

Inverclyde Local Review Body

Our Ref: 17/0159/IC

REVIEW DECISION NOTICE

Decision by Inverclyde Local Review Body (the ILRB)

- Site address: Craigmarnloch South, Port Glasgow Road, Kilmacolm
 - Application for Review by Bryce Boyd Planning Solutions on behalf of Mr Neil Wilson against the decision by an appointed officer of Inverclyde Council
 - Application Ref: 17/0159/IC
 - Application Drawings: Site plan as proposed
 Location plan as proposed
 - Date of Decision Notice: 21 December 2017
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Decision

The ILRB reverses the determination reviewed by it and grants Planning Permission, subject to the condition listed below. Attention is also drawn to the Advisory Notice at the end of this Review Decision Notice.

1. Introduction

- 1.1 This Notice constitutes the formal decision notice of the ILRB 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 ILRB at a meeting held on 6 December 2017. The Review Body was constituted by Councillors J Crowther, G Dorrian, D McKenzie, R Moran, I Nelson, L Rebecchi and D Wilson (Chair).

2. Proposal

- 2.1 The application proposal is for realignment of the existing access road adjacent to the house at Craigmarnloch South, Port Glasgow Road, Kilmacolm by diverting it in the form of a large loop to the north. A spur will provide a link to the existing house and the new access will continue to adjoin the existing access road towards the new house recently constructed to the west.

3. Preliminaries

- 3.1 The ILRB members were provided with copies of the following:
 - (i) Planning Application dated 29 May 2017 together with plans
 - (ii) Appointed Officer's Site Photographs with location plan
 - (iii) Appointed Officer's Report of Handling dated 21 August 2017
 - (iv) Consultation response in relation to planning application

- (v) Representation in relation to planning application
- (vi) Decision Notice dated 22 August 2017 issued by Head of Regeneration & Planning
- (vii) Notice of Review Form dated 25 September 2017 together with supporting documentation
- (viii) Suggested condition should planning permission be granted on review

3.2 Having regard to the material produced the ILRB resolved that the Review Application could be determined without any further procedure allowed in terms of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.

4. **Reasons**

- 4.1 The determining issue in this review is whether or not the applicant has demonstrated any exceptional or mitigating circumstances that would justify the proposal in the Green Belt location.
- 4.2 Having regard to the whole circumstances, the ILRB having considered the matter afresh and having taken into account the Inverclyde Local Development Plan and all relevant material and planning considerations, determined that the review application should be upheld.
- 4.3 It was also agreed by the ILRB that the condition listed at paragraph 5 below be placed on the planning permission for the reason specified.

5 **Condition**

- 1 That the development to which this permission relates must be begun within three years from the date of this permission.

Reason

- 1. To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.

Signed _____

Head of Legal & Property Services
Inverclyde Council
Municipal Buildings
Greenock
PA15 1LX

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Notification to be sent to applicant on determination by the planning authority of an application following a review conducted under section 43A(8)

Notice under Regulation 22 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure)(Scotland) Regulations 2013

1. If the applicant is aggrieved by the decision of the planning authority -
 - (a) to refuse permission for the proposed development;
 - (b) to refuse approval, consent or agreement required by a condition imposed on a grant of planning permission; or
 - (c) to grant permission or approval, consent or agreement 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.