

# **Appendix 7**

**Applicant's Comments on Further Representations  
Submitted by Interested Parties in the Course of the  
Notice of Review Consultation Process**





Our Ref: ep403/let018/DS

26<sup>th</sup> July 2017

Ms. Pauline MacRae  
Administration Officer  
South Lanarkshire Council  
Council Headquarters  
Almada Street  
Hamilton  
ML3 0AA

Dear Ms. MacRae

**HM/16/0299 - ERECTION OF DWELLING HOUSE IN ASSOCIATION WITH AN ESTABLISHED  
CARAVAN STORAGE BUSINESS AT GREENLEA CARAVAN STORAGE, MUTTONGHOLE ROAD,  
HAMILTON, ML3 8RU**

Thank you for your letter of 10<sup>th</sup> July 2017 and to your subsequent e-mail of 11<sup>th</sup> July 2017 extending the time period within which to respond to the Planning Department's Statement of Observations on the above mentioned Review Request until 01<sup>st</sup> August 2017.

Unfortunately the observations submitted repeat much of what is said in the Report of Handling and fails to expand on the reasons or justification for the refusal of the application. Points of significance raised and our responses to them are outlined below:

*'1.1 The submission of the application followed an on-site meeting, attended by Mr & Mrs Gechonis, their agent and James Watters (SLC Planning Officer) and Allan Forrest (SLC Roads Engineer).'*

**Response:** The on-site meeting referred to took place on 22<sup>nd</sup> October 2015. Mr. Gechonis (the applicant's father) passed away suddenly the following month. The application relating to the current Review Request was submitted in July 2016.

*'2.7(i) The submitted Supporting Statement and Summary Business Plan do not provide sufficient detail to support its conclusions and do not provide a justification for a permanent residential associated with the current caravan storage business.'*

**Response:** Despite being requested to do so the Planning Department fails to specify, in its observations what additional information or detail would have been required to satisfy any concerns it might have had about the Business Plan. As far as we are concerned the business plan submitted with the application has demonstrated that the business is long established and is on a sound financial footing.

*'2.7 (ii) Policy GBRA11 states that the proposed dwelling is essential and not merely convenient and both the applicant's statement and research carried out by the Council's Planning and Economic Development Service does not establish that there is no alternative to a new dwelling.'*

*On-site presence may be considered necessary when the operation relates to the care and welfare of livestock, which is not the case in this instance. This Service does not support the view that such provision is a necessity for the operation of a caravan storage facility. Organisations such as The Caravan Storage Site Owner's Association's (CaSSOA) advise, within their "Guide To Secure Caravan Storage" (Appendix 4), that theft and criminal damage cannot be completely eliminated and that the use of an "in-depth" security system; a combination of physical security supplemented by electronic detection measures should deny or delay access to any intruder. A successful storage site will be founded on the principles of robust physical perimeter protection, Technical detection systems that supplement physical protection and effective site administration and management. They further advise that "the purpose of access control to a secure area is twofold, firstly to deny unauthorised and secondly, to monitor the movement of authorised users. Access control is a specialist field where technology has all but replaced the human element". It is also considered that on-site security could, more appropriately, be provided by means of a site manager/watchman, rather than through on-site residential occupation of the site.*

**Response:** As outlined in our original submissions the security measures suggested by the Planning Department to facilitate the operation of the caravan storage business are entirely unviable and would put it out of business in a very short period of time.

*'2.7 (ii) It is noted that other storage facilities, such as within steel shipping containers etc, operate successfully without the need for on-site residential accommodation or indeed any permanent on-site presence through the provision of CCTV cameras to monitor the site remotely.'*

**Response:** It is entirely inappropriate and misleading to compare the storage of caravans and boats with the storage of items in secure steel shipping containers.

*'2.7(ii) Whilst there is an established business, it has not been demonstrated that a dwellinghouse is essential for the running of the business and indeed it was previously justified by the existing owner of the caravan business that there was no need to have a dwellinghouse on the site. This was submitted with an application in 2013 which successfully sought to remove the tie between the caravan storage business and the dwelling which was then sold.'*

**Response:** The 2013 application referred to was submitted by Mr. and Mrs. Martin Gechonis at which time they were planning to move into a new house on the holding and from which they would operate both the cattery and caravan storage business. In the intervening period Mr. Gechonis has passed away. Mrs. Gechonis, whilst wishing to continue operating the cattery business wishes to retire from operating the caravan storage business and hand over the running of this to her daughter. In short the family's circumstances have changed very significantly following the death of Mr. Gechonis.

*'2.8 On the basis of the above, it is therefore clear that on site residential presence is not a necessity in this instance. It is considered that on-site security and monitoring can be achieved through means other than permanent residential accommodation on site. On this basis the proposal is contrary to the applicable policies of the adopted SLLDP (Policy 3 - Green Belt and Rural Area and Policy GBRA 11 – House Associated with Established Business of the adopted).'*

**Response:** As noted on numerous occasions the on-site security and monitoring measures suggested by the Planning Department are completely and entirely unviable.

*'3.3 It is noted that, in response to the applicants being advised of the likely refusal of the planning application, the applicant's agents (within correspondence dated 10 November 2016 –*



*Appendix 1) sought a meeting with the Head of Planning and Convenor of the Council's Planning Committee. The purpose of the meeting was to discuss the application, and likely decision, prior to any formal decision being made by the Council. It is confirmed that as the proposed refusal of the application was in accordance with Local Development Plan Policy the application would be delegated to the Head of Planning, under the terms of the Council's approved Scheme of Delegation, without the need to be presented to Committee. A meeting, with the agent, applicant and landowner, was offered by the Hamilton Area Manager, in correspondence of the 21 December 2016 (Appendix 2), however this offer was declined by the applicant's agent in a letter dated 9 January 2017 (Appendix 3).'*

**Response:** There was no merit in attending a meeting to discuss an application that the Planning Department were intent on refusing.

*'4.2 The applicant's agent's recollections of the pre-application discussions do not accord with those of the Planning Officer, nor the Roads Officer who attended the meeting. Whilst the separation of the business operations at this location, and potential for the provision of further residential accommodation were discussed, the Planning Officer does not recall providing any indication of "support" for the proposal to site an additional dwelling house at this location. In the absence of detailed supporting information it would be difficult to assess the acceptability, or otherwise, of any proposal. Any advice provided during pre-application would, in any case, be offered on an informal basis and without prejudice to any future decision by the Council. The only means of ascertaining the Council's formal position would be through the determination of a planning application. Furthermore, the Planning Officer does not recall stating their support of the proposal at any time through the determination of the application, as suggested by the applicant's planning agent.'*

**Response:** The Planning Officer very clearly expressed support 'in principle' for the erection of a dwelling house on the site in association with the established caravan storage business and continued expressing that support following the submission of the application. That support was recorded in a number of e-mails to the Planning Officer. At some point during the application's consideration that support was withdrawn following intervention from a more senior officer.

*'4.4 It is confirmed that the determination of the application was delayed due to the need for a detailed assessment of the proposal in light of the complex planning history of the site. It is noted that the Planning Service's handling of the application was raised with the Council's Chief Executive in February 2017, responded to by him March 2017 and a decision subsequently issued.'*

**Response:** This is not a complex planning application. There is an established caravan storage business on the site which cannot operate without permanent supervision provided by a resident employee/owner. The planning history, whilst relevant, is not the key consideration in its determination.

*'4.5 It is noted that the applicant has stated in their statement of support for this Notice of Review, in respect of the caravan storage business, that Mrs. Gechonis "wishes to pass that business over to her daughter so that the service provided ....can continue", that "It has created an opportunity out of need for Mrs. Gechonis's daughter to take over the business and keep it in the family.....". It is unclear from the details provided as to why this option was not considered prior to the sale of the original dwelling associated with the caravan business and previously tied*

*through legal agreement to that business, independently of the business. This property could have served the applicant's perceived need for on-site presence without the need for a further residential property at this location.*

**Response:** The opportunity for Claire Taylor to take over this business has arisen purely and solely as a result of her father's untimely death and the subsequent desire of her mother to retire from the caravan storage business. These sequence of events were not apparent when the original house was sold independently from the business. Had they been so the house would not have been sold.

### **Summary and Conclusions**

The Gechonis family have run a successful caravan and boat storage business from this site since 1989. With advancing years and a desire to ease into retirement, Mrs Gechonis, following the death of her husband now wishes to pass that business over to her daughter so that the service provided to many local people for the best part of the last thirty years can be continued. It is essential from the perspective of security that there is a resident on site at all times. The Planning Department has suggested that such security can be provided by a watchman/site manager who need not necessarily have to reside on site. We have demonstrated unequivocally that such a proposition is unviable. The business plan submitted with the application has demonstrated that the business is long established and is on a sound financial footing. These, in our opinion are circumstances that should allow for the erection of a new house on the site.

In light of these considerations it is respectfully requested that your Council grants permission for the proposal as applied for.

Please acknowledge receipt and registration of these further submissions at your earliest convenience. Thanking you in anticipation of your assistance.

Yours sincerely

A large black rectangular redaction box covering the signature area.

Derek Scott

cc. Claire Taylor