

## Inverclyde Local Review Body

Our Ref: 16/0107/IC

### REVIEW DECISION NOTICE

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Decision by Inverclyde Local Review Body (the ILRB)

- Site address: Craigmarnloch South, Port Glasgow Road, Kilmacolm
  - Application for Review by Bryce Boyd Planning Solutions on behalf of Caledonian Tree Services against the decision by an appointed officer of Inverclyde Council
  - Application Ref: 16/0107/IC
  - Application Drawings:
    - Drawing No. 01 – location plan
    - Drawing No. 01 – site plan as existing
    - Drawing No. 03 – site plan as proposed
    - Drawing No. 04 – section A-A as proposed/section B-B as proposed
    - Drawing No. 05 – north elevation as proposed/east elevation as proposed
    - Drawing No. 06 – south elevation as proposed/west elevation as proposed
    - Drawing No. 07 – vehicular access plan
    - Drawing No. VEH01 – vehicular access plan – Port Glasgow bound/vehicular access plan – Kilmacolm bound
    - Drawing No. VEH02 – vehicular access plan – Port Glasgow bound/vehicular access plan – Kilmacolm bound
  - 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 condition 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 storage shed with associated outside yard. The proposed storage shed will extend to a floor area of 756m<sup>2</sup> and to a height of around 8.5m. Externally, the shed will be finished in grey concrete panels to a height of 4m with the upper section of the building and roof finished in profiled metal sheeting. The application was refused consent in terms of a decision letter dated 26 September 2016.

## 3. **Preliminaries**

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

- (i) Planning Application and Plans
- (ii) Report of Handling dated 23 September 2016
- (iii) Planning Application Advice Note No. 9 (Siting and Design of New Farm Buildings)
- (iv) Applicant's supporting statement
- (v) Consultation Responses
- (vi) Representation
- (vii) Decision Notice dated 26 September 2016
- (viii) Notice of Review form dated 14 December 2016 and supporting documentation
- (ix) Email dated 12 January 2017 from Bryce Boyd Planning Solutions in relation to new material
- (x) Suggested condition should planning permission be granted on review.

In addition, the ILRB had regard to new matters raised by the applicant's agent and were provided with copies of the following:

- (i) Photographs of vehicles and trailers;
- (ii) Photographs of Castlehill Farm;
- (iii) Photographs of Gryffeside Farm.

- 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 impact of the proposal on the Greenbelt and whether or not the applicant had demonstrated that there were exceptional or mitigating circumstances in relation to the erection of the storage shed at the site, with some members of the ILRB expressing the view that the application was related to forestry use and that the storage shed could not be accommodated elsewhere and (b) whether or not the materials proposed were appropriate for the countryside location. The ILRB noted comments from the Planning Adviser in relation to the erection of the storage shed in the Greenbelt.
- 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, following a vote, determined that the review application should be upheld.
- 4.3 It was also agreed by the ILRB that the condition listed at paragraph 5 below be placed on the planning permission for the reason specified.

**5. Condition**

1. That prior to the commencement of works on site, samples of all external materials to be used in construction be submitted to and approved in writing by the Planning Authority. Works shall then proceed as approved unless an alternative is agreed in writing by the Planning Authority.

**Reason**

1. To ensure the proposed materials are acceptable.

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.