



# Planning Local Review Body

## Decision Notice

Decision by South Lanarkshire Council Planning Local Review Body (PLRB)  
PLRB Reference NOR/CL/11/002

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- ◆ Site address: Land to north of Lawhill Road and east of Hillview, Lawhill Road, Law
- ◆ Application for review by C Rooney of the decision by an appointed officer of South Lanarkshire Council to refuse planning permission for planning application CL/11/0077
- ◆ Application CL/11/0077 for the erection of 5 detached houses
- ◆ Application Drawings: CR/LR/2010/01, CR/LR/2010/01/A CR/LR/2010/02, CR/LR/2010/03, CR/LR/2010/04, CR/LR/2010/05, CR/LR/2010/06, CR/LR/2010/07

## 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 CL/11/0077 for the reasons stated on the Council's decision notice dated 28 April 2011.

*Rosemary Lake*

**Rosemary Lake**  
**Head of Administration Services**

Date of Decision Notice: *3 November 2011*

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## 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 2008.
- 1.2 The above application for planning permission was considered by the PLRB at its meeting on 10 October 2011. The PLRB was attended by Councillors Graham Scott (Chair), Jim Docherty, Bill Holman, Clare McColl, Alex McInnes and Patrick Ross-Taylor (Depute).

## **2 Proposal**

- 2.1 The application is for the erection of 5 detached houses at land to the north of Lawhill Road and east of Hillview, Lawhill Road, Law.
- 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 Plan
  - ◆ impact on amenity and road safety
- 3.2 The PLRB established that the site was located to the south east of the village of Law within an area designated as greenbelt. The following policies applied to the application site:-
- ◆ Policy STRAT3 – The Greenbelt and Urban Settlements in the Greenbelt
  - ◆ Policy STRAT7 – Strategic Green Network
  - ◆ Policy CRE1 – Housing in the Countryside
  - ◆ Policy ENV34 – Development in the Countryside
  - ◆ Policy DM1 – Development Management
- 3.3 Policy STRAT7 of the Adopted Local Plan supports the creation of accessible green spaces and corridors. The PLRB concluded that the proposed development would not inhibit easy access to the countryside and that there would be no adverse impact on wildlife corridors in the area. Consequently, the PLRB concluded that the proposal was not contrary to Policy STRAT7 of the Adopted Local Plan.
- 3.4 Policy STRAT3 states that there will be a general presumption against development unless it is for uses considered to be appropriate to the greenbelt and that isolated and sporadic development will be resisted.
- 3.5 Policy CRE1 states that all new housing proposals must comply with Policies STRAT3 and ENV34 and that the proposal must:-
- ◆ not adversely affect the character and amenity of its surroundings
  - ◆ integrate with the surrounding development
  - ◆ complement the scale and character of the adjoining properties
  - ◆ meet suitable access and parking standards
- 3.6 Policy ENV34 states that developments must comply with Policy STRAT3 and that they must:-
- ◆ be sensitive to the surroundings and respect the existing landscape
  - ◆ maintain a sense of place
  - ◆ complement and enhance the surrounding landscape
  - ◆ avoid the introduction of suburban style developments into the rural environment
- 3.7 Policy DM1 states that developments should:-
- ◆ provide suitable access and parking and have no adverse implications for road safety
  - ◆ take account of the local context
  - ◆ have no significant adverse impact on visual amenity or character

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

- ◆ the development was not isolated or sporadic as it was located only metres from the settlement boundary of Law and there was existing development on either side of the site
- ◆ Policy CRE1 accepted the possibility of new housing subject to certain criteria which the development satisfied
- ◆ the design mirrored that of existing developments and would be appropriate in a rural location
- ◆ there may be potential to relocate the access but, if this was not possible, traffic calming could be introduced to reduce speed and make it possible to have a reduced visibility splay that could be accommodated

3.9 The PLRB, however, concluded that the proposal represented isolated and sporadic development in the greenbelt which was not necessary for the furtherance of agriculture, forestry or other appropriate uses in the greenbelt. As a result, it concluded that the proposal was contrary to Policies STRAT3 and CRE1 of the Adopted Local Plan. It further concluded that the design and appearance of the proposed development would not be sympathetic to the local patterns and scale of development. Consequently, it concluded that the proposal was contrary to Policies ENV34 and DM1 of the Adopted Local Plan. The PLRB further concluded that the visibility splay could not be provided and that traffic calming was not appropriate at the location. As a result, it considered that the application would present a danger in terms of road safety.

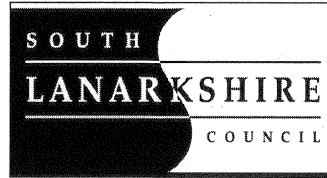
#### **4. Conclusion**

4.1 The PLRB considered a request to review the decision to refuse planning permission for the erection of 5 detached houses at land to the north of Lawhill Road and east of Hillview, Lawhill Road, Law. The PLRB concluded that, in terms of appropriate use, location, design, appearance and compatibility with the surrounding area, the proposal did not constitute an appropriate development. The PLRB also concluded that the proposal would have a detrimental impact on road safety. The PLRB concluded, therefore, that the proposal was contrary to policies STRAT3, CRE1, ENV34 and DM1 of the Adopted South Lanarkshire Local Plan and that there was no justification to depart from the terms of the Plan.

4.2 The PLRB, therefore, upheld the decision to refuse planning permission for planning application CL/11/0077 for the reasons set out in the decision notice from the Council dated 28 April 2011.

#### **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 2008.



## 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.