

STATEMENT OF OBSERVATIONS

Planning Application No: P/19/1607
Residential Development (Permission in Principle)
Westyett Farm
Westshields Road
Braehead
South Lanarkshire

1. Planning Background

- 1.1 Planning permission was sought for residential development (Permission in Principle) on Land at Westyett Farm, Westshields Road, Braehead, Lanark. After due consideration of the application in terms of the Local Development Plan and other material planning considerations the application was refused by the Council under delegated powers on 19 June 2020. The report of handling dated 4 June 2020 explains the decision and the reasons for refusal are listed in the decision notice.
- 1.2 It should be noted that on 9 April 2014 the site had a planning application for residential development (permission in principle) application no: CL/14/0043, refused on policy grounds.

2. Assessment Against the Development Plan and other Relevant Policies

- 2.1 Section 25 of the Town and Country Planning (Scotland) Act 1997, as amended, requires that an application for planning permission is determined in accordance with the development plan unless material considerations indicate otherwise. The development plan in this instance comprises the adopted South Lanarkshire Local Plan and an assessment of the development proposal against the relevant policies is detailed in the officer report, dated 4 June 2020.

3. Other Material Considerations

- 3.1 On 29 May 2018 the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (SLLDP2) (Volumes 1 and 2) and it is now a material consideration in determining planning applications. The proposed development was considered against the relevant policies in the proposed plan and it is noted that these policies are broadly consistent with the current adopted South Lanarkshire Local Development Plan. The relevant Policies are 4 – Green Belt and Rural Area and 5 – Development Management and Placemaking of the approved Proposed South Lanarkshire Local Development Plan 2.
- 3.2 On 17 August 2020 the Directorate for Planning and Environmental Appeals issued its report of the Examination of the proposed South Lanarkshire Local Development Plan 2. A number of amendments to policy have been recommended which will be carried through to adoption stage. For the purposes of determining planning applications, the Council will assess proposals against the policies contained within the adopted South Lanarkshire Local Development Plan and those within the proposed South Lanarkshire Local Development Plan 2 alongside the Reporter's amendments. Whilst the Reporter's amendments have yet to be ratified by South Lanarkshire Council they are, nevertheless, a material consideration.

4. Observations on Appellant's 'Notice of Review'

4.1 The appellant's grounds for review relate to two parts – Pre-application advice and handling report.

4.1.1 Pre-Application Advice

The appellant feels that the pre- application advice given by the Council's Planning Officer was such that his proposal for residential development was feasible in the light of previous consents for the site and the setting in terms of the existing farm buildings. The appellant considers that either he was poorly advised in the first instance or that the application was inadequately assessed.

Response: The Council is satisfied that the Planning Officer's pre-application advice at that early stage was advisory - only when a planning application was submitted could the proposal be fully assessed and a decision made upon it. The pre-application advice referred to by the appellant was given without prejudice to the outcome of any future planning submissions for the site.

4.2 Handling Report

The appellant refers to the reasons for refusal as:-

01 **The proposed residential development would be contrary to Policy 3: Green Belt and Rural Area of the adopted South Lanarkshire Local Development Plan and Policy GBRA6 of the Green Belt and Rural Area Supplementary Guidance as there is no specific locational requirement and established need for the proposal and it does not constitute development of a gap site or the consolidation of a building group. It would therefore constitute an inappropriate development within the Rural Area without any reasoned justification.**

The appellant argues that contrary to the officer report, the proposed house plots will consolidate the existing building groupings, create a simple development pattern and use the existing access and farm road.

Response: The Council considers that the Officer report accurately reflects Policy 3: Green Belt and Rural Area of the adopted South Lanarkshire Local Development Plan and Policy GBRA6 of the Green Belt and Rural Area Supplementary Guidance application in the assessment of the proposed house plots on the application site. The appellant has failed to demonstrate how the proposed house plots would consolidate the existing building groupings, create a simple development pattern and use the existing access and farm road given the location of the site in relation to Westyett farm steading.

02 **The proposal would be contrary to Policy 4: Development Management and Placemaking of the Local Development Plan as it would have significant adverse impacts on the landscape character of the surrounding area.**

The appellant argues that the proposed development would not have a significant adverse impact on the landscape character of or the surrounding area. The appellant quotes part of the Officer's report which states that the 'development would expand the farm steading to an extent that it would detract from the environmental quality of the locale' and argues that the statement is an exaggeration, as the proposed development is framed within the existing building grouping with no aspect where the new houses are viewed in isolation from the current farm steading. Furthermore, the

appellant disputes part of the report which refers to the review site's distant views from the north, south and west.

Response: The assessment of the proposed development as detailed in the report of handling with regards to its impact on the environmental quality of the locale is not considered by the Council as an exaggeration because the review site is not framed within the existing building groupings but sits outwith Westyett farm steading. The appellant has provided no evidence to substantiate the basis of his disputes with regards to the review site's distant views referred to in the report of handling. The Council is satisfied that the attached map – Location of Photographs clearly shows the distant viewpoints of the review site referred to in 1.1 of the report of handling.

- 03 **The proposal would also be contrary to Policy 4: Green Belt and Rural Area of the approved Proposed South Lanarkshire Local Development Plan 2 and Policy GBRA9 of the Green Belt and Rural Area Supplementary Guidance of the proposed SLLDP2 as the development does not require to locate in the countryside and it does not constitute development of a gap site or the consolidation of a building group. It would therefore constitute an inappropriate form of development within the rural area without any reasoned justification.**

The appellant refers to the above reason for refusal and states that it is a rewording of Reason 1, quoting a different SLLDP policy number. The appellant states that the fundamental fact remains the same though that the proposal is considered to be a consolidation of the building.

Response: The Council has a statutory duty under the Planning etc (Scotland) Act 2006 to prepare a local development plan. This must contain the planning policies which provide the basis for assessing and determining planning applications and which guide and shape future land use. The Council is in the process of replacing the current adopted local development plan with a new SLLDP2 to ensure that its policies are up to date and relevant in assessing and determining planning applications and which also guide and shape future land use. The determining issues in the consideration of this application were and still are its compliance with adopted local development plan policy and associated supplementary guidance, the impact on the landscape character and visual amenity of the surrounding area, the road safety implications of the proposal, relevant government advice and policy and other material considerations in the determination of the application.

As explained in 3.1 above, the reason for refusal is not a rewording of a different policy number but the policy is now a material consideration in determining planning applications including the review site.

- 04 **The proposal would also be contrary to Policy 5: Development Management and Placemaking of the approved Proposed South Lanarkshire Local Development Plan 2 as it would have significant adverse impacts on the landscape character of the surrounding area.**

The appellant states that this is again restating Reason 2 and the impact on the landscape has been grossly overstated.

Response: The reason for refusal is not just a restatement of Reason 2 but the policy is now a material consideration in determining planning applications including the review site.

5 Conclusions

The proposed development does not comply with the requirements of Policy 3 of the South Lanarkshire Local Development Plan (2015), Policy 4 and Policy GBRA6 of the Supplementary Guidance on Green Belt and Rural Area. The application is also contrary to Policy 4, Policy 5 and Policy GBRA9 of the proposed SLLDP2. It is respectfully requested that the Review Body refuse planning permission for the proposed development.