

Application No: S/06/01802/FUL

Date Registered: 1st November 2006

Applicant: Mr G Watson
15 Hawthorn Drive
Shotts
ML7 5NB

Agent: Hardie Associates
78 Hopetoun Street
Bathgate
EH48 4PD

Development: Construction of a Dwellinghouse

Location: Currieside Piggery
Station Road
Shotts
North Lanarkshire

Ward: 18 Dykehead Councillor James Robertson

Grid Reference: 286512 659987

File Reference: S/PL/B/17/47(6)/EM/MM

Site History: S/05/01107/FUL Conversion and Extension to Outbuilding to Form Dwellinghouse. Refused 19th September 2005.

Development Plan: The site is zoned RUR 2 Rural Area in the Shotts Local Plan 1982 and ENV 8 Countryside Around Towns in the Southern Area Local Plan Finalised Draft (modified 2001, 2004 & 2005)

Contrary to Development Plan: Yes

Consultations: None

Representations: One letter of representation

Newspaper Advertisement: Advertised on 8th November 2006

Recommendation: Refuse for the Following Reasons:-

1. That the proposed dwelling is contrary to Policies ENV 8 and HSG 12 of the Southern Area Local Plan Finalised Draft (Modified 2001, 2004 & 2005) and RUR 2 of the adopted Shotts Local Plan 1982 as there is no proven operational need and that the development would therefore constitute unjustified sporadic development in the countryside.
2. The proposed development is contrary to policies HSG10 (Assessing Applications for Housing Development), HSG12 (Housing in the Green Belt and Countryside) and TR13 (Assessing the Transport Implications of Development) of the Southern Area Local Plan Finalised Draft (Modified 2001, 2004 & 2005) in that access arrangements are unsatisfactory in terms of width, visibility and geometry, with no passing places, and would lead to additional vehicular traffic on Deas Road to the detriment of road safety.



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PLANNING APPLICATION No. S / 06 / 01802 / FUL
 CONSTRUCTION OF A DWELLINGHOUSE
 CURRIESIDE PIGGERY, STATION ROAD, SHOTTS.

* Representation

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Background Papers:

Application form, plans and supporting statement received 1st November 2006

Memo from Transportation Team Leader received 7th November 2006

Memo from Head of Protective Services received 20th November 2006

Letter from Scottish Water received 10th August 2005

Letter from British Gas received 7th July 2005

Letter from Scottish Power received 11th July 2005

Letter from Robert McKee, 107 Rosehall Road, Shotts ML7 5BS, received 13th November 2006.

Southern Area Local Plan Finalised Draft (Modified 2001, 2004 & 2005)

Shotts Local Plan 1982

SPP3 Planning For Housing

SPP15 Planning for Rural Development

Any person wishing to inspect these documents should contact Mr Edward McLennaghan at 01698 302137.

Date 28 November 2006

APPLICATION NO. S/06/01802/FUL

REPORT

1. Description of Site and Proposal

- 1.1 This application is for the erection of a dwellinghouse at land at Currieside Piggery, west of Station Road, Shotts. The application site is situated at the end of Deas Road, a minor private access extending from the end of Station Road. The site itself comprises a mix of outbuildings of stone, wood and corrugated iron construction. The positioning of the buildings is such that they form a compound with additional fencing marking the perimeter. The applicant operates from the property training and breeding sheepdogs, utilising further agricultural land under his ownership to the south. Historically the property was operated as a piggery. The application proposes to erect a new single storey dwelling, measuring 160 square metres in area and comprising a traditional rural design. The applicant has stated in a previous application that there was originally a farmhouse on the site, however it is noted that much of the north elevation of the building in question has been reconstructed with red brick and that the building is now somewhat far removed from a dwellinghouse both in terms of construction and use.
- 1.2 The site is surrounded by farmland with the land dropping away in level to the south. The wider area comprises a mix of fields and trees and the site has open aspects to the south.
- 1.3 A previous application S/05/01107/FUL for the conversion and extension of an outbuilding to form a dwellinghouse was refused by committee on 19th September 2005. The grounds for refusal were that the proposed conversion and extension of the outbuilding to a form a dwellinghouse was contrary to Policies ENV 8 and HSG 12 of the Southern Area Local Plan Finalised Draft (Modified 2001 and 2004) and RUR 2 of the adopted Shotts Local Plan 1982 in that the building was not worthy of preservation, there was no proven operational need and that the development would therefore constitute unjustified sporadic development in the countryside.
- 1.4 A supporting statement has been provided stating that an application was submitted to convert an outbuilding into a residential dwelling in June 2005 and was subsequently refused on various grounds. The applicant states that they are aware of major development in this area and of new build housing being approved in the immediate vicinity. In light of this the applicant is submitting a new application for a replacement dwelling on the site. Furthermore the applicant states that they would like to emphasise that the site is a former piggery, Currieside is a brownfield site and the proposal is for the replacement of a semi-derelict farmhouse and outbuildings. Having consulted NPPG15 and SPP3, the applicant is confident that the latest proposal more accurately complies with policy.

2. Development Plan

- 2.1 The site is zoned as a rural area in the adopted Shotts Local Plan 1982. In terms of the emerging local plan, the site is zoned as Countryside Around Towns in the Southern Area Local Plan Finalised Draft (Modified 2001, 2004 & 2005). Local Plan Policies HSG12 (Housing in the Countryside) and TR13 (Assessing the Transportation Implications of Development) also apply.

3. Consultations and Representations

- 3.1 My Transportation Team Leader has recommended refusal of the application as Deas Road is currently a private road, which is substandard in terms of geometry, visibility and width being less than 3 metres at its narrowest point with no passing places. The construction of the proposed dwellinghouse at this location would lead to additional vehicular traffic on Deas Road to the detriment of road safety.
- 3.2 My Protective Services Section has no objections to the application subject to a condition

regarding the submission of a site investigation report.

- 3.3 Scottish Water have no objection to the proposal although advise that the applicant would need to make a separate application to Scottish Water in order to connect to the public system.
- 3.4 SEPA has advised that there are no public sewers in the vicinity and foul drainage requires to be taken to a soakaway via septic tank. No development should commence until all drainage arrangements are provided and verified by SEPA.
- 3.5 Scottish Power has apparatus in proximity to the site, which may require alteration at the applicant's expense.
- 3.6 Transco indicate that existing equipment may require to be protected or diverted.
- 3.7 One letter of representation has been received from the occupier of 107 Rosehall Road raising the following issues;
 1. Concern that the access track connecting Rosehall Road to Deas Road is kept open to the public.
 2. Concern that any disruption to this route would cause a great deal of inconvenience to the public.

4. Planning Assessment and Conclusions

- 4.1 In accordance with Section 25 of the Town and Country Planning (Scotland) Act 1997, planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise.
- 4.2 The Adopted Shotts Local Plan 1982 designates the site as 'Rural Land' and policy RUR 2 applies. Policy RUR 2 details a general prohibition against new residential proposals unless it can be justified against certain criteria, including (1) development for the management and use of land for the purposes including agriculture and landscape improvement and (2) semi-agricultural uses (such as breeding kennels) with a presumption against associated residential development unless it can be shown to be subsidiary to the main use and cannot practically be located within an existing community.
- 4.3 The information supplied in the supporting statement referred to in paragraph 1.4 above forms insufficient justification in terms of a new dwelling in the countryside and provides no information on any agricultural or business operations that may be associated with the proposed dwelling. The visual appearance of some of the outbuildings is not particularly attractive, however, in general terms, the visual quality of the 'landscape' at this location is not particularly poor. It should also be noted that the assessment of application S/05/01107/FUL concluded that conversion of an outbuilding to a dwelling would not be acceptable. In relation to agricultural uses, as indicated above no justification has been supplied despite the applicant being invited to submit further justification in relation to the proposed development. The application is therefore considered contrary to policy RUR 2 of the adopted Shotts Local Plan 1982.
- 4.4 The up-to-date policy position that found in the emerging Southern Area Local Plan Finalised Draft Modified (2001, 2004 & 2005). Policy ENV 8 'Countryside Around Towns' seeks to promote and protect the Countryside and will not normally permit development other than that which relates to agriculture, forestry, renewable energy, outdoor leisure and recreation, telecommunications or other appropriate rural uses. Policy HSG12 Housing in the Greenbelt and Countryside provides scope for new houses in the Countryside, which do not form replacement dwellings, but only where there is a proven operational need in accordance with the criteria set out in policy ENV8.
- 4.5 In light of this, the applicant was invited to provide additional justification for the new dwelling, however, no evidence of any agricultural or business operation associated with the proposed dwelling, the long term viability of any business and detailed requirements for the necessity for a

dwellinghouse on-site to properly manage any associated business operations, has been forthcoming. In the lack of such evidence and a detailed business plan I consider that there is no justification for a new dwellinghouse at this location. Should these matters have been established a period of temporary accommodation would also be required, as well as the promotion of a Section 75 Legal Agreement to tie the occupation of the proposed new dwelling to someone engaged full-time in an appropriate rural business, and to prevent the subdivision of the proposed dwelling from the associated land. These issues have not been addressed by the applicant. In the absence of any satisfactory operational need to justify an additional dwellinghouse at this location I consider it to constitute unjustified sporadic development in the countryside contrary to policies ENV8 and HSG12. Approval of such an application would set an undesirable precedent and it should be noted that similar applications have previously been refused in this area.

- 4.6 Policies HSG10, HSG12 and TR13 require suitable provision for access to a development site. It is considered that the development is likely to have an adverse impact on road safety as there is inadequate provision for access in terms of width, visibility and geometry and additional traffic would be generated. My Transportation Team Leader has recommended refusal of the application given the substandard access proposed.
- 4.7 In terms of national planning policy SPP15 (Planning for Rural Development) and SPP3 (Housing) are relevant in this case. SPP3 states (paragraph 40) that the Scottish Executive looks to planning authorities to safeguard the character of the countryside, and that 'countryside around towns' policies play an important role. SPP15 states (paragraph 25) that a key planning principle is to focus most additional housing at accessible locations, and the proposed dwelling does not meet this particular criteria. The application therefore is considered contrary to national planning policy.
- 4.8 In terms of the points raised by the third party representation, the applicant has confirmed that public use of the access track between Rosehall Road and Deas Road will not be affected by this proposal.
- 4.9 Scottish Water, Scottish Power and Transco have offered no objections to the proposed development and the condition recommended by my Protective Services Section in relation to the submission of a site investigation report could be imposed if planning permission were to be granted.
- 4.10 In terms of the points raised in the applicants supporting statement, I can confirm that there has been no change in circumstances since the previous refusal of application S/05/01107/FUL. There are no new build proposals in the vicinity of the site and no approved developments on land zoned ENV 8 (Countryside Around Towns) similar to the circumstances of the proposed development. Whilst the application site is a former piggery, it is not considered to be a brownfield site and is zoned as stated previously as ENV 8 (Countryside Around Towns). The applicant has provided no justification or information on any agricultural or business operations that may be associated with the proposed dwelling and as such the application fails to meet the criteria set in the relevant local plan policies as highlighted in the assessment above. In terms of national planning policy the application has been assessed in paragraph 4.7 above and is considered contrary to the guidance as set out in the relevant national planning policy.
- 4.11 The current application does not comply with policies designed to protect countryside within which it lies, and I therefore consider that Development Plan policies preclude the granting of consent for residential development. For the reasons identified this is an inappropriate form of development in the countryside and I do not consider that other material considerations justify departing from the presumption against development. The application is contrary to policies ENV 8, HSG 10, HSG 12 and TR 13 of the Southern Area Local Plan Finalised Draft Modified (2001, 2004 & 2005) and is therefore recommended for refusal.
- 4.12 The applicant has requested that the application be subject to a site visit and hearing.