



Montrose House 154 Montrose Crescent Hamilton ML3 6LB Tel: 0303 123 1015 Email: [planning@southlanarkshire.gov.uk](mailto:planning@southlanarkshire.gov.uk)

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100194485-004

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

## Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant  Agent

## Agent Details

Please enter Agent details

|                       |                       |  |                 |
|-----------------------|-----------------------|--|-----------------|
| Company/Organisation: | Hardie Associates Ltd |  |                 |
| Ref. Number:          |                       | You must enter a Building Name or Number, or both: * |                 |
| First Name: *         | Colin                 | Building Name:                                       | 78              |
| Last Name: *          | Hardie                | Building Number:                                     |                 |
| Telephone Number: *   |                       | Address 1 (Street): *                                | Hopetoun Street |
| Extension Number:     |                       | Address 2:   |                 |
| Mobile Number:        |                       | Town/City: *   | Bathgate        |
| Fax Number:           |                       | Country: *   | West Lothian    |
|                       |                       | Postcode: *  | EH48 4PD        |
| Email Address: *      |                       |  |                 |

Is the applicant an individual or an organisation/corporate entity? \*

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

|                      |                                       |  |  |
|----------------------|---------------------------------------|--|--|
| Title:               | <input type="text" value="Mr"/>       | You must enter a Building Name or Number, or both: * |  |
| Other Title:         | <input type="text"/>                  | Building Name:                                       | <input type="text"/>                             |
| First Name: *        | <input type="text" value="J"/>        | Building Number:                                     | <input type="text" value="32"/>                  |
| Last Name: *         | <input type="text" value="Hardie"/>   | Address 1 (Street): *                                | <input type="text" value="Hillhouse Farm Gate"/> |
| Company/Organisation | <input type="text"/>                  | Address 2:   | <input type="text"/>                             |
| Telephone Number: *  | <input type="text"/>                  | Town/City: *   | <input type="text" value="Lanark"/>              |
| Extension Number:    | <input type="text"/>                  | Country: *   | <input type="text" value="UK"/>                  |
| Mobile Number:       | <input type="text"/>                  | Postcode: *  | <input type="text" value="ML11 9HT"/>            |
| Fax Number:          | <input type="text"/>                  |  |  |
| Email Address: *     | <input type="text" value="REDACTED"/> |  |  |

## Site Address Details

|   |  |
|---|--|
| Planning Authority:   | <input type="text" value="South Lanarkshire Council"/> |
| Full postal address of the site (including postcode where available): |  |
| Address 1:  | <input type="text" value="WESTYETT FARM"/>             |
| Address 2:  | <input type="text" value="WESTSHIELDS ROAD"/>          |
| Address 3:  | <input type="text" value="BRAEHEAD"/>                  |
| Address 4:  | <input type="text"/>                                   |
| Address 5:  | <input type="text"/>                                   |
| Town/City/Settlement:   | <input type="text" value="LANARK"/>                    |
| Post Code:  | <input type="text" value="ML11 8NT"/>                  |

Please identify/describe the location of the site or sites

|          |                                     |         |                                     |
|----------|-------------------------------------|---------|-------------------------------------|
| Northing | <input type="text" value="649227"/> | Easting | <input type="text" value="294408"/> |
|----------|-------------------------------------|---------|-------------------------------------|

## Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: \*  
(Max 500 characters)

Residential development (Planning permission in principle)

## Type of Application

What type of application did you submit to the planning authority? \*

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? \*

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

## Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: \* (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Please see the attached statement of appeal.

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? \*

Yes  No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: \* (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: \* (Max 500 characters)

Statement of Appeal Appendix 1 to Statement of appeal

## Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

P/19/1607

What date was the application submitted to the planning authority? \*

21/11/2019

What date was the decision issued by the planning authority? \*

19/06/2020

## Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. \*

Yes  No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? \*

Yes  No

Is it possible for the site to be accessed safely and without barriers to entry? \*

Yes  No

## Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. \*

Yes  No

Have you provided the date and reference number of the application which is the subject of this review? \*

Yes  No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? \*

Yes  No  N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? \*

Yes  No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review \*

Yes  No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

## **Declare – Notice of Review**

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Colin Hardie

Declaration Date: 18/09/2020

HARDIE ASSOCIATES LTD

LOCAL REVIEW BOARD SUBMISSION

RESIDENTIAL DEVELOPMENT AT  
WESTYETT FARM, BRAEHEAD, LANARK

P/19/1607

Sep 2020

## **BACKGROUND**

Planning Permission in Principle was originally granted for the formation of two house plots in 2005, under application reference CL/05/0143.

This consent was never activated and the permission subsequently lapsed.

Following consultation with SLC, a new application was submitted and a refusal notice issued on 19/06/20.

## **BASIS OF APPEAL**

There are two fundamental reasons for requesting the LRB examine the handling of this application:

### ***i. Pre-application advice***

The application was submitted following a meeting with SLC on 18<sup>th</sup> October 2019. Jerry Gigya gave positive feedback on the feasibility of the proposal, in light of there having been a prior consent and the setting in terms of the existing farm buildings.

My client submitted a new application on the strength of this advice, incurring close to £1000 in application and advertisement fees.

7 months passed and the application was refused in June 2020, without further discussion or consultation from the case officer.

We consider that either the applicant was poorly advised in the first instance or that the application was inadequately assessed, however there is evidently a lack of consistency in the handling of this.

### ***ii. Handling report***

The reasons for refusal are given 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.

Contrary to the report, the proposed house plots do indeed consolidate the existing building grouping, creates a simple development pattern and utilises the existing access and private farm road (see appendix 1).

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 development would not have a 'significant adverse impact' on the landscape character or the surrounding area.

The officer's report states the development would 'expand the farm steading to an extent that it would detract from the environmental quality of the locale'.

This statement is an exaggeration, as the new development is framed within the existing building grouping. There is no aspect where the new houses are viewed in isolation from the current farm steading.

Section 5.4 of the report suggests that the site has an open aspect to the North, South and West, however the topography is such that it is only clearly visible from the North. The proposal allows for new screen planting to the North boundary.

Section 1.1 states that 'there are no physical features in the form of substantive planting of shelter belts. The site has long distant views from the North, South and West'.

This is incorrect, as demonstrated by the aerial photo montage in Appendix 1, showing established tree planting on the South edge of the site.

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.

We consider this a rewording of Reason 1, quoting a different SLC LDP policy number. The fundamental facts remain the same though and we consider the proposal to be a consolidation of the building grouping.

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.

Again, this is restating Reason 2 and the impact on the landscape has been grossly overstated.

## **SUMMARY**

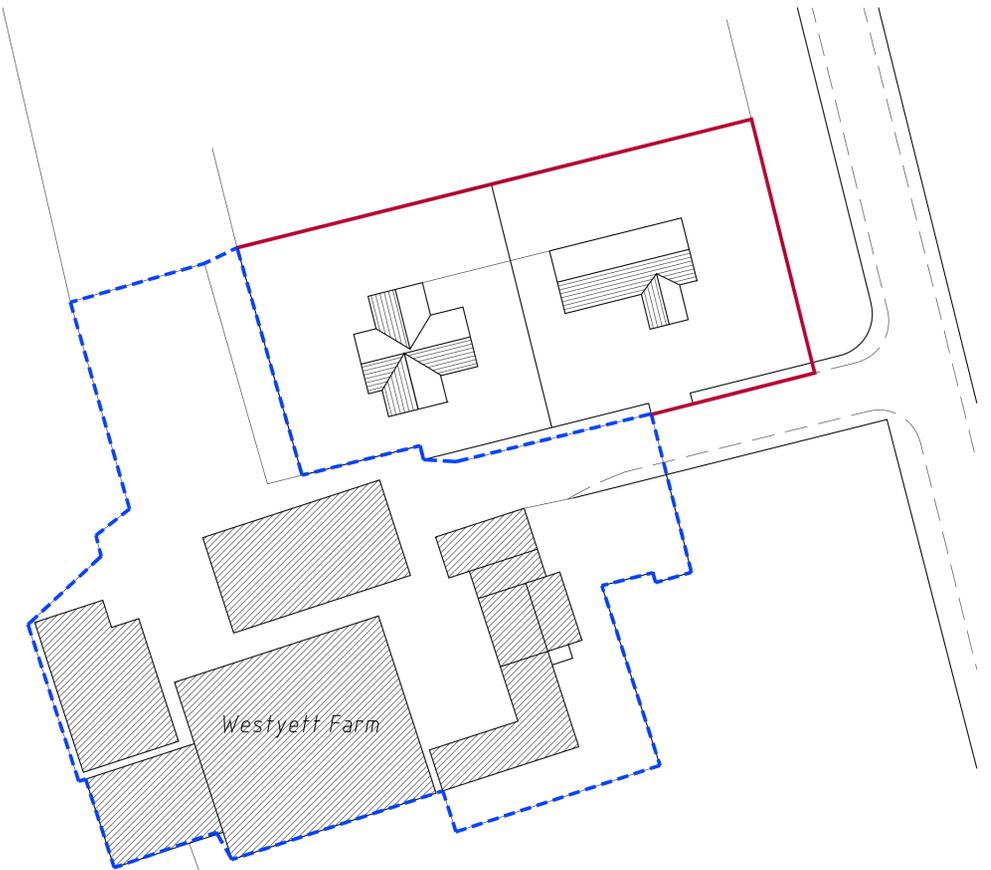
The handling report has been padded out to suggest there are 4 separate reason for refusal, whereas in fact there are only 2 issues, both of which we refute.

In conclusion, we ask that the LRB consider the facts and conclude that the officer's report contains inaccurate and misleading information, which does not reflect the actual site conditions.

Added to this, it is disappointing that the initial advice given to the applicant contradicts the outcome of the application, when the same case officer so clearly concluded that the proposal was without merit.



**LOCATION PLAN 1:2500**  
 Adjacent development patterns, proposal clearly represents the most cohesive building grouping in the locale.



Building Grouping

Grouping of buildings



Established tree planting

|   |               |
|---|---------------|
| title: Appendix 1   |               |
| client: Mr J Hardie   |               |
| project: Residential Development<br>Westyett Farm<br>Lanark |               |
| scale: 1:250 @ A1   | date: Sept 20 |
| drawing number: 20/069/APP01                                |               |

**HARDIE ASSOCIATES Ltd.**

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BLOCK PLAN (1:500)



LOCATION PLAN 1:2500

|  |                     |
|--|---------------------|
| title: <b>Block and Location Plan</b>  |                     |
| client: <b>Mr J Hardie</b>   |                     |
| project: <b>Proposed development :<br/>Westyett Farm<br/>Cleghorn</b>                                  |                     |
| scale: <b>as noted @A1</b>   | date: <b>Jan 14</b> |
| drawing number: <b>02/39/PL01A</b>   |                     |
| <b>HARDIE ASSOCIATES LTD</b>   |                     |
| 78 HOPETOUN STREET<br>BATHGATE<br>WEST LOTHIAN<br>EH48 4PD<br>TEL:- 01506 633979<br>FAX:- 01506 634656 |                     |
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Location Plan 1:2500

|          |   |                 |          |
|----------|---|-----------------|----------|
| title:   | Location Plan                                       | date:           | Oct 19   |
| client:  | Mr J Hardie   | scale:          | as noted |
| project: | Proposed development :<br>Westyett Farm<br>Cleghorn | drawing number: | PL02     |