

Inverclyde Local Review Body

Our Ref: 21/0136/IC

REVIEW DECISION NOTICE

Decision by Inverclyde Local Review Body (the ILRB)

- Site address: Castlehill Farm Cottage, Kilmacolm Road, Port Glasgow, PA14 6SX
 - Application for Review by Scotplan on behalf of Mr and Mrs S Kay against the decision by an appointed officer of Inverclyde Council.
 - Application Ref: 21/0136/IC
 - Application Drawings: Roof Plan (007 Rev A)
NE Front Elevation (008 Rev A)
SW Back Elevation (010 Rev A)
Location Plan (002)
Existing Site Plan (003)
Proposed Site Plan (004)
Existing Floor Plan (005)
Proposed Floor Plan (006)
SE Side Elevation (009)
NW Side Elevation (011)
Images (013)
Castlehill Farm Ownership Plan (014)
Enlarged Location Plan (015)
 - Date of Decision Notice: 06/04/2022
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Decision

The ILRB reverses the determination reviewed by it and grants Planning Permission, subject to the conditions listed below.

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 April 2022. The Review Body was constituted by Councillors Clocherty, Crowther, McVey, Nelson, Rebecchi and Wilson.

2. Proposal

- 2.1 The application proposal is for the change of use of agricultural grazing land to domestic garden ground to form an enlarged garden together with the erection of an extension to the dwellinghouse and associated works. The application was refused consent in terms of a decision letter dated 29 October 2021.

3. Preliminaries

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

- (i) Planning Application dated 29 April 2021 together with site, location, elevation, floor, roof and farm ownership plans
- (ii) Planning Application Design Statement
- (iii) Appointed Officer's Report of Handling dated 26 August 2021
- (iv) Inverclyde Local Development Plan 2019 Policy Extracts
- (v) Inverclyde Local Development Plan 2019 Map Extract
- (vi) Inverclyde Local Development Plan 2019 Supplementary Guidance on Planning Application Advice Notes Policy Extracts
- (vii) Representation in relation to Planning Application
- (viii) Decision Notice dated 29 October 2021 issued by Head of Regeneration & Planning
- (ix) Notice of Review Form dated 9 January 2022 with supporting statement from Scotplan
- (x) Suggested Conditions should Planning Permission be Granted on Review
- (xi) The Inverclyde Proposed Local Development Plan 2021.

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. Findings and Conclusions

4.1 The determining issue in this review was the suitability of the existing dwellinghouse for the needs of the owners.

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, decided that the review application should be upheld.

4.3 It was also agreed by the ILRB that the conditions listed at paragraph 5 below be attached to the planning permission for the reasons specified.

5. Conditions

1. that prior to the commencement of development, samples of all facing materials to be used shall be submitted to and approved in writing by the Planning Authority. The approved materials shall thereafter be used unless a variation is agreed in writing with the Planning Authority, to ensure the acceptability of the proposed facing materials in the interests of visual amenity; and
2. that prior to the commencement of development, full details of the proposed new boundary treatment for the curtilage shall be submitted to and approved in writing by the Planning Authority. The approved boundary measures shall thereafter be erected prior to the extension hereby permitted being brought into use unless variation is agreed in writing with the Planning Authority, to define the new curtilage.

6. Reasons

1. to ensure the acceptability of the propose facing materials in the interests of visual amenity; and
2. to define the new curtilage.

Signed _____

Head of Legal & Democratic 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.