



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/20/004

- ◆ Site address: Westyett Farm, Westshields Road, Braehead, Lanark, ML11 8NT
- ◆ Application for review by J Hardie of the decision by an appointed officer of South Lanarkshire Council to refuse planning permission in principle for planning application P/19/1607
- ◆ Application P/19/1607 for a residential development (planning permission in principle)
- ◆ Application Drawings: PL01, PL02

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/19/1607 for the reasons detailed in the Council's decision notice dated 19 June 2020.

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

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Geraldine McCann
Head of Administration and Legal Services

Date of Decision Notice: 23 December 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 in principle was considered by the PLRB at its meeting on 30 November 2020. The PLRB was attended by Councillors Alex Allison, Maureen Devlin, Isobel Dorman (Chair), Mark Horsham (Depute), Ann Le Blond, Davie McLachlan, Graham Scott, Jim Wardhaugh.

2. Proposal

- 2.1 The proposal is for a residential development (planning permission in principle) at Westyett Farm, Westshields Road, Braehead, Lanark.
- 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) and the proposed South Lanarkshire Local Development Plan 2
- ◆ impact on the landscape character and visual amenity of 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 GBRA6 (consolidation of existing building groups)

- 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 GBRA9 – consolidation of existing building groups

- 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 of the adopted South Lanarkshire Local Development Plan 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 GBRA6 (Consolidation of Existing Building Groups) of the Green Belt and Rural Area Supplementary Guidance 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. 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 house comparable to adjoining properties in the built up frontage. The house must not prejudice the size or use of the amenity space available to an existing house
 - ◆ 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
- 3.9 In terms of Policy GBRA6, a housing group was defined as one where there were 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.

3.10 In terms of Policies 2, 4, 5 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:-

- ◆ pre-application advice had indicated that the proposal was feasible in light of previous consents. The reasons for refusal claim to be unequivocal in policy terms and, if that were the case, this should have been obvious at the pre-application stage
- ◆ the proposed house plots would consolidate the existing building groupings, create a simple development pattern and use the existing access and farm road. Plot 1 was directly opposite the existing traditional farm buildings and Plot 2 was an extension of the development pattern. The northern boundary aligned with the farm's hard standing/storage area to the west, creating a regularised pattern and the development shared the farm's access road, creating a development cluster around it
- ◆ the proposed development would not have a significant adverse impact on the landscape character of the surrounding area as it would be framed within the existing building grouping with no aspect where the new houses were viewed in isolation from the current farm steading. The topography of the site was such that the site was only clearly visible from the north and new screen planting would be planted on the northern boundary. Plot 1 was directly behind the line of the existing steading and there was existing tree planting on the southern edge of the plots. There was little opportunity to view the development where it was not screened by natural features or in relief of the existing farm buildings
- ◆ Reason for refusal number 3 was a rewording of reason for refusal number 1. It was the appellant's view that the proposal was a consolidation of a building group
- ◆ Reason for refusal number 4 was a rewording of reason for refusal number 2 and the impact on the landscape had been grossly overstated

3.12 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 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 did not constitute development of a gap site or the consolidation of a building group and would be to the detriment of the landscape character of the surrounding 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 in principle for planning application P/19/1607 for a residential development at Westyett Farm, Westshields Road, Braehead, Lanark. The PLRB concluded that the proposal was contrary to Policies 3, 4 and GBRA6 of the adopted South Lanarkshire Local Development Plan and associated Supplementary Guidance and Policies 4, 5 and GBRA9 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/19/1607 for the reasons stated on the Council's decision notice dated 19 June 2020.

4.3 The PLRB was not unanimous in its decision, a motion to reverse the decision taken by the appointed officer, in terms of the Scheme of Delegation, to refuse planning permission for planning application P/19/1607, having been defeated by 6 votes to 2.

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.