



Council Offices, Almada Street,
Hamilton

Planning Local Review Body

Decision Notice

Decision by South Lanarkshire Council Planning Local Review Body (PLRB)
PLRB Reference NOR/EK/20/002

- ◆ Site address: Ardochrig Farm, Ardochrig Road, East Kilbride G75 0QN
- ◆ Application for review by E Lauder of the decision by an appointed officer of South Lanarkshire Council to refuse planning permission for planning application P/19/0700
- ◆ Application P/19/0700 for erection of detached one and a half storey house and detached double garage
- ◆ Application Drawings: 1093A/03 LOCATION PLAN-BLOCK PLAN, 1093A-04 BLOCK PLAN, 1093A/02 ELEVATIONS AND SECTIONS-GARAGE, 1093A/01 ELEVATIONS FLOOR PLAN AND SECTIONS-GROUND FLOOR.

Decision

The PLRB upholds the decision taken by the appointed officer, in terms of the Scheme of Delegation, to refuse planning permission for planning application P/19/0700 for the reasons detailed in the Council's decision notice dated 10 December 2019.

Geraldine McCann
Head of Administration and Legal Services

Date of Decision Notice: 22 JULY 2020

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 was considered by the PLRB at its meeting on 22 June 2020. The PLRB was attended by Councillors Stephanie Callaghan, Maureen Devlin, Isobel Dorman (Chair), Mark Horsham (Depute), Ann Le Blond, Kenny McCreary, Davie McLachlan and Jim Wardhaugh.

2. Proposal

- 2.1 The proposal is for the erection of a detached one and a half storey house and detached double garage.
- 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:-

- ◆ the proposal's compliance with the Adopted South Lanarkshire Local Development Plan (SLLDP) and Supplementary Guidance (SG)
- ◆ impact on the character of the rural area and residential amenity

- 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 3 – green belt and rural area
- ◆ Policy 4 – development management and place making
- ◆ Development Management, Placemaking and Design Supplementary Guidance – Policy DM1 (design)
- ◆ Green Belt and Rural Area Supplementary Guidance – Policies GBRA6 (consolidation of existing building groups) and GBRA8 (new clusters of houses/isolated houses)

- 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 4 –green belt and rural area
- ◆ Policy 5 – development management and place making
- ◆ Policy DM1 – new development design
- ◆ Policy GBRA1 – rural design and development
- ◆ Policy GBRA9 – consolidation of existing building groups

- 3.4 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, 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

- 3.5 Policy 3 also 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, is supportive of the sustainability of the settlement and a defensible settlement boundary is maintained. In both the green belt and the rural area, isolated and sporadic development will not be supported
- 3.6 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.
- 3.7 Policy DM1 states that the Council will expect the design and layout of new development to meet the appropriate criteria within the local development plan and supplementary guidance.
- 3.8 Policy GBRA6 states that proposals for new houses within existing building groups will be supported where all of the following criteria can be met:-
- ◆ the scale and siting of the new development should reflect and respect the character and amenity of the existing group and the individual houses within the group. The existing housing group should not expand (including cumulatively) by more than 100% the number of houses existing in that group
 - ◆ the character, cohesiveness, spacing and amenity of the existing group and the individual houses within the group should be respected. Any new build should be located within a reasonable distance of the existing properties within the building group. The spacing between the existing properties within the group should guide the appropriate distance between existing properties and proposed new build
 - ◆ the proposal should not result in ribbon/linear development along a public road or the coalescence of the housing group with a nearby settlement/another housing group
 - ◆ development should not extend into a previously undeveloped field or overwhelm the landscape setting of the area. Definable natural boundaries between the existing group and the field should be maintained. Natural boundaries should take precedence over man-made boundaries when defining the extent of a building group
 - ◆ existing mature trees or landscaping which are important to the character, setting, amenity and/or containment of the housing group or surrounding landscape should be maintained
 - ◆ the location, siting and design of the new houses should meet existing rural design guidelines and advice provided. Generally, the design, appearance and the materials of the proposed house should be complementary to the character of the existing building group unless it is shown that there is no distinct design character within it
 - ◆ the overall scale and massing of new houses should respect that of the adjoining group
 - ◆ provision should be made for a private amenity space for the dwelling comparable to adjoining properties in the built up frontage. The dwelling must not prejudice the size or use of the amenity space available to an existing dwelling unit
 - ◆ house size to plot ratio and separation distances between houses should be comparable to adjoining properties in the built up frontage
 - ◆ landscape character should not be compromised by the development and must have regard to the landscape backdrop, topographical features and levels
 - ◆ 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 terms of Policy GBRA6, a housing group is defined as one where there are at least three detached houses grouped in close proximity to one another (no more than 50 metres apart) which share a well-defined and cohesive character

- 3.9 Policy GBRA8 states that, outwith the circumstances described above, consideration will be given to the creation of an isolated house or a new small scale cluster of houses in the following, exceptional circumstances:-

Within a substantially intact walled garden:-

- ◆ proposals should result in the restoration/preservation of the wall and should respect other surviving features of the garden
- ◆ proposals should incorporate existing physical features within the proposal, with the existing wall remaining as the predominant feature
- ◆ proposals should be confined to land within the existing walled garden, with no development extending outwith the existing walled structure
- ◆ proposals should have no adverse impact on either the landscape or the rural character of the area

Within a high quality, mature landscape setting

- ◆ proposals may be permitted within an extensive woodland or where the site benefits from natural screening, if it can be shown that the visual impact is minimal
- ◆ proposals should, in the first instance, require no felling of existing woodland to enable the construction of the new dwellinghouse. Where this is not possible, proposals should detail appropriate measures for both the tree management of any remaining woodland and for the planting of replacement, compensatory tree planting. In all cases, the rural amenity, nature conservation interest and landscape setting of the area should be maintained. Careful consideration will be given to the scale and design of any houses

Individually designed houses which are of an exceptional and innovative design quality:-

- ◆ proposals where the use of materials, methods of construction or its contribution to protecting and enhancing the environment would raise standards of design. This will be found in its reflection of the highest standards in contemporary architecture, the significant enhancement of its immediate setting and its sensitivity to the defining characteristics of the local area
- ◆ proposals where the property is sited to maximise shelter and solar gain and can be satisfactorily contained by topography and shelter planting to ensure an acceptable landscape fit
- ◆ proposals that demonstrate simple massing, proportions and detailing, minimise under building and incorporate fenestration that adds to the property's sustainability by maximising solar gain and daylight provision
- ◆ proposals must be accompanied by a detailed design statement that explains the design principles and concept

In all cases the following detailed criteria will require to be met:-

- ◆ proposals should incorporate substantial boundary landscaping proposals, to minimise the development's 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

3.10 In terms of Policies 4, 5 DM1, GBRA1 and GBRA9 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.

3.11 In considering the case, the PLRB had regard to the applicant's submission that:-

- ♦ the proposed house was compliant with Policy 3 Green Belt and Rural Area in that it could not be considered to be either isolated or sporadic development
- ♦ the proposal met the terms of Policy GBRA8 - New Clusters of Houses/Isolated Houses as it was within a high quality landscape setting, within a woodland and no felling was required to accommodate the development
- ♦ in terms of Policy 4 - Development Management and Placemaking the reason for refusal was unsubstantiated. It did not specify the way the proposal adversely affected the landscape character or the significance of the adverse impact. No expert opinion had been sought by the Council. It had not been demonstrated how the proposal would have a significant adverse impact on the broader landscape. The cost of remediation of the site, including removal of dumped material, draining, fencing and importation of a suitable growing medium to the former quarry area would far exceed the resultant value of the land. In the absence of approval, the land would be incapable of reasonably beneficial use
- ♦ Scottish Planning Policy states that, in the Rural Area there should be a more flexible approach to new housing and councils should support more opportunities for small scale housing development, while at the same time respecting and protecting the natural heritage
- ♦ similar developments had been granted planning permission. The refusal of the development was not consistent with other decisions such as the house which was granted at Auchenfin (application EK/17/0324) and the battery storage (application P/19/0214) which was granted nearby to the appeal site
- ♦ every house was important to contributing to housing supply and the economy. It was not considered that this traditional cottage would have a significant adverse impact on the rural character of the area

3.12 The PLRB considered whether it should undertake a site visit and took the view that a site visit was not required as it had sufficient information to determine the application.

3.13 The PLRB also noted that the revised plan required in terms of the consultation response from the Roads Development Management Team had not been submitted by the applicant.

3.14 In reviewing the case, the PLRB noted that the application site was located within the rural area. It considered that the proposal would extend into a previously undeveloped field and would not respect the character, cohesiveness, spacing and amenity of the existing building group. It also considered that the proposal would have a significant adverse impact on the landscape character of the rural area.

4. Conclusion

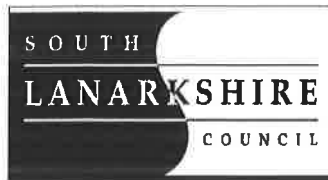
4.1 The PLRB considered a request to review the decision taken by the appointed officer, in terms of the Scheme of Delegation, to refuse planning permission for planning application P/19/0700 for the erection of a detached one and a half storey house and detached double garage at Ardochrig Farm, Ardochrig Road, East Kilbride. The PLRB concluded that the proposed development would not respect the character, cohesiveness, spacing and amenity of the existing building group and would have a significant adverse impact on the character of the rural area. As a result, the PLRB concluded that the proposal was contrary

to Policies 3 and 4 of the Adopted South Lanarkshire Local Development Plan and Policies GBRA6 and GBRA8 of the Green Belt and Rural Area Supplementary Guidance.

- 4.2 The PLRB, therefore, upheld the decision to refuse planning permission for planning application P/19/0700 for the reasons stated on the Council's decision notice dated 10 December 2019.

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.

