



Council Offices, Almada Street,  
Hamilton

# Planning Local Review Body

## Decision Notice

Decision by South Lanarkshire Council Planning Local Review Body (PLRB)  
PLRB Reference NOR/CL/09/004

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- ◆ Site address: Plot at Dunalastair Road, Crawford, ML12 6TS
- ◆ Application for review by Mr and Mrs Thomson of the decision by an appointed officer of South Lanarkshire Council to refuse planning permission for planning application CL/09/0238
- ◆ Application CL/09/0238 for the erection of a house (planning permission in principle)
- ◆ Application Drawings:  
Drawing No 1, Block Plan Scale 1: 500, Drawing No 2, Location Plan Scale 1: 1250

## Decision

The PLRB varies the decision taken by the appointed officer, in terms of the Scheme of Delegation, to refuse planning permission in principle for planning application CL/09/0238 and refuses planning permission in principle for the reasons attached to this decision notice.

A handwritten signature in black ink, appearing to read 'Rosemary Lake'.

Rosemary Lake  
Head of Administration Services

Date of Decision Notice: 29 September 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 meetings on 8 March and 12 April 2010 and 5 September 2011. The meetings held on 8 March and 12 April 2010 were attended by Councillors Graham Scott (Chair), Tommy Gilligan, Ian Gray, Bill Holman, Michael McCann and Patrick Ross-Taylor (Depute). The meeting held on 5 September 2011 was attended by Councillors Graham Scott, Bill Holman and Patrick Ross-Taylor.

## **2. Proposal**

- 2.1 The application is for the erection of a house (planning permission in principle) at a plot at Dunalastair Road, Crawford.

## **3. Determining Issues**

- 3.1 The determining issue in this review was its compliance with the Adopted South Lanarkshire Local Plan.

- 3.2 The PLRB established that the site was located on the edge of the settlement boundary of Crawford in the Rural Investment Area and within the Regional Scenic Area. The following policies applied to the application site:-

- ◆ Policy STRAT5 Rural Investment Area
- ◆ Policy CRE1 Housing in the Countryside
- ◆ Policy ENV29 Regional Scenic Area
- ◆ Policy ENV24 Protection of the Natural and Built Environment

- 3.3 Policy STRAT5, Rural Investment Area, states that development will be directed within settlements. It does, however, state that consideration may be given to a limited settlement expansion proportional to the settlement size which supports the economic and social development of these areas and focuses on design and environmental quality, including the restoration of derelict land. The policy further advises that any housing development should conform to Policy CRE1, Housing in the Countryside. This policy states that new houses will only be permitted in the circumstances outlined in Policy STRAT5 and where the development does not adversely affect the character, amenity or traffic safety of the surrounding area or adjoining development.

- 3.4 Given the location of the site within the Regional Scenic Area, Policies ENV4, Protection of the Natural and Built Environment, and ENV29, Regional Scenic Area, are of relevance. Those policies aim to protect the integrity of the Regional Scenic Area. Policy ENV29 states that, within the Regional Scenic Area, development will only be permitted if it satisfies the requirements of Policy STRAT5 and can be accommodated without adversely affecting the overall quality of the designed landscape area.

- 3.5 At its initial meeting to consider the review on 8 March 2010, the PLRB asked for additional information from the applicants including:-

- ◆ mechanisms in place to ensure that money raised from the sale of the site would be used to help Crawford Bowling Club
- ◆ their views on Policy STRAT5 in relation to a case being made for the proposal on the grounds that it could support economic and social development in the area
- ◆ information on how, in principle, the design/ layout of the site might avoid overlooking

- 3.6 At its meeting on 12 April 2010, the PLRB considered all the information in relation to the review, including the additional information. The PLRB noted that Policy STRAT5 states that consideration could be given to limited settlement expansion proportional to the settlement size which supported the economic and social development of the area. It considered the applicants' further submission detailing how the development could assist in maintaining and improving the viability of Crawford Bowling Club. The PLRB, therefore, concluded that the development would be of some economic and social assistance to the village.

- 3.7 The PLRB took into account the views of the Planning Officer that the proposal was contrary to Policies STRAT5, CRE1, ENV29 and ENV4 of the Adopted South Lanarkshire Local Plan in terms of its:-

- ◆ adverse impact on the character and amenity of the surrounding area
  - ◆ visual prominence and adverse impact on existing properties
  - ◆ location outwith the settlement boundary
- 3.8 The PLRB considered, however, that the proposed development would not have a significant or material impact on:-
- ◆ traffic safety
  - ◆ the setting of the village and the surrounding landscape
  - ◆ the character or amenity of the surrounding area
- 3.9 The PLRB also considered that, while the development would be located outside the settlement boundary, it:-
- ◆ was of limited scale
  - ◆ was located on the edge of the settlement
  - ◆ would assist in supporting an important economic and social asset in the village
- 3.10 At its meeting on 12 April 2010, the PLRB concluded that, while the proposal was at odds with the Development Plan, nevertheless, in view of the development's location, scale and nature, as described in paragraph 3.9 above, planning permission in principle for planning application CL/09/0238 could be granted subject to conditions and the conclusion of a Section 75 Legal Agreement to ensure that the money from the sale of the plot was invested in Crawford Bowling Club. The Legal Agreement required to be concluded within 9 months of the PLRB's determination on 12 April 2010.
- 3.11 The PLRB met again to consider the review on 5 September 2011 as the time specified for conclusion of the Section 75 Agreement had expired and the applicants had indicated that they had been unable to reach an agreement with Crawford Bowling Club. As a result, the applicants had been unable to progress the required Section 75 Agreement and the review had been remitted back to the PLRB for a formal decision. It was still open to the PLRB to uphold, vary or reverse the decision taken by officers to refuse planning permission in principle for planning application CL/09/0238.

## **4 Conclusion**

- 4.1 The PLRB considered a request to review the decision taken to refuse planning permission in principle for the erection of a house at a plot at Dunalastair Road, Crawford. The PLRB had previously noted that the proposal was not located within the settlement boundary or on a gap site. However, it had concluded, at its meeting on 12 April 2010, that planning permission in principle be granted for the proposal subject to conditions and the conclusion of a Section 75 Agreement to ensure that the money from the plot was invested in Crawford Bowling Club, an important economic and social asset in the village.
- 4.2 As there was now no guarantee or prospect of some social or economic benefit being generated by the proposal, the PLRB concluded that the proposal was contrary to Policy STRAT5 of the Adopted Local Plan and that there was no justification to depart from the terms of Policy STRAT 5 of the Plan.
- 4.3 The PLRB, therefore, after noting that the applicant had confirmed that the conditions attached to the PLRB's determination of 12 April 2010 could not be achieved, varied the decision to refuse planning permission in principle for planning application CL/09/0238 and agreed that planning permission in principle for the proposal be refused for the undernoted reasons.

## **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.

**Application Number CL/09/0238**

Erection of house (planning permission in principle) at plot at Dunalastair Road, Crawford

**Reasons for Refusal**

- 1 This decision relates to drawing numbers: No 1 Block Plan Scale 1:500, No 2 Location Plan Scale 1:1250.
- 2 The development is contrary to Policy STRAT5 of the adopted South Lanarkshire Local Plan in that it constitutes development outwith the settlement boundary which does not consolidate an existing building group and which has not been shown to be capable of supporting or benefiting the economic or social development of the area.