



Planning Local Review Body

Decision Notice

Decision by South Lanarkshire Council Planning Local Review Body (PLRB)
PLRB Reference NOR/CL/10/008

- ◆ Site address: West Millrigg, Wiston, Biggar, ML12 6HU
- ◆ Application for review by J Lawrie of the decision by an appointed officer of South Lanarkshire Council to refuse planning permission for planning application CL/10/0152
- ◆ Application CL/10/0152 for the erection of feature entrance walls and pillars, garden fencing and glazed garden building (all retrospective)
- ◆ Application Drawings: L(2-)01, L(2-)02 fence, L(2-)02 revA proposed outbuilding and feature wall

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/10/0152 for the reasons stated on the Council's decision notice dated 7 June 2010.

for Rosemary M Lake
Douglas Wilson
Head of Administration Services

Date of Decision Notice: 26/11/2010

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 in principle was considered by the PLRB at its meeting on 1 November 2010. The PLRB was attended by Councillors Graham Scott (Chair), Hugh Dunsmuir, Tommy Gilligan, Ian Gray, Bill Holman, Alex McInnes and Patrick Ross-Taylor (Depute).

2. Proposal

- 2.1 The application is for the erection of feature entrance walls and pillars, garden fencing and a glazed garden building (retrospective) at West Millrigg, Wiston, Biggar.
- 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 The applicant had indicated that they were introducing new information in respect of the application under review comprising photographs of the application site from Millrigg Road. The PLRB concluded that the information could be accepted on the basis that it provided clarification on a matter that had previously been raised.

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 the amenity of the rural area
- ◆ road safety

- 3.2 The PLRB established that the site was located within the Accessible Rural Area and the Regional Scenic Area. The following Policies contained in the Adopted South Lanarkshire Local Plan applied to the application site:-

- ◆ Policy STRAT4, accessible rural area
- ◆ Policy CRE1, housing in the countryside
- ◆ Policy ENV4, protection of the natural and built environment
- ◆ Policy ENV29, regional scenic area
- ◆ Policy ENV34, development in the countryside
- ◆ Policy DM1, development management

Policy STRAT4 states that development should seek to enhance the environmental quality of the area and that housing development should conform to Policy CRE1. Policy CRE1 states that all new housing proposals will be assessed against the following criteria:-

- ◆ the proposal does not adversely affect the character and amenity of the surrounding landscape and countryside
- ◆ the proposal was satisfactorily integrated with adjoining development

- 3.3 Policies ENV4, ENV29 and ENV34 were also relevant. Policy ENV4 states that development should not significantly affect the integrity of the scenic area while Policy ENV29 states that development should not affect the quality of the designated landscape and that care should be taken to conserve features that contributed to the distinctiveness of the landscape. Policy ENV34 stated that developments should:-

- ◆ respect the existing landscape form with new buildings being designed to complement and enhance the surrounding landscape
- ◆ avoid dominating or interfering with existing views in or out of the site
- ◆ be sympathetic to locally traditional scale and proportion
- ◆ avoid introduction of suburban style development
- ◆ be sensitive to and respect the surrounding setting

Policy DM1, which also applied, indicated that development should:-

- ◆ respect the local context
- ◆ be of a design that made a positive contribution to the area
- ◆ make use of materials appropriate to the locality
- ◆ have no significant adverse visual impact
- ◆ have no adverse implications for public safety

3.4 The application comprised the following 3 elements:-

- ◆ feature entrance walls and pillars
- ◆ garden fencing
- ◆ glazed garden building

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

- ◆ a potential means had been identified to resolve sight line and access problems caused by the feature entrance walls and pillars by reducing them in height to 1 metre
- ◆ the garden fencing was 1.3 metres in height and its visual impact was negligible given its location
- ◆ the applicant believed he did not require planning permission for the garden building or fencing
- ◆ the garden building could be suitably screened
- ◆ the garden building was constructed from natural slate and timber cladding which ensured strong visual coherence with other buildings in the area. Together with the glazing, this assisted in its incorporation into the landscape by reflecting the scenery around it
- ◆ the garden building was smaller than the garages which already existed at the site and would not break the skyline given the background of the surrounding hills

3.5 With regard to the feature entrance walls and pillars, the PLRB concluded that, as currently built, the walls and pillars obscured visibility from the access to the site in both directions and that, as currently constructed, the walls would have an adverse impact on road safety. It noted, however, that, if the walls and pillars were reduced to 1 metre in height, they would be acceptable in planning terms.

3.6 With regard to the garden fencing, the PLRB noted that planning permission previously granted for developments at the site included a condition removing the permitted development rights for the houses. The PLRB concluded that, as the site was located in the Accessible Rural Area and within the Regional Scenic Area, the vertical close boarded timber fencing was not appropriate in the rural area as it was suburban in appearance and out of character with its surroundings, thereby adversely affecting the visual amenity of the area.

3.7 With regard to the glazed garden building, the PLRB noted that planning permission previously granted for developments at the site included a condition removing the permitted development rights for the houses. The PLRB concluded that the glazed garden building was located some distance from the house, was very visible do to its isolated position at the foot of Tinto Hill and that its highly glazed style and appearance was not appropriate to the rural character and landscape value of the surroundings. It, therefore, concluded that the building had a significant and adverse impact on amenity and that this could not be mitigated by screening.

3.8 The PLRB concluded that each of the elements of the development did not reflect the appearance and character of the surrounding area and that they would have an adverse visual impact on the area and an adverse impact on road safety. Consequently, the application was contrary to Policies ENV4, ENV29, ENV34, CRE1 and DM1 of the Adopted Local Plan.

4. Conclusion

- 4.1 The PLRB considered a request to review the decision to refuse planning permission for the erection of feature entrance walls and pillars, garden fencing and a glazed garden building (retrospective) at West Millrigg, Wiston, Biggar. The PLRB concluded that the proposal did not comply with the relevant policies of the Adopted South Lanarkshire Local Plan and did not consider that there was a 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/10/0152 for the reasons set out in the decision notice from the Council dated 7 June 2010.

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.