

Report To: The Planning Board

Date: 2 June 2021

**Report By: Interim Service Director
Environment and Economic Recovery**

**Report No: 20/0038/IC
Plan 06/21**

**Local Application
Development**

Contact Officer: David Ashman

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



SUMMARY

- The planning application was granted by Inverclyde Council subject to a condition restricting the permission to a 3 year period
- The applicant appealed the decision to the Scottish Ministers
- The appeal was upheld and the condition removed, subject to the imposition of other conditions

Details of the appeal may be viewed at:
<https://www.dpea.scotland.gov.uk/CaseDetails.aspx?ID=121304>

INTRODUCTION

In September 2020 planning permission was granted for the continued siting of a holiday chalet at Blackwater Farm, Woodhead Road, Kilmacolm subject to the following condition with its associated reason:

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

Reason:

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 Planning Board was notified of the appeal at its meeting in February 2021

NOTIFICATION OF APPEAL DECISION

The Reporter considered the determining issues to be compliance with the relevant provisions of the development plan, national planning circulars and visual amenity.

The Reporter concluded that the proposal is in accordance with the adopted Local Development Plan on the grounds that it is a holiday chalet which is acceptable in terms of a tourist development under Policy 27 and its location within the Green Belt under Policy 14.

With regard to the relevant planning circulars, in particular Circular 4/1998 in respect of the use of conditions, the Reporter concluded that the initial permission could be regarded as a “trial run” under which the Council was justified in adding a time restrictive condition to observe maintenance of the chalet. Given the good condition in which it has been kept she considers that a further temporary permission would be an unnecessary and ineffective burden on the applicant.

With regard to visual amenity, she considers the chalet to either not be visible or an unobtrusive built element, depending on the point of observation.

On other matters she noted the Council’s concerns about potential use of the property as a permanent residence but considered that she couldn’t address this through the appeals process. She noted comparisons made by the appellant to other chalets/mobile homes in the vicinity but considered these to be not sufficiently similar to represent a precedent.

The Reporter, however, did consider that as a new permission will result it is appropriate that some controls on the development by condition should be imposed. These are:

1. Details in accordance with the approved plans of the surfacing around the chalet and the access track to the chalet shall be submitted to and approved in writing by the Planning Authority within three months of the date of this notice.

Reason: To ensure that parking provision is provided on site to prevent parking on nearby road verges and in the interests of visual amenity.

2. That the holiday chalet shall be used in all time solely as a holiday chalet and not for any other purpose under Class 9 of the Town and Country Planning (Use Classes) (Scotland) Order 1997.

Reason: To prevent sporadic residential development in the countryside.

3. That should the use of the chalet as a holiday chalet cease, the building shall be removed from the site within three months and the ground re-instated within three months with a treatment to be approved in writing by the Planning Authority

Reason: To protect the visual amenity of the countryside.

RECOMMENDATION

That the Board notes the position.

Stuart Jamieson
Interim Service Director
Environment and Economic Recovery

Local Government (Access to Information) Act 1985 – Background Papers. For further information please contact David Ashman on 01475 712416.