

Local Review Body

4 February 2015

Planning Application for Review

Mrs M Halliday

Erection of flagpole (in retrospect):

42 Caledonia Drive, Greenock (14/0223/IC)

Contents

- Planning Application and Plans
- Site Photograph
- Report of Handling dated 12 September 2014
- Decision Notice dated 15 September 2014
- Letter dated 1 December 2014 enclosing Notice of Review form and supporting documentation
(NB Information relating to planning applications for erection of flagpoles at 1 Benview, Port Glasgow and Duthie Road, Gourock not included with the papers in accordance with the criteria set out in Section 43(B) of the Town & Country Planning (Scotland) Act 1997)
- Email dated 5 January 2015 from applicant in relation to new material

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

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 000093469-001

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.

Description of Proposal

Please describe accurately the work proposed: * (Max 500 characters)

To erect flagpole in rear garden of property

Has the work already been started and/or completed? *

No Yes - Started Yes - Completed

Please state date of completion, or if not completed, the start date (dd/mm/yyyy): *

01/06/14

Please explain why work has taken place in advance of making this application: *
(Max 500 characters)

I did not know planning permission was needed to erect a flagpole.

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

Applicant Details

Please enter Applicant details

Title: *	<input type="text" value="Mrs"/>
Other Title:	<input type="text"/>
First Name: *	<input type="text" value="Margaret"/>
Last Name: *	<input type="text" value="Halliday"/>
Company/Organisation:	<input type="text"/>
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"/>
Building Number:	<input type="text" value="42"/>
Address 1 (Street): *	<input type="text" value="Caledonia Drive"/>
Address 2:	<input type="text"/>
Town/City: *	<input type="text" value="Greenock"/>
Country: *	<input type="text" value="UK"/>
Postcode: *	<input type="text" value="PA15 2WF"/>

Site Address Details

Planning Authority:

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

Address 1:	<input type="text" value="42 Caledonia Drive"/>	Address 5:	<input type="text"/>
Address 2:	<input type="text"/>	Town/City/Settlement:	<input type="text" value="Greenock"/>
Address 3:	<input type="text"/>	Post Code:	<input type="text" value="PA15 2WF"/>
Address 4:	<input type="text"/>		

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)

I received a letter from Guy Phillips advising me that planning permission was required and following this I telephoned him to explain that I didn't know PP was needed. He said if I applied for retrospective PP it would be a straightforward process and he didn't anticipate any problems with it being approved.

Title:

Please Select One

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.

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.

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.

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 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS 2013

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

Are you able to identify and give appropriate notice to ALL the other owners? *

Yes No

Certificate Required

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

Certificate B

Certificates

The certificate you have selected requires you to distribute copies of the Notice 1 document below to all of the Owners/Agricultural tenants that you have provided, before you can complete your certificate.

Notice 1 is Required

I understand my obligations to provide the above notice(s) before I can complete the certificates. *

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

I hereby certify that -

(1) - No person other than myself/the applicant was an owner [Note 4] 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;

or -
(1) - I have/The Applicant has served notice on every person other than myself/the applicant who, at the beginning of the period of 21 days ending with the date of the accompanying application was owner [Note 4] of any part of the land to which the application relates.

Name:

Address:

Date of Service of Notice: *

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

or -

(2) - The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have/the applicant has served notice on every person other than myself/himself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant. These persons are:

Name:

Address:

Date of Service of Notice: *

Signed: Mrs Margaret Halliday

On behalf of:

Date: 23/06/2014

Checklist - Application for Householder Application

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) Have you provided a written description of the development to which it relates? * Yes No
- b) Have you provided the postal address of the land to which the development relates, or if the land in question has no postal address, a description of the location of the land? * Yes No
- c) Have you provided the name and address of the applicant and, where an agent is acting on behalf of the applicant, the name and address of that agent? * Yes No
- d) Have you provided a location plan sufficient to identify the land to which it relates showing the situation of the land in relation to the locality and in particular in relation to neighbouring land? *. This should have a north point and be drawn to an identified scale. Yes No
- e) Have you provided a certificate of ownership? * Yes No
- f) Have you provided the fee payable under the Fees Regulations? * Yes No
- g) Have you provided any other plans as necessary? * Yes No

Continued on the next page

A copy of other plans and drawings or information necessary to describe the proposals (two must be selected). *

You can attach these electronic documents later in the process.

- Existing and proposed elevations.
- Existing and Proposed floor plans.
- Cross sections.
- Site layout plan/Block plans (including access).
- Roof plan.
- Photographs and/or photomontages.

Additional Surveys – for example a tree survey or habitat survey may be needed. In some instances you may need to submit a survey about the structural condition of the existing house or outbuilding. * Yes No

A Supporting Statement – you may wish to provide additional background information or justification for your proposals. This can be helpful and you should provide this in a single statement. This can be combined with a Design Statement if required. * Yes No

You must submit a fee with your application. Your application will not be able to be validated until the appropriate fee has been received by the planning authority.

Declare - For Householder Application

I, the applicant/agent certify that this is an application for planning permission as described in this form and the accompanying plans/drawings and additional information.

Declaration Name: Mrs Margaret Halliday

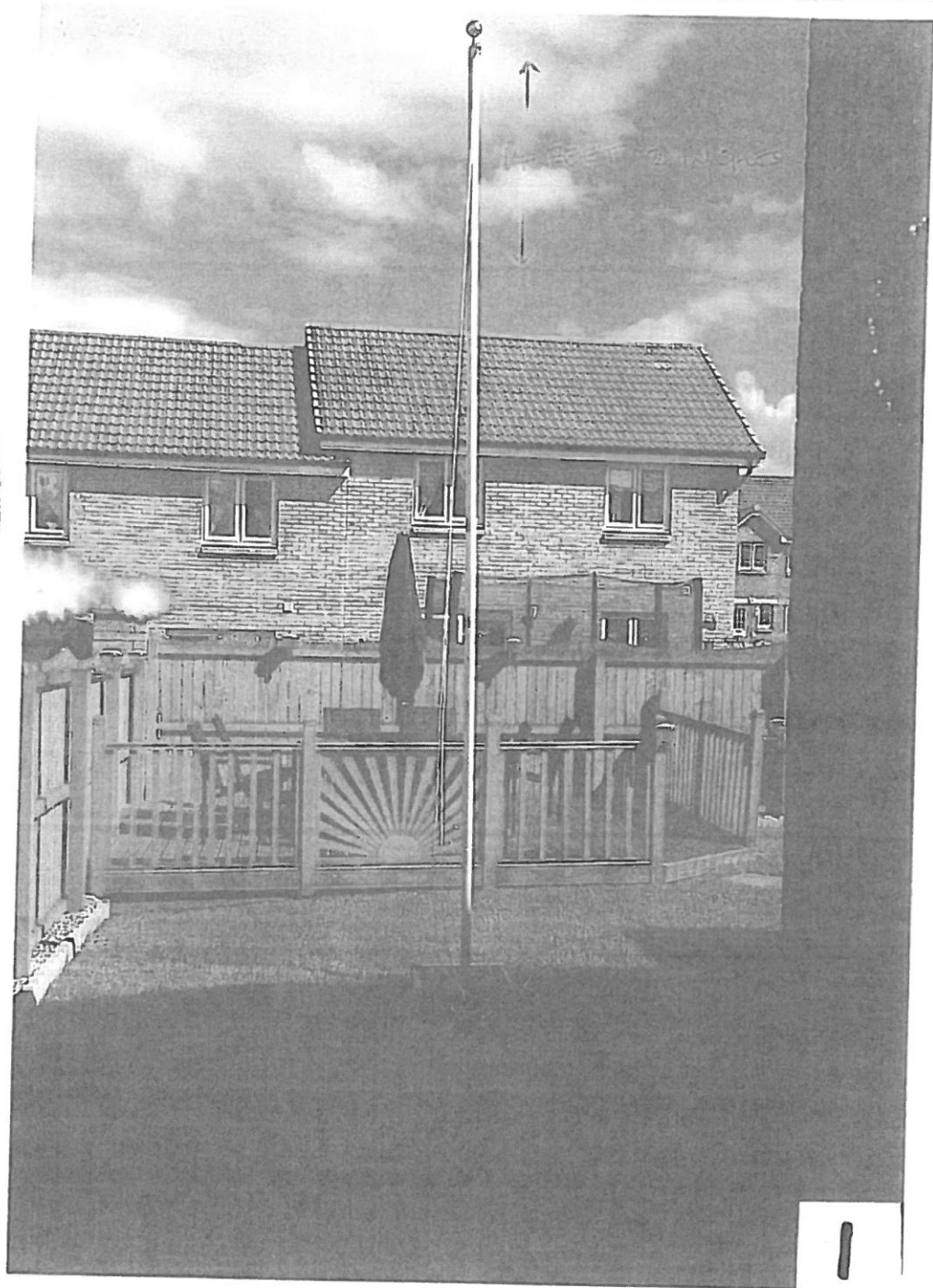
Declaration Date: 23/06/2014

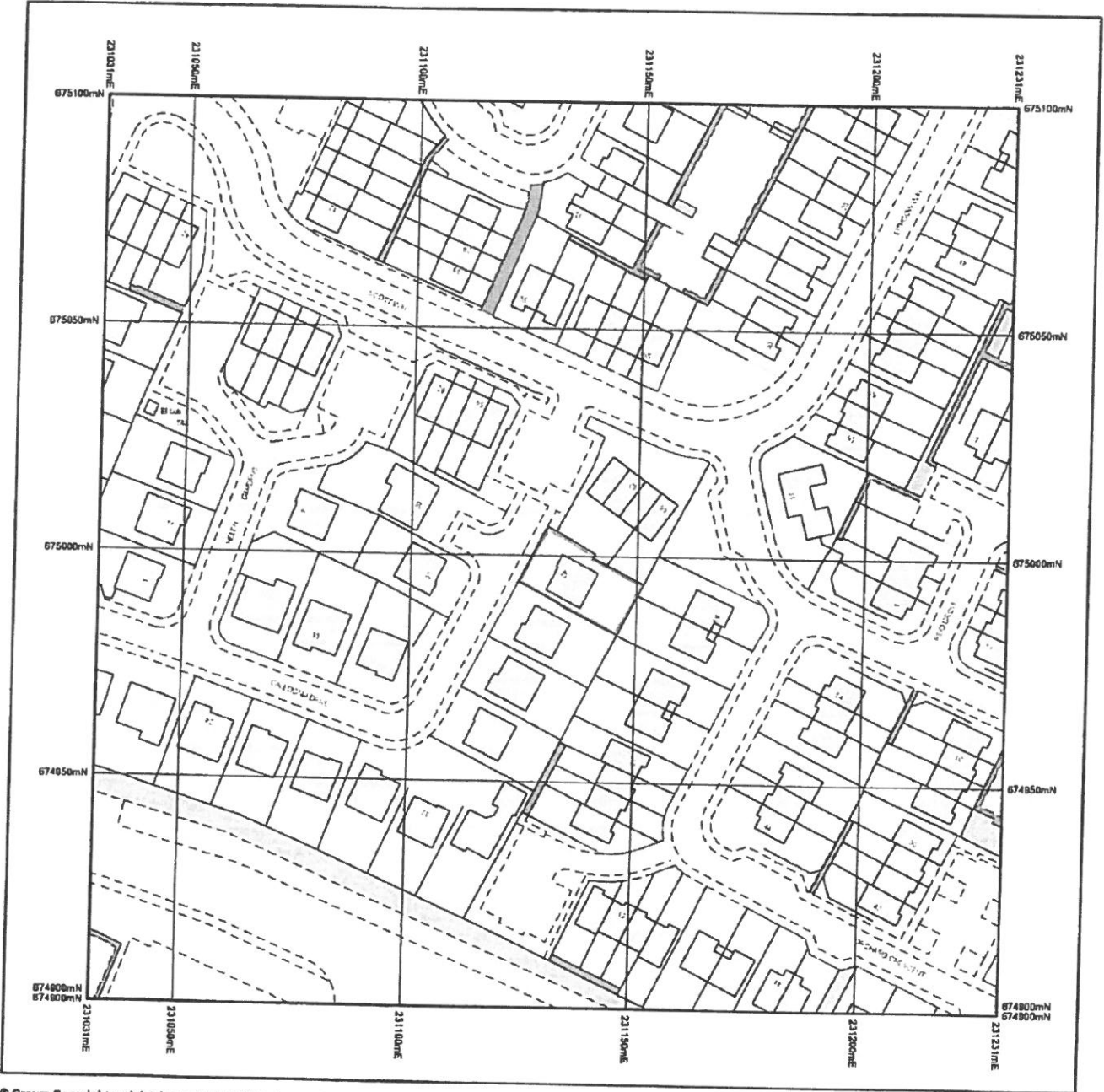
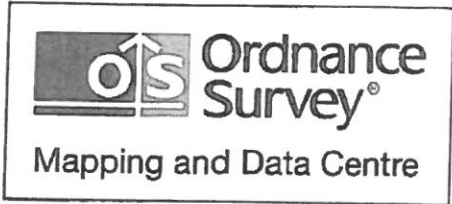
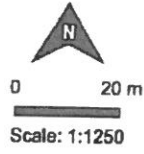
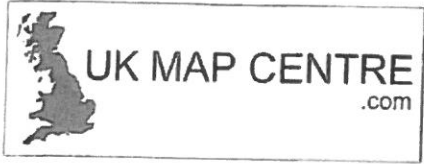
Submission Date: 23/06/2014

Payment Details

Cheque: C & M Halliday

Created: 23/06/2014 18:49





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Supplied by: www.ukmapcentre.com
Serial Number: 53315
Centre Coordinates: 231131,675000
Production Date: 16 Jul 2014 12:17

Flagpole

SITE PHOTOGRAPH



REPORT OF HANDLING DATED 12 SEPTEMBER 2014

REPORT OF HANDLING

Report By: Guy Phillips

Report No: 14/0223/IC

**Local Application
Development**

**Contact
Officer:** 01475 712422

Date: 12th September 2014

Subject: Erection of flagpole (in retrospect) at
42 Caledonia Drive, Greenock

SITE DESCRIPTION

42 Caledonia Drive, Greenock is a modern, two storey detached house. A similar property adjoins to the south (side). To the north (side) the site is adjoined by the rear gardens of a two storey terrace of four houses on Scott Way. To the east (rear) are the back gardens of a two storey, semi-detached property on Orchard Crescent.

PROPOSAL

Planning permission in retrospect is sought for an approximately 4.25m high flagpole in the rear garden.

PROPOSED LOCAL DEVELOPMENT PLAN POLICIES

Policy RES1 - Safeguarding the Character and Amenity of Residential Areas

The character and amenity of residential areas, identified on the Proposals Map, will be safeguarded and where practicable, enhanced. Proposals for new residential development will be assessed against and have to satisfy the following criteria:

- (a) compatibility with the character and amenity of the area;
- (b) details of proposals for landscaping;
- (c) proposals for the retention of existing landscape or townscape features of value on the site;
- (d) accordance with the Council's adopted roads guidance and Designing Streets, the Scottish Government's policy statement;
- (e) provision of adequate services; and
- (f) having regard to Supplementary Guidance on Planning Application Advice Notes.

CONSULTATIONS

None required.

PUBLICITY

The nature of the proposal did not require advertisement.

SITE NOTICES

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

PUBLIC PARTICIPATION

No written representations have been received.

ASSESSMENT

The material considerations in the determination of this planning application are the Local Development Plan and visual amenity from the public domain.

Local Development Plan policy RES1 seeks to safeguard residential amenity and character and requires a range of criteria to be met. I consider the relevant criterion to be as follows:

- (a) compatibility with the character and amenity of the area. Although there are only limited views from the public domain in Caledonia Drive and Orchard Crescent I consider the height of flagpole proposed to introduce an unexpected and dominant feature into the outlook from the rear of neighbouring houses in Orchard Crescent and Scott Way, to the detriment of residential amenity and character.

Overall, I consider that the proposal does not merit support.

RECOMMENDATION

That the application be refused for the following reason:

Reason

As the 4.25m high flagpole introduces an unexpected and dominant feature into the outlook from the rear of adjoining houses in Orchard Crescent and Scott Way, it is incompatible with the character and amenity of the area and is therefore contrary to policy RES1 of the Local Development Plan.

Signed:

Case Officer: Guy Phillips

Stuart Jamieson
Head of Regeneration and Planning

DECISION NOTICE DATED 15 SEPTEMBER 2014

DECISION NOTICE

Inverclyde
council

Refusal of Planning Permission

Issued under Delegated Powers

Regeneration and Planning
Municipal Buildings
Clyde Square
Greenock PA15 1LY

Planning Ref: 14/0223/IC

Online Ref:000093469-001

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

Mrs Margaret Halliday
42 Caledonia Drive
Greenock
PA15 2WF

With reference to your application dated 24th June 2014 for planning permission under the above mentioned Act and Regulation for the following development:-

Erection of flagpole (in retrospect) at

42 Caledonia Drive, 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. As the 4.25m high flagpole introduces an unexpected and dominant feature into the outlook from the rear of adjoining houses in Orchard Crescent and Scott Way, it is incompatible with the character and amenity of the area and is therefore contrary to policy RES1 of the Local Development Plan.

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

Dated this 15th day of September 2014

Head of Regeneration and Planning



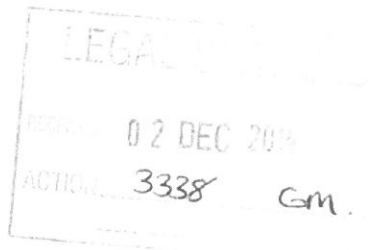
- 1 If the applicant is aggrieved by the decision of the Planning Authority to refuse permission for or approval required by condition in respect of the proposed development, or to grant permission or approval subject to conditions, he may seek a review of the decision within three months beginning with 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:
100048957		18.07.2014
1		01.07.2014

**LETTER DATED 1 DECEMBER 2014 ENCLOSING
NOTICE OF REVIEW FORM AND SUPPORTING
DOCUMENTATION**



42 Caledonia Drive
Greenock
PA15 2WF
1 December 2014

Dear Mr Malone

Refs – SL/AI & RMcG/AI/ECO1359

I refer to your unsigned letter dated 14 October 2014 (that I assume should read 14 November) and the reminder letter dated 26 November 2014.

I have attached a copy of the decision notice dated 15 September 2014 advising that my application was refused. The reverse at point 1 details what to do if I am aggrieved by the decision and I have highlighted this. It simply says that I should address my request for a review to the Head of Legal and Administration, etc etc. It makes no mention of the fact that there is a form to complete. So I did not specify what review procedures I thought would be more appropriate as I was completely unaware that I was supposed to. Perhaps the guidance issued with the decision letter needs updated?

I have now completed the notice of review form and it is attached.

Your later letter drew my attention to the time period for seeking a review. The decision notice was dated 15 September 2014 so the three month period ends on 15 December 2014. However, I requested a review on 10 November 2014 which is well within the three month period.

I look forward to hearing from you.

Yours sincerely

Mrs M Halliday

DECISION NOTICE

Inverclyde
council

Refusal of Planning Permission

Issued under Delegated Powers

Regeneration and Planning
Municipal Buildings
Clyde Square
Greenock PA15 1LY

Planning Ref: 14/0223/IC

Online Ref:000093469-001

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

Mrs Margaret Halliday
42 Caledonia Drive
Greenock
PA15 2WF

With reference to your application dated 24th June 2014 for planning permission under the above mentioned Act and Regulation for the following development:-

Erection of flagpole (in retrospect) at

42 Caledonia Drive, 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. As the 4.25m high flagpole introduces an unexpected and dominant feature into the outlook from the rear of adjoining houses in Orchard Crescent and Scott Way, it is incompatible with the character and amenity of the area and is therefore contrary to policy RES1 of the Local Development Plan.

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

Dated this 15th day of September 2014

[REDACTED]
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:
100048957		18.07.2014
1		01.07.2014

NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2013

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2013

IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.

Use **BLOCK CAPITALS** if completing in manuscript

Applicant(s)

Agent (if any)

Name

Name

Address

Address

Postcode

Postcode

Contact Telephone 1

Contact Telephone 1

Contact Telephone 2

Contact Telephone 2

Fax No

Fax No

E-mail*

E-mail*

Mark this box to confirm all contact should be through this representative:

* Do you agree to correspondence regarding your review being sent by e-mail?

Yes No

Planning authority

Planning authority's application reference number

Site address

Description of proposed development

Date of application

Date of decision (if any)

Note. This notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

Nature of application

- 1. Application for planning permission (including householder application)
- 2. Application for planning permission in principle
- 3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition)
- 4. Application for approval of matters specified in conditions

Reasons for seeking review

- 1. Refusal of application by appointed officer
- 2. Failure by appointed officer to determine the application within the period allowed for determination of the application
- 3. Conditions imposed on consent by appointed officer

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.

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

- 1. Further written submissions
- 2. One or more hearing sessions
- 3. Site inspection
- 4. Assessment of review documents only, with no further procedure

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

Site inspection

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

- | | Yes | No |
|--|-------------------------------------|-------------------------------------|
| 1. Can the site be viewed entirely from public land? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

Statement

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. Note: 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.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

PLEASE SEE ATTACHED LETTER OF 10 NOVEMBER 2014 WHICH DETAILS WHY I AM SEEKING A REVIEW.

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

Yes No

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

PRIOR TO SUBMITTING THE APPLICATION, I SPOKE WITH THE APPOINTED OFFICER, GUY PHILLIPS. HE ASSURED ME THAT HE DID NOT ANTICIPATE ANY PROBLEM WITH PLANNING PERMISSION BEING APPROVED. I THEREFORE DID NOT CONSIDER THAT IT WAS NECESSARY FOR ME TO PROVIDE ANY SUPPORTING DOCUMENTATION AT THE TIME OF APPLICATION. AS IT IS RELEVANT, IT SHOULD NOW BE CONSIDERED.

List of documents and evidence

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.

PLANNING APPLICATION - 10/0257/1C - ERECTION OF
 FURGOLE AT 1 BENJEN, PORT GUISGOW.
 PLANNING APPLICATION - N/1C - ERECTION OF
 FURGOLE AT DUTHIE RD, GOWANOC.
 - CANNOT ACCESS DOCUMENTS TO
 PRINT.

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- Full completion of all parts of this form
- Statement of your reasons for requiring a review
- All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

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 from that earlier consent.

Declaration

I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed

Date

42 Caledonia Drive
Greenock
PA15 2WF
10 November 2014

Dear Sir/Madam

Planning Ref – 14/0223/IC

I refer to your decision notice dated 15 September 2014 advising that my application for retrospective planning permission for my flagpole had been refused.

I am writing to request a review of this decision.

The application has been refused as Mr Phillips considers that *'as the flagpole introduces an unexpected feature into the outlook from the rear of adjoining houses in Orchard Crescent and Scott Way, it is incompatible with the character and amenity of the area and is therefore contrary to policy RES 1 of the Local Development Plan.'*

The flagpole is shorter and thinner than the streetlights that we have in Kingston Dock so it is no more unexpected to our neighbours' rear outlook than the streetlights are to the entire estate's front outlook. No objections were made to my application from any of our neighbours in either Scott Way or Orchard Crescent whose houses have a rear outlook into our garden so it is clear that none of them had any issues with the flagpole; and none of them consider that it has been erected to the detriment of their residential amenity and character.

Yet my flagpole was refused permission despite the fact that it did not have a single objection and can only be seen by a few rear neighbours.

Procedural matters

I telephoned Mr Phillips on 20 June 2014 following receipt of his letter of 13 June 2014 to explain that before erecting the flagpole, I had checked out our title deeds as I was aware Wimpey Homes had certain conditions regarding clothes poles in back gardens but there had been no mention of flagpoles. I had no idea that planning permission would be needed.

I asked Mr Phillips if he could let me know what the grounds of complaint were so that we could consider if it was worthwhile putting in a retrospective planning application. I explained that I did not want to spend almost £200 if there were genuine reasons for objection that would result in the application being refused. He advised me that the complaint had been made on political grounds and that his team were looking at various other flagpoles around Inverclyde as it was *'flavour of the month'*. It was the Saltire that was flown from the flagpole, the Scottish national flag. That it was made on political grounds suggests that the complaint was against me flying a Scotland flag in Scotland which is beyond belief.

Mr Phillips went on to say *'I do not anticipate any problem with an application for a flagpole being approved as it is quite straightforward.'* I do not know if your calls are recorded, if they are you will be able to confirm this.

Based on his assurance, I went ahead and applied for retrospective planning permission. Mr Phillips then reviewed my application and despite his assurances as detailed above, he has refused it.

When we spoke, Mr Phillips had already been in my back garden (see further comment below) in order to measure the exact height of the flagpole. He had therefore seen the flagpole in situ and could see for himself the effect that it would have on the rear outlook of our neighbours. There were no objections and he made no further visits to the site so nothing changed between our telephone conversation on 20 June and him making his decision on 15 September. It is reasonable under the circumstances to assume that by the time we spoke on 20 June, he had sufficient information to hand to enable him to make his decision if I went ahead and applied for retrospective planning application. Given this, I consider that he misled me into paying for an application that he knew was going to be refused.

I am hoping that a review of this decision will lead to my application now being accepted but if not, please note that as it appears that I was intentionally misled by Mr Phillips, I will expect my application fee of £192 plus the cost of the Ordnance Survey map to be refunded. As detailed above, I specifically explained to him that I did not want to spend money needlessly so we only proceeded with this as I had his assurance that he did not anticipate any problem with the application being approved.

Finally, as mentioned above, Mr Phillips advised me that he had been in my garden to measure the flagpole sometime between receiving the complaint and sending his letter dated 13 June 2014. He said that he had knocked the door but no-one answered so he opened our side gate (which is bolted shut) and came in. Can you please let me know under what statutory powers Mr Phillips entered my land without my permission?

I look forward to hearing from you.

Yours faithfully

Mrs M Halliday

**EMAIL DATED 5 JANUARY 2015 FROM
APPLICANT IN RELATION TO NEW MATERIAL**

Rona McGhee

From: Mags Halliday
Sent: 05 January 2015 13:49
To: Rona McGhee
Subject: Re: Review of Decision to Refuse Planning Permission - 42 Caledonia Drive, Greenock (14/0223/IC)

Rona
I refer to your email below.
I explained in the review form why I was now submitting documents that hadn't been sent with my original application for planning permission.
To recap, I was assured by Mr Phillips that my application would go ahead. Why would I then consider it necessary to submit supporting documentation with my application?
I consider that this falls under Section 43B (2), in that these matters were not raised prior to the determination because of exceptional circumstances. Mr Phillips misled me and I only became aware of this fact after the determination was made.
I look forward to hearing that these other flagpole applications will now be submitted to the Local Review Body and will be considered as part of the review. If not, can I request that a more senior person than the decision maker reconsiders this decision.
Regards
Margaret

Sent from my iPhone

On 5 Jan 2015, at 12:03, Rona McGhee <Rona.McGhee@inverclyde.gov.uk> wrote:

Dear Mrs Halliday

I refer to the Notice of Review that you served on Inverclyde Council's Local Review Body on 2 December 2014.

I write to advise that, as you may be aware, Section 43B of the Town & Country Planning (Scotland) Act 1997 restricts the introduction of material which was not before the planning officer at the time of the determination now under review (or at the time of the expiry of the period of determination). New material will only be permitted where the applicant can demonstrate that it could not have been introduced earlier in the process, or that it arises as a consequence of exceptional circumstances. Having reviewed the new material submitted with the Notice of Review, I would advise that the earlier planning applications for flagpoles at 1 Benview, Port Glasgow and Duthie Road, Gourrock are considered new material as they were not referenced in your original application for planning permission and, accordingly, do not meet the criteria referred to, cannot be accepted and will not be submitted to the Local Review Body.

I would confirm that with the exception of the new material set out above all information relating to the Review will be available for inspection at the office of the Council's Regeneration and Planning Service, Municipal Buildings, Clyde Square, Greenock during advertised opening hours.

I shall write to you shortly with arrangements for the Review Body meeting.

Regards,
Rona

Rona McGhee
Senior Administration Officer
Legal & Property Services

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Inverclyde Council
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