

Report To: The Planning Board

Date: 2 September 2020

Report By: Head of Regeneration and Planning

**Report No: 20/0038/IC
Plan 09/20**

**Local Application
Development**

Contact Officer: David Ashman

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**Subject: Non-compliance with condition 1 of planning application 16/0236/IC at
Blackwater Farm, Woodhead Road, Kilmacolm**



SUMMARY

- The proposal is a departure from the Inverclyde Local Development Plan.
- One representation has been received making no objection to the application.
- The recommendation is to GRANT PLANNING PERMISSION subject to a condition.

Drawings may be viewed at:

<https://planning.inverclyde.gov.uk/Online/applicationDetails.do?activeTab=documents&keyVal=Q600GNIM00E00>

SITE DESCRIPTION

The application site forms part of Blackwater Farm and is located approximately 2 miles to the south-west of Kilmacolm. It comprises a small part of the Farm and is located on the site of a former Farm cottage. The main Farm buildings are located approximately 85 metres to the south-west on the opposite side of Blacketty Water and an associated group of mature trees. Approximately 1 metre high post and wire fencing constitutes the main boundary treatment.

The site is accessed via a surfaced track which connects to a minor road leading to Gateside Road. The surrounding land is mainly in use for grazing.

PROPOSAL

Planning permission was granted in retrospect in March 2017 by the Inverclyde Local Review Body (the LRB) for the erection of the chalet. Planning permission was granted subject to four conditions including one which states:

“That planning permission shall last for a period of 3 years from the date of this permission.”

The reason for the time restriction was that:

“The external condition of the chalet requires to be kept under review, as the building is temporary in nature, in the interests of the visual amenity of the countryside.”

The three year period has now ended and the applicant seeks permission for non-compliance with the condition to allow extended use of the chalet.

The site has not been fully developed in accordance with the approved plans. Although the chalet, which has a plasticated/uPVC type material finish with brown walls and a black roof is as per the approved plans, a raised area around it has not been finished in the approved timber decking but as a slabbed patio. This may be considered to be a non-material variation to the original approval.

DEVELOPMENT PLAN POLICIES

Policy 1 - Creating Successful Places

Inverclyde Council requires all development to have regard to the six qualities of successful places. In preparing development proposals, consideration must be given to the factors set out in Figure 3. Where relevant, applications will also be assessed against the Planning Application Advice Notes Supplementary Guidance.

Policy 14 - Green Belt and Countryside

Development in the Green Belt and Countryside will only be permitted if it is appropriately designed, located, and landscaped, and is associated with:

- a) agriculture, horticulture, woodland or forestry;
- b) a tourism or recreational use that requires a countryside location;
- c) infrastructure with a specific locational need;
- d) the appropriate re-use of a redundant stone or brick building, the retention of which is desirable for its historic interest or architectural character, subject to that interest or character being retained; or
- e) intensification (including extensions and outbuildings) of an existing use, which is within the curtilage of the associated use and is of an appropriate scale and form.

Proposals associated with the uses set out in criteria a)-c) must provide justification as to why the development is required at the proposed location.

Policy 27 - Tourism Development

Proposals for change of use of tourism related facilities will only be supported where it can be demonstrated that they are no longer viable as a business in their current use.

Development of tourism related facilities will be supported in appropriate locations where:

- a it avoids adverse impact on the amenity and operation of existing and adjacent uses;
- b major trip-generating proposals can be accessed by sustainable means; and
- c it is appropriately designed for its location and avoids significant adverse impact on the green network and historic buildings and places.

Draft Planning Application Advice Note (PAAN) 8 on "Siting and Design of Houses in the Green Belt and Countryside" applies.

CONSULTATIONS

The nature of the proposal did not require consultation.

PUBLICITY

The application was advertised in the Greenock Telegraph on 6 March 2020 as it is contrary to the development plan.

SITE NOTICES

The nature of the proposal did not require a site notice.

PUBLIC PARTICIPATION

Kilmacolm Civic Trust has no objection to the application.

ASSESSMENT

As planning permission has already been granted for the chalet, subject to conditions including the time restrictive condition referred to above, it only remains to be considered if there has been any material change in circumstances since the original permission was granted that would suggest that planning permission should not be granted to allow the chalet to continue in use. The condition of the chalet will also be material to determining its continued use. The representation received constitutes a further consideration.

The key material change is the adoption of the 2019 Inverclyde Local Development Plan (the LDP). The LDP locates the chalet within the Green Belt around Kilmacolm and Quarriers Village under Policy 14. This policy indicates that development will only be permitted if it is appropriately designed, located, and landscaped and is associated with specified criteria, the most relevant of which in this instance is b), a tourism or recreational use that requires a countryside location.

Policy 27 requires consideration as it is in respect of tourism development and supports this in appropriate locations where: a) it avoids adverse impact on the amenity and operation of existing and adjacent uses; b) major trip-generating proposals can be accessed by sustainable means; and

c) it is appropriately designed for its location and avoids significant adverse impact on the green network and historic buildings and places.



Finally, Policy 1 is of relevance as it requires all development to have regard to the six qualities of successful places. In this instance the relevant factors are being “resource efficient”, in making use of previously developed land; being “easy to move around” in being well connected with good path links to the wider path network; and being “safe and pleasant” through avoiding conflict between adjacent uses with regard to noise and invasion of privacy. The policy also requires assessment against relevant Draft Planning Application Advice Notes (PAANs), with Draft PAAN8 on “Siting and Design of New Houses in the Countryside” being of relevance.

The use of the chalet for short-term holiday lets is directly related to tourism and accords in principle with Policy 14. It also has to be considered however, as mentioned above, that the chalet can also be used as permanent accommodation as this is permitted by legislation without recourse to a further planning application. It fails to accord with the guidance in Draft PAAN8 in respect of design. The potential implications of this permanent use of the chalet were considered under the previous application although the LRB decided to grant planning permission on review. Although the permanent residential use of the chalet is strictly relevant in land use policy terms it would not be appropriate, however, to further consider Policy 14 or guidance in Draft PAAN8 given the previous decision by the LRB.

With regard to Policy 27, I am satisfied that the chalet avoids adverse impact on the amenity and operation of the adjacent farmland and nearby farmhouse and that it is not a major trip-generating proposal. In previously granting planning permission the LRB accepted it was appropriately designed for its location. It does not impact on the green network or any historic buildings and places.

Finally, with regard to Policy 1, it occupies previously developed land, has good connections to the wider path and road network and, due to its remote location, has no implications for amenity in terms of noise generation or invasion of privacy.

Considering the condition of the chalet, it appears to have been well maintained and I am satisfied in this regard. It remains the case, however, that it constitutes a temporary structure, notwithstanding the patio adjacent to it, and it would therefore be appropriate to keep its condition under review by re-imposing a three year permission.



I note the views of the Kilmacolm Civic Trust and no further comment is required in this regard.

It is therefore considered that planning permission should be granted subject to a further time restriction.

RECOMMENDATION

That the application be granted subject to the following condition:

1. That planning permission shall last for a period of 3 years from the date of this permission.

Reason:

1. The external condition of the chalet requires to be kept under review, as the building is temporary in nature, in the interests of the visual amenity of the countryside.



Stuart Jamieson
Head of Regeneration and Planning