

**Report To: The Planning Board**

**Date: 4 August 2021**

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

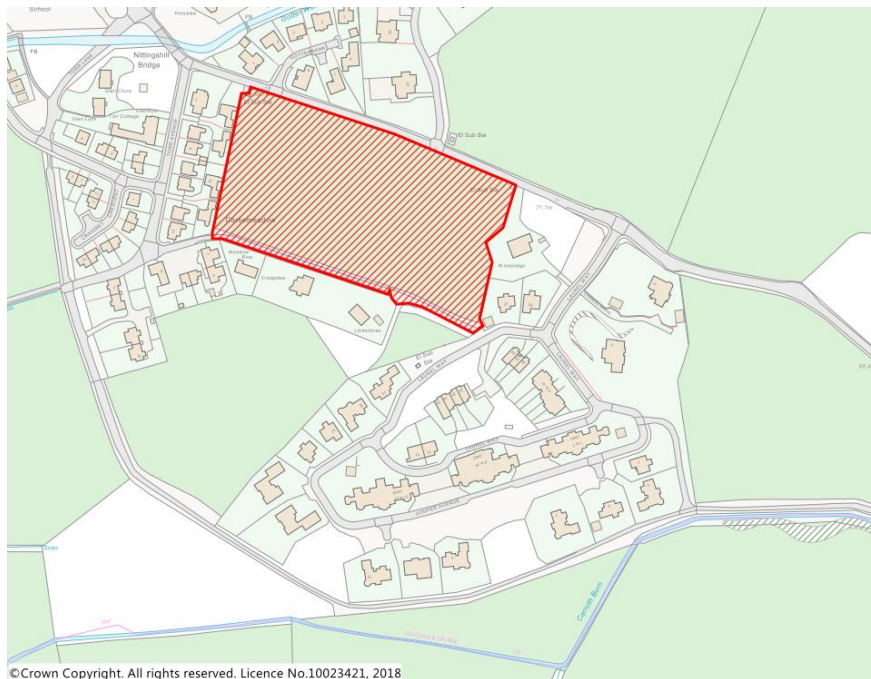
**Report No: 18/0190/IC  
08/21**

**Major Application  
Development**

**Contact Officer: David Ashman**

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**Subject: Planning Permission in Principle for residential development, access, infrastructure, landscape/open space, and associated works at  
Carsemeadow, Quarriers Village**



### **SUMMARY**

- The original planning application was refused by Inverclyde Council.
- The applicant appealed the decision to the Scottish Ministers.
- The appeal was dismissed.
- The applicant appealed to the Court of Session and was successful with the appeal decision quashed and remitted back to the Scottish Ministers for further consideration.
- Following further consideration the Scottish Ministers have again dismissed the appeal.

Details of the appeal may be viewed at:  
<https://www.dpea.scotland.gov.uk/CaseDetails.aspx?ID=121085>

## **INTRODUCTION**

The full background to the original refusal of planning permission by the Council in January 2019, the applicant's appeal and dismissal of this by the Scottish Ministers and the subsequent decision of the Court of Session to quash the decision of the Scottish Ministers are set out in my report to the September 2020 meeting of the Planning Board. All that requires to be re-iterated here is that as a result of the Court of Session decision the appeal against the refusal of planning permission was remitted back to the Scottish Ministers for fresh consideration.

## **THE NEW APPEAL DECISION**

The Principal Reporter David Buylla was appointed to determine the new appeal. He considered the main issues to be (a) whether the proposal would be sustainable development and; (b) whether or not there is a shortfall in the effective five year housing land supply.

It should be noted that his considerations were set against the background of changes to Scottish Planning Policy (SPP) published by the Scottish Government in December 2020. Previously there was a presumption in favour of "development that contributes to sustainable development". In the revised SPP this is now a presumption in favour of "sustainable development". When assessing the sustainability of a proposal, paragraph 33 of the revised SPP requires the factors listed in paragraph 29 to be used. Prior to this change, where relevant policies in a development plan were out of date or were considered to be out of date due to a shortfall in the five year supply of effective housing land, or where the plan did not contain relevant policies, paragraph 33 elevated the presumption from a material consideration to a significant material consideration and any disbenefits of a proposal were required not only to outweigh, but significantly and demonstrably to outweigh, its benefits. In the revised SPP this is no longer the case.

Paragraph 32 restates the requirement of the Town and Country Planning (Scotland) Act 1997 that applications be determined in accordance with the development plan unless material considerations indicate otherwise and paragraph 33 confirms that, if a proposal is found to be sustainable development that will be a material consideration in its favour. However, the presumption in favour of such development is merely one of the material considerations to be weighed in the balance. SPP paragraph 125 now confirms that where a proposal for housing development is for sustainable development and the decision-maker establishes that there is a shortfall in the housing land supply in accordance with Planning Advice Note (PAN) 1/2020, the shortfall is a material consideration in favour of the proposal.

### Would the proposal be sustainable development?

In reaching his conclusion the Reporter considered the 13 principles of paragraph 29 of SPP. His key conclusions in this regard were that the site has poor accessibility by more sustainable travel modes; that it would divert potential investment away from urban locations and brownfield sites where there is a need for regeneration; that it would perform very poorly against the expectation that development will support the delivery of accessible housing and other development; it would not support climate change mitigation and adaptation; and that it would not protect or enhance cultural heritage through its highly visible location and reducing the sense of separation between the former Bridge of Weir Hospital site and Quarriers Village. He therefore concluded that the negative sustainability implications of the proposal, especially its inaccessible location, significantly and demonstrably outweigh its positive aspects and, therefore, it could not be regarded as sustainable development.

### Is there a shortfall in the five year supply of effective housing land?

The Reporter referred to the 2019 Inverclyde Housing Land Audit in his consideration of housing land supply and noted that predicting whether there is a sufficient five year supply of effective housing land is not an exact science. He considered that evidence to support claims that sites within the Inverclyde part of the Renfrewshire Housing Sub-Market Area (HSMA) are incapable of becoming effective within the next five years is lacking and that, on balance, he was not persuaded that there is a shortfall in the effective supply in this area. In any event, he concluded, when the evidence suggests very healthy supply of land for housing across the Renfrewshire

HSMA as a whole, it does not seem logical to seek to justify a housing development proposal on the basis that it could meet a demand arising from a small and relatively inaccessible corner of that HSMA which has few of the day to day facilities that residents would require, when that demand could easily be met in a more suitable and accessible location within the HSMA.

### Conclusion

Drawing all of the above together, he concludes that the proposal is not sustainable development and does not accord with Clydeplan's Vision and Spatial Development Strategy. More specifically:

1. Development of a greenfield, Green Belt site that has poor public transport and active travel connectivity would be contrary to Clydeplan Policy 1 and the Local Development Plan's (LDP) Spatial Development Strategy. It would also be contrary to Clydeplan Policy 8.
2. It would be contrary to LDP Policy 1, in respect of successful places and Policy 14 in respect of acceptable Green Belt developments.
3. It would be contrary to LDP Policy 28 as it would adversely affect the setting of the Quarriers Village Conservation Area.

Accordingly he concluded that the proposed development does not accord overall with the relevant provisions of the development plan and that there are no material considerations which would justify granting planning permission.

He also considered in his conclusion the current Court of Session challenge to the revised SPP, noting that upon reversion to the 2014 SPP there would be a greater "tilt" in favour of the proposal with regard to effective housing land supply. He noted that even in this event he remained convinced that the adverse impacts of the proposed development, particularly the poorly accessible location of the site, would significantly and demonstrably outweigh its benefits. On this basis he considered it reasonable to issue his decision ahead of the outcome of the challenge.

### **RECOMMENDATION**

That the Board notes the position.

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