

# Appendix 5

**Notice of Review (including Statement of Reasons for Requiring the Review) submitted by applicant Mr and Mrs Young**





Montrose House 154 Montrose Crescent Hamilton ML3 6LB Tel: 0303 123 1015 Email: [planning@southlanarkshire.gov.uk](mailto:planning@southlanarkshire.gov.uk)

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100065896-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

## Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant  Agent

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mrs"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Margaret"/>	Building Number:	<input type="text" value="35"/>
Last Name: *	<input type="text" value="Young"/>	Address 1 (Street): *	<input type="text" value="Millar Street"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="Glassford"/>
Telephone Number: *	<input type="text" value="██████████"/>	Town/City: *	<input type="text" value="Strathaven"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text" value="██████████"/>	Postcode: *	<input type="text" value="ML10 6TD"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="██"/>		

## Site Address Details

Planning Authority:

South Lanarkshire Council

Full postal address of the site (including postcode where available):

Address 1:

35 Millar Street

Address 2:

Glassford

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Strathaven

Post Code:

ML10 6TD

Please identify/describe the location of the site or sites

Northing

646950

Easting

272445

## Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: \*  
(Max 500 characters)

Erection of Boundary Fence (Retrospective)

## Type of Application

What type of application did you submit to the planning authority? \*

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? \*

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

## Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: \* (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

We wish a review of the conditions imposed on the granting of the planning permission in relation to the colour of fence being unacceptable and not in keeping with the conservation area. Reasons for request are that we believe we are being discriminated against as application was made retrospectively and that there are buildings and fences with similar paint colour within the conservation area already and our fence is in keeping with these. Letter attached which provides further information

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? \*

Yes  No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: \* (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: \* (Max 500 characters)

- Letter outlining reason for review of decision

## Application Details

Please provide details of the application and decision.

What is the application reference number? \*

EK/17/0254

What date was the application submitted to the planning authority? \*

10/07/2017

What date was the decision issued by the planning authority? \*

25/08/2017

## Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. \*

Yes  No

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be a combination of procedures.

Please select a further procedure \*

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

An inspection of the area and the other properties and buildings in the conservation area of Glassford mentioned in my further information statement to see that the colour of fence is in keeping with what is already in the area.

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? \*

Yes  No

Is it possible for the site to be accessed safely and without barriers to entry? \*

Yes  No

## Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. \*

Yes  No

Have you provided the date and reference number of the application which is the subject of this review? \*

Yes  No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? \*

Yes  No  N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? \*

Yes  No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review \*

Yes  No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

## Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mrs Margaret Young

Declaration Date: 11/09/2017

35 Millar Street  
Glassford  
Strathaven  
ML10 6TD

Dear Sir/Madam

Erection of boundary fence (retrospective) – Notice of Review  
35 Millar Street, Glassford, Strathaven ML10 6TD  
Application No: EK/17/0254

I wish to appeal against the conditions placed on the planning permission for the above application.

The application was retrospective for a fence because we had been told by a planning officer dealing with a previous application that the rear garden was not in the conservation area but applied after it was brought to our attention that permission was required for this work. We painted the fence Red Cedar as soon as it was erected to preserve the wood. Our huts in the garden have been painted that colour for the past 12 years with no complaint even although they were visible from the street prior to the adjacent trees over growing. Also there were no objections or comments made regarding the application.

The condition states that this colour is not in keeping with the conservation area and is unacceptable and states this must be changed within 3 months. I wish to appeal against this condition being implemented as it would appear that we are being discriminated against. If we had known to apply prior to the fence being erected, to my knowledge there would be no condition regarding colour being placed on the decision. If however this was the case I would welcome proof that any other fencing applications within south Lanarkshire conservation areas had this condition attached. Also the village hall within the conservation area of Glassford which belongs to the council has the wooden facings and soffit area painted in the same colour. The church railings are also painted a very similar colour. Although not on the conservation area, one of the properties adjacent in Geenbank Crescent which is very visible in the conservation area is painted terracotta, therefore it could be argued that my fence is in keeping with what is already in the area.

Yours faithfully

Margaret Young

**Proposal Details**

Proposal Name	100065896
Proposal Description	Erection of Rear Fence (Retrospective)
Address	35 Millar Street, Glassford, Strathaven, ML10 6TD
Local Authority	South Lanarkshire Council
Application Online Reference	100065896-001

**Application Status**

Form	complete
Main Details	complete
Checklist	complete
Declaration	complete
Supporting Documentation	complete
Email Notification	complete

**Attachment Details**

Notice of Review	System	A4
Review of decision letter	Attached	A4
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-001.xml	Attached	A0