



Community and Enterprise Resources
Executive Director **Michael McGlynn**
Planning and Economic Development

Ronald Gellan
Bare Architecture
4 Rannoch Avenue
Hamilton
ML3 8UD

Our Ref: P/19/1545
Your Ref:
If calling ask for: Jerry Gigya
Date: 20 December 2019

Dear Sir/Madam

Proposal: Change of use of open space to form additional garden ground and erection of boundary fence
Site address: 2 Howacre, Lanark, ML11 7PL,
Application no: P/19/1545

I would advise you that the above application was refused by the Council and I enclose the decision notice which sets out the reasons for refusal. Please note that the Council does not issue paper plans with the decision notice. The application is refused in accordance with the plans and any other documentation listed in the reasons for refusal imposed on the accompanying decision notice and which can be viewed using the Council's online planning application search at www.southlanarkshire.gov.uk

If you consider that you can overcome the reasons for refusal and that it is not the principle of the development that is unacceptable, you may submit an amended application. If you do amend your proposals and re-apply within one year of this refusal, then you will not have to pay a fee, provided the proposal is of the same character or description as the application which has just been refused.

As your application has been refused, you may appeal against the decision within 3 months of the date of the decision notice. The attached notes explain how you may appeal.

Should you have any enquiries relating to the refusal of your application or a potential amended submission, please contact Jerry Gigya on 01698 455180

The Planning Service is undertaking a Customer Satisfaction Survey in order to obtain feedback about how we can best improve our Service to reflect the needs of our customers. The link to the survey can be found here:

If you were the applicant: <http://tinyurl.com/nrtgmy6>

If you were the agent: <http://tinyurl.com/od26p6q>

We would be grateful if you would take a few minutes to answer the questions in the survey based on your experience of dealing with the Planning Service in the past 12 months. We value your opinion and your comments will help us to enhance areas where we are performing well, but will also show us where there are areas of the service that need to be improved.

Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB
Email jerry.gigya@southlanarkshire.gov.uk Phone: 01698 455180



I do hope you can take part in this Customer Survey and look forward to receiving your comments in the near future. If you prefer to complete a paper version of the survey, please contact us by telephone on 0303 123 1015, selecting option 7, quoting the application number. We will send you a copy of the survey and a pre-paid envelope to return it.

Yours faithfully

Head of Planning and Economic Development

Enc:



Application no.
P/19/1545

Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006

To: **Mr Colin Christison**

Per: **Ronald Gellan**

**2 Howacre, Lanark, ML11
7PL,**

**4 Rannoch Avenue,
Hamilton, ML3 8UD,**

With reference to your application received on **11.10.2019** for planning permission under the above mentioned Act:

Description of proposed development:

Change of use of open space to form additional garden ground and erection of boundary fence

Site location:

2 Howacre, Lanark, ML11 7PL,

SOUTH LANARKSHIRE COUNCIL in exercise of their powers under the above mentioned Act hereby:

REFUSE PLANNING PERMISSION

for the above development in accordance with the plan(s) specified in this decision notice and the particulars given in the application, for the reason(s) listed overleaf in the paper apart.

Date: 20th December 2019

Head of Planning and Economic Development

This permission does not grant any consent for the development that may be required under other legislation, e.g. Building Warrant or Roads Construction Consent.

**South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development**

South Lanarkshire Council

Refuse planning permission

Paper apart - Application number: P/19/1545

Reason(s) for refusal:

01. The proposal is contrary to Policies 4 and 6 of the South Lanarkshire Local Development Plan in that it will not safeguard the character and enhance the amenity enjoyed by the residents of the local area.
02. The proposal is contrary to Policy DM 13 of the South Lanarkshire Local Development Plan in that it would result in the loss of or damage to valued public open space and local landscape which make a significant contribution to the character or amenity of the area.
03. If approved, the proposal would set an undesirable precedent which could encourage further similar applications for developments prejudicial to priority green space designations.

Reason(s) for decision

The proposed development does not comply with the requirements of Policies 4 and 6 of the South Lanarkshire Local Development Plan (2015) and in particular Policy DM 13 of Supplementary Guidance 3: Development Management Placemaking and Design. Furthermore, it does not accord with policies 3 and 5 of the approved Proposed South Lanarkshire Local Development Plan 2.

Notes to applicant

Application number: P/19/1545

Important

The following notes do not form a statutory part of this decision notice. However, it is recommended that you study them closely as they contain other relevant information.

01. This decision relates to drawing numbers:

Reference	Version No:	Plan Status
AR190729PL)001	REV A	Approved



COMMUNITY AND ENTERPRISE RESOURCES

EXECUTIVE DIRECTOR **Michael McGlynn**
Planning and Economic Development

Important notes

Town and Country Planning (Scotland) Act 1997

1. Compliance with conditions

Under the provisions of the Town and Country Planning (Scotland) Act 1997 (Section 145), failure to comply with any condition(s) imposed on any planning permission may result in the service by the Council of a "Breach of Condition Notice" requiring compliance with the said condition(s).

There is no right of appeal against such a Notice and failure to comply with the terms of the Notice within the specified time limit will constitute a summary offence, liable on summary conviction to a fine not exceeding £1000.

2. Procedure for appeal to the planning authority

- (a) 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 require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997, within three months from the date of this notice. The notice of review should be addressed to:

Executive Director (Corporate Resources)
Council Headquarters
Almada Street
Hamilton
ML3 0AA

To obtain the appropriate forms:

Administrative Services at the above address.

Telephone: 01698 454108

E-mail: pauline.macrae@southlanarkshire.gov.uk

- (b) If permission to develop land is refused or granted subject to conditions, whether by the planning authority or by the Scottish Ministers, 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 incapable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the planning authority a purchase notice requiring the purchase of his interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.