



**Community and Enterprise Resources**  
Executive Director **Michael McGlynn**  
**Planning and Economic Development**

Robert French  
Clyde Deveron Annan Land Services  
13 Woodlea Court  
Craigielands  
Beattock  
Moffat  
DG10 9QQ

Our Ref: P/19/1861  
Your Ref:  
If calling ask for: Jerry Gigya  
Date: 5 May 2020

Dear Sir/Madam

**Proposal:** Residential development (Permission in Principle)  
**Site address:** Land 65M Northwest Of 16 Craighill Road, Craighill Road,  
Kilncadzow, Carluke, South Lanarkshire, ,  
**Application no:** P/19/1861

I would advise you that the above application was refused by the Council and I enclose the decision notice which sets out the reasons for refusal. Please note that the Council does not issue paper plans with the decision notice. The application is refused in accordance with the plans and any other documentation listed in the reasons for refusal imposed on the accompanying decision notice and which can be viewed using the Council's online planning application search at [www.southlanarkshire.gov.uk](http://www.southlanarkshire.gov.uk)

If you consider that you can overcome the reasons for refusal and that it is not the principle of the development that is unacceptable, you may submit an amended application. If you do amend your proposals and re-apply within one year of this refusal, then you will not have to pay a fee, provided the proposal is of the same character or description as the application which has just been refused.

As your application has been refused, you may appeal against the decision within 3 months of the date of the decision notice. The attached notes explain how you may appeal.

Should you have any enquiries relating to the refusal of your application or a potential amended submission, please contact Jerry Gigya on 01698 455180

The Planning Service is undertaking a Customer Satisfaction Survey in order to obtain feedback about how we can best improve our Service to reflect the needs of our customers. The link to the survey can be found here:

If you were the applicant: <http://tinyurl.com/nrtqmy6>

If you were the agent: <http://tinyurl.com/od26p6g>

We would be grateful if you would take a few minutes to answer the questions in the survey based on your experience of dealing with the Planning Service in the past 12 months. We value

Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB  
Email [jerry.gigya@southlanarkshire.gov.uk](mailto:jerry.gigya@southlanarkshire.gov.uk) Phone: 01698 455180



INVESTOR IN PEOPLE



your opinion and your comments will help us to enhance areas where we are performing well, but will also show us where there are areas of the service that need to be improved.

I do hope you can take part in this Customer Survey and look forward to receiving your comments in the near future. If you prefer to complete a paper version of the survey, please contact us by telephone on 0303 123 1015, selecting option 7, quoting the application number. We will send you a copy of the survey and a pre-paid envelope to return it.

Yours faithfully

**Head of Planning and Economic Development**

Enc:

## Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006

---

To : **Mr Andrew Blair**  
**C/O Agent**

Per : **Robert French**  
**13 Woodlea Court,**  
**Craigielands, Beattock,**  
**Moffat, DG10 9QQ,**

With reference to your application received on **16.12.2019** for planning permission in principle under the above mentioned Act :

**Description of proposed development:**  
**Residential development (Permission in Principle)**

**Site location:**  
**Land 65M Northwest Of 16 Craigenhill Road, Craigenhill Road, Kilncadzow,**  
**Carluke, South Lanarkshire, ,**

---

South Lanarkshire Council in exercise of their powers under the above mentioned Act hereby:

### **REFUSE PLANNING PERMISSION IN PRINCIPLE**

for the above development in accordance with the plan(s) specified in this decision notice and the particulars given in the application, for the reason(s) listed overleaf in the paper apart.

---

Date: 5th May 2020

**Head of Planning and Economic Development**

---

<p>This permission does not grant any consent for the development that may be required under other Legislation, e.g. Planning Permission, Building Warrant or Roads Construction Consent.</p>
---

**South Lanarkshire Council**  
**Community and Enterprise Resources**  
**Planning and Economic Development**

## **South Lanarkshire Council**

### **Refuse planning permission in principle**

**Paper apart - Application number:** P/19/1861

#### **Reason(s) for refusal:**

01. The proposed residential development on the site would be contrary to Policy 3 : Green Belt and Rural Area of the adopted South Lanarkshire Local Development Plan and Policy GBRA4 of the Green Belt and Rural Area Supplementary Guidance as it would constitute an inappropriate development within the Rural Area.
02. The location, orientation and relationship of the application site with adjacent dwellings is such that the proposal constitutes backland development which, if approved, would adversely affect the amenity of neighbouring properties. The proposal would therefore be contrary to Policy 4: Development Management and Placemaking of the Local Development Plan.
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 GBRA7 of the Green Belt and Rural Area Supplementary Guidance of the proposed SLLDP2 as it would constitute an inappropriate form of development within the rural area without any relevant justification.
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 constitute backland development which, if allowed, would adversely affect the amenity of neighbouring properties.

#### **Reason(s) for decision**

The proposed development does not comply with the requirements of Policy 3 of the South Lanarkshire Local Development Plan (2015), Policy 4 and Policy GBRA4 of the Supplementary Guidance on Green Belt and Rural Area. The application is also contrary to Policy 4, Policy 5 and Policy GBRA7 of the proposed SLLDP2.

## Notes to applicant

**Application number: P/19/1861**

### Important

The following notes do not form a statutory part of this decision notice. However, it is recommended that you study them closely as they contain information which guides you to other relevant matters that may assist in ensuring that the development is properly carried out.

01. This decision relates to drawing numbers:

Reference	Version No:	Plan Status
P1		Approved
P2		Approved



**COMMUNITY AND ENTERPRISE RESOURCES**  
**EXECUTIVE DIRECTOR Michael McGlynn**  
Planning and Economic Development

**Important notes**

**Town and Country Planning (Scotland) Act 1997**

**1. Compliance with conditions**

Under the provisions of the Town and Country Planning (Scotland) Act 1997 (Section 145), failure to comply with any condition(s) imposed on any planning permission may result in the service by the Council of a "Breach of Condition Notice" requiring compliance with the said condition(s).

There is no right of appeal against such a Notice and failure to comply with the terms of the Notice within the specified time limit will constitute a summary offence, liable on summary conviction to a fine not exceeding £1000.

**2. Procedure for appeal to the planning authority**

- (a) 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 require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997, within three months from the date of this notice. The notice of review should be addressed to:

**Executive Director (Corporate Resources)**  
**Council Headquarters**  
**Almada Street**  
**Hamilton**  
**ML3 0AA**

To obtain the appropriate forms:

Administrative Services at the above address.

Telephone: 01698 454108

E-mail: [pauline.macrae@southlanarkshire.gov.uk](mailto:pauline.macrae@southlanarkshire.gov.uk)

- (b) If permission to develop land is refused or granted subject to conditions, whether by the planning authority or by the Scottish Ministers, 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 incapable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the planning authority a purchase notice requiring the purchase of his interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.