#### EAST RENFREWSHIRE COUNCIL

#### **LOCAL REVIEW BODY**

6 September 2017

Report by Deputy Chief Executive

REVIEW OF CASE - REVIEW/2017/21

#### ERECTION OF CRAFT WORKSHOP AT LITTLE LOCH BYRE,

#### CAIRN ROAD, NEWTON MEARNS

#### **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:- 2017/0294/TP).

Applicant: Mr and Mrs Alan Steel.

Proposal: Erection of craft workshop.

Location: Little Loch Byre, Cairn Road, Newton Mearns.

Council Area/Ward: Newton Mearns South and Eaglesham (Ward 5)

#### **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 with 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 their 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 used in this regard.
- **11.** However, at the meeting of the Local Review Body on 10 August 2016, it was decided that the Local Review Body would carry out unaccompanied site inspections for every review case it received prior to the cases being given initial consideration at a meeting of the Local Review Body.
- **12.** In accordance with the above decision, an unaccompanied site inspection will be carried out immediately before the meeting of the Local Review Body on Wednesday, 6 September 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 193 202);
  - (b) Report of Handling by the planning officer under the Scheme of Delegation Appendix 2 (Pages 203 210);
  - (c) Decision notice and reasons for refusal Appendix 3 (Pages 211 214); and
  - (d) A copy of the applicants' Notice of Review and Statement of Reasons Appendix 4 (Pages 215 248).
- **15.** The applicant has 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 249 254).
  - (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 <a href="www.eastrenfrewshire.gov.uk">www.eastrenfrewshire.gov.uk</a> 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:-
    - 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:- August 2017

**APPENDIX 1** 

# **APPLICATION FORM**





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

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

Thank you for completing this application form:

ONLINE REFERENCE

100050411-001

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.

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 Building for Family Craft Business
Is this a temporary permission? <sup>★</sup>
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.) *
Has the work already been started and/or completed? *
No Pes – Started Pes - 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)

Agent Details					
Please enter Agent details					
Company/Organisation:	MILL Planning Accordates				
Ref. Number:		You must enter a Bu	ilding Name or Number, or both: *		
First Name: *	Martin	Building Name:			
Last Name: *	Brown	Building Number:	140		
Telephone Number: *	07446183423	Address 1 (Street): *	West Princes Street		
Extension Number:		Address 2:			
Mobile Number:		Town/City: *	Helensburgh		
Fax Number:		Country: *	Scotland		
		Postcode: *	G84 8BH		
Email Address: *	martinbrown@mhplanning.co.uk				
Is the applicant an individual or an organisation/corporate entity? *  Individual Organisation/Corporate entity					
Applicant Details					
Please enter Applicant de	etails				
Title:	Other	You must enter a Bu	ilding Name or Number, or both: *		
Other Title:	Mr and Mrs	Building Name:	Little Loch Byre		
First Name: *	Allan and Susan	Building Number:			
Last Name: *	Steel	Address 1 (Street): *	Cairn Road		
Company/Organisation		Address 2:			
Telephone Number: *		Town/City: *	Newton Mearns		
Extension Number:		Country: *	Scotland		
Mobile Number:		Postcode: *	G77 6SG		
Fax Number:					
Email Address: *					

Site Address [	<b>Details</b>			
Planning Authority:	East Renfrewshire C	ouncil		
Full postal address of the s	site (including postcode	where availab	ble):	_
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 th	e location of the site or :	sites		
Northing 6	551751		Easting	250006
Pre-Application	n Discussion	า		
Have you discussed your p	proposal with the planni	ng authority?	*	☐ Yes ☒ No
Site Area				
Please state the site area:		0.60		
Please state the measurer	nent type used:	X Hectares	s (ha) Square Metres (so	ı.m)
Existing Use				
Please describe the currer	nt or most recent use: *	(Max 500 cha	aracters)	
Agricultural Holding				
Access and Pa	arking			
Are you proposing a new a If Yes please describe and you propose to make. You	I show on your drawings	s the position of		☐ Yes ☒ No w access points, highlighting the changes mpact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of acce	ss? *
If Yes please show on your drawings the position of any affected areas highlighting the changes you p arrangements for continuing or alternative public access.	ropose to make, including
How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?	4
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)? *	4
Please show on your drawings the position of existing and proposed parking spaces and identify if the types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).	se are for the use of particular
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 i	t (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 determined. You may wish to contact your Planning Authority or SEPA for advice on what information	
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 any are to be cut back or felled.	to the proposal site and indicate if
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)
Council Recycling Bins
Residential Units Including Conversion
Does your proposal include new or additional houses and/or flats? *
All Types of Non Housing Development – Proposed New Floorspace
Does your proposal alter or create non-residential floorspace? *
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): *
Don't Know
Gross (proposed) floorspace (In square meters, sq.m) or number of new (additional) Rooms (If class 7, 8 or 8a): *
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)
building to be used for small family run craft business
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 *
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 Yes X No elected member of the planning authority? *

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 mo Certificate B, Certificate C or Certificate E.	st usually Certificate A, Form 1,				
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 Regulations 2013	Management Procedure) (Scotland)				
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 period 21 days ending with the date of the application.	th the application relates at the beginning of				
(2) - The land to which the application relates constitutes or forms part of an agricultural hold	ing 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 period 21 days ending with the date of the application.	th the application relates at the beginning of				
(2) - The land to which the application relates constitutes or forms part of an agricultural hold	ing and there are agricultural tenants.				
Name:					
Address:					
Date of Service of Notice: *					

	plicant has taken reasonable steps, as listed below, to ascertain the names and addresses of the other owners or and *have/has been unable to do so –
Signed:	Martin Brown
On behalf of:	Mr and Mrs Allan and Susan Steel
Date:	01/05/2017
	☑ Please tick here to certify this Certificate. *
Checklist -	– Application for Planning Permission
Town and Country	Planning (Scotland) Act 1997
The Town and Cou	intry Planning (Development Management Procedure) (Scotland) Regulations 2013
in support of your a	moments to complete the following checklist in order to ensure that you have provided all the necessary information application. Failure to submit sufficient information with your application may result in your application being deemed any authority will not start processing your application until it is valid.
that effect? *	r application where there is a variation of conditions attached to a previous consent, have you provided a statement to  Not applicable to this application
you provided a stat	cation for planning permission or planning permission in principal where there is a crown interest in the land, have sement to that effect? *  Not applicable to this application
development belon you provided a Pre	cation for planning permission, planning permission in principle or a further application and the application is for ging to the categories of national or major development (other than one under Section 42 of the planning Act), have -Application Consultation Report? *  Not applicable to this application
Town and Country	Planning (Scotland) Act 1997
The Town and Cou	intry Planning (Development Management Procedure) (Scotland) Regulations 2013
major development Management Proce	cation for planning permission and the application relates to development belonging to the categories of national or its and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development edure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *  Not applicable to this application
to regulation 13. (2) Statement? *	cation for planning permission and relates to development belonging to the category of local developments (subject ) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design
│	☑ Not applicable to this application
ICNIRP Declaration	n relates to installation of an antenna to be employed in an electronic communication network, have you provided an n? *  Not applicable to this application

		ng permission in principle, an a e you provided any other plan		
Site Layout Plan or Block     Elevations.     Floor plans.     Cross sections.     Roof plan.     Master Plan/Framework     Landscape plan.     Photographs and/or photographs.     Other.	Plan.			
If Other, please specify: * (M	ax 500 characters)			
Provide copies of the following	g documents if applicable:			
Drainage/SUDS layout. * A Transport Assessment or T Contaminated Land Assessm Habitat Survey. * A Processing Agreement. * Other Statements (please sp	n and Access Statement. * ent (including proposals for S ravel Plan ent. * ecify). (Max 500 characters)	Sustainable Drainage Systems instance, given the type and s		<ul> <li>Yes</li></ul>
Declare – For A	pplication to P	anning Authorit	:y	
I, the applicant/agent certify t Plans/drawings and additiona		he planning authority as descr s a part of this application.	ribed in this form. The a	ccompanying
Declaration Name:	Mr Michael Hyde			
Declaration Date:	02/05/2017			
Payment Details	5			
				Created: 02/05/2017 10:04

APPENDIX 2

# **REPORT OF HANDLING**



# REPORT OF HANDLING

Reference: 2017/0294/TP Date Registered: 2nd May 2017

Application Type: Full Planning Permission This application is a Local Development

Ward: 5 -Newton Mearns South

Co-ordinates: 250006/:651751

Applicant/Agent: Applicant: Agent:

Mr and Mrs Allan and Susan Steel MH Planning Associates

Little Loch Byre

Cairn Road 140 West Princes Street

Martin Brown

Helensburgh

G84 8BH

**Newton Mearns** East Renfrewshire

G77 6SG

Proposal: Erection of craft workshop

Location: Little Loch Byre

> Cairn Road **Newton Mearns** East Renfrewshire

G77 6SG

**CONSULTATIONS/COMMENTS:** 

Roads Network Manager

**PUBLICITY:** 

19.05.2017 Glasgow and Southside Expiry date 02.06.2017

Extra

**SITE NOTICES:** None.

SITE HISTORY:

2010/0482/PN Erection of agricultural Granted 12.08.2010

shed

2011/0499/TP Siting of farmer workers Approved Subject

caravan for temporary period of three years (in

retrospect)

30.09.2011

to Conditions

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 Approved Subject 29.10.2014

caravan to Conditions

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

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

#### SUPPORTING REPORTS:

A supporting statement has been submitted with the application. The statement describes the site, the current activity on the site and its planning history. It also describes the proposed development and the existing craft business run from Bonnyton Drive, Eaglesham. The craft business relates to the preservation and pressing of bouquets of flowers. It explains that the business is to be relocated to the rural area as the applicant's mother, who currently runs the business, wishes to retire. The applicant proposes to take over the business and it would be more convenient to be located in close proximity to the applicant.

#### ASSESSMENT:

The application site comprises part of an established 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 motorway. The smallholding extends to 35.5 acres of rough grazing/grassland. The farm buildings consist of a steel storage building, a residential caravan and an agricultural storage shed (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 an existing craft business which is currently operated from the home of the applicant's mother in the village of Eaglesham. This use would be discrete from the existing agricultural business that operates on the site.

The proposal requires to be assessed with regard to 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.

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.

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.

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.

The proposal is therefore considered to be contrary to 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.

The proposal is also considered to be contrary to the adopted Supplementary Planning Guidance: Rural Development as it does not relate to rural development and no satisfactory justification has been given for its countryside location.

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

The material considerations and other information cited in the supporting statement do not outweigh the above considerations.

**RECOMMENDATION: Refuse** 

PLANNING OBLIGATIONS: None.

#### **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 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.
- 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.

ADDITIONAL NOTES: None.

ADDED VALUE: None

**BACKGROUND PAPERS:** None

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

Ref. No.: 2017/0294/TP

(DESC)

DATE: 23rd June 2017

**DIRECTOR OF ENVIRONMENT** 

Reference: 2017/0294/TP - Appendix 1

#### **DEVELOPMENT PLAN:**

#### **Strategic Development Plan**

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

#### Adopted East Renfrewshire Local Development Plan

Policy D1

Detailed Guidance for all Development

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

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

- 12. Where possible, all waste material arising from construction of the development should be retained on-site for use as part of the new development;
- 13. Where applicable, new development should take into account the legacy of former mining activity;
- 14. Development should enhance the opportunity for and access to sustainable transportation, including provision for bus infrastructure, and particularly walking and cycle opportunities including cycle parking and provision of facilities such as showers/lockers, all where appropriate. The Council will not support development on railways solums or other development that would remove opportunities to enhance pedestrian and cycle access unless mitigation measures have been demonstrated;
- 15. The Council requires the submission of a design statement for national and major developments. Design statements must also be submitted in cases where a local development relates to a site within a conservation area or Category A listed building in line with Planning Advice Note 68: Design Statements.
- 16. Where applicable, developers should explore opportunities for the provision of digital infrastructure to new homes and business premises as an integral part of development.

#### Policy D3

Green Belt and Countryside Around Towns

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

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

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

**GOVERNMENT GUIDANCE: None** 

Finalised 23.06.2017.IM.



**APPENDIX 3** 

# DECISION NOTICE AND REASONS FOR REFUSAL



# 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. 2017/0294/TP

Applicant

Mr and Mrs Allan and Susan Steel Little Loch Byre Cairn Road Newton Mearns East Renfrewshire G77 6SG Agent:

MH Planning Associates Martin Brown 140 West Princes Street Helensburgh G84 8BH

With reference to your application which was registered on 2nd May 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:-

- 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.
- 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 23rd June 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

Plan Description	Drawing Number	Drawing Version	Date on Plan
Block Plan and Location Plan	0010-01		
Proposed			
Plans Proposed	28		
Elevations Proposed	30		

# 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 <a href="https://www.eplanning.scotland.gov.uk">www.eplanning.scotland.gov.uk</a>. Alternatively, you can download a Notice of Review form (along with notes for guidance) from <a href="https://www.eastrenfrewshire.gov.uk/planning-appeals-reviews">www.eastrenfrewshire.gov.uk/planning-appeals-reviews</a> 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

**APPENDIX 4** 

# NOTICE OF REVIEW AND STATEMENT OF REASONS





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

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

Thank you for completing this application form:

ONLINE REFERENCE

100061589-001

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.

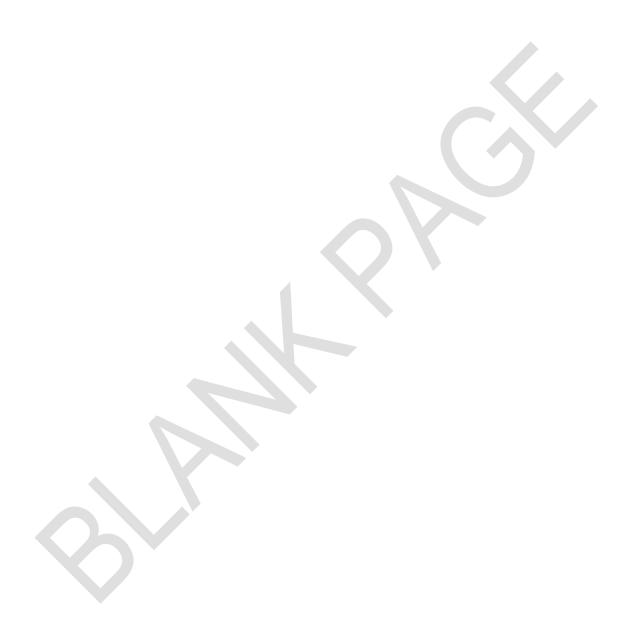
Applicant or Agent Details						
Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)						
Agent Details						
Please enter Agent details	S					
Company/Organisation:	MH Planning Associates					
Ref. Number:		You must enter a B	uilding Name or Number, or both: *			
First Name: *	Michael	Building Name:				
Last Name: *	Hyde	Building Number:	140			
Telephone Number: *	07816 907203	Address 1 (Street): *	West Princes Street			
Extension Number:		Address 2:				
Mobile Number:		Town/City: *	Helensburgh			
Fax Number:		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:		
Last Name: *	Steel	Address 1 (Street): *	Cairn Road	
Company/Organisation		Address 2:		
Telephone Number: *		Town/City: *	Newton Mearns	
Extension Number:		Country: *	Scotland	
Mobile Number:		Postcode: *	G77 6SG	
Fax Number:				
Email Address: *				
Site Address	Details			
Planning Authority:	East Renfrewshire Council			
Full postal address of th	ne 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	

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 a 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.
The review application is for appropriate "rural development" and is supported by both LDP Policy D3 and Planning Advice Note 73, which is a material consideration. Full reasons for seeking the review are contained in the 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? *
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 to rely on in support of your review. You can attach these documents electronically later in the			d intend		
Grounds for Review					
Application Details					
Please provide details of the application and decision.					
What is the application reference number? *	2017/0294/TP				
What date was the application submitted to the planning authority? *	02/05/2017				
What date was the decision issued by the planning authority? *	23/06/2017				
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 \sum 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? *					
Is it possible for the site to be accessed safely and without barriers to entry? *	$\boxtimes$	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 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?. *	X Yes ☐ No		
Have you provided the date a review? *	and reference number of the application which is the subject of this	☑ Yes ☐ No		
, , , , ,	n behalf of the applicant, have you provided details of your name nether any notice or correspondence required in connection with the or the applicant? *	X Yes ☐ No ☐ N/A		
	nt setting out your reasons for requiring a review and by what 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 *		X 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:	02/08/2017			



APPLICATION FOR PLANNING PERMISSION FOR THE INSTALLATION OF A BUILDING FOR BUSINESS PURPOSES, LAND AT LITTLE LOCHBYRE FARM, CAIRN ROAD, NEWTON MEARNS, G77 6SG

# SUPPORTING PLANNING STATEMENT

Submitted on behalf of Mr and Mrs Steel by





APPLICATION FOR PLANNING PERMISSION FOR THE INSTALLATION OF A BUILDING FOR BUSINESS PURPOSES, LAND AT LITTLE LOCHBYRE FARM, CAIRN ROAD, NEWTON MEARNS, G77 6SG

#### SUPPORTING PLANNING STATEMENT

### 1. Site Description:

1.1 The application site is part of an agricultural holding known as Little Lochbyre Farm. It is located to approximately 6 km to the south-west of Newton Mearns, to the west of the M77 motorway. The farm comprises 14.3 ha (35.5) acres of rough grazing/temporary grassland. The farm falls within a wider area of land designated as Green belt and Countryside Around Towns (see extract from Supplementary Guidance below). Little Loch and Brother Loch to the north-east are a Site of Special Scientific Interest (SSSI) and Black Loch, to the south, is a Site of Importance for Nature Conservation (SINC). The farm currently comprises an agricultural storage building (also used for lambing when necessary), a steel storage building, a residential static cabin and additional small ancillary structures.

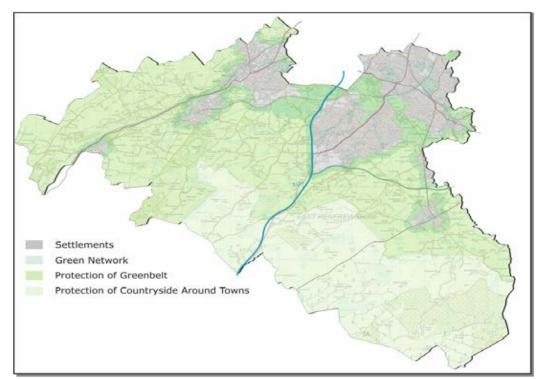


Figure 1: Extract from East Renfrewshire Council SPG Rural Development

## 2. Relevant Planning History:

- 2.1 On checking the Council's online planning portal, the following planning applications are relevant to the site;
  - 2014/0631/TP Sitting of residential caravan Permission granted on 29 October 2014
  - 2014/0390/PN Erection of three polytunnels (prior notification)
     Considered to be permitted development under the terms of the Town and Country Planning (General Permitted Development)
     (Scotland) Order 1992 on 13 June 2014
  - 2011/0499/TP Sitting of farmer workers caravan for temporary period of three years (in retrospect)
     Permission granted on 30 September 2011
  - 2010/0482/PN Erection of agricultural shed Permission granted 12 August 2010

# 3. Proposed Development:

- 3.1 The proposed development is to site a new building adjacent to the existing general purpose agricultural shed. The building would measure approximately 9.1m x 3.7m on plan, and 3m in height at the highest point. The building would be finished with vertical wood effect cladding to the walls, and comprise a mono-pitch roof.
- 3.2 The purpose of the building is in connection with the existing family run craft business Bonnyton Designs. The business is well established, having been started 32 years ago by the applicant (Mrs Steel) and her mother. The main line of work undertaken by the business is bouquet preservation, including the framing of preserved flowers. The business is currently located at nearby Eaglesham, run from the converted detached garage of applicant mother's dwellinghouse. As the applicant (Mrs Steel) will now be taking over the business with her daughter, due to her mother retiring from the business, its relocation to the proposed site where the applicants reside represents the most suitable option given the nature of the business, and the fast response required to preserve fresh flowers. This would allow the applicant to continue the well-established craft business around the farming schedule and established agricultural enterprise based on the the site.
- 3.3 The working requirements of the relocated business of Bonnyton Designs will be explained in more detail under the Planning Assessment (section 6) of this supporting statement.

- 4. Relevant Development Plan Policies:
- 4.1 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".
- 4.2 The Development Plan relevant to the current planning application comprises the:
  - East Renfrewshire Council Local Development Plan (2015)
- 4.3 The following policies of the adopted Local Development Plan will be of direct relevance to the proposed development:

# Adopted Local Development Plan 2015

## Policy D3: Green Belt and Countryside Around Towns

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

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

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

## Policy 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.

## Statutory Supplementary Guidance

4.4 The Council's Supplementary Guidance (SG) supports the policies in the Local Development Plan and gives further guidance to developers. The following guidance is relevant to the current proposal:

## Supplementary Planning Rural Development Guidance

4.5 This guidance has been prepared under Section 22 of the Planning etc. Scotland Act 2006, in order to supplement the policies outlined in Policy D3 of the Local Development Plan when considering any form of development in the green belt or countryside around towns. The guidance highlights the following relative to this proposal;

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.

**Proportions** should be appropriate to the East Renfrewshire local rural scene. Consideration should be given to the overall dimensions of a building – its width, height, and depth of the walls together with the roof pitch combine to give the overall proportions of the building.

#### Location:

- Any new building should be located sensitively. New houses are less likely to look out of place if they are located appropriately.
- Buildings should be located in sheltered positions, nestling into the landscape and should avoid being located along the skyline.
- The requirement for under-building or any heavily engineered solutions should be kept to a minimum. There should be minimum change to the landform.
- Where there is existing woodland, this can be an effective way of merging new buildings into the landscape. Where trees exist they should be retained.
- Where there is little existing planting, greater care needs to be taken in terms of site selection and design and orientation of buildings.

#### 5. Other Material Considerations:

## 5.1 **Scottish Planning Policy 2014**

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. **Scottish Planning Policy** (SPP) notes that NPF3 sets out a vision for vibrant rural, coastal and island areas, with growing, sustainable communities supported by new opportunities for employment and education. The planning system should promote a pattern of

development that is appropriate to the character of the particular rural area and the challenges it faces; and encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality. 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.

# **Planning Advice Notes**

- 5.2 The following Planning Advice Notes (PANs) all contain relevant Government advice:
  - PAN 73 Rural Diversification (2005);
- 5.3 PAN 73 notes that the Scottish Ministers are committed to supporting rural life, rural communities and the rural economy. This includes promoting sustainable development in rural areas. The former SPP 15: Planning for Rural Development (now replaced by SPP) described how the planning system plays an important role in achieving these aims, and set out a vision for a more confident, forward looking and diverse rural Scotland.

It sets out that successful diversification means supporting existing businesses and traditional activities whilst embracing innovation, new activities and new business ideas. Affording people the opportunity to continue to work in rural areas helps them stay connected with their communities rather than become detached. Welcoming new people to our countryside helps maintain its vitality. Planning can respond positively to these demands of diversification and assist in ensuring that the vitality and vibrancy of our rural areas is maintained.

Rural diversification helps make our rural areas more sustainable. It allows individuals to continue to live in rural areas, close to their places of work, without needing to commute to towns or cities.

PAN 73 also realises that 'one size does not fit all', and that a flexible approach is often required to help businesses realise their opportunities.

# 5.4 Rural Scotland: Better Still, Naturally 2007

This publication confirms that the Scottish Government want to build on what is good, and tackle what is not so good, about rural Scotland. The

strategic aims, within the government's overarching strategy for sustainable development, include:

- broadening and strengthening the rural economy, including the skills base:
- protecting, maintaining and developing our natural and cultural assets;
- improving the accessibility and quality of public and commercial services that people and businesses depend upon;
- promoting social and economic inclusion; and
- helping to build resilient, sustainable rural communities;

Whilst the Scottish Executive and its agencies have a key role to play, they cannot and should make decisions on their own. The best results will be achieved through complementary, partnership approaches, including the active engagement and support of stakeholders across the sectors and across rural Scotland in strategy development, planning and delivery, to ensure approaches appropriate to particular areas and circumstances, minimise gaps and overlaps and avoid unintended consequences, inefficiencies and frustration.

http://www.scotland.gov.uk/Resource/Doc/173061/0048277.pdf

# 6. Planning Assessment:

- The key policy against which the application proposal must be assessed against is **Policy D3** of the adopted East Renfrewshire Council Local Development Plan, and subsequent Supplementary Planning Rural Development Guidance.
- 6.2 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 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.

6.3 PAN73 (Rural Diversification) is a significant material consideration in this context. 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. 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.

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."

6.4 In setting the current operational context for the site, over the past 6+ years the applicants have established an extremely 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). Sales of produce from Little Lochbyre is primarily through local farmers markets, which the applicants attend. They also supply their products to a number of selected local businesses, providing local economic benefits. The number and type of livestock was highlighted through supporting information submitted as part of the recent planning application 2014/0631/TP (approved 29 October 2014), and it was demonstrated and accepted by the Council the need for permanent presence on the site associated with the established agricultural business. In addition to this, the approval of 3No. polytunnels supports the growing of vegetables and plants on site.

- 6.5 **Policy D3** of the Adopted Local Development Plan looks to support development proposals appropriate to the rural area. Consideration will also be assessed as to the impact any proposals will have on the function of the green belt and countryside around towns and the viability of important agricultural land, with appropriate developments sympathetic in both scale and design to the rural location and landscape.
- In assessing the current proposal, this would see the siting of a relatively small scale building to support the existing small family run craft business of Bonnyton Designs. As previously highlighted under **Section 3** of this statement above, the business is well established, having been started 32 years ago by the applicant (Mrs Steel) and her mother. The main line of work undertaken by the business is bouquet preservation, including the framing of preserved flowers. The business operations are currently undertaken at nearby Eaglesham, run from the converted detached garage of applicants (Mrs Steel) mother's dwellinghouse. The requirement for relocation is due to the fact that the applicant's mother is retiring from the business, with the applicant and her daughter continuing the business operation. Given the established success of the business, it is not considered that any business plan would be required in this instance to demonstrate long term viability.
- 6.7 Given the nature of this crafts business, and in particular the fast response need to preserve fresh flowers, it is fundamental to the continued success of the business to have the required facilities close to where the applicant resides. It is therefore considered justifiable that, particularly with the accepted requirement for residence on the site, relocation of the business to the existing smallholding would be represent the best practical outcome, given the individual circumstance in this instance. This is in keeping with the spirit of PAN73 (Rural Diversification). In addition to this, given the nature of the craft business, and in particular there being no

need for any clients or visiting members of the public to visit the site, there would be no increased level of traffic to the site. Furthermore, the operational requirements of the business would not result in any noise of light disturbance, and would not therefore prejudice the rural character or environment.

6.8 The proposed building is very moderate in scale, measuring approximately 9.1m x 3.7m on plan. It would be sited immediately adjacent (west) to the existing general purpose shed located on site, replacing the corrugated storage container which is used to store tools for operational requirements on the site. This can be seen in **Figures 2 & 3** below.



Figure 2: Location of Proposed building



Figure 3: Location of Proposed building

- 6.9 While the new building could potentially be sited in order that it projects slightly beyond the gable of the existing shed (for orientation of the building required for access purposes given the predominant wind direction), it would be lower in overall height (similar to that of the storage container shown above). As a result, the proposal would not give rise to any significant detrimental visual impact on the character or landscape of the rural area.
- 6.10 In terms of the design of the building, this would be in keeping with that of the clad cabin on site, and therefore considered acceptable in appearance and in keeping with the character of the site. It is considered this would ensure a proposed finish that would be sympathetic to its rural location and landscape. The proposed building, similar to the existing buildings on the site associated with operations from the smallholding, would appear ancillary and subservient to the site.

#### 7. Conclusion

- 7.1 In conclusion, the applicants have demonstrated over the past 6+ years a significant commitment, both personal and financial, to the successful formation of Little Lochbyre Farm, and subsequent creation of the Little Lochbyre brand in a sympathetic manner appropriate to the rural location.
- 7.2 The proposed building required in order to relocate the established small craft family business would represent an acceptable standard of development, and use, appropriate to the rural area. The proposal would not result in any adverse impact on the character or setting of the rural countryside area in terms of landscape or amenity issues, especially given the design and scale of the proposed building as well as the operational requirements of the established business.
- 7.3 The proposal would therefore represent an appropriate form of diversification on the site, which would further enhance the economic benefits provided to surrounding local communities and area, while recognising the individual requirements of the applicants that will allow the continued success of the small family run craft business. This is in keeping with the spirit of the appropriate Local Development Plan Policy D1 and Policy D3, as well as PAN 73 (Rural Diversification), and planning permission should therefore be supported and approved for this proposal.

REQUEST FOR REVIEW OF DECISION TO REFUSE PLANNING PERMISSION FOR THE INSTALLATION OF A BUILDING FOR BUSINESS PURPOSES, LAND AT LITTLE LOCHBYRE FARM, CAIRN ROAD, NEWTON MEARNS, G77 6SG (PLANNING REFERENCE 2017/0294/TP)

# **GROUNDS FOR REVIEW**

Submitted on behalf of Mr and Mrs Steel by



MH Planning
Associates



REQUEST FOR REVIEW OF DECISION TO REFUSE PLANNING PERMISSION FOR THE INSTALLATION OF A BUILDING FOR BUSINESS PURPOSES, LAND AT LITTLE LOCHBYRE FARM, CAIRN ROAD, NEWTON MEARNS, G77 6SG (PLANNING REFERENCE 2017/0294/TP)

## 1. The Review Application:

- 1.1 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.
- 1.2 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 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 23 June 2017 for the following two reasons:
  - 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 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 **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 reuse 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 A set out above, when determinising 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 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.
- 2.9 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 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".

2.11 None of these relevant material considerations were referred to by the Planning Officer in his Report of Handling.

#### 3. Grounds for Review:

3.1 The Planning Officer, when assessing the review application, stated that in his opinion:

"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 In coming to this conclusion 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 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 review application is not contrary to policies of the Local Development Plan. **Policy D3**, the only policy referred to in the 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 review application.
- 3.5 The relevant **Supplementary Guidance** states that non-residential development proposals that <u>support rural diversification or maintain or enhance the rural economy will be considered favourably</u> 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. 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:

"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."

- 3.10 With reference to the Planning Officer's report, it is noted that the clear Government advice on Rural Diversification contained in PAN 73 has not been taken into account in any way. In Appendix 1, under the heading "GOVERNMENT GUIDANCE" his report simply says "None".
- 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 Councils 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 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 weigh 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 support this application, which will then enable an established local business to continue to operate, on a site where there will be no adverse impacts.

**APPENDIX 5** 

# PLANS/PHOTOGRAPHS/DRAWINGS



