

Report

Report to:	Planning Committee
Date of Meeting:	30 April 2024
Report by:	Executive Director (Community and Enterprise Resources)

Subject	Planning Appeal Decisions – November 2023 to March 2024
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1. Purpose of Report

1.1 The purpose of the report is to:-

- ◆ advise Committee of decisions that have been issued by the Scottish Government's Department of Planning and Environmental Appeals Division during the period 1 November 2023 to 31 March 2024 in relation to applications refused by the Planning Committee of 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.

3. Background

3.1 Members will be aware that applicants whose planning applications are refused by the Planning Committee have a right to appeal 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 (DPEA) and, in most cases, a Reporter is appointed by the Scottish Ministers to undertake the Appeal.

3.2 This is the second report to Committee in 2023/2024 and updates members on the outcome of the appeals determined between 1 November 2023 and 31 March 2024. A link to each of the cases on the Scottish Government DPEA website can be found in the report. Overall, 14 decisions by the Council were the subject of appeal during 2023/2024 and were upheld in all but one case. A decision is awaited in one other case.

4 Planning Appeals

4.1 Since November 2023, decisions have been issued on six appeals against the refusal of planning applications by the Planning Committee of South Lanarkshire Council. The following summarises each of the cases:-

4.2 **Erection of dwellinghouse with associated access and parking at Milton Cottages, Milton Road, Carlisle (application reference P/22/1178) - [Scottish Government - DPEA - Case Details \(scotland.gov.uk\)](#)**

This application was refused by the Planning Committee on 7 June 2023 on the grounds that the proposal was inappropriate development in the Green Belt and did not accord with the principles of sustainability and local living and would fail to conserve or restore biodiversity.

The Reporter found that the proposal did not accord with local and national development plan policies in relation to the green belt and dismissed the appeal.

4.3 **Erection of 25 chalets, a commercial facility, tourist/leisure use, eco village and associated landscaping (Section 42 application to remove Condition 2 - number of units of planning permission reference CL/17/0199) on land at Nether Kypeside Farm, Lesmahagow (application reference P/23/0357) - [Scottish Government - DPEA - Case Details \(scotland.gov.uk\)](#)**

The application was refused by Planning Committee on 9 August 2023 on the grounds that the proposal would involve unsustainable development in the rural area and result in an adverse impact on infrastructure and a loss of woodland.

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) in relation to these issues.

4.4 **Demolition of agricultural buildings and erection of 6 no. detached residential dwellinghouses, access, car parking, landscaping and associated infrastructure at Millhouse Farm, Shields Road, East Kilbride (application reference P/22/0737) - [Scottish Government - DPEA - Case Details \(scotland.gov.uk\)](#)**

The application was refused by Planning Committee on 7 June 2023 on the grounds the proposal involved inappropriate development in the Green Belt and it would not accord with the principles of sustainability and local living.

The Reporter found the proposal did not satisfy the requirements of NPF4 or the SLLDP2 in relation to these issues and dismissed the appeal.

4.5 **Erection of a 1.5 storey detached dwellinghouse, formation of vehicular access and parking at Stonymead Cottage, Stonymead Road, East Kilbride (application reference P/22/1053) - [Scottish Government - DPEA - Case Details \(scotland.gov.uk\)](#)**

This application was refused by Planning Committee on 6 June 2023 on the grounds the proposal involved inappropriate development in the Green Belt and it would not accord with the principles of sustainability and local living.

The Reporter found the proposal did not satisfy the requirements of NPF4 or the SLLDP2 in relation to these issues and dismissed the appeal.

4.6 **Erection of dwellinghouse with associated access and parking (part retrospective) at Milton Cottages, Milton Road, Carluke (application reference P/23/0848) - [Scottish Government - DPEA - Case Details \(scotland.gov.uk\)](#)**

This application was refused by the Planning Committee on 7 September 2023 on the grounds that the proposal was inappropriate development in the Green Belt, and did not accord with the principles of sustainability and local living and would fail to conserve or restore biodiversity.

The Reporter found that the proposal does not accord with development plan policies in relation to the green belt and that it had resulted in loss of biodiversity value and would be in a car-dependent location and dismissed the appeal.

4.7 **Erection of single storey detached dwelling and double garage at Woodend, Mousebank Road, Lanark (planning application reference P/22/1096) - [Scottish Government - DPEA - Case Details \(scotland.gov.uk\)](#)**

The application was refused by the Planning Committee on 9 May 2023 on the grounds that the proposal involved sporadic development in the rural area and it would not accord with the principles of sustainability and local living.

The Reporter found the proposal involved development in an existing cluster and was suitably scaled and in keeping with the character of the area. The appeal was sustained and planning permission granted.

5. Next Steps

- 5.1 At the time of the preparation of this report one further planning appeal has been made against decisions made by the Council and a further report will be presented to the Planning Committee later this year to provide an update on appeal decisions made up to 30 September 2024.

6. Employee Implications

- 6.1 There are no employee implications.

7. Financial Implications

- 7.1 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.

8. Climate Change, Sustainability and Environmental Implications

- 8.1 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.

9. Other Implications

- 9.1 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.

10. Equality Impact Assessment and Consultation Arrangements

- 10.1 The content of this report is not relevant to the Council's equalities duties and, therefore, no impact assessment is required.
- 10.2 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)

22 April 2024

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/22/1178 – 7 June 2023 - associated planning appeal decision [Scottish Government - DPEA - Case Details \(scotland.gov.uk\)](https://www.scotland.gov.uk/topics/consultation/planning/decisions/2023/06/07/1178)
- ◆ Planning Committee report on application P/23/0357 – 9 August 2023 - associated planning appeal decision [Scottish Government - DPEA - Case Details \(scotland.gov.uk\)](https://www.scotland.gov.uk/topics/consultation/planning/decisions/2023/08/09/0357)
- ◆ Planning Committee report on application P/22/0737 – 7 June 2023 - associated planning appeal decision [Scottish Government - DPEA - Case Details \(scotland.gov.uk\)](https://www.scotland.gov.uk/topics/consultation/planning/decisions/2023/06/07/0737)
- ◆ Planning Committee report on application P/22/1053 – 6 June 2023 – associated planning appeal decision [Scottish Government - DPEA - Case Details \(scotland.gov.uk\)](https://www.scotland.gov.uk/topics/consultation/planning/decisions/2023/06/06/1053)
- ◆ Planning Committee report on application P/23/0848 – 7 September 2023 – associated planning appeal decision [Scottish Government - DPEA - Case Details \(scotland.gov.uk\)](https://www.scotland.gov.uk/topics/consultation/planning/decisions/2023/09/07/0848)
- ◆ Planning Committee report on application P/22/1096 – 9 May 2023 – associated planning appeal decision [Scottish Government - DPEA - Case Details \(scotland.gov.uk\)](https://www.scotland.gov.uk/topics/consultation/planning/decisions/2023/05/09/1096)

List of Background Papers

- ◆ None

Contact for Further Information

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