



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/20/002

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- ◆ Site address: Land 65 metres northwest of 16 Craighill Road, Kilncadzow, ML8 4QT
- ◆ Application for review by A Blair of the decision by an appointed officer of South Lanarkshire Council to refuse planning permission in principle for planning application P/19/1861
- ◆ Application P/19/1861 for the erection of a house (planning permission in principle)
- ◆ Application Drawings: P1, P2

## Decision

The PLRB upholds the decision taken by the appointed officer, in terms of the Scheme of Delegation, to refuse planning permission in principle for planning application P/19/1861 for the reasons detailed in the Council's decision notice dated 5 May 2020.

A handwritten signature in black ink, appearing to read 'G. McCann'.

**Geraldine McCann**  
**Head of Administration and Legal Services**

Date of Decision Notice: 23 October 2020

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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 2013.
- 1.2 The above application for planning permission in principle was considered by the PLRB at its meeting on 21 September 2020. The PLRB was attended by Councillors Alex Allison, Maureen Devlin, Isobel Dorman (Chair), Mark Horsham (Depute), Graham Scott, Jim Wardhaugh.

## **2. Proposal**

- 2.1 The proposal is for the erection of a house (planning permission in principle) at land 65 metres northwest of 16 Craighenhill Road, Kilncadzow.
- 2.2 The options available to the PLRB were to uphold, reverse or vary the decision taken in respect of the application under review.

## **3. Determining Issues**

- 3.1 The determining issues in this review were its compliance with the adopted South Lanarkshire Local Development Plan (SLLDP) and Supplementary Guidance (SG) and the proposed South Lanarkshire Local Development Plan 2 and its impact on the residential and visual amenity of the surrounding area.
- 3.2 The PLRB established that, in terms of the adopted South Lanarkshire Local Development Plan, the site was located within the rural area. The following policies applied to the application site:-
- ◆ Policy 2 – climate change
  - ◆ Policy 3 – green belt and rural area
  - ◆ Policy 4 – development management and place making
  - ◆ Green Belt and Rural Area Supplementary Guidance - Policy GBRA4 (small scale settlement extensions)
- 3.3 The proposed South Lanarkshire Local Development Plan 2, approved on 29 May 2018, was also a material consideration in determining the application. The following policies applied to the application site:-
- ◆ Policy 2 – climate change
  - ◆ Policy 4 – green belt and rural area
  - ◆ Policy 5 – development management and place making
  - ◆ Policy GBRA7 – small scale settlement extensions (rural area only)
- 3.4 Policy 2 of the adopted South Lanarkshire Local Development Plan states that proposals for new development must, where possible, seek to minimise and mitigate against the effects of climate change.
- 3.5 Policy 3 of the adopted South Lanarkshire Local Development Plan states that the green belt and the rural area function primarily for agriculture, forestry, recreation and other uses appropriate to the countryside. Development which does not require to locate in the countryside will be expected to be accommodated within the settlements identified on the proposals map, other than in the following circumstances where:-
- ◆ it is demonstrated that there is a specific locational requirement and established need for a proposal
  - ◆ the proposal involves the redevelopment of derelict or redundant land and buildings where significant environmental improvement can be shown
  - ◆ the proposal is for conversion of traditional buildings and those of a local vernacular
  - ◆ the proposal is for limited development within clearly identifiable infill or gap sites and existing building groups
  - ◆ the proposal is for extension of existing premises or uses providing it is of a suitable scale and design. Any new built form should be ancillary to the main use
- 3.6 Policy 3 also states that, in both the green belt and rural area, isolated and sporadic development will not be supported. It further states that, in the rural area, limited expansion of an existing settlement may be appropriate where the proposal is proportionate to the scale and built form of the settlement, it is supportive of the sustainability of the settlement and a defensible settlement boundary is maintained.

- 3.7 Policy 4 states that all planning applications will require to take account of and be integrated with the local context and built form. Development proposals should have no significant adverse impacts on the local community.
- 3.8 Policy GBRA4 states that proposals for new houses on sites adjoining existing settlements will require to meet the following criteria:-
- ◆ the development shall maintain a defensible settlement boundary through the retention of existing features or enhancement through additional structural planting
  - ◆ the proposals should respect the specific local character and the existing pattern of development within the settlement, and be of an appropriate small scale that is proportionate to the size and scale of the existing settlement
  - ◆ development of the site should have no adverse impact on the amenity of any existing houses within the settlement, particularly in terms of overlooking, privacy or overshadowing
  - ◆ proposals should incorporate substantial boundary landscaping proposals, to minimise the developments impact on rural amenity and ensure appropriate landscape fit
  - ◆ proposals should be able to be readily served by all necessary infrastructure including water, sewerage and electricity and be able to comply with all required parking and access standards
  - ◆ proposals should have no adverse impact in terms of road safety
  - ◆ proposals should have no adverse impact on biodiversity, including Natura 2000 sites and protected species, or features which make a significant contribution to the cultural and historic landscape value of the area
  - ◆ in the case of development affecting a listed building or a property within a designated conservation area, proposals shall comply with the guidance and criteria contained in the SG on the Natural and Historic Environment
- 3.9 In terms of Policies 2, 4, 5 and GBRA7 of the proposed South Lanarkshire Local Development Plan 2, these policies are broadly consistent with, and build on, the policies and proposals contained in the adopted South Lanarkshire Local Development Plan.
- 3.10 In considering the case, the PLRB had regard to the applicant's submission that:-
- ◆ the adopted Local Development Plan made no reference to 'backland development'. Therefore, the PLRB had no basis on which to determine that 'backland development' was contrary to the policies of the Local Development Plan
  - ◆ the Council had failed to explain the meaning of the term 'backland development'
  - ◆ other applications for 'backland development', considered under the same Local Development Plan policies, had been approved by officers under delegated powers and that the approved developments had a bigger impact on amenity than the review case
  - ◆ there was no approved Council policy which set out different standards for proposals in urban and rural situations
  - ◆ the review case compared more favourably to Policy 4 of the adopted Local Development Plan than the other 4 'backland developments' that had been approved
  - ◆ Policy 4 had not been applied consistently and the policy criteria which the review case fails to meet have not been substantiated
  - ◆ Policy 3 allowed for the limited expansion of an existing settlement 'where the proposal is proportionate to the scale and built form of the settlement' and the review case was not in conflict with this
  - ◆ historically, the built form within Kilncadzow had a pattern of 'backland development' and applications had been approved that recognised this. This had set a precedent

- ◆ the review case satisfied the requirements of the policy criteria of both Policy GBRA4 of the adopted Local Development Plan and Policy GBRA7 of the proposed Local Development Plan. It was small scale, respected the local character, could maintain a defensible boundary, had no adverse impact on the amenity of existing houses, had no adverse impact on road safety and could be readily served by all necessary infrastructure
- ◆ a balanced consideration of Scottish Planning Policy (SPP) had not been carried out as SPP supported 'more opportunities for small scale housing' or 'extensions to settlements'
- ◆ the review case related to previously developed land and the adopted Local Development Plan supported the principle of making effective use of this type of land
- ◆ there was a shortfall in effective housing land in the Clydesdale housing market area
- ◆ there was no other reasonable alternative use for the site and no realistic prospect of the site reverting to agricultural use, given the costs involved to reinstate the land
- ◆ a disused site would result in a greater loss of amenity
- ◆ since a previous application was refused by the PLRB on 19 June 2017, an application for 3 houses had been granted in Kilncadzow on a 'backland' site
- ◆ the most effective way to improve drainage and to repair a damaged culvert was to allow the review proposal as the developer could resolve this as part of the development

3.11 In reviewing the case, the PLRB considered that the applicant had supplied sufficient information and adequate plans to allow proper consideration of the proposal. It further considered that the proposed development would constitute inappropriate development within the rural area as it had not been shown to be necessary for the furtherance of agriculture, forestry or other appropriate use in the rural area and would constitute backland development to the detriment of the amenity of neighbouring properties.

#### **4. Conclusion**

4.1 The PLRB considered a request to review the decision taken by the appointed officer, in terms of the Scheme of Delegation, to refuse planning permission in principle for planning application P/19/1861 for the erection of a house at land 65 metres northwest of 16 Craighenhill Road, Kilncadzow. The PLRB concluded that the proposal would constitute inappropriate development within the rural area as it had not been shown to be necessary for the furtherance of agriculture, forestry or other appropriate use in the rural area and would constitute backland development to the detriment of the amenity of neighbouring properties. As a result, the PLRB concluded that the proposal was contrary to Policies 3, 4 and GBRA4 of the adopted South Lanarkshire Local Development Plan and associated Supplementary Guidance and Policies 4, 5 and GBRA7 of the proposed South Lanarkshire Local Development Plan 2.

4.2 The PLRB, therefore, upheld the decision to refuse planning permission in principle for planning application P/19/1861 for the reasons stated on the Council's decision notice dated 5 May 2020.

#### **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 2013.



## 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.