

EAST RENFREWSHIRE COUNCILLOCAL REVIEW BODY5 December 2018Report by Deputy Chief ExecutiveREVIEW OF CASE - REVIEW/2018/24ERECTION OF DETACHED DWELLINGHOUSE WITH DETACHED GARAGE AS
MANAGER'S ACCOMMODATION TO MANAGE ADJOINING DOG KENNEL BOARDING
BUSINESS AT MAINS OF BALGRAY, FINGALTON ROAD, NEWTON MEARNES**PURPOSE OF REPORT**

1. The purpose of the report is to present the information currently available to allow a review of the decision taken by officers, in terms of the Scheme of Delegation made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006 in respect of the application detailed below.

DETAILS OF APPLICATION

2. Application type: Full Planning Permission (Ref No:- 2018/0061/TP).
- Applicant: Mr and Mrs R Imrie.
- Proposal: Erection of detached dwellinghouse with detached garage as manager's accommodation to manage adjoining dog kennel boarding business.
- Location: Mains of Balgray, Fingalton Road, Newton Mearns.
- Council Area/Ward: Newton Mearns North and Neilston (Ward 2).

REASON FOR REQUESTING REVIEW

3. The applicants have requested a review on the grounds that the Council's Appointed Officer refused their application.

RECOMMENDATIONS

4. The Local Review Body is asked to:-
- (a) consider whether it has sufficient information to allow it to proceed to determine the review without further procedure and, if so, that:-
 - (i) it proceeds to determine whether the decision taken in respect of the application under review should be upheld, reversed or varied; and
 - (ii) in the event that the decision is reversed or varied, the reasons and the detailed conditions to be attached to the decision letter are agreed.

- (b) In the event that further procedure is required to allow it to determine the review, consider:-
 - (i) what further information is required, which parties are to be asked to provide the information and the date by which this is to be provided; and/or;
 - (ii) what procedure or combination of procedures are to be followed in determining the review.

BACKGROUND

5. At the meeting of the Council on 29 April 2009, consideration was given to a report by the Director of Environment seeking the adoption of a new Scheme of Delegation in terms of the new Section 43A of the Town and Country Planning (Scotland) Act 1997, subject to approval of the scheme by Scottish Ministers.

6. The report provided details of the new hierarchy of developments that took effect from 6 April 2009 explaining that the Scheme of Delegation related to those applications within the “local development” category as set out in the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009, but would in future be determined by an “appointed officer”. In the Council’s case this would be either the Director of Environment or the Head of Roads, Planning and Transportation Service now designated the Head of Environment (Strategic Services).

7. The report highlighted that historically appeals against planning decisions were dealt with by Scottish Ministers. However, following the introduction of the new planning provisions which came into effect on 3 August 2009 all appeals against decisions made in respect of local developments under delegated powers would be heard by a Local Review Body. The Local Review Body would also deal with cases where the appointed officer had failed to determine an application within two months from the date it was lodged.

NOTICE OF REVIEW – STATEMENT OF REASONS FOR REQUIRING THE REVIEW

8. The applicants in submitting the review have stated the reasons for requiring the review of the determination of the application. A copy of the applicants’ Notice of Review and Statement of Reasons is attached as Appendix 4.

9. The applicants are entitled to state a preference for the procedure (or combination of procedures) to be followed by the Local Review Body in the determination of the review and have indicated that their stated preference is a site inspection.

10. The Local Review Body is not bound to accede to the applicants’ request as to how it will determine the review and will itself decide what procedure will be used in this regard.

11. However, at the meeting of the Local Review Body on 10 August 2016, it was decided that the Local Review Body would carry out unaccompanied site inspections for every review case it received prior to the cases being given initial consideration at a meeting of the Local Review Body.

12. In accordance with the above decision, the Local Review Body will carry out an unaccompanied site inspection on Wednesday, 5 December 2018 immediately before the meeting of the Local Review Body which begins at 2.30pm.

INFORMATION AVAILABLE TO ALLOW REVIEW OF APPLICATION

13. Section 43B of the Planning etc (Scotland) Act 2006 restricts the ability of parties to introduce new material at the review stage. The Local Review Body is advised that the focus of the review should, therefore, be on the material which was before the officer who dealt with the application under the Scheme of Delegation.

14. The information detailed below is appended to this report to assist the Local Review Body in carrying out the review of the decision taken by the Appointed Officer:-

- (a) Application for planning permission – Appendix 1 (Pages 107 - 118);
- (b) Copies of Objections/Representations – Appendix 2 (Pages 119 - 124);
- (c) Report of Handling by the planning officer under the Scheme of Delegation - Appendix 3 (Pages 125 - 132);
- (d) Decision notice and reasons for refusal - Appendix 4 (Pages 133 - 136); and
- (e) A copy of the applicants' Notice of Review and Statement of Reasons - Appendix 5 (Pages 137 - 198).

15. The applicants have also submitted the drawings listed below (available for inspection within the Planning Division of the Environment Department prior to the meeting and for reference at the meeting) and these are attached as Appendix 6 (Pages 199 - 208).

- (a) Location Plan – 1324_PL_1;
- (b) Location Plan – 1324_PL_1_REV_A;
- (c) Block Plan - 1324_PL_2_REV_A;
- (d) Ground Floor - 1324_PL_3;
- (e) First Floor - 1324_PL_4;
- (f) Elevations – 1324_PL_5; and
- (g) Garage Plans and Elevations – 1324_PL_6.

16. The Local Review Body is advised that initial consultation responses and representations received if any, relating to the application will be listed in the planning officer's Report of Handling.

17. All the documents referred to in this report can be viewed online on the Council's website at www.eastrenfrewshire.gov.uk with the exception of any representations that have been made to the application.

RECOMMENDATIONS

18. The Local Review Body is asked to:-

- (a) consider whether it has sufficient information to allow it to proceed to determine the review without further procedure and, if so, that:-
 - (i) it proceeds to determine whether the decisions taken in respect of the application under review should be upheld, reversed or varied; and

- (ii) in the event that the decision is reversed or varied, the reasons and the detailed conditions to be attached to the decision letter are agreed.
- (b) In the event that further procedure is required to allow it to determine the review, consider:-
 - (i) what further information is required, which parties are to be asked to provide the information and the date by which this is to be provided; and/or;
 - (ii) what procedure or combination of procedures are to be followed in determining the review.

Report Author: Paul O'Neil

Director - Caroline Innes, Deputy Chief Executive

Paul O'Neil, Committee Services Officer
e-mail: paul.o'neil@eastrenfrewshire.gov.uk
Tel: 0141 577 3011

Date:- November 2018

**APPLICATION
FOR
PLANNING PERMISSION**

BLANK PAGE



2 Spiersbridge Way Thornliebank G46 8NG Tel: 0141 577 3001 Email: planning@eastrenfrewshire.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100082829-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Type of Application

What is this application for? Please select one of the following: *

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Erection of dwellinghouse and domestic garage as manager's accommodation to manage adjoining dog kennel boarding business

Is this a temporary permission? *

Yes No

If a change of use is to be included in the proposal has it already taken place?

Yes No

(Answer 'No' if there is no change of use.) *

Has the work already been started and/or completed? *

No Yes – Started Yes - Completed

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Cameron Planning		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Steven	Building Name:	Clifton Cottage
Last Name: *	Cameron	Building Number:	29
Telephone Number: *	+447747053070	Address 1 (Street): *	East Argyle Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Helensburgh
Fax Number:		Country: *	United Kingdom
		Postcode: *	G84 7EJ
Email Address: *	steven@cameronplanning.com		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Other	You must enter a Building Name or Number, or both: *	
Other Title:	Mr and Mrs	Building Name:	Clifton Cottage
First Name: *	R	Building Number:	
Last Name: *	Imrie	Address 1 (Street): *	29 East Argyle Street
Company/Organisation	c/o Cameron Planning	Address 2:	
Telephone Number: *		Town/City: *	Helensburgh
Extension Number:		Country: *	Argyll and Bute
Mobile Number:		Postcode: *	G84 7EJ
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

East Renfrewshire Council

Full postal address of the site (including postcode where available):

Address 1:

MAINS OF BALGRAY

Address 2:

FINGALTON ROAD

Address 3:

NEWTON MEARNS

Address 4:

Address 5:

Town/City/Settlement:

GLASGOW

Post Code:

G77 6PQ

Please identify/describe the location of the site or sites

Northing

656552

Easting

250924

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

Meeting Telephone Letter Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (max 500 characters)

there has been a series of emails and written correspondence with the planning authority since June 2015, primarily with Sean McDaid

Title:

Other title:

First Name:

Last Name:

Correspondence Reference Number:

Date (dd/mm/yyyy):

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

Site Area

Please state the site area:

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

garden ground associated with Mains of Balgray farmhouse

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? *

Yes No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? *

Yes No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? *

Yes No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *

- Yes – connecting to public drainage network
 No – proposing to make private drainage arrangements
 Not Applicable – only arrangements for water supply required

As you have indicated that you are proposing to make private drainage arrangements, please provide further details.

What private arrangements are you proposing? *

- New/Altered septic tank.
 Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed).
 Other private drainage arrangement (such as chemical toilets or composting toilets).

What private arrangements are you proposing for the New/Altered septic tank? *

- Discharge to land via soakaway.
 Discharge to watercourse(s) (including partial soakaway).
 Discharge to coastal waters.

Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: *

A new septic tank is proposed to service the proposed dwelling in order to separate it from the existing Mains of Balgray. The septic tank proposed will be a Diamond WPL DMS3 Sewage Treatment Plant with capacity for up to 11 people. The tank will be located to the south-east of the dwelling within the application site garden ground; technical details can be provided if required.

Do your proposals make provision for sustainable drainage of surface water?? *
(e.g. SUDS arrangements) *

Yes No

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

- Yes
 No, using a private water supply
 No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? *

Yes No Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? *

Yes No Don't Know

Trees

Are there any trees on or adjacent to the application site? *

Yes No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? *

Yes No

If Yes or No, please provide further details: * (Max 500 characters)

The proposal is for a single dwellinghouse with anticipated average single household domestic waste generation. A bin storage area will be provided for day to day use. The current public refuse collection strategy is for domestic waste to be taken to the junction with Fingalton road for refuse vehicle collection.

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

Yes No

How many units do you propose in total? *

1

Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

Yes No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013? *

Yes No Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

Yes No

Is any of the land part of an agricultural holding? *

Yes No

Are you able to identify and give appropriate notice to ALL the other owners? *

Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate B

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

I hereby certify that

(1) - No person other than myself/the applicant was an owner [Note 4] of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application;

or –

(1) - I have/The Applicant has served notice on every person other than myself/the applicant who, at the beginning of the period of 21 days ending with the date of the accompanying application was owner [Note 4] of any part of the land to which the application relates.

Name:

Mr & Mrs Allan Imrie

Address:

Mains of Balgray, Fingalton Road, Newton Mearns, East Renfrewshire, G77

Date of Service of Notice: *

31/01/2018

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding;

or –

(2) - The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have/the applicant has served notice on every person other than myself/himself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant. These persons are:

Name:

Address:

Date of Service of Notice: *

Signed: Steven Cameron

On behalf of: Mr and Mrs R Imrie

Date: 04/02/2018

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

Yes No Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

Yes No Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

Yes No Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

Yes No Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

Yes No Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

Site Layout Plan or Block plan.

Elevations.

Floor plans.

Cross sections.

Roof plan.

Master Plan/Framework Plan.

Landscape plan.

Photographs and/or photomontages.

Other.

If Other, please specify: * (Max 500 characters)

Supporting Planning Statement

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

Yes N/A

A Design Statement or Design and Access Statement. *

Yes N/A

A Flood Risk Assessment. *

Yes N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *

Yes N/A

Drainage/SUDS layout. *

Yes N/A

A Transport Assessment or Travel Plan

Yes N/A

Contaminated Land Assessment. *

Yes N/A

Habitat Survey. *

Yes N/A

A Processing Agreement. *

Yes N/A

Other Statements (please specify). (Max 500 characters)

Supporting Planning Statement

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Steven Cameron

Declaration Date: 04/02/2018

Payment Details

Online payment: [Redacted]
Payment date: 04/02/2018

Created: 04/02/2018 23:12

BLANK PAGE

COPIES OF OBJECTIONS/REPRESENTATIONS

BLANK PAGE



Internal Memo

Our Ref: EA/RM
Your Ref: 2018/0061/TP
Date: 05th March 2018
From: Richard Mowat, Environmental Health
To: Derek Scott, Development Management

**PROPOSAL: ERECTION OF DETACHED DWELLING HOUSE ... ETC...AS MANAGERS ACCOMMODATION TO MANAGE ADJOINING DOG KENNEL BOARDING BUSINESS.
LOCATION: MAINS OF BALGRAY, FINGALTON ROAD, NEWTON MEARNS**

I have reviewed the above planning application and would comment as follows:

1. Any previously unsuspected ground contamination which becomes evident during the development of the site shall be brought to the attention of the Council as Planning Authority within one week or earlier of it being identified. A more detailed site investigation to determine the extent and nature of the contaminant(s) and a site-specific risk assessment of any associated pollutant linkages, shall then require to be submitted to and approved in writing by the Council as Planning Authority.
2. Consideration must be made by the applicant of the potential for noise nuisance from the neighbouring kennels. Any proposal must include measures to minimise potential noise nuisance from barking dogs on this proposed residential property.

I trust that this information is of use. If you wish to discuss any of the matters raised in this memo, please do not hesitate to contact me.

SENIOR ENVIRONMENTAL HEALTH OFFICER

BLANK PAGE

Roads Service OBSERVATIONS ON PLANNING APPLICATION

Our Ref: **2018/0061/TP**
 D.C Ref: **Derek Scott**
 Contact: **Alan Reid**
 Tel: **0141-577-3403**

Planning Application No: **2018/0061/TP** Dated: **19/02/18** Received: **19/02/18**
 Applicant: **Mr & Mrs R Imrie**
 Proposed Development: **Erection of detached dwellinghouse with detached garage**
 Location: **Mains of Balgray, Fingalton Road, Newton Mearns**
 Type of Consent: **Full Planning permission**
 Ref No. of Dwg.(s) submitted: **As per Idox**

RECOMMENDATION **No Objections subject to Condition**

Proposals Acceptable Y/N or N/A	Proposals Acceptable Y/N or N/A	Proposals Acceptable Y/N or N/A																																						
<p>1. General</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 80%;">(a) General principle of development</td><td style="text-align: center;">Y</td></tr> <tr><td>(b) Safety Audit Required</td><td style="text-align: center;">N</td></tr> <tr><td>(c) Transport Statement Required</td><td style="text-align: center;">N</td></tr> </table> <p>2. Existing Roads</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 80%;">(a) Type of Connection (junction / footway crossing)</td><td style="text-align: center;">N/A</td></tr> <tr><td>(b) Location(s) of Connection(s)</td><td style="text-align: center;">N/A</td></tr> <tr><td>(c) Pedestrian Provision</td><td style="text-align: center;">N/A</td></tr> <tr><td>(d) Sightlines</td><td style="text-align: center;">N/A</td></tr> </table>	(a) General principle of development	Y	(b) Safety Audit Required	N	(c) Transport Statement Required	N	(a) Type of Connection (junction / footway crossing)	N/A	(b) Location(s) of Connection(s)	N/A	(c) Pedestrian Provision	N/A	(d) Sightlines	N/A	<p>3. New Roads</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 80%;">(a) Widths</td><td style="text-align: center;">N/A</td></tr> <tr><td>(b) Pedestrian Provision</td><td style="text-align: center;">N/A</td></tr> <tr><td>(c) Layout</td><td style="text-align: center;">N/A</td></tr> <tr><td>(d) Turning Facilities (Circles / hammerhead)</td><td style="text-align: center;">N/A</td></tr> <tr><td>(e) Junction Details (locations / radii / sightlines)</td><td style="text-align: center;">N/A</td></tr> <tr><td>(f) Provision for P.U. services</td><td style="text-align: center;">N/A</td></tr> </table>	(a) Widths	N/A	(b) Pedestrian Provision	N/A	(c) Layout	N/A	(d) Turning Facilities (Circles / hammerhead)	N/A	(e) Junction Details (locations / radii / sightlines)	N/A	(f) Provision for P.U. services	N/A	<p>4. Servicing & Car Parking</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 80%;">(a) Drainage</td><td style="text-align: center;">N/A</td></tr> <tr><td>(b) Car Parking</td><td style="text-align: center;">Y</td></tr> <tr><td>(c) Layout of parking bays / garages</td><td style="text-align: center;">Y</td></tr> <tr><td>(d) Servicing Arrangements/Driveways</td><td style="text-align: center;">Y</td></tr> </table> <p>5. Signing</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 80%;">(a) Location</td><td style="text-align: center;">N/A</td></tr> <tr><td>(b) Illumination</td><td style="text-align: center;">N/A</td></tr> </table>	(a) Drainage	N/A	(b) Car Parking	Y	(c) Layout of parking bays / garages	Y	(d) Servicing Arrangements/Driveways	Y	(a) Location	N/A	(b) Illumination	N/A
(a) General principle of development	Y																																							
(b) Safety Audit Required	N																																							
(c) Transport Statement Required	N																																							
(a) Type of Connection (junction / footway crossing)	N/A																																							
(b) Location(s) of Connection(s)	N/A																																							
(c) Pedestrian Provision	N/A																																							
(d) Sightlines	N/A																																							
(a) Widths	N/A																																							
(b) Pedestrian Provision	N/A																																							
(c) Layout	N/A																																							
(d) Turning Facilities (Circles / hammerhead)	N/A																																							
(e) Junction Details (locations / radii / sightlines)	N/A																																							
(f) Provision for P.U. services	N/A																																							
(a) Drainage	N/A																																							
(b) Car Parking	Y																																							
(c) Layout of parking bays / garages	Y																																							
(d) Servicing Arrangements/Driveways	Y																																							
(a) Location	N/A																																							
(b) Illumination	N/A																																							

	<p>Background</p> <p>The applicants propose to take over, operate and expand the existing dog boarding business. This application for a new dwelling house is to allow the applicants to live on-site, which they consider to be a business and animal welfare necessity.</p> <p>The current business has a Licence for 10 dogs which will be increased to 20 dogs. The proposed development is accessed from a private, rural single-track road off Fingalton Road.</p>
	<p>Condition</p> <p>Due to intensification of use, the applicant should indicate the maximum achievable visibility splay at the junction of the private road with Fingalton Road and thereafter establish and maintain in perpetuity the maximum achievable visibility splays in the primary and secondary directions.</p>

	<p>Comments</p> <p>Visibility at Junction of Private Road with Fingalton Road</p> <p>The existing private road junction with Fingalton Road has exceptionally substandard sightlines. While traffic levels at this location are and will remain low, this proposal does nevertheless represent a significant intensification of use.</p> <p>For a derestricted road, sightlines of 2.5 x 215 x 1.05m are desirable. While it is recognised that the existing horizontal and vertical geometry precludes that anything approaching these figures can be achieved, visibility can readily be significantly improved by removal or height reduction of hedges on either side of the junction.</p> <p>The applicant should indicate the maximum achievable visibility splay at this junction.</p> <p>Road Geometry at Junction of Private Road with Fingalton Road</p> <p>The current junction geometry is considered to be acceptable even for the proposed intensification of use. However, should there be further intensification through further expansion of the business (or for any other reason), this Service would seek this junction to be upgraded to permit entering and exiting vehicles to pass.</p> <p>Private Road</p> <p>Due to the potential intensification of use of the (single track) private road, this Service recommends that intervisible passing places are constructed to enable vehicles to pass others without having to reverse an excessive distance.</p>

Signed: John Marley
pp. Environmental Services Manager

Date: 16/04/18

REPORT OF HANDLING

BLANK PAGE

REPORT OF HANDLING

Reference: 2018/0061/TP

Date Registered: 19th February 2018

Application Type: Full Planning Permission

This application is a Local Development

Ward: 2 -Newton Mearns North And Neilston

Co-ordinates: 250924/:656552

Applicant/Agent: Applicant:
Mr & Mrs R Imrie
c/o agentAgent:
Steven Cameron
Clifton Cottage
29 East Argyle Street
Helensburgh
G84 7EJ

Proposal: Erection of detached dwellinghouse with detached garage as manager's accommodation to manage adjoining dog kennel boarding business

Location: Mains of Balgray
Fingalton Road
Newton Mearns
East Renfrewshire
G77 6PQ

CONSULTATIONS/COMMENTS:

East Renfrewshire Council Roads Service

No objection subject to conditions relating to visibility splays at the junction of the access with Fingalton Road.

East Renfrewshire Council Environmental Health Service

No objection subject to conditions relating to ground conditions.

PUBLICITY:

02.03.2018

Glasgow and Southside
Extra

Expiry date 16.03.2018

SITE NOTICES: None.

SITE HISTORY:

2016/0464/TP

Use of part of site as dog
boarding businessApproved Subject 25.10.2016
to Conditions

REPRESENTATIONS: No representations have been received.

DEVELOPMENT PLAN & GOVERNMENT GUIDANCE: See Appendix 1

SUPPORTING REPORTS:

Planning Statement – Provides a background to the proposal and describes the proposed development and the operation of the existing business. It provides analysis against the development plan and concludes that there is a demonstrated need for the dwelling.

Business Statement – Describes in more detail the running of the existing business and makes reference to the expansion of the business in line with planning permission 20160464/TP. Also explains the need for 24 hour supervision.

Financial statements for the period June 2013 to April 2018 indicate that the business has returned a net profit during that period.

An affidavit has been received indicating the applicant's future intention to take over the operation of the existing business.

Diary details showing bookings have also been received.

ASSESSMENT:

The application site comprises a grassed area of land and the access road associated with the property known as Mains of Balgray. The grassed area lies approximately 50 metres to the south east of the existing dwelling at Mains of Balgray, within the wider residential curtilage. The site lies within the greenbelt to the west of Newton Mearns. The wider area is rural in character.

Mains of Balgray is a private residence with a large shed standing approximately 15 metres to the south east of the dwelling. The owner/occupier has operated a dog boarding and dog day care centre from the dwelling since 2013. 24 hour supervision is presently provided from the existing dwelling as the dogs are boarded within the house. Planning permission 2016/0464/TP for the use of part of the site at Mains of Balgray as a dog boarding business was approved subject to conditions on 25 October 2016. This included the conversion of the existing shed to kennels, the formation of outdoor pens and secure dog exercise areas. At the site visit towards the end of May 2018 for this application it was noted that fencing had been erected to form the exercise areas and the outdoor pens were under construction, although no work had commenced to convert the shed. Planning permission 2016/0464/TP limited the number of dogs to be cared for at any one time to 20. The Council considered that dog boarding on this scale was an appropriate use at this location.

Planning permission is sought for the erection of a house and detached double garage on the grassed area to the south east of the existing house and shed. The applicant has submitted information that indicates the dwelling is required for the on-site managing and supervision of the existing dog boarding and day-care business following the retirement of the existing business operator who will continue to reside at the existing house.

The proposed house measures 14.5 metres wide by 10.5 metres deep by 7 metres to the ridge and is to be one and a half storeys with front and rear dormer windows. It comprises 3/4 bedrooms with public rooms, kitchen and utility areas. The house and garage are proposed to be externally clad in timber with the roofing material unspecified.

It has been indicated that the existing business operators and residents at Mains of Balgray will transfer the business wholly to their son and his wife (the applicants) at a suitable time in the future. The supporting statement indicated that the development is predicated upon the expansion of the business and the full implementation of planning permission 2016/0464/TP. The site of the proposed kennels and dog exercise areas is shown as being within the control of the applicants.

The application requires to be assessed against Policies D3, D1 and D7 of the adopted East Renfrewshire Local Development Plan. Policy D3 states that development in the green belt will be strictly controlled and limited to that which is required and which respects the character of the area. This is expanded upon within the adopted Supplementary Planning Guidance: Rural Development (SPG) where it states:

"A new dwelling will only be permitted in the green belt where it can be clearly demonstrated that:

- There is a specific and properly evidenced need for the dwelling to be sited at that location in the countryside and there is no other suitable property available;
- It can be demonstrated that a viable business has been established at that location for a period of three years which can support a worker and the need for the dwelling on the site. Applicants should demonstrate why it would be required at that location and not within the urban area."

Policy D1 states that all development should not result in a significant loss of character or amenity to the surrounding area and Policy D7, in conjunction with the adopted Supplementary Planning Guidance: Green Network and Environmental Management, provides minimum open space standards for all new residential development.

It has to be considered in the first instance whether the principle of the new house is acceptable before considering its impact at this rural location.

The financial statements are noted and indicate that the existing business has returned a net profit for the period June 2013 to April 2018. The affidavit indicating the applicant's future intention to take over the management and supervision of the existing business from his parents is also noted. The profit returned for the year ending April 2018 is however considered to represent a modest wage for one person. It is also noted that this is before the substantial implementation of planning permission 2016/0464/TP which allows the boarding/care of up to 20 dogs at any one time. The business is therefore considered to be in its early stages of operation. 24 hour supervision may be required for a business of this nature in terms of animal welfare and site security however it is considered that such supervision can be provided through other means rather than a new house.

Policy D3 nevertheless states that development in the green belt will be strictly controlled and limited to that which is required and the SPG requires that applicants to demonstrate why a dwelling would be required at that location. The applicant's agent was asked to demonstrate why the required 24 hour supervision had to be in the form of a dwelling. The agent responded in writing stating that the only suitable option for 24 hour supervision was in the form of a dwelling but did not explain why other than making reference to the applicant's circumstances.

The site is not located in a remote rural location and is only a short distance from the built-up area of Newton Mearns. Supervision of the dogs/running of the business could be carried out on a shift basis without having to live at the site and welfare facilities for the supervision could be located in building such as a site office/cabin or even be located within the shed that is to be converted.

Given the scale and nature of the current business, it is not considered that the applicant has demonstrated why such a worker needs a new house. It is also noted that the existing dwelling could be utilised in the long term should the current occupants down-size. It is considered that the erection of a dwelling goes beyond that which is necessary for the 24 hour supervision of the existing business.

Further, it is noted that at present the applicants are not presently engaged in the dog boarding business at Mains of Balgray.

It is therefore considered that the proposal is contrary to the terms of Policy D3 of the adopted East Renfrewshire Local Development Plan and to the terms of the adopted Supplementary Planning Guidance: Rural Development as it has not been demonstrated that a new dwelling is required at this location.

If the application is otherwise acceptable, minor changes to the design of the dwelling could be made to ensure compliance with Policy D1 and the specific design terms of the SPG.

The planning statement, business statement, financial statements, diary details and the affidavit are noted. Whilst they provide information relating to the potential viability of the business, they are not considered to justify the erection of a dwellinghouse.

In conclusion, the proposal is contrary to Policy D3 of the adopted East Renfrewshire Local Development Plan and to the terms of the adopted Supplementary Planning Guidance: Rural Development. There are no material considerations that outweigh this policy.

RECOMMENDATION: Refuse

PLANNING OBLIGATIONS: None

REASON FOR REFUSAL:

1. The proposal is contrary to the terms of Policy D3 of the adopted East Renfrewshire Local Development Plan and to the terms of the adopted Supplementary Planning Guidance: Rural Development as it has not been demonstrated that a new dwelling is required at this location.

ADDITIONAL NOTES: None.

ADDED VALUE: None

BACKGROUND PAPERS:

Further information on background papers can be obtained from Mr Derek Scott on 0141 577 3034.

Ref. No.: 2018/0061/TP
(DESC)

DATE: 14th August 2018

DIRECTOR OF ENVIRONMENT

Reference: 2018/0061/TP - Appendix 1

DEVELOPMENT PLAN:

Strategic Development Plan

This proposal raises no strategic issues in terms of the Glasgow and the Clyde Valley Strategic Development Plan and therefore the East Renfrewshire Local Plan is the relevant policy document

Adopted East Renfrewshire Local Development Plan

Policy D1

Detailed Guidance for all Development

Proposals for development should be well designed, sympathetic to the local area and demonstrate that the following criteria have been considered, and, where appropriate, met. In some cases, where the criteria have not been met, a written justification will be required to assist with assessment.

1. The development should not result in a significant loss of character or amenity to the surrounding area;
2. The proposal should be of a size, scale, massing and density that is in keeping with the buildings in the locality and should respect local architecture, building form, design, and materials;
3. The amenity of neighbouring properties should not be adversely affected by unreasonably restricting their sunlight or privacy. Additional guidance on this issue is available in the Daylight and Sunlight Design Guide Supplementary Planning Guidance;
4. The development should not impact adversely on landscape character or the green network, involve a significant loss of trees or other important landscape, greenspace or biodiversity features;
5. Developments should incorporate green infrastructure including access, landscaping, greenspace, water management and Sustainable Urban Drainage Systems at the outset of the design process. Where appropriate, new tree or shrub planting should be incorporated using native species. The physical area of any development covered by impermeable surfaces should be kept to a minimum to assist with flood risk management. Further guidance is contained within the Green Network and Environmental Management Supplementary Planning Guidance;
6. Development should create safe and secure environments that reduce the scope for anti-social behaviour and fear of crime;
7. Developments must be designed to meet disability needs and include provision for disabled access within public areas;
8. The Council will not accept 'backland' development, that is, development without a road frontage;
9. Parking and access requirements of the Council should be met in all development and appropriate mitigation measures should be introduced to minimise the impact of new development. Development should take account of the principles set out in 'Designing Streets';
10. Development should minimise the extent of light pollution caused by street and communal lighting and any floodlighting associated with the development;
11. Developments should include provision for the recycling, storage, collection and composting of waste materials;
12. Where possible, all waste material arising from construction of the development should be retained on-site for use as part of the new development;
13. Where applicable, new development should take into account the legacy of former mining activity;
14. Development should enhance the opportunity for and access to sustainable transportation, including provision for bus infrastructure, and particularly walking and cycle opportunities including cycle parking and provision of facilities such as showers/lockers, all where appropriate. The Council will not support development on railways solums or other

development that would remove opportunities to enhance pedestrian and cycle access unless mitigation measures have been demonstrated;

15. The Council requires the submission of a design statement for national and major developments. Design statements must also be submitted in cases where a local development relates to a site within a conservation area or Category A listed building in line with Planning Advice Note 68: Design Statements.
16. Where applicable, developers should explore opportunities for the provision of digital infrastructure to new homes and business premises as an integral part of development.

Policy D3

Green Belt and Countryside Around Towns

Development in the green belt and countryside around towns as defined in the Proposals Map, will be strictly controlled and limited to that which is required and is appropriate for a rural location and which respects the character of the area.

Where planning permission is sought for development proposals, within the green belt or countryside around towns and these are related to agriculture, forestry, outdoor recreation, renewable energy and other uses appropriate to the rural area, the Council will consider them sympathetically subject to compliance with other relevant policies of the Plan. Any decision will, however, take into consideration the impact the proposals will have on the function of the green belt and countryside around towns and the viability of important agricultural land. Development must be sympathetic in scale and design to the rural location and landscape.

Further detailed information and guidance is provided in the Rural Development Guidance Supplementary Planning Guidance.

Policy D7

Green Infrastructure and Open Space Provision within New Development

New development proposals should incorporate a range of green infrastructure including open space provision, multi use access, sustainable urban drainage, wildlife habitat and landscaping. This infrastructure should not only form an integral part of the proposed scheme but should complement its surrounding environment.

Further detailed information and guidance is set out in the Green Network and Environmental Management Supplementary Planning Guidance.

GOVERNMENT GUIDANCE:

Scottish Planning Policy indicates that where a planning authority considers it appropriate, such as in the most pressured areas, the development plan may designate a green belt around a town to support the spatial strategy by: directing development to the most appropriate locations and supporting regeneration; protecting and enhancing the character, landscape setting and identity of the settlement; and protecting and providing access to open space. Local development plans should show the detailed boundary of any green belt and describe the types and scales of development which would be appropriate within a green belt.

Finalised 14/08/18 AC(3)

**DECISION NOTICE
AND
REASONS FOR REFUSAL**

BLANK PAGE

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
(AS AMENDED BY THE PLANNING ETC (SCOTLAND) ACT 2006)
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(SCOTLAND) REGULATIONS 2013**

REFUSAL OF PLANNING PERMISSION

Ref. No. **2018/0061/TP**

Applicant

Mr & Mrs R Imrie
Clifton Cottage
29 East Argyle Street
Helensburgh
G84 7EJ

Agent:

Steven Cameron
Clifton Cottage
29 East Argyle Street
Helensburgh
G84 7EJ

With reference to your application which was registered on 19th February 2018 for planning permission under the abovementioned Act and Regulations for the following development, viz:-

Erection of detached dwellinghouse with detached garage as manager's accommodation to manage adjoining dog kennel boarding business

at: Mains of Balgray, Fingalton Road, Newton Mearns, East Renfrewshire, G77 6PQ

the Council in exercise of their powers under the abovementioned Act and Regulations hereby refuse planning permission for the said development.

The reason(s) for the Council's decision are:-

1. The proposal is contrary to the terms of Policy D3 of the adopted East Renfrewshire Local Development Plan and to the terms of the adopted Supplementary Planning Guidance: Rural Development as it has not been demonstrated that a new dwelling is required at this location.

Dated 14th August 2018



Director of Environment
East Renfrewshire Council
2 Spiersbridge Way,
Spiersbridge Business Park,
Thornliebank,
G46 8NG
Tel. No. 0141 577 3001

The following drawings/plans have been refused

Plan Description	Drawing Number	Drawing Version	Date on Plan
Location Plan	1		
Block Plan Proposed	2	A	
Elevations Proposed	5		
Plans Proposed	3		
Plans Proposed	4		
Plans Proposed	6		

GUIDANCE NOTE FOR REFUSAL OF LOCAL DEVELOPMENTS DETERMINED UNDER DELEGATED POWERS

REVIEW BY EAST RENFREWSHIRE COUNCIL'S LOCAL REVIEW BODY

1. If the applicant is aggrieved by a decision to refuse permission (or by an approval subject to conditions), the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. A Notice of Review can be submitted online at www.eplanning.scotland.gov.uk. Please note that beyond the content of the appeal or review forms, **you cannot normally raise new matters** in support of an appeal or review, unless you can demonstrate that the matter could not have been raised before, or that its not being raised before is a consequence of exceptional circumstances. Following submission of the notice, you will receive an acknowledgement letter informing you of the date of the Local Review Body meeting or whether further information is required.

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 5 of the Town and Country Planning (Scotland) Act 1997.

CONTACT DETAILS

**East Renfrewshire Council
Development Management Service
2 Spiersbridge Way,
Spiersbridge Business Park,
Thornliebank,
G46 8NG**

**General Inquiry lines 0141 577 3895 or 0141 577 3878
Email planning@eastrenfrewshire.gov.uk**

**NOTICE OF REVIEW
AND
STATEMENT OF REASONS**

BLANK PAGE



2 Spiersbridge Way Thornliebank G46 8NG Tel: 0141 577 3001 Email: planning@eastrenfrewshire.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100082829-004

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="Cameron Planning"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Steven"/>	Building Name:	<input type="text" value="Clifton Cottage"/>
Last Name: *	<input type="text" value="Cameron"/>	Building Number:	<input type="text" value="29"/>
Telephone Number: *	<input type="text" value="+447747053070"/>	Address 1 (Street): *	<input type="text" value="East Argyle Street"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Helensburgh"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
		Postcode: *	<input type="text" value="G84 7EJ"/>
Email Address: *	<input type="text" value="steven@cameronplanning.com"/>		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Other"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text" value="Mr & Mrs"/>	Building Name:	<input type="text" value="Clifton Cottage"/>
First Name: *	<input type="text" value="R"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Imrie"/>	Address 1 (Street): *	<input type="text" value="29 East Argyle St"/>
Company/Organisation	<input type="text" value="c/o Cameron Planning"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Helensburgh"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="G84 7EJ"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

Site Address Details

Planning Authority:	<input type="text" value="East Renfrewshire Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="MAINS OF BALGRAY"/>
Address 2:	<input type="text" value="FINGALTON ROAD"/>
Address 3:	<input type="text" value="NEWTON MEARNS"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="GLASGOW"/>
Post Code:	<input type="text" value="G77 6PQ"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="65652"/>	Easting	<input type="text" value="250924"/>
----------	------------------------------------	---------	-------------------------------------

Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Application for review through Local Review Board in relation to East Renfrewshire Council's decision to refuse planning permission for the erection of a dwellinghouse and domestic garage as managers accommodation to operate an existing dog kennel boarding business, reference 2018/0061/TP

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Please see attached supporting documents

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

To Be Confirmed

Application Details

Please provide details of the application and decision.

What is the application reference number? *

2018/0061/TP

What date was the application submitted to the planning authority? *

04/02/2018

What date was the decision issued by the planning authority? *

16/08/2018

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be a combination of procedures.

Please select a further procedure *

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

As discussed in the supporting statement, the location of the proposed development is driven by the existing business that operates at the location. A site inspection is therefore recommended.

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

If there are reasons why you think the local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)

It is preferable that the site inspection is accompanied as attendance by the applicants and/or consultant is essential to ensuring the Review Board understands what is being proposed and the reasons behind the application.

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Steven Cameron

Declaration Date: 11/11/2018

BLANK PAGE

PAWS IN THE COUNTRY DOG BOARDING

Statement of Justification for new dwellinghouse to provide 24-hour support for kennels and boarded dogs.

The proposed dwelling is required as a manager's house to operate the existing Dog Boarding business, Paws in the Country, with the expansion of kennels. The existing business was established a number of years ago and has operated successfully with year on year increase in turnover (as demonstrated in copies of audited annual accounts submitted to the Council). The boarding business is family run, operated by the applicants' parents/in-laws. The Imries Snr are at retirement age and will be passing on the business to the next generation, their son and daughter in-law. The Imries Snr however have lived at the existing Mains of Balgray farmhouse for more than 40 years and do not want to move from the site. Their wish is to pass on the business, as a legacy, and remain in their own home. The applicants, through Mrs Imrie Jnr's family, have experience of running a dog boarding business in the Borders.

It is accepted that the rural location is best suited to the business as the surrounding family owned land allows for long dog walks and exercising. There is furthermore a specific and properly evidenced need for the dwelling to be sited in the location proposed in the application and there is no other suitable property available – the dog boarding business is an established business at this location and is one that is subject to significant investment by our clients. In order to protect that investment and provide security for the business (including assurance to customers who leave their pets at the kennels) a presence on-site is essential.

Justification of 24-hour presence in the form of a dwelling:

- Animal welfare is a paramount consideration and must be taken into account;
- The provision of safe kennel accommodation requires a 24 hour on-site presence;
- There is no other suitable property available to provide a manager's accommodation;
- A temporary accommodation is not appropriate as Mr and Mrs Imrie Jnr have three children under the age of 5 and an on-site caravan, for example, would not provide the children with an acceptable standard of housing accommodation;
- The adjacent outbuilding will be used to house the new luxury kennels and the existing dwelling at Mains of Balgray will remain in private ownership;
- Managing the business remotely, for example from Newton Mearns, is not feasible as it would not provide the 24 hour on-site presence that is required to provide security and animal welfare;
- Whilst the business is profitable and provides an income for a small family it does not allow for full time employment to provide on-site security; the idea of moving the business is not supported by the applicants and is not logistically possible. The current set up will provide boarding for 20 dogs, such a use at this scale would not be welcomed in an existing residential area and there are no premises available to the applicants that would support a relocation;
- There are no other existing rural properties in the area that would lend themselves to this business nor would it have the reputation behind the business and current foot fall of customers that paws in the country has worked hard to achieve; and

- Security – the dog kennels will be very near the new dwelling house to avoid any dog theft or unwanted crime.

The case for a new dwelling house to manage the dog boarding business is based on the requirements for the applicants to be present on site in order to manage the business efficiently and effectively, to provide security and well-being for the dogs, and to ensure customers are provided with the best service possible. The existing business, being operated by the Imrie's Snr, is successful because the operators are on site 24/7; the continuation of the business and passing the business over to the applicants demands a continued on-site presence.

With the business being expanded and eventually passed on to the next generation there is a need for the applicants to have a presence on site. The Imries Snr have lived there for some 40 years and wish to continue to live there and enjoy their retirement with the business legacy continuing.

Daily time scales for kennel business will be:

TIME	ACTIVITY
6:30/7am	morning let out to toilet in secured area
7am – 8:30am	morning exercise in secured area/feeding/cleaning
8am – 10am*	change-over through drop off and collection of new arrivals and leavers
11 – 12:30pm	60 minute walk in fields (staggered)
3pm – 4:30pm	45 minute walk in fields/exercise time (staggered)
5pm - 6pm*	pick up of any dogs / dinner/ play time / clean and prep kennels/toilet
9:00-10:00pm	Toilet let out/ bedtime

* These are expected pickup/drop off times. However from experience and change in customer travel plans often pick-ups and drop-offs need to be flexible throughout the day.

It is the applicants' view that it would impossible to operate the kennels without actually living on site. The kennelling timetable and daily regime as well as the need for on-site security, to provide security and well-being services for the dogs, requires a presence. For security and emergencies it is vital they are available throughout the night. The business cannot be run remotely. The business is an established business that provides a single family income; the family business is being passed to the applicants.

Temporary accommodation in the form of a residential caravan for example would not be appropriate from our clients' perspective given they have three children under the age of 5; the family needs security in accommodation to operate the business and for family wellbeing. The applicants are aware that a Planning Obligation will likely be required to tie the dwelling to the business.

Mr & Mrs R Imrie
Per Cameron Planning
1st July, 2018

Cameron Planning



**Mains of Balgray, Fingalton
Road, Newton Mearns**

Proposed Manager's
Dwellinghouse for Kennel
Boarding Business

On behalf of Mr & Mrs R Imrie

Grounds of Review - Local Review Board

November, 2018

BLANK PAGE

Contents

1.	Introduction and Background	3
2.	Grounds for Review	5
3.	Summary and Conclusions	20

APPENDICES

1.	Decision Notice
2.	Report of Handling
3.	Planning Statement
4.	Additional Statement of Justification

BLANK PAGE

1. Introduction and Background

- 1.1 We have been instructed by our clients, Mr & Mrs R. Imrie, to submit a request to East Renfrewshire Council's Local Review Board for their review of the delegated officer's decision to refuse planning permission for the erection of a dwellinghouse and garage as a manger's house in the operation of the existing dog kennel boarding business at Mains of Balgray Farm House, Fingalton Road, Newton Mearns.
- 1.2 The review site is located in a rural location to the south-west of Newton Mearns, outwith the settlement boundary. The existing dog kennel boarding business to which the development is related to, 'Paws in the Country', has operated successfully for a number of years, demonstrating year on year growth in turnover, as discussed below. The existing business is a family run business operated by Mr Imrie's parents. The Imries' Snr are at an age where they are looking to retire, allowing our clients to take over the running of the business. Our clients also propose significant investment in the business through its expansion and introduction of further and improved boarding facilities. Our client, Mrs Imrie's, own family operate a successful dog boarding business in the Scottish Borders, Goshielaw VIP Kennels, and she has experience of operating boarding kennels.
- 1.3 The existing business is a successful business and the appellants' business plans, that have been submitted with the planning application, show that there would be future growth in turnover. The appellants however can only continue operating the business where there is a residential presence on site. The success of the existing business is due to the 'family-focussed', on-site care provided by the Imries Snr. The appeal site is in a relatively isolated rural location to the south of Glasgow and looks north towards Balgray Loch. It is a key argument in the planning application, and subsequently in this review submission, that the business cannot operate without an on-site presence. The circumstances relating to the business handover and the relationship between the applicants and the current operators is unique; the applicants propose to take over and expand the existing business to allow the current operators to retire. The business benefits from planning permission for the boarding of up to 20 dogs. The desire is to transfer the business to the next generation, from the Imries Snr to their son and daughter in law and the appellants see the opportunity of operating their own successful business, taking over an existing business, investing in its expansion.
- 1.4 The location of the existing business is critical to the Planning assessment process. The nature of dog boarding businesses is such that they should preferably not be located within residential areas due to the potential impact on residential amenity, including dog drop-off and pick up outside

normal working hours, noise associated with a large number of dogs barking simultaneously and the need for large areas of open ground as exercise space for boarded dogs.

- 1.5 It is logical to conclude that dog boarding businesses are located in more rural areas where the impact on residential amenity is significantly less or non-existent. There is also a continued strong and growing demand for dog boarding which has to be met.
- 1.6 The location of the boarding business is not however contested by the planning authority, indeed it benefits from planning permission, and the view has been expressed by the Planners, in early correspondence, that the appeal site can accommodate a dwellinghouse without any environmental or amenity impacts; the Report of Handling for the planning application raises no significant issues regarding the scale, positioning, massing and design of the dwelling proposed. The planning application to establish a tied residential presence on site to the business has been refused for a single reason, namely:

The proposal is contrary to the terms of Policy D3 of the adopted East Renfrewshire Local Development Plan and to the terms of the adopted Supplementary Planning Guidance: Rural Development as it has not been demonstrated that a new dwelling is required at this location (see Decision Notice – Appendix 1)

- 1.7 The type, scale and nature of the development, the dog boarding business to which the new dwellinghouse will be tied and the potential environmental effects arising from that development, have been assessed by the case planning officer and are discussed in the officer's Report of Handling (see Appendix 2 for the Report of Handling) ; none of these issues are matters which would warrant a refusal of planning permission and the issue at hand consequently is whether there is justification for a manager's house in relation to the existing and growing business. Our clients have responded to all requests for supporting information when these have been requested and have in their view provided the necessary justification to support the application for a manager's house.
- 1.8 The single reason for refusal however is that *it has not been demonstrated that a new dwelling is required at this location*. It is the appellants view that the case has been demonstrated quite emphatically. Without the benefit of an on-site managers house there is insufficient control over the business which will then ultimately fail.
- 1.9 Our review of the planning application, site planning history and justification for the proposed development is provided in the following Section.

2. Grounds of Review

- 2.1 The proposed development comprises a single detached dwelling with garage accommodation on a plot adjacent to the existing group of buildings that form Mains of Balgray farm house. The existing group of buildings are in private ownership and comprise the existing residential property and the adjoining outbuilding. The site is not surrounded by any other residential properties and is accessed via a long private drive from Fingalton Road. The access road is asphalt surfaced and in good condition.
- 2.2 There is some 55 acres of farmland associated with Mains of Balgray although the agricultural land is farmed by other farmers. The proposed development site in effect sits within the extended curtilage of Mains of Balgray farm house and would present a neat coherent group of buildings, namely the existing former farmhouse, the associated shed being used for the kennel business and the new dwellinghouse. The relationship between the buildings is evident in figure 2.2 below.
- 2.3 The proposed dwelling is to provide accommodation for a manager to run the existing dog boarding business, Paws in the Country. The new dwelling would therefore be tied to the operation of the business. The actual wording of such an agreement, whether by planning condition or legal agreement, could be extended to include other acceptable occupants, for example those wholly employed in agriculture.
- 2.4 The history to the planning application and this request for review goes back until late 2015 following initial approaches to the planning authority regarding our clients' wish to take over the running of the existing dog boarding business, undertake further investment and expand the number of boarding kennels available. They have from the outset made it clear that the continued operation of the business and success of the business can only be secured if there is a manager's presence on site to look after the welfare of dogs in their care and to protect their financial investment and provide on-site security. The appellants have always been aware that any planning permission supported by the planning authority would likely be subject to a restrictive planning condition or section 75 Planning Agreement, tying the occupancy of the new dwelling to the business. This has never been an issue, as the appellants are committed long term to the success of the business, but only on the proviso that they are resident on-site to ensure welfare and security can be addressed.
- 2.5 The initial response from Planning was that the site was an appropriate site for a new dwellinghouse, presenting no issues in relation to environmental or residential amenity impact. It was noted however that there was no planning record of permission being granted for the business and that whilst the location was acceptable for the type of business undertaken it should be regularised through a planning permission. As the appellants were looking at further investment and expansion of the boarding business it was considered an acceptable step to secure planning permission for the expanded business.

- 2.6 Planning permission was therefore secured under reference 2016/0464/TP, granted 31st October, 2016; this planning permission regularised the existing dog boarding business and approved its expansion into the outbuilding adjacent to Mains of Balgray Farm House with the introduction of thermal boarding kennels for 20 dogs. As will be seen from the approved plans for that permission, the consent also defined a business car parking area and delineated secure dog runs and exercise areas (see fig 2.1 below). It has been noted that the appeal site is within the curtilage of the existing Mains of Balgray property. Mains of Balgray ownership (Imries Snr) extends to some 55 acres of land which is leased to other local farmers. The appellants are the Imries' son and daughter in law and it is these family members that would develop the identified plot on the eastern edge of the building group to provide the managers dwelling for the adjoining business thereby providing 24/7 management capability, animal welfare and security on site. It is also the appellants that would be operating the dog boarding business.
- 2.7 The aforementioned planning permission, in relation to the boarding business, was granted subject to a number of conditions; these have, where required, been subsequently discharged and the use of the premises as a dog boarding business is established in planning terms.
- 2.8 The application for the proposed manager's house was justified through a supporting Planning Statement which is attached as appendix 3 to this submission. In summary, the Planning Statement notes that the dwellinghouse is required as a manager's house to operate the existing Dog Boarding business, Paws in the Country. The existing business was established some years ago and has operated successfully, often at capacity. The boarding business is family run, operated by the applicants' parents/in-laws. The Imries Snr are at retirement age and want to pass on the business to the next generation. The Imries Snr however have lived at the existing Mains of Balgray farmhouse for 32 years and do not want to move from the site. Their wish is to pass on the business, as a legacy, and remain in their own home. The appellant, Mrs Imrie Jnr, has experience of operating commercial kennels through her mother's existing business in the Scottish Borders – Goshielaw VIP Kennels see <http://www.goshielawvipkennels.co.uk>. The circumstances are unique in that the Imrie's Snr are keen for the business legacy to continue within the family and the family, in the form of the appellants are looking to operate that business. The only catch is that the appellants need to be on site to operate the business.
- 2.9 The existing lawful business at Balgray has expanded from its original presence within the existing Mains of Balgray dwelling into the adjoining outbuildings. This business, including the expansion of the business to provide an initial 20 boarding kennel spaces, has the benefit of planning permission, as noted above. Given the outlay for new kennels (£20,000 for 10 units and £40,000 for the capacity of 20 units) the applicants intended to take the development forward in two phases of 10 kennels. As will be appreciated, investing in the development is a significant risk if there is no on-site management. The figures regarding the cost of kennels and the proposed phasing aspect of introducing these kennels is information that was submitted to Planning.

2.10 The extent of the approved dog boarding business is shown in the plan extract below:

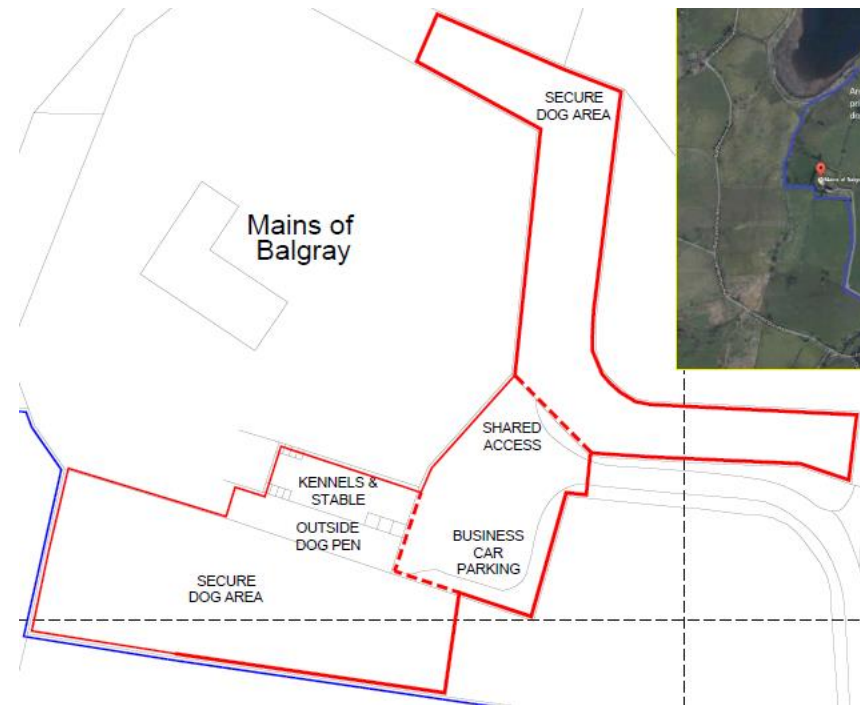


Fig 2.1: extent of planning permission for kennel business

2.11 The proposed dwellinghouse is located to the immediate east of the parking area and shared access area as indicated on the plan above fig 2.1. In granting planning permission for the Dog Boarding business, the business has been regularised as separate from the existing Mains of Balgray dwelling. The proposed dwelling would then be tied to and would manage the existing and expanding business, allowing for the full financial commitment to be made in two stages and allowing for future further expansion of the business. The layout in figure 2.1 shows the secure dog exercising areas, in addition, as noted in section 1, there is potential to access some of the 55 acres of farmland tied to Mains of Balgray.

2.12 The success of the business in part is due to its rural location and easy access from the southern Glasgow conurbation. The property has access to large areas of land that can be used for dog walking with no access restriction and dogs can be exercised in wider, open, (yet contained by fencing), spaces without causing disturbance to other residents or grazing animals.

- 2.13 The proposed development of the manager's house would see the dog boarding and exercise area being tied to the new dwelling. In effect there is a ready-made business to further develop. As will be seen in figure 2.2 below, the new dwelling would share the existing access to Mains of Balgray which in time becomes separated from the boarding business. The kennels are provided in an existing outbuilding that faces towards the application site for the new dwelling. The existing Mains of Balgray residential property in effect would 'turn its back' on the business
- 2.14 The existing planning permission for the dog boarding business identifies areas to be used as kennel space and areas to be used as enclosed dog runs and exercise areas, see figure 2.1. Beyond these enclosed areas there is access to the former farm land for dog walking and exercise.
- 2.15 The proposed development consequently is for a single detached dwelling as shown on the layout plan below, taken from the planning application. The dwelling is to be located in an area previously discussed with the Planning Department with a view to a future dwellinghouse being built on the site; as a point of principle, the location was considered to be acceptable from the Planners point of view as the dwelling would relate to an existing group of buildings and it would sit in an undulating landscape and have limited visual impact.

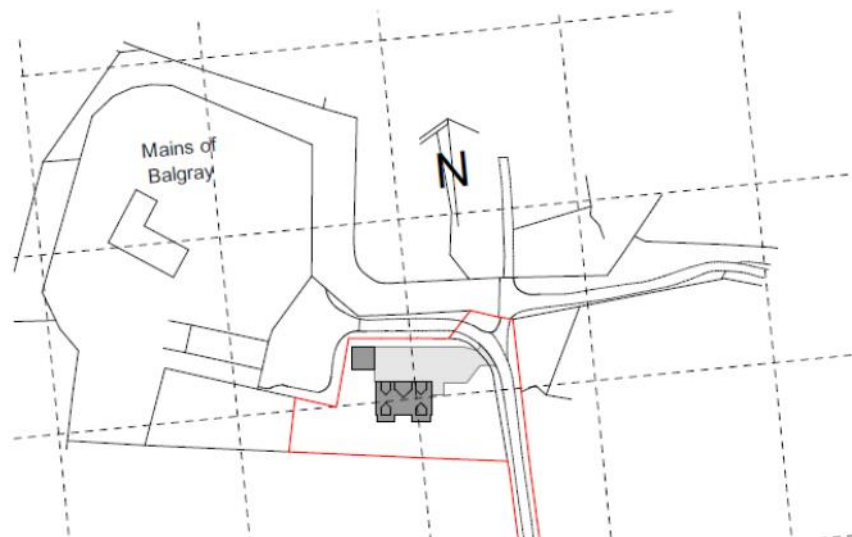


Fig 2.2: proposed application site with dwellinghouse footprint

- 2.16 The proposed dwellinghouse has been designed by Fjordhus and is of sustainable Scandinavian style. The property is essentially a small family home of modest proportions, a 3 bedroomed 1½ storey detached family home with separate garage. The image below shows the north facing elevation, towards Glasgow and south facing towards the rear garden ground which is bound by a high conifer hedge. Fjordhus is an award winning Scottish Borders based designer and builder of Scandinavian timber framed houses. Their selling point is that they combine Scandinavia's renowned quality, speed and efficiency with British design, construction expertise and personal customer service. The timber frame homes are made from sustainable, slow-grown Scandinavian spruce and pine, and precision-engineered at state-of-the-art production facilities. More information on Fjordhus can be found via the link <http://www.fjordhus.com/>
- 2.17 The Fjordhus product is made to exacting standards and offers outstanding thermal efficiencies and air tightness. A full range of renewable energy technologies are catered for, including Ground and Air Source Heat Pumps, Solar PV and Solar Thermal, Heat Recovery & Ventilation Units. Where traditional solutions such as Gas, Oil, LPG are used Fjordhus ensures these offer high standards of fuel efficiency.
- 2.18 The front, north facing elevation of the proposed property is shown below on the left; the rear, south-facing elevation is on the right.

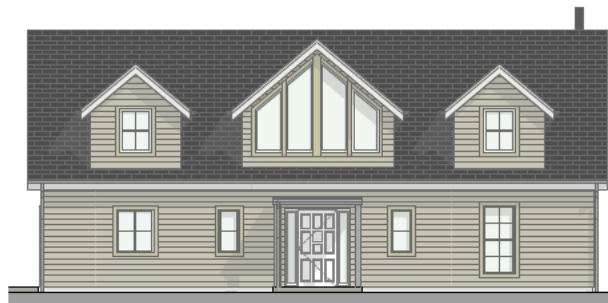


Fig 2.3: North Elevation



Fig 2.4: South Elevation

- 2.19 The proposed dwelling will fit into its rural setting by virtue of its design and use of materials. The new dwelling would not impact on the setting of the existing Mains of Balgray dwelling which is itself of fairly recent redevelopment and is modern in appearance, as seen on the image on the cover of this Statement.

2.20 The aerial image on the right shows the site layout quite clearly; the existing farmhouse is annotated, the outbuilding to the south east is the kennel building and the land to the east of that, beyond the parking area, is the application site for the proposed kennel manager's dwellinghouse. The access is private shared access with Mains of Balgray, and connects back to Fingalton Road, access to the application site is from the north east site corner with hardstanding on the north side of the dwelling to give access to the domestic garage. The site is bound to the south and partially to the east by a dense evergreen hedge. The maintained curtilage to Mains of Balgray is clearly defined.



Fig 2.5: Aerial view of site context

- 2.21 The proposed development will connect into existing utilities and be serviced by a new septic tank within the new property curtilage. No trees are proposed to be removed. Domestic parking is provided in a double garage with additional parking available on the drive to the front of the dwelling. Visitor parking associated with the dog boarding business is located in the existing hardstanding area to the west of the application site.
- 2.22 Access to the application site is via the existing drive to Mains of Balgray which connect to Fingalton Road. The drive is hard surfaced and has sufficient sight line visibility at the junction with Fingalton Road. The existing junction with Fingalton Road is shown in the Google image below:



Fig 2.6: Street view of junction with Fingalton Road

- 2.23 The planning application Planning Statement included a thorough assessment of existing Local Development Plan (LDP) policy, primarily focused on Policy D3 of the adopted LDP together with the relevant Supplementary Planning Guidance. The Review Board's attention is drawn to the original Planning Statement and there is no need to repeat the case laid out in detail here, especially given that the application assessment in itself is positive and has not been contested by the case planning officer in their Report of Handling. As noted above, the application has been refused for a single reason; this is a single issue, whether or not the applicants demonstrated that a new dwellinghouse is required.

LDP Policy D3 'Green Belt and Countryside Around Towns'

- 2.24 LDP Policy DC3 states the following:

Development in the green belt and countryside around towns as defined in the Proposals Map, will be strictly controlled and limited to that which is required and is appropriate for a rural location and which respects the character of the area.

Where planning permission is sought for development proposals, within the green belt or countryside around towns and these are related to agriculture, forestry, outdoor recreation, renewable energy and other uses appropriate to the rural area, the Council will consider them sympathetically subject to compliance with other relevant policies of the Plan. Any decision will, however, take into consideration the impact the proposals will have on the function of the green belt and countryside around towns and the viability of important agricultural land.

Development must be sympathetic in scale and design to the rural location and landscape.

- 2.25 With regards to the above policy we would emphasise that the 'Paws in the Country' Home Dog Boarding business is an established and growing business located in the countryside at Mains of Balgray. The business is an 'other appropriate use' in this location and this point has been accepted by the planning authority. The business has the benefit of planning permission to operate within the outbuildings and adjoining ground associated with Mains of Balgray. The operation and management of the business requires an on-site presence; this is essential from a business management, security and animal welfare perspective. The business is a family run business which the current owners want to pass on to the next generation. The Imries Snr, as noted above, wish to remain in their home, where they have lived for 32 years. There is an argument consequently that if an appropriate site can be found for an additional dwellinghouse to support the business use then this should be supported by the planning authority. We have identified such a location within the curtilage of the existing building group, the application site.

- 2.26 Policy D3 states that **if the development is related to an appropriate use within the rural area the Council will consider it sympathetically**, subject to compliance with other policies of the Plan. The new dwelling is required for the security and operation of the established and expanding dog boarding business. The planning authority has agreed that the dog boarding business is an appropriate use for this location given it is some distance from residential areas.
- 2.27 Another significant point regarding Policy D3 is that any development, to be supported, should not have an adverse impact on the functioning of the green belt. As the Council has expressed a view that the application site is an appropriate location for a new dwelling, given the relationship to an existing group of buildings and given site topography, there can in principle be no adverse impact on the function of the green belt. Indeed, this is not raised as an issue in the Report of Handling or described as a reason for refusing planning permission.
- 2.28 There are a number of specific criteria detailed in LDP Policy D3 which we need not go into in detail here; it is accepted by the planning authority that these are not contested, are not of significant importance and, are not matters in themselves that contribute to refusal of the application.
- 2.29 Briefly, these matters outlined above include:
- the ‘viability of important agricultural land’ – this qualification has no bearing on the current decision-making process; the application site is curtilage associated with the building group and Mains of Balgray;
 - development must be sympathetic in scale and design to its location – this is adequately addressed in the original Planning Statement and these are not matters that are contested by the planning authority;
 - Specifically, it is accepted that an additional dwelling to support the management and operation of the existing and expanding dog boarding business would be an appropriate use in this location given the business is an established business; the dwelling would also provide security for the business and allow the current operators to retire but remain in their longstanding home of some 32 years;
 - Subject to compliance with other LDP policies the Council should look sympathetically at the proposal given it supports a use appropriate to the location. In effect there are no other Local Development Policies that have been highlighted by the planning authority that the proposed development would not be in compliance with.

Rural Development Guidance Supplementary Planning Guidance

- 2.30 Reference is made in Policy D3 to the Council’s Rural Development Guidance Supplementary Planning Guidance (SPG) as relevant to consideration of any planning application. The SPG states that a new dwelling-house will only be permitted in the green belt and countryside around towns where it can be clearly demonstrated that it addresses specific criteria. These points are all addressed in the original Planning Statement.
- 2.31 The key point is whether ***‘there is a specific and properly evidenced need for the dwelling to be sited at that location in the countryside and there is no other suitable property available.’*** As noted in the Planning Statement, the dog boarding business is an established business at this location and is one that is subject to ongoing investment by our clients. In order to protect that investment and provide security for the business (including assurances regarding well-being and security to customers who leave their pets, which can be an expensive commodity, at the kennels) a presence on-site is essential. Animal welfare is a paramount consideration and must be taken into account; the provision of 24hr kennel accommodation requires a 24-hour on-site presence. Moreover, the principle of the boarding business has been established in planning terms through the recent planning permission and has been established for more than the 3 years required by the LDP policy before a dwelling tied to the business can be considered. Managing the business remotely, for example from Newton Mearns, is not feasible as it would not provide the 24-hour on-site presence that is required to provide security and animal welfare.
- 2.32 It will be noted that the existing business is not tied in any way to Mains of Balgray. Occupation of Mains of Balgray by the appellants is not an option as the Imries Snr will continue to occupy that house.
- 2.33 The idea of moving the business is not supported by the applicants and is not logistically possible; there are no properties and no other land available to the appellants in which to relocate the business. The current set up will provide boarding for 20 dogs, such a use at this scale would not be welcomed in an existing residential area. There are no other existing rural properties in the area that would lend themselves to this business.
- 2.34 In addition, the SPG criteria support a new dwelling where ***‘it is required for a person engaged locally in full-time employment in agriculture or other appropriate rural use and this is controlled through an occupancy restriction that may be subject to a section 75 agreement.’*** The matter of a s75 agreement has not been discussed in detail with the planning authority although it is acknowledged by the applicants that the justification for a dwellinghouse is based on the business needs which requires an on-site presence to address security and animal welfare matters. The business will be Mrs Imrie’s full time employment and in time both Mr and Mrs Imrie would operate the business as their sole

source of employment. The appellants have made it clear that they have no objection to a s75 Planning Agreement that would restrict occupancy of the dwelling to the operation of the dog boarding business.

- 2.35 The crux of the Planning Authority's refusal of planning permission is evidently related to the SPG requirement to '***demonstrate that a viable business has been established at that location for a period of three years which can support a worker and the need for a new dwelling-house on that site. Applicants should demonstrate why it would be required in that location and not within the urban area.***'
- 2.36 The evidence submitted with the planning application is that the business has been operating under appropriate Licence since 2014, initially being set up as a home-based business operated by the appellants' parents/in-laws who live in the existing dwelling. The Imries Snr were previously employed in running grocery stores throughout Glasgow and have, since these closed, been solely employed in the dog boarding business; this provides their sole source of income. The business often operates at capacity and there is an identified demand for additional boarding spaces. The business plan to invest further in the boarding business is based on addressing that demand. Planning permission has been obtained to address the planning status of the business. As noted above, to manage the business humanely, and with proper security, there needs to be a presence on site.
- 2.37 As noted previously, as the business is an established business and provides a sole means of employment for the current operators there is no merit in relocating to an urban area. The family business is being passed onto the next generation and the applicants will take over the business and make their own financial investment through the introduction of thermal boarding kennels.
- 2.38 The design criteria within the SPG are all addressed in the Planning Statement, it is noted however that these matters are not reasons for refusal and the have not been contested.
- 2.39 As discussed in more detail below, the business is clearly viable and should not be located in a more urban environment. This location is agreed by all parties to be the ideal location for the boarding business in terms of animal welfare and security. There are no alternative solutions.

Consideration of the Report of Handling.

- 2.40 The conclusion in the Report of Handling (RoH) is the single reason for refusal, being that '*it has not been demonstrated that a new dwelling is required in this location.*'

- 2.41 We strongly refute that conclusion and assert that the case has more than adequately been demonstrated in favour of the development. The property is required to provide the appellants with a place to live to allow them to operate the existing dog boarding business which requires an on-site presence. The appellants have accepted that the dwellinghouse could be tied to the operation of the business and this is not an issue.
- 2.42 It is noted from the RoH that none of the consultees offered any objection to the development proposed and that there were no third-party representations to the development. The following supporting documents were provided and offer evidence to demonstrate that the dwelling is required. The alternative is that the business fails on the current operators' retirement and the dogs will have to be kennelled elsewhere. It is hoped that the planning authority is supportive of business enterprise and can see merit in the dog boarding business continuing in this location:
- Supporting Planning Statement - (Appendix 3)
 - Business Statement – (Appendix to the Planning Statement)
 - Financial Statements for period June 2013 to April 2018 (submitted in confidence)
 - Sworn affidavit confirming the appellants intention to take over the operation of the existing business (submitted in confidence)
 - Additional Operational Justification Statement – (Appendix 4)
- 2.43 It is this last bullet point that is evidently the sticking point. The appellants cannot justify full investment in the business without the benefit and security of knowing they will have a place to live on site. The planning officer however will not accept that this is a legitimate point and seems to argue in favour of the full business takeover and investment being outlaid before considering whether a dwelling house should be supported. From my clients' point of view this is unreasonable. The business is established and can provide a living for a family as a single means of employment; this point has been demonstrated. It is unreasonable to expect full financial investment and operation from either a remote location or from within unsuitable temporary accommodation, more so when the appellants have three children under the age of 5. Full investment is only possible with security of residency.
- 2.44 The point of the affidavit is that it demonstrates the appellants commitment to taking full control of the business; with this commitment in place any planning permission could be granted subject to a condition that would prevent implementation until the business acquisition was completed. This solution would allow the appellants to proceed with a degree of comfort as permission could be granted; the planning authority should be satisfied that with the business transfer there is full justification to support the dwelling. This scenario was presented to the case planning officer however it has not been taken on board. In our view this is an eminently sensible solution.
- 2.45 Planners are often concerned about setting precedents in granting permission for developments that they would not normally support. There is however no precedent that this development would set as it relates to an existing established lawful business and its transfer within a family

environment. The business can only function with an on-site presence and future investment can only happen if the investor is on site to ensure welfare and security. The controlling mechanisms available to the planning authority are through occupancy restriction of any new dwelling, which is accepted by our clients, but also requiring evidence of business control by the appellants prior to commencement of the new dwellinghouse.

- 2.46 With regards then to the RoH and the officer's assessment we would also make the following observations on specific points.
- 2.47 The officer asserts that, from the financial evidence provided in the application the profit gained provides only a *'modest wage for one person.'* What constitutes a *'modest wage'* in the eyes of an East Renfrewshire Council Planning Officer isn't stated, however, the RoH doesn't discuss or examine the evidence in detail. The reason the appellants submitted the financial evidence, in response to a specific request for such information, was to demonstrate that year on year the business has increased its turnover and profit since starting in 2014. The evidence is that, on a turnover in 2018 of £42,000 there was a net profit of £21,000. My own view is that this is quite an acceptable profit on a business that is expanding, is building a client base and turnover year on year and, which can and has demonstrated that a living can be made. The figures are self-evident, year on year turnover has been:
- 2014 - £15,400
 - 2015 - £26,596
 - 2016 - £30,261
 - 2017 - £38,055
 - 2018 - £42,059
- 2.48 By comparison, a recent report by the Office of National Statistics states that the national average UK income in 2015 was £27,600.
- 2.49 It is frustrating that the level of income and profit that the business has developed in a short period of time of 5 years is in effect dismissed as being only *'modest'*. The financial records submitted to the planning authority are based on up to 8 dogs being kennelled at any one time. The further investment in the new kennels will bring the capacity up to 20 dogs. The attraction in operating the full business is fairly obvious. The RoH notes that the *'modest'* nature of profit is pre-full implementation of the kennels, but then doesn't take the point to its obvious conclusion, that the business operating within the capacity restriction of its licence and planning permission would generate a healthy turnover and profit.
- 2.50 The RoH states that the business is in its *'early stages'* of operation. This is misleading as the SPG and Policy threshold is three years of business operation, this business has been operating formally for 5 years and five years of Business Accounts have been submitted to the planning

authority to demonstrate this. The success of the business is also prior to full investment, however that investment cannot take place until the accommodation issue is resolved for the reasons discussed.

- 2.51 The RoH states further that, whilst 24-hour supervision may be warranted it could be achieved through ‘other means rather than a house.’ No alternative accommodation is suggested, although presumably the case officer is suggesting temporary accommodation such as a static caravan, as off-site management is not an option. The appellants have three young children aged five and under; the business and family model work only on the basis of on-site management. There is no alternative. This is an existing family business that has the opportunity to grow into a very successful family business within the extended family unit. It is the ideal location and circumstances in which to bring up a young family, where the parents are operating the business adjacent to the place they live and grandparents are on hand next door to provide support when called upon.
- 2.52 The RoH states that the applicants did not explain why the only suitable option for on-site management was for a dwelling, ‘*other than making reference to the applicant’s circumstances.*’ This is also a misleading comment as numerous points were made in correspondence and in the Planning Statement and supporting documents. The applicants’ circumstances are also a material consideration as the existing business is a family run business and the new dwelling would be occupied by family operating the existing business that would transfer to them and allow the current operators to retire. In addition, the applicants have three children under the age of five and a static caravan as an alternative means of accommodation (the only possible alternative form of accommodation) would be unacceptable. In any event, a static caravan option is usually employed under a temporary planning permission to allow an applicant to establish the business; in the present circumstances they are taking over a family run business which is already established and benefits from planning permission. Animal Boarding Licences are usually granted on the basis that there must always be someone resident at the premises (this is the case with the Goshielaw VIP Kennels which are in Scottish Borders). It is presumed that a similar standard condition would apply to the appellants when they take over the business.
- 2.53 As has been previously explained in detail, the day to day running of the business adopts the following regime:
- 7am – 8:30am - morning exercise/feeding/cleaning
 - 8am – 9am - preferred drop-off of daily dogs
 - 11am – 12:30pm - 60-minute walk in fields/play time
 - 3pm – 4:30pm - 45-minute walk in fields/exercise time

- 5pm – 6pm - preferred pick up of daily dogs / dinner/ play time
- 7pm – 8pm - clean and prep kennels/toilet
- 8:30pm – 10:00pm - exercise/play time/ bedtime

- 2.54 The above timetable is largely indicative as drop-off and pick-ups take place outside the preferred hours. There is also the day to day kennel cleaning requirements, facility tidy up, constant animal welfare issues and site administration activities that take place throughout the day. Where dogs require vet visits or medicine provision. this also needs to be accommodated into the daytime routine.
- 2.55 It is suggested in the RoH that the dog exercising and other activities could be operated on a shift basis. This demonstrates a clear lack of understanding as to how the business would operate. Deploying a shift system would potentially mean the dogs being left uncared for and unsupervised unless other staff members were employed over 24 hours. This would impact on the business insurance liability as there needs to be a constant presence on-site. It would also jeopardise the business well-being as dog owners would be less inclined to board animals where there is no on-site presence 24/7; dogs can be an expensive commodity and there are instances of dogs being stolen to order – on-site security is essential. For evidence of the rise in dognapping, please see the following links - <https://www.lep.co.uk/news/crime/worry-for-dog-owners-as-dognapping-soars-by-80-across-lancashire-1-9029256> <https://www.telegraph.co.uk/family/life/protect-pooch-dognappers1/> <https://www.thetimes.co.uk/article/celebrities-breed-a-dognapping-trend-m0q730h20> <https://www.theguardian.com/commentisfree/2018/may/25/designer-dog-pugs-rescue-french-bulldogs>
- 2.56 The RoH suggests a hut or cabin is employed to provide welfare for a person providing security and supervision of animals being boarded. Again, this presents the wrong image as regards the business and potential conflicts with likely licence requirements that someone is ‘resident’ on the premises. This ignores also the fact that this is a family business, if the applicants lived off-site they would need to take it in turns to be on-site, thereby disrupting everyday family life and taking Mrs Imrie in particular away from her young children. The option of employing a third party is inappropriate given that the business is to be managed by the appellants, including on-site welfare and supervision. The lack of empathy to a small family business is evident in some of the suggestions being made in the RoH. An overnight security hut employing a third party is not an attractive option and would not serve the business. Any security presence would need to be trained and experienced in animal welfare.

- 2.57 The RoH goes on to suggest that the existing dwelling could be utilised if the occupants ‘downsized.’ It is presumed that the suggestion here is that the applicants and their 3 young children move into Mains of Balgray and that the existing occupants downsize into a small portion of that property. It has been stated that the owners of Balgray are looking to retire and pass the family business to the next generation, they have no intention to relocate nor to downsize.
- 2.58 The RoH makes the point that the applicants are not currently engaged in the existing business. This is not contested in so far as they are not managing the business, although as a family business they have had involvement in web design, social media, advertising and business planning as well as helping out in exercising and walking dogs etc. The fact is that the applicants will be taking this business on full time, it will be transferred to them but only in the knowledge that they are in a position to operate the business from being on site.
- 2.59 The case being presented in our view is quite clear. These are circumstances where there is an existing successful business which has planning permission and an opportunity to grow into an even more successful business. As it stands at the moment, there is sufficient income for a family to live on, the expansion of the business improves this. The investment into, and operation of, the business by the appellants, can only happen if they are on-site. The transfer of the business in itself will only happen if there is the same circumstances of on-site presence and management.
- 2.60 This is something of a ‘catch-22’ situation, however there is adequate mechanism for control available to the Council by restricting occupancy of the dwelling to the operation of the business. Our clients have already said this would be acceptable.

3. Summary and Conclusions

- 3.1 Arguably there is a single issue under discussion in this request for a review of the refusal of planning permission for a manager's house to operate and manage the Paws in the Country dog boarding business at Mains of Balgray, and that is, whether the appellants have 'demonstrated that a new dwelling is required in this location.' The business the dwelling supports isn't under question and neither is the location of the proposed dwelling nor its scale, only whether it has been demonstrated that it is required at this location. In our view the case has emphatically been demonstrated.
- 3.2 As noted earlier, there is a degree of planning history to this appeal. The original dog boarding use was first of all regularised at the request of the planning authority. The only issue that has been identified regarding the dwellinghouse is whether there is sufficient justification to support its approval. The dwelling is so inherently tied to the business that its justification is in our view self-evident.
- 3.3 It is also clear from the length of time taken to determine the planning application that this is no clear-cut case. If the proposed development was so explicitly contrary to the local development plan it would have been refused at the outset, shortly after submission and certainly within the target determination period. Far from immediate refusal however, the planning officer has delayed determination and requested additional supporting evidence, evidence which our clients have provided when requested. The course of the planning application is as follows:
- Submission of planning application - 4th February, 2018
 - Target determination date – 18th April, 2018
 - Request for business accounts information – 31st May, 2018
 - Financial information submitted to Planning 4th June 2018
 - Copies of Business Accounts submitted to Planning office – 5th June, 2018
 - Affidavit stating Paws in the Country business will be transferred to the appellants – submitted to planning authority 12th June 2018
 - Request for statement why 24-hour on-site supervision is required – 28th June, 2018 (despite this case being represented in the original Planning Statement)
 - Further statement of justification submitted to Planning – 2nd July 2018
 - Application refused under delegated powers – 14th August 2018

- 3.4 The first request for additional supporting information came almost two months after the target determination date for the application. This was followed by a further request for more supporting information 4 weeks later; it then took a further 6 weeks to determine the application. The application was determined under delegated powers without reference to Members or the Planning Committee. Despite the information submitted with the planning application, despite the additional Business Accounts being submitted, together with an affidavit confirming the intention to transfer the business to the appellants and despite additional justification regarding the operational requirements of the dog boarding business and why a dwellinghouse on site is required, the planning officer has determined to refuse the application.
- 3.5 To refuse the application on the basis that the case in support has not been demonstrated, when the appellants have responded to each request for additional information is hard to take.
- 3.6 It is our view that there is a single issue determining this case, as noted. Matters around design and layout are not challenged. The application site is well screened and has good access from Fingalton Road and from there to Newton Mearns and the M77. The site sits within the existing small building group associated with Mains of Balgray and sits within an undulating landscape; essentially the site is well screened from public view points. The design, scale and materials associated with the proposed house are not questioned.
- 3.7 The existing Paws in the Country dog boarding business is well established and has become established in a relatively short period of time. A strong customer base has been identified in the southern Glasgow conurbation area, kennel spaces are in high demand in peak season, and the business has established a strong reputation as a first-class kennel boarding business. The business benefits from repeat customer bookings and bookings in advance.
- 3.8 There is a high degree of financial investment in providing the best possible accommodation for dogs. The prime selling point for the business, apart from its reputation in animal care, is its location, not far from the city but rural, with extensive grounds for dog walking and exercising. The previously approved planning permission for the kennels identified dedicated areas for dog runs and exercising. Beyond that however is a more extensive area of open fields surrounding Mains of Balgray that the applicants will have access to in order to allow dogs to exercise in open air but still within contained field space.
- 3.9 The case in support of the dwellinghouse is tied to the management of the business. A kennel business requires someone to be on hand 24/7 in order to attend to the needs of the dogs throughout the day and night. Animal welfare is paramount to the success of the business, hence the need for licensing; this can only be achieved with the opportunity for 24/7 care. Dog owners place considerable investment in their pets and will look for a kennel facility that can be trusted and will be known for providing the best in on-site care and security.

- 3.10 Animal security in kennels is also a critical factor in requiring on-site security. Customers who trust their dogs to kennel operators will do so if they are confident that there is 24/7 security presence on site. Pedigree dog species are expensive and insurance against theft can be high. Running a kennel business where pedigree dogs may be kennelled will require greater levels of insurance although there is always an expectation that security is constant whether or not the boarding is in relation to pedigree dogs. Dog theft is increasing year on year as criminals recognise that there is a market in stolen dogs, particularly those of higher value, where these are sold on to puppy farms, dog fighting gangs or stolen to order. It is reported that in the region of only 5% of dog theft is prosecuted and less than 30% of stolen dogs are recovered. Operating a kennels without on-site security would have significant insurance implications and essentially invite unwarranted attention; it may also contravene animal welfare requirements and contravene boarding licence requirements.
- 3.11 The Local Development Plan supports a new dwelling in the green belt in certain defined circumstances, including ‘other relevant circumstances where a use may be appropriate to warrant a dwellinghouse’. The kennel business is ideally located in the countryside as it avoids conflict with residential amenity. The location also provides a level of space that is not available in urban areas. It is agreed with Planning that the location is suitable. The justification for the dwelling is then based on the need for management of the business on a 24/7 basis, through animal welfare, 24-hour care and on-site security.
- 3.12 As explained above, the average working day in a kennel business is long, from early morning to late in the evening, requiring a lengthy on-site presence. Shift patterns don’t work in a small family business, neither does the opportunity to employ staff present itself, as this erodes profits.
- 3.13 In conclusion, we would argue that there is sufficient support for the development on the basis that there is a demonstrated need for a manager’s house in order to run the existing and expanding dog kennel boarding business at Mains of Balgray. The business has clearly enjoyed the success it has experienced in recent years due to the combination of location, available space and on-site presence. To take over the business, the appellants must be on site to protect their investment, provide animal welfare on a 24/7 basis and provide the required level of security for the animals in their care.
- 3.14 A business of this scale, with accommodation for up to 20 dogs, cannot readily relocate to an urban environment due to issues around residential amenity and provision of an appropriate level of space; the use must be located in a countryside area.
- 3.15 A true understanding of the application site and the context in which it is located can only be gained through a site visit and we have consequently requested that the review process includes a site inspection.

- 3.16 There is also a wealth of information submitted to the planning authority in support of the application; some of this is financially sensitive however it is understood that all the information submitted in support of the application, including email correspondence, will be made available to members of the Review Board. If anything requires further explanation then we are happy to provide this.
- 3.17 It is noted, finally, that none of the service departments consulted by Planning with regards to the application have objected to the proposed development. The application has been advertised in the local newspaper and no third-party objections have been made. This is a very innocuous development proposal.
- 3.18 In light of the foregoing we would respectfully request that the Review Board supports this request for a review of the planning officer's decision to refuse the application and grant permission accordingly.

BLANK PAGE

Cameron Planning



**Mains of Balgray, Fingalton
Road, Newton Mearns**

Proposed Manager's
Dwellinghouse for Kennel
Boarding Business

On behalf of Mr & Mrs R Imrie

Planning Statement

January, 2018

BLANK PAGE

Contents

1.	Introduction and Background	3
2.	The Proposed Development	7
3.	Planning Analysis	12
4.	Summary and Conclusions	21

APPENDICES

A: Outline Business Statement

BLANK PAGE

1. Introduction and Background

- 1.1 We have been instructed by the applicants, Mr & Mrs R. Imrie, to submit an application for planning permission in relation to their proposal to develop a single detached dwellinghouse on land at Mains of Balgray, Newton Mearns to provide an on-site manger's dwelling for the existing dog boarding business at Mains of Balgray. This Report provides a Planning Statement in support of the planning application. The Report considers the background to the development and examines the current Local Development Plan policies that will be taken into account in determining the planning application. From a Planning Development Management perspective, the decision maker should consider the extent to which the proposed development is in accordance with the adopted Local Development Plan and must also take into account all relevant material considerations applicable to the proposal.
- 1.2 Mains of Balgray is an existing group of buildings associated with the former Mains of Balgray farm located in the countryside outside Newton Mearns off Fingalton Road; the site includes the former farmhouse and outbuilding and has a northerly aspect over Balgray Reservoir towards Glasgow. Mains of Balgray is owned by Mr and Mrs Alan Imrie, parents and in-laws to the applicants. The Imries historically ran a series of fruit and vegetable shops throughout Glasgow, at one time they ran 14 shops. Changes to the retail environment and the pervasive economic climate has resulted in the fruit and vegetable business closing; the Imries subsequently developed the existing dog boarding business from Mains of Balgray. The business has been very successful from the outset with clients boarding dogs throughout the year and the business experiencing repeat customers; the business also provides a day board basis for dog owners in addition to the overnight, weekend and holiday boarding.
- 1.3 The popularity and success of the business has been due to the location of the business not far from the southern Glasgow conurbation and the fact that the business has access to extensive dog walking and exercising areas. The business has built on its unique location and the wellbeing of the dogs having access to exercise areas and fresh air. In addition to the extensive residential curtilage associated with Mains of Balgray farm house the Imries have retained a substantial landholding, some 55 acres, although they do not operate as a farm. Other fields associated with the former farm are let to other local farmers.
- 1.4 The location of the dog boarding business is ideal from a residential amenity perspective as it is located in a rural location on the southern outskirts of Glasgow where there is an extensive dog owning population on its doorstep. The property is easily accessed from the southern

conurbation via Fingalton Road from Whitecraigs, Newton Mearns and the M77. The property sits within a countryside location with no immediate neighbours and potential noise issues associated with the dog boarding business are consequently not a problem.

- 1.5 The Imries Senior are looking to retire in the next year or so and the applicants propose to take over the existing established business as the next generation in line to run the business. The business has and continues to expand; planning permission was granted by East Renfrewshire Council on 31st October, 2016, under reference 2014/0464/TP. The planning permission regularised and extended the existing boarding facility and this permission has been implemented.
- 1.6 Whilst the existing business, 'Paws in the Country', has been operated by the Imries Senior it is the applicants as the next generation who are taking over the business and making additional financial investment to further expand the business. Mrs R. Imrie's (applicant) mother operates a dog boarding business in the Borders and the family are consequently experienced in this type of business.
- 1.7 The case for a new dwellinghouse to manage the dog boarding business is based on the requirement for the applicants to be present on site in order to manage the business efficiently and to ensure customers are provided with the best service possible. The original business, being operated by the Imries Snr was successful because the kennel operators were on site 24/7. With the business being handed on to the next generation there is a need for the applicants to now have a presence on site. Mains of Balgray farmhouse has no restricted occupancy and is not connected to any farm activity. The Imries Snr have lived there for 32 years and the existing property is a redevelopment of what would have been the original farmhouse.
- 1.8 The property has established garden curtilage and sits unobtrusively within the existing landscape. The Imries have established a successful boarding business that they would like to pass on to the next generation, as part of their legacy. The applicants have experience of dog boarding business and are looking to further expand the existing business. As part of the business development the applicants are making substantial investment into the existing business by expanding the boarding capacity and introducing additional kennel accommodation. The investment is predicated on the applicants being on site in order to manage the business.
- 1.9 The business case is discussed in more detail below, in Section 3 and a copy of an Outline Business Statement is included as Appendix 1.
- 1.10 The applicants first wrote to East Renfrewshire Council Planning Department (Sean McDaid), via Cameron Planning on 5th November 2015 outlining their plans in relation to their proposed taking over of the existing business, and particularly investing in and expanding the business. The initial response from the planning authority was to outline the countryside location of the existing property and also to question the nature of the existing business which did not have the express benefit of a planning permission. The business operators had been operating the business

on the basis that it was essentially ancillary to the existing residential use of the property. The dog boarding business is licensed by East Renfrewshire Council Environmental Health (Robert Westlands was the EHO contact relevant to any Licence to Board Animals).

- 1.11 The initial approach was followed up with a series of emails responding to questions raised by Planning and providing more details of the nature of the Boarding business. In an email from Planning dated 10th November, 2015, our clients were advised that the proposed location for a new dwellinghouse was acceptable, given its proximity to an existing building group and the undulating nature of the landscape meaning that the development would have limited visual impact. The matter of regularising the existing business use was first raised at this time; the view from Planning was that a new dwellinghouse could not be justified without planning permission having been granted for the existing business and thereby providing a degree of Planning control over the activities.
- 1.12 As noted above, the applicants submitted an application to regularise the existing business in 2016. The application however went beyond just regularising the business as it sought to expand the business into the existing outbuilding at Mains of Balgray. The investment from the applicants in expanding the business must be weighed by the requirement for an on-site presence to manage the business and protect the investment, both in terms of financial investment but also in managing and providing security and care for customers dogs that will be on-site using the boarding facilities. The only way that the business can however fully expand and reach its full potential is through an on-site management presence to protect the investment. The business provides an established service business to the wider Glasgow dog owning community and the business case has been established.
- 1.13 Having regularised the existing business and secured planning permission for its expansion the applicants then implemented the planning permission; the full financial investment from the applicants has however been held back due to a need to establish an on-site presence to manage the business, protect the investment and provide welfare for the boarding dogs. If permission is granted for the managers house the applicants have comfort in committing full financial investment. The cost of 10 thermal dog kennels is £20,000, this would provide cover half of the approved dog kennel spaces and is a not an insignificant outlay.
- 1.14 We wrote to the Planning Department on the 29th June, 2017 outlining the case that had developed in the intervening years and seeking support from the Council in relation to the applicants' intention to apply for planning permission for a new managers dwellinghouse from which to operate the Dog Boarding business. The letter was accompanied by an Outline Business Case which provided additional details of the business as it was proposed to develop. We received an email response from Planning on the 7th July 2017 reconfirming that the Council would, under Policy D3 of the adopted Local Development Plan, consider sympathetically development proposals in the greenbelt related to uses appropriate to the rural area, subject to compliance with other relevant policies of the Plan. The advice provided was that *'the proposed house, as it is associated with the dog boarding business, may be considered on face to accord with this Policy.'*

- 1.15 Further advice is provided by the planning authority by highlighting the adopted Rural Development Guidance Supplementary Planning Guidance (SPG) for residential proposals, highlighting Section 2.2 which contains a number of criteria that require to be satisfied. A detailed policy analysis is provided below, in Section 3. In the Council's brief response, they highlight the criteria under Section 2.2 of the SPG and raise a number of questions regarding the viability of the business and whether other options have been considered as regard how the business could be managed. Ultimately, compliance with SPG criteria will be key to support or otherwise for a planning application for a new dwellinghouse to manage the business. Without the manager's house however, the business and service would close.
- 1.16 We provided a response to the points raised in the Council's response in an email of 13th August 2017; no further advice or comment from the Council has been forthcoming and the applicants are now keen for the Council to determine an application for planning permission for the proposed dwellinghouse and thereby establish their position as regards the future of the existing business.

2. The Proposed Development

- 2.1 The proposed development comprises a single detached dwelling with garage accommodation on a plot adjacent to the existing group of buildings that form Mains of Balgray farm house. The existing group of buildings are in private ownership and comprise the existing residential property and the adjoining outbuilding. The recent planning permission regularised the existing dog boarding business and approved its expansion into the outbuilding with the introduction of thermal boarding kennels for 20 dogs. The proposed application site is within the curtilage of the existing property. Mains of Balgray ownership (Imries Snr) extends to some 55 acres of land which is leased to other local farmers. The applicants would develop the identified plot on the eastern edge of the building group to provide the managers dwelling for the adjoining business thereby providing 24/7 management capability on site.
- 2.2 The proposed dwelling is required as a manager's house to operate the existing Dog Boarding business, Paws in the Country. The existing business was established some years ago and has operated successfully, often at capacity. The boarding business is family run, operated by the applicants' parents/in-laws. The Imries Snr are at retirement age and want to pass on the business to the next generation. The Imries Snr however have lived at the existing Mains of Balgray farmhouse for 32 40 years and do not want to move from the site. Their wish is to pass on the business, as a legacy, and remain in their own home. The applicant Mrs Imrie has experience of operating commercial kennels through her mother's existing business in the Scottish Borders. The operators of the existing business are retiring and want to pass the business onto the next generation.
- 2.3 The existing business has expanded from the existing Mains of Balgray dwelling into the adjoining outbuildings. This business, including the expansion of the business to provide an initial 20 boarding kennel spaces, has the benefit of planning permission granted by the Council on 31st October, 2016, reference 2914/0464/TP. Given the outlay for new kennels (£20,000 for 10 units) the applicants would take the development forward in two phases or 10 kennels. Investing in the development is a significant risk if there is no on-site management.
- 2.4 The success of the business in part is due to its rural location and easy access from the southern Glasgow conurbation. The property has access to large areas of land that can be used for dog walking with no access restriction and dogs can be exercised in wider open, (yet contained by fencing), spaces without causing disturbance to other residents or grazing animals. The proposed development is predicated on the new dwellinghouse providing manager's accommodation for the established and expanding Dog Boarding business. The kennels are provided in an existing outbuilding that faces towards the application site for the new dwelling. The existing Mains of Balgray residential property in effect would 'turn its back' on the business

- 2.5 The existing planning permission for the dog boarding business identifies areas to be used as kennel space and areas to be used as enclosed dog runs and exercise areas. Beyond these enclosed areas there is access to the former farm land for dog walking and exercise.
- 2.6 The extent of the approved dog boarding business is shown in the plan extract below:

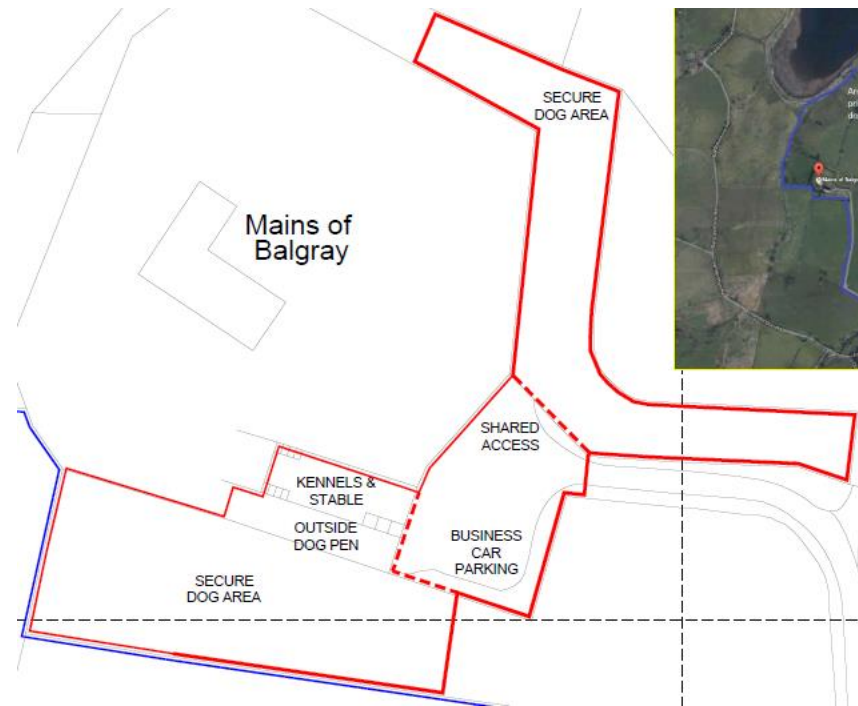


Fig 2.1: extent of planning permission for kennel business

- 2.7 The proposed dwellinghouse is located to the immediate east of the parking area and shared access area as indicated on the plan above fig 2.1. In granting planning permission for the Dog Boarding business, the business has been regularised as separate from the existing Mains of Balgray dwelling. The proposed dwelling would then be tied to and would manage the existing and expanding business, allowing for the full financial commitment to be made in two stages and allowing for future further expansion of the business.

- 2.8 The proposed development consequently is for a single detached dwelling as shown on the layout plan below, taken from the planning application. The dwelling is to be located in an area previously discussed with the Planning Department with a view to a future dwellinghouse being built on the site; as a point of principle the location was considered to be acceptable from the Planners point of view as the dwelling would relate to an existing group of buildings and it would sit in an undulating landscape and have limited visual impact.

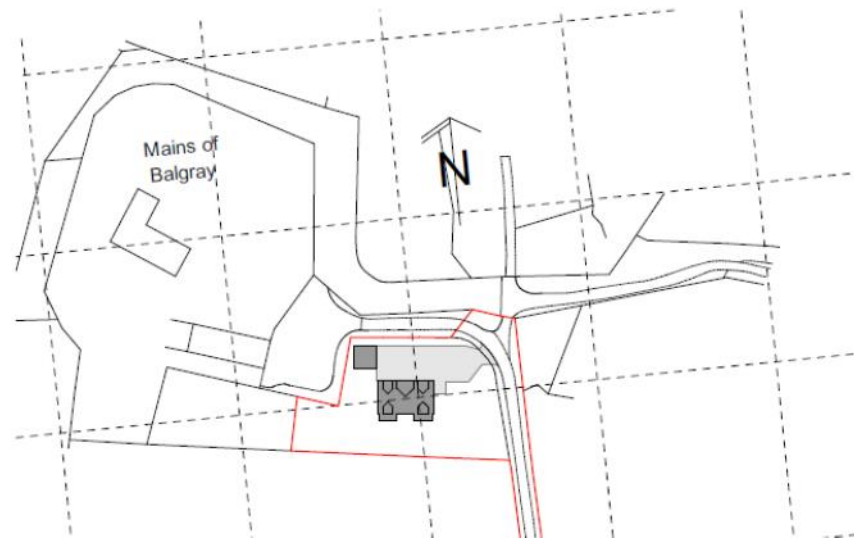


Fig 2.2: proposed application site with dwellinghouse footprint

- 2.9 The proposed dwellinghouse has been designed by Fjordhus and is Scandinavian in style. The property is essentially a small family home of modest proportions, a 3 bedroomed 1½ storey detached family home with separate garage. The image below shows the north facing elevation, towards Glasgow. Fjordhus is an award winning Scottish Borders based designer and builder of Scandinavian timber framed houses. Their selling point is that they combine Scandinavia's renowned quality, speed and efficiency with British design, construction expertise and personal customer service. The timber frame homes are made from sustainable, slow-grown Scandinavian spruce and pine, and precision-engineered at state-of-the-art production facilities. More information on Fjordhus can be found via the link <http://www.fjordhus.com/>

- 2.10 The Fjordhus product is made to exacting standards and offers outstanding thermal efficiencies and air tightness. A full range of renewable energy technologies are catered for, including Ground and Air Source Heat Pumps, Solar PV and Solar Thermal, Heat Recovery & Ventilation Units. Where traditional solutions such as Gas, Oil, LPG are used Fjordhus ensures these offer high standards of fuel efficiency.
- 2.11 The front, north facing elevation of the proposed property is shown below on the left; the rear, south-facing elevation is on the right.



Fig 2.3: North Elevation



Fig 2.4: South Elevation

- 2.12 The aerial image on the right shows the site layout quite clearly; the existing farmhouse is annotated, the outbuilding to the south east is the kennel building and the land to the east of that, beyond the parking area, is the application site for the proposed kennel manager’s dwellinghouse. The access is private shared access with Mains of Balgray, and connects back to Fingalton Road, access to the application site is from the north east site corner with hardstanding on the north side of the dwelling to give access to the domestic garage. The site is bound to the south and partially to the east by a dense evergreen hedge, as can be seen below. The maintained curtilage to Mains of Balgray can be clearly seen.



Fig 2.5: Aerial view of site context

- 2.13 The proposed development will connect into existing utilities and will be serviced by a new septic tank within the new property curtilage. No trees are proposed to be removed. Domestic parking is provided in a double garage with additional parking available on the drive to the front of the dwelling. Visitor parking associated with the dog boarding business is located in the existing hardstanding area to the west of the application site.
- 2.14 Access to the application site is via the existing drive to Mains of Balgray which egresses to Fingalton Road. The road is hard surfaced and has sufficient sight line visibility at the junction with Fingalton Road. The existing junction with Fingalton Road is shown in the google image below



Fig 2.6: Street view of junction with Fingalton Road

3. Planning Analysis

- 3.1 As noted in the previous sections the site of the proposed dwelling is considered by the planning authority to in principle be acceptable. The view taken is based on the fact that the new dwelling would relate well to an existing building group and that the undulating countryside helps reduce any potential visual impact. The land rises gently to the south in elevation however the southern boundary provides a dense evergreen hedge screen from any potential views. There are however no public viewpoints that would take in the proposed dwelling. Balgray Reservoir to the north is accessible to the public and is skirted by Aurs Road to the north which leads to Barrhead. The long distance, landscape and topography essentially mean the site isn't visible from public places. Similarly, there are no direct views from Balgraystone Road to the west, for the same reasons.
- 3.2 Correspondence with the planning authority has highlighted Policy D3 of the adopted Local Development Plan as being relevant to any assessment of the planning application, together with the relevant Supplementary Planning Guidance. These are now discussed.
- 3.3 **LDP Policy D3 'Green Belt and Countryside Around Towns'**
- 3.4 LDP Policy DC3 states the following:

Development in the green belt and countryside around towns as defined in the Proposals Map, will be strictly controlled and limited to that which is required and is appropriate for a rural location and which respects the character of the area.

Where planning permission is sought for development proposals, within the green belt or countryside around towns and these are related to agriculture, forestry, outdoor recreation, renewable energy and other uses appropriate to the rural area, the Council will consider them sympathetically subject to compliance with other relevant policies of the Plan. Any decision will, however, take into consideration the impact the proposals will have on the function of the green belt and countryside around towns and the viability of important agricultural land.

Development must be sympathetic in scale and design to the rural location and landscape.

- 3.5 With regards to the above policy we would emphasise that the 'Paws in the Country' Home Dog Boarding business is an established and growing business located in the countryside at Mains of Balgray. The business is an appropriate use in this location, this point has been accepted by the

planning authority, and has the benefit of planning permission to operate within the outbuildings and adjoining ground associated with Mains of Balgray. The operation and management of the business requires an on-site presence; this is essential from a business management, security and animal welfare perspective. The business is a family run business which the current owners want to pass on to the next generation. The Imries Snr as noted above wish to remain in their home, where they have lived for 32 years. There is an argument consequently that if an appropriate site can be found for an additional dwellinghouse to support the business use then this should be supported by the planning authority. We have identified such a location within the curtilage of the existing building group, as noted above.

- 3.6 Policy D3 states that if the development is related to an appropriate use within the rural area the Council will consider it sympathetically, subject to compliance with other policies of the Plan. The new dwelling is required for the security and operation of the established and expanding dog boarding business. The planning authority has agreed that the dog boarding business is an appropriate use for this location given it is some distance from residential areas.
- 3.7 Another significant point regarding Policy D3 is that any development, to be supported, should not have an adverse impact on the functioning of the green belt. As the Council has expressed a view that the development site is an appropriate location for a new dwelling, given the relationship to an existing group of buildings and given site topography, there can in principle be no adverse impact on the function of the green belt.
- 3.8 Moreover, as regards the ‘viability of important agricultural land’, this qualification has no bearing on the current decision-making process; the application site is curtilage associated with the building group and Mains of Balgray; the farmhouse no longer operates in any agricultural capacity as the fields are managed by other local farmers and the application site has never been put to agricultural use.
- 3.9 In addition, it is acknowledged that development must be sympathetic in scale and design to its location. With regards to primary LDP Policy D3 therefore, the following points of principle are valid:
- an additional dwelling to support the management and operation of the existing and expanding dog boarding business would be an appropriate use in this location given the business is an established business; the dwelling would also provide security for the business and allow the current operators to retire but remain in their longstanding home of some 32 years;
 - Subject to compliance with other LDP policies the Council should look sympathetically at the proposal given it supports a use appropriate to the location;

- The proposed site for the dwelling is within the curtilage of the existing Mains of Balgray building group and is adjacent to the dog boarding business. The site is a level site screened in part by mature planting and benefitting from good existing access and proximity to existing services, a new dwelling can be absorbed into the landscape without any visual intrusion; and
- An appropriately designed dwelling would not impact detrimentally on the functionality of the green belt, the site is already maintained garden ground and is visually screened from other nearby properties in proximity to Mains of Balgray. The existing Mains of Balgray property comprises an existing dwelling and outbuildings associated with the former agricultural use. The existing outbuildings are being used for the dog boarding business as set out in the planning permission 2016/0464/TP and the new dwelling would be associated as one of a group of buildings.

3.10 Rural Development Guidance Supplementary Planning Guidance

3.11 Reference has also been made to the Council's Rural Development Guidance Supplementary Planning Guidance (SPG) as relevant to consideration of any planning application. The SPG states that a new dwelling-house will only be permitted in the green belt and countryside around towns where it can be clearly demonstrated that it addresses the following criteria, where we also provide a response to each point raised:

- ***There is a specific and properly evidenced need for the dwelling to be sited at that location in the countryside and there is no other suitable property available*** – the dog boarding business is an established business at this location and is one that is subject to significant investment by our clients. In order to protect that investment and provide security for the business (including assurance to customers who leave their pets, which can be an expensive commodity, at the kennels) a presence on-site is essential. Animal welfare is a paramount consideration and must also be taken into account; the provision of 24hr kennel accommodation requires a 24 hour on-site presence. Moreover, the principle of the boarding business has been established in planning terms through the recent planning permission that regularised the Planning status and allowed the original business to expand and crystallise in the adjoining outbuilding.

There is no other suitable property available to provide a manager's accommodation. The outbuilding is being used to house the new luxury kennels and the existing dwelling at Mains of Balgray remains in private ownership. Managing the business remotely, for example from Newton Mearns, is not feasible as it would not provide the 24 hour on-site presence that is required to provide security and animal welfare.

The idea of moving the business is not supported by the applicants and is not logistically possible. The current set up will provide boarding for 20 dogs, such a use at this scale would not be welcomed in an existing residential area. There are no other existing rural properties in the area that would lend themselves to this business;

- ***It is demonstrated that account has been taken of the possibility of conversion or rehabilitation of an existing building in the countryside, or locating a new building on a brownfield site*** – the site is in a relatively isolated rural location, albeit it has good access to the road network, and comprises an existing dwelling and outbuilding with the latter being used for the dog boarding business. The existing dwelling will stay as a private dwelling and the outbuilding does not lend itself readily to residential conversion. If the outbuilding was converted to provide a new residential development there would still be a requirement to provide the luxury kennel accommodation which would result in an additional building being provided, possibly on the location of the proposed dwelling. Financially the option that works is for the kennel accommodation in the outbuilding and a new managers house on the application site. The conversion and new build kennels route would be more costly. There are no other suitable premises for conversion or re-use on site to provide manager’s accommodation, which is in effect residential curtilage associated with Mains of Balgray. As noted above, relocation to an urban environment is not an option and would bring its own issues relative to the nature and scale of business;
- ***It is required for a person engaged locally in full-time employment in agriculture or other appropriate rural use and this is controlled through an occupancy restriction that may be subject to a section 75 agreement*** – the matter of a s75 agreement has not been discussed in detail with the planning authority although it is acknowledged by the applicants that the justification for a dwellinghouse is based on the expanding business needs which requires an on-site presence to address security and animal welfare matters. The business will be Mrs Imrie’s full time employment and in time both Mr and Mrs Imrie would operate the business as their sole source of employment. There is no objection to a S75 Planning Agreement that would restrict occupancy to the proposed business or other appropriate agricultural enterprise or other appropriate rural use;
- ***It can be demonstrated that a viable business has been established at that location for a period of three years which can support a worker and the need for a new dwelling-house on that site. Applicants should demonstrate why it would be required in that location and not within the urban area*** – the business has been operating since 2014 and was initially set up as a home-based business operated by our clients’ parents/in-laws who live in the existing dwelling. The Imries Snr were previously employed in running grocery stores throughout Glasgow and have since these closed been solely employed in the dog boarding business; this provides their sole source of income. The business often operates at capacity and there is an identified demand for additional boarding spaces. The business plan to invest further in the boarding business is based on the latent demand that previously could not be accommodated due to the business

initially operating as a ‘home business’. Planning permission has been obtained to address the planning status of the business. As noted above, to manage the business humanely and with proper security there needs to be a presence on site.

As noted previously, as the business is an established business and provides a sole means of employment for the current operators there is no merit in relocating to an urban area. The family business is being passed onto the next generation and the applicants will take over the business and make their own financial investment into thermal boarding kennels. Boarding kennels can have issues relative to residential amenity and they do not lend themselves to location in a residential urban environment. In addition to issues around residential amenity there are issues around finding an appropriate level of accommodation with associated space for dog walking and exercising. The applicants will be taking over the business as an existing successful business, but can only do so on the basis of being on-site 24/7 in order to protect their investment and provide the appropriate level of animal welfare;

- ***If a new dwelling is situated adjacent to any existing farmstead or other building grouping, it should not be larger than the original building and should be seen as subservient to it in design terms*** – it has been previously noted that the proposed dwelling would relate to an existing building group and would be seen in this context. The proposed development is for a modest three-bedroom house, the footprint is smaller than the existing dwelling. The dwelling is also tied to the existing kennel boarding business which occupies the existing outbuilding and adjoining land;
- ***New dwellings should be designed in a manner that is sympathetic in scale and design to their rural location and that fit into the landscape*** – the proposed dwelling is designed by Fjordhus and award-winning builder of Scandinavian style timber framed housing with a focus on energy efficiency and minimal environmental impact. As previously agreed by the planning authority, the location of the dwelling is acceptable in principle due to the relationship with the existing building group and the undulating landscape which essentially ‘hides’ the development;
- ***It should be in accordance with the design guidance set out in section 3 of this Guidance*** – this can be addressed as follows.

3.12 The SPG Design section identifies key issues key design issues that should be considered in relation to new buildings in the countryside, including

- ***Proportions: should be appropriate to the East Renfrewshire local rural scene*** – it is argued that the Fjordhus design meets the requirement;

- *Massing: buildings will be evaluated for scale, bulkiness and relationship to exterior space* – the proposed dwelling is a modest 1½ storey 3 bedroomed dwelling that sits within the context of an existing building group;
- *Windows and doors: should seek to maximise sustainability by utilising passive solar gain and maximising day lighting* – the main aspect is south facing; Fjordhus specialises in appropriate renewable energy design solutions;
- *Dormers: may be incorporated into the main roof, in proportion to the size of the main roof* – the design is considered acceptable;
- *Roof Covering* – roof covering to be confirmed in discussion with the planning authority;
- *External materials: the building will look more appropriate in the landscape if it is externally finished with materials that are found locally or with artificial materials which match them as closely as possible* – materials to be agreed in discussion with planning authority;
- *Timber cladding: The use of timber cladding for external walls is encouraged in Planning Advice Note 72* – timber cladding is shown on the elevation plans;
- *Local Materials: The use of local materials may assist in new development reflecting a more local character depending on its design and scale and help to integrate it into the landscape* – this can be looked at in more detail in discussion with the planning authority;
- *Timber frame construction: the use of timber cladding as a construction method can have both economic and practical benefits* – the property is timber framed; and
- *External lighting: should be minimised* – to be confirmed in discussion with planning authority, the existing property however includes external lighting columns.

3.13 With regards to matters of location and siting of new development, the SPG notes the relevant guidance within the Scottish Government’s Planning Advice Note 72, namely

- *any new building should be located sensitively* – the location of the dwelling is considered acceptable by the planning authority;

- *Buildings should be located in sheltered positions, nestling into the landscape and should avoid being located along the skyline – as above, this point is addressed, there are no skylining issues;*
- *The requirement for under-building or any heavily engineered solutions should be kept to a minimum – no extensive under-build is required;*
- *Where trees exist they should be retained – no trees are proposed for removal;*
- *Where there is little existing planting, greater care needs to be taken in terms of site selection and design and orientation of buildings – the location is considered acceptable;*
- *Topography: Special attention should be taken on sloping sites to ensure that the choice of building design does not jar. Particular care should be given to ridges and skylines. Solar gain should be considered to maximise the energy efficiency of the building and to maximise natural light – the building is located to take into account the existing building group and the local topography and existing planting which in effect define a potential building plots. The planning authority has previously expressed a view that the location of the dwelling is acceptable;*
- *Orientation: It will be necessary to take into consideration existing building lines and to ensure that there is minimal overlooking of existing properties – this is addressed in the layout; and*
- *Shelter: There is a need to consider and avoid any unnecessary exposure to the elements and take account of the prevailing wind and micro climate – the site is sheltered by existing planting and sits into the existing landscape.*

3.14 With regard to the requirements of the SPG we would argue that the planning authority can look upon the proposed development favourably.

3.15 In relation to **Scottish Planning Policy, SPP 2014** it is noted that where a planning authority considers it appropriate, the Development Plan may designate a green belt to support its spatial strategy by:

- directing development to the most appropriate locations and supporting regeneration;

- protecting and enhancing the character, landscape setting and identity of the settlement; and
- protecting and providing access to open space.

- 3.16 In relation to the above criteria, the proposed new dwelling would not offend any of these points as the prospective application site is associated with an existing building group in a rural location some distance from the existing settlements. There would be no detrimental impact on the landscape setting or identity of any settlement and the proposal will have no impact in relation to access to any public open spaces. There is an existing footpath network around Balgray Reservoir to the north, some distance from the application site. Critically, the character of the green belt will not be adversely impacted by the development of a single house within an existing building group in this location; the requirements for the new dwelling arise from the need to manage the Dog Boarding business.
- 3.17 With regard to the spatial purpose of green belt designation, this is to maintain character and openness whilst protecting the landscape setting and identity of existing settlements. Where development is demonstrated as having no detrimental impact in relation to openness or setting then there is scope for the planning authority to support the development, subject to other development plan policy considerations. In the case at hand there is no erosion on the character or quality of the green belt designation.
- 3.18 All things considered, if the planning authority is satisfied that the new dwelling is required in relation to an appropriate business use within the countryside, they would be justified in supporting an application for that development. In the current circumstances we would emphasise that demand for the existing business, as demonstrated in the supporting business statement information, is high, and justifies the financial investment to expand the business and to continue providing an enhanced service to nearby communities.
- 3.19 The business is a family business and the current owners want to pass this on to the next generation, it is this generation that is providing the financial investment for the business. To provide security, operational management and animal welfare our clients need to be located on site to provide 24/7 management. In the absence of a new dwelling, the investment and business growth would be at risk and likely not happen, the Imries Snr would retire, the business would fold, and the wider community would lose a service asset that is much used. This would potentially put pressure on other dog boarding businesses and potentially lead to demand for additional facilities within the urban area.
- 3.20 Our clients are investing in an existing business to help it grow and provide a reasonable income for the Imrie family. The operation and ultimate success of the business is based on there being an on-site presence to manage the business and provide security for the dogs that will be boarding here. The long day associated with the kennel boarding business means it is not practical for the Imries to be located remotely from the business, this could be detrimental to animal welfare and will not provide on the on-site security that is needed.

- 3.21 Outline Business Statement – the applicants have drafted an outline business statement, dated June 2017, which provides some evidence of the business case that supports the investment in new thermal kennels and the need for a manager’s house on site. This is provided for reference in Appendix 1.

4. Summary and Conclusions

- 4.1 In summary, there is in our view a clear case that can be made in support of our clients' application for a new manager's dwellinghouse related to the management of the dog kennel boarding business, 'Paws in the Country'. The business was established by the applicants' parents and in-laws as they diversified from their historic fruit and vegetable business which had supplied up to 14 shops in the Glasgow conurbation area. Changes in the retail environment and restructuring of the rural economy has resulted in the fruit and vegetable business closing. The Imries Snr have lived in Mains of Balgray for some 32 years and have, since closing the original business, established a successful luxury dog boarding business at the premises. The boarding business is licensed by the Council Environmental Health Officer through a License to Board Animals.
- 4.2 The applicants have undertaken pre-application correspondence with the planning authority stretching back to 2015 and a view was expressed early on by the Council that the proposed application site is an appropriate location for a new dwellinghouse, subject to agreement with other Local Development Plan policies. The application site is well screened and has good access from Fingalton Road and from there to Newton Means and the M77. The site sits within the existing small building group associated with Mains of Balgray and sits within an undulating landscape; essentially the site is well screened from any public view points. The acceptance of a new dwelling in this location will therefore be determined primarily by the extent to which the proposal accords with other policies.
- 4.3 At the outset, the planning authority required the existing business to be regularised in planning terms through the granting of a planning permission for the existing business in 2016. This planning permission both regularised the existing use and approved expansion of the business to allow the boarding of up to 20 dogs. Significant investment is being made by the applicants in new luxury thermal kennels.
- 4.4 Having established the Paws in the Country business the Imries Snr now wish to pass on the business to the next generation family and then retire to the existing dwellinghouse. The applicants will be running the boarding business as Mrs R Imrie's sole source of income, with Mr Imrie moving to the business once it is running at its full capacity.
- 4.5 The dog boarding business is well established and has become established in a relatively short period of time. A strong customer base has been identified in the southern Glasgow conurbation area, kennel spaces are in high demand in peak season, and the business has established a strong reputation as a first-class kennel boarding business. The business benefits from repeat customer bookings and bookings in advance.
- 4.6 There is a high degree of financial investment in providing the best possible accommodation for dogs. The prime selling point for the business, apart from its reputation in animal care, is its location, not far from the city but rural, with extensive grounds for dog walking and exercising. The

previously approved planning permission for the kennels identified dedicated areas for dog runs and exercising. Beyond that however is a more extensive area of open fields surrounding Mains of Balgray that the applicants will have access to in order to allow dogs to exercise in open air but still within contained field space.

- 4.7 The case in support of the dwellinghouse is tied to the management of the business. A kennel business requires someone to be on hand 24/7 in order to attend to the needs of the dogs throughout the day and night. Animal welfare is paramount to the success of the business, hence the need for licensing; this can only be achieved with the opportunity for 24/7 care. Dog owners have considerable investment in their pets and will look for a kennel facility that can be trusted and will be known for providing the best of on-site care and security.
- 4.8 Animal security in kennels is also a critical factor in requiring on-site security. Newspaper articles in June 2017 reported significant increase in dog theft with UK Police Forces dealing with 1774 cases of theft in 2016. Customers who trust their dogs to kennel operators will do so if they are confident that there is 24/7 security presence on site. Pedigree dog species are expensive and insurance against theft can be high. Running a kennel business where pedigree dogs may be kennelled will require insurance and an expectation that security is constant. Dog theft is increasing year on year as criminals recognise that there is a market in stolen dogs, particularly those of higher value, where these are sold on to puppy farms, dog fighting gangs or stolen to order. It is reported that in the region of only 5% of dog theft is prosecuted and less than 30% of stolen dogs are recovered. Operating a kennels without on-site security would have insurance issues and essentially invite unwarranted attention.
- 4.9 The Local Development Plan supports a new dwelling in the green belt in certain defined circumstances, including other relevant circumstances where a use may be appropriate to warrant a dwellinghouse. The kennel business is ideally located in the countryside as it avoids conflicts with residential amenity. The location also provides a level of space that is not available in urban areas. It is agreed with Planning that the location is suitable. The justification for the dwelling is then based on the need for management of the business on a 24/7 basis, through animal welfare, 24-hour care and on-site security. The average working day in a kennel business is long, from early morning to late in the evening, requiring a lengthy on-site presence.
- 4.10 A typical daily routine for the maintenance of kennelled dogs is as follows:
 - 7am – 8:30am - morning exercise/feeding/cleaning
 - 8am – 9am - drop-off of daily dogs
 - 11am – 12:30pm - 60-minute walk in fields/play time

- 3pm – 4:30pm - 45-minute walk in fields/exercise time
- 5pm – 6pm - pick up of daily dogs / dinner/ play time
- 7pm – 8pm - clean and prep kennels/toilet
- 8:30pm – 10:00pm - exercise/play time/ bedtime

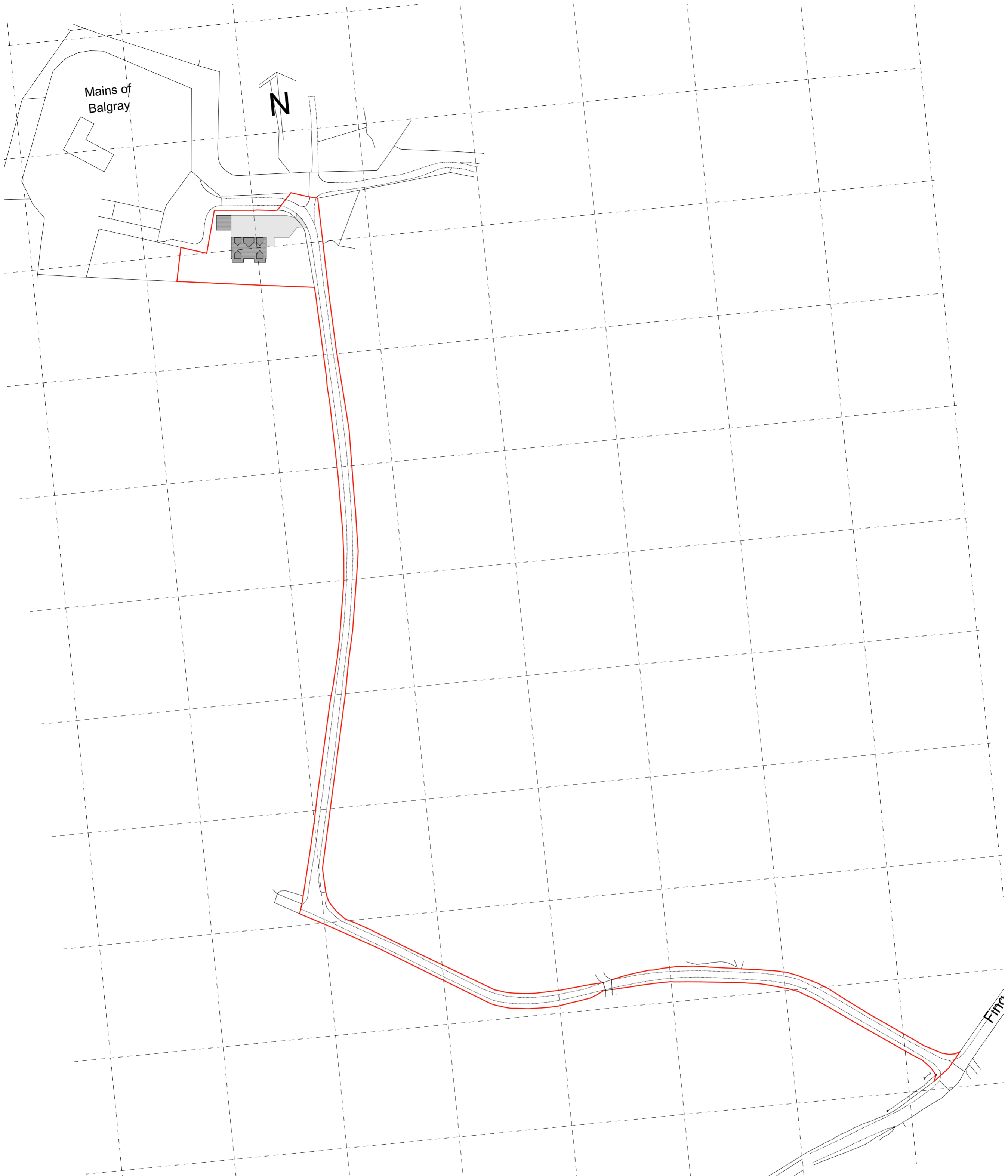
- 4.11 The Local Development Plan is also supplemented by Supplementary Planning Guidance (SPG). With regard to the proposed development the relevant Rural Development Guidance SPG needs to be taken into account in the decision-making process. This Statement endeavours to review the requirements of the SPG in so far as they apply to the proposed development. The issues which are relevant to the case reflect those addressed in the standard Local Development Plan development management policies, particularly D3. The SPG provides a level of planning support for new rural development in a wide range of different circumstances. Where the new development is a new residential presence, then specific criteria need to be considered. The process is one of considering the proposed development against each of the relevant criteria in the SPG. In undertaking this exercise, we find that the proposed development can be supported as there is a clearly structured argument in favour of the development.
- 4.12 The SPG includes design guidance. The proposed dwelling has been designed by Fjordhus, award-winning Scottish based builders and designers of timber framed Scandinavian style houses. The design, use of materials and approach to renewable energy solutions are all considered compatible with the requirements of the SPG and also the Scottish Government’s Planning Advice Note 72.
- 4.13 One of the SPG criteria is that a section 75 Planning Agreement may be required to ensure control over occupancy of the new dwelling, the applicants are aware that this may be an obligation and that any planning permission may be subject to such an agreement. They are consequently comfortable with an appropriate legal agreement.
- 4.14 In conclusion, we would argue that there is sufficient support for the development on the basis that there is a demonstrated need for a manager’s house in order to run the existing and expanding dog kennel boarding business at Mains of Balgray. The business has clearly enjoyed the success it has experienced in recent years due to the combination of location, available space and on-site presence. To take over the

business, the applicants must be on site to protect their investment, provide animal welfare on a 24/7 basis and provide the required level of security for the animals in their care.

- 4.15 A business of this scale, with accommodation for up to 20 dogs, cannot readily relocate to an urban environment due to issues around residential amenity and provision of an appropriate level of space; the use must be located in a countryside area.
- 4.16 The applicants seek the support of the Council in approving their application and would be happy to meet with the Council and answer any questions that may arise.

PLANS/PHOTOGRAPHS/DRAWINGS

BLANK PAGE

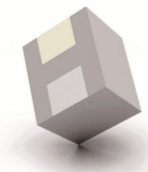


Ordnance Survey (c) Crown Copyright 2017. All rights reserved. Licence number 100022432

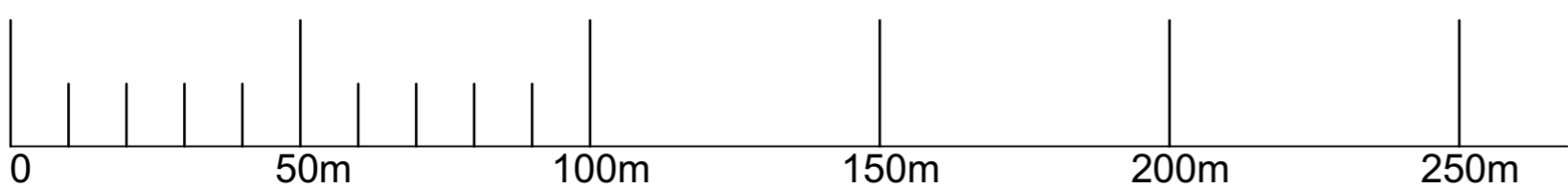


HUNTER ARCHITECTURE

231 Galashiels Road
 Stow
 Galashiels TD1 2RE
 T: 01578730510
 E: info@hhunter.co.uk
 www.hhunter.co.uk

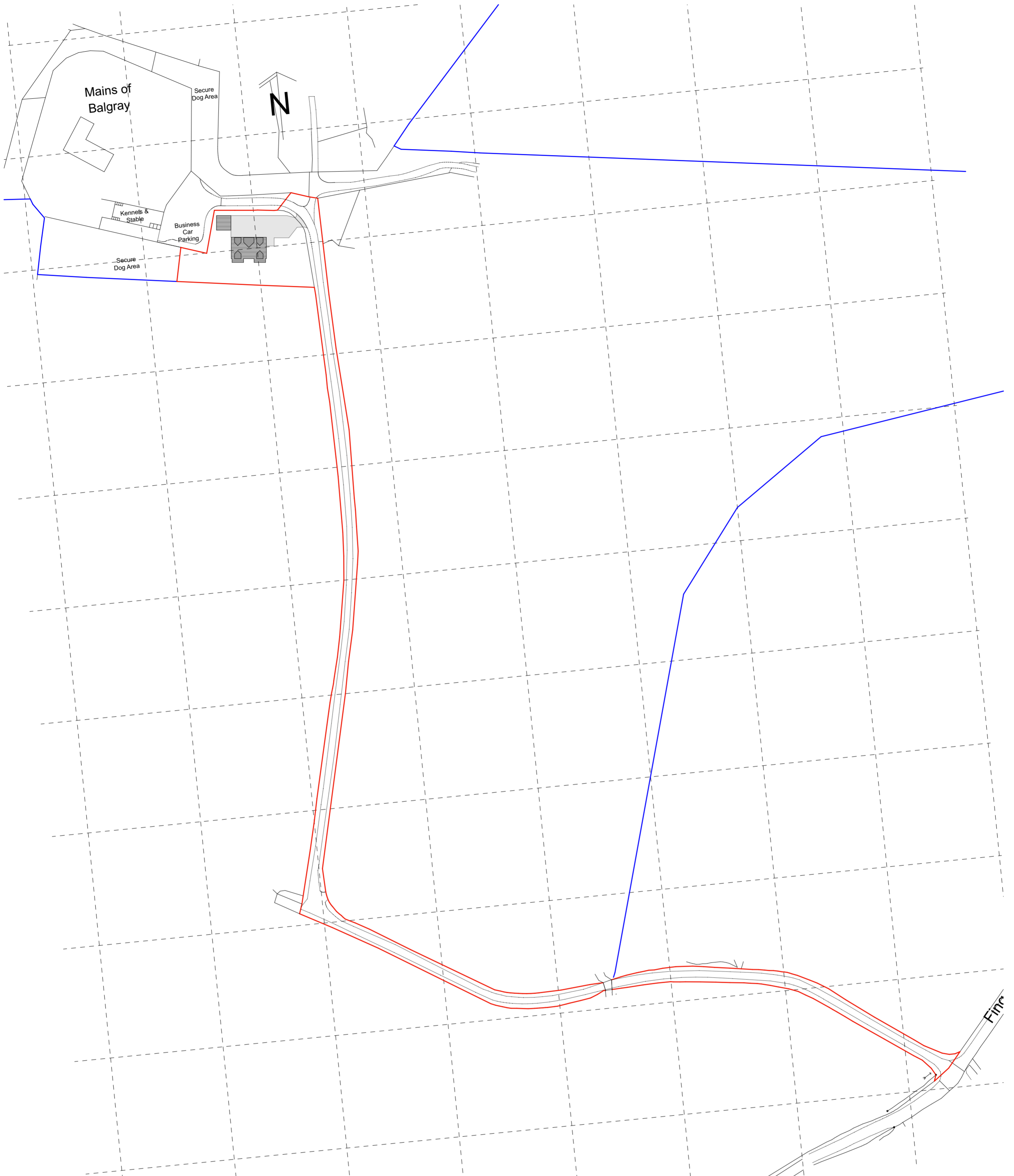


Project Name	Mains of Balgray Newton Mearns	
Client Name	Laura Imrie	
Drawing Name	Location Plan	
Drawing Status		
Drawn by	#CAD Technician Full Name	Date
Checked by	#Contact Full Name	Date
Drawing Scale	1:1250	
Layout ID	Status	Revision
1324_PL_1		



A2

date revision

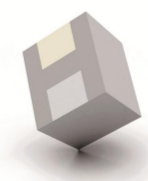


Ordnance Survey (c) Crown Copyright 2017. All rights reserved. Licence number 100022432

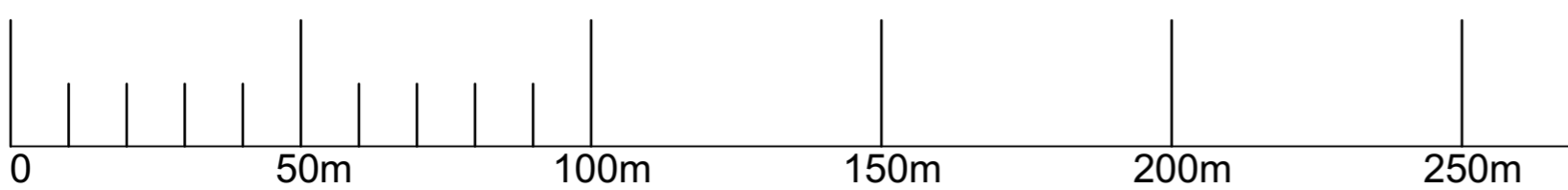


HUNTER ARCHITECTURE

231 Galashiels Road
Stow
Galashiels TD1 2RE
T: 01578730510
E: info@hhunter.co.uk
www.hhunter.co.uk



Project Name	Mains of Balgray Newton Mearns	
Client Name	Laura Imrie	
Drawing Name	Location Plan	
Drawing Status		
Drawn by	#CAD Technician Full Name	Date
Checked by	#Contact Full Name	Date
Drawing Scale	1:1250	
Layout ID	Status	Revision
1324_PL_1_Rev_A		



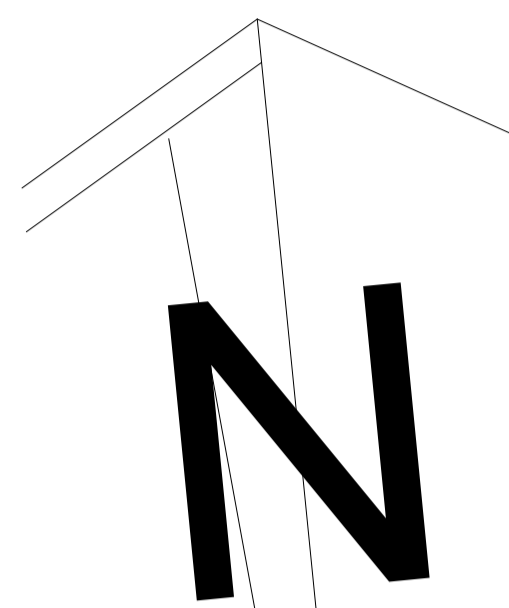
A2

14.02.18

date revision

Mains of Balgray

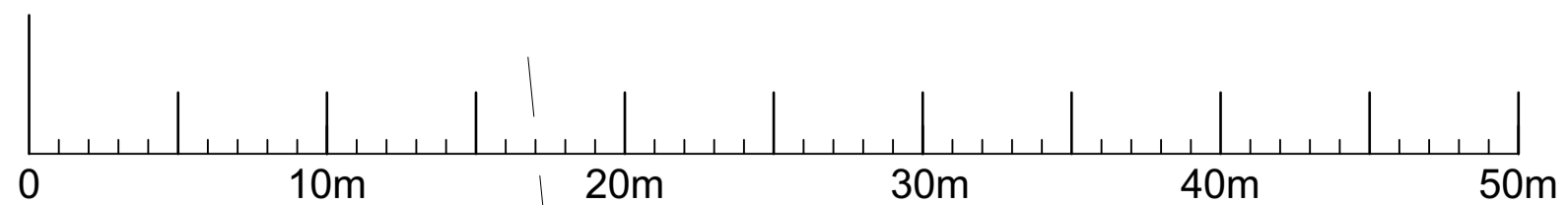
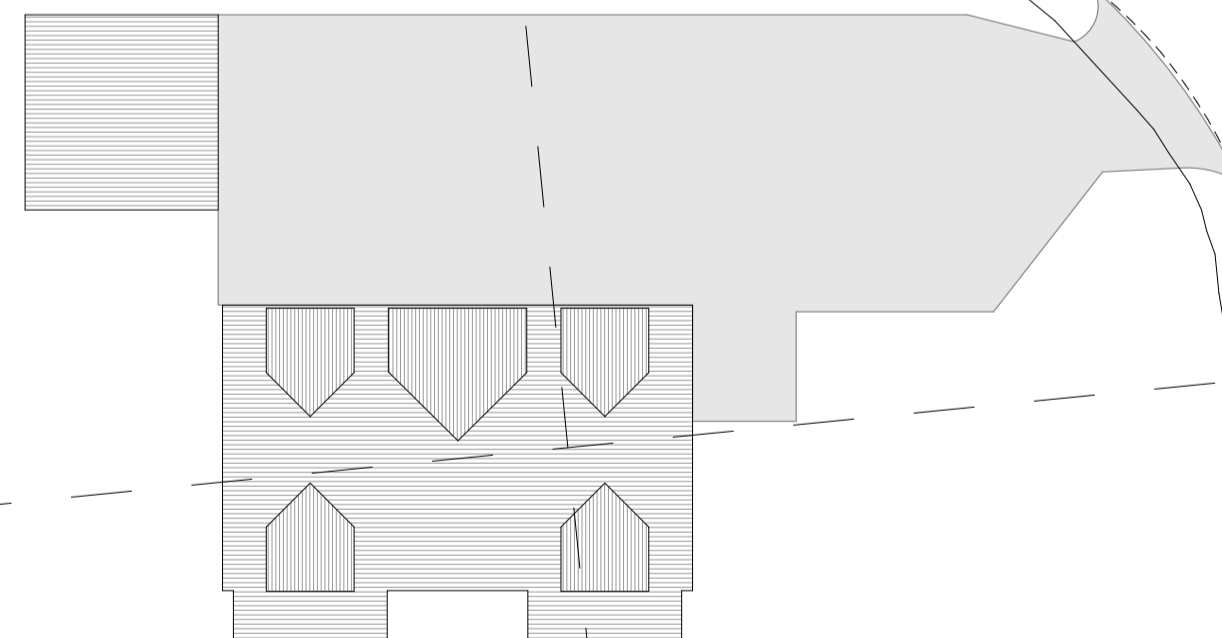
Secure Dog Area



Kennels & Stable

Business Car Parking

Secure Dog Area



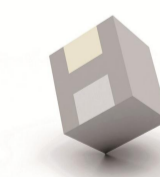
A1 14.02.18

date revision



HUNTER ARCHITECTURE

231 Galashiels Road
Stow
Galashiels TD1 2RE
T : 01578730510
E : info@hunter.co.uk
www.hunter.co.uk



Project Name

Mains of Balgray Newton
Mearns

Client Name

Laura Imrie

Drawing Name

Block Plan

Drawing Status

Drawn by

Date

#CAD Technician Full Name

Checked by

Date

#Contact Full Name

Drawing Scale

1:250

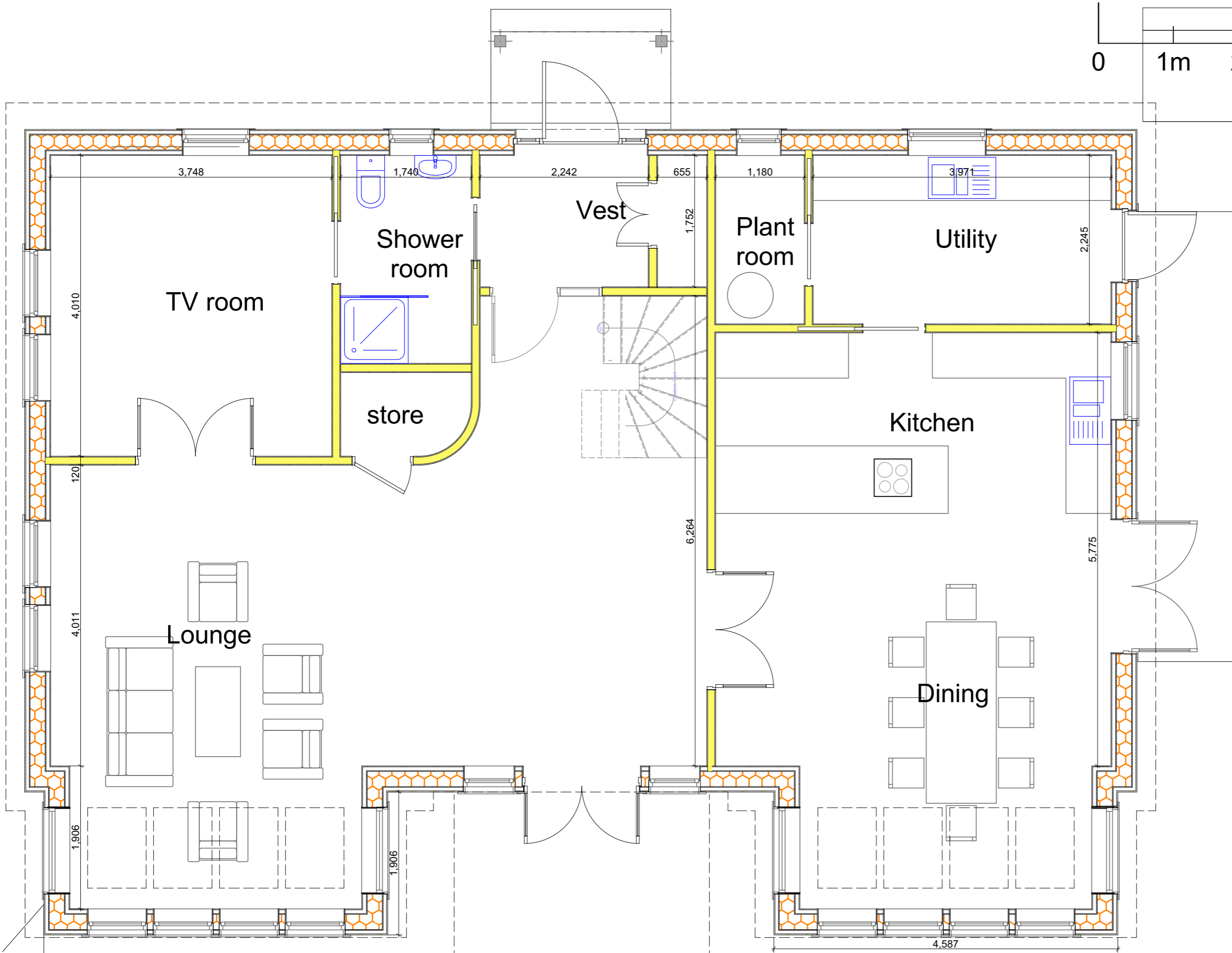
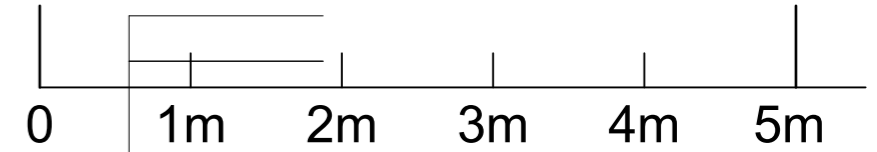
Layout ID

Status

Revision

1324_PL_2_Rev_A

A1



date	revision

fjordhus
 SCANDINAVIAN HOMES
www.fjordhus.com

HUNTER ARCHITECTURE
 231 Galashiels Road
 Stow
 Galashiels TD1 2RE
 T :01578730510
 E :info@hhunter.co.uk
www.hhunter.co.uk



Project Name
Mains of Balgray Newton Mearns

Client Name
Laura Imrie

Drawing Name
Ground Floor

Drawing Status

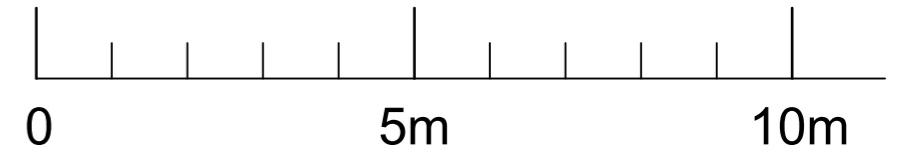
Drawn by
FJH Date

Checked by
HAH Date

Drawing Scale
1:50

Layout ID
1324_PL_3 Status Revision

Ground Floor Plan



East Elevation 1:100




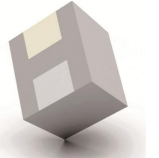
North Elevation 1:100

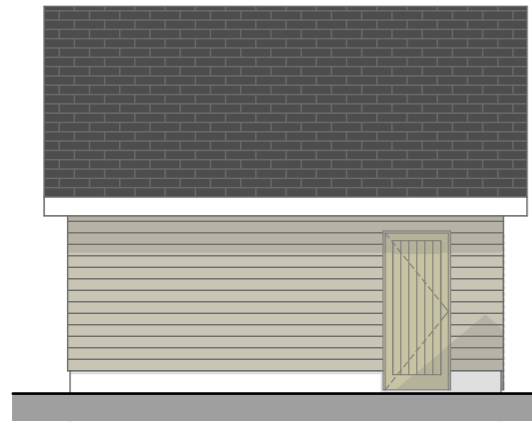


South Elevation 1:100

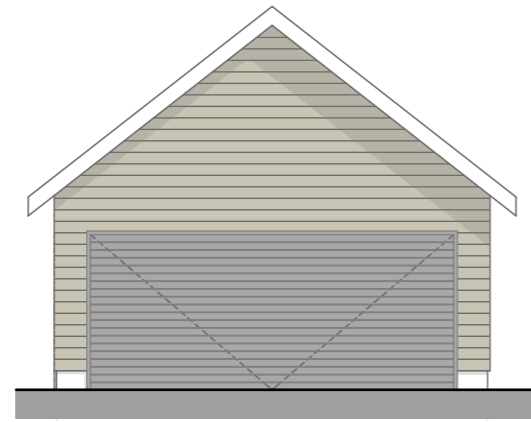


West Elevation 1:100

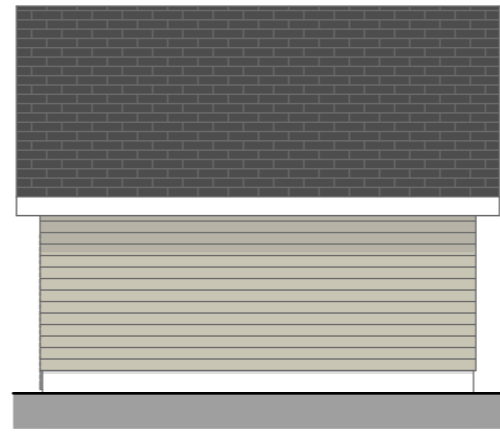
date		revision	
 <p>SCANDINAVIAN HOMES www.fjordhus.com</p> <p>HUNTER ARCHITECTURE</p> <p>231 Galashiels Road Stow Galashiels TD1 2RE T :01578730510 E :info@hhunter.co.uk www.hhunter.co.uk</p> 			
Project Name			
Mains of Balgray Newton Mearns			
Client Name			
Laura Imrie			
Drawing Name			
Elevations			
Drawing Status			
Drawn by	Date		
FJH			
Checked by	Date		
HAH			
Drawing Scale			
1:100			
Layout ID	Status	Revision	
1324_PL_5			



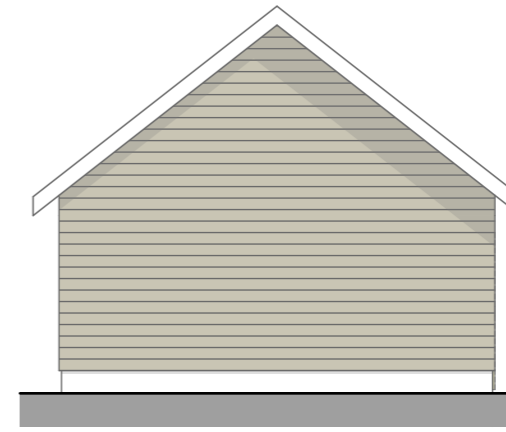
South Elevation 1:100



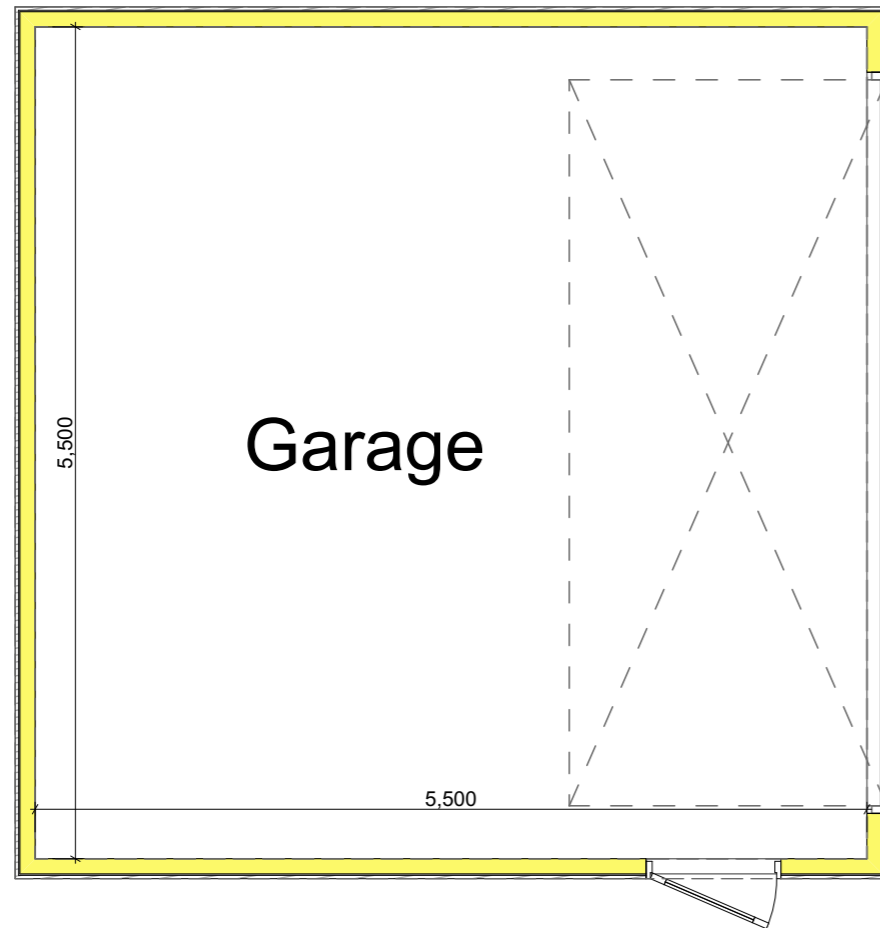
East Elevation 1:100



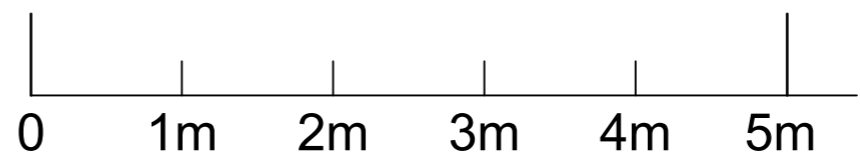
North Elevation 1:100



West Elevation 1:100



scale bar 1:100



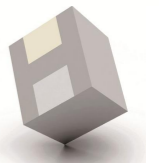
scale bar 1:50

date	revision



HUNTER ARCHITECTURE

231 Galashiels Road
 Stow
 Galashiels TD1 2RE
 T :01578730510
 E :info@hhunter.co.uk
 www.hhunter.co.uk



Project Name	Mains of Balgray Newton Mearns	
Client Name	Laura Imrie	
Drawing Name	Garage Plans and Elevations	
Drawing Status		
Drawn by	FJH	Date
Checked by	HAH	Date
Drawing Scale	1:100, 1:50	
Layout ID	Status	Revision
1324_PL_6		

BLANK PAGE