be viewed as being convenient.

In terms of the need to respond to adverse weather conditions it is not uncommon for buildings within countryside location be left unattended, e.g. farm buildings, holiday homes etc.

Whilst there is an established business, it has not been demonstrated that a dwellinghouse is essential for the running of the business and indeed it was previously justified by the existing owner of the caravan business that there was no need to have a dwellinghouse on the site. This was submitted with an application in 2013 which successfully sought to remove the tie between the caravan storage business and the dwelling which was then sold.

- iii) The applicant has stated that there is no other accommodation within the area suitable of fulfilling this requirement, due to the requirement for maximum surveillance and security. However, again no specific information has been provided in support of this statement. The issue of security has been addressed through the response at Point ii) above.

4.6 It is therefore clear that on site residential presence is not a necessity as on-site security and monitoring can be achieved through means other than permanent residential accommodation on site. On this basis the proposal is contrary to the applicable policies of the adopted SLLDP (Policy 3 - Green Belt and Rural Area and Policy GBRA 11 – House Associated with Established Business of the adopted).

4.7 No third party objections have been received in respect of the proposal and the requirements of the statutory consultees can be addressed through the use of appropriately worded conditions and/or informatives, if permission was to be granted.

- 4.7 In summary, it is considered that the proposal is contrary to the policies of the adopted Local Plan as it has not been satisfactorily demonstrated that the dwelling is necessary for the business operation or that appropriate justification has been provided in support of the application. Furthermore, the decision to sell the original dwellinghouse independently of the business operation clearly demonstrates that its retention was not necessary in association of the caravan storage facility as a standalone business. The approval of a further unrestricted residential property associated with an existing business at this location could, in the future, lead to the sale of that property independently of the business operation which would set an undesirable precedent and undermine the policies of the adopted local plan.
- 4.9 On the basis of the above it is considered that planning permission be refused in this instance.

5 Reason for Decision

- 5.1 The applicant has failed to demonstrate that on-site living accommodation is essential to the operational requirements of the horticultural business and as such is contrary to policies and guidance of the adopted South Lanarkshire Local Development Plan (Policy 3 - Green Belt and Rural Area) and its Supplementary Guidance (Policy GBRA 11 – House Associated with Established Business).

Delegating Officer:

Date:

Previous References

- ◆ HN/94/H426
- ◆ HN/97/H350
- ◆ HM/07/0457
- ◆ HM/10/0327
- ◆ HM/13/0190
- ◆ HM/13/0192
- ◆ HM/13/0193
- ◆ HM/13/0321
- ◆ HM/13/0327
- ◆ HM/13/0328
- ◆ HM/13/0329
- ◆ HM/13/0339
- ◆ HM/14/0336

List of Background Papers

- ▶ Application Form

- ▶ Application Plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ South Lanarkshire Local Development Plan - Green Belt and Rural Area - Supplementary Guidance
- ▶ Neighbour notification letter dated 11 July 2016
- ▶ Press Advertisement dated 21 July 2016

- ▶ Consultations
 - Roads and Transportation Services (Hamilton Area) 31/05/2016
 - Environmental Services 26/05/2016

- ▶ Representations
 - None

Contact for Further Information

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

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Permission in principle

PAPER APART – APPLICATION NUMBER: HM/16/0299

REASONS FOR REFUSAL

- 1 The proposal is contrary to Policy 3 - Green Belt and Rural Area of the South Lanarkshire Local Development Plan (adopted 2015) in that it would constitute new residential development in the Greenbelt without appropriate justification.
- 2 The proposal is contrary to Policy GBRA 11 - House Associated with Established Business of the South Lanarkshire Local Development Plan (adopted 2015) Supplementary Guidance on Green Belt as the applicant has failed to demonstrate that the accommodation is essential rather than convenient to the operational needs of the business.
- 3 If approved, the proposal would set an undesirable precedent which could encourage further similar applications for development prejudicial to the Greenbelt designation.

INFORMATIVES

- 1 This decision relates to drawing numbers:
 01. Site Location - Drg No L-001-B
 02. Indicative Site Layout - Drg No L-002-B
 03. Caravan and Boat Storage Layout - Drg No L-003-B