

RESPONSE TO STATEMENT OF OBSERVATIONS

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

Having taken time to consider the response from SLC, there are a number of observations we would like to bring to the attention of the PLRB. I have extracted the relevant parts from the SLC Report and added our comments below.

1.

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.*

This response does not explain why advice of this nature was given to a member of the general public, when the limitations of this advice was evidently not made clear. Based on this guidance, the applicant felt confident enough to proceed with a planning application.

The reasons for refusal claim to be unequivocal in policy terms and if that were the case, this should have been obvious at pre application stage, whereby the advice offered would have suggested that a planning application was unlikely to have a successful outcome. This was not how it was intimated to the applicant however.

2.

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.*

The response here is both dismissive and deliberately vague, plus it contradicts the block plan submitted with the application and Appendix 01 from the original LRB documents:

- i. The house at Plot 1 is directly opposite the existing traditional farm buildings, with Plot 2 being an extension of the development pattern.**
- ii. The Northern extent of the proposed development aligns with the extent of the existing farm hardstanding/machinery storage area to the West, creating a regularised pattern.**
- iii. Most significantly, contrary to the local development pattern where new houses front the public road in a ribbon format, this development seeks to share the farm access road and create a development cluster around it.**

3.

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.*

This is a dismissive response, which makes no acknowledgment of the specifics stated in the appeal document.

The handling report asserts that the site is wholly unacceptable in it's distant views from ALL directions. If we look at the actual views from the South, Appendix 01 clearly demonstrates that Plot 1 is directly behind the line of the existing steading and the aerial photography shows established tree planting on the South edge of the plots, creating a reasonable amount of screening.

Added to this, there is very little opportunity to view the development where it is not screened by natural features or in relief of the existing farm buildings.

It is a gross exaggeration to suggest "significant adverse impact to the landscape character"

4.

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.*

We are of the opinion that SLC can only list two rationales given in the reasons for refusal in terms of policy:

- i. Not a consolidation of building groupings**
- ii. Significant adverse impact on the landscape character.**

The handling report lists four reasons, in an attempt to bolster the case for refusal by referring to the same reasons in regard to different policies as wholly separate reasons for refusal.

Conclusion

The SLC response to our appeal has not clearly addressed the individual issues raised. Instead, there are blanket statements that they have acted correctly, without acknowledging there are anomalies in their own handling report. Furthermore, there is no acknowledgement that their pre application advice was ambiguous at best and at worst, wholly contradicted their own planning policy. We respectfully ask the PLRB to look at the pertinent issues raised and grant planning consent.