

**Local Review Body**

**5 February 2014**

**Planning Application for Review**

**Ardgowan Estate**

**Change of use of former riding school reception and tack shop to dog grooming parlour:**

**Riding School, Bankfoot Farm, Inverkip Road, Greenock (13/0218/IC)**

**Contents**

- Planning Application and plans
- Report of Handling dated 30 August 2013
- Consultation Responses
- Decision Notice dated 4 September 2013
- Notice of Review form dated 3 December 2013 together with supporting documentation
- Suggested condition should planning permission be granted on review

# PLANNING APPLICATION AND PLANS

# Inverclyde council

Municipal Buildings Clyde Square Greenock PA15 1LY

Tel: 01475 712 406

Fax: 01475 712 468

Email: [planning.dlm@inverclyde.gov.uk](mailto:planning.dlm@inverclyde.gov.uk)

Applications cannot be validated until all necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE                      000068668-001

The online ref number is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the Planning Authority about this application.

## Type of Application

What is this application for? Please select one of the following: \*

We strongly recommend that you refer to the help text before you complete this section.

- Application for Planning Permission (including changes of use and surface mineral working)
- Application for Planning Permission in Principle
- Further Application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions

## Description of Proposal

Please describe the proposal including any change of use: \* (Max 500 characters)

change of use of former riding school reception and retail space (class 1) to dog grooming parlour (sui generis)

Is this a temporary permission? \*                       Yes  No

If a change of use is to be included in the proposal has it already taken place?  
(Answer 'No' if there is no change of use.) \*                       Yes  No

Have the works already been started or completed? \*

No    Yes - Started    Yes - Completed

## Applicant or Agent Details

Are you an applicant, or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)                       Applicant  Agent

## Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="hobson architects"/>
Ref. Number:	<input type="text"/>
First Name: *	<input type="text" value="nick"/>
Last Name: *	<input type="text" value="hobson"/>
Telephone Number: *	<input type="text" value="01475 522286"/>
Extension Number:	<input type="text"/>
Mobile Number:	<input type="text"/>
Fax Number:	<input type="text" value="01475 522286"/>
Email Address: *	<input type="text" value="info@hobsonarchitects.co.uk"/>

You must enter a Building Name or Number, or both:\*

Building Name:	<input type="text" value="seacliff"/>
Building Number:	<input type="text"/>
Address 1 (Street): *	<input type="text" value="eglinton terrace"/>
Address 2:	<input type="text"/>
Town/City: *	<input type="text" value="skelmorie"/>
Country: *	<input type="text" value="UK"/>
Postcode: *	<input type="text" value="PA17 5EP"/>

Is the applicant an individual or an organisation/corporate entity? \*

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text"/>
Other Title:	<input type="text"/>
First Name:	<input type="text"/>
Last Name:	<input type="text"/>
Company/Organisation: *	<input type="text" value="Ardgowan Estate"/>
Telephone Number:	<input type="text"/>
Extension Number:	<input type="text"/>
Mobile Number:	<input type="text"/>
Fax Number:	<input type="text"/>
Email Address:	<input type="text"/>

You must enter a Building Name or Number, or both:\*

Building Name:	<input type="text" value="Estate office"/>
Building Number:	<input type="text"/>
Address 1 (Street): *	<input type="text" value="Ardgowan"/>
Address 2:	<input type="text"/>
Town/City: *	<input type="text" value="Inverkip"/>
Country: *	<input type="text" value="renfrewshire"/>
Postcode: *	<input type="text" value="PA16 0DW"/>

## Site Address Details

Planning Authority:

Full postal address of the site (including postcode where available):

Address 1:  Address 5:

Address 2:  Town/City/Settlement:

Address 3:  Post Code:

Address 4:

Please identify/describe the location of the site or sites.

Northing  Easting

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*  Yes  No

## Pre-Application Discussion Details

In what format was the feedback given? \*

Meeting  Telephone  Letter  Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) \* (Max 500 characters)

proposal was discussed and submission requirements agreed.

Title:  Other title:

First Name:  Last Name:

Correspondence Reference Number:  Date (dd/mm/yyyy):

Note 1. A processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

## Site Area

Please state the site area:

Please state the measurement type used:  Hectares (ha)  Square Metres (sq.m)

## Existing Use

Please describe the current or most recent use: (Max 500 characters)

riding school reception with retail space (class 1)

## Access and Parking

Are you proposing a new or altered vehicle access to or from a public road? \*

Yes  No

If Yes please describe and show on your drawings the position of any existing, altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any changes to public paths, public rights of way or affecting any public rights of access? \*

Yes  No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application site? \*

3

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the total of existing and any new spaces or a reduced number of spaces)? \*

3

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycle spaces).

## Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? \*

Yes  No

Do your proposals make provision for sustainable drainage of surface water? (e.g. SUDS arrangements) \*

Yes  No

Note: -

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? \*

Yes

No, using a private water supply

No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

## Assessment of Flood Risk

Is the site within an area of known risk of flooding? \*

Yes  No  Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? \*

Yes  No  Don't Know

## Trees

Are there any trees on or adjacent to the application site? \*

Yes  No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

## Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? \*

Yes  No

If Yes or No, please provide further details:(Max 500 characters)

retain existing waste collection provision. bins positioned out front on collection day.

## Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? \*

Yes  No

## All Types of Non Housing Development - Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? \*

Yes  No

## All Types of Non Housing Development - Proposed New Floorspace Details

For planning permission in principal applications, if you are unaware of the exact proposed floorspace dimensions please provide an estimate where necessary and provide a fuller explanation in the 'Don't Know' text box below.

Please state the use type and proposed floorspace (or number of rooms if you are proposing a hotel or residential institution): \*

Not in a Use Class

Gross (proposed) floorspace (In square metres, sq.m) or number of new (additional) rooms (if class 7 or 8): \*

70

If Class 1, please give details of internal floorspace:

Net trading space:

Non-trading space:

Total:

If Class 'Not in a use class' or 'Don't know' is selected, please give more details: (Max 500 characters)

dog grooming salon with related retail sales (sui generis)

## Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2008) \*

Yes  No  Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

## Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? \*

Yes  No

## Certificates and Notices

Certificate and Notice under Regulation 15 8 – Town and Country Planning (General Development Management Procedure) (Scotland) Order 1992 (GDPO 1992) Regulations 2008

One Certificate must be completed and submitted along with this application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? \*

Yes  No

Is any of the land part of an agricultural holding? \*

Yes  No

## Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

## Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding.

Signed: nick hobson

On behalf of: Ardgowan Estate

Date: 25/07/2013

Please tick here to certify this Certificate. \*

## Checklist - Application for Planning Permission

Town and County Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? \*

Yes  No  Not applicable to this application

b) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major developments (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? \*

Yes  No  Not applicable to this application



Town and County Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

c) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, have you provided a Design and Access Statement? \*

Yes  No  Not applicable to this application

d) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2008) have you provided a Design Statement? \*

Yes  No  Not applicable to this application

e) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? \*

Yes  No  Not applicable to this application

f) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- Site Layout Plan or Block plan.
- Elevations.
- Floor plans.
- Cross sections.
- Roof plan.
- Master Plan/Framework Plan.
- Landscape plan.
- Photographs and/or photomontages.
- Other.

Provide copies of the following documents if applicable:

- A copy of an Environmental Statement. \*  Yes  N/A
- A Design Statement or Design and Access Statement. \*  Yes  N/A
- A Flood Risk Assessment. \*  Yes  N/A
- A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). \*  Yes  N/A
- Drainage/SUDS layout. \*  Yes  N/A
- A Transport Assessment or Travel Plan. \*  Yes  N/A
- Contaminated Land Assessment. \*  Yes  N/A
- Habitat Survey. \*  Yes  N/A
- A Processing Agreement \*  Yes  N/A

Other Statements (please specify). (Max 500 characters)

### Declare - For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying plans/drawings and additional information are provided as a part of this application .

Declaration Name:                    nick hobson  
Declaration Date:                    25/07/2013  
Submission Date:                    25/07/2013

### Payment Details

Cheque: hobson architects

Created: 25/07/2013 08:35

**REPORT OF HANDLING DATED  
30 AUGUST 2013**

**REPORT OF HANDLING**

**Report By:** James McColl

**Report No:** 13/0218/IC

**Local Application  
Development**

**Contact  
Officer:** 01475 712462

**Date:** 30th August 2013

**Subject:** *Change of use of former riding school reception and tack shop to dog grooming parlour at Bankfoot Farm, Inverkip Road, Greenock*

**SITE DESCRIPTION**

The application relates to a ground floor premises within a one and a half storey stone building at the Bankfoot Farm steading located on the southern side of the A78 between Greenock and Inverkip which is accessed via the Bankfoot roundabout. The premises were last used as a horse riding tack shop and office associated with the riding school.

**PROPOSAL**

It is proposed to change the use of the property to a dog grooming salon. Associated external works will comprise an existing doorway to the northern elevation being blocked up and infilled with timber cladding.

**DEVELOPMENT PLAN POLICIES**

**Local Plan Policy DS8 - Green Belt**

There is a presumption against development in the designated Green Belt, as identified on the Proposals Map. Proposals will only be considered favourably in exceptional or mitigating circumstances and where the criteria for development in Policy DS10 for the 'Countryside' can be satisfied.

**Local Plan Policy DS10 - Countryside**

Development within the countryside (including the Green Belt) will be permitted only where it can be supported with reference to the following criteria:

- (a) it is required for the purposes of agriculture and forestry;
- (b) it is a recreation, leisure or tourism proposal which is appropriate for the countryside and contributes to the social and economic development of the area;
- (c) there is a specific locational requirement for the use and it cannot be accommodated on an alternative site;
- (d) it entails appropriate re-use of vacant buildings which it would be desirable to retain for their historic or architectural character; or
- (e) it forms part of an establishment or institution standing in extensive grounds; and
- (f) it does not adversely impact on the landscape character;

- (g) it does not adversely impact on the natural heritage resource;
- (h) it does not adversely affect the visual amenity of the area and is capable of satisfactory mitigation;
- (i) there is a need for additional land for development purposes, provided it takes account of the requirements of the Structure Plan; and
- (j) it complies with other relevant Local Plan policies.

#### Local Plan Policy R3 - Town Centre Uses

The following town centre uses will be directed towards the Central Shopping Area of Greenock, the other two Town Centres (Port Glasgow and Gourrock) and the Local Centres:

- (a) Use Class 1 (Shops)
- (b) Use Class 2 (Financial, Professional and other Services);
- (c) Use Class 3 (Food and Drink);
- (d) Use Class 11 (Assembly and Leisure); and
- (e) Related uses such as public houses, hot food take-aways, theatres, amusement arcades and offices for taxis for public hire.

Outside these designated Centres, the above uses will be permitted in principle in the Outer Mixed/Commercial Area around the Central Shopping Area of Greenock Town Centre, according to the specification in Policy R5. Applications for any of the uses listed will be considered subject to the criteria outlined in Policy R10. Proposals for other uses in designated Centres will be considered on their merit.

#### Local Plan Policy R10 - Assessing Development Proposals for Town Centre Uses

Any proposal for a development of one or more of the town centre uses identified in Policy R3, or for any other commercial use within a defined centre, will be required to satisfy the criteria listed below:

- (a) for developments on the edge of, or outside, the designated Centres, and retail developments on the edge of, or outside, Greenock's Central Shopping Area, the applicant should have adopted a sequential approach to site selection, including consideration of sites identified under Policy R6;
- (b) the applicant having demonstrated that there is a capacity for the development in terms of expenditure compared to turnover in the appropriate catchment area, or a qualitative deficiency in existing provision;
- (c) the proposal should not have a detrimental effect, including cumulatively, on the vitality and viability of existing Centres;
- (d) the size and format of the development is appropriate to the Centre for which it is proposed;
- (e) the proposed development should be accessible by a choice of means of transport from its forecast catchment, make provision for improved infrastructure where deemed necessary, not result in unacceptable changes in travel patterns and, where required, be supported by the production of a Transport Assessment;
- (f) the proposed development should be to a high standard of design and its scale, siting and relationship to the surrounding townscape and land uses should make a positive contribution to the quality of the urban environment;
- (g) the proposal should not have a detrimental effect on residential amenity or on the amenity and effective operation of existing businesses;

- (h) the proposal should be consistent with other relevant national, Structure Plan and Local Plan policies and guidelines, including any Town Centre Strategy or other relevant initiative which may have been instigated, the Council's Roads Development Guide, 1995 and any other standards; and
- (i) in Greenock Town Centre the proposed development should be consistent with Policies R4 and R5.

Where the proposal includes either a convenience retail development of over 1,000 square metres gross; comparison retail development of over 2,000 square metres gross; or Use Class 11 (Assembly & Leisure) developments that will attract a large number of users, it should be accompanied by a statement of justification addressing the above criteria and the criteria set out in the Structure Plan and NPPG8. At the Council's discretion, applications for development within designated Centres or small-scale development of town centre uses outwith the designated Centres may be exempted from the requirement to be justified against criteria (a)-(d).

## **PROPOSED LOCAL DEVELOPMENT PLAN POLICIES**

### **Policy ENV2 - Green Belt and the Countryside**

Development in the Green Belt will only be considered favourable in exceptional or mitigating circumstances, while development in the Countryside will only be considered favourably where it can be supported with reference to the following criteria:

- (a) it is required for the purposes of agriculture, forestry or, where appropriate, renewable energy (refer Policy INF1); or
- (b) it is a recreation, leisure or tourism proposal which is appropriate for the countryside and has an economic, social and community benefit (refer to Policy ECN6); or
- (c) there is a specific locational requirement for the use and it cannot be accommodated on an alternative site (refer Policies INF3 and INF7); or
- (d) it entails appropriate re-use of redundant habitable buildings, the retention of which is desirable for either their historic interest or architectural character or which form part of an establishment or institution standing in extensive grounds (refer to Policy RES7); and
- (e) it does not adversely impact on the natural and built heritage, and environmental resources;
- (f) it does not adversely impact on landscape character;
- (g) it does not adversely impact on prime quality agricultural land;
- (h) it does not adversely impact on peat land with a high value as a carbon store;
- (i) it does not adversely affect the visual amenity of the area and is capable of satisfactory mitigation;
- (j) there is a need for additional land for development purposes, provided it takes account of the requirements of the Strategic Development Plan; and
- (k) it has regard to Supplementary Guidance on Planning Application Advice.

### **Policy TCR2 - Sequential Approach to Site Selection for Town Centre Uses**

Proposals for development of town centre uses as set out in Policy TCR3 will be subject to the sequential approach as set out below:

- (a) Greenock Central Area
- (b) Port Glasgow and Gourock Town Centres;
- (c) Greenock Outer Area (subject to Policy TCR5);
- (d) sites on the edge of Greenock, Port Glasgow and Gourock Town Centres; and only then,
- (e) out-of-centre sites that are or can be made accessible by a choice of public and private transport modes.

The principles underlying the sequential approach also apply to proposals to expand or change the use of existing developments, where the proposals are of a scale or form sufficient to change a centre's role and function.

#### Policy TCR3 -Town Centre Uses

The following town centre uses will be directed to the Central Area of Greenock Town Centre, Port Glasgow and Gourock Town Centres and the Local Centres, subject to Policy TCR7:

- (a) Use Class 1 (Shops);
- (b) Use Class 2 (Financial, Professional and other Services);
- (c) Use Class 3 (Food and Drink);
- (d) Use Class 11 (Assembly and Leisure); and
- (e) related uses such as public houses, hot food take-aways, theatres, amusement arcades and offices for taxis for public hire.

#### Policy TCR7 - Assessing Development Proposals for Town Centre Uses

To assist the protection, enhancement and development of the designated Centres, all proposals for the development of town centre uses identified in Policy TCR3, or for any other commercial uses within a designated centre, will require to satisfy the following criteria:

- (a) the size of the development is appropriate to the centre for which it is proposed;
- (b) it is of a high standard of design;
- (c) it has an acceptable impact on traffic management and must not adversely impact on road safety and adjacent and/or nearby land uses;
- (d) it does not have a detrimental effect on amenity or the effective operation of existing businesses;
- (e) it is consistent with any Town Centre Strategy or other relevant initiative; and
- (f) has regard to Supplementary Guidance on Planning Application Advice.

Proposals for town centre uses outwith the designated Centres, unless they are small scale development to meet local needs that are subject to Policy TCR10, must also demonstrate:

- (g) that no appropriate sequentially preferable site exists;
- (h) that there is capacity for the development in terms of expenditure compared to turnover in the appropriate catchment area;
- (i) that there will be no detrimental impact, including cumulatively, on the viability and vitality of the designated Centres (Policy TCR1); and
- (j) in the case of temporary street markets, the operation will be for a maximum of 13 days in any 12 month period.

Proposals for retail and leisure development over 2,500 square metres outwith the designated town centres and that are not in accordance with the Development Plan should be accompanied by a retail impact analysis, as should any town centre proposal that the Council considers likely to have a potentially detrimental impact on the vitality and viability of the designated Centres. At the Council's discretion, applications for small-scale development of town centre uses outwith the designated Centres may be exempted from the requirement to be justified against criteria (g) - (i).

## Policy TCR10 - Shopping Facilities to Meet Local Needs

The retention, improvement and, subject to Policy TCR7, the provision of local neighbourhood shopping facilities up to 250 square metres gross, where they do not compromise residential amenity and/or road safety will be supported. A proposed change of use to non-retail will only be supported where it can be demonstrated that the business has been marketed for a minimum of 12 months and is no longer viable.

### **CONSULTATIONS**

**Transport Scotland** – No objections

**Head of Environmental and Commercial Services** – No objections

### **PUBLICITY**

The application was advertised in the Greenock Telegraph on 2nd August 2013 as it is contrary to the development plan.

### **SITE NOTICES**

The nature of the proposal did not require a site notice.

### **PUBLIC PARTICIPATION**

The application was subject of a press advertisement. No representations were received.

### **ASSESSMENT**

The material considerations in the assessment of this application are the Inverclyde Local Plan, the proposed Inverclyde Local Development Plan, the Scottish Planning Policy (SPP), the planning history of the premises, the consultation responses and the visual impact of the external alterations.

In first noting the planning history, the premises was originally a stable with a change of use to a horse riding tack shop and office being granted in February 2002. This planning permission was conditional that the premises shall only operate as a horse riding tack shop and office. This was to ensure that full control was retained over the retail sales from the property in accordance with the planning policies in place at the time. This tack shop replaced a previous smaller unit within the steading which was granted permission in August 1996. This permission had also been conditional that the premises could only operate as a horse riding tack shop. This is a use which was closely related to the previous riding school use at the farm steading.

The Local Plan locates the site within the Green Belt. Policy DS8 presumes against development within the Green Belt and advises that proposals will only be considered favourably in exceptional or mitigating circumstances and where the relevant criteria within policy DS10 can be satisfied. The purpose of the Green Belt is primarily to protect rural areas from urban spread and to maintain the identity of existing settlements by clearly defining their physical boundaries. Green Belt designation can also however assist in directing development to suitable locations within existing settlements. Policy DS10 provides the criteria for assessing proposals outwith the urban area, including within the Green Belt, and notes that development will only be permitted where it can satisfy the relevant criteria within the policy. The development is not required for the purposes of agriculture or forestry and it is not for the purposes of recreation, leisure or tourism. It does not involve the reuse of buildings with any particular historic or architectural significance and it does not involve the redevelopment of an existing institution within extensive grounds. Furthermore, there is no specific locational requirement for the use at this location and there is nothing to suggest that the use cannot be accommodated within an alternative premises within the urban area. The proposal does



not therefore meet criteria (a) - (e) with specific reference to criteria (c). Criteria (j) requires the proposal to comply with other relevant Local Plan policies and it therefore rests to consider if an assessment against other relevant policies would justify a departure from policy DS10.

Policy R3 of the Local Plan seeks to direct town centre uses to existing town centres or local shopping centres. A dog grooming parlour does not fall into any specific use class however there are examples elsewhere of such a use within established town centres. Such an operation involves frequent trips by members of the public and should therefore be located in a sustainable location. The use is therefore appropriate for location within designated town centres and local shopping centres. It is therefore considered to be a related town centre use for the purposes of criteria (f) within policy R3. An assessment must therefore be undertaken against the relevant criteria of policy R10. For developments outwith designated centres, policy R10 requires applicants to adopt a sequential approach to site selection. No such sequential approach has been undertaken and the applicant has thus failed to demonstrate that no suitable premises are available within an existing designated centre. Furthermore, I note that the SPP also advises that a sequential approach should be used in site selection unless the development plan identifies an exception. Out-of-centre locations should only be considered where an applicant can demonstrate all other options have been assessed and discounted as unsuitable or unavailable.

Whilst this proposal is of a small scale, it is a town centre use which could be accommodated in an existing town centre premises. It could bring a vacant unit back into use contributing to the provision of a range of services, increasing footfall and supporting the vitality and viability of the town centre. Ensuring all such developments are directed to town centres rather than isolated areas or out of town locations will, over time, support the town centre by cumulatively reducing vacancy and increasing footfall to the benefit of the overall vitality of the area.

As a sequential approach has not been taken and as there is nothing to suggest the new use could not be located within a designated centre, the proposal does not accord with policy R10 (a) and (c).

Turning to the proposed Local Development Plan which reflects the emerging policy position, policy ENV2 advises on development within the Green Belt and the Countryside. This policy reflects the position of the current Local Plan and the proposal would therefore be contrary to criteria (a) to (d) of this policy, most notably criteria (c). Policy TCR2 requires a sequential approach to site selection and policy TCR3 seeks to direct town centre uses to existing town centres and local centres. Policy TCR7 (g) to (j) advises on proposals for town centre uses outwith designated centres, unless they are small development to meet local needs subject to policy TCR10. A dog grooming salon within the Green Belt cannot be considered as a local neighbourhood shopping facility defined in policy TCR10. As it has not been demonstrated that there are no appropriate sequentially preferable sites and as the use could be located within a designated centre supporting the vitality and viability of these centres, the proposal does not accord with policy TCR7 (g) and (i).

The outstanding material consideration is that of road safety. Both Transport Scotland and the Head of Environmental and Commercial Services offer no objections in this regard.

In conclusion, as the proposed use is considered to be a town centre use for the purposes of policy R3 of the Local Plan, there is no specific locational requirement for the dog grooming salon to be located in the Green Belt, outwith the urban area. The applicant has also failed to demonstrate that sequentially preferential sites have been considered and eliminated within an existing designated centre and that consequently the only available and suitable premises is within the Green Belt. Adopting this approach to ensure all such developments are directed to designated centres, rather than isolated areas or out of town locations will, over time, support the designated centre by cumulatively reducing vacancy and increasing footfall to the benefit of their overall vitality, an approach which merits support.

The proposal does not accord with policies DS8, DS10 (a) – (e), R3 and R10 (a) and (c) of the Local Plan, policies ENV2 (a) – (d), TCR2, TCR3 and TCR7 (g) – (j) of the proposal Local Development Plan and the aims and objectives of the town centre first approach set out in the

Scottish Planning Policy. In accordance with Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997, as amended, the application must be determined in accordance with the development plan unless material considerations indicate otherwise. There are no material considerations which I consider would justify a departure from the development plan and to grant planning permission would create a very undesirable precedent. Planning permission should therefore be refused.

## **RECOMMENDATION**

That the application be refused.

### **Reasons**

1. The proposal does not accord with policies DS8, DS10 (a) – (e), R3 and R10 (a) and (c) of the Local Plan, policies ENV2 (a) – (d), TCR2, TCR3 and TCR7 (g) – (j) of the proposal Local Development Plan and the aims and objectives of the Scottish Planning Policy.
2. The applicant has failed to demonstrate that no sequentially preferential sites are available within existing designated town centres or local centres. The proposal could therefore have a detrimental impact on these centres.

Signed:

Case Officer: James McColl

Stuart Jamieson  
Head of Regeneration and Planning

# CONSULTATION RESPONSES

Response On Development Affecting Trunk Roads and Special Roads

The Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure)  
(Scotland) Regulations 2008 S.I. 2008 No 432 (S.25)

Town and Country Planning (Notification of Applications) (Scotland) Direction 2009

To Inverclyde Council Development Management, Municipal Buildings, Clyde Square, Greenock PA15 1LY	Council Reference:-	13/0218/IC
	TS TRBO Reference:	SW/199/2013

Application made by Ardgowan Estate per Hobson Architects, Nick Hobson Seacliff Eglinton Terrace SKELMORLIE PA17 5EP and received by Transport Scotland on 26 August 2013 for planning permission for change of use of former riding school reception and tack shop to dog grooming parlour located at Riding School Bankfoot Farm Inverkip Road Greenock affecting the A78 Trunk Road.

Director, Trunk Roads Network Management Advice

1. The Director does not propose to advise against the granting of permission
2. The Director advises that planning permission be refused (see overleaf for reasons).
3. The Director advises that the conditions shown overleaf be attached to any permission the council may give (see overleaf for reasons).

In issuing planning permission the applicant should be informed that the consent does not carry with it the right to carry out works within the trunk road boundary (see overleaf for details of any works to be carried out within the trunk road boundary) and that permission must be granted by Transport Scotland, Trunk Road and Bus Operations. To obtain permission contact the Route Manager through the general contact number below. The Operating Company have responsibility for co-ordination and supervision of works and after permission has been granted it is the developer's contractor's responsibility to liaise with the Operating Company during the construction period to ensure all necessary permissions are obtained.

TS Contact:-

Route Manager (A78) 0141 272 7100 Network South, Buchanan House, 58 Port Dundas Road, Glasgow, G4 0HF
Operating Company:- SOUTH WEST UNIT
Address:- 150 Polmadie Road, Glasgow, G5 0HN
Telephone Number:- 0141 218 3800
e-mail address:- planning@scotlandtranserv.co.uk

Trunk road modification works shall, in all respects, comply with the Design Manual for Roads and Bridges and the Specification for Highway Works published by HMSO. The developer shall issue a certificate to that effect, signed by the design organisation.

Trunk road modifications shall, in all respects, be designed and constructed to arrangements that comply with the Disability Discrimination Act: Good Practice Guide for Roads published by Transport Scotland. The developer shall provide written confirmation of this, signed by the design organisation.

**CONDITIONS to be attached to any permission the council may give:-**

1	There shall be no signage within or adjacent to the trunk road boundary.
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**REASON(S) for Conditions (numbered as above):-**

1	To minimise the distraction to drivers on the trunk road.
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<b>Transport Scotland Response Date:-</b>	05-Sep-2013
<b>Transport Scotland Contact:-</b>	Fred Abercrombie
<b>Transport Scotland Contact Details:-</b>	Trunk Road and Bus Operations, Network Operations - Development Management Buchanan House, 58 Port Dundas Road, Glasgow, G4 0HF Telephone Number: 0141 272 7382 e-mail: <a href="mailto:development_management@transportscotland.gsi.gov.uk">development_management@transportscotland.gsi.gov.uk</a>

**NB - Planning etc. (Scotland) Act 2006**

Planning Authorities are requested to provide Transport Scotland, Trunk Road and Bus Operations, Network Operations - Development Management with a copy of the decision notice, and notify Transport Scotland, Trunk Roads Network Management Directorate if the recommended advice is not accepted.



**DECISION NOTICE DATED  
4 SEPTEMBER 2013**

# DECISION NOTICE

## *Refusal of Planning Permission*

Issued under Delegated Powers

Inverclyde  
council

Regeneration and Planning  
Municipal Buildings  
Clyde Square  
Greenock PA15 1LY

Planning Ref: 13/0218/IC

Online Ref:000068668-001

*TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997  
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)  
(SCOTLAND) REGULATIONS 2013*

Ardgowan Estate  
Estate Office  
Ardgowan  
INVERKIP  
PA16 0DW

Hobson Architects  
Nick Hobson  
Seacliff  
Eglinton Terrace  
SKELMORLIE  
PA17 5EP

With reference to your application dated 25th July 2013 for planning permission under the above mentioned Act and Regulation for the following development:-

**Change of use of former riding school reception and tack shop to dog grooming parlour at**

**Riding School, Bankfoot Farm, Inverkip Road, Greenock**

**Category of Application Local Application Development**

The INVERCLYDE COUNCIL in exercise of their powers under the abovementioned Act and Regulation hereby refuse planning permission for the said development.

The reasons for the Council's decision are:-

1. The proposal does not accord with policies DS8, DS10 (a) - (e), R3 and R10 (a) and (c) of the Local Plan, policies ENV2 (a) - (d), TCR2, TCR3 and TCR7 (g) - (j) of the proposal Local Development Plan and the aims and objectives of the Scottish Planning Policy.
2. The applicant has failed to demonstrate that no sequentially preferential sites are available within existing designated town centres or local centres. The proposal could therefore have a detrimental impact on these centres.

The reason why the Council made this decision is explained in the attached Report of Handling.

**Dated this 4th day of September 2013**

**Head of Regeneration and Planning**





- 1 If the applicant is aggrieved by the decision of the Planning Authority to refuse permission for or approval required by condition in respect of the proposed development, or to grant permission or approval subject to conditions, he may seek a review of the decision within three months beginning with the date of this notice. The request for review shall be addressed to The Head of Legal and Administration, Inverclyde Council, Municipal Buildings, Greenock, PA15 1LY.
  
- 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, he may serve on the planning authority a purchase notice requiring the purchase of his interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997

**Refused Plans: Can be viewed Online at <http://planning.inverclyde.gov.uk/Online/>**

<b>Drawing No:</b>	<b>Version:</b>	<b>Dated:</b>
1317-SL001	/	01.06.2013
1317-EX001	/	01.06.2013
1317-P002	/	01.06.2013
1317-P001	/	01.06.2013
1317-EX002	/	01.06.2013

**NOTICE OF REVIEW FORM AND  
SUPPORTING DOCUMENTATION**

# Inverclyde council

Municipal Buildings Clyde Square Greenock PA15 1LY

Tel: 01475 712 406

Fax: 01475 712 468

Email: [planning.dlm@inverclyde.gov.uk](mailto:planning.dlm@inverclyde.gov.uk)

Applications cannot be validated until all necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE                      000077679-001

The online ref number is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the Planning Authority about this application.

## Applicant or Agent Details

Are you an applicant, or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant  Agent

## Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="Savills"/>
Ref. Number:	<input type="text"/>
First Name: *	<input type="text" value="Patrick"/>
Last Name: *	<input type="text" value="Dunne"/>
Telephone Number: *	<input type="text" value="0141 222 4110"/>
Extension Number:	<input type="text"/>
Mobile Number:	<input type="text"/>
Fax Number:	<input type="text"/>
Email Address: *	<input type="text" value="pdunne@savills.com"/>

You must enter a Building Name or Number, or both:\*

Building Name:	<input type="text" value="163"/>
Building Number:	<input type="text"/>
Address 1 (Street): *	<input type="text" value="West George Street"/>
Address 2:	<input type="text"/>
Town/City: *	<input type="text" value="Glasgow"/>
Country: *	<input type="text" value="UK"/>
Postcode: *	<input type="text" value="G2 2JJ"/>

Is the applicant an individual or an organisation/corporate entity? \*

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text"/>	You must enter a Building Name or Number, or both:*	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Estate Office"/>
First Name:	<input type="text"/>	Building Number:	<input type="text"/>
Last Name:	<input type="text"/>	Address 1 (Street): *	<input type="text" value="Ardgowan"/>
Company/Organisation: *	<input type="text" value="Ardgowan Estate"/>	Address 2:	<input type="text"/>
Telephone Number:	<input type="text"/>	Town/City: *	<input type="text" value="Inverkip"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="PA16 0DW"/>
Fax Number:	<input type="text"/>		
Email Address:	<input type="text"/>		

## Site Address Details

Planning Authority:	<input type="text" value="Inverclyde Council"/>		
Full postal address of the site (including postcode where available):			
Address 1:	<input type="text" value="RIDING SCHOOL"/>	Address 5:	<input type="text"/>
Address 2:	<input type="text" value="BANKFOOT FARM"/>	Town/City/Settlement:	<input type="text" value="GREENOCK"/>
Address 3:	<input type="text" value="Inverkip Road"/>	Post Code:	<input type="text" value="PA16 0DT"/>
Address 4:	<input type="text" value="Greenock"/>		

Please identify/describe the location of the site or sites.

Northing	<input type="text" value="673372"/>	Easting	<input type="text" value="221838"/>
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## Description of the Proposal

Please provide a description of the proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: \*  
(Max 500 characters)

## Type of Application

What type of application did you submit to the planning authority? \*

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? \*

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

## Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: \* (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time of expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Please see attached Review Statement

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made? \*

Yes  No

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: \* (Max 500 characters)

Review Statement  
SAV001 - Location Plan  
SAV002 - Decision Notice  
SAV003 - Council Report of Handling  
SAV004 - Drawing - Existing Elevations  
SAV005 - Drawing - Existing Floorplans  
SAV006 - Drawing - Proposed Elevations  
SAV007 - Drawing - Proposed Floorplans

## Application Details

Please provide details of the application and decision.

What is the application reference number? \*

13/0218/IC

What date was the application submitted to the planning authority? \*

25/07/13

What date was the decision issued by the planning authority? \*

04/09/13

## Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. \*

Yes  No

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be conducted by a combination of procedures.

Please select a further procedure \*

Inspection of the land subject of the appeal. (Further details below are not required)

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? \* (Max 500 characters)

The elected members may find it beneficial to visit the property to appreciate the small scale of the proposed use, and the merits of reinstalling an active use in this traditional vernacular rural style property.

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? \*  Yes  No

Is it possible for the site to be accessed safely and without barriers to entry? \*  Yes  No

## Checklist - Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant? \*  Yes  No

Have you provided the date and reference number of the application which is the subject of this review? \*  Yes  No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? \*

Yes  No  N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? \*  Yes  No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and drawings) which are now the subject of this review \*  Yes  No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

## Declare - Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Patrick Dunne

Declaration Date: 03/12/2013

Submission Date: 03/12/2013

**On behalf of Ardgowan Estate Limited**

**Review Statement**

**Planning reference: 13/0218/IC**

**Change of use of former tack shop to dog grooming parlour**

**Riding School, Bankfoot Farm, Inverkip Road, Greenock**

**December 2013**



## 1. Introduction

- 1.1. A planning application was submitted to Inverclyde Council seeking planning permission for:

*Change of use of former riding school reception and tack shop to dog grooming parlour*

at Riding School, Bankfoot Farm, Inverkip Road, Greenock (Planning Application Reference 13/0218/IC) (Location Plan SAV001

- 1.2. The Council issued a decision notice dated 4<sup>th</sup> September 2013 (Document SAV002) refusing to grant planning permission for the proposed change of use under planning officer delegated powers.
- 1.3. It is therefore requested that the Local Review Body consider the application documents originally submitted with the application, and the information contained within this statement which addresses the reasons for refusal of the planning application.
- 1.4. We have submitted the following documents to accompany the Notice of Review and this Review Statement:
- SAV001 - Location Plan
  - SAV002 - Decision Notice
  - SAV003 - Council Report of Handling
  - SAV004 - Drawing - Existing Elevations
  - SAV005 - Drawing - Existing Floorplans
  - SAV006 - Drawing - Proposed Elevations
  - SAV007 - Drawing - Proposed Floorplans

## 2. Reason for Review of Decision

- 2.1. Ardgowan Estate has instructed Savills to submit this Notice of Review, as it feels that the decision made under delegated powers by the Council is unsound and the decision to refuse the application should be overturned.
- 2.2. The reasons for refusal focus on acceptability within the Green Belt, and impact on the Town Centre. This Review Statement discusses the relevant planning policies in detail in section 5. It is considered that the proposed development is in accordance with the relevant policies identified in the reasons for refusal.
- 2.3. The mitigating circumstances of this proposal which will form the main consideration of the Local Review Body will be the acceptability within Green Belt, specifically the locational need (due to noise, requirement for car access) and the desirability to retain the 19<sup>th</sup> century stone building which is currently vacant.
- 2.4. The elected members will also need to consider if a dog grooming parlour is a typical town centre use which should be assessed under retail policies. We believe that dog grooming is not a typical town centre use, and is common in rural areas within agricultural building groups and stables, given the operational requirements and noise sometimes associated with such an operation. We believe that as the use should not be considered a town centre use, the retail policies and requirement for a sequential assessment should not apply.
- 2.5. Notwithstanding all of the above we believe that given the benefits of rural diversification and employment, and the small scale and general character of this proposal, it would be inappropriate to apply full retail policy and that there is sufficient mitigating factors to warrant the overturning of the refusal.

### 3. Suggested Review Procedure

- 3.1. Savills is of the opinion that the elected members of the Local Review Body may find it beneficial to undertake a site visit to Bankfoot Farm. This would allow the members to gain a full appreciation of the character of the property and surrounding area, and the small scale of the proposed change of use.
- 3.2. Should a site visit be considered appropriate, the property can be viewed directly from the adjacent public road. Savills, acting as agent for the Ardgowan Estate would be happy to arrange an accompanied site visit if the members believe this would be beneficial.
- 3.3. Savills does not believe that further written submissions, or a hearing, are appropriate in this case.

## 4. Reasons for Refusal

- 4.1. The proposed development is for the change of use of the former riding school reception and tack shop to dog grooming parlour.
- 4.2. The reason for the Council's decision was:
  1. *The proposal does not accord with policies DS8, DS10 (a) – (e), R3 and R10 (a) and (c) of the Local Plan, policies ENV2 (a) – (d), TCR2, TCR3 and TCR7 (g) – (j) of the proposed Local Development Plan and the aims and objectives of the Scottish Planning Policy.*
  2. *The applicant has failed to demonstrate that no sequentially preferential sites are available within existing designated town centres or local centres. The proposal could therefore have a detrimental impact on these centres.*
- 4.3. This statement considers the reason for refusal in detail and reference is made to the officer's report of handling (SAV003). The drawings which were considered as part of the application have been submitted with this Review Statement (SAV004 – SAV007).

## 5. Planning Policy Assessment

5.1. The first reason for refusal attached to the decision notice states:

1. *The proposal does not accord with policies DS8, DS10 (a) – (e), R3 and R10 (a) and (c) of the Local Plan, policies ENV2 (a) – (d), TCR2, TCR3 and TCR7 (g) – (j) of the proposed Local Development Plan and the aims and objectives of the Scottish Planning Policy.*

5.2. Each of these policies has been assessed separately in this section.

### Inverclyde Local Plan

*“Policy DS8 Green Belt*

*There is a presumption against development in the designated Green Belt, as identified on the Proposals Map. Proposals will only be considered favourably in exceptional or mitigating circumstances and where the criteria for development in Policy DS10 for the ‘Countryside’ can be satisfied.”*

- 5.3. The Report of Handling states that the purpose of the Green Belt is primarily to protect rural areas from urban spread and to maintain the identity of existing settlements by clearly defining their physical boundaries.
- 5.4. The proposed development would take place within the confines of an existing building, and well established building group, and would as such not threaten the identity or physical boundaries of the settlements nearby.
- 5.5. The Report of Handling also states that Green Belt designations can also however assist in directing development to suitable locations within existing settlements.
- 5.6. Paragraph 159 of the Scottish Planning Policy broadly supports this view, however states that along with maintaining the identity of settlements and clearly defining physical boundaries, the Green Belt can:
 

*“direct planned growth to the most appropriate locations and support regeneration.”*
- 5.7. SPP further states that:
 

*“Green belt designation should be used to direct development to suitable locations, not to prevent development from happening.”*
- 5.8. SPP clearly supports the view that Green Belt designations can assist in directing development to suitable locations, however does not as is suggested in the Report of Handling restrict suitable locations as being within existing settlements. SPP instead recognises that, in some circumstances, a rural location can be the most suitable location.
- 5.9. With this in mind, the Inverclyde Local Plan uses the mechanism in Policy DS10 to assess proposals for development within the Green Belt.
- 5.10. The qualifying criteria for acceptance in the Green Belt is set out in points a) through e) of Policy DS10. This section of the policy has been contained in reason for refusal 1.
- 5.11. The Report of Handling stated that the development would not meet any of the qualifying criteria set out in Policy DS10.

*“Policy DS10 – Countryside*

*Development within the countryside (including the Green Belt) will be permitted only where it can be supported with reference to the following criteria:*

- (a) it is required for the purposes of agriculture and forestry;*
- (b) it is a recreation, leisure or tourism proposal which is appropriate for the countryside and contributes to the social and economic development of the area;*
- (c) there is a specific locational requirement for the use and it cannot be accommodated on an alternative site;*
- (d) it entails appropriate re-use of vacant buildings which it would be desirable to retain for their historic or architectural character; or*
- (e) it forms part of an establishment or institution standing in extensive grounds; and*
- (f) it does not adversely impact on the landscape character;*
- (g) it does not adversely impact on the natural heritage resource;*
- (h) it does not adversely affect the visual amenity of the area and is capable of satisfactory mitigation;*
- (i) there is a need for additional land for development purposes, provided it takes account of the requirements of the Structure Plan; and*
- (j) it complies with other relevant Local Plan policies.”*

- 5.12. A dog grooming parlour would typically serve one or two dogs at any one time, however as with any operation involving animals there can be some limited noise disturbance. In addition it can be a challenge to transport medium to large dogs on public transport meaning that car travel is a necessity for many dog owners when transporting their animals to the vet or to get groomed.
- 5.13. Dogs have formed an integral part of the traditional character of agricultural and rural areas for centuries, and associated uses have traditionally occupied farm buildings or buildings associated with stables.
- 5.14. Given this the proposed use could in part satisfy elements of the qualifying criteria in that it is associated traditionally with agriculture and recreation, and that most importantly there is a specific locational requirement for a dog grooming parlour to be located in a rural area.
- 5.15. Finally, the Report of Handling states that the proposal does not:  
*“involve the reuse of buildings with any particular historic or architectural significance”*
- 5.16. It is important to note that the qualifying criteria stated in Policy DS10 (d), does not ask for buildings to be “historically or architecturally significant”, but for “vacant buildings which it would be desirable to retain for their historic or architectural character”.
- 5.17. The property which is subject of the appeal is part of an attractive traditional vernacular stone agricultural courtyard, which is over 100 years old. Having lain empty following the closure of the tack shop, the Estate wishes to bring it back into economic use, and so ensuring the survival of the building. While not particularly significant in a historical or architectural sense, the historical and architectural character of the building is important to the traditional rural character of the Green Belt and its loss would be of detriment. As such it is strongly desirable that the building is retained through the maintenance of an economic use. Given this the proposed development fully satisfies qualifying criteria (d) of Policy DS10.
- 5.18. Policy DS10 goes on to raise specific criteria which should be met where one of the qualifying criteria has been satisfied (points (f) through (j)). These have not been raised in

the Report of Handling, however we are of the opinion that given that these deal primarily with visual amenity, the character of the proposals satisfy these criteria.

- 5.19. Policy DS8 requires all development in the Green Belt to be assessed against Policy DS10. The proposed development fully satisfies policy DS10 given the locational need of the proposed use and the re-use of a vacant building which is of a historical and architectural character which it would be desirable to retain.**

*"Policy R3 Town Centre Uses*

*The following town centre uses will be directed towards the Central Shopping Area of Greenock, the other two Town Centres (Port Glasgow and Gourock) and the Local Centres:*

- (a) Use Class 1 (Shops)*
- (b) Use Class 2 (Financial, Professional and other Services);*
- (c) Use Class 3 (Food and Drink);*
- (d) Use Class 10 (Community Uses);*
- (e) Use Class 11 (Assembly and Leisure); and*
- (f) Related uses such as public houses, hot food take-aways, theatres, amusement arcades and offices for taxis for public hire.*

*Outside these designated Centres, the above uses will be permitted in principle in the Outer Mixed/ Commercial Area around the Central Shopping Area of Greenock Town Centre, according to the specification in Policy R5. Applications for any of the uses listed will be considered subject to the criteria outlined in Policy R10. Proposals for other uses in designated Centres will be considered on their merit."*

- 5.20. In addition to the Green Belt policies the decision notice has identified non-accordance with the Town Centre retail policies R3 and R10 (a) and (c) as part of reason for refusal 1.
- 5.21. Policy R3 relates to town centre uses, these have been specifically highlighted in the policy at points (a) through (f). A dog grooming parlour has not been specifically identified in the policy as a town centre use.
- 5.22. The Report of Handling identifies a dog grooming parlour as:
- "A dog grooming parlour does not fall into any specific use class, however there are examples elsewhere of such a use within established town centres".*
- 5.23. We believe that this is not sufficient evidence to form the basis that a dog grooming parlour is a typical town centre use. Whilst we recognise that there is occasion where such an operation may be present in a town centre location, we are also aware of examples of such an operation within an agricultural setting. The mere presence of a specific use within a Town Centre should not form a tacit acceptance that such a use is desirable at that location and could not be more appropriately located at an out of centre location.
- 5.24. We do not believe that a dog grooming parlour is a town centre use in the terms of Policy R3.
- 5.25. As a sui generis use class the Council will retain control over the use of the unit should this appeal be accepted. If in the future an alternative use is sought (including Class 1) this would require a further planning application. Given this, consenting a dog grooming parlour in an out of centre location would not jeopardise the central retail and community role of the town centres of Inverclyde.

- 5.26. Given the above, we do not believe that Policy R10 applies, and that a sequential approach to site selection is not necessary for the proposed use. Notwithstanding this, should the Local Review Board consider a dog grooming parlour to be a town centre use in the terms of Policy R3, we believe that the material reasons discussed in this statement and the scale and character of the proposal would warrant a departure from the development plan and the non application of the Policy R10 in this instance.
- 5.27. **We do not believe that the proposed use constitutes a typical Town Centre use given the operational requirements, and the presence of similar rural operations throughout Scotland. Given this Policy R3 and R10 should not apply. As Policy R10 does not apply there is no requirement for Sequential Assessment and so reason for refusal 2 would no longer apply.**

#### Inverclyde Local Development Plan Proposed Plan

- 5.28. The Inverclyde Local Development Plan Proposed Plan is currently being considered by the Scottish Government at Examination.
- 5.29. The Plan is a material consideration in the determination of planning applications, and policies ENV2, TCR2, TCR3 and TCR7 are referenced in reason for refusal 1.
- 5.30. As with the existing development plan, the acceptability of the proposal centres on the appropriate location in the Green Belt and if the proposed use can be considered a typical Town Centre use.
- 5.31. As before, the proposed use retains a building which would be desirable to retain and has a specific locational requirement, as such it is an acceptable use in the Green Belt. The principle of the use as a typical town centre use remains questionable with no specific reference to dog grooming parlours in Policy TCR3. It remains our opinion that there are numerous examples of similar operations within similar rural positions, and that the specific operational requirements of dog grooming parlours means that they are often better located out of the town centre. Given this, a dog grooming parlour should not be considered a typical town centre use and Policies TCR2, TCR3 and TCR7 should not apply.



**Policy ENV2 – Green Belt and the Countryside**

*Development in the Green Belt will only be considered favourable in exceptional or mitigating circumstances, while development in the Countryside will only be considered favourably where it can be supported with reference to the following criteria:*

- (a) it is required for the purposes of agriculture, forestry or, where appropriate, renewable energy (refer Policy INF1); or*
- (b) it is a recreation, leisure or tourism proposal which is appropriate for the countryside and has an economic, social and community benefit (refer to Policy ECN6); or*
- (c) there is a specific locational requirement for the use and it cannot be accommodated on an alternative site (refer Policies INF3 and INF7); or*
- (d) it entails appropriate re-use of redundant habitable buildings, the retention of which is desirable for either their historic interest or architectural character or which form part of an establishment or institution standing in extensive grounds (refer to Policy RES7); and*
- (e) it does not adversely impact on the natural and built heritage, and environmental resources;*
- (f) it does not adversely impact on landscape character;*
- (g) it does not adversely impact on prime quality agricultural land;*
- (h) it does not adversely impact on peat land with a high value as a carbon store;*
- (i) it does not adversely affect the visual amenity of the area and is capable of satisfactory mitigation;*
- (j) there is a need for additional land for development purposes, provided it takes account of the requirements of the Strategic Development Plan; and*
- (k) it has regard to Supplementary Guidance on Planning Application Advice.*

**POLICY TCR3 – Town Centre Uses**

*The following town centre uses will be directed to the Central Area of Greenock Town Centre, Port Glasgow and Gourock Town Centres and the Local Centres, subject to Policy TCR7:*

- (a) Use Class 1 (Shops);*
- (b) Use Class 2 (Financial, Professional and other Services);*
- (c) Use Class 3 (Food and Drink);*
- (d) Use Class 11 (Assembly and Leisure); and*
- (e) related uses such as public houses, hot food take-aways, theatres, amusement arcades and offices for taxis for public hire.*

**5.32. The policies of the Proposed Plan have been satisfied, and as a material consideration do not amend our consideration of the current local plan as discussed above.**

**Scottish Planning Policy**

5.33. The planning officer has stated in the Report of Handling that

*“I note that the SPP also advises that a sequential approach should be used in site selection unless the development plan identifies an exception.”*

5.34. Given this, non compliance with the objectives of SPP has been included as part of reason for refusal 1. However, given the points raised in this statement on the inappropriate requirement for a sequential assessment into the proposed use, we do not believe that the above section of SPP is relevant in this case and should not be relied upon as a reason for refusal.

5.35. Further, SPP states in paragraph 93 that:

*“The strategy for rural development set out in the development plan should respond to specific circumstances in an area whilst reflecting the overarching aim of supporting diversification and growth of the rural economy. Development plans should promote economic activity and diversification, whilst ensuring that the distinctiveness of rural areas, the service function of small towns and the natural and cultural heritage are protected and enhanced.”*

- 5.36. **The proposed development is in keeping with the objectives of SPP when considered in line with the principles of rural development and economic diversification within rural areas.**

## 6. Conclusion

- 6.1. The refusal of the planning application is made based on the assertions that the proposed development does not meet the criteria to allow Green Belt development. In addition the Council has stated that a dog grooming parlour should be considered a typical town centre use, and so be subject to sequential assessment.
- 6.2. This statement has shown that the proposal will safeguard a desirable vernacular building which would otherwise degrade, and that there is an operational requirement for a rural location. Given this we believe that the proposed use is an acceptable Green Belt use under the terms of Policy DS10.
- 6.3. Further, the Report of Handling has made a statement that dog grooming parlours are a typical town centre use. Given the presence of similar operations attached to rural premises all over Scotland, and the operational requirements for an out of centre location, the use should not be considered a town centre use. It is important to note that the proposal is a sui generis use and so any change of use which would take place in the future would require a further planning application. As such the proposal would not degrade the traditional retail and community uses associated with the town centres. Given this Policies R3 and R10 do not apply and there is no requirement for a sequential assessment.
- 6.4. **As such we submit that this proposed development, of modest scale, does not conflict with the policies cited in the reasons for refusal. No weight has been given to the positive benefits of the development, including to the provision of rural economic diversification and associated employment in line with SPP, along with the protection of a vernacular property which is currently vacant. Consequently it is respectfully suggested that the decision to refuse this application is unsound and should be overturned.**

# DECISION NOTICE

## *Refusal of Planning Permission*

Issued under Delegated Powers

Inverclyde  
council

Regeneration and Planning  
Municipal Buildings  
Clyde Square  
Greenock PA15 1LY

Planning Ref: 13/0218/IC

Online Ref:000068668-001

*TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997*  
*TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)*  
*(SCOTLAND)REGULATIONS 2013*

Ardgowan Estate  
Estate Office  
Ardgowan  
INVERKIP  
PA16 0DW

Hobson Architects  
Nick Hobson  
Seacliff  
Eglinton Terrace  
SKELMORLIE  
PA17 5EP

With reference to your application dated 25th July 2013 for planning permission under the above mentioned Act and Regulation for the following development:-

**Change of use of former riding school reception and tack shop to dog grooming parlour at**

**Riding School, Bankfoot Farm, Inverkip Road, Greenock**

**Category of Application Local Application Development**

The INVERCLYDE COUNCIL in exercise of their powers under the abovementioned Act and Regulation hereby refuse planning permission for the said development.

The reasons for the Council's decision are:-

1. The proposal does not accord with policies DS8, DS10 (a) - (e), R3 and R10 (a) and (c) of the Local Plan, policies ENV2 (a) - (d), TCR2, TCR3 and TCR7 (g) - (j) of the proposal Local Development Plan and the aims and objectives of the Scottish Planning Policy.
2. The applicant has failed to demonstrate that no sequentially preferential sites are available within existing designated town centres or local centres. The proposal could therefore have a detrimental impact on these centres.

The reason why the Council made this decision is explained in the attached Report of Handling.

Dated this 4th day of September 2013

Head of Regeneration and Planning



- 1 If the applicant is aggrieved by the decision of the Planning Authority to refuse permission for or approval required by condition in respect of the proposed development, or to grant permission or approval subject to conditions, he may seek a review of the decision within three months beginning with the date of this notice. The request for review shall be addressed to The Head of Legal and Administration, Inverclyde Council, Municipal Buildings, Greenock, PA15 1LY.
  
- 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, he may serve on the planning authority a purchase notice requiring the purchase of his interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997

**Refused Plans: Can be viewed Online at <http://planning.inverclyde.gov.uk/Online/>**

Drawing No:	Version:	Dated:
1317-SL001	/	01.06.2013
1317-EX001	/	01.06.2013
1317-P002	/	01.06.2013
1317-P001	/	01.06.2013
1317-EX002	/	01.06.2013

**REPORT OF HANDLING**

**Report By:** James McColl

**Report No:**

13/0218/IC

Local Application  
Development

**Contact  
Officer:** 01475 712462

**Date:**

30th August 2013

**Subject:** Change of use of former riding school reception and tack shop to dog grooming parlour at Bankfoot Farm, Inverkip Road, Greenock

**SITE DESCRIPTION**

The application relates to a ground floor premises within a one and a half storey stone building at the Bankfoot Farm steading located on the southern side of the A78 between Greenock and Inverkip which is accessed via the Bankfoot roundabout. The premises were last used as a horse riding tack shop and office associated with the riding school.

**PROPOSAL**

It is proposed to change the use of the property to a dog grooming salon. Associated external works will comprise an existing doorway to the northern elevation being blocked up and infilled with timber cladding.

**DEVELOPMENT PLAN POLICIES**

**Local Plan Policy DS8 - Green Belt**

There is a presumption against development in the designated Green Belt, as identified on the Proposals Map. Proposals will only be considered favourably in exceptional or mitigating circumstances and where the criteria for development in Policy DS10 for the 'Countryside' can be satisfied.

**Local Plan Policy DS10 - Countryside**

Development within the countryside (including the Green Belt) will be permitted only where it can be supported with reference to the following criteria:

- (a) it is required for the purposes of agriculture and forestry;
- (b) it is a recreation, leisure or tourism proposal which is appropriate for the countryside and contributes to the social and economic development of the area;
- (c) there is a specific locational requirement for the use and it cannot be accommodated on an alternative site;
- (d) it entails appropriate re-use of vacant buildings which it would be desirable to retain for their historic or architectural character; or
- (e) it forms part of an establishment or institution standing in extensive grounds; and
- (f) it does not adversely impact on the landscape character;

- (g) it does not adversely impact on the natural heritage resource;
- (h) it does not adversely affect the visual amenity of the area and is capable of satisfactory mitigation;
- (i) there is a need for additional land for development purposes, provided it takes account of the requirements of the Structure Plan; and
- (j) it complies with other relevant Local Plan policies.

#### Local Plan Policy R3 - Town Centre Uses

The following town centre uses will be directed towards the Central Shopping Area of Greenock, the other two Town Centres (Port Glasgow and Gourock) and the Local Centres:

- (a) Use Class 1 (Shops)
- (b) Use Class 2 (Financial, Professional and other Services);
- (c) Use Class 3 (Food and Drink);
- (d) Use Class 11 (Assembly and Leisure); and
- (e) Related uses such as public houses, hot food take-aways, theatres, amusement arcades and offices for taxis for public hire.

Outside these designated Centres, the above uses will be permitted in principle in the Outer Mixed/ Commercial Area around the Central Shopping Area of Greenock Town Centre, according to the specification in Policy R5. Applications for any of the uses listed will be considered subject to the criteria outlined in Policy R10. Proposals for other uses in designated Centres will be considered on their merit.

#### Local Plan Policy R10 - Assessing Development Proposals for Town Centre Uses

Any proposal for a development of one or more of the town centre uses identified in Policy R3, or for any other commercial use within a defined centre, will be required to satisfy the criteria listed below:

- (a) for developments on the edge of, or outside, the designated Centres, and retail developments on the edge of, or outside, Greenock's Central Shopping Area, the applicant should have adopted a sequential approach to site selection, including consideration of sites identified under Policy R6;
- (b) the applicant having demonstrated that there is a capacity for the development in terms of expenditure compared to turnover in the appropriate catchment area, or a qualitative deficiency in existing provision;
- (c) the proposal should not have a detrimental effect, including cumulatively, on the vitality and viability of existing Centres;
- (d) the size and format of the development is appropriate to the Centre for which it is proposed;
- (e) the proposed development should be accessible by a choice of means of transport from its forecast catchment, make provision for improved infrastructure where deemed necessary, not result in unacceptable changes in travel patterns and, where required, be supported by the production of a Transport Assessment;
- (f) the proposed development should be to a high standard of design and its scale, siting and relationship to the surrounding townscape and land uses should make a positive contribution to the quality of the urban environment;
- (g) the proposal should not have a detrimental effect on residential amenity or on the amenity and effective operation of existing businesses;

- (h) the proposal should be consistent with other relevant national, Structure Plan and Local Plan policies and guidelines, including any Town Centre Strategy or other relevant initiative which may have been instigated, the Council's Roads Development Guide, 1995 and any other standards; and
- (i) in Greenock Town Centre the proposed development should be consistent with Policies R4 and R5.

Where the proposal includes either a convenience retail development of over 1,000 square metres gross; comparison retail development of over 2,000 square metres gross; or Use Class 11 (Assembly & Leisure) developments that will attract a large number of users, it should be accompanied by a statement of justification addressing the above criteria and the criteria set out in the Structure Plan and NPPG8. At the Council's discretion, applications for development within designated Centres or small-scale development of town centre uses outwith the designated Centres may be exempted from the requirement to be justified against criteria (a)-(d).

### **PROPOSED LOCAL DEVELOPMENT PLAN POLICIES**

#### **Policy ENV2 - Green Belt and the Countryside**

Development in the Green Belt will only be considered favourable in exceptional or mitigating circumstances, while development in the Countryside will only be considered favourably where it can be supported with reference to the following criteria:

- (a) it is required for the purposes of agriculture, forestry or, where appropriate, renewable energy (refer Policy INF1); or
- (b) it is a recreation, leisure or tourism proposal which is appropriate for the countryside and has an economic, social and community benefit (refer to Policy ECN6); or
- (c) there is a specific locational requirement for the use and it cannot be accommodated on an alternative site (refer Policies INF3 and INF7); or
- (d) it entails appropriate re-use of redundant habitable buildings, the retention of which is desirable for either their historic interest or architectural character or which form part of an establishment or institution standing in extensive grounds (refer to Policy RES7); and
- (e) it does not adversely impact on the natural and built heritage, and environmental resources;
- (f) it does not adversely impact on landscape character;
- (g) it does not adversely impact on prime quality agricultural land;
- (h) it does not adversely impact on peat land with a high value as a carbon store;
- (i) it does not adversely affect the visual amenity of the area and is capable of satisfactory mitigation;
- (j) there is a need for additional land for development purposes, provided it takes account of the requirements of the Strategic Development Plan; and
- (k) it has regard to Supplementary Guidance on Planning Application Advice.

#### **Policy TCR2 - Sequential Approach to Site Selection for Town Centre Uses**

Proposals for development of town centre uses as set out in Policy TCR3 will be subject to the sequential approach as set out below:



- (a) Greenock Central Area
- (b) Port Glasgow and Gourock Town Centres;
- (c) Greenock Outer Area (subject to Policy TCR5);
- (d) sites on the edge of Greenock, Port Glasgow and Gourock Town Centres; and only then,
- (e) out-of-centre sites that are or can be made accessible by a choice of public and private transport modes.

The principles underlying the sequential approach also apply to proposals to expand or change the use of existing developments, where the proposals are of a scale or form sufficient to change a centre's role and function.

#### Policy TCR3 -Town Centre Uses

The following town centre uses will be directed to the Central Area of Greenock Town Centre, Port Glasgow and Gourock Town Centres and the Local Centres, subject to Policy TCR7:

- (a) Use Class 1 (Shops);
- (b) Use Class 2 (Financial, Professional and other Services);
- (c) Use Class 3 (Food and Drink);
- (d) Use Class 11 (Assembly and Leisure); and
- (e) related uses such as public houses, hot food take-aways, theatres, amusement arcades and offices for taxis for public hire.

#### Policy TCR7 - Assessing Development Proposals for Town Centre Uses

To assist the protection, enhancement and development of the designated Centres, all proposals for the development of town centre uses identified in Policy TCR3, or for any other commercial uses within a designated centre, will require to satisfy the following criteria:

- (a) the size of the development is appropriate to the centre for which it is proposed;
- (b) it is of a high standard of design;
- (c) it has an acceptable impact on traffic management and must not adversely impact on road safety and adjacent and/or nearby land uses;
- (d) it does not have a detrimental effect on amenity or the effective operation of existing businesses;
- (e) it is consistent with any Town Centre Strategy or other relevant initiative; and
- (f) has regard to Supplementary Guidance on Planning Application Advice.

Proposals for town centre uses outwith the designated Centres, unless they are small scale development to meet local needs that are subject to Policy TCR10, must also demonstrate:

- (g) that no appropriate sequentially preferable site exists;
- (h) that there is capacity for the development in terms of expenditure compared to turnover in the appropriate catchment area;
- (i) that there will be no detrimental impact, including cumulatively, on the viability and vitality of the designated Centres (Policy TCR1); and
- (j) in the case of temporary street markets, the operation will be for a maximum of 13 days in any 12 month period.

Proposals for retail and leisure development over 2,500 square metres outwith the designated town centres and that are not in accordance with the Development Plan should be accompanied by a retail impact analysis, as should any town centre proposal that the Council considers likely to have a potentially detrimental impact on the vitality and viability of the designated Centres. At the Council's discretion, applications for small-scale development of town centre uses outwith the designated Centres may be exempted from the requirement to be justified against criteria (g) - (i).

## Policy TCR10 - Shopping Facilities to Meet Local Needs

The retention, improvement and, subject to Policy TCR7, the provision of local neighbourhood shopping facilities up to 250 square metres gross, where they do not compromise residential amenity and/or road safety will be supported. A proposed change of use to non-retail will only be supported where it can be demonstrated that the business has been marketed for a minimum of 12 months and is no longer viable.

### CONSULTATIONS

**Transport Scotland** – No objections

**Head of Environmental and Commercial Services** – No objections

### PUBLICITY

The application was advertised in the Greenock Telegraph on 2nd August 2013 as it is contrary to the development plan.

### SITE NOTICES

The nature of the proposal did not require a site notice.

### PUBLIC PARTICIPATION

The application was subject of a press advertisement. No representations were received.

### ASSESSMENT

The material considerations in the assessment of this application are the Inverclyde Local Plan, the proposed Inverclyde Local Development Plan, the Scottish Planning Policy (SPP), the planning history of the premises, the consultation responses and the visual impact of the external alterations.

In first noting the planning history, the premises was originally a stable with a change of use to a horse riding tack shop and office being granted in February 2002. This planning permission was conditional that the premises shall only operate as a horse riding tack shop and office. This was to ensure that full control was retained over the retail sales from the property in accordance with the planning policies in place at the time. This tack shop replaced a previous smaller unit within the steading which was granted permission in August 1996. This permission had also been conditional that the premises could only operate as a horse riding tack shop. This is a use which was closely related to the previous riding school use at the farm steading.

The Local Plan locates the site within the Green Belt. Policy DS8 presumes against development within the Green Belt and advises that proposals will only be considered favourably in exceptional or mitigating circumstances and where the relevant criteria within policy DS10 can be satisfied. The purpose of the Green Belt is primarily to protect rural areas from urban spread and to maintain the identity of existing settlements by clearly defining their physical boundaries. Green Belt designation can also however assist in directing development to suitable locations within existing settlements. Policy DS10 provides the criteria for assessing proposals outwith the urban area, including within the Green Belt, and notes that development will only be permitted where it can satisfy the relevant criteria within the policy. The development is not required for the purposes of agriculture or forestry and it is not for the purposes of recreation, leisure or tourism. It does not involve the reuse of buildings with any particular historic or architectural significance and it does not involve the redevelopment of an existing institution within extensive grounds. Furthermore, there is no specific locational requirement for the use at this location and there is nothing to suggest that the use cannot be accommodated within an alternative premises within the urban area. The proposal does

not therefore meet criteria (a) - (e) with specific reference to criteria (c). Criteria (j) requires the proposal to comply with other relevant Local Plan policies and it therefore rests to consider if an assessment against other relevant policies would justify a departure from policy DS10.

Policy R3 of the Local Plan seeks to direct town centre uses to existing town centres or local shopping centres. A dog grooming parlour does not fall into any specific use class however there are examples elsewhere of such a use within established town centres. Such an operation involves frequent trips by members of the public and should therefore be located in a sustainable location. The use is therefore appropriate for location within designated town centres and local shopping centres. It is therefore considered to be a related town centre use for the purposes of criteria (f) within policy R3. An assessment must therefore be undertaken against the relevant criteria of policy R10. For developments outwith designated centres, policy R10 requires applicants to adopt a sequential approach to site selection. No such sequential approach has been undertaken and the applicant has thus failed to demonstrate that no suitable premises are available within an existing designated centre. Furthermore, I note that the SPP also advises that a sequential approach should be used in site selection unless the development plan identifies an exception. Out-of-centre locations should only be considered where an applicant can demonstrate all other options have been assessed and discounted as unsuitable or unavailable.

Whilst this proposal is of a small scale, it is a town centre use which could be accommodated in an existing town centre premises. It could bring a vacant unit back into use contributing to the provision of a range of services, increasing footfall and supporting the vitality and viability of the town centre. Ensuring all such developments are directed to town centres rather than isolated areas or out of town locations will, over time, support the town centre by cumulatively reducing vacancy and increasing footfall to the benefit of the overall vitality of the area.

As a sequential approach has not been taken and as there is nothing to suggest the new use could not be located within a designated centre, the proposal does not accord with policy R10 (a) and (c).

Turning to the proposed Local Development Plan which reflects the emerging policy position, policy ENV2 advises on development within the Green Belt and the Countryside. This policy reflects the position of the current Local Plan and the proposal would therefore be contrary to criteria (a) to (d) of this policy, most notably criteria (c). Policy TCR2 requires a sequential approach to site selection and policy TCR3 seeks to direct town centre uses to existing town centres and local centres. Policy TCR7 (g) to (j) advises on proposals for town centre uses outwith designated centres, unless they are small development to meet local needs subject to policy TCR10. A dog grooming salon within the Green Belt cannot be considered as a local neighbourhood shopping facility defined in policy TCR10. As it has not been demonstrated that there are no appropriate sequentially preferable sites and as the use could be located within a designated centre supporting the vitality and viability of these centres, the proposal does not accord with policy TCR7 (g) and (i).

The outstanding material consideration is that of road safety. Both Transport Scotland and the Head of Environmental and Commercial Services offer no objections in this regard.

In conclusion, as the proposed use is considered to be a town centre use for the purposes of policy R3 of the Local Plan, there is no specific locational requirement for the dog grooming salon to be located in the Green Belt, outwith the urban area. The applicant has also failed to demonstrate that sequentially preferential sites have been considered and eliminated within an existing designated centre and that consequently the only available and suitable premises is within the Green Belt. Adopting this approach to ensure all such developments are directed to designated centres, rather than isolated areas or out of town locations will, over time, support the designated centre by cumulatively reducing vacancy and increasing footfall to the benefit of their overall vitality, an approach which merits support.

The proposal does not accord with policies DS8, DS10 (a) – (e), R3 and R10 (a) and (c) of the Local Plan, policies ENV2 (a) – (d), TCR2, TCR3 and TCR7 (g) – (j) of the proposal Local Development Plan and the aims and objectives of the town centre first approach set out in the

Scottish Planning Policy. In accordance with Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997, as amended, the application must be determined in accordance with the development plan unless material considerations indicate otherwise. There are no material consideration which I consider would justify a departure from the development plan and to grant planning permission would create a very undesirable precedent. Planning permission should therefore be refused.

## **RECOMMENDATION**

That the application be refused.

### **Reasons**

1. The proposal does not accord with policies DS8, DS10 (a) – (e), R3 and R10 (a) and (c) of the Local Plan, policies ENV2 (a) – (d), TCR2, TCR3 and TCR7 (g) – (j) of the proposal Local Development Plan and the aims and objectives of the Scottish Planning Policy.
2. The applicant has failed to demonstrate that no sequentially preferential sites are available within existing designated town centres or local centres. The proposal could therefore have a detrimental impact on these centres.

Signed:



Case Officer: James McColl



Stuart Jamieson  
Head of Regeneration and Planning

**SUGGESTED CONDITION SHOULD  
PLANNING PERMISSION BE  
GRANTED ON REVIEW**

**RIDING SCHOOL, BANKFOOT FARM, INVERKIP ROAD, GREENOCK  
(13/00218/IC)**

**Suggested condition should planning permission be granted on review**

**Condition**

1. That the development to which this permission relates must be begun within 3 years from the date of this permission.

**Reason**

1. To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.