



Planning Local Review Body

Decision Notice

Decision by South Lanarkshire Council Planning Local Review Body (PLRB)
PLRB Reference NOR/CL/10/007

- ◆ Site address: Land at Silvermuir Road, Ravenstruther, ML11 7SS
- ◆ Application for review by A McRae of the decision by an appointed officer of South Lanarkshire Council to refuse planning permission in principle for planning application CL/10/0175
- ◆ Application CL/10/0175 for the erection of a house (in principle)
- ◆ Application Drawings: Nos 1 and 2

Decision

The PLRB reverses the decision taken by the appointed officer, in terms of the Scheme of Delegation, to refuse planning permission in principle for planning application CL/10/0175 and grants planning permission in principle, subject to the conditions attached to this decision notice.

Rosemary M Lake
for Douglas Wilson
Head of Administration Services

Date of Decision Notice: *11 November 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 18 October 2010. The PLRB was attended by Councillors Graham Scott (Chair), Hugh Dunsmuir, Tommy Gilligan, Bill Holman, Patrick Ross-Taylor (Depute), Chris Thompson and Jim Wardhaugh

2. Proposal

- 2.1 The proposal is for the erection of a house (in principle) at land at Silvermuir Road, Ravenstruther.
- 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. The PLRB, however, concluded that the information provided further comment on issues which had been considered when the application was determined by the appointed officer and, as such, could be considered when reviewing the case.

3. Determining Issues

- 3.1 The determining issues in this review were:-

- ◆ the proposal's compliance with Development Plan Policies
- ◆ impact on the amenity of the rural area
- ◆ the provision of safe vehicular access

- 3.2 The PLRB established that the site was located in the wider countryside within the Accessible Rural Area. Policy STRAT1, Strategic Development Locations, of the Glasgow and Clyde Valley Joint Structure Plan applied. This policy states that there is a general presumption against isolated and sporadic development in the wider countryside. Policies STRAT4, Accessible Rural Area, CRE1 Housing in the Countryside, ENV29 Regional Scenic Area and ENV34, Development in the Countryside, of the Adopted South Lanarkshire Local Plan also applied. Policy STRAT4 of the adopted local plan states that development will be directed within settlements and that housing development should conform to Policy CRE1. Policy CRE1 requires new housing proposals to be assessed against their impact on the character and amenity of the surroundings, particularly in terms of landscape and countryside amenity. It also requires new houses to be for agricultural, forestry or other uses appropriate to the rural area.

- 3.3 Policy ENV29 also applied. This policy states that development will only be permitted if it satisfies Policy STRAT4 and can be accommodated without adversely affecting the overall quality of the designated landscape area. Policy ENV34 states that any development must respect the existing landscape and complement and enhance the existing built development.

- 3.4 The PLRB concluded that the proposal was contrary to Policy STRAT1 of the Glasgow and Clyde Valley Joint Structure Plan and Policies STRAT4, CRE1, ENV29 and ENV34 of the Adopted South Lanarkshire Local Plan in that it:-

- ◆ was located outwith a settlement boundary
- ◆ did not meet any locational or economic justification for a house at the location
- ◆ was not located on a gap site

- 3.5 In reviewing the case, the PLRB gave consideration to the applicant's contention that the decision to refuse planning application CL/10/0175 was based solely on the officer's view that the development did not accord with the provisions of the Adopted South Lanarkshire Local Plan. The applicant had indicated that no account had been taken of more recent guidance from the Scottish Government which required that:-

- ◆ a generous supply of housing land was allocated to meet housing requirements in both urban and rural areas
- ◆ planning authorities should take a proactive approach to encourage the reuse of previously developed land

- ◆ developments that provided employment benefits should be encouraged, particularly where they involved the sensitive use of previously used land
- ◆ planning policies should promote and support opportunities for the environmental enhancement and regeneration of rural areas

The applicant had advanced the view that the development drew support from those recent policy statements which was sufficient to outweigh current Development Plan considerations.

3.6 The PLRB, having considered the applicant's views, concluded that:-

- ◆ the Adopted South Lanarkshire Local Plan provided a robust and relevant set of policies against which to assess development proposals
- ◆ the Plan identified sufficient land in the rural area to satisfy any shortfalls
- ◆ there was in excess of 25 years of housing land supply for the Lanark area
- ◆ the Local Plan properly reflected the need to be flexible in the assessment of proposals for previously used land

3.7 The PLRB also gave consideration to the applicant's view that the decision to grant consent for planning application CL/08/0207 required to be taken into account when considering the application under review in view of the similarities between the review proposal and the application which had previously been granted consent.

3.8 The PLRB further considered the suitability of the proposed vehicular access to the site. It noted that, while the proposed access was not of an adequate standard and would have adverse implications for traffic and public safety in terms of available sightlines, Roads and Transportation Services had indicated that an alternative access could be identified which would achieve adequate visibility.

3.9 The PLRB went on to note:-

- ◆ the site's location, directly opposite an area with consent for housing
- ◆ the nature of the site boundaries
- ◆ the availability of an alternative access
- ◆ the limited views of the site

3.10 Having considered the above, the PLRB concluded that, while the proposal was contrary to Development Plan Policy, a departure from the Development Plan could be justified in this case for the following reasons:-

- ◆ the site was physically self contained and there would be no significant or material impact on the amenity or character of the surrounding area
- ◆ the site was bounded by clearly defined defensible boundaries on all 3 sides
- ◆ an alternative vehicular access could be identified which would achieve adequate visibility
- ◆ a limited development would not be significantly or materially at odds with the proposal for residential development north of the site

4. Conclusion

4.1 The PLRB considered a request to review the decision to refuse planning permission in principle for the erection of a house at land at Silvermuir Road, Ravenstruther. The PLRB noted that the application was contrary to Development Plan Policy but concluded that a departure from the Development Plan could be justified in this case for the reasons detailed in paragraph 3.10 above.

4.2 The PLRB, therefore, reversed the decision to refuse planning permission in principle for planning application CL/10/0175 and granted planning permission in principle subject to the undernoted conditions and reasons.

5. Accompanying Notice

- 5.1 Attached is a copy of the notice to accompany refusal, etc on the terms set out in schedule 2 to the town and country planning (Schemes of Delegation and Local Review Procedures) (Scotland) Regulations 2008.

Application Number: CL/10/0175

Erection of a house (planning permission in principle) at Silvermuir Road, Ravenstruther

Conditions

- 1 This decision relates to plans: block plan and tree survey plan
- 2 Unless development commences, planning permission in principle expires 2 years from approval of the specified matters being granted, or if different matters are approved on different dates, then 2 years from the date of the last approval.
- 3 The application(s) for approval of these further matters must be made to the Council as Planning Authority before whichever is the latest of the following:
 - (a) expiry of 3 years from when permission in principle was granted
 - (b) expiry of 6 months from date when an earlier application for approval was refused, and
 - (c) expiry of 6 months from date on which an appeal against the refusal was dismissed.

Approval of the further specified matters can be made for -

- (i) different matters, and
 - (ii) different parts of the development
- at different times.

Only one application for approval of matters specified in conditions can be made after 3 years from the grant of planning permission in principle.

- 4 Prior to the commencement of development on site, a further application(s) for the approval of the matters specified in this condition must be submitted to and approved by the Council as Planning Authority. These matters are as follows:
 - (a) the layout of the site, including all roads, footways, parking areas and open spaces;
 - (b) the siting, design and external appearance of all building(s) and any other structures, including plans and elevations showing their dimensions and type and colour of external materials;
 - (c) detailed cross-sections of existing and proposed ground levels, details of underbuilding and finished floor levels in relation to a fixed datum, preferably ordnance datum.
 - (d) notwithstanding the terms of Condition 1 above a revised means of access to the site, including the required visibility splays;
 - (e) the design and location of all boundary treatments including walls and fences;
 - (f) the landscaping proposals for the site, including details of existing trees and other planting to be retained together with proposals for new planting specifying number, size and species of all trees and shrubs;
 - (g) the means of drainage and sewage disposal.
 - (h) details of the phasing of development (covering all relevant aspects of development detailed in (a) above);
- 5 That notwithstanding the terms of Condition 4 above, the design and siting of any dwellinghouse on the site shall take due cognisance of the rural location of the site, with particular regard being paid to scale, massing, roof pitch, fenestration and materials; and shall be in accordance with the Council's approved policy on new dwellings in the Rural Design Guide.
- 6 That no building to be erected on the site shall exceed 1½ storeys in height.
- 7 That the further application(s) required under the terms of Condition 4 shall incorporate the requirements of the Council's Residential Development Guide.
- 8 That before the dwellinghouse hereby approved is brought into use, a 3.0 metres minimum wide dropped kerb verge crossing, with the first 4.0 metres from the edge of the public road

hard surfaced, shall be provided to the satisfaction of the Council as Roads and Planning Authority.

- 9 That before any dwellinghouse on the site approved is completed or brought into use, a visibility splay of 2.5 metres by 140 metres to the east and 2.5 metres by 90 metres to the west measured from the road channel, shall be provided on both sides of the vehicular access and everything exceeding 0.9 metres in height above the road channel level shall be removed from the sight line areas and thereafter nothing exceeding 0.9 metres in height shall be planted, placed or erected within these sight lines.
- 10 That the total number of dwellinghouses within the site shall be no more than one.

REASONS

- 1 For the avoidance of doubt and to specify the drawings upon which the decision was made.
- 2 To comply with section 59 of the Town and Country Planning (Scotland) Act 1997, as amended.
- 3 To comply with section 59 of the Town and Country Planning (Scotland) Act 1997, as amended.
- 4 To comply with section 59 of the Town and Country Planning (Scotland) Act 1997, as amended.
- 5 In the interests of amenity and to ensure satisfactory integration of the new dwellinghouse with the designated Greenbelt.
- 6 In the interests of amenity.
- 7 To ensure satisfactory development of the plot.
- 8 In the interest of public safety.
- 9 In the interest of road safety.
- 10 To define the permission and in the interest of amenity.



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.