

## Inverclyde Local Review Body

Our Ref: 24/0008/IC

### REVIEW DECISION NOTICE

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Decision by Inverclyde Local Review Body (the ILRB)

- Site address: Former garden grounds at the western end of Knockbuckle Road immediately adjacent to Torwood, Kilmacolm.
  - Application for Review by Mr G Andrew against the decision by an appointed officer of Inverclyde Council.
  - Application Ref: 24/0008/IC
  - Application Drawings:
 

Location Plan	(001)	House 1 West Elevation	(015)
Existing Site Plan	(002)	House 1 Material Key	(016)
Proposed Site Plan	(003)	House 2 Site Plan	(017)
Existing and Proposed East Site Elevation	(004)	House 2 Ground Floor Plan	(018)
Existing and Proposed North Site Elevation	(005)	House 2 Upper Floor Plan	(019)
Existing and Proposed South Site Elevation	(006)	House 2 Roof Plan	(020)
Existing and Proposed West Site Elevation	(007)	House 2 North Elevation	(021)
House 1 Site Plan	(008)	House 2 East Elevation	(022)
House 1 Ground Floor	(009)	House 2 South Elevation	(023)
House 1 Upper Floor Plan	(010)	House 2 West Elevation	(024)
House 1 Roof Plan	(011)	House 2 Material Key	(025)
House 1 North Elevation	(012)	House 1 Garage Plans and Elevations	(026)
House 1 East Elevation	(013)	House 2 Garage Plans and Elevations	(027)
House 1 South Elevation	(014)		
  - Date of Decision Notice: 11/09/2024
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### Decision

The ILRB upholds the decision to refuse planning permission for the reasons given below and dismisses the review. Attention is 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 4 September 2024. The Review Body was constituted by Councillors Brooks, Clocherty, Crowther, Curley, McCabe, McVey and Moran.

## **2. Proposal**

- 2.1 The application is the erection of 2 two storey detached dwellinghouses with detached double garages at former garden grounds at the western end of Knockbuckle Road immediately adjacent to Torwood, Kilmacolm. The application was refused consent in terms of a decision letter dated 16 April 2024.

## **3. Preliminaries**

- 3.1 The ILRB members were provided with copies of the following:
- (i) Planning Application dated 12 January 2024 together with Design Statement, Plans, Elevations and Visualisations
  - (ii) Planning Application – Flood Risk Assessment Addendum dated 13 March 2024
  - (iii) Appointed Officer's Report of Handling dated 16 April 2024
  - (iv) Inverclyde Local Development Plan 2019 Policy Extract
  - (v) Inverclyde Local Development Plan 2019 Map Extract
  - (vi) Inverclyde Local Development Plan 2019 Supplementary Guidance on Planning Application Advice Notes Policy Extract
  - (vii) National Planning Framework 4
  - (viii) Representations in relation to Planning Application
  - (ix) Decision Notice dated 16 April 2024 issued by Head of Regeneration & Planning
  - (x) Notice of Review form dated 9 July 2024 together with Statement of Appeal
  - (xi) Suggested Conditions should Planning Permission be granted on Review
  - (xii) The Inverclyde Proposed Local Development Plan 2021
- 3.2 Having regard to the material provided, 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 is whether the proposed development is appropriately situated, having regard to its Green Belt location in terms of locational justification and appropriate design for a house in the Green Belt.
- 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 documentation submitted to it did not include sufficient evidence to reverse the appointed officer's decision, accepted the reasoning of the appointed officer and determined that planning permission should be refused, concluding that the application had been correctly refused for the reasons given in the Decision Notice dated 16 April 2024, namely:

(1) The proposed dwellinghouses are located outwith the established settlement of Kilmacolm and fail to accord with Policy 8 of NPF4 which broadly confines support for residential development in the Green Belt to that constructed for the occupancy of key workers. The proposal

also fails to comply with Policy 16 of NPF4 as it does not meet the key criteria for the establishment of new dwellinghouses in the Green Belt. A locational justification has not been demonstrated in order to approve the development against Policies 8 and 16 and NPF4.

(2) The proposed dwellinghouses do not accord with Policy 14 of the adopted Local Development Plan not Policy 15 of the proposed Local Development Plan as they are not associated with agriculture, horticulture, woodland or forestry nor for a tourism or recreational use that requires a countryside location. A locational justification has not been demonstrated in order to approve the development against Policy 14 of the adopted Local Development Plan or Policy 15 of the proposed Local Development Plan.

(3) The proposed dwellinghouses are not considered to be appropriately designed to be in keeping with the character of this area in that they do not reflect the rural local architecture. They therefore fail to accord with the quality of being "Distinctive" in Policy 1 of both the adopted and proposed Inverclyde Local Development Plans. The proposed dwellinghouses do not comply with the design criteria in the adopted and draft Planning Application Advice Note 8 as the proposals are considered to have unsympathetic design features for houses in the Green Belt.

4.3 The Review Application was accordingly dismissed.

Signed 

Head of Legal, Democratic, Digital & Customer 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.