

Inverclyde Local Review Body

Our Ref: 18/0140/IC

REVIEW DECISION NOTICE

Decision by Inverclyde Local Review Body (the ILRB)

- Site address: Lawpark Farm, Stepends Road, Kilmacolm
 - Application for Review by Bryce Boyd Planning Solutions on behalf of Mr J Eadie against the decision by an appointed officer of Inverclyde Council
 - Application Ref: 18/0140/IC
 - Application Drawings: Site Plan – Drawing No. 01
Front, Side and Rear Elevations as existing – Drawing No. 02
Front, Side and Rear Elevations as proposed – Drawing No. 04
Front, Rear and Side Elevations as existing – Drawing No. 03
Front, Rear and Side Elevations as proposed – Drawing No. 05
Store Plan and Barn Plan as existing – Drawing No. 06
Store Plan and Bar Plan as proposed – Drawing No. 07
Location Plan
 - Date of Decision Notice: 22 March 2019
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Decision

The ILRB reverses the determination reviewed by it and grants Planning Permission, subject to the condition and advisory notes 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 March 2019. The Review Body was constituted by Councillors J Clocherty, J Crowther, G Dorrian, D McKenzie, I Nelson, L Rebecchi and D Wilson (Chair).

2. Proposal

- 2.1 The application proposal is to bring the Dutch Barn into use as a forge and to use part of the adjacent stone outbuilding as storage and a small office. It is further proposed to reinstate a previously demolished lean-to extension on the west gable of the barn to provide welfare facilities. The application was refused consent in terms of a decision letter dated 8 October 2018.

3. Preliminaries

3.1 The ILRB members were provided with copies of the following:

- (i) Planning Application dated 7 May 2018 together with plans and location plan;
- (ii) Appointed Officer's site photographs;
- (iii) Appointed Officer's Report of Handling dated 5 October 2018;
- (iv) Consultation responses in relation to planning application;
- (v) Decision Notice dated 8 October 2018 issued by Head of Regeneration & Planning;
- (vi) Notice of Review Form dated 21 December 2018 together with supporting documentation; and
- (vii) 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 issues in this review are (1) the re-use of a redundant building and (2) the location of the proposal on a farm. The ILRB also had regard to the support from farmers in the Kilmacolm area.

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, together with the undernoted advisory notes.

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 as amended.

Advisory Notes:

1. That all external lighting on the application site should comply with Scottish Government Guidance Note "Controlling Light Pollution and Reducing Lighting Energy Consumption", to protect the amenity of the immediate area, the creation of nuisance due to light pollution and to support the reduction in energy consumption

2. The applicant should be fully aware of the Construction (Design and Management) Regulations 2015 (CDM 2015) and their implications on client duties, etc.

3. Design and Construction of Buildings – Gulls: It is very strongly recommended that appropriate measures be taken in the design of all buildings and their construction to inhibit the roosting and nesting of gulls. Such measures are intended to reduce nuisance to, and intimidation of, persons living, working and visiting the development.

4. Consultation on proposed Use: It is strongly recommended that prior to the commencement of any works the applicant consults with Officers of Safer and Inclusive Communities to ensure structural compliance with legislation relating to:

- a) Food Safety Legislation; and
- b) Health and Safety at Work etc. Act 1974.

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.