

**REFUSAL OF PLANNING PERMISSION FOR
ERECTION OF TWO DWELLINGHOUSES AT LAND
EAST OF CAMIS ESKAN FARMHOUSE,
HELENSBURGH**

PLANNING APPLICATION

REFERENCE NUMBER: 18/01382/PP

ADDITIONAL INFORMATION

11TH FEBRUARY 2019

Introduction

Following on from the last meeting of the LRB on this appeal clarity is being sought on three specific issues. These are covered below.

1 Proposed materials to be used

Traditional materials such as slate should be used which can be covered by an appropriate condition. Stone from the original barn should also be used if available.

2 Clarity in the application of Policy LDP DM1, under (G)

Policy LDP DM1 reflects the policy set out at national level. In Scotland, Greenbelt has traditionally had three main purposes:

A To maintain the identity of towns by establishing a clear definition of their physical boundaries and preventing coalescence

B To provide countryside for recreation or institutional purposes of various kinds

B To maintain the landscape setting of towns.

The tenets of Policy LDP DM1 have been covered in the original report of handling and as part of previous responses to this LRB appeal. The two dwelling houses do not comply with any of the permissible forms of development set out at LDP DM1 (G).

The policy states the following:

Within the Greenbelt encouragement will only be given to very limited and specific categories of countryside based development. Potential examples in each category are listed below.

(i) Agricultural-related development – e.g. sheds, stables

(ii) Farm diversification – tourism and rural business related development (excluding dwellinghouses) - e.g. farm shops, footpaths, petting farm/zoo, riding schools, pony trekking

(iii) Outdoor sport and recreational development – e.g. sports pitches, stables, riding schools, pony trekking etc but with limitations on buildings which would not maintain the openness of the Greenbelt

(iv) Development required to manage and sustain the natural heritage and access resources of the Greenbelt – e.g. maintaining and enhancing landscape character, planting new woodland and management of existing woodland, providing for a diversity of wildlife habitats such as ponds and hedgerows, retaining core paths and rights of way

(v) Demolition and replacement of buildings and alterations or extensions of such buildings, including dwelling-houses, subject to no change of use occurring e.g. in some cases a replacement dwellinghouse would be allowed that did not increase the overall number of houses and was of a suitable design

(vi) Change of use of buildings to residential institutional use – e.g. for the provision of residential accommodation and care to people in need of care, a hospital or nursing home, or a residential school, college or training centre.

In exceptional cases, a development outwith categories G(i) to (vi) may accord with this policy when it is successfully demonstrated that the proposal will:

- 1) Retain a significant building at risk; or
- 2) Directly support the provision of essential infrastructure; or
- 3) Involve building development directly supporting recreational use of land.

Policy LDP DM1 allows for specific and justifiable forms of development which have an occupational or locational need. This includes change of use of traditional outbuildings which contribute to the vitality of the Greenbelt. The policy does not allow for demolishing a traditional building and building two new units even if the design is the same. The value of the outbuildings has been lost and cannot be restored. In addition, the proposal does not meet any of the exceptional cases listed above.

On the basis of development plan policy and other material considerations there is no justification for two houses at this location. As such the appeal should be dismissed.

3 A model set of conditions and reasons

See overleaf.

MODEL SET OF CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 18/01382/PP

1. The development shall be implemented in accordance with the details specified on the application form and the approved drawing reference numbers

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unless the prior written approval of the planning authority is obtained for other materials/finishes/for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

Reason: For the purpose of clarity, to ensure that the development is implemented in accordance with the approved details.

2. The first 5m of the driveway shall be covered in a bituminous or other hard surface.

Reason: In the interests of road safety and to prevent loose material from spilling onto the existing access.

3. No development shall commence until details of a Sustainable Urban Drainage system has been submitted to and approved by the Planning Authority. This shall be compliant with the guidance set out in CIRIA C753 and Sewers for Scotland 3rd Edition. The requisite surface water drainage shall be operational prior to the development being brought into use and shall be maintained as such thereafter.

Reason: To ensure the provision of an adequate surface water drainage system and to prevent flooding.

4. No development shall commence until a scheme of boundary treatment, surface treatment and landscaping has been submitted to and approved by the Planning Authority. Thereafter the development shall proceed in accordance with the approved details. The scheme shall include details of:

- a. Location, design and materials of proposed walls, fences and gates;
- b. Surface treatment of proposed means of access and hardstanding areas.
- c. Any proposed re-contouring of the site by means of existing and proposed ground levels including details of any retaining walls.
- d. Any trees which within a period of ten years from the completion of the development die, or for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species, unless otherwise agreed in writing with the Planning Authority.

Reason: To assist with the integration of the proposal with its surroundings in the interest of amenity.

5. No development shall commence until plans and particulars of the external finishes of the development, as specified in drawings 2018-0004-05 and 2008-004-07 have been submitted to and approved by the Planning Authority. This shall comprise the original stone which will be used to face the external walls of the replacement building. Thereafter the development shall proceed in accordance with the approved details.

Reason: To accord with Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended, and in order to integrate the proposed dwellinghouse with its surroundings.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended), (or any Order revoking and re-enacting that Order(s) with or without modifications), nothing in Article 2(4) of or the Schedule to that Order, shall operate so as to permit, within the area subject of this permission, any development referred to in Part 1 and Classes 1A, 1B, 1C, 1D, 2A, 2B, 3A, 3B, 3C, 3D and 3E of the of the aforementioned Schedule, as summarised below:

PART 1: DEVELOPMENT WITHIN THE CURTILAGE OF A DWELLINGHOUSE

Class 1A: Any enlargement of a dwellinghouse by way of a single storey ground floor extension, including any alteration to the roof required for the purpose of the enlargement..

Class 1B: Any enlargement of a dwellinghouse by way of a ground floor extension consisting of more than one storey, including any alteration to the roof required for the purpose of the enlargement.

Class 1D: Any enlargement of a dwellinghouse by way of an addition or alteration to its roof.

Class 2B: Any improvement, addition or other alteration to the external appearance of a dwellinghouse that is not an enlargement.

Class 3A: The provision within the curtilage of a dwellinghouse of a building for any purpose incidental to the enjoyment of that dwellinghouse or the alteration, maintenance or improvement of such a building.

Class 3B: The carrying out of any building, engineering, installation or other operation within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse.

Class 3C: The provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of that dwellinghouse or the replacement in whole or in part of such a surface.

Class 3D: The erection, construction, maintenance, improvement or alteration of any deck or other raised platform within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of that dwellinghouse.

Class 3E: The erection, construction, maintenance, improvement or alteration of any gate, fence, wall or other means of enclosure any part of which would be within or would bound the curtilage of a dwellinghouse.

No such development shall be carried out at any time within this Part and these Classes without the express grant of planning permission.

Reason: To protect adjoining dwellinghouses, in the interest of amenity from unsympathetic siting and design of developments normally carried out without planning permission; these

normally being permitted under Article 2(4) of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended).

NOTES TO APPLICANT

1. The length of this planning permission: This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. [See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).]

2. In order to comply with Section 27A(1) of the Town and Country Planning (Scotland) Act 1997, prior to works commencing on site it is the responsibility of the developer to complete and submit the attached 'Notice of Initiation of Development' to the Planning Authority specifying the date on which the development will start.

3. In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 it is the responsibility of the developer to submit the attached 'Notice of Completion' to the Planning Authority specifying the date upon which the development was completed.

4. A formal technical application is required to be submitted to Scottish Water.