

I refer to Item 2 of the Agenda for the meeting of the Local Review Body to be held on Wednesday 1 September 2010 and now attach:

1. Decision letter dated 2 May 2002 as specified in the Report of Handling;
2. Decision letter on Local Plan Inquiry dated 14 April - 27 May 2004 as specified in the Report of Handling; and
3. Copy extract Local Plan Greenbelt map as referred to in the Report of Handling.

ELAINE PATERSON  
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# SCOTTISH EXECUTIVE

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Your ref: PGRdApl  
Our ref: P/PPA/280/43

2 May 2002

Dear Sir

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997: SECTION 47 AND  
SCHEDULE 4  
PLANNING APPEAL BY MRS E MADDEN: ERECTION OF THREE HOUSES AT FORMER  
QUARRY, PORT GLASGOW ROAD, KILMACOLM

1. I refer to your client's appeal, which I have been appointed to determine, against the refusal of outline planning permission by Inverclyde Council for the above development. I have considered the written submissions concerning the appeal, and I made an accompanied inspection of the site and its surroundings on 27 March 2002. For the reasons given in this letter, I have decided to dismiss the appeal.
2. In the course of the exchange of submissions, you submitted on behalf of your client a claim for an award of expenses to be made against the council. I will deal with that matter in a separate letter.

Site description and background

3. The appeal site is located on the western edge of Kilmacolm. It is situated on the north side of the A761 Port Glasgow Road, between two bends. The site extends to about 0.6 hectares and comprises a former rock quarry and its surrounding land. The floor of the former quarry is in a wet condition, with fairly dense regeneration of birch, willow and roadside gorse. The surrounding land is mainly overgrown with bracken, interspersed with occasional birch trees.
4. To the east, the site adjoins the garden grounds of a detached house; to the north it adjoins a field; to the north-west it is bounded by a minor public road leading from its junction with the A761 to a cemetery; and to the south it abuts the footway alongside Port Glasgow Road. There is a lodge house to the west of the junction of the cemetery road with the A761. The road sign advising of the entrance to Kilmacolm stands to the west of the lodge house, while the 30 mph sign stands close to the eastern end of the appeal site.

5. Your client's application sought outline planning permission for: "The erection of three dwelling houses with garages and three access points." The accompanying plan showed only the site boundary.
6. Outline planning permission was refused by the council for the following reasons:
1. The proposal is contrary to Inverclyde Local Plan Policies ENa and Hb which state:
    - ENa: "Development within the green belt will be opposed unless it is necessary to meet rural needs, agriculture, recreation, forestry or landscape improvement."
    - Hb: "Residential development within the green belt, as defined on the Proposals Map, will be opposed unless the development is shown to be in accordance with ENa."
  2. The proposal is contrary to approved Strathclyde Structure Plan Policy GB1 in that it would result in an encroachment of development into the countryside within the green belt.
  3. The proposal is contrary to Strategic Policy 9 of the final draft of Glasgow and the Clyde Valley Joint Structure Plan in that there is no requirement for additional housing land release to meet assessed housing demand.
  4. With reference to the criteria identified in NPPG 3: (Land for Housing) in the identification of housing land, the site is inappropriate for development as it would have an adverse impact on the existing landscape character and setting of Kilmacolm.
  5. The proposal would form 3 driveways onto Port Glasgow Road which carries a 60 mph speed limit to the detriment of road safety.

#### Summary of cases

7. **In support of your client's appeal**, you state that the proposed development would not be contrary to Policy GB1 of the Strathclyde Structure Plan, as it would be on a brownfield site, and would not result in further encroachment into the countryside. It would not be contrary to the submitted Glasgow and the Clyde Valley Joint Structure Plan as the council itself has identified the need for housing land to be released at Kilmacolm. The current local plan was adopted in 1988 and is out of date. In conjunction with the preparation of the new local plan, landowners have been encouraged to undertake a scoping exercise to identify potential sites, including the potential to amend the green belt boundary.
8. The proposed development would not have an adverse impact on the landscape character or on the setting of Kilmacolm. It would remove an area of dereliction, which has the potential to become a dumping ground for rubbish; and it would improve the entrance to the village. A similar infill development in Kilmacolm has been permitted at Rowantreehill Quarry.
9. The site makes no contribution to the purposes of the green belt as it is derelict and overgrown, and should be included within the settlement boundary. It is bounded by existing development. It would be an appropriate extension to the village, and would be consistent with the residential character of the area. This development would provide a more definite and sustainable green belt boundary. This would be consistent with development plan policy, and government advice on housing development set out in National Planning Policy Guideline 3: 'Land for Housing'. It would be a sheltered site, encouraging energy efficiency; and the centre of Kilmacolm would be

accessible by a range of modes of transport. The merits of the development would outweigh any disadvantages.

10. The present quarry entrance is within the 30 mph zone, which is being extended to include the rest of the site frontage. The development could be served off a single access, and would not be detrimental to road safety. You confirm that access could be treated as a reserved matter.

11. **In support of its decision**, the council states that, in the local plan, the appeal site lies outwith Kilmacolm's settlement, and within the green belt. Policy Hb opposes residential development in the green belt, and Policy ENa only permits development in the green belt which is necessary to meet rural needs, agriculture, recreation, forestry or landscape improvement.

12. The appeal site has been disused for many years, and appears as scrub land. The proposed houses would not be an infill development. The site is an accepted part of the rural landscape at a prominent entrance to Kilmacolm. Housing development would not result in environmental improvement, but would result in ribbon development along Port Glasgow Road. An extension of the 30 mph zone would be required to address safety concerns.

13. The proposed development would not satisfy the criteria of economic benefit, specific locational need, infrastructure implications and environmental impact which would be required by Policy GB1A of the Strathclyde Structure Plan, if development in the green belt is to be permitted.

14. Within the context of that structure plan, this is not a brownfield site. It has not been cleared for redevelopment, and it is outwith the settlement. There is no justification for the development on the basis of a housing shortfall, as the submitted Glasgow and the Clyde Valley Joint Structure Plan confirms that it is unnecessary and inappropriate to release additional land in Kilmacolm. While consultation with landowners has taken place, the local plan would only identify further sites for housing development where this would accord with the structure plan. There are no material considerations which would justify granting outline planning permission.

15. **In response to consultation and notification**, the council's head of transportation and roads service recommended refusal. He noted that the major part of the site's frontage abuts Port Glasgow Road where a 60 mph speed limit currently exists, and that the guidelines do not permit direct access to an unrestricted road from a development. He also stated that the current access is within the 30 mph zone, and the development could be accessed from there if a visibility splay of 2.5 x 90 x 1.05 metres was secured. He also noted that the current 30 mph zone is in the process of being extended past the site, and would incorporate the whole of the frontage of the site.

16. Scottish Natural Heritage considered it unlikely that the development would cause a significant impact on the natural heritage and landscape interests, but recommended the imposition of a number of planning conditions. West of Scotland Water raised no objections.

17. The Kilmacolm Community Council, the Kilmacolm Civic Trust and five local residents submitted **letters of objection**. These raised the same concerns as the planning authority, in addition to which it was suggested that the appeal site boundary had included land in separate ownership. Two **letters of support** were submitted, mainly re-iterating matters contained in your client's grounds of appeal.

## Conclusions

18. Section 25 of the Act requires the determination of any application for outline planning permission, or subsequent appeal, to be made in accordance with the provisions of the development plan, unless material considerations indicate otherwise. In this case, the development plan now comprises the Glasgow and the Clyde Valley Joint Structure Plan, which has recently been approved by the Scottish Ministers and became operative on 1 May 2002, together with the Inverclyde Local Plan. The Strathclyde Structure Plan, which was operative when the council issued its decision notice, is no longer of any effect.

19. On the basis of the written submissions and the site inspection, I consider that the determining issues in this appeal are:

1. Whether the proposal would accord with the provisions of the development plan relating to the development of housing in the green belt; and,
2. If not, whether granting outline planning permission would still be justified by:
  - a) The provisions of the consultative draft local plan; and/or,
  - b) The suitability of the site as an extension to the built up area of Kilmacolm.

20. Green belts are designated by structure plans and delineated by local plans. Here the green belt designation has been retained by the Glasgow and the Clyde Valley Joint Structure Plan; and the appeal site has been included within it, at the edge of the settlement boundary of Kilmacolm, by the Inverclyde Local Plan. The appeal proposal is therefore for a residential development in the green belt. This would be directly contrary to the terms of Policy Hb of the local plan; and it is not supported by Policy ENa of the local plan, which would only permit a development in the green belt if it was necessary to meet rural needs, agriculture, recreation, forestry or landscape improvement.

21. Accordingly I conclude that the proposed development would be contrary to the provisions of the development plan which relate to housing development in the green belt.

22. With regard to the second determining issue, the approval by the Scottish Ministers of the new structure plan has confirmed that there is no requirement to release additional land for housing development in Inverclyde for the period until 2011. Therefore the new local plan will not be required by the structure plan to allocate any sites for housing to meet any strategic requirement. The consultative draft version of the new local plan gave no specific support to the development of this site for housing to meet any strategic or local requirement, and retained it within the green belt. In these circumstances, I conclude that the proposed use of this green belt land for housing would not be justified by the provisions of the emerging local plan.

23. As the site of a former quarry, the appeal site meets the definition of a brownfield site which is set out in National Planning Policy Guideline 3: 'Land for Housing', i.e. it is a site which has previously been developed or used for some purpose which has ceased. However, quarrying normally takes place outwith settlement boundaries, and I do not consider therefore that the re-development of former quarries for housing would always be an appropriate use.

24. Here, the built up area of Kilmacolm has now extended right up to the edge of the quarry site. This location, together with its position contained within two public roads, would support its development as an extension to the built up area; and its accessibility to the village centre and bus routes, and its sheltered south-facing position, offer advantages in terms of sustainability. On the

other hand, the site also serves to provide a relatively strong landscaped edge to the settlement. This is due to the fairly dense vegetative cover which has re-colonised the quarry floor, together with the site's position immediately before a bend in the A761. This enables the village to be hidden from the view of those approaching Kilmacolm on this road.

25. In these circumstances, I consider that the appeal site in its present condition does serve a useful function, and I find that the proposed development would have an adverse impact on the landscape setting of Kilmacolm. In the event of a need being identified for further land for housing development to be released in Kilmacolm, I agree that the comparative merits of this site would have to be assessed along with those of other sites. However, that would be a matter to be resolved through the local plan process, rather than through an individual planning application or appeal.

26. Drawing these findings together, therefore, my final conclusions are that the suitability of the site as an extension to the village is not so great as to justify granting outline planning permission for this proposed housing development in the green belt, which would be contrary to the relevant provisions of the development plan, and would not be supported by the relevant provisions of the emerging local plan.

27. I have considered the other matters raised in the written submissions but they do not lead me to alter my conclusions. Accordingly, in exercise of the authority delegated to me, I hereby dismiss this appeal and refuse to grant outline planning permission.

28. This decision is final, subject to the right of any aggrieved person to apply to the Court of Session within 6 weeks from the date of this letter, as conferred by Sections 237 and 239 of the Town and Country Planning (Scotland) Act 1997. On any such application, the Court may quash the decision if satisfied that it is not within the powers of the Act, or that the applicant's interests have been substantially prejudiced by a failure to comply with any requirement of the Act, or of the Tribunals and Inquiries Act 1992, or of any orders, regulations or rules made under these Acts.

29. Copies of this letter have been sent to Inverclyde Council, and to Kilmacolm Community Council, the Kilmacolm Civic Trust, and those individual people who submitted representations.

Yours faithfully

DAVID A RUSSELL  
Inquiry Reporter

*Mags*

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

INVERCLYDE COUNCIL

REPORT INTO OBJECTIONS TO  
**THE INVERCLYDE LOCAL PLAN  
FIRST REVIEW FINAL DRAFT 2002**

VOLUME 2: HOUSING

Reporter: **John H Henderson BA DipTP MRTPI**  
Dates of Inquiry: **14 April – 27 May 2004**  
File Reference **IQD/2/280/1**

**Kilmacolm – Port Glasgow Road: former Quarry**Background

7.439 This irregularly shaped site extends to 0.6ha and is located immediately beyond the built-up area at the entrance to Kilmacolm on the north east side of Port Glasgow Road. Much of it was previously a stone quarry, but the north west corner contains some trees. Until recently the quarry floor also contained many young trees and shrubs. The south eastern part of the site is within the settlement boundary; it is open ground in front of a detached house 'Marchfield' which, together with its neighbour 'Torbank', is set well back from Port Glasgow Road. On the other side of the road, grazing land falls away to the former railway line (now a cycle track). To the north west and north, a minor road leads up to the village cemetery. To the north east is further grazing land.

7.440 2 outline applications for the erection of 3 dwellinghouses and garages have been refused by the council in recent times. The first was taken to appeal, which was dismissed in May 2002 (P/PPA/280/43). In reaching his decision, the Reporter made the following relevant comments:

“23. As the site of a former quarry, the appeal site meets the definition of a brownfield site which is set out in NPPG 3, i.e. it is a site which has previously been developed or used for some purpose which has ceased. However, quarrying normally takes place outwith settlement boundaries, and I do not consider therefore that the redevelopment of former quarries for housing would always be an appropriate use.

24. Here, the built-up area of Kilmacolm has now extended right up to the edge of the quarry site. This location, together with its position contained within 2 public roads, would support its development as an extension to the built-up area; and its accessibility to the village centre and bus routes, and its sheltered south-facing position offer advantages in terms of



sustainability. On the other hand, the site also serves to provide a relatively strong landscaped edge to the settlement. This is due to the fairly dense vegetative cover which has re-colonised the quarry floor, together with the site's position immediately before a bend in the A761. This enables the village to be hidden from the view of those approaching Kilmacolm on this road.

25. In these circumstances, I consider that the appeal site in its present condition does serve a useful function, and I find that the proposed development would have an adverse impact on the landscape setting of Kilmacolm. In the event of a need being identified for further land for housing development to be released in Kilmacolm, I agree that the comparative merits of this site would have to be assessed along with those of other sites. However, that would be a matter to be resolved through the local plan process, rather than through an individual planning application or appeal.

26. Drawing these findings together, therefore, my final conclusions are that the suitability of the site as an extension to the village is not so great as to justify granting outline planning permission for this proposed housing development in the green belt, which would be contrary to the relevant provisions of the development plan, and would not be supported by the relevant provisions of the emerging local plan."

The second application was also refused by the council in January 2004.

Objectors: see Appendix 4

7.441 The 17 objectors all support the proposal by Ms Madden to build 3 houses on this site, and rely on their written objections to that effect. Most also opposed the council's original intention to allocate land at Langbank Drive and the Plots on Port Glasgow Road for housing. At the inquiry, the case for Ms Madden was presented by Mr J Madden and by a planning consultant, Mr Craig. 4 of the objectors (Messrs Blair, Forsyth, D Madden & McFarlane) wrote in to amplify their objections; I am satisfied that their arguments are covered in the points made at the inquiry by Messrs Craig and J Madden.

7.442 For Ms Madden, Mr Craig refers to her other objections to proposed housing sites at Langbank Drive and the Plots, Kilmacolm; Strone Farm, Greenock; the Glebe, Inverkip; and the Meadows, Wemyss Bay in support of the contention that the council is making adjustments to the green belt boundary to allow greenfield developments to take place in preference to the development of brownfield sites, e.g. this objection site. While much of the site's naturally regenerating vegetation has been removed (and has improved visibility), the screening of the village is still provided by the evergreen trees in the area adjoining the land in front of 'Marchbank'. There is evidence of garden waste and rubbish having been dumped on the site, and a flood risk assessment has found no risk of flooding. In that the site was previously developed as a quarry, the previous Reporter confirmed that it was 'brownfield'. Given its small size, topography, location and physical condition, it is not appropriate for agriculture or forestry. Without development, it will remain in a derelict condition as an eyesore, potentially becoming a hazard to public health and safety and conceivably even an unauthorised site for travelling people.

7.443 There have been 7 changed circumstances since the first application was refused. First, more than 70 people have signed a petition supporting the proposal, in the belief that there was a need for more houses and that the objection site was an obvious place for redevelopment as it was a brownfield site and would remove an

area of dereliction. Second, the Reporter has made various comments re various factors supporting the site's development as an extension to the built-up area and re sustainability. Third, despite the council having argued in relation to the appeal that there was no requirement for land release in Kilmacolm, it subsequently proposed the residential allocation of sites at Langbank Drive and the Plots. Fourth, most of the tree and scrub vegetation has been cleared. Fifth, although the proposed access was technically substandard, it was no worse than many other accesses in Kilmacolm. Sixth, the 30mph limit is to be moved further out along Port Glasgow Road (confirmed in a letter of April 2004 from the council). Seventh, there has been a change in the composition of the council following the local elections.

7.444 Given the site's size, location, landscape quality and history of previous development, it does not make any significant contribution to the green belt, and should instead be included within the settlement boundary; this is more obvious on the ground. The site does not make an effective contribution to the green belt for 7 reasons. First, Port Glasgow is 2.5kms away and the development of 3 houses would not result in coalescence. Auchenbothie Lodge represents a definite 'stop' to the edge of Kilmacolm; the site does not encroach into open countryside. Second, the site is effectively a 'gap' or 'infill' site between Marchfield and Auchenbothie Lodge, and the previous Reporter considered that it would be a suitable extension to the built-up area. Third, the clearly defined cemetery road to the north would make a far more sensible and defensible boundary; it would provide a robust limit to expansion and give a more stable and enduring long-term boundary. There is a marked change in the character of the area from rural to urban here. The access to Auchenbothie, Auchenbothie Lodge, the cemetery road, walls, street lighting, traffic signs and pavements all combine to give this a definite urban character. SNH has recognised that developing the site would result in a more clearly defensible boundary to the green belt along this particular settlement edge. The boundary on the Proposals Map is not based on any strongly identifiable features on the ground, and does not reflect ownership considerations: 408m<sup>2</sup> of the site is included within the boundary.

7.445 Fourth, the site does not provide countryside for recreation or institutional purposes. Fifth, the landscape setting of the village could be improved through redevelopment. SNH considers it unlikely that development would have a significant impact on natural heritage and landscape interests, and a better landscaped edge could be provided by a proper landscaping and tree planting scheme. Sixth, the site is derelict and has no inherent agricultural value. Seventh, the site is self-contained, bounded by development, the road and the quarry face. It is below the level of the adjoining field and is not part of the open landscape. It does not encroach into open countryside, nor are there any views through the site into the countryside.

7.446 Strong pressures for growth in Kilmacolm have been building up for some time. The consultative draft local plan recognised that the land supply within the village was very limited, and 7 greenfield sites were identified. However, these contribute far more than does the objection site to the purpose of the green belt around Kilmacolm, are in much more open countryside, and have no strong boundaries on the ground around them to control pressures for further encroachment. Although the council now reckons that no such sites require to be released, the appeal Reporter stated that – in the event of a need for further land being identified – the

objection site should be assessed together with the others. The sites originally allocated in the finalised local plan at Langbank Drive and the Plots are much more important to the green belt and landscape setting of Kilmacolm than is the objection site, and they show that the council was at one time prepared to release sensitive greenfield land at a time when there was no need so to do.

7.446A It is only after Auchenbothie Lodge that the countryside becomes dominant, and there is a more rural aspect to the green belt. This pattern of development also reflects what has previously happened in Kilmacolm, e.g. at Houston Road, where Rowantree Quarry has been encompassed within the settlement boundary and is being developed by Manor Kingdom. Bringing the objection site into the settlement boundary and allowing it to be developed would round-off the settlement, help consolidate the urban form, and improve the entrance to the village.

7.447 In relation to the green belt objectives in the structure plan, the quarry was previously developed, and redeveloping brownfield land supports the process of urban renewal. The objection site is a suitable extension to the village, and its boundary would be a more robust and sensible edge to the built-up area. Its development – which would not be sporadic or isolated and would be of an infill/gap site - would not result in Kilmacolm merging with Port Glasgow, and would be in keeping with the established character and pattern of development; reference is made to the comments of SNH (para 7.461 below). The site is not suitable for agricultural or forestry use, and its development would help to relieve pressure on more important greenfield land elsewhere. SNH has concluded that the site has no natural or landscape significance. It is derelict and detracts from the appearance of the area; the longer it remains undeveloped, the more likely it will be used for illegal dumping. Its development would enhance the appearance of the entrance to the village. In its present state, the site does not contribute to the overall quality of the green belt. The Structure Plan Manager has not recommended that planning permission be refused. Reference is made to several other extracts from the structure plan (e.g. sections 4.4, 5 & Table 3), which are alleged to support the development proposal.

7.448 Although the council appears to treat the green belt round Kilmacolm as sacrosanct, it has been and is prepared to release other green belt land elsewhere, e.g. Wemyss Bay, Inverkip, Gourock, Greenock, Port Glasgow, and Quarriers. It is also prepared to sanction large scale developments in the green belt near Kilmacolm at Balrossie School and Bridge of Weir Hospital. The objection proposal is too small to be assessed re structure plan Strategic Policy 9, and should be seen as a windfall opportunity to increase the range of housing in the village. The site is effective, and 3 houses represents less than 2% of the total housing land supply in the Inverclyde part of the Renfrewshire sub-HMA.

7.449 In the light of SDD Circular 24/1985 (which states that development in green belts should be strictly controlled), the local plan is wrong to state that the council's policy is to prevent development. Moreover, the drawing of a tight green belt boundary round Kilmacolm does not achieve a balance between the containment and growth of urban development. There are many statements in chapters 3, 4 & 7 of the local plan which support the development of brownfield sites. There are no difficulties with existing services and infrastructure. The proposed houses would be

2-storeys high. One of the results of having such a tight green belt boundary has been 'town cramming': development has been forced to take place within large gardens, adversely affecting the character of established residential areas with the loss of the traditional pattern of large houses in large gardens. There has also been pressure on infrastructure and on inadequate vehicular accesses. Young and lower-income people have been forced out of the housing market, thus going against sustainability and social inclusion and contributing to depopulation. Mr & Ms Madden have been trying to find suitable land to build houses for themselves and their children for a long time. The former quarry was sold by Scottish Water as having 'development potential'.

7.450 There is an existing vehicular access to the site within the existing 30mph speed limit; the sight line to the south east is 60m, while that to the north west (within the 60mph limit) is 90m. Given that it exists and that there is no history of accidents, it should be allowed to be used to serve the 3 proposed houses. There are numerous examples in Kilmacolm of sub-standard accesses having been allowed, and building houses here would reinforce the built-up nature of the area and provide a psychological warning for drivers to slow down. However, the council proposes to move the 30mph sign out beyond the entrance to Auchenbothie, which means that sight lines of 90m could be achieved at an access half way along the site frontage. There are no other potential infrastructure problems.

7.451 Reference is also made to SPP 1 & 3 and NPPG 17, which are alleged to support the objection proposal.

7.452 Mr J Madden explains the circumstances under which he and his wife purchased the objection site from Scottish Water, the first planning application, the appeal and the Reporter's decision, meetings with council officials and the local councillor, the raising of a petition with 71 signatures, the changed circumstances, and the second planning application. He has been told that the 30mph sign is to be moved this year, and he refers to photographs showing sub-standard accesses that have been approved in Kilmacolm in recent times. He understands that commercial vehicles could continue to use the existing access. Ideally he would prefer each of the 3 proposed houses to have its own access, but one access serving all 3 houses would be acceptable.

7.453 He believes there to be a need for additional housing to be built in the village. St Columba's School has grown considerably in recent times, and many families would like to move to the village to be nearer to the school. More new houses would also encourage more people to settle in the village, including those who have moved away because house prices are so high. Ribbon development is the established development pattern along Port Glasgow Road, and the cemetery road would be the absolute limit to growth. Part of the quarry was sold off 30 years ago, and the 2 houses to the south east were built. The council promotes development on brownfield sites and should therefore encourage building on the objection site. He finds it strange that the council is also promoting the building of 40 houses at the former Balrossie School on a site that is in the green belt and where the road and traffic situation is much worse than on Port Glasgow Road. Trees and shrubs were removed from the objection site, despite the wish of SNH, so as to reduce maintenance.

7.454 For the council, Mr F Macleod points out that the site is not regarded as unsightly and does not feature in the Scottish Vacant & Derelict Land Survey. It sits on a fairly tight bend of the road, and individual accesses to each of the 3 proposed houses would not be acceptable. It may be possible to achieve adequate visibility splays if only one access was created, but only if the 30mph limit was moved out. The requirement for a flood risk assessment came from SNH. The council is aware that the proposal appears to have attracted considerable local support.

7.455 Reference is made to relevant extracts from SPP 3, PAN 38, SDD Circular 24/1985 and the structure plan. The council's strategy is to concentrate on the regeneration and brownfield development of Greenock and Port Glasgow. The proposal does not fall within any of the listed categories of development in policy H4 that might be acceptable in the green belt, and it also falls foul of policies DS1, 8 & 10. The council agrees with the Reporter that development of the site would have an adverse impact on the existing landscape character and the setting of Kilmacolm; it provides a relatively strong landscape edge to the settlement, although the rear quarry wall would help to contain the proposed development and prevent further development to the north. It does not lie within a 'sensitive wedge' of green belt.

7.456 When the Reporter described the site as 'brownfield', he doubtless had in mind the definition in NPPG 3. However, the equivalent definition in SPP 3 is more precise, in that it no longer includes the phrase: "or used for some purpose which has ceased" and includes the additional phrase: "... and developed land within the settlement boundary where further intensification of use is considered acceptable." In the structure plan definition there is an important caveat: "a brownfield site should not be presumed to be suitable for development, especially in the green belt and other countryside areas". The significant difference between the term as used in the structure and local plans as compared with SPP 3 is that it is more of a policy instrument than being largely descriptive. The definitions in the former are designed not so much to convey the visual or physical appearance of such sites but to clarify the distinction in planning policy between their respective roles and purposes as land for development. Structure plan Strategic Policy 9B(ii) refers specifically to 'brownfield urban land'. It is accepted that the structure and local plan definition differ and that there will always therefore be a difference of opinion over the categorisation of sites such as this objection site. However, although a brownfield site can be in the green belt, this is insufficient on its own as a planning policy tool to determine whether it accords with other relevant development plan policies. There would, however, have been a stronger presumption against the development of the objection site if it had been clearly greenfield.

7.457 There have been no significant changed circumstances since the first application was considered. The structure plan does not require more housing land to be found in the Renfrewshire sub-HMA, and the local plan does not therefore allocate any. Although the local planning exercise to review the inner edge of the green belt and make appropriate localised amendments to remove anomalies was completed before the appeal was determined, the 'fuller review' hinted at by the Reporter was deemed inappropriate since it would have been in conflict with the structure plan and the primary objectives of the local plan's development strategy. By reinstating the land at Langbank Drive and the Plots into the green belt, the council has made it even less likely that any such adjustments – for whatever reason – would be acceptable to

the inner green belt boundary around Kilmacolm. In any event, none of the green belt adjustments would lead to extensions to the built-up area; in each case, there is a clearly defined boundary, either as a physical feature on the ground or in relation to adjacent development, and none can be considered examples of ribbon development.

7.458 The council does not find the second sentence of the Reporter's para 24 convincing. The lesser minor public road – a 'no through road' serving the village cemetery in the green belt – is secondary to the fact that it rises to the rear of the wall of the former quarry, and therefore its presence is not that relevant to defining a new green belt boundary here; the quarry wall is a better boundary than this road. An extension to the built-up area at this location cannot be anything other than 'ribbon development' which is contrary to SDD Circular 24/1985 and to the other sites to which objections have been made. The entire length of the north side of the road could be described as having a 'sheltered south-facing position', while the proposed houses would have garages and the occupiers would be unlikely to use a bus to get to the village centre.

7.459 Of much more relevance are the third, fourth and fifth sentences of para 24 and the first sentence of para 25. Although what the Reporter describes as 'fairly dense vegetative cover' has now been substantially cleared, the extent to which the village is hidden from view when approaching Kilmacolm along the main road cannot be altered because the bend in the road will be a permanent constraint to development. If left undisturbed, the vegetation would regenerate. One of the biggest dangers in allowing development on this site is that it would set a precedent.

7.460 **Kilmacolm Civic Trust** points out that this site has been the subject of several development applications which have been refused. Quite apart from the unsuitability of the location, it is in the green belt and therefore should not be considered brownfield. The Trust is keen to see derelict sites tidied up and has also objected to proposals for houses to be built in the gardens of large houses, which could cause town cramming and congestion. There are very few brownfield sites left to be developed in Kilmacolm. See also paras 7.358-.60 above.

7.461 In commenting on the first application, SNH states *inter alia*:

"there may be an argument which suggests that this proposal would result in a more clearly defensible boundary to the green belt along this particular settlement edge... the visual impact should be of low magnitude... [It is] concerned to note that the intended site is within the green belt and that the proposal would represent a linear extension of the urban area into the green belt along Port Glasgow Road... However, SNH considers it unlikely that this development would represent a significant impact upon the natural heritage and landscape interests of this locality. Consequently, SNH is not minded to object to this proposal, although we would not wish to see further incursions into the green belt in this area..."

### Conclusions

7.462 I refer first to what I have concluded re Kilmacolm as a whole in paras 7.158-.159 above. In my view, the only possible justification for releasing this objection site would be if it was an obvious anomaly and/or it was a suitable candidate for taking some affordable housing, for which a need is likely to be confirmed in the near future.

For the avoidance of doubt, I do not consider this a suitable location for affordable housing, and this is not what is proposed by the objector.

7.463 To my mind the determining issues are whether (a) any comfort can be gained from the fact that this is a brownfield site; and (b) the green belt boundary would be more appropriate and defensible if moved to the cemetery road.

7.464 On the first issue, I am aware that in SPP 1 the second of 8 bullet points relating to sustainable development reads:

- "promoting the use of previously developed land and minimising greenfield development"

A similar message is contained in para 29 of SPP 3 and elsewhere. Solely on this basis, the allocation of the objection site should be preferred to Langbank Drive and the Plots. However, other factors come into play, and of course the position now is that the latter 2 sites are not being promoted. In that Kilmacolm is in the Renfrewshire sub-HMA, I do not consider it appropriate to attempt to make any capital out of the fact that the council has seen fit to release some other greenfield sites within the Inverclyde HMA, where circumstances are different.

7.465 Although the SPP 3 definition of 'brownfield' differs from that in NPPG 3, its first sentence confirms that the objection site is still such a site. The second sentence gives examples but does not imply that brownfield land is only to be found in settlements. In the structure plan, reference is made to the NPPG 3 definition, but the point is made (correctly, in my opinion) that:

"a brownfield site should not be presumed to be suitable for development, especially in green belt and other countryside areas."

7.466 As far as I can make out, most references to 'brownfield' in the structure plan occur in the expression 'urban brownfield land' or in a context where it can readily be assumed that 'brownfield land' means land within the built-up area whose redevelopment would be to the benefit of urban regeneration. The definition of 'brownfield' in the local plan largely follows that in NPPG 3, and should therefore be updated. It also goes too far in stating categorically that the term only applies to sites within the urban area. Nonetheless, the local plan has to conform to the structure plan, and I consider it reasonable to conclude that the process of urban regeneration would only be assisted by the redevelopment of brownfield sites within the urban area, and that no significant advantage would be gained by the redevelopment of a brownfield site (such as the objection site) that was not within the urban area.

7.467 On the second point, the objector has made much of the second sentence of para 24 of the appeal Reporter's decision letter. However, I read this as a summary of the merits of the site in any comparative exercise that may be carried out in the event that a need for more housing land in Kilmacolm has been identified. I have to say that I am not convinced by the points made after the semi-colon re sustainability, but the fact that the site is contained within 2 roads is in its favour. On the other hand, despite the objector having recently cut down virtually all of what the Reporter described 2 years ago as "the fairly dense vegetative cover which has recolonised the quarry floor",

the fact remains that the site's physical characteristics and its location before the left hand bend on Port Glasgow Road still "enables the village to be hidden from the view of those approaching Kilmacolm on this road." I agree with him that the site (even without the vegetation) does serve a useful function, and that its development for 3 houses would have an adverse impact on Kilmacolm's landscape setting. From my inspections, I do not believe that the cemetery road would provide a better settlement/green belt boundary, nor that Auchenbothie Lodge is the obvious end of development on this side of the road.

7.468 I note the comments of SNH, but I have to say that my own site inspections cause me to disagree with them. While building 3 houses here would not in itself of course lead to the coalescence of Kilmacolm and Port Glasgow, the objection site lies in the structure plan's Green Belt Structural Corridor between these 2 settlements and its development would continue the ribbon of development along the north east side of Port Glasgow Road further out into the countryside. I accept that ribbon development is the existing pattern on this road, but this form of development forms part of the second of 3 propositions behind green belt policy in SDD Circular 24/1985, and I do not believe that this is of any assistance to the objection proposal.

7.469 Nor do I believe that the 'area' has a built-up character or that, if it did, it would be appropriate to reinforce that character. Nor can this site reasonably be described as an infill or gap site. I appreciate that 'town cramming' is one potential result of preventing the outward expansion of Kilmacolm, but my several visits have not given me cause to believe that this is a significant problem. A substantial part of Kilmacolm is a conservation area, and the council can use its development control policies to ensure that reasonable standards of density etc. prevail throughout the village.

9.470 I have taken account of the considerable public support for the proposal; the fact that the objection site is clearly of no use for agriculture or forestry; the risk that it could become an eyesore; the probability that 3 houses could be built soon; my impression that the question of access sightlines appears capable of resolution; and the apparent lack of any other infrastructure constraints. However, these do not cause me to alter my conclusion, particularly in a situation where no land requires to be allocated in Kilmacolm for mainstream housing.

#### Recommendation

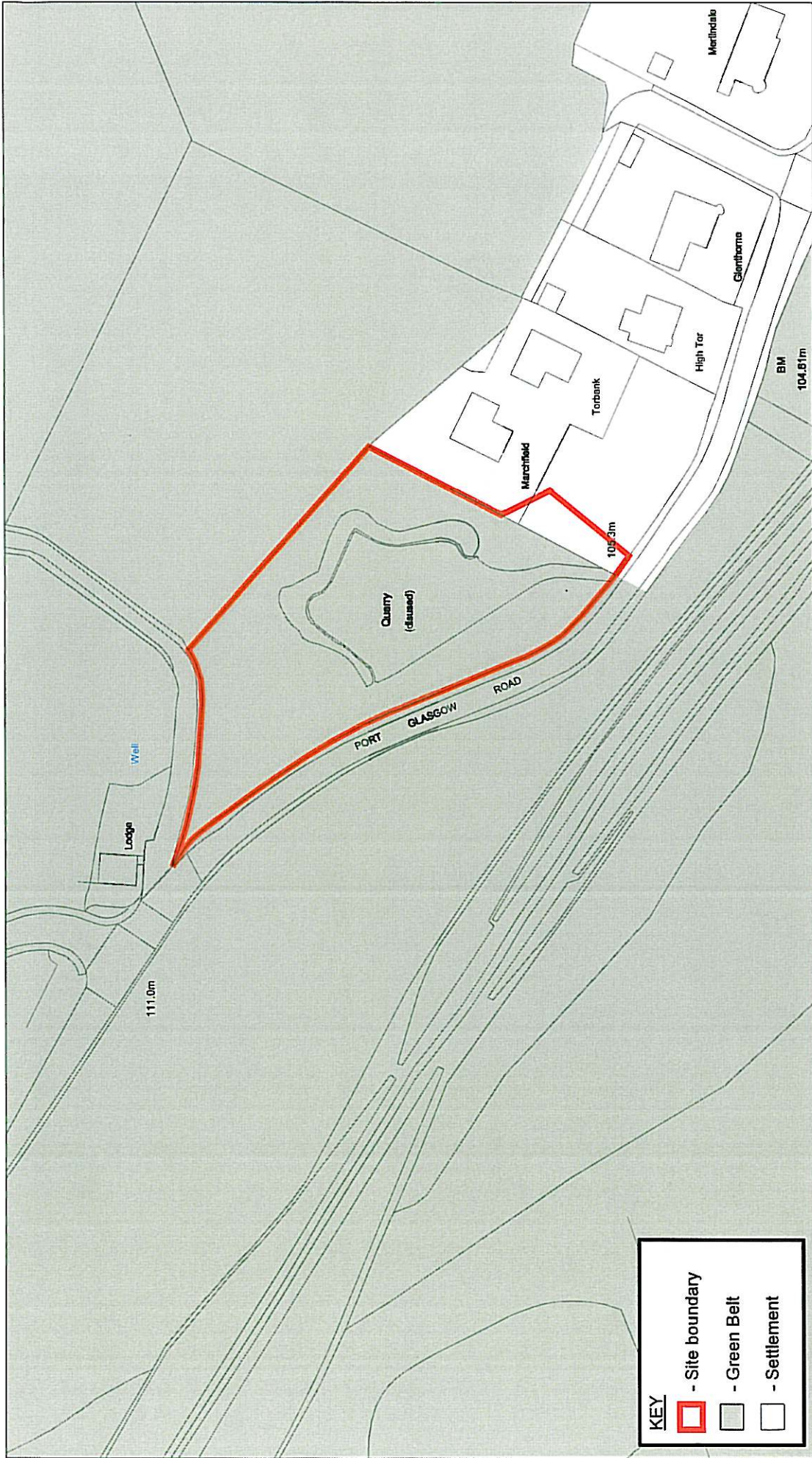
7.471 *No modification, other than to alter the definition of 'brownfield' as per para 7.466 above.*

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#### **Kilmacolm – West Glen Road (South East)**

7.472 This site extends to about 1.4ha and comprises green belt grazing land on the south east side of the narrow West Glen Road at the north eastern edge of Kilmacolm. It slopes down from the road towards an extensive area of grassland and gorse to the south east. The north eastern boundary is undefined on the ground. There is a row of





SCALE 1:1500  
 GMcC / AUG 10

**KEY**

- Site boundary
- Green Belt
- Settlement

Inverclyde Council  
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