

Inverclyde Local Review Body

Our Ref: 13/0218/IC

REVIEW DECISION NOTICE

Decision by Inverclyde Local Review Body (the ILRB)

- Site address: Riding School, Bankfoot Farm, Inverkip Road, Greenock
 - Application for Review by Savills on behalf of Ardgowan Estate against the decision by an appointed officer of Inverclyde Council
 - Application Ref: 13/0218/IC
 - Application Drawings: 1317 - SL001 - Existing Local Plan
1317 - EX001 - Existing Floor Plans + Section AA
1317 - EX002 - Existing Elevations
1317 - P001 - Proposed Floor Plans + Section AA
1317 - P002 - Proposed Elevations
 - Date of Review Decision Notice: 17 February 2014
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Decision

The ILRB upholds the decision to refuse planning permission for the reasons given below and dismisses the review. Attention is also drawn to the Advisory Notice at the end of this Review Decision Notice.

1. Introduction

- 1.1 This Notice constitutes the formal decision notice of the ILRB as required by the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.
- 1.2 The above application for planning permission was considered by the ILRB at a meeting held on 5 February 2014. The ILRB was constituted by Councillors Provost R Moran, Councillors G Dorrian, T Loughran, I Nelson and D Wilson (Chair).

2. Proposal

- 2.1 The application proposal is for change of use of the former riding school reception and tack shop to a dog grooming parlour. The application was refused consent in terms of a decision letter dated 4 September 2013.

3. Preliminaries

- 3.1 The ILRB members were provided with copies of the following:
 - (i) Planning Application and plans;
 - (ii) Consultation Responses in respect of the Planning Application;
 - (iii) The Appointed Officer's Report of Handling dated 30 August 2013;
 - (iv) Decision Notice dated 4 September 2013;

- (v) Notice of Review and supporting documents dated 3 December 2013; and
- (vi) Draft condition should the ILRB be minded to grant planning permission.

3.2 Having regard to the material before the ILRB, the ILRB resolved that the Review Application could be determined without any further procedure allowed in terms of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.

4. Findings and Conclusions

4.1 The determining issues in this review were whether the proposal complied with Local Plan policy DS10 - Countryside, particularly in relation to the re-use of vacant buildings which it would be desirable to retain for their historic or architectural character. The ILRB also considered whether or not the applicant had demonstrated that there was an alternative site available within existing town centres or local centres and whether the proposed development satisfied rural needs.

4.2 Having regard to the whole circumstances, the ILRB concluded that the application had been correctly refused for the reasons given in the Decision Notice dated 4 September 2013, namely:

- (i) 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; and
- (ii) 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 The Review Application was accordingly dismissed.

Signed _____

Head of Legal & Democratic Services
Inverclyde Council
Municipal Buildings, Greenock PA15 1LX

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Notification to be sent to applicant on determination by the planning authority of an application following a review conducted under section 43A(8)

Notice under Regulation 22 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure)(Scotland) Regulations 2013

1. If the applicant is aggrieved by the decision of the planning authority -
 - (a) to refuse permission for the proposed development;
 - (b) to refuse approval, consent or agreement required by a condition imposed on a grant of planning permission; or
 - (c) to grant permission or approval, consent or agreement subject to conditions,

the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.