

EAST RENFREWSHIRE COUNCILLOCAL REVIEW BODY1 November 2017Report by Deputy Chief ExecutiveREVIEW OF CASE - REVIEW/2017/23ERECTION OF CRAFT WORKSHOP, LITTLE LOCH BYRE,CAIRN 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:- 2017/0521/TP).  
Applicant: Mr and Mrs Allan Steel.  
Proposal: Erection of craft workshop.  
Location: Little Loch Byre, Cairn 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 the 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 (Major Programmes and Projects).

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 their 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 the assessment of the review documents only, with no further procedure.

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 followed 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, an unaccompanied site inspection will be carried out immediately before the meeting of the Local Review Body on Wednesday, 1 November 2017 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 7 - 18);
- (b) Report of Handling by the planning officer under the Scheme of Delegation - Appendix 2 (Pages 19 - 28);
- (c) Decision notice and reasons for refusal - Appendix 3 (Pages 29 - 32); and
- (e) A copy of the applicants' Notice of Review and Statement of Reasons - Appendix 4 (Pages 33 - 66).

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 are attached as Appendix 5 (Pages 67 - 74).

- (a) Refused – Location Plan;
- (b) Refused – Proposed Elevations; and
- (c) Refused – Proposed Floor Plans.

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](http://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:- October 2017

# APPLICATION FORM

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2 Spiersbridge Way Thornliebank G46 8NG Tel: 0141 577 3001 Email: [planning@eastrenfrewshire.gov.uk](mailto: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        100061635-001

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 Craft Building

Is this a temporary permission? \*

Yes  No

If a change of use is to be included in the proposal has it already taken place?  
(Answer 'No' if there is no change of use.) \*

Yes  No

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:	MH Planning Associates		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	Michael	Building Name:	<input type="text"/>
Last Name: *	Hyde	Building Number:	140
Telephone Number: *	07816 907203	Address 1 (Street): *	West Princes Street
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	Helensburgh
Fax Number:	<input type="text"/>	Country: *	Scotland
		Postcode: *	G84 8BH
Email Address: *	mh@mhplanning.co.uk		

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:	Little Lochbyre Farm
First Name: *	Allan and Susan	Building Number:	<input type="text"/>
Last Name: *	Steel	Address 1 (Street): *	Cairn Road
Company/Organisation:	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	Newton Mearns
Extension Number:	<input type="text"/>	Country: *	Scotland
Mobile Number:	<input type="text"/>	Postcode: *	G77 6SG
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		



## Site Address Details

Planning Authority:

East Renfrewshire Council

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

Address 1:

LITTLE LOCH BYRE

Address 2:

CAIRN ROAD

Address 3:

NEWTON MEARNS

Address 4:

Address 5:

Town/City/Settlement:

GLASGOW

Post Code:

G77 6SG

Please identify/describe the location of the site or sites

Northing

651751

Easting

250006

## 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)

Previous application handled by Derek Scott

Title:

Mr

Other title:

First Name:

Derek

Last Name:

Scott

Correspondence Reference Number:

2017/0294/TP

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)

Agricultural Holding

## 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

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)

As existing

## Residential Units Including Conversion

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

Yes  No

## All Types of Non Housing Development – Proposed New Floorspace

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

Yes  No

## All Types of Non Housing Development – Proposed New Floorspace Details

For planning permission in principle applications, if you are unaware of the exact proposed floorspace dimensions please provide an estimate where necessary and provide a fuller explanation in the 'Don't Know' text box below.

Please state the use type and proposed floorspace (or number of rooms if you are proposing a hotel or residential institution): \*

Class 4 Business (Office/Light Industry)

Gross (proposed) floorspace (In square meters, sq.m) or number of new (additional) Rooms (If class 7, 8 or 8a): \*

32

If Class 1, please give details of internal floorspace:

Net trading spaces:

Non-trading space:

Total:

If Class 'Not in a use class' or 'Don't know' is selected, please give more details: (Max 500 characters)

## 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

Do you have any agricultural tenants? \*

Yes  No

## Certificate Required

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

Certificate E

# Land Ownership Certificate

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

Certificate E

I hereby certify that –

(1) – No person other than myself/the applicant was the owner of any part of the land to which the application relates at the beginning of the period 21 days ending with the date of the application.

(2) - The land to which the application relates constitutes or forms part of an agricultural holding and there are no agricultural tenants

Or

(1) – No person other than myself/the applicant was the owner of any part of the land to which the application relates at the beginning of the period 21 days ending with the date of the application.

(2) - The land to which the application relates constitutes or forms part of an agricultural holding and there are agricultural tenants.

Name:

Address:

Date of Service of Notice: \*

(4) – I have/The applicant has taken reasonable steps, as listed below, to ascertain the names and addresses of the other owners or agricultural tenants and \*have/has been unable to do so –

Signed: Michael Hyde

On behalf of: Mr and Mrs Allan and Susan Steel

Date: 02/08/2017

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)

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)

### 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 Michael Hyde

Declaration Date: 02/08/2017

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## REPORT OF HANDLING

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# REPORT OF HANDLING

Reference: 2017/0521/TP

Date Registered: 2nd August 2017

Application Type: Full Planning Permission

This application is a Local Development

Ward: 2 -Newton Mearns North And Neilston

Co-ordinates: 250006/:651751

Applicant/Agent:

Applicant:

Mr and Mrs Allan and Susan Steel

Little Lochbyre Farm

Cairn Road

Newton Mearns

G77 6SG

Agent:

Michael Hyde

140 West Princes Street

Helensburgh

G84 8BH

Proposal: Erection of craft workshop

Location: Little Loch Byre

Cairn Road

Newton Mearns

East Renfrewshire

G77 6SG

## CONSULTATIONS/COMMENTS:

Roads Network Manager

No objection.

## PUBLICITY:

18.08.2017

Glasgow and Southside  
Extra

Expiry date 01.09.2017

## SITE NOTICES:

None.

## SITE HISTORY:

2010/0482/PN

Erection of agricultural  
shed

Granted

12.08.2010

2011/0499/TP

Siting of farmer workers  
caravan for temporary  
period of three years (in  
retrospect)Approved Subject  
to Conditions

30.09.2011

2013/0706/TP

Erection of agricultural  
worker's dwellinghouse  
(planning permission in  
principle)

Refused

10.02.2014

2014/0390/PN

Erection of three

Granted

13.06.2014

	polytunnels (prior notification)		
2014/0631/TP	Siting of residential caravan	Approved Subject to Conditions	29.10.2014
2017/0294/TP	Erection of craft workshop	Refused	23.06.2017

**REPRESENTATIONS:** No representations have been received.

**DEVELOPMENT PLAN & GOVERNMENT GUIDANCE:** See Appendix 1

**SUPPORTING REPORTS:**

Supporting planning statement: The statement outlines the existing activities at Little Loch Byre; the background of the business to be re-located to the site; the policy position; and material considerations that the applicant's agent feels should be given weight in the consideration of the application.

**ASSESSMENT:**

The application site comprises part of a smallholding known as Little Loch Byre Farm and lies within the area defined as Countryside Around Towns within the adopted East Renfrewshire Local Development Plan. It lies approximately 6km to the south of Newton Mearns, to the west of the M77. The smallholding extends to 35.5 acres of rough grazing/grassland. The buildings consist of a steel storage building, a residential caravan and an agricultural storage shed (that was approved under 2010/0482/PN).

Planning permission is sought for the erection of a craft workshop. The proposed building would measure 9.1 metres wide by 3.7 metres deep with a mono-pitch roof. The building will be single storey. It will be externally finished with wood effect cladding. The workshop will be located adjacent to one of the existing sheds on the site. The proposed craft workshop is to be used to house a bouquet preserving craft business which is currently operated from the home of the applicant's mother in Eaglesham.

This application is identical planning application 2017/0294/TP that was refused on 22 June 2017.

The proposal requires to be assessed with regard to Strategic Policy 2 and Policies D1 and D3 of the adopted East Renfrewshire Local Development Plan and the adopted Supplementary Planning Guidance: Rural Development (SPG) that supports and forms part of Policy D3.

Strategic Policy 2 requires, inter alia, the application of a sequential approach giving priority to the use of sites within the urban area and states that sites within the rural area will only be considered where it has been demonstrated that a suitable site does not exist within the urban area.

Policy D1 requires, inter alia, that all development should not result in a significant loss of character or amenity to the surrounding area.

Policy D3 states that development in the greenbelt and countryside around towns will be strictly controlled to that which is required and appropriate for a rural area. It further states that development related to agriculture, forestry, outdoor recreation, renewable energy and other appropriate uses will be considered favourably.

The SPG provides that development relating to economic development activities and rural diversification will be considered favourably where justification has been provided for its rural location.

In terms of Policy D3, the applicant has provided no explanation as to why the bouquet preserving business has to be located in the rural area, other than it suits the needs to the applicant. This in itself is not considered to be sufficient justification. Furthermore, in terms of Strategic Policy 2, the applicant has not demonstrated that there are no suitable sites for the business/craft use within the urban area. The proposal is therefore considered to be contrary to Strategic Policy 2 and Policy D3 of the adopted East Renfrewshire Local Development Plan.

The proposal is also considered to be contrary to the adopted Supplementary Planning Guidance: Rural Development as no satisfactory justification has been given for its countryside location.

The application should therefore be refused unless material considerations indicated otherwise. In this case, the material considerations are the supporting statement and the documents it draws on; National Planning Framework 3 (2014), Scottish Planning Policy (2014) and Planning Advice Note 73 - Rural Diversification.

As noted above, the supporting statement argues that the proposal should be considered as rural diversification and that it is required to be located on the proposed site to suit the applicant. NPF3, SPP2014 and PAN73 all promote new business and employment opportunities in the rural area and PAN73 defines and promotes rural diversification. It is accepted that rural diversification can mean the "creation of entirely new enterprises". However, in order to be considered rural diversification, such new enterprises would need to have a demonstrable locational need to be in the rural area. Simply importing a business that has operated successfully without a rural location could not be considered rural diversification.

The above material considerations are noted, however they are not considered to outweigh the provisions of the development plan.

The proposal is therefore considered to be contrary to Strategic Policy 2 and Policy D3 of the adopted East Renfrewshire Local Development Plan as the applicant has not provided a satisfactory site specific justification for the location of the craft workshop in the rural area.

As the proposal is unacceptable in principle, no further assessment is required with regard to Policy D1.

**RECOMMENDATION:** Refuse

**PLANNING OBLIGATIONS:** None

**REASONS FOR REFUSAL:**

1. The proposal is contrary to Strategic Policy 2 of the adopted East Renfrewshire Local Development Plan as the applicant has not demonstrated that there are no suitable alternative locations for the craft workshop within the urban area.
2. The proposal is contrary to Policy D3 of the adopted East Renfrewshire Local Development Plan as the proposed craft workshop is not related to agriculture, forestry, outdoor recreation, renewable energy or another use that would be appropriate to the rural area and no satisfactory site-specific justification for the workshop has been given.

3. The proposal is contrary to the adopted Supplementary Planning Guidance: Rural Development as it does not relate to rural diversification and no adequate justification has been given for its countryside 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.: 2017/0521/TP  
(DESC)

DATE: 12th September 2017

**DIRECTOR OF ENVIRONMENT**

**Reference: 2017/0521/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 Strat2

Assessment of Development Proposals

Proposals for new development, other than smaller scale proposals (such as applications for single houses, householder or shop frontage alterations), will be assessed against the criteria below:

1. A proven need for the development.
2. The consideration of alternative locations, forms and layout of development.
3. Resulting community and economic benefits.
4. The impact on communities, individual properties and existing land uses.
5. The impact on existing and planned infrastructure.
6. The transport impact of the development, taking into account the need for a Transport Assessment and the scope for Green Transport Plans.
7. The impact on the built and natural environment, including local greenspace, the wider greenspace network, and the Green Belt, taking into account the need for Environmental Impact Assessment.
8. The impact on air, soil and water quality.
9. The potential for remedial or compensatory environmental measures.
10. The contribution to energy reduction and sustainable development.

11. The impact on health and well being.
12. The cumulative impact of the development.
13. The impact of proposals on other proposals set out in the Local Plan.
14. The suitability of proposals when assessed against any approved Supplementary Planning guidance.

Other strategic considerations to be taken into account are as follows:

#### Sequential Approach

The Council will adopt a sequential approach in the assessment of all development proposals with preference being given to urban locations and in particular brownfield sites. Preference will also be given to sustainable locations (town and neighbourhood centres and other sites within the urban area well-served by public transport, walking and cycling). Where this is not possible, the Council will entertain other sites within the urban area. In all cases, the proposal should not prejudice other Local Plan policies and proposals. Locations within the Green Belt will only be considered where it has been clearly demonstrated that a suitable site does not exist within the urban area. The onus will be on the prospective developer to prove to the Council that the first or second preferences cannot be met.

#### Precautionary Principle

The Council will apply the precautionary principle, which states a general presumption against development that is judged to pose a significant risk of serious or irreversible environmental damage or adverse impact on public safety. However, if measures can be taken by the developer to minimise this potential threat to levels acceptable to the Council, then planning permission may be granted, subject to appropriate conditions.

#### Developer Contributions

The Council wishes to secure community, infrastructure and environmental benefits arising from new development to offset their environmental or social costs. Where a proposed development would create new or exacerbate existing deficiencies in local physical or community infrastructure, facilities or the environment, the Council will seek contributions from developers to assist in making good the deficiencies. The Council will also encourage “percent for art” contributions from developers to fund public artwork in appropriate developments. Developers will be expected to assist in developing local work skills and employability in line with the Scottish Government's initiatives in relation to securing “Community Benefits in Procurement” and “Linking Opportunity and Need”. It is the Council's intention to produce Supplementary Planning Guidance on the matter of Developer Contributions.

#### Affordable Housing

The Council will give favourable consideration to proposals for affordable housing on greenfield sites or in the green belt provided that:

- \* the development is small scale and respects the setting, form and character of any adjacent urban area and the surrounding landscape;
- \* the proposal is for 100% affordable housing and would meet a local need as identified through the Local Housing Strategy;
- \* it would comply with the terms of the Council's SPPG on Affordable Housing and Policy H3 Affordable Housing;
- \* in the case of green belt sites it is located adjacent to the urban area; and
- \* it is of a scale and nature appropriate to its location and to the objective

of achieving a mixed and balanced community.

Other housing proposals (for less than 100% affordable housing) to meet an identified deficiency in the land supply fall to be assessed against this policy and proposed supplementary planning policy guidance (as set out under proposal H1).

Where acceptable in principle, development proposals also require to meet the general planning principles set out in Policies DM1, DM2, DM3 and DM4.

#### 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.

### **GOVERNMENT GUIDANCE:**

Scottish Planning Policy on Rural Development in the pressurised areas easily accessible from Scotland's cities and main towns, where ongoing development pressures are likely to continue, it is important to protect against an unsustainable growth in car-based commuting and the suburbanisation of the countryside, particularly where there are environmental assets such as sensitive landscapes or good quality agricultural land. Plans should make provision for most new urban development to take place within, or in planned extensions to, existing settlements. In remote and fragile areas outwith defined small towns the emphasis should be on maintaining and growing communities by encouraging development that provides suitable sustainable economic activity, while preserving important environmental assets such as landscape and wildlife habitats that underpin continuing tourism visits and quality of place. In areas of intermediate accessibility and pressure for development, plans should be tailored to local circumstances, seeking to provide a sustainable network of settlements and a range of policies that provide for additional

housing requirements, economic development, and the varying proposals that may come forward, while taking account of the overarching objectives and other elements of the plan.

**Finalised 12/09/17 IM(1)**

**DECISION NOTICE  
AND  
REASONS FOR REFUSAL**

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**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.       **2017/0521/TP**

**Applicant**

Mr and Mrs Allan and Susan Steel  
Little Lochbyre Farm  
Cairn Road  
Newton Mearns  
G77 6SG

**Agent:**

Michael Hyde  
140 West Princes Street  
Helensburgh  
G84 8BH

With reference to your application which was registered on 2nd August 2017 for planning permission under the abovementioned Act and Regulations for the following development, viz:-

**Erection of craft workshop**

**at: Little Loch Byre, Cairn Road, Newton Mearns, East Renfrewshire, G77 6SG**

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 Strategic Policy 2 of the adopted East Renfrewshire Local Development Plan as the applicant has not demonstrated that there are no suitable alternative locations for the craft workshop within the urban area.
2. The proposal is contrary to Policy D3 of the adopted East Renfrewshire Local Development Plan as the proposed craft workshop is not related to agriculture, forestry, outdoor recreation, renewable energy or another use that would be appropriate to the rural area and no satisfactory site-specific justification for the workshop has been given.
3. The proposal is contrary to the adopted Supplementary Planning Guidance: Rural Development as it does not relate to rural diversification and no adequate justification has been given for its countryside location.

Dated           12th September 2017



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

<b>Plan Description</b>	<b>Drawing Number</b>	<b>Drawing Version</b>	<b>Date on Plan</b>
Block Plan and Location Plan Proposed	2017-0010-01		
Elevations Proposed	ST-30-03-2017-V1		
Plans Proposed	ST-28-03-2017-V1		

**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](http://www.eplanning.scotland.gov.uk). Alternatively, you can download a Notice of Review form (along with notes for guidance) from [www.eastrenfrewshire.gov.uk/planning-appeals-reviews](http://www.eastrenfrewshire.gov.uk/planning-appeals-reviews) which should be returned to The Planning Service, 2 Spiersbridge Way, Spiersbridge Business Park, Thornliebank, East Renfrewshire G46 8NA. You may also call the Council on 0141 577 3001 to request the Notice of Review Form. 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](mailto:planning@eastrenfrewshire.gov.uk)**

**NOTICE OF REVIEW  
AND  
STATEMENT OF REASONS**

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2 Spiersbridge Way Thornliebank G46 8NG Tel: 0141 577 3001 Email: [planning@eastrenfrewshire.gov.uk](mailto: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      100067064-001

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.

## 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="MH Planning Associates"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Michael"/>	Building Name:	<input type="text"/>
Last Name: *	<input type="text" value="Hyde"/>	Building Number:	<input type="text" value="140"/>
Telephone Number: *	<input type="text" value="07816 907203"/>	Address 1 (Street): *	<input type="text" value="West Princes 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="Scotland"/>
		Postcode: *	<input type="text" value="G84 8BH"/>
Email Address: *	<input type="text" value="mh@mhplanning.co.uk"/>		

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 and Mrs"/>	Building Name:	<input type="text" value="Little Lochbyre Farm"/>
First Name: *	<input type="text" value="Allan and Susan"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Steel"/>	Address 1 (Street): *	<input type="text" value="Cairn Road"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Newton Mearns"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="G77 6SG"/>
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="LITTLE LOCH BYRE"/>
Address 2:	<input type="text" value="CAIRN ROAD"/>
Address 3:	<input type="text" value="NEWTON MEARNES"/>
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 6SG"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="651751"/>	Easting	<input type="text" value="250006"/>
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## 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)

Erection of Craft Workshop

## 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.

See attached Grounds for Review

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)

Grounds for Review, [REDACTED]

## Application Details

Please provide details of the application and decision.

What is the application reference number? \*

2017/0521/TP

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

02/08/2017

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

12/09/2017

## 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

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)

The application site is part of a working farm.

## 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 Michael Hyde

Declaration Date: 22/09/2017

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**APPLICATION FOR PLANNING  
PERMISSION FOR ERECTION OF CRAFT  
WORKSHOP, LAND AT LITTLE LOCHBYRE  
FARM, CAIRN ROAD, NEWTON MEARN,  
G77 6SG**

**SUPPORTING PLANNING STATEMENT**

**Submitted on behalf of Mr and Mrs Steel by**



**MH Planning**  
Associates

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**APPLICATION FOR PLANNING PERMISSION FOR ERECTION OF CRAFT WORKSHOP,  
LAND AT LITTLE LOCHBYRE FARM, CAIRN ROAD, NEWTON MEARNES, G77 6SG**

**SUPPORTING PLANNING STATEMENT**

**1. Background:**

- 1.1 The application is submitted in order to allow an existing local business (Bonnyton Designs) to relocate, from premises in Eaglesham, to Little Lochbyre Farm, Newton Mearnes. Bonnyton Designs was established 32 years ago by the applicant (Susan Steel) and her mother (Marlyn), and specialises in bouquet preservation, and the framing of preserved flowers (see <http://www.bonnytondesigns.com/>) for details.
- 1.2 The business currently operates from Mrs Steel's mother's home. She is however going to retire, and her daughter, and her granddaughter, will take over the running of the business. Mrs Steel and her daughter will run the business alongside the farming activities at Little Lochbyre Farm, which is where they currently live.
- 1.3 Mrs Steel and her husband (Allan) established Little Lochbyre Farm in 2010 when they purchased approximately 5.5 ha (13.6 acres) of land, erected on this an agricultural storage building, and established their breeding herd of pigs/flocks of sheep. They now also have rental agreements in place in respect of additional areas of land, bringing the total area of their holding to approximately 14.3 ha (35.5 acres). In a relatively short period of time Mr and Mrs Steel have established a successful agricultural enterprise specialising in ethically produced, high quality meat, from rare breed pigs (Gloucestershire Old Spot and British Saddleback) and sheep (Shetland and Soay). They are registered with the Rare Breeds Survival Trust (RBST), the Soay Sheep Society, Shetland Sheep Society and British Pig Association (BPA).
- 1.4 The relocation of the existing Bonnyton Designs business, from Eaglesham to Little Lochbyre Farm, will represent a diversification of a successful agricultural enterprise. It will ensure that Bonnyton Designs can continue providing for its existing customer base, whilst also ensuring that Mrs Steel can remain on the farm, attending to her livestock.
- 1.5 For the Bonnyton Designs business to operate successfully, a separate working area is required. For this reason, Mr and Mrs Steel applied to erect a small timber building measuring just 9m (30') x 3.6 (12'). This would be sited next to their existing agricultural storage building, and would replace an existing shipping container (see photograph 1 below).



**Photograph 1:** Site of proposed new timber building

1.6 Their previous application (reference 2017/0294/TP ) was refused on 23 June 2017 for the following two reasons:

- 1) The proposal is contrary to Policy D3 of the adopted East Renfrewshire Local Development Plan as the proposed craft workshop is not related to agricultural, forestry, outdoor recreation, renewable energy or another use that would be appropriate to the rural area and no satisfactory site-specific justification for the workshop has been given.
- 2) The proposal is contrary to the adopted Supplementary Planning Guidance: Rural Development, as it does not relate to rural diversification and no adequate justification has been given for its countryside location.

## **2. Planning Policy and Material Considerations:**

2.1 Section 25 of the Town and County Planning (Scotland) Act 1997 states that where in making any determination under the planning act regard is to be had to the Development Plan, the determination shall be in accordance with the plan unless material considerations indicate otherwise. The Development Plan relevant to the application currently comprises:

- The Glasgow and Clyde Valley Strategic Development Plan (2012);

- and
- The East Renfrewshire Local Development Plan (2015)

2.2 The previous application was refused because it was considered that it was not supported by **Policy D3** of the Local Development Plan. The aim of this policy is to support development proposals appropriate to the rural area. The policy states that;

“Development in the Greenbelt 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”.

2.3 Further detailed information and guidance is provided in the **Rural Development Guidance** Supplementary Planning Guidance. This states that

“Within East Renfrewshire, the policy will try to strike a fair balance between the need to protect and enhance the countryside setting and potential opportunities for appropriate development. When assessing any proposals, the Council will consider the location and siting of the building and its impact on the character of the local area. Also important are the scale, proportions and materials proposed to be used.

Other non-residential development proposals that support rural diversification or maintain or enhance the rural economy will be considered favourably where it is clearly demonstrated that:

- Justification has been provided for its countryside location;
- Any existing building is not capable of physical repair and re-use through the submission and verification of a thorough structural condition report;

- There would be a resultant economic, environmental or community benefit from the proposal;
- The level of traffic and any other disturbances resulting from the development, such as noise and light, do not prejudice rural character and the environment;
- The requirement for new development is supported by a business plan that demonstrates longer term viability;
- The design criteria set out in this guidance has been taken into account.

2.4 Local Development Plan **Policy D3**, and its supporting **Supplementary Planning Guidance** clearly aim to encourage proposals that support rural diversification, or maintain or enhance the rural economy.

### ***Material Considerations***

2.5 As set out above, when determining any planning application, relevant material considerations must be given appropriate weight. In the current case, the following material considerations are relevant:

### ***National Planning Framework 3 (2014)***

2.6 National Planning Framework 3 supports the many and varied opportunities for planning to promote business and employment. These range from a focus on the role of cities as key drivers of our economy, to the continuing need for diversification of our rural economy to strengthen communities and retain young people in remote areas. Planning should address the development requirements of businesses and enable key opportunities for investment to be realised. It can support sustainable economic growth by providing a positive policy context for development that delivers economic benefits.

### ***Scottish Planning Policy (2014)***

2.7 Similarly, Scottish Planning Policy states that increasing sustainable economic growth is the overarching purpose of the Scottish Government. Achieving this requires a planning system that enables the development of growth enhancing activities across Scotland, whilst protecting and enhancing the quality of the natural and built environment. Planning authorities should respond positively to the diverse needs and locational requirements of different sectors and sizes of businesses; to support development which will provide new employment opportunities, and enhance local competitiveness. Paragraph 79 of SPP in particular states

that Development Plans should set out a spatial strategy which reflects the development pressures, environmental assets, and economic needs of the area, reflecting the overarching aim of supporting diversification and growth of the rural economy.

### ***Planning Advice Note 73 – Rural Diversification***

- 2.8 In addition to the above, PAN73 is a significant material consideration in the context of the application. This states that there are a number of ways in which planning can assist those in rural communities who want to start new businesses or develop their existing business. Planners should therefore support rural diversification by recognising individual circumstances; one size does not fit all and a flexible approach is often required to help businesses realise their opportunities.
- 2.9 It is therefore important to take into account the particular needs or special circumstances of a business and be realistic about the resources available to them. PAN 73 contains the following paragraphs of advice all of which offer further support for the current proposal:

“In its simplest terms, rural diversification means the establishment of new enterprises in rural locations. This can mean existing businesses entering into new areas of activity or the creation of entirely new enterprises. With more people enjoying access to the countryside rural Scotland has nurtured a growing tourism and leisure sector, but widespread access to rural areas has also meant that many people can now choose to live in the countryside but continue to work in urban centres. Developments in information and communications technology mean that activities previously requiring a city office can now be done almost anywhere and many people are choosing to both live and work in our rural areas. Rural diversification helps to broaden the economic activity of rural areas, providing opportunity and creating a more balanced and stable economy.”

- 2.10 PAN 73 also highlights the following which should be considered when assessing the current application.

### ***Farm Diversification***

“In the midst of these changes we should not lose sight of the intrinsic rural character that makes our countryside attractive to live and work in. Traditional sectors like farming and forestry are essential in retaining this rural character but these are changing too. Agricultural diversification

has meant farmers concentrating on new areas of agriculture, growing alternative crops, rearing new breeds and turning to organic farming. Farm diversification has involved farming families adapting even further and turning their skills to new businesses secondary to the main farm business. These enterprises may be an extension of the existing farm business but equally the new activity can be unrelated to agriculture. Some have been so successful in these new enterprises that farming is now their secondary activity. Farm diversification is therefore an integral part of wider rural diversification that enables farmers and their families to continue the farming activity while providing jobs and income for others in the community”.

### ***Recognising Individual Circumstances***

“Increasingly, many businesses are choosing to locate in rural areas not because they need to be there but because they want to be there. Improvements in IT have made companies more footloose and many businesses are able to serve their national and international markets from almost anywhere. This has helped to connect local producers to global markets. Many businesses are attracted to our rural areas because of the quality environment it offers. New facilities for such businesses should be welcomed in rural areas provided they are appropriate in scale, design and location.

Planners should be sensitive to the fact that land ownership, financial considerations, and site availability can also constrain business location. New premises or modest expansion can be of great significance to the operation of a company, and proposals sometimes bring significant benefits to communities with only minor environmental implications. Council planners should be realistic about the opportunities available to a new or expanding business and be aware of the real constraints that they sometimes face. One size does not fit all, and a flexible approach is often required to help businesses realise their opportunities. It is important to take into account the particular needs or special circumstances of a business, and be realistic about the resources available to them”.

### **3. Planning Assessment:**

- 3.1 The Report of handing in respect of application 2017/0294/TP contains the following paragraph:

“The proposal is not considered to be rural diversification. Rural diversification would be the branching out into a new operation of an existing established rural business. In this case, rather than

diversifying the existing business, a business currently operating for some time in the urban area, is proposed to be imported onto the site. No site specific justification has been given for the location of the business in the rural area, other than that it would suit the needs of the applicant”.

- 3.2 It is considered that this assessment fails to take a take account of the overall aim of Policy D3 of the Local Development Plan, or give any weight at all to the Government advice and guidance as set out in the National Planning Framework, Scottish Planning Policy and most importantly **Planning Advice Note 73**. Taken together these state that Planning Authorities should support and encourage proposals for rural diversification, particularly the diversification of farms, and must also give appropriate weight to personal circumstances.
- 3.3 The application proposal is not considered to be contrary to the policies of the Local Development Plan. **Policy D3**, the only policy referred to in the previous reason for refusal, states that “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”.
- 3.4 The proposed use of the building is not an inappropriate use in the rural area, it will have no adverse impacts and there were no objections to the previous application.
- 3.5 The relevant **Supplementary Guidance** states that non-residential development proposals that support rural diversification or maintain or enhance the rural economy will be considered favourably where a justification has been provided for its countryside location, and there would be a resultant economic, environmental or community benefit.
- 3.6 The farm at Little Lochbyre is essentially run on a **crofting basis** (although it cannot be registered as such on the basis that East Renfrewshire is not a 'crofting county'). The Scottish Government has reformed crofting so that it is fit for the 21st century. This is because it is recognised that crofting contributes to the Government's primary purpose, which is to create a more successful country, with opportunities for all of Scotland to flourish, through sustainable economic growth. It contributes to key national outcomes such as strong, resilient and supportive communities where people take responsibility for their own actions, and a built and natural environment that we value, enjoy, protect and enhance for future

generations. Crofting also plays a vital role in maintaining the population in remote rural areas, it provides a secure base for the development of small businesses and maintains and supports a range of unique habitats.

- 3.6 The proposal is clearly for **rural diversification** having regard to the Government advice contained in Planning Advice Note 73. This states:

"In its simplest terms, rural diversification means the establishment of new enterprises in rural locations. This can mean existing businesses entering into new areas of activity or the creation of entirely new enterprises".

- 3.7 Rural diversification helps to broaden the economic activity of rural areas, providing opportunity and creating a more balanced and stable economy. With respect to **farm diversification**, PAN 73 states that this:

"... has meant farmers concentrating on new areas of agriculture, growing alternative crops, rearing new breeds and turning to organic farming. Farm diversification has involved farming families adapting even further and turning their skills to new businesses secondary to the main farm business. These enterprises may be an extension of the existing farm business but equally the new activity can be unrelated to agriculture. Some have been so successful in these new enterprises that farming is now their secondary activity. Farm diversification is therefore an integral part of wider rural diversification that enables farmers and their families to continue the farming activity while providing jobs and income for others in the community".

- 3.8 PAN73 also states that planning authorities must recognise individual circumstances, and that planners should be sensitive to the fact that land ownership, financial considerations, and site availability can also constrain business location. It is therefore important to take into account the particular needs or special circumstances of a business, and be realistic about the resources available to them.

- 3.9 The existing Bonnyton Designs business has been operating for 32 years from premises in Eaglesham. It is a successful and economically viable business that has built up an exceptional reputation. If it cannot relocate, it will close. Having regard to the applicant's agricultural commitments at Little Lochbyre, the only practical site to relocate the business to is the farm. Any other solution would require the applicant to 'commute' from the farm in order to continue to run the business. This is both impractical and unsustainable.



3.10 In the assessment of the previous application, had PAN 73 been given appropriate weight, having regard to the particular needs of the applicant, it is considered that approval should have been forthcoming on the basis that it was for a proposal for appropriate rural diversification, that will bring an additional income stream into an existing farming enterprise. As PAN 73 states, farm diversification has involved farming families adapting even further and turning their skills to new businesses secondary to the main farm business. These enterprises may be an extension of the existing farm business, but equally the new activity can be unrelated to agriculture.

#### 4. Conclusions

4.1 In conclusion, the grounds for requesting that the application proposal be reconsidered can be summarised as follows:

- The existing business must relocate to a new location; if it does not, it will close;
- The applicant's farming commitments mean that the only practical site for the business to relocate to is the site at Little Lochbyre;
- The proposal is not considered to be contrary to Policy D3 of the Council's Local Development Plan;
- The Planning Officer has failed to give any weight to the Government advice on rural diversification contained in Planning Advice Note 73, which is a relevant material consideration;
- This states that rural diversification means the establishment of new enterprises in rural locations, and can mean existing businesses entering into new areas of activity, or the creation of entirely new enterprises;
- PAN73 also states that planning authorities must take into account the particular needs or special circumstances of a business, and be realistic about the resources available to them; and
- The application proposal will have no adverse impact on the function of the Countryside Around Towns, or the viability of important agricultural land, and the development will be sympathetic in scale and design to the rural location and landscape.

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**REQUEST FOR REVIEW OF DECISION TO  
REFUSE PLANNING PERMISSION FOR THE  
ERECTION OF A CRAFT WORKSHOP,  
LAND AT LITTLE LOCHBYRE FARM, CAIRN  
ROAD, NEWTON MEARN, G77 6SG  
(PLANNING REFERENCE 2017/0521/TP)**

**GROUNDS FOR REVIEW**

**Submitted on behalf of Mr and Mrs Steel by**



**MH Planning**  
Associates

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**REQUEST FOR REVIEW OF DECISION TO REFUSE PLANNING PERMISSION FOR THE ERECTION OF A CRAFT WORKSHOP, LAND AT LITTLE LOCHBYRE FARM, CAIRN ROAD, NEWTON MEARNES, G77 6SG (PLANNING REFERENCE 2017/0521/TP)**

**1. The Review Application:**

- 1.1 Mrs Steel and her husband (Allan) established Little Lochbyre Farm in 2010 when they purchased approximately 5.5 ha (13.6 acres) of land, erected on this an agricultural storage building, and established their breeding herd of pigs/flocks of sheep. They now also have rental agreements in place in respect of additional areas of land, bringing the total area of their holding to approximately 14.3 ha (35.5 acres). In a relatively short period of time Mr and Mrs Steel, through hard work and dedication, have established a successful agricultural enterprise specialising in ethically produced, high quality meat, from rare breed pigs (Gloucestershire Old Spot and British Saddleback) and sheep (Shetland and Soay). They are registered with the Rare Breeds Survival Trust (RBST), the Soay Sheep Society, Shetland Sheep Society and British Pig Association (BPA).
- 1.2 The review application was submitted in order to allow an existing local business (Bonnyton Designs) to relocate, from premises in Eaglesham, to Little Lochbyre Farm, Newton Mearnes. Bonnyton Designs was established 32 years ago by the applicant (Susan Steel) and her mother (Marlyn), and specialises in bouquet preservation, and the framing of preserved flowers (see <http://www.bonnytondesigns.com/>) for details.
- 1.3 The business currently operates from Mrs Steel's mother's home. She is however going to retire, and her daughter (the applicant), and her granddaughter, will take over the running of the business. Mrs Steel and her daughter will run the business alongside the farming activities at Little Lochbyre Farm, which is where they currently live. Given the unique nature of the existing business, and in particular the fast response need to preserve fresh flowers, it is fundamental to its continued success that the required facilities are located close to where the applicant resides.
- 1.4 The relocation of the existing Bonnyton Designs business, from Eaglesham to Little Lochbyre Farm, will therefore represent an appropriate diversification of a successful agricultural enterprise. It will ensure that Bonnyton Designs can continue providing for its existing customer base, whilst also ensuring that Mrs Steel can remain on the farm, attending to her livestock.
- 1.5 For the Bonnyton Designs business to operate successfully, a separate working area is required. For this reason, Mr and Mrs Steel applied to erect

a small timber building measuring just 9m (30') x 3.6 (12'). This would be sited next to their existing agricultural storage building, and would replace an existing shipping container (see photograph 1 below).



**Photograph 1:** Site of proposed new timber building

- 1.6 Notwithstanding the fact that the application was for the relocation of a successful and established business, that it represents appropriate rural diversification (having regard to Government Advice contained in **Planning Advice Note 73**) and that it would have operated alongside, and helped to diversify, an existing agricultural holding, planning permission was refused on 12 September 2017 for the following three reasons:
1. The proposal is contrary to Strategic Policy 2 of the adopted East Renfrewshire Local Development Plan as the applicant has not demonstrated that there are no suitable alternative locations for the craft workshop within the urban area.
  2. The proposal is contrary to Policy D3 of the adopted East Renfrewshire Local Development Plan as the proposed craft workshop is not related to agriculture, forestry, outdoor recreation, renewable energy or another use that would be appropriate to the rural area and no satisfactory site-specific justification for the workshop has been given.
  3. The proposal is contrary to the adopted Supplementary Planning Guidance: Rural Development as it does not relate to rural

diversification and no adequate justification has been given for its countryside location.

## 2. Planning Policy and Material Considerations:

2.1 Section 25 of the Town and County Planning (Scotland) Act 1997 states that where in making any determination under the planning act regard is to be had to the Development Plan, the determination shall be in accordance with the plan unless material considerations indicate otherwise. The Development Plan relevant to the review application currently comprises:

- The Glasgow and Clyde Valley Strategic Development Plan (2012); and
- The East Renfrewshire Local Development Plan (2015)

2.2 The review application was refused because the Planning Officer was of the opinion that it was not supported by **Strategic Policy 2** or **Policy D3** of the Local Development Plan.

2.3 **Strategic Policy 2** states that proposals for new development, other than smaller scale proposals (such as applications for single houses, householder or shop frontage alterations), will be assessed against the criteria below:

1. A proven need for the development.
2. The consideration of alternative locations, forms and layout of development.
3. Resulting community and economic benefits.
4. The impact on communities, individual properties and existing land uses.
5. The impact on existing and planned infrastructure.
6. The transport impact of the development, taking into account the need for a Transport Assessment and the scope for Green Transport Plans.
7. The impact on the built and natural environment, including local greenspace, the wider greenspace network, and the Green Belt, taking into account the need for Environmental Impact Assessment.
8. The impact on air, soil and water quality.
9. The potential for remedial or compensatory environmental measures.
10. The contribution to energy reduction and sustainable development.
11. The impact on health and well being.

12. The cumulative impact of the development.
13. The impact of proposals on other proposals set out in the Local Plan.
14. The suitability of proposals when assessed against any approved Supplementary Planning guidance.

2.4 **Policy D3** states that 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.

2.5 Further detailed information and guidance is provided in the **Rural Development Guidance** Supplementary Planning Guidance. This states that

“Within East Renfrewshire, the policy will try to strike a fair balance between the need to protect and enhance the countryside setting and potential opportunities for appropriate development. When assessing any proposals, the Council will consider the location and siting of the building and its impact on the character of the local area. Also important are the scale, proportions and materials proposed to be used.

Other non-residential development proposals that support rural diversification or maintain or enhance the rural economy will be considered favourably where it is clearly demonstrated that:

- Justification has been provided for its countryside location;
- Any existing building is not capable of physical repair and re-use through the submission and verification of a thorough structural condition report;
- There would be a resultant economic, environmental or community benefit from the proposal;
- The level of traffic and any other disturbances resulting from the development, such as noise and light, do not prejudice rural character and the environment;
- The requirement for new development is supported by a business plan that demonstrates longer term viability;
- The design criteria set out in this guidance has been taken into account.



- 2.6 Local Development Plan **Policy D3**, and its supporting **Supplementary Planning Guidance** clearly aim to encourage proposals that support rural diversification, or maintain or enhance the rural economy.

### ***Material Considerations***

- 2.7 A set out above, when determining any planning application, relevant material considerations must be given appropriate weight. In the current case, the following material considerations are particularly relevant:

### ***National Planning Framework 3 (2014)***

- 2.8 National Planning Framework 3 supports the many and varied opportunities for planning to promote business and employment. These range from a focus on the role of cities as key drivers of our economy, to the continuing need for diversification of our rural economy to strengthen communities and retain young people in remote areas. Planning should address the development requirements of businesses and enable key opportunities for investment to be realised. It can support sustainable economic growth by providing a positive policy context for development that delivers economic benefits.

### ***Scottish Planning Policy (2014)***

- 2.9 Similarly, Scottish Planning Policy states that increasing sustainable economic growth is the overarching purpose of the Scottish Government. Achieving this requires a planning system that enables the development of growth enhancing activities across Scotland, whilst protecting and enhancing the quality of the natural and built environment. Planning authorities should respond positively to the diverse needs and locational requirements of different sectors and sizes of businesses; to support development which will provide new employment opportunities, and enhance local competitiveness. Paragraph 79 of SPP in particular states that Development Plans should set out a spatial strategy which reflects the development pressures, environmental assets, and economic needs of the area, reflecting the overarching aim of supporting diversification and growth of the rural economy.

### ***Planning Advice Note 73 – Rural Diversification***

- 2.10 In addition to the above, PAN73 is a significant material consideration in the context of the review application. This states that there are a number of ways in which planning can assist those in rural communities who want

to start new businesses or develop their existing business. Planners should therefore support rural diversification by recognising individual circumstances; one size does not fit all and a flexible approach is often required to help businesses realise their opportunities.

- 2.11 It is therefore important to take into account the particular needs or special circumstances of a business and be realistic about the resources available to them. PAN 73 contains the following paragraphs of advice all of which offer further support for the current proposal:

“In its simplest terms, rural diversification means the establishment of new enterprises in rural locations. This can mean existing businesses entering into new areas of activity or the creation of entirely new enterprises. With more people enjoying access to the countryside rural Scotland has nurtured a growing tourism and leisure sector, but widespread access to rural areas has also meant that many people can now choose to live in the countryside but continue to work in urban centres. Developments in information and communications technology mean that activities previously requiring a city office can now be done almost anywhere and many people are choosing to both live and work in our rural areas. Rural diversification helps to broaden the economic activity of rural areas, providing opportunity and creating a more balanced and stable economy.”

- 2.12 PAN 73 also highlights the following which should be considered when assessing the review application.

### ***Farm Diversification***

“In the midst of these changes we should not lose sight of the intrinsic rural character that makes our countryside attractive to live and work in. Traditional sectors like farming and forestry are essential in retaining this rural character but these are changing too. Agricultural diversification has meant farmers concentrating on new areas of agriculture, growing alternative crops, rearing new breeds and turning to organic farming. Farm diversification has involved farming families adapting even further and turning their skills to new businesses secondary to the main farm business. These enterprises may be an extension of the existing farm business but equally the new activity can be unrelated to agriculture. Some have been so successful in these new enterprises that farming is now their secondary activity. Farm diversification is therefore an integral part of wider rural diversification that enables farmers and their families to continue the farming activity while providing jobs and income for others in

the community”.

### **Recognising Individual Circumstances**

“Increasingly, many businesses are choosing to locate in rural areas not because they need to be there but because they want to be there. Improvements in IT have made companies more footloose and many businesses are able to serve their national and international markets from almost anywhere. This has helped to connect local producers to global markets. Many businesses are attracted to our rural areas because of the quality environment it offers. New facilities for such businesses should be welcomed in rural areas provided they are appropriate in scale, design and location.

Planners should be sensitive to the fact that land ownership, financial considerations, and site availability can also constrain business location. New premises or modest expansion can be of great significance to the operation of a company, and proposals sometimes bring significant benefits to communities with only minor environmental implications. Council planners should be realistic about the opportunities available to a new or expanding business and be aware of the real constraints that they sometimes face. One size does not fit all. and a flexible approach is often required to help businesses realise their opportunities. It is important to take into account the particular needs or special circumstances of a business, and be realistic about the resources available to them”.

- 2.14 None of these relevant material considerations appear to have been given any weight by the Planning Officer in his Report of Handling. They have been dismissed in the following single paragraph:

*“As noted above, the supporting statement argues that the proposal should be considered as rural diversification and that it is required to be located on the proposed site to suit the applicant. NPF3, SPP2014 and PAN73 all promote new business and employment opportunities in the rural area and PAN73 defines and promotes rural diversification. It is accepted that rural diversification can mean the "creation of entirely new enterprises". However, in order to be considered rural diversification, such new enterprises would need to have a demonstrable locational need to be in the rural area. Simply importing a business that has operated successfully without a rural location could not be considered rural diversification.”*

### 3. Grounds for Review:

- 3.1 In coming to his conclusion that planning permission should be refused it is considered that Planning Officer has failed to take a take account of the overall aim of Policy D3 of the Local Development Plan, or give appropriate weight to the Government advice and guidance as set out in the National Planning Framework, Scottish Planning Policy and most importantly **Planning Advice Note 73**. Taken together these state that Planning Authorities should support and encourage proposals for rural diversification, particularly the diversification of farms, and must also give appropriate weight to personal circumstances.
- 3.2 In the appellant's opinion, the review application is not contrary to policies of the Local Development Plan. **Policy D3** in particular states that "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".
- 3.4 The proposed use of the building is not an inappropriate use in the rural area, it will have no adverse impacts and there were no objections to the review application.
- 3.5 The relevant **Supplementary Guidance** states that non-residential development proposals that support rural diversification or maintain or enhance the rural economy will be considered favourably where a justification has been provided for its countryside location, and there would be a resultant economic, environmental or community benefit.
- 3.6 The farm at Little Lochbyre is essentially run on a **crofting basis** (although it cannot be registered as such on the basis that East Renfrewshire is not a 'crofting county'). The Scottish Government has reformed crofting so that it is fit for the 21st century. This is because it is recognised that crofting contributes to the Government's primary purpose, which is to create a more successful country, with opportunities for all of Scotland to flourish, through sustainable economic growth. It contributes to key national outcomes such as strong, resilient and supportive communities where people take responsibility for their own actions, and a built and natural environment that we value, enjoy, protect and enhance for future generations. Crofting also plays a vital role in maintaining the population in remote rural areas, it provides a secure base for the development of small businesses and maintains and supports a range of unique habitats.

3.6 The review proposal is clearly **rural diversification** having regard to the Government advice contained in Planning Advice Note 73. This states:

“In its simplest terms, rural diversification means the establishment of new enterprises in rural locations. This can mean existing businesses entering into new areas of activity or the creation of entirely new enterprises”.

3.7 Rural diversification helps to broaden the economic activity of rural areas, providing opportunity and creating a more balanced and stable economy. With respect to **farm diversification**, PAN 73 states that this:

“... has meant farmers concentrating on new areas of agriculture, growing alternative crops, rearing new breeds and turning to organic farming. Farm diversification has involved farming families adapting even further and turning their skills to new businesses secondary to the main farm business. These enterprises may be an extension of the existing farm business but equally the new activity can be unrelated to agriculture. Some have been so successful in these new enterprises that farming is now their secondary activity. Farm diversification is therefore an integral part of wider rural diversification that enables farmers and their families to continue the farming activity while providing jobs and income for others in the community”.

3.8 PAN73 also states that planning authorities must recognise individual circumstances, and that planners should be sensitive to the fact that land ownership, financial considerations, and site availability can also constrain business location. It is therefore important to take into account the particular needs or special circumstances of a business, and be realistic about the resources available to them.

3.9 The existing Bonnyton Designs business has been operating for 32 years from premises in Eaglesham. It is a successful and economically viable business that has built up an exceptional reputation. If it cannot relocate, it will close. Having regard to the applicant's agricultural commitments at Little Lochbyre, the only practical site to relocate the business to is the farm. Any other solution would require the applicant to 'commute' from the farm in order to continue to run the business. This is both impractical and unsustainable. Furthermore, the unique nature of the existing business, and in particular the fast response need to preserve fresh flowers, means that it is fundamental to its continued success that the required facilities are located close to where the applicant resides.

- 3.10 With respect to these personal circumstances, which are a material consideration having regard to the advice in PAN 73, the Planning Officer has merely said:

*“The applicant has not provided a satisfactory site specific justification for the location of the craft workshop in the rural area.”*

- 3.11 Had PAN 73 been given appropriate weight, as it should have been, having regard to the particular needs of the applicant, it is considered that the review application should have been able to have been supported on the basis that it is a proposal for appropriate rural diversification, that will bring an additional income stream into an existing farming enterprise. As PAN 73 states, farm diversification has involved farming families adapting even further and turning their skills to new businesses secondary to the main farm business. These enterprises may be an extension of the existing farm business, but equally the new activity can be unrelated to agriculture.

## 4. Conclusions

- 4.1 In conclusion, the grounds for seeking the review of the Council's refusal of the application can be summarised as follows:
- The existing business must relocate to a new location; if it does not, it will close;
  - The unique nature of the existing business, and in particular the fast response need to preserve fresh flowers, means that the required facilities must be located close to where the applicant resides;
  - The applicant's farming commitments mean that the only practical site for the business to relocate to is therefore the site at Little Lochbyre;
  - The proposal is thus not considered to be contrary to Strategic Policy 2 or Policy D3 of the Council's Local Development Plan;
  - The Planning Officer has failed to give appropriate weight to the Government advice on rural diversification contained in Planning Advice Note 73, which is a relevant material consideration;
  - This states that rural diversification means the establishment of new enterprises in rural locations, and can mean existing businesses

entering into new areas of activity, or the creation of entirely new enterprises;

- PAN73 also states that planning authorities must take into account the particular needs or special circumstances of a business, and be realistic about the resources available to them; and
- The application proposal will have no adverse impact on the function of the Countryside Around Towns, or the viability of important agricultural land, and the development will be sympathetic in scale and design to the rural location and landscape.

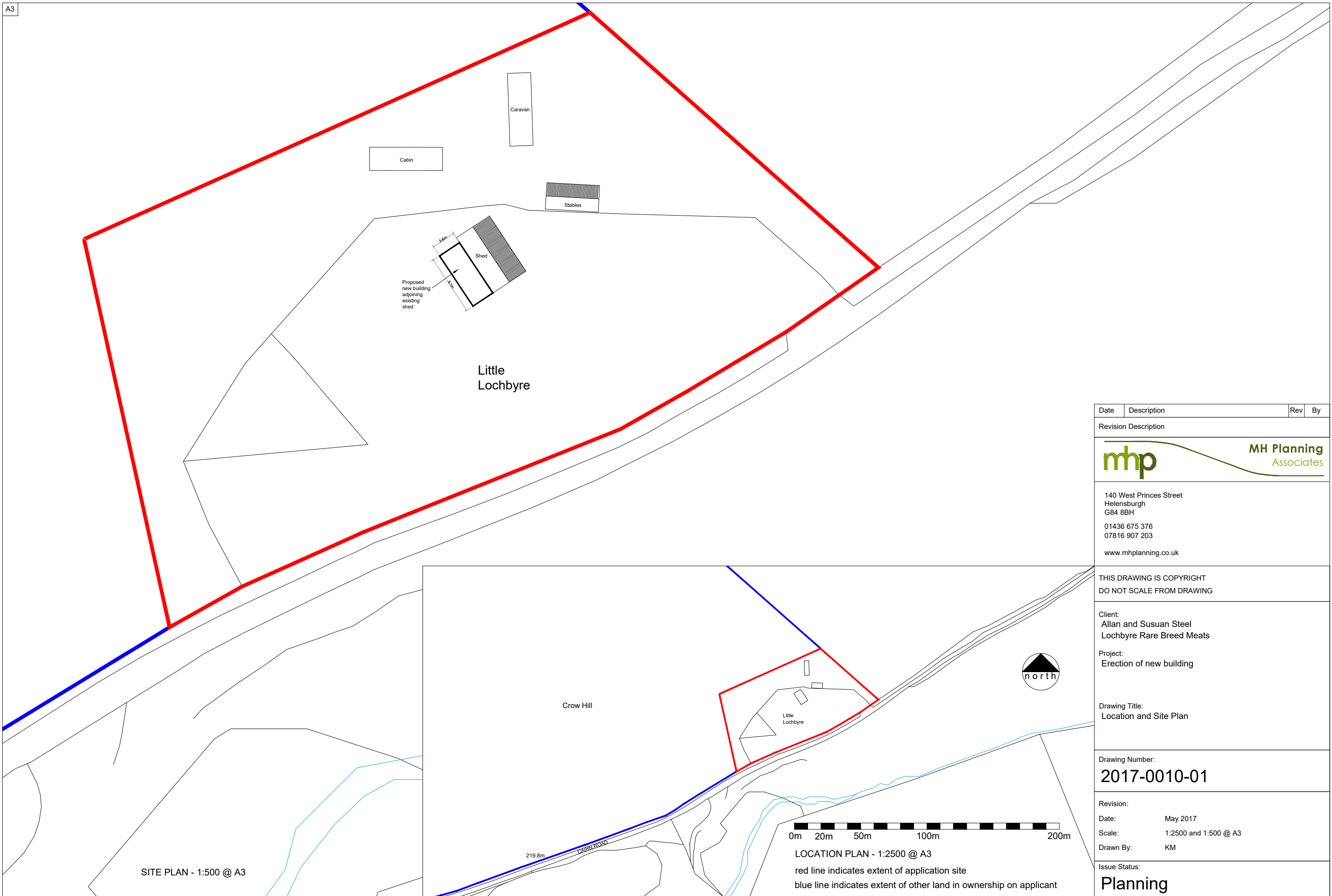
4.2 On the above basis, having regard to the application of Development Plan policy, and taking full account of the Government advice in PAN 73, it is hoped that the Council's Local Review Body will fully support this application, which would enable an established local business to continue to operate, on a site where there will be no adverse impacts.

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**PLANS/PHOTOGRAPHS/DRAWINGS**

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SITE PLAN - 1:500 @ A3

LOCATION PLAN - 1:2500 @ A3

red line indicates extent of application site  
 blue line indicates extent of other land in ownership on applicant

Date	Description	Rev	By
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Revision Description



140 West Princes Street  
 Helensburgh  
 G84 8BH  
 01436 675 376  
 07816 907 203  
 www.mhplanning.co.uk

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Client:  
 Allan and Susuan Steel  
 Lochbyre Rare Breed Meats

Project:  
 Erection of new building

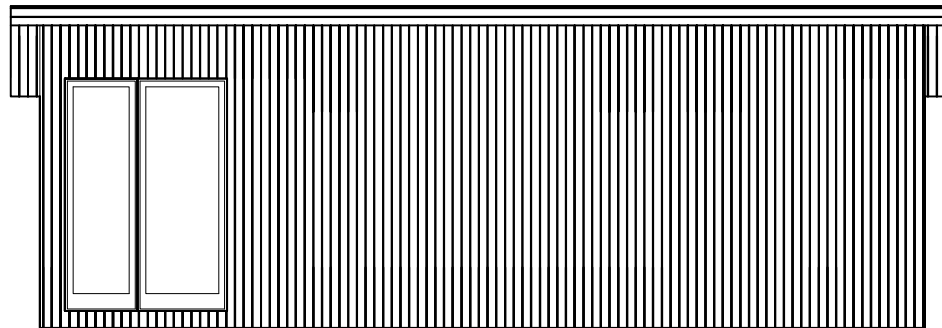
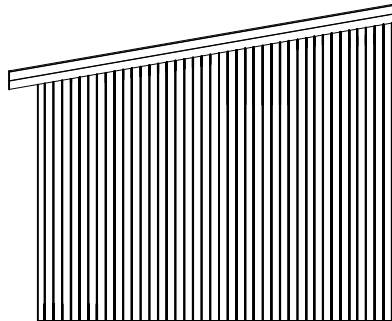
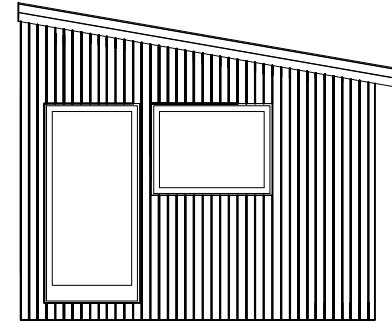
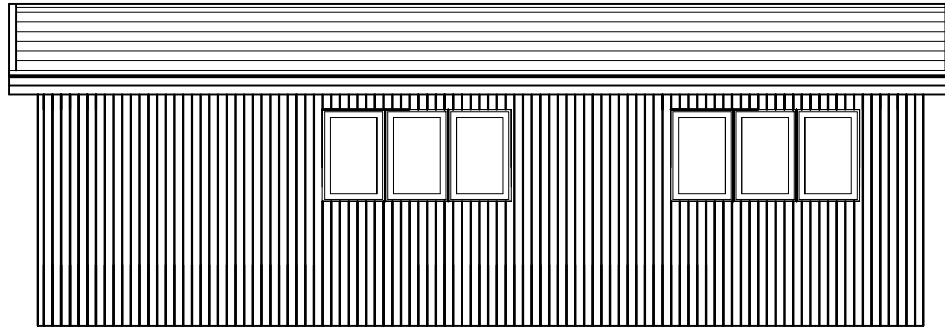
Drawing Title:  
 Location and Site Plan

Drawing Number:  
**2017-0010-01**

Revision:  
 Date: May 2017  
 Scale: 1:2500 and 1:500 @ A3  
 Drawn By: KM

Issue Status:  
**Planning**

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CLIENT

Mr & Mrs Steel

PROJECT

30ft x 12ft Office Space

TITLE

Elevations

SCALE

Not to scale

DATE

30/03/2017

DRAWN BY

TL

CHECKED BY

AR

DRAWING STATUS

Provisional

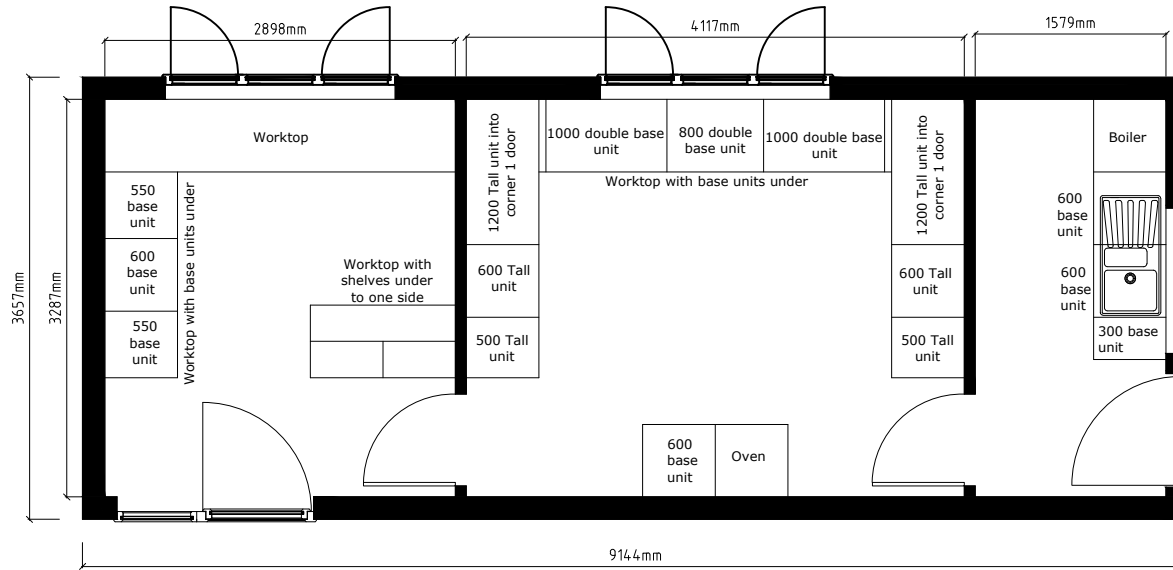
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CLIENT

Mr & Mrs Steel

PROJECT

30ft x 12ft Office Space

TITLE

Floor plan

SCALE

Not to scale

DATE

28/03/2017

DRAWN BY

KEB

CHECKED BY

AR

DRAWING STATUS

Provisional

DRAWING No

ST-28-03-2017-V1

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