

COUNCIL'S STATEMENT OF OBSERVATIONS

Planning Application No. P/18/1478

Change of use and alteration of agricultural shed to form dwellinghouse and erection of detached domestic garage on site to West of Quarry Cottage, Chapelton.

1.0 Planning Background

- 1.1 A planning application was submitted by Mr Robert MacDonald to South Lanarkshire Council on 18 October 2018 seeking permission for the Change of use and alteration of an agricultural shed to form a dwellinghouse and the erection of detached domestic garage. Following receipt of the relevant information, the application was validated on 27 November 2018. After due consideration in terms of the Local Development Plan and all other material planning considerations, the application was refused by the Council under delegated powers on 14 January 2020. The report of handling, also dated 14 January 2020, explains the decision and the reasons for refusal are listed in the decision notice. These documents are available elsewhere in the papers.
- 1.2 It should also be noted that an earlier application was submitted by the applicant/appellant for a similar proposal in February 2018 (Reference P/18/0229). This application was withdrawn by the applicant, as concerns were raised by the Planning Service to the applicant that the application would not comply with planning policy. The applicant was advised that further discussion should take place prior to any further application. In addition, the existing building was granted under Prior Notification regulations (EK/PN/0035) in order to support a proposed poultry business at the agricultural holding. The building has not been fully constructed and appears not to have been used as an agricultural building or than for poultry use for a short period of time.

2 Assessment against the development plan and other relevant policies

- 2.1 Section 25 of the Town and Country Planning (Scotland) Act 1997, as amended requires that an application for planning permission is determined in accordance with the development plan unless material considerations indicate otherwise.

- 2.2 The development plan in this instance comprises the South Lanarkshire Local Development Plan (adopted 2015) and its associated Supplementary Guidance documents. The site is identified as being located within the green belt where Policy 3 – Green belt and rural area applies. This policy covers the green belt and rural area identified on the associated map and it states that the Council will favour housing proposals on sites within existing settlements identified for housing in local plans, or within defined village envelopes where acceptable environmental and design standards can be met. Outwith established settlements; isolated housing development will not be permitted unless it can be justified in terms of an agricultural or economic requirement or is the re-use or conversion of an existing building or where it forms part of a larger proposal for the rehabilitation or change of use of disused or redundant traditional buildings where it consolidates such groups.
- 2.3 Policy 4 - Development Management and Placemaking is relevant to the assessment of this proposal, as it is to all planning applications. The policy states that all development proposals will require to take account of and be integrated with the local context and built form.
- 2.4 In addition to the above policies, Policy GBRA2 - Conversion and re-use of existing buildings, is also relevant. This policy states that in instances where a building is being converted for residential purposes, they must be traditional or of a local vernacular. This is generally accepted as traditional brick/block structures of the late 19th and 20th century, stone byres and barns but can also include brick barns and piggeries.
- 2.5 On 29th May 2018 the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the currently adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications, the proposed South Lanarkshire Local Development Plan 2 is now a material consideration. In this instance Policies 4 – Green Belt and Rural Area, 5 – Development Management and Placemaking and Policy GBRA4 - Conversion and re-use of existing buildings are relevant to the assessment of this application. It is noted that these specific policies are broadly consistent with the current adopted South Lanarkshire Local Development Plan.

2.6 The proposal fails to comply with Policies 3, 4 and GBRA2 of the adopted Local Development Plan, and with Policies 4, 5 and GBRA4 of the proposed Local Development Plan 2, for the reasons set out in the report of handling associated with the application. In summary, the existing building cannot be classed as traditional and the applicant has supplied no evidence that it has been used with the farm unit other than for storage. The applicant has previously attempted to run some form of poultry business. Whilst there has been some limited poultry activity, there has been little, or no progress made to date to complete the building or use it in association with the agricultural operation of the farm. The building is set back from the existing dwellinghouse and access road which serves three properties at Quarry Farm and Quarry Cottage to the east of the site. It does not meet any of the other aims of Policy 3 as no locational need has been established, it is not the redevelopment of derelict land, is not a gap site and it does not constitute an extension. As such, the application does not comply with Policies 3 or GBRA2.

2.7 As with most planning applications, Policy 4 – Development Management and placemaking is relevant. The policy states that all development proposals will require to take account of and be integrated with the local context and built form. For the reasons outlined above, a new dwelling in the proposed location would be out context and separated from the existing grouping. Furthermore, the proposed conversion would not be in keeping with the architectural style of the locality

3 Observations on applicants Notice of Review

3.1 Through their agent, the applicant has submitted a statement to support their review. This was submitted partly to respond to the matters raised in the Officer Report. The grounds are summarised below:

(a) There is another dwelling house further to the east again at Quarry Farm. Within the curtilage of Quarry Farm, an amended planning permission (EK/17/0046) has been granted for an additional two houses.

Response: The site at Quarry Farm was classed as brownfield, is appropriately contained within an existing grouping and will not significantly extend into or compromise the wider greenbelt or rural area.

- (b) The conversion, particularly when finished with appropriate materials, would comply with the local vernacular.**

Response: The existing building cannot be classed as traditional as construction was first commenced in 2010 and is not from the 19th/20th century as required by policy GBRA2. Moreover, the style of the existing building is not in keeping with a traditional architectural style - due to the low pitch of the roof. This is also the case for the proposed design in the Appeal Statement.

- (c) There will be no loss of trees or important or protected flora and fauna as a result of the proposal.**

Response: This was not a reason for refusal.

- (d) The building is in fact substantially complete. The photograph within the appellants submission shows its current condition. It also shows the nearest house to the east. It is not an exaggeration to say that the building is over 95% complete with regards to the specification required for its agricultural use.**

Response: The proposal still fails to comply with policy GBRA2 as it is not a traditional building and is not of a suitable design.

- (e) The Appellant provided 5 years of business accounts to the Planning Authority via his agent during the processing of the application. This was to help exhibit the active operation of the poultry business over several years when the new building was in existence and being used. The Appellant also provided example receipts and invoices (for feed and bedding) from different suppliers to the business. In addition, 3 previous customers signed Statements indicating that they have purchased eggs from within the building when it formed an integral part of his poultry business.**

Response: The Council is satisfied that a poultry business was started approximately 10 years ago but this is no longer operational (confirmed by the appellant/applicant). Several invoices and receipt books were submitted; however, these did not show that a viable business was still operating and certainly not one which would justify a dwellinghouse. For the avoidance of

doubt, the 3 signed statements from customers were not submitted as part of the planning application for which the appellant is now seeking a review. Notwithstanding this, the house is not required for a rural worker nor is it of traditional vernacular as outlined above.

- (f) **The Appellant has indicated that his family have sufficient storage at present within other buildings therefore conversion of the current building will not result in further buildings being.**

Response: Noted.

- (g) **The proposed conversion would integrate well with the local context.**

Response: The Council's view is that the proposed house would not consolidate a grouping and would create gap sites to the front. Notwithstanding this, it has not been demonstrated that house is required for a rural worker nor is it of traditional vernacular as outlined above.

- (h) **The proposed dwelling will not result in loss of privacy nor will it have an adverse effect on residential amenity for adjoining dwellings.**

Response: This was not a reason for refusal.

- (i) **The proposal will not result in any road safety issues.**

Response: This was not a reason for refusal.

- (j) **What is proposed is a clear example of promoting the efficient use of available land in line with Scottish Planning Policy (SPP).**

Response: Both the adopted and proposed local development plans are based on the SPP and give clear guidance on what is acceptable in planning terms. There are a number of ways a house can be acceptable in the green belt and rural area; however, the proposal does not comply with any of those.

- (k) **The proposal represents the re-use of a building that is otherwise redundant.**

Response: As outlined above, the proposal does not comply with the relevant policies for a house in the green belt or rural area.

4 Conclusions

- 4.1 In summary, the proposed development does not accord with the provisions of the adopted Local Development Plan and the relevant associated supplementary guidance, or with the provisions of the proposed Local Development Plan 2 relating to houses in the green belt or rural area. In addition, there are no material considerations which outweigh the provisions of the development plan. It is therefore respectfully requested that the Review Body refuse planning permission for the proposed development.