

Inverclyde Local Review Body

Our Ref: 15/0209/IC

REVIEW DECISION NOTICE

Decision by Inverclyde Local Review Body (the ILRB)

- Site address: Land at Craigmarnloch, Port Glasgow Road, Kilmacolm
 - Application for Review by Hebridean Contemporary Homes Ltd on behalf of Mr M Sutherland against the decision by an appointed officer of Inverclyde Council
 - Application Ref: 15/0209/IC
 - Application Drawings: Drawing No 101 – Location Plan
Drawing No 001 – Existing Site Plan
Drawing No 103 – Proposed Site Layout
Drawing No 102 – Proposed Site Plan
 - Date of Review Decision Notice: 9 March 2016
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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 2 March 2016. The ILRB was constituted by Councillors G Dorrian, T Loughran, I Nelson, L Rebecchi and D Wilson (Chair).

2. Proposal

- 2.1 The application proposal is for the erection of 2 dwellinghouses (in principle) at land at Craigmarnloch, Port Glasgow Road, Kilmacolm. Planning permission was granted in 1981 to split the property into three separate dwellinghouses and in 1984 a further application was granted for the change of use of a barn to a dwellinghouse. The current proposal is to subdivide the existing garden area of one of the dwellings approved in 1981 to facilitate the erection of two new dwellinghouses. Two accesses are to be formed, one access utilising the existing gate to the north of the existing buildings at Craigmarnloch and the other a new access to the south with a long looping drive through an existing field to the rear of the existing buildings.

3. Preliminaries

3.1 The ILRB members were provided with copies of the following:

- (i) Planning application and plans specified above;
- (ii) Planning in principle application statement;
- (iii) The Appointed Officer's site photograph locations and site photographs;
- (iv) The Appointed Officer's report of handling dated 9 October 2015;
- (v) Scottish Planning Policy;
- (vi) National Planning Framework 3;
- (vii) Planning Advice Note 72 – Housing in the Countryside;
- (viii) Consultation responses and letters of representation in respect of the planning application;
- (ix) Decision Notice dated 22 October 2015;
- (x) Notice of Review Form and supporting statement;
- (xi) Further Representations;
- (xii) Comments received from applicant in response to further representations; and
- (xiii) Draft conditions 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 are the Local Development Plan, in particular policy ENV2 (Assessing Development Proposals in the Green Belt and the Countryside). The ILRB noted that the proposed dwellinghouses were not required for the purposes of agriculture or forestry and the ILRB was of the view that there are no exceptional or mitigating circumstances to suggest that consideration should be given to deviation from the Local Development Plan. The ILRB also had regard to Section 51 of the Scottish Planning Policy on the spatial form of the Green Belt and the Appointed Officer's comments relative thereto in the Report of Handling.

4.2 Having regard to the whole circumstances, the ILRB determined that the application had been correctly refused for the reason given in the Decision Notice dated 22 October 2015, namely:

- (1) The applicant has not demonstrated any operational need or any exceptional or mitigating circumstances that would justify the erection of the new dwellinghouses in this Green Belt location. The proposal is therefore contrary to policies SDS8, ENV2 and RES7 of the 2014 Inverclyde Local Development Plan.

4.3 The Review Application was accordingly dismissed.

Signed _____

Head of Legal & Property 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.