

Inverclyde Local Review Body

Our Ref: 16/0236/IC

REVIEW DECISION NOTICE

Decision by Inverclyde Local Review Body (the ILRB)

- Site address: Blackwater Farm, Woodhead Road, Kilmacolm
 - Application for Review by Bryce Boyd Planning Solutions on behalf of Mrs M Dunlop against the decision by an appointed officer of Inverclyde Council
 - Application Ref: 16/0236/IC
 - Application Drawings: Drawing No. 02 – site plan as proposed/plan as proposed
Drawing No. 03 – east elevation as proposed/west elevation as proposed/north elevation as proposed/south elevation as proposed
Drawing No. 01 – location plan
 - Date of Decision Notice: 16 March 2017
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Decision

The ILRB reverses the determination reviewed by it and grants Planning Permission, subject to the conditions listed below. 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 1 March 2017. The ILRB was constituted by Provost R Moran and Councillors K Brooks, G Dorrian, V Jones, T Loughran, J McColgan, I Nelson, L Rebecchi and D Wilson (Chair).

2. Proposal

- 2.1 The application proposal is for the erection of a holiday chalet (in retrospect) on the site of a former farm cottage. The chalet has wheels and the plans indicate that an approximately 70m² area of timber decking is to be constructed mainly to the south-west and south-east of the chalet. The decking will have an associated balustrade and three parking spaces. The chalet has a plasticated/uPVC type material finish with brown walls and a black roof. The application was refused consent in terms of a decision letter dated 14 November 2016.

3. Preliminaries

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

- (i) Planning Application and Plans
- (ii) Site Location Plans and Photographs
- (iii) Report of Handling dated 28 October 2016
- (iv) Applicant's supporting letters
- (v) Planning Application Advice Note No. 8 (Siting and Design of New Houses in the Countryside)
- (vi) Scottish Planning Policy
- (vii) The Town & Country (Use Classes) (Scotland) Order 1997
- (viii) Consultation Response
- (ix) Representation
- (x) Decision Notice dated 14 November 2016
- (xi) Notice of Review Form dated 9 January 2017 and supporting documents
- (xii) Suggested conditions should planning permission be granted on review.

3.2 Having regard to the material produced 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. Reasons

4.1 The determining issues in this review were (a) the location of the holiday chalet on the site of a former farm cottage and (b) the impact of the chalet on tourism, in respect of which the ILRB noted the letters of support from Inverclyde Council's Business Development Team Leader and Clyde Muirshiel Regional Park.

4.2 Having regard to the whole circumstances, the ILRB having considered the matter afresh and, having taken into account the Inverclyde Local Development Plan and all relevant material and planning considerations, determined that the review application should be upheld.

4.3 It was also agreed by the ILRB that the conditions listed at paragraph 5 below be placed on the planning permission for the reasons specified.

5 Conditions

1. That planning permission shall last for a period of 3 years from the date of this permission.
2. That prior to the chalet hereby permitted being brought into use, details of the surfacing around the chalet and of the access track leading to it shall be submitted to and approved in writing by the Planning Authority.
3. That the holiday chalet hereby permitted shall be used in all time coming solely as a holiday chalet and not for any other purpose under Class 9 of the Town and Country Planning (Use Classes) (Scotland) Order 1997.
4. That within 3 months of the use for which this planning permission is granted ceasing, the building shall be removed from the site and the ground re-instated with a treatment to be approved in writing by the Planning Authority.

Reasons

1. The external condition of the chalet requires to be kept under review, as the building is temporary in nature, in the interests of the visual amenity of the countryside.
2. To ensure that parking provision can be made on site and that the site will be fully accessible to encourage the parking provision to be used, all to prevent parking on the nearby road in the interests of traffic safety.
3. To define the permission and avoid sporadic residential related development in the countryside.
4. In the interests of the visual amenity of the countryside.

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.