

EAST RENFREWSHIRE COUNCILLOCAL REVIEW BODY9 August 2023Report by Director of Business Operations and PartnershipsREVIEW OF CASE - REVIEW/2023/07ERECTION OF DWELLINGHOUSE**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: Further application (Ref No:- 2022/0735/TP).
- Applicant: Mr and Mrs Miller
- Proposal: Erection of Dwellinghouse.
- Location: Hazelden Mains Farm, 23 Hazelden Road, Newton Mearns, G77 6RR.
- Council Area/Ward: Newton Mearns South and Eaglesham (Ward 5).

REASON FOR REQUESTING REVIEW

3. The applicant has 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; or
 - (b) that 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 (Operations).

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

NOTICE OF REVIEW – STATEMENT OF REASONS FOR REQUIRING THE REVIEW

8. The applicant in submitting the review has stated the reasons for requiring the review of the determination of the application. A copy of the applicant’s Notice of Review and Statement of Reasons including appeal statement is attached as Appendix 5.

9. The applicant is 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 has detailed in their opinion that this review can continue to conclusion based on the assessment of the review documents only, with no further procedure.

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

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

12. In accordance with the above decision, the Local Review Body will carry out an unaccompanied site inspection on Wednesday, 9 August 2023 before the meeting of the Local Review Body which begins at 2.30pm.

INFORMATION AVAILABLE TO ALLOW REVIEW OF APPLICATION

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

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

- (a) Application for planning permission – Appendix 1 (Pages 125 - 134);
- (b) Consultation responses – Appendix 2 (Pages 135 - 144);
- (c) Reports of Handling by the planning officer under the Scheme of Delegation - Appendix 3 (Pages 145 - 168);
- (d) Decision notice and reasons for refusal - Appendix 4 (Pages 169 - 178); and
- (d) A copy of the applicant's Notice of Review and Statement of Reasons including appeal statement - Appendix 5 (Pages 179 - 198).

15. The applicant has also submitted the drawings listed below and these are attached as Appendix 6 (Pages 199 - 208).

- (a) Location Plan;
- (b) Existing Site Plan;
- (c) Indicative Site Plan;
- (d) Indicative Elevations;
- (e) Indicative Floor Plans;
- (f) Precedent Images;
- (g) Site Photos.

16. All the documents referred to in this report can be viewed online on the Council's website at www.eastrenfrewshire.gov.uk.

RECOMMENDATIONS

17. The Local Review Body is asked to:-

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

Director – Louise Pringle, Director of Business Operations and Partnerships

John Burke, Committee Services Officer
e-mail: john.burke@eastrenfrewshire.gov.uk
Tel: 0141 577 3026

Date:- 3 August 2023

APPLICATION FOR PLANNING PERMISSION

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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 100610754-001

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

Type of Application

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

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

Description of Proposal

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

Erection of Dwelling House

Is this a temporary permission? *

Yes No

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

Yes No

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

No Yes – Started Yes - Completed

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

| | | | |
|-----------------------|--------------------------------|--|----------------------|
| Company/Organisation: | Pritchett Planning Consultancy | | |
| Ref. Number: | <input type="text"/> | You must enter a Building Name or Number, or both: * | |
| First Name: * | Phil | Building Name: | PO Box |
| Last Name: * | Pritchett | Building Number: | <input type="text"/> |
| Telephone Number: * | 07901557484 | Address 1 (Street): * | 8052 |
| Extension Number: | <input type="text"/> | Address 2: | <input type="text"/> |
| Mobile Number: | <input type="text"/> | Town/City: * | Edinburgh |
| Fax Number: | <input type="text"/> | Country: * | United Kingdom |
| | | Postcode: * | EH16 5ZF |
| Email Address: * | phil@pritchettplanning.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: | Hazelden Mains Farm |
| First Name: * | Alistair and Fiona | Building Number: | 23 |
| Last Name: * | Miller | Address 1 (Street): * | Hazelden Road |
| Company/Organisation: | <input type="text"/> | Address 2: | Newton Mearns |
| Telephone Number: * | <input type="text"/> | Town/City: * | Glasgow |
| Extension Number: | <input type="text"/> | Country: * | United Kingdom |
| Mobile Number: | <input type="text"/> | Postcode: * | G77 6RR |
| Fax Number: | <input type="text"/> | | |
| Email Address: * | phil@pritchettplanning.co.uk | | |

Site Address Details

Planning Authority:

East Renfrewshire Council

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

Address 1:

HAZELDEN MAINS FARM

Address 2:

23 HAZELDEN ROAD

Address 3:

NEWTON MEARNS

Address 4:

Address 5:

Town/City/Settlement:

GLASGOW

Post Code:

G77 6RR

Please identify/describe the location of the site or sites

Northing

653554

Easting

253367

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

1.26

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

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

stables, paddock and garden ground/curtilage

Access and Parking

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

Yes No

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

Are you proposing any change to public paths, public rights of way or affecting any public right of access? * Yes No

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

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? * Yes No

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

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

Do your proposals make provision for sustainable drainage of surface water?? * Yes No
(e.g. SUDS arrangements) *

Note:-

Please include details of SUDS arrangements on your plans

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

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

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

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

Assessment of Flood Risk

Is the site within an area of known risk of flooding? * Yes No Don't Know

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

Do you think your proposal may increase the flood risk elsewhere? * Yes No Don't Know

Trees

Are there any trees on or adjacent to the application site? * Yes No

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

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? * Yes No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013 * Yes No Don't Know

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

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

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? * Yes No

Certificates and Notices

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

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

Are you/the applicant the sole owner of ALL the land? * Yes No

Is any of the land part of an agricultural holding? * Yes No

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

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

Signed: Phil Pritchett

On behalf of: Mr and Mrs Alistair and Fiona Miller

Date: 15/12/2022

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Site Layout Plan or Block plan.

Elevations.

Floor plans.

Cross sections.

Roof plan.

Master Plan/Framework Plan.

Landscape plan.

Photographs and/or photomontages.

Other.

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

Provide copies of the following documents if applicable:

- A copy of an Environmental Statement. * Yes N/A
- A Design Statement or Design and Access Statement. * Yes N/A
- A Flood Risk Assessment. * Yes N/A
- A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * Yes N/A
- Drainage/SUDS layout. * Yes N/A
- A Transport Assessment or Travel Plan Yes N/A
- Contaminated Land Assessment. * Yes N/A
- Habitat Survey. * Yes N/A
- A Processing Agreement. * Yes N/A

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

Declare – For Application to Planning Authority

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

Declaration Name: Mr Phil Pritchett

Declaration Date: 15/12/2022

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CONSULTATION RESPONSES

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Roads Service

OBSERVATIONS ON PLANNING APPLICATION

Our Ref: 2022/0735/TP
D.C Ref: Derek Scott
Contact: Allan Telfer

Planning Application No: 2021/0735/TP **Dated:** 30.12.2022 **Received:** 30.12.2022
Applicant: Mr and Mrs Alistair and Fiona Miller
Proposed Development: Erection of Dwelling House and associated works (planning permission in principle)
Location: Hazelden Mains Farm, 23 Hazelden Road
Type of Consent: Planning Permission in Principle

RECOMMENDATION: **No Objections**

Proposals Acceptable Y/N or N/A

Proposals Acceptable Y/N or N/A

Proposals Acceptable Y/N or N/A

1. General

| | |
|--------------------------------------|----------|
| (a) General principle of development | Y |
| (b) Safety Audit Required | N |
| (c) Traffic Impact Analysis Required | N |

2. Existing Roads

| | |
|---|------------|
| (a) Type of Connection (junction / footway crossing) | N/A |
| (b) Location(s) of Connection(s) | N/A |
| (c) Pedestrian Provision | N/A |
| (d) Sightlines | N/A |

3. New Roads

| | |
|--|------------|
| (a) Widths | N/A |
| (b) Pedestrian Provision | N/A |
| (c) Layout (horizontal/vertical alignment) | N/A |
| (d) Turning Facilities (Circles / hammerhead) | N/A |
| (e) Junction Details (locations / radii / sightlines) | N/A |
| (f) Provision for P.U. services | N/A |

4. Servicing & Car Parking

| | |
|----------------------------|------------|
| (a) Drainage | N/A |
| (b) Car Parking Provision | Y |
| (c) Layout of parking bays | Y |
| (d) Driveways | Y |

5. Signing

| | |
|------------------|------------|
| (a) Location | N/A |
| (b) Illumination | N/A |

| | COMMENTS |
|------|---|
| 2(a) | <p>The application site is remote from the public road and would be accessed via the existing private access. Also, given the small scale of the proposed development, it is unlikely that there will be a significant impact on the adjacent public road network.</p> <p>It is noted from the supporting information that the proposed dwelling is to contain 4 No. bedrooms. The parking requirement is therefore 3 spaces. Given the proposed layout and large double garage, this appears to be achievable.</p> <p>Due to the above, the Roads Service does not object to the proposed development.</p> <p><u>Miscellaneous</u></p> <p>Before construction takes place, the Applicants' contractor will be required to contact the Roads Service to discuss among other things, how disruption to public roads can be minimised, what temporary traffic management will be required and what remedial measures may be required on public roads adjacent to the application site.</p> <p>A Section 58 Road Occupation Permit will be required in order to deposit building materials on a road.</p> <p>Skips shall not be deposited on a road without the written permission of this Service.</p> <p>The adjacent public road must be kept clean at all times during construction.</p> |



INVESTORS
IN PEOPLE



Healthy
Working
Lives

Notes for Intimation to Applicant:

| | |
|----------------------------------|--------------|
| (i) Construction Consent (S21)* | Not Required |
| (ii) Road Bond (S17)* | Not Required |
| (iii) Road Opening Permit (S56)* | Not Required |

* Relevant Section of the Roads (Scotland) Act 1984

Comments Authorised By: John Marley Date: 13/01/2023
Principal Traffic Officer



INVESTORS
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**Healthy
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Lives**

Internal Memo

Our Ref: VD
Your Ref: 2022/0735/TP
Date: 06/01/2023
From: Environmental Health
To: Development Management

PROPOSAL: Erection of dwelling house and associated works (planning permission in principle)

LOCATION: Hazelden Mains Farm 23 Hazelden Road Newton Mearns East Renfrewshire G77 6RR

I have reviewed the plans for the above development and would comment as follows:

1. There shall be no construction work or offloading of delivered materials at the development site outwith the hours of 0800 to 1900 Monday to Friday and 0800 to 1300 on Saturday with no working on Sunday or local or national public holidays unless minor and temporary amendments have been otherwise agreed in advance in writing by the planning authority.
2. The applicant should confirm the following:
 - (a) Is asbestos known or suspected to be present in the fabric of any of the buildings?
 - (b) Has any part of the site been used for the storage of liquid fuel, such as petrol, diesel, DERV, kerosene?
 - (c) Has any part of the site been used for the storage or use of agricultural chemicals, such as preservatives or pesticides?
 - (d) Has any part of the site been used for sheep dipping, storage or disposal of sheep dip chemicals?
 - (e) Has any part of the site been used for disposal of solid farm waste?
 - (f) Has any part of the site been used for the disposal of liquid wastes or washings other than to an approved drainage system?
 - (g) Has the site been used to store/maintain vehicles?
 - (h) Has there been any building fires or bonfires onsite?

If any such activities have taken place on-site, further investigation may be required to confirm the suitability of the site for residential development. If any contamination hazard is

identified on the site, a site-specific risk assessment must be undertaken. Should any significant pollutant linkages be identified, a detailed remediation strategy must be developed. No works other than investigative works shall be carried out on site prior to receipt of the Council's written acceptance of the remediation plan.

3. Any previously unsuspected contamination which becomes evident during the development of the site shall be brought to the attention of the Council as Planning Authority within one week or earlier of it being identified. A more detailed site investigation to determine the extent and nature of the contaminant(s) and a site-specific risk assessment of any associated pollutant linkages, shall then require to be submitted to and approved in writing by the Council as Planning Authority.
4. Suitable arrangements should be made for the safe storage and disposal of waste arising from the dwelling.

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

SENIOR ENVIRONMENTAL HEALTH OFFICER

Wednesday, 04 January 2023



Local Planner
Planning Team
East Renfrewshire Council
Thornliebank
G46 8NG

Development Operations
The Bridge
Buchanan Gate Business Park
Cumbernauld Road
Stepps
Glasgow
G33 6FB

Development Operations
Freephone Number - 0800 3890379
E-Mail - DevelopmentOperations@scottishwater.co.uk
www.scottishwater.co.uk



Dear Customer,

Hazelden Mains Farm, 23 Hazelden Road, Newton Mearns, G77 6RR
Planning Ref: 2021/0508/TP
Our Ref: DSCAS-0078537-QBJ
Proposal: 2022/0735/TP | Erection of dwelling house and associated works
(planning permission in principle) | Hazelden Mains Farm 23 Hazelden Road
Newton Mearns East Renfrewshire G77 6RR

Please quote our reference in all future correspondence

Audit of Proposal

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced. Please read the following carefully as there may be further action required. Scottish Water would advise the following:

Water Capacity Assessment

Scottish Water has carried out a Capacity review and we can confirm the following:

- ▶ There is currently sufficient capacity in the Milngavie Water Treatment Works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.
- ▶ Please be advised the nearest public water main is over 400 meters north of your site on Mearns Road.

▶ **Waste Water Capacity Assessment**

- ▶ There is currently sufficient capacity for a foul only connection in the Sheildhall Waste Water Treatment works to service your development. However, please note that further

investigations may be required to be carried out once a formal application has been submitted to us.

- ▶ Please be advised the nearest public waste main is 600 meters west of your site.

Please Note

- ▶ The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

General notes:

- ▶ Scottish Water asset plans can be obtained from our appointed asset plan providers:
 - ▶ Site Investigation Services (UK) Ltd
 - ▶ Tel: 0333 123 1223
 - ▶ Email: sw@sisplan.co.uk
 - ▶ www.sisplan.co.uk
- ▶ Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.
- ▶ If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.

- ▶ Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
 - ▶ The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
 - ▶ Please find information on how to submit application to Scottish Water at [our Customer Portal](#).
-

Next Steps:

▶ All Proposed Developments

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via [our Customer Portal](#) prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

▶ Non Domestic/Commercial Property:

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at www.scotlandontap.gov.uk

▶ Trade Effluent Discharge from Non-Domestic Property:

Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and laundrettes. Activities not covered include hotels, caravan sites or restaurants.

- ▶ If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found [here](#).
- ▶ Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.
- ▶ For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the development complies with Standard 3.7 a)

of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

- ▶ The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at www.resourceefficientscotland.com

I trust the above is acceptable however if you require any further information regarding this matter please contact me on **0800 389 0379** or via the e-mail address below or at PlanningConsultations@scottishwater.co.uk.

Yours sincerely,

Ruth Kerr
Development Services Analyst
PlanningConsultations@scottishwater.co.uk

Scottish Water Disclaimer:

"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."

REPORTS OF HANDLING

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REPORT OF HANDLING

Reference: 2021/0508/TP

Date Registered: 7th July 2021

Application Type: Planning Permission in Principle This application is a Local Development

Ward: 5 -Newton Mearns South And Eaglesham

Co-ordinates: 253367/:653554

Applicant/Agent:

Applicant:

Mr and Mrs Alistair and Fiona Miller

Hazelden Mains Farm

Hazelden Road

Newton Mearns

Glasgow

G77 6RR

Agent:

Phil Pritchett

PO Box 8052

Edinburgh

EH16 5ZF

Proposal: Demolition of Existing Stable/Outhouse and removal of paddock to create extended garden ground and Erection of Dwelling House (planning permission in principle)

Location: Hazelden Mains Farm
23 Hazelden Road
Newton Mearns
East Renfrewshire
G77 6RR

CONSULTATIONS/COMMENTS:

Scottish Water

No objection.

East Renfrewshire Council Roads Service

No objection.

West Of Scotland Archaeology Service

No response at time of writing.

PUBLICITY:

23.07.2021

Evening Times

Expiry date 06.08.2021

SITE NOTICES:

None.

SITE HISTORY:

2004/0842/TP

Erection of 9 metre high domestic wind turbine

Approved Subject to Conditions

01.11.2004

2008/0332/TP

Erection of porch

Approved Subject to Conditions

23.06.2008

2012/0005/TP

2012/0005/TP Erection of stables (in retrospect)

Granted

01.02.2012

| | | | |
|--------------|---|---------|------------|
| 2014/0506/TP | Erection of single storey rear extension following demolition of conservatory | Granted | 01.12.2014 |
|--------------|---|---------|------------|

REPRESENTATIONS: No representations have been received.

DEVELOPMENT PLAN & GOVERNMENT GUIDANCE: See Appendix 1

SUPPORTING REPORTS:

Planning Supporting Statement – The statement describes the site and the proposal and makes an assessment against local planning policy. It concludes that whilst Policy D3 and the Rural SPG set out the circumstances in which a new dwelling would be permitted, the proposal will enhance the amenity of the site.

ASSESSMENT:

The application site comprises an area of land within the extended curtilage of Hazelden Mains and lies within the greenbelt to the south of Newton Mearns. Hazelden Mains is a former farm steading that is now in residential use. The application site lies immediately to the west of the steading and is presently occupied by a paddock, stable block and an area of hardstanding all of which are used for the keeping of the applicant's horses. The site comprises a hillock in the north-eastern corner and generally slopes down towards the south, south-west and west. Other land indicated as being within the applicant's ownership are fields to the east and west of the application site and the steading buildings.

Planning permission in principle is sought for the demolition of the stable block, removal of the paddock/hardstanding and for the erection of a dwellinghouse and associated garden ground. Whilst the application is made in principle, the applicant has indicated that the dwelling will be located on the lower land within the north-west of the site. A turning area and two car-parking spaces are shown. The dwelling is generally single storey with a lower ground floor making use of a change in levels at this part of the site. It comprises four bedrooms.

The application requires to be assessed against Policies D1, D3, D7 and D15 of the adopted East Renfrewshire Local Development Plan.

Policy D1 requires that all development should not result in a significant loss of character or amenity to the surrounding area and that the Council's parking and access requirements are met.

Policy D3 relates to new development in the greenbelt and supports the strategy of directing growth and development to the most appropriate and sustainable locations whilst supporting regeneration and protecting the landscape setting and identity of towns. It states that development in the greenbelt 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. It goes on to state that proposals within the greenbelt will be considered sympathetically where they relate to agriculture, forestry, outdoor recreation, renewable energy and other uses appropriate to the rural area, subject to compliance with other relevant policies of the plan.

Policy D3 is supported by the adopted Supplementary Planning Guidance on Rural Development (the Rural SPG). The Rural SPG states that new dwellings in the countryside will only be permitted where it can be clearly demonstrated that:

- There is a specific and clearly evidenced need for the dwelling to be sited at that location in the countryside and there is no other property available;
- It is demonstrated that account has been taken of the possibility of conversion or rehabilitation of an existing building within the countryside, or locating a new building on a brownfield site;
- It is required for a person engaged locally in full-time employment in agriculture or other appropriate rural use and this is controlled through an occupancy restriction that may be subject to a section 75 agreement;
- It can be demonstrated that a viable business has been established at that location for a period of three years which can support a worker and the need for a new dwelling on the site. Applicants should demonstrate why it would be required in that location and not within the urban area;
- If a new dwelling is situated adjacent to any existing farmstead or other building grouping, it should not be larger than the original building and should be seen as subservient in design terms;
- New dwellings should be designed in a manner that is sympathetic in scale and design to their rural location and fit into the landscape;
- It should be in accordance with the design guidance set out in section 3 of the SPG.

It should be noted that in order to satisfy Policy D3 and the SPG, each of the above criteria should be satisfied.

Policy D7 relates to open space provision. The open space requirements for new dwellings are set out in appendix 1 of the adopted Supplementary Planning Guidance: Green Network and Environmental Management (the Green Network SPG).

Policy D15 relates to the sub-division of residential curtilages and erection of a new dwelling and states that:

- The proposed plot should reflect the established pattern of development and should be of a size and shape capable of accommodating a dwellinghouse. There should be sufficient land to provide garden ground of a scale compatible with the locality;
- Any new house must reflect the scale and character of the surrounding residences and the established patterns of development in the area;
- Existing building lines should be respected;
- Development should provide safe vehicular access and parking in accordance with the Council's roads and parking standards.

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

As noted above, Policy D3 seeks to restrict development in the greenbelt to appropriate uses. Non-conforming proposals can only be considered favourably in exceptional or mitigating circumstances. It is noted that the Planning Supporting Statement indicates that the occupants of the current dwelling, Hazelden Mains, wish to downsize and remain within the area. No further explanation is put forward and no site-specific need for the dwelling at this location in terms of agriculture, forestry, outdoor recreation, renewable energy, or another use appropriate to the rural area has been given in the supporting statement. In the absence of any site specific justification, the applicant has not demonstrated that a dwelling is required at this location. It is therefore considered that the proposal does not conform with Policy D3 of the adopted East Renfrewshire Local Development Plan nor does it comply with the criteria for assessing new dwellings set out in the adopted Supplementary Planning Guidance on Rural Development.

In assessing whether there are exceptional or mitigating circumstances regard can be had to the applicant's Planning Supporting Statement. The Planning Supporting Statement indicates that the applicants are wishing to downsize and remain within the area. However, it is not considered that the applicant's personal preferences, particularly given the site's proximity to the urban area and local housing markets, would outweigh the terms of the development plan. The assertion within the Statement that the proposed demolition of the existing stables would improve the amenity of the area and therefore justify the erection of the proposed dwelling is also noted. The stables were granted retrospective planning permission under reference 2012/0005/TP on 1 February 2012. They were assessed in terms of the local planning policies at the time and their impact on the character and amenity of the area was considered to be acceptable. Their removal is not therefore considered to justify the granting of this application as an exception to the terms of the current adopted Local Development Plan. It is also accepted that Scottish Planning Policy does not place a moratorium on new houses within the countryside. However, in this instance, the adopted East Renfrewshire Local Development Plan is the primary decision-making document and no justification has been given as to why planning permission should be granted as an exception to its terms.

It is therefore considered that the principle of a new dwelling at this location has not been established.

In terms of Policies D1, D7 and D15, it is unlikely that the proposal would have raised significant conflict had it been otherwise acceptable. Had the proposal been in compliance with Policy D3 and the rural SPG, the design and siting of the proposed dwelling could have been satisfactorily controlled through conditions. The proposal would have retained sufficient garden ground for both the donor and proposed dwelling and the proposed plot would have been of a size and shape capable of accommodating a dwelling.

The Proposed Local Development Plan 2 is a material consideration and with regard to this planning application, the relevant policies are considered to be Policies D1, D1.2, D3, D3.3 and D6. The aforementioned policies largely reflect the adopted Local Development Plan policies. Consequently, for reasons stated above, it is considered that the proposed development would be contrary to Policies D3 and D3.3 in the Proposed Local Development Plan 2.

In conclusion the proposal is contrary to Strategic Policy 1 and Policy D3, both of the adopted East Renfrewshire Local Development Plan and contrary to the terms of the adopted Supplementary Planning Guidance on Rural Development. There are no material considerations that indicate the application should not be refused. It is therefore recommended that the application is refused.

RECOMMENDATION: Refuse

PLANNING OBLIGATIONS: None.

REASON FOR REFUSAL:

1. The proposal is contrary to Policy D3 of the adopted East Renfrewshire Local Development Plan, the adopted Supplementary Planning Guidance on Rural Development and Policies D3 and D3.3 of the proposed East Renfrewshire Local Development Plan 2 as in the absence of any appropriate site-specific justification, the applicant has not demonstrated that a dwelling is required at this location.

ADDITIONAL NOTES: None.

ADDED VALUE: None

BACKGROUND PAPERS:

Further information on background papers can be obtained from Mr Derek Scott on 0141 577 3861.

Ref. No.: 2021/0508/TP
(DESC)

DATE: 14th January 2022

DIRECTOR OF ENVIRONMENT

Finalised 14th January 2021 – AC(1)

Reference: 2021/0508/TP - Appendix 1

DEVELOPMENT PLAN:

Strategic Development Plan

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

Adopted East Renfrewshire Local Development Plan

Policy D1

Detailed Guidance for all Development

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

1. The development should not result in a significant loss of character or amenity to the surrounding area;
2. The proposal should be of a size, scale, massing and density that is in keeping with the buildings in the locality and should respect local architecture, building form, design, and materials;
3. The amenity of neighbouring properties should not be adversely affected by unreasonably restricting their sunlight or privacy. Additional guidance on this issue is available in the Daylight and Sunlight Design Guide Supplementary Planning Guidance;
4. The development should not impact adversely on landscape character or the green network, involve a significant loss of trees or other important landscape, greenspace or biodiversity features;
5. Developments should incorporate green infrastructure including access, landscaping, greenspace, water management and Sustainable Urban Drainage Systems at the outset of the design process. Where appropriate, new tree or shrub planting should be incorporated using native species. The physical area of any development covered by impermeable surfaces should be kept to a minimum to assist with flood risk management. Further guidance is contained within the Green Network and Environmental Management Supplementary Planning Guidance;

6. Development should create safe and secure environments that reduce the scope for anti-social behaviour and fear of crime;
7. Developments must be designed to meet disability needs and include provision for disabled access within public areas;
8. The Council will not accept 'backland' development, that is, development without a road frontage;
9. Parking and access requirements of the Council should be met in all development and appropriate mitigation measures should be introduced to minimise the impact of new development. Development should take account of the principles set out in 'Designing Streets';
10. Development should minimise the extent of light pollution caused by street and communal lighting and any floodlighting associated with the development;
11. Developments should include provision for the recycling, storage, collection and composting of waste materials;
12. Where possible, all waste material arising from construction of the development should be retained on-site for use as part of the new development;
13. Where applicable, new development should take into account the legacy of former mining activity;
14. Development should enhance the opportunity for and access to sustainable transportation, including provision for bus infrastructure, and particularly walking and cycle opportunities including cycle parking and provision of facilities such as showers/lockers, all where appropriate. The Council will not support development on railways solums or other development that would remove opportunities to enhance pedestrian and cycle access unless mitigation measures have been demonstrated;
15. The Council requires the submission of a design statement for national and major developments. Design statements must also be submitted in cases where a local development relates to a site within a conservation area or Category A listed building in line with Planning Advice Note 68: Design Statements.
16. Where applicable, developers should explore opportunities for the provision of digital infrastructure to new homes and business premises as an integral part of development.

Policy D3

Green Belt and Countryside Around Towns

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

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

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

Policy D7

Green Infrastructure and Open Space Provision within New Development

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

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

Policy D15

Sub-division of the Curtilage of a Dwellinghouse for a New Dwellinghouse and Replacement of an Existing House with a New House

The proposed plot should reflect the established pattern of development and should be of a size and shape capable of accommodating a dwellinghouse. There should also be sufficient land to provide garden ground that is of a scale and character compatible with the locality.

Any new house must reflect the scale and character of the surrounding residences and the established pattern of development in the area. It should be designed to contribute to the visual character of the area.

Existing building lines should be respected.

Development should provide safe vehicular access and parking in accordance with the Council's roads and parking standards.

Proposed Local Development Plan 2

Policy D1

Placemaking and Design

Proposals for development within the urban and rural areas should be well designed, sympathetic to the local area and demonstrate that the following criteria have been considered, and, where appropriate, met. Proposals will be assessed against the 6 qualities of a successful place as outlined in SPP, Designing Streets and the Placemaking and Design Supplementary Guidance.

1. The development should not result in a significant loss of character or amenity to the surrounding area;
2. The proposal should be appropriate to its location, be high quality and of a size, scale, height, massing and density that is in keeping with the buildings in the locality or appropriate to the existing building and should respect local architecture, building form and design;
3. Respect existing building lines and heights of the locality;
4. Create a well-defined structure of streets, public spaces and buildings;
5. Ensure the use of high quality sustainable and durable materials, colours and finishes that complement existing development and buildings in the locality;
6. Respond to and complement site topography and not impact adversely upon the green belt and landscape character, green networks, features of historic interest, landmarks, vistas, skylines and key gateways. Existing buildings and natural features of suitable

- quality, should be retained and sensitively integrated into proposals including greenspace, trees and hedgerows;
7. Boundary treatment and landscaping should create a distinctive edge and gateway to the development and reflect local character;
 8. Promote permeable and legible places through a clear sustainable movement hierarchy favouring walking, then cycling, public transport, then the private car as forms of movement;
 9. Demonstrate connectivity through the site and to surrounding spaces via a network of safe, direct, attractive and coherent walking and cycling routes. These must be suitable for all age groups, and levels of agility and mobility to allow for ease of movement from place to place;
 10. Demonstrate that safe and functional pedestrian, cycle and vehicular access, and parking facilities and infrastructure, including for disabled and visitor parking, is provided in accordance with the Council's Roads Development Guide. Where appropriate, proposals will be required to provide secure and accessible shelters, lockers, showers and seating and be designed to meet the needs of all users. Cycle parking and facilities should be located in close proximity to the entrances of all buildings to provide convenience and choice for users;
 11. Incorporate integrated and enhance existing green infrastructure assets, such as landscaping, trees and greenspace, water management and SUDs including access and prioritise links to the wider green network as an integral part of the design process from the outset, in accordance with Policies D4 - D6. New green infrastructure must be designed to protect and enhance the habitat and biodiversity of the area and demonstrate a net gain;
 12. There will be a general presumption against all proposals that involve landraising. Where there is a justifiable reason for landraising, proposals must have regard to the scale and visual impact of the resultant changes to the local landscape and amenity. Proposals that adversely impact upon the visual and physical connections through the site and to the surrounding areas will be resisted;
 13. Backland development should be avoided;
 14. Provide safe, secure and welcoming places with buildings and spaces, including open spaces, play areas and landscaping, designed and positioned to reduce the scope for anti-social behaviour and fear of crime, improve natural surveillance, passive overlooking, security and street activity;
 15. The amenity of residents, occupants and users of neighbouring existing and new buildings and spaces 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 Guidance;
 16. Development should minimise the extent of light pollution caused by street and communal lighting and any floodlighting associated with the proposal;
 17. The amenity of residents, occupants and users of neighbouring existing and new buildings and spaces should not be adversely affected by noise, dust, pollution and smell or poor air quality;
 18. Ensure buildings and spaces are future proof designed to be easily adaptable and flexible to respond to changing social, environmental, technological, digital and economic conditions;
 19. Incorporate provision for the recycling, storage, collection and composting of waste materials; and

20. Incorporate the use of sustainable design and construction methods and materials in the layout and design to support a low carbon economy.

Proposals must meet the requirements of any development brief prepared by the Council for an allocated site.

Further detailed guidance and information will be set out in the Placemaking and Design Supplementary Guidance, Householder Design Supplementary Guidance and the Daylight and Sunlight Design Supplementary Guidance.

Policy D1.2

Residential Sub-division and Replacement

Proposals will be assessed against the following criteria:

1. Reflect the scale and character of the surrounding residences and the established pattern of development in the area;
2. Should be of a size and shape capable of accommodating a residential property and compatible with the locality;
3. There should be sufficient land to provide garden ground that is of a scale and character compatible with the locality for the proposed and donor properties;
4. Provide safe vehicular access and parking for the proposed and donor properties;
5. Not adversely impact upon the setting of the donor property; and
6. Respect existing building lines.

Policy D3

Green Belt and Countryside around Towns (CAT)

Development in the green belt and Countryside around Towns (CAT), shown on the Proposals Map, will be strictly controlled and limited to that which is required and is appropriate for a rural location. Proposals will require to demonstrate that they are appropriate in terms of scale, size, design, layout and materials, to their rural location and compatible with adjoining and neighbouring uses.

Proposals should be designed to complement the surrounding landscape ensuring that there are no adverse landscape or visual impacts, seek to ensure that the integrity of the landscape character and setting is maintained or enhanced as informed by the Council's Green Belt Landscape Character Assessment (LCA). Proposals should not be suburban in character or scale and should have no adverse impacts upon the amenity of the surrounding rural area.

Development within the green belt or countryside around towns, including changes of use or conversions of existing buildings, will be supported in principle where it is for agriculture; forestry; equestrian; countryside recreation and active travel; outdoor leisure and tourism, including holiday accommodation; economic and farm diversification; and renewable energy and infrastructure such as minerals, digital communications infrastructure and electricity grid connections that have a site specific and operational need for a rural location, subject to compliance with other relevant policies of the Proposed Plan.

Proposals should make use of existing or replacement buildings whenever possible. Where it is demonstrated that this is not achievable and where a new building, structure or dwelling is proposed it should be commensurate with the functional requirement of the business, should be

sited adjacent to other existing buildings and within the boundary of the established use. Any proposal that involves a business which requires a new building will also have to demonstrate that it is established and/or viable for a minimum period of 3 years at that location.

Further detailed guidance and information will be set out in the Rural Development and the Placemaking and Design Supplementary Guidance.

Policy D3.3

New Build Housing

Proposals for new build housing within the green belt or countryside around towns will only be permitted where it can be demonstrated that the development is justified against the following criteria:

There is no available existing house or no existing traditional building suitable for conversion to a house in accordance with Policy D3.1; and

For workers engaged in existing rural businesses and uses as supported under Policy D3, it has been demonstrated that there is a direct operational requirement for 24 hour on-site supervision and that this requires to be in the form of a new build dwelling. The need for a dwelling should be supported by additional supporting information where appropriate, such as a business case or an agricultural report, prepared by an appropriately qualified person.

The new dwelling should be commensurate with the functional requirement of the business, should be sited adjacent to other existing buildings and within the boundary of the established use.

Policy D6

Open Space Requirements

Proposals will be required to incorporate multi-functional, integrated and accessible on-site green networks and green infrastructure, including open space provision, wildlife habitats and landscaping.

Proposals will be required to meet the following criteria:

1. Demonstrate that the provision and distribution of open space and green infrastructure has been integrated into the design approach from the outset and has been informed by the context and characteristics of the site using key natural and physical features. Proposals should be designed to accommodate users of all age groups, and levels of agility and mobility;
2. Provide a network and hierarchy of open space to create a structured and legible framework for development, which clearly distinguishes public space, semi-public space and private space using appropriate boundary treatments. Design and layout of proposals should encourage species dispersal through improving connectivity and the availability of habitats. New planting must promote and enhance the biodiversity of the area;
3. Complement, extend and connect existing open spaces and provide links to the wider green network;
4. Make provision for the long-term management and maintenance of open space. Details of maintenance requirements and arrangements must be set out, including who

is responsible for these requirements;

5. Integrate Sustainable Urban Drainage Systems (SUDs) features with open space and active travel networks as part of a multifunctional approach to landscape design. SUDs may form part of open spaces subject to their design, provided they are accessible and contribute to the amenity value of the wider open space; and
6. Meet the minimum open space requirements set out in Schedule 4.

GOVERNMENT GUIDANCE:

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

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REPORT OF HANDLING

Reference: 2022/0735/TP

Date Registered: 16th December 2022

Application Type: Planning Permission in Principle This application is a Local Development

Ward: 5 -Newton Mearns South And Eaglesham

Co-ordinates: 253367/:653554

Applicant/Agent:

Applicant:

Mr and Mrs Alistair and Fiona Miller

Hazelden Mains Farm

23 Hazelden Road

Newton Mearns

Glasgow

United Kingdom

G77 6RR

Agent:

Phil Pritchett

PO Box

8052

Edinburgh

United Kingdom

EH16 5ZF

Proposal: Erection of dwelling house and associated works (planning permission in principle)

Location: Hazelden Mains Farm

23 Hazelden Road

Newton Mearns

East Renfrewshire

G77 6RR

CONSULTATIONS/COMMENTS:

East Renfrewshire Council Roads Service

No objection.

East Renfrewshire Council Environmental
Health Service

No objection subject to conditions.

Scottish Water

No objection.

PUBLICITY:

13.01.2023

Evening Times

Expiry date 27.01.2023

SITE NOTICES:

None.

SITE HISTORY:

2004/0842/TP

Erection of 9 metre high
domestic wind turbineApproved Subject
to Conditions

01.11.2004

2008/0332/TP

Erection of porch

Approved Subject
to Conditions

23.06.2008

| | | | |
|--------------|--|---------|------------|
| 2012/0005/TP | 2012/0005/TP Erection of stables (in retrospect) | Granted | 01.02.2012 |
| 2014/0506/TP | Erection of single storey rear extension following demolition of conservatory | Granted | 01.12.2014 |
| 2021/0508/TP | Demolition of Existing Stable/Outhouse and removal of paddock to create extended garden ground and Erection of Dwelling House (planning permission in principle) | Refused | 14.01.2022 |

REPRESENTATIONS: No representations have been received.

DEVELOPMENT PLAN & GOVERNMENT GUIDANCE: See Appendix 1

SUPPORTING REPORTS:

Planning Statement: The statement indicates that the applicant and their family propose to downsize from the existing farm house and remain in the area to look after their horses. The statement indicates that the proposed dwelling is justified on that basis. The statement goes on to describe the site and makes an assessment of the proposals against the former Local Development Plan and the former Rural SPG.

ASSESSMENT:

The application site comprises an area of land within the extended curtilage of Hazelden Mains and lies within the greenbelt to the south of Newton Mearns. Hazelden Mains is a former farm steading that is now in residential use. The application site lies immediately to the west of the steading and is presently occupied by a paddock, stable block and an area of hardstanding all of which are used for the keeping of the applicant's horses. The site comprises a hillock in the north-eastern corner and generally slopes down towards the south, south-west and west. Other land indicated as being within the applicant's ownership are fields to the east and west of the application site and the steading buildings.

Planning permission in principle for the demolition of the stable block, removal of the paddock/hardstanding and for the erection of a dwellinghouse and associated garden ground on the site was refused on 14 January 2022. The reason for refusal was as follows:

"The proposal is contrary to Policy D3 of the adopted East Renfrewshire Local Development Plan, the adopted Supplementary Planning Guidance on Rural Development and Policies D3 and D3.3 of the proposed East Renfrewshire Local Development Plan 2 as in the absence of any appropriate site-specific justification, the applicant has not demonstrated that a dwelling is required at this location."

Planning permission is again sought for the erection of a dwelling on the site. In this instance, the applicant has indicated that the stable block and paddock will be retained and will form part of the curtilage of the proposed dwelling. As noted, the supporting statement puts forward a justification for the proposed dwelling viz: the applicant proposes to downsize from the former

farm house and remain in the area, residing in the proposed dwelling in order to look after their horses. Whilst the application is made in principle, the applicant has indicated that the dwelling will be located on the lower land within the north-west of the site. A turning area and two car-parking spaces are shown. The dwelling is generally single storey with a lower ground floor making use of a change in levels at this part of the site. It comprises four bedrooms.

The application requires to be assessed with regard to the Development Plan which comprises NPF4 and the East Renfrewshire Local Development Plan 2.

The policy most relevant to this proposal in NPF4 is Policy 8. Policy 8 of NPF4 states:

Development proposals within a green belt designated within the LDP will only be supported if:

i) they are for:

development associated with agriculture, woodland creation, forestry and existing woodland (including community woodlands);
residential accommodation required and designed for a key worker in a primary industry within the immediate vicinity of their place of employment where the presence of a worker is essential to the operation of the enterprise, or retired workers where there is no suitable alternative accommodation available;
horticulture, including market gardening and directly connected retailing, as well as community growing;
outdoor recreation, play and sport or leisure and tourism uses; and developments that provide opportunities for access to the open countryside (including routes for active travel and core paths);
flood risk management (such as development of blue and green infrastructure within a "drainage catchment" to manage/mitigate flood risk and/or drainage issues);
essential infrastructure or new cemetery provision;
minerals operations and renewable energy developments;
intensification of established uses, including extensions to an existing building where that is ancillary to the main use;
the reuse, rehabilitation and conversion of historic environment assets; or
one-for-one replacements of existing permanent homes.
and

ii) the following requirements are met:

reasons are provided as to why a green belt location is essential and why it cannot be located on an alternative site outwith the green belt;
the purpose of the green belt at that location is not undermined;
the proposal is compatible with the surrounding established countryside and landscape character;
the proposal has been designed to ensure it is of an appropriate scale, massing and external appearance, and uses materials that minimise visual impact on the green belt as far as possible;
and
there will be no significant long-term impacts on the environmental quality of the green belt.

Policies D1, D1.2, D3, D3.3 and D6 of the adopted East Renfrewshire Local Development Plan 2 (LDP2) are also relevant to this development.

Policy D1 states that new development should not result in a significant loss of character or amenity to the surrounding area and that safe and functional pedestrian, cycle and vehicular access and parking is provided.

Policy D1.2 relates to residential sub-division and states that proposals will be assessed with regard to the following criteria:

- Reflect the scale and character of the surrounding residences and the established pattern of development in the area;
- Should be of a size and shape capable of accommodating a residential property and compatible with the locality;
- There should be sufficient land to provide garden ground that is of a scale and character compatible with the locality for the proposed and donor houses;
- Provide safe vehicular access and parking for the proposed and donor houses;
- Not adversely impact upon the setting of the donor property; and
- Respect existing building lines.

Policy D3 states that development within the greenbelt will be strictly controlled and limited to that which is required and is appropriate for a rural location. Development within the greenbelt will be supported in principle where it is for agriculture; forestry; equestrian; countryside recreation and active travel; outdoor leisure and tourism; economic and farm diversification and renewable energy.

Policy D3.3 relates to new build housing in the greenbelt and states that proposals will only be permitted where it can be demonstrated that the development is justified against the following criteria:

- There is no available existing house; and
- For workers engaged in existing rural businesses and uses as supported under Policy D3, it has been demonstrated that there is a direct operational requirement for 24-hour supervision and that this requires to be in the form of a new build dwelling. The need for a dwelling should be supported by additional supporting information where appropriate, such as a business case or an agricultural report, prepared by an appropriately qualified person.

Policy D6 provide the minimum open space requirements for new dwellings.

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

As noted above, Policy 8 of NPF4 and Policy D3 seek to restrict development in the greenbelt to appropriate uses and Policy 3.3 states that new dwellings will only be permitted where it has been demonstrated that they are directly required to house workers engaged in existing rural business as supported under Policy D3 and where there is no existing house. No site-specific need for the dwelling at this location in terms of an existing established rural business has been given in the supporting statement. In the absence of any site specific justification, the applicant has not demonstrated that a dwelling is required at this location. It is therefore considered that the proposal is contrary to Policy 8 of NPF4 and Policies D3 and D3.3 of the adopted LDP2.

In assessing whether there are exceptional or mitigating circumstances regard can be had to the applicant's Planning Supporting Statement. The Planning Supporting Statement indicates that the applicants are wishing to downsize and remain within the area and look after the family's horses. However, it is not considered that the applicant's personal preferences, particularly given the site's proximity to the urban area and local housing markets, would outweigh the terms of the development plan.

It is therefore considered that the principle of a new dwelling at this location has not been established.

In terms of Policies D1, D1.2 and D6, it is unlikely that the proposal would have raised significant conflict had it been otherwise acceptable. Had the proposal been in compliance with Policy D3 and D3.3, the design and siting of the proposed dwelling could have been satisfactorily controlled through conditions. The proposal would have retained sufficient garden ground for both the donor and proposed dwelling and the proposed plot would have been of a size and shape capable of accommodating a dwelling.

In conclusion, the proposal is contrary to Policy 8 of NPF4 and the relevant terms of the adopted LDP2. There are no material considerations to indicate the application should not be refused. It is therefore recommended that the application is refused.

PLANNING OBLIGATIONS: None.

RECOMMENDATION: Refuse

REASONS FOR REFUSAL:

1. The proposal is contrary to Policies D3 and D3.3 of the adopted East Renfrewshire Local Development Plan 2, as in the absence of any appropriate site-specific justification, the applicant has not demonstrated that a dwelling is required at this location.
2. The proposal is contrary to Policy 8 of the National Planning Framework 4 (NPF4) as the applicant has not demonstrated that the proposed dwelling is required for any of the purposes set out within the policy and that no other dwelling is available.

ADDITIONAL NOTES: None.

ADDED VALUE: None

BACKGROUND PAPERS:

Further information on background papers can be obtained from Mr Derek Scott on 0141 577 3001.

Ref. No.: 2022/0735/TP
(DESC)

DATE: 24th February 2023

DIRECTOR OF ENVIRONMENT

Finalised 2nd March 2023 – CMc(1)

Reference: 2022/0735/TP - Appendix 1

DEVELOPMENT PLAN:

National Planning Framework 4

Policy 8

Green belts

a) Development proposals within a green belt designated within the LDP will only be supported if:

i) they are for:

development associated with agriculture, woodland creation, forestry and existing woodland (including community woodlands);

residential accommodation required and designed for a key worker in a primary industry within the immediate vicinity of their place of employment where the presence of a worker is essential to the operation of the enterprise, or retired workers where there is no suitable alternative accommodation available;

horticulture, including market gardening and directly connected retailing, as well as community growing;

outdoor recreation, play and sport or leisure and tourism uses; and developments that provide opportunities for access to the open countryside (including routes for active travel and core paths);

flood risk management (such as development of blue and green infrastructure within a "drainage catchment" to manage/mitigate flood risk and/or drainage issues);

essential infrastructure or new cemetery provision;

minerals operations and renewable energy developments;

intensification of established uses, including extensions to an existing building where that is ancillary to the main use;

the reuse, rehabilitation and conversion of historic environment assets; or

one-for-one replacements of existing permanent homes.
and

ii) the following requirements are met:

reasons are provided as to why a green belt location is essential and why it cannot be located on an alternative site outwith the green belt;

the purpose of the green belt at that location is not undermined.

the proposal is compatible with the surrounding established countryside and landscape character;

the proposal has been designed to ensure it is of an appropriate scale, massing and external appearance, and uses materials that minimise visual impact on the green belt as far as possible; and

there will be no significant long-term impacts on the environmental quality of the green belt.

Adopted East Renfrewshire Local Development Plan 2

Policy D1

Placemaking and Design

Proposals for development within the urban and rural areas should be well designed, sympathetic to the local area and demonstrate that the following criteria have been considered, and, where appropriate, met. Proposals will be assessed against the 6 qualities of a successful place as outlined in SPP, Designing Streets and the Placemaking and Design Supplementary Guidance.

1. The development should not result in a significant loss of character or amenity to the surrounding area;
2. The proposal should be appropriate to its location, be high quality and of a size, scale, height, massing and density and layout that is in keeping with the buildings in the locality or appropriate to the existing building and should respect local architecture, building form and design;
3. Respect existing building lines and heights of the locality;
4. Create a well-defined structure of streets, public spaces and buildings;
5. Ensure the use of high quality sustainable and durable materials, colours and finishes that complement existing development and buildings in the locality;
6. Respond to and complement site topography and not impact adversely upon the green belt and landscape character and setting, green networks, features of historic interest, landmarks, vistas, skylines and key gateways. Existing buildings and natural features of suitable quality, should be retained and sensitively integrated into proposals including greenspace, trees and hedgerows;
7. Boundary treatment and landscaping should create a distinctive edge and gateway to the development and reflect local character;
8. Promote permeable and legible places through a clear sustainable movement hierarchy favouring walking, then cycling, public transport, then the private car as forms of movement;
9. Demonstrate connectivity through the site and to surrounding spaces via a network of safe, direct, attractive and coherent walking and cycling routes. These must be suitable for all age groups, and levels of agility and mobility to allow for ease of movement from place to place;
10. Demonstrate that safe and functional pedestrian, cycle and vehicular access, and parking facilities and infrastructure, including for disabled and visitor parking, is provided in accordance with the Council's Roads Development Guide. Where appropriate, proposals will be required to provide secure and accessible shelters, lockers, showers and seating and be designed to meet the needs of all users. Cycle parking and facilities should be located in close proximity to the entrances of all buildings to provide convenience and choice for users;
11. Incorporate integrated and enhance existing green infrastructure assets, such as landscaping, trees and greenspace, water management and SUDs including access and prioritise links to the wider green network as an integral part of the design process from

the outset, in accordance with Policies D4 - D6. New green infrastructure must be designed to protect and enhance the habitat and biodiversity of the area and demonstrate a net gain;

12. Unless justified, there will be a general presumption against landraising. Where there is a justifiable reason for landraising, proposals must have regard to the scale and visual impact of the resultant changes to the local landscape and amenity. Proposals that adversely impact upon the visual and physical connections through the site and to the surrounding areas will be resisted;
13. Backland development should be avoided;
14. Provide safe, secure and welcoming places with buildings and spaces, including open spaces, play areas and landscaping, designed and positioned to reduce the scope for anti-social behaviour and fear of crime, improve natural surveillance, passive overlooking, security and street activity;
15. The amenity of residents, occupants and users of neighbouring existing and new buildings and spaces 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 Guidance;
16. Development should minimise the extent of light pollution caused by street and communal lighting and any floodlighting associated with the proposal;
17. The amenity of residents, occupants and users of neighbouring existing and new buildings and spaces should not be adversely affected by noise, dust, pollution and smell or poor air quality;
18. Ensure buildings and spaces are future proof designed to be easily adaptable and flexible to respond to changing social, environmental, technological, digital and economic conditions;
19. Incorporate provision for the recycling, storage, collection and composting of waste materials; and
20. Incorporate the use of sustainable design and construction methods and materials in the layout and design to support a low carbon economy.

Proposals must meet the requirements of any development brief prepared by the Council for an allocated site.

Further detailed guidance and information will be set out in the Placemaking and Design Supplementary Guidance, Householder Design Supplementary Guidance and the Daylight and Sunlight Design Supplementary Guidance.

Policy D1.2

Residential Sub-division and Replacement

Proposals will be assessed against the following criteria:

1. Reflect the scale and character of the surrounding residences and the established pattern of development in the area;
2. Should be of a size and shape capable of accommodating a residential property and compatible with the locality;
3. There should be sufficient land to provide garden ground that is of a scale and character compatible with the locality for the proposed and donor properties;
4. Provide safe vehicular access and parking for the proposed and donor properties;

5. Not adversely impact upon the setting of the donor property; and
6. Respect existing building lines.

Policy D3

Green Belt and Countryside around Towns (CAT)

Development in the green belt and Countryside around Towns (CAT), shown on the Proposals Map, will be strictly controlled and limited to that which is required and is appropriate for a rural location. Proposals will require to demonstrate that they are appropriate in terms of scale, size, design, layout and materials, to their rural location and compatible with adjoining and neighbouring uses.

Proposals should be designed to complement the surrounding landscape ensuring that there are no significant adverse landscape or visual impacts, seek to ensure that the integrity of the landscape character and setting is maintained or enhanced as informed by the Council's Green Belt Landscape Character Assessment (LCA). Proposals should not be suburban in character or scale and should have no significant adverse impacts upon the amenity of the surrounding rural area.

Development within the green belt or countryside around towns, including changes of use or conversions of existing buildings, will be supported in principle where it is for agriculture; forestry; equestrian; countryside recreation and active travel; outdoor leisure and tourism, including holiday accommodation; economic and farm diversification; and renewable energy and infrastructure such as minerals, digital communications infrastructure and electricity grid connections that have a site specific and operational need for a rural location, subject to compliance with other relevant policies of the LDP. Where there is a shortfall in the 5 year effective housing land supply, as detailed in Policy SG1: Housing Supply, Delivery and Phasing, release of green belt or countryside for housing may be appropriate.

Proposals should make use of existing or replacement buildings whenever possible. Where it is demonstrated that this is not achievable and where a new building, structure or dwelling is proposed it should be commensurate with the functional requirement of the business, should be sited adjacent to other existing buildings and within the boundary of the established use. Any proposal that involves a business which requires a new building will also have to demonstrate that it is established and/or viable for a minimum period of 3 years at that location.

Further detailed guidance and information will be set out in the Rural Development and the Placemaking and Design Supplementary Guidance.

Policy D3.3

New Build Housing

Proposals for new build housing within the green belt or countryside around towns will only be permitted where it can be demonstrated that the development is justified against the following criteria:

There is no available existing house or no existing traditional building suitable for conversion to a house in accordance with Policy D3.1; and

For workers engaged in existing rural businesses and uses as supported under Policy D3, it has been demonstrated that there is a direct operational requirement for 24 hour on-site supervision

and that this requires to be in the form of a new build dwelling. The need for a dwelling should be supported by additional supporting information where appropriate, such as a business case or an agricultural report, prepared by an appropriately qualified person.

The new dwelling should be commensurate with the functional requirement of the business, should be sited adjacent to other existing buildings and within the boundary of the established use.

Policy D6

Open Space Requirements

Proposals will be required to incorporate multi-functional, integrated and accessible on-site green networks and green infrastructure, including open space provision, wildlife habitats and landscaping.

Proposals will be required to meet the following criteria:

1. Demonstrate that the provision and distribution of open space and green infrastructure has been integrated into the design approach from the outset and has been informed by the context and characteristics of the site using key natural and physical features. Proposals should be designed to accommodate users of all age groups, and levels of agility and mobility;
2. Provide a network and hierarchy of open space to create a structured and legible framework for development, which clearly distinguishes public space, semi-public space and private space using appropriate boundary treatments. Design and layout of proposals should encourage species dispersal through improving connectivity and the availability of habitats. New planting must promote and enhance the biodiversity of the area and incorporate native trees where appropriate;
3. Complement, extend and connect existing open spaces and provide links to the wider green network;
4. Make provision for the long-term management and maintenance of open space. Details of maintenance requirements and arrangements must be set out, including who is responsible for these requirements;
5. Integrate Sustainable Urban Drainage Systems (SUDs) features with open space and active travel networks as part of a multifunctional approach to landscape design. SUDs may form part of open spaces subject to their design, provided they are accessible and contribute to the amenity value of the wider open space; and
6. Meet the minimum open space requirements set out in Schedule 4.

DECISION NOTICE

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Head of Environment (Chief Planning Officer): Gillian McCarney

2 Spiersbridge Way, Spiersbridge Business Park, Thornliebank, G46 8NG
Phone: 0141 577 3001 Fax: 0141 577 3781 DX: 501601 GIFFNOCK

Our Ref: 2021/0508/TP

Your Ref:

Date: 17th January 2022

When calling Please ask for: Mr Derek Scott planning@eastrenfrewshire.gov.uk

Telephone No: 0141 577 3861

Phil Pritchett
PO Box 8052
Edinburgh
United Kingdom
EH16 5ZF

Dear Sir/Madam,

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 2008
NOTIFICATION OF DECISION - REFUSAL OF PLANNING PERMISSION

Ref No: 2021/0508/TP

Location: Hazelden Mains Farm 23 Hazelden Road Newton Mearns East Renfrewshire
G77 6RR

Proposal: Demolition of Existing Stable/Outhouse and removal of paddock to create
extended garden ground and Erection of Dwelling House (planning
permission in principle)

The Council has decided to refuse your application for the reasons explained on the enclosed decision notice. The stamped refused drawings are available to view and download from the Council's website www.ercplanning.eastrenfrewshire.gov.uk by searching under the application reference number.

If you are aggrieved by the decision, you may appeal or seek a review of the decision. Please see the notes attached to your decision notice for the procedures you should follow and the timescales involved.

Yours faithfully

Gillian McCarney
Head of Environment (Chief Planning Officer)

Encl.

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

REFUSAL OF PLANNING PERMISSION

Ref. No. **2021/0508/TP**

Applicant:

Mr and Mrs Alistair and Fiona Miller
Hazelden Mains Farm
Hazelden Road
Newton Mearns
Glasgow
UK
G77 6RR

Agent:

Phil Pritchett
PO Box 8052
Edinburgh
United Kingdom
EH16 5ZF

With reference to your application which was registered on 7th July 2021 for planning permission under the abovementioned Act and Regulations for the following development, viz:-

Demolition of Existing Stable/Outhouse and removal of paddock to create extended garden ground and Erection of Dwelling House (planning permission in principle)

at: Hazelden Mains Farm 23 Hazelden Road Newton Mearns East Renfrewshire G77 6RR

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

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

1. The proposal is contrary to Policy D3 of the adopted East Renfrewshire Local Development Plan, the adopted Supplementary Planning Guidance on Rural Development and Policies D3 and D3.3 of the proposed East Renfrewshire Local Development Plan 2 as in the absence of any appropriate site-specific justification, the applicant has not demonstrated that a dwelling is required at this location.

Dated 14th January 2022



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

The following drawings/plans have been refused

| Plan Description | Drawing Number | Drawing Version | Date on Plan |
|-------------------------|-----------------------|------------------------|---------------------|
| Location Plan | PL01 | | |

GUIDANCE NOTE FOR REFUSAL OF LOCAL DEVELOPMENTS DETERMINED UNDER DELEGATED POWERS

REVIEW BY EAST RENFREWSHIRE COUNCIL'S LOCAL REVIEW BODY

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

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

CONTACT DETAILS

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

**General Inquiry lines 0141 577 3861
Email planning@eastrenfrewshire.gov.uk**

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Environment Department
Head of Environment (Chief Planner) : Gillian McCarney

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2 Spiersbridge Way, Spiersbridge Business Park, Thornliebank, G46 8NG
Phone: 0141 577 3001 Fax: 0141 577 3781 DX: 501601 GIFFNOCK



Our Ref: 2022/0735/TP
Your Ref:
Date: 2nd March 2023
When calling Please ask for: Mr Derek Scott derek.scott@eastrenfrewshire.gov.uk
Telephone No: 0141 577 3001

Phil Pritchett
PO Box
8052
Edinburgh
United Kingdom
EH16 5ZF

Dear Sir/Madam,

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 2008
NOTIFICATION OF DECISION - REFUSAL OF PLANNING PERMISSION

Ref No: 2022/0735/TP
Location: Hazelden Mains Farm 23 Hazelden Road Newton Mearns East Renfrewshire
G77 6RR
Proposal: Erection of dwelling house and associated works (planning permission in principle)

The Council has decided to refuse your application for the reasons explained on the enclosed decision notice. The stamped refused drawings are available to view and download from the Council's website www.ercplanning.eastrenfrewshire.gov.uk by searching under the application reference number.

If you are aggrieved by the decision, you may appeal or seek a review of the decision. Please see the notes attached to your decision notice for the procedures you should follow and the timescales involved.

Yours faithfully

Gillian McCarney
Head of Environment (Chief Planner)

Encl.



Gillian McCarney, Head of Environment (Chief Planner), 2 Spiersbridge Way, Thornliebank, East Renfrewshire, G46 8NG

When you contact us we want you to trust that your personal information is in safe hands, and that starts with helping you understand why we ask for data and how we manage it. Read our Privacy notice at [Privacy Notice](#) for more information, alternatively if you would like this in a different format, please contact planning@eastrenfrewshire.gov.uk

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EAST RENFREWSHIRE COUNCIL

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. **2022/0735/TP**

Applicant:

Mr and Mrs Alistair and Fiona Miller
Hazelden Mains Farm
23 Hazelden Road
Newton Mearns
Glasgow
United Kingdom
G77 6RR

Agent:

Phil Pritchett
PO Box
8052
Edinburgh
United Kingdom
EH16 5ZF

With reference to your application which was registered on 16th December 2022 for planning permission under the abovementioned Act and Regulations for the following development, viz:-

Erection of dwelling house and associated works (planning permission in principle)

at: Hazelden Mains Farm 23 Hazelden Road Newton Mearns East Renfrewshire G77 6RR

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

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

1. The proposal is contrary to Policies D3 and D3.3 of the adopted East Renfrewshire Local Development Plan 2, as in the absence of any appropriate site-specific justification, the applicant has not demonstrated that a dwelling is required at this location.
2. The proposal is contrary to Policy 8 of the National Planning Framework 4 (NPF4) as the applicant has not demonstrated that the proposed dwelling is required for any of the purposes set out within the policy and that no other dwelling is available.

Dated 2nd March 2023

C. McAuley

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

The following drawings/plans have been refused

| Plan Description | Drawing Number | Drawing Version | Date on Plan |
|------------------|----------------|-----------------|--------------|
| Location Plan | LOCATION | | |

REVIEW BY EAST RENFREWSHIRE COUNCIL'S LOCAL REVIEW BODY

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

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

CONTACT DETAILS

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

**General Inquiry lines 0141 577 3001
Email planning@eastrenfrewshire.gov.uk**

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NOTICE OF REVIEW

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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 100630496-001

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

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

| | | | |
|-----------------------|---|--|---|
| Company/Organisation: | <input type="text" value="Pritchett Planning Consultancy"/> | | |
| Ref. Number: | <input type="text"/> | You must enter a Building Name or Number, or both: * | |
| First Name: * | <input type="text" value="Phil"/> | Building Name: | <input type="text" value="PO Box"/> |
| Last Name: * | <input type="text" value="Pritchett"/> | Building Number: | <input type="text"/> |
| Telephone Number: * | <input type="text" value="07901557484"/> | Address 1 (Street): * | <input type="text" value="8052"/> |
| Extension Number: | <input type="text"/> | Address 2: | <input type="text"/> |
| Mobile Number: | <input type="text"/> | Town/City: * | <input type="text" value="Edinburgh"/> |
| Fax Number: | <input type="text"/> | Country: * | <input type="text" value="United Kingdom"/> |
| | | Postcode: * | <input type="text" value="EH16 5ZF"/> |
| Email Address: * | <input type="text" value="phil@pritchettplanning.co.uk"/> | | |

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

| | | | |
|----------------------|---|--|--|
| Title: | <input type="text" value="Other"/> | You must enter a Building Name or Number, or both: * | |
| Other Title: | <input type="text" value="Mr and Mrs"/> | Building Name: | <input type="text" value="Hazelden Mains Farm"/> |
| First Name: * | <input type="text" value="Alistair and Fiona"/> | Building Number: | <input type="text" value="23"/> |
| Last Name: * | <input type="text" value="Miller"/> | Address 1 (Street): * | <input type="text" value="Hazelden Road"/> |
| Company/Organisation | <input type="text"/> | Address 2: | <input type="text" value="Newton Mearns"/> |
| Telephone Number: * | <input type="text"/> | Town/City: * | <input type="text" value="Glasgow"/> |
| Extension Number: | <input type="text"/> | Country: * | <input type="text" value="United Kingdom"/> |
| Mobile Number: | <input type="text"/> | Postcode: * | <input type="text" value="G77 6RR"/> |
| Fax Number: | <input type="text"/> | | |
| Email Address: * | <input type="text" value="phil@pritchettplanning.co.uk"/> | | |

Site Address Details

Planning Authority:

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

| | | | |
|----------|-------------------------------------|---------|-------------------------------------|
| Northing | <input type="text" value="653554"/> | Easting | <input type="text" value="253367"/> |
|----------|-------------------------------------|---------|-------------------------------------|

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 dwelling house and associated works (planning permission in principle)

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

See attached appeal submission

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

Yes No

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

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

Refusal Decision letter 2 March 2023, Refusal Decision letter 17 January 2022, Report of Handling 2021/0508/TP, Location Plan, Site Plan, Proposed Site Plan, Elevations, Floor Plans, Images, Site Photos, Report of Handling 2022/0735/TP. Appeal Statement to LRB

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

2022/0735/TP

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

15/12/2022

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

02/03/2023

Review Procedure

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

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

Yes No

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

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

Yes No

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

Yes No

Checklist – Application for Notice of Review

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

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

Yes No

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

Yes No

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

Yes No N/A

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

Yes No

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

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

Yes No

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

Declare – Notice of Review

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

Declaration Name: Mr Phil Pritchett

Declaration Date: 31/05/2023

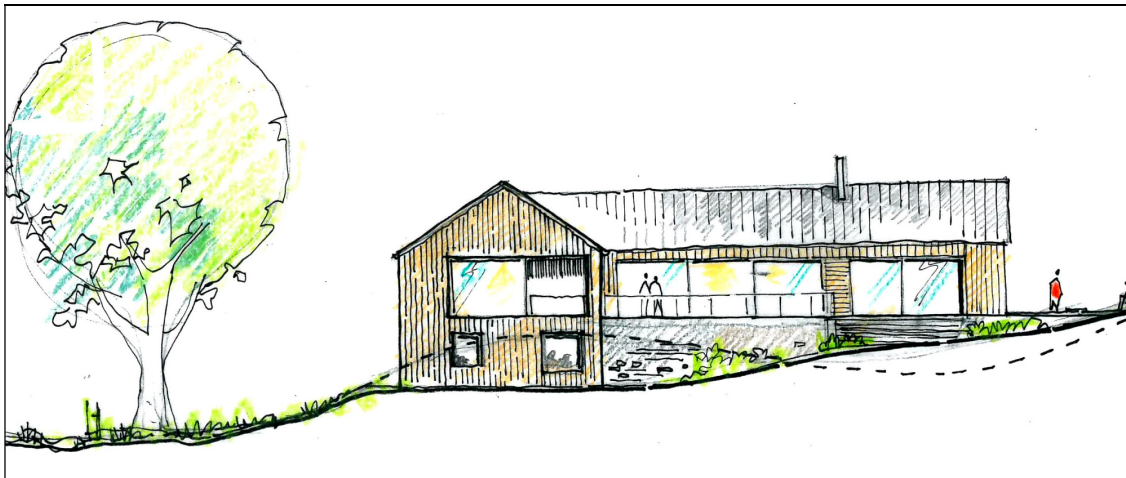
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**PROPOSED DWELLING HOUSE,
LAND WEST OF HAZELDEN MAINS FARM,
HAZELDEN ROAD, NEWTON MEARNES
APPEAL TO LOCAL REVIEW BODY FOLLOWING
REFUSAL OF APPLICATION 2022/0735/TP**

APPEAL STATEMENT

FOR MR AND MRS MILLER



**Pritchett Planning Consultancy Ltd
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| 1.0 | INTRODUCTION | 3 |
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| 3.0 | CONCLUSIONS | 11 |

1.0 INTRODUCTION

- 1.1 This appeal statement is being lodged for consideration by the Local Review Body of East Renfrewshire Council following the refusal of an application for the construction of a new dwelling house to the west of the existing Hazelden Mains Farm on Hazelden Road, Newton Mearns. The land lies within the extended curtilage of Hazelden Farm and is currently used as part of the paddock and grazing area for the family's horses. The paddock and stables all form part of the curtilage of the existing house. The refused application is 2022/0735/TP. The refusal notice was issued on 2 March 2023 and is appeal document 1.
- 1.2 The land on which the dwelling is proposed is contained by a tree belt to the west and a house plot can be created which nestles comfortably within the land form, separated from the existing dwelling and with an access from an existing gated vehicular access which exists on the residential driveway. The site is not cultivated and is not prime agricultural land. The land is only used to graze horses in the existing paddock and the remaining land would continue to be used to graze horses with the paddock and stables serving this land. This appeal proposal relates to a resubmission of a previous proposal for the same dwelling in the same location on the site. Refusal notice 2021/0508/TP refers and is appeal document 2. The difference with this appeal proposal is that it responds to the previous reason for refusal which stated that there had not been any rural justification for the proposed dwelling.

Background

- 1.3 The Miller family has lived in Hazelden Mains for many years and wish to stay within the local area. The family unit has downsized significantly and no longer uses the existing extensive farmhouse to anything like its full capacity. The existing farm should be used by an extended family to ensure its sustainable future. Mr and Mrs Miller wish to downsize but, as a local family, wish to remain in the same vicinity. This proposal is designed to allow Mr and Mrs Miller to remain in this location in a modest house fitting in to their needs and will allow the farmhouse to be used by a larger family unit. The material difference between this application and the previously refused application is that the existing paddock and stable will be retained by Mr and Mrs Miller as part of the curtilage of the new dwelling. The planning officer delegated report on the refused application is appeal document 3. In this previous proposal the paddock and stable was to be removed as it was considered that the removal of that built form would be considered as a positive aspect of the proposal, essentially
-

- changing one element of built form for another on the same site. This argument was not accepted. It was always the case that the family would have had to find alternative stables and paddock for their horses as this is one of the reasons why the family need to stay in the area. No other appropriate accommodation has been found in this area.
- 1.4 The proposed house site is identified on the planning application submission drawings. Appeal documents 4-9 refer. The application is for planning permission in principle with the plans and supporting sketches and design ethos referencing the overall farm unit and identifying where the proposed new house could be located and accessed. This location has been chosen due to its well screened position within the existing dwelling curtilage which allows some separation between the existing dwelling and the proposed house but all within the paddock area of the existing unit. The report of handling is appeal document 10. In the assessment section the officer states *'The application site comprises an area of land within the extended curtilage of Hazelden Mains and lies within the greenbelt to the south of Newton Mearns. Hazelden Mains is a former farm steading that is now in residential use. The application site lies immediately to the west of the steading and is presently occupied by a paddock, stable block and an area of hardstanding all of which are used for the keeping of the applicant's horses'*. It should be noted that the application is not therefore part of any farmed unit and the land is not prime agricultural land. The land forms part of the curtilage of an existing dwelling house. The development of a house in this location would not therefore affect any farming unit.

Proposed House Location

- 1.5 The indicative design and location has been devised such that it uses the land form and natural features and boundaries to create a new house plot which sits comfortably within its surroundings and within the extended curtilage of the existing dwelling. It should be noted that as part of this application the curtilage of the new dwelling would include the existing paddock and stable block. The purpose of the dwelling house is to allow the occupants to continue to operate the stable and paddock for their horses. There is therefore a specific locational and operational need for the proposed dwelling house. This allows the new house to have functionality as part of the rural area and is the main reason for building a new house close to the stable and paddock to allow the family to continue this rural activity which is well established and locationally specific. There is no other option for the family. The proposed house will be well related to the existing stables and paddock and can be developed to bed down

into the established landscape. No farm unit will be subdivided and no prime land would be lost. Horses require 24 hour attendance on occasions and as such the house is well positioned to allow this activity to continue on the site.

Site Location

- 1.6 Hazelden Mains Farm is one of a number of large residential properties accessed from Hazelden Road. The dwellings are set within generous curtilages. Hazelden Mains sits at the centre of six fields with a mature tree belt and boundary hedges and fences defining the paddock ground to the west of the house. The proposed house would sit comfortably within this existing curtilage. The existing steading is situated to the east of the application site with the large stable and barn and extensive paddock area situated to the south west of the main steading building. The site area taken up by the stable and paddock extends to around 1,500sqm. This area would be subsumed into the curtilage of the new dwelling house.
- 1.7 The application site is undulating with the ground generally rising to the north. The northern boundary is defined by a long established boundary fence and undulating ground with the return of the tree belt in the north west corner. Existing site photographs are appeal document 9. There is an existing vehicular access and gate which would be used to gain access into the proposed residential plot. No other infrastructure is required. As the plot is well defined there will be no incursion into the wider countryside. The proposed house would be of exemplar rural design and sited carefully within existing landscape features. The house, stable and paddock would then form a single rural entity which would sit comfortably in this greenbelt location. The house would allow the existing rural activity to continue. The alternative would be to redevelop the existing paddock and stable buildings to form residential development and garden ground but this would then suburbanise this location. This proposal therefore supports an existing countryside activity with an appropriate and necessary form of development.
- 1.8 The land is not farmed and is currently used as part of the wider paddock area for horse jumping and riding. The upper/northern area is largely unused given the mounds that exist within the site. The proposed house would not be visible in the wider landscape with the tree belt to the west providing shelter and a strong boundary to the plot. The proposed house location would use the existing topography to nestle the proposed building into the existing slopes of the ground which is evidenced in the sketches submitted. There is substantial mounding between the site and the

existing farm steading allowing each house to sit comfortably within the existing topography of the land with minimal visual or functional interaction, but with the proposed house plot situated within the existing curtilage of the house. It is noted in the officer delegated report that the proposed house location and general impact on its setting would be acceptable thereby complying with LDP policies D1, D1.2 and D6.

- 1.9 This appeal submission therefore addresses the specific policies which have been noted in the delegated report and NPF4.

2.0 PLANNING POLICY ISSUES

- 2.1 The application requires to be assessed against NPF4 (policy 8) and policies D3 and D3.3 of the LDP. The officer report has not referenced any other development plan policies of relevance.

NPF4

- 2.2 The Scottish Government recently adopted NPF4 has six overarching spatial principles. Two of these principles are relevant to this proposal and refer to 'Local Living' and 'Rural revitalisation'.
- 2.3 In respect of local living the principle states that the government will support local liveability and improve wellbeing by ensuring people can easily access greenspace and leisure locally. In this case the Miller family have lived locally for many decades and have been actively involved in the rural economy for many years running a stable and paddock which requires an extensive area of ground to exercise and house horses. Such activities cannot be undertaken within the urban area. The officer report states that no justification has been put forward to demonstrate that a dwelling is required in this location. This is not the case. The dwelling is required in this location as the family own and operate the existing stables and paddock on the site. The existing house is far too large and no longer serves the family's needs. The best scenario is therefore that which is put forward which is the construction of a high quality new dwelling to be developed alongside the existing stables and paddock which will allow the family to continue to live in a sustainable manner sustaining this rural area and continuing to enjoy the well-being that the family has from keeping horses. The only other alternative is to try and find a smaller existing rural house where there are stables and a paddock area. However such properties do not exist in this area. The proposal is therefore in accord with the overarching spatial principles of NPF4.
- 2.4 The greenbelt policy 8 in NPF4 has been referred to in the delegated report. The policy intent is defined as *'to encourage, promote and facilitate compact urban growth and use the land around our towns and cities sustainably'*. In the policy outcome section it states that *'The character, landscape, natural setting and identity of settlements is protected and enhanced'*. In this case the officer has accepted that the development of a house in the location suggested would be acceptable with the only issue being that the house is not considered to be justified on this site. The officer considers the proposal to be a *'personal preference'* of the applicant rather than being necessary to support an established rural use. However, the officer report does not refer to LDP policy D3 which states *'Development within the green belt or countryside around towns, including changes of use or conversions of existing buildings, will be supported in principle where it is for agriculture; forestry; equestrian; countryside recreation and active travel; outdoor leisure and tourism, including holiday accommodation; economic and farm diversification'*. The appellant's case in this instance is clearly noted as being a development which supports an existing equestrian use.
-

The policy does not refer to the type of development that can be supported in this policy.

- 2.5 The proposal allows the existing dwelling house to be fully utilised by an incoming family unit and for the existing now much smaller Miller family to continue to live locally and support local services as well as use the existing rural facility of the stables and paddock which have existed for over 10 years. The house is necessary to allow 24 hour security and use of the stables. Downsizing into a smaller dwelling is therefore a sustainable way of living and maintaining the existing rural activity in the stables which is in accordance with policy D3 which specifically refers to equestrian use. The keeping of livestock is clearly a rural activity and cannot be undertaken in an urban environment.
- 2.6 NPF4 policy 8 states that development proposals will only be supported if residential accommodation is required and designed for a key worker in a primary industry within the immediate vicinity of their place of employment where the presence of a worker is essential to the operation of the enterprise. This policy therefore supports workers who keep animals such as horses with this activity being a primary rural activity supported by the LDP policy D3. Horses require 24 hour monitoring and support and accommodation is therefore required in close proximity to the stables. NPF4 policy 8 is therefore satisfied and the issue of the relationship between the family needs and stabling of horses has not been addressed in the officer report, suggesting this to be a personal preference. All matters in relation to the operation of rural industries are 'personal preferences' of those residing in countryside locations and participating in rural activities. The applicants have been residing and partaking in a rural supported activity in this area for many decades and this application is simply seeking permission to allow the family to continue to reside in this location and continue to participate in the long standing equestrian activity which is policy supported. The health and well-being of the applicants as well as the sustainable use of land are all referenced in NPF4 policies and this proposal is in accord with such policy principles.

East Renfrewshire LDP Policy 3

- 2.7 Policy D3 relates to development in the greenbelt. It states that development in the greenbelt or countryside around towns, including changes of use or conversions of existing buildings, will be supported in principle where it is for agriculture; forestry; equestrian; countryside recreation and active travel; outdoor leisure and tourism, including holiday accommodation; economic and farm diversification will be supported in principle. Equestrian uses has been an added form of development in the most recent update to the development plan. The proposed dwelling is related to a well-established equestrian use. The policy does not distinguish between new buildings and existing buildings simply referring to development being acceptable. As noted above, for equestrian uses where horses are kept and cared for, it is essential that owners live on site to care for the animals. In this case the owners live on site currently but the existing house is no longer appropriate for the size of family unit that exists. The house is

not therefore suitable for the ongoing needs of the family. If the family is to continue to maintain the existing paddock and stables new living accommodation is required. Policy D3.3 is therefore engaged and complied with as there is a direct operational requirement for 24 hour on-site supervision and this requires to be in the form of a new dwelling. The officer states that this is a personal preference of the applicant. However, the policies are worded such that the issues do come down to personal situations as families expand and contract through generations. The existing dwelling house was previously fit for purpose but is no longer, but the family wishes to continue to operate the stables and paddock which is a supported rural activity. The alternative is for the paddock and stables to be closed down leaving a large dwelling house and outbuildings which do not serve any rural purpose. This would be contrary to supporting rural activities which is a key principle of NPF4.

Supplementary Planning Guidance on Rural Development

- 2.8 This supplementary planning guidance was adopted by East Renfrewshire Council in 2015. It states that it recognises that not all new development will be located within the urban area but it remains committed to preventing uncontrolled spread of urban areas into the open countryside. In this instance this is a site specific proposal for the existing land owner who is downsizing. The house is necessary to allow the family to continue to operate the existing stables and paddock in this location. Otherwise the family would be separated from their rural activities or the stables would be lost having been established on this site for many years. There would be no extensive spread of new development as the proposed house site would be well contained in the land form and existing boundary features and new and extended garden ground can be readily created and enhanced within the existing dwelling curtilage.
- 2.9 The guidance note references Scottish Government advice which states that landscapes in Scotland are evolutionary rather than static. NPF4 supports rural diversification and the wellbeing of residents. In this site evolution has taken place to create a substantial extended family dwelling house with outbuildings. This application puts forward a proposal which will allow this stead complex to evolve further into two separate dwelling houses with complementary garden ground to serve both houses with amenity safeguarded. The stables and paddock would then form part of the new dwelling curtilage which is policy supported.
- 2.10 The guidance supports the conversion of farm buildings to non-agricultural uses, particularly where they are redundant. It also 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. In this regard the guidance states that when assessing any proposal; the council will consider the location and siting of the building and its impact on the character of the local area. The delegated report states that in terms of siting and design the proposed site would be appropriate for a dwelling
-

- house. A new building could sit comfortably within the surrounding landscape. This area is characterised by houses within the countryside setting, some of which have been more successful than others in blending in with the landscape. This particular building has been positioned such that it uses the landform to hide the extent of built form but creates a high quality dwelling house which is consistent with the surrounding built form and landscape. The pallet of suggested materials will also ensure that the building appears to be an integral part of the farm landscape. It is also intended that the dwelling would be highly energy efficient in building materials and energy usage. This proposal therefore conforms with the council's aspiration to support *'thoughtful and appropriate design solutions'*.
- 2.11 The guidance predates the pandemic but recognises a growing trend to live and to work from home in countryside locations. This desire has increased since the end of the pandemic. Health and wellbeing of residents is also now at the forefront of government policy. The existing steading is large enough to accommodate a large family unit and the proposed dwelling can also provide smaller family style accommodation with a working from home environment created for both units, but with the new dwelling site being necessary due to the operation of the existing stables and paddock.
- 2.12 The supplementary guidance states that a new dwelling in the countryside will only be permitted in the greenbelt and countryside where certain criteria can be satisfied. In this instance it has been demonstrated that there is an existing building on the site which requires a rural setting for its use as a stable with adjoining paddock. The dwelling is necessary in this location to allow the stable and paddock to continue to function. The approach to setting and design style would lead to a dwelling of high quality and amenity allowing the existing family to reside in the area which has been their home for over 20 years. Should planning permission in principle be granted a more in-depth design assessment process would be embarked upon to consider all elevations and floor levels to ensure that the proposed building is orientated and scaled as appropriately as possible within its setting.
-

3.0 CONCLUSIONS

- 3.1 The proposed site for a new dwelling is within the countryside to the south of Newton Mearns but lies within the extended curtilage of an extensive farm steading which has substantial outbuildings. This proposal seeks planning permission for a new residential dwelling justified as it will support the established activity of the stables and paddock which the family has run for many years. The stable is a conforming use in the greenbelt.
- 3.2 The proposed site for the dwelling has been carefully selected and would create a house which nestles within the land form with existing strong and well established boundary features. There would be no suburbanisation of the site or surroundings and the extent of built form would complement existing buildings on site. The siting and general location of the proposed dwelling has been supported in the delegated report.
- 3.3 Development plan policy does not place an embargo on residential development in the countryside. Exemplar development is encouraged on appropriate sites where a well-designed sustainable building can be created which will not have any adverse effect on neighbours or the environment and can utilise modern green technologies. Dwellings are also supported where they are necessary to sustain an established rural function. This is the case in this proposal. The proposal can be considered to be in accordance with NPF4 policy 8 as well as LDP policies 3 and 3.3. This appeal submission and assessment of the merits of this case provide a clear basis for supporting this development which will allow the keeping of horses in the rural environment to continue.
- 3.4 When considered against supplementary planning guidance, government policy and development plan policies relating to countryside development this proposal can be supported.

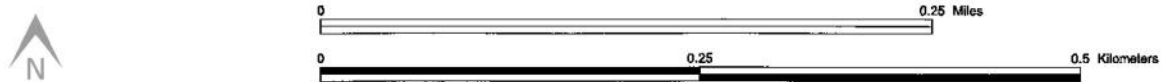
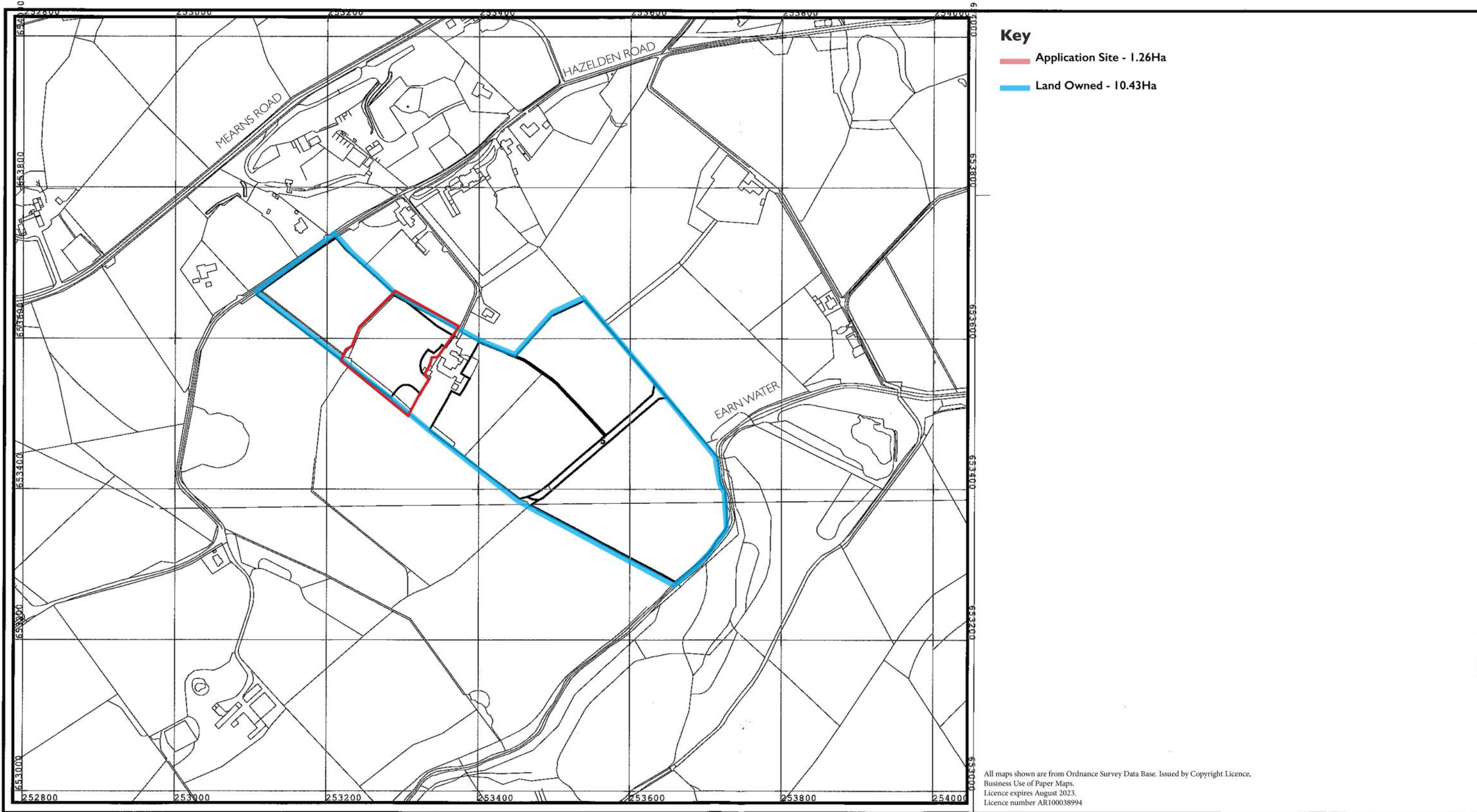
May 2023

PLANS/DRAWINGS

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Proposed Site

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Location Plan 1:5000@A3

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PLANNING APPLICATION

New House at Hazelden Mains Farm, Hazelden Road, Newton Mearns, East Renfrewshire, G77 6RR

PL01 AUGUST 2022

Please note these drawings are for information only, the proposed position of the dwellinghouse and floor plans will not form part of this application.

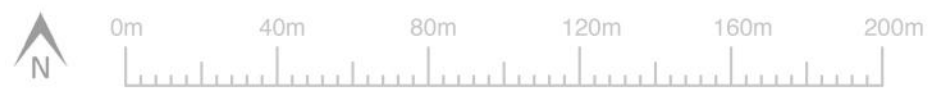
Existing Site

202

Existing Site Plan
1:2000@A3



Key
- - - Duntakings
Application Site



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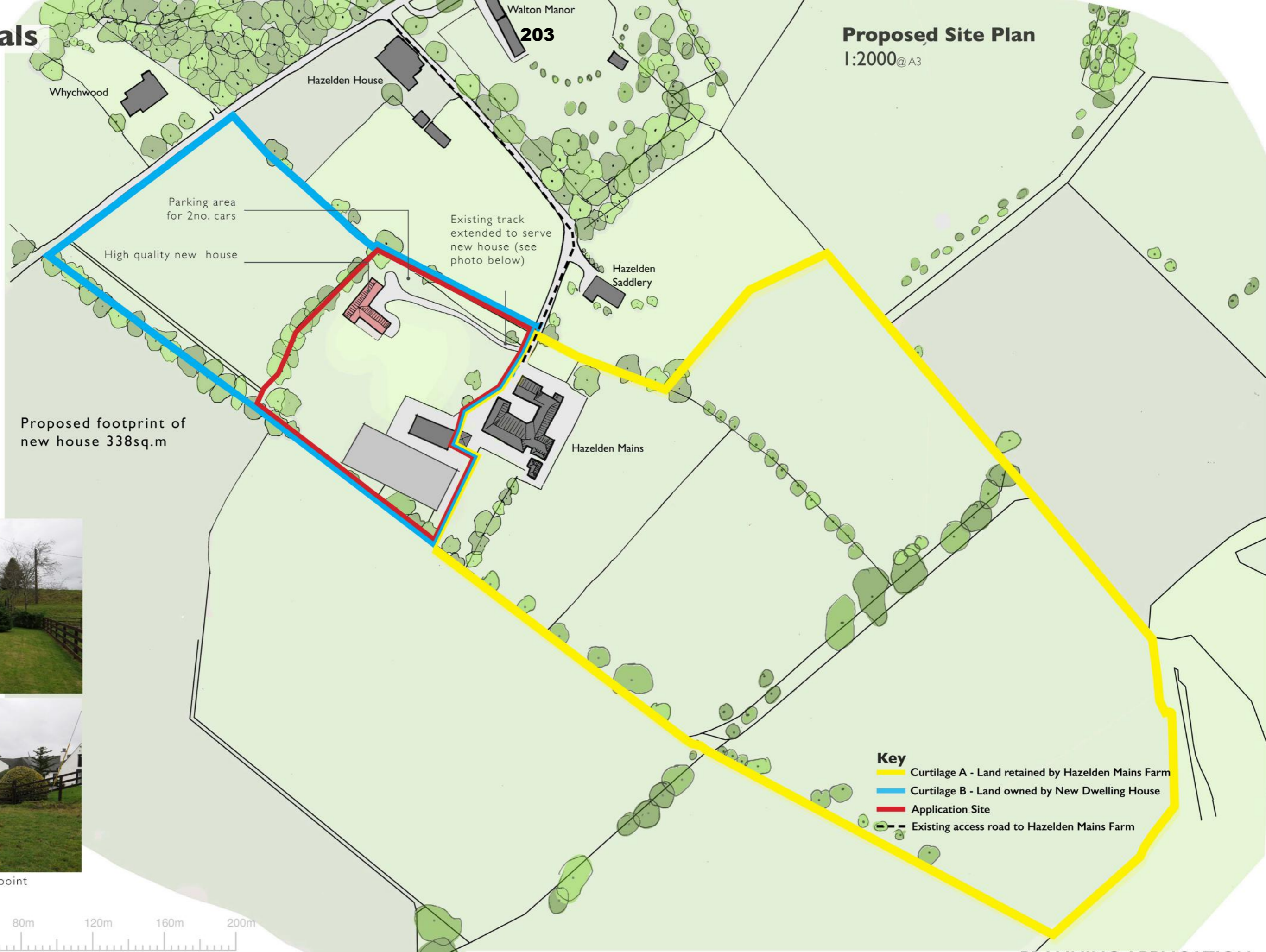
PLANNING APPLICATION
New House at Hazelden Mains Farm, Hazelden Road, Newton Mearns, East Renfrewshire, G77 6RR

Please note these drawings are for information only, the proposed position of the dwellinghouse and floor plans will not form part of this application. PL02 AUGUST 2022

Site Proposals

A new dwelling house is proposed within the curtilage of the Hazelden Mains Farm nestled between the existing line of trees and grassy hillocks. These provide shelter and visual screening from the farm. The existing access track would be used and extended as shown to serve the new house.

Proposed Site Plan
1:2000@A3



Proposed footprint of new house 338sq.m



Proposed access road starting point

- Key**
- Curtilage A - Land retained by Hazelden Mains Farm
 - Curtilage B - Land owned by New Dwelling House
 - Application Site
 - Existing access road to Hazelden Mains Farm

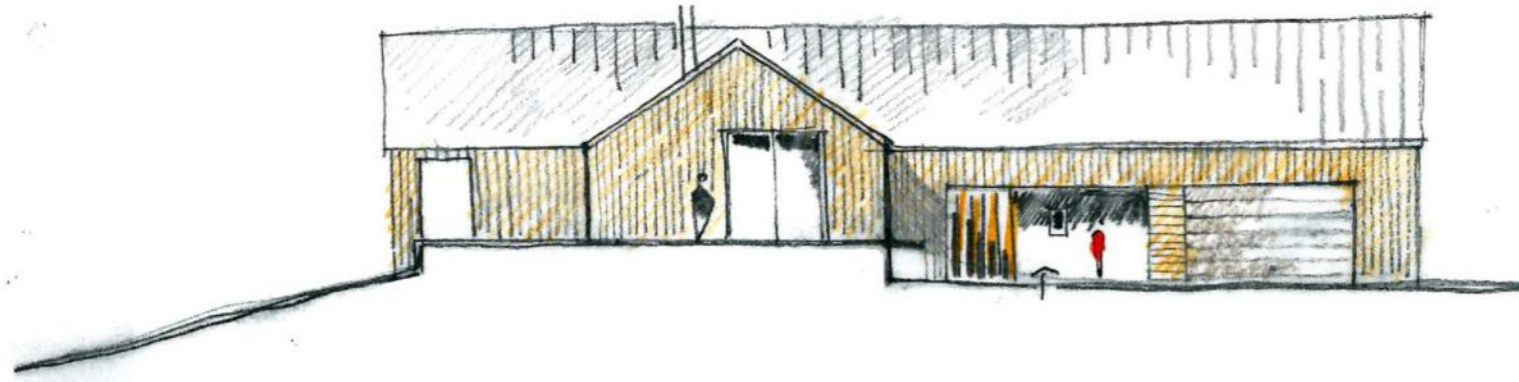


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PLANNING APPLICATION
New House at Hazelden Mains Farm, Hazelden Road, Newton Mearns, East Renfrewshire, G77 6RR

PL03 AUGUST 2022

Please note these drawings are for information only, the proposed position of the dwellinghouse and floor plans will not form part of this application.



Proposed South East Elevation

Scale 1:200 @A3



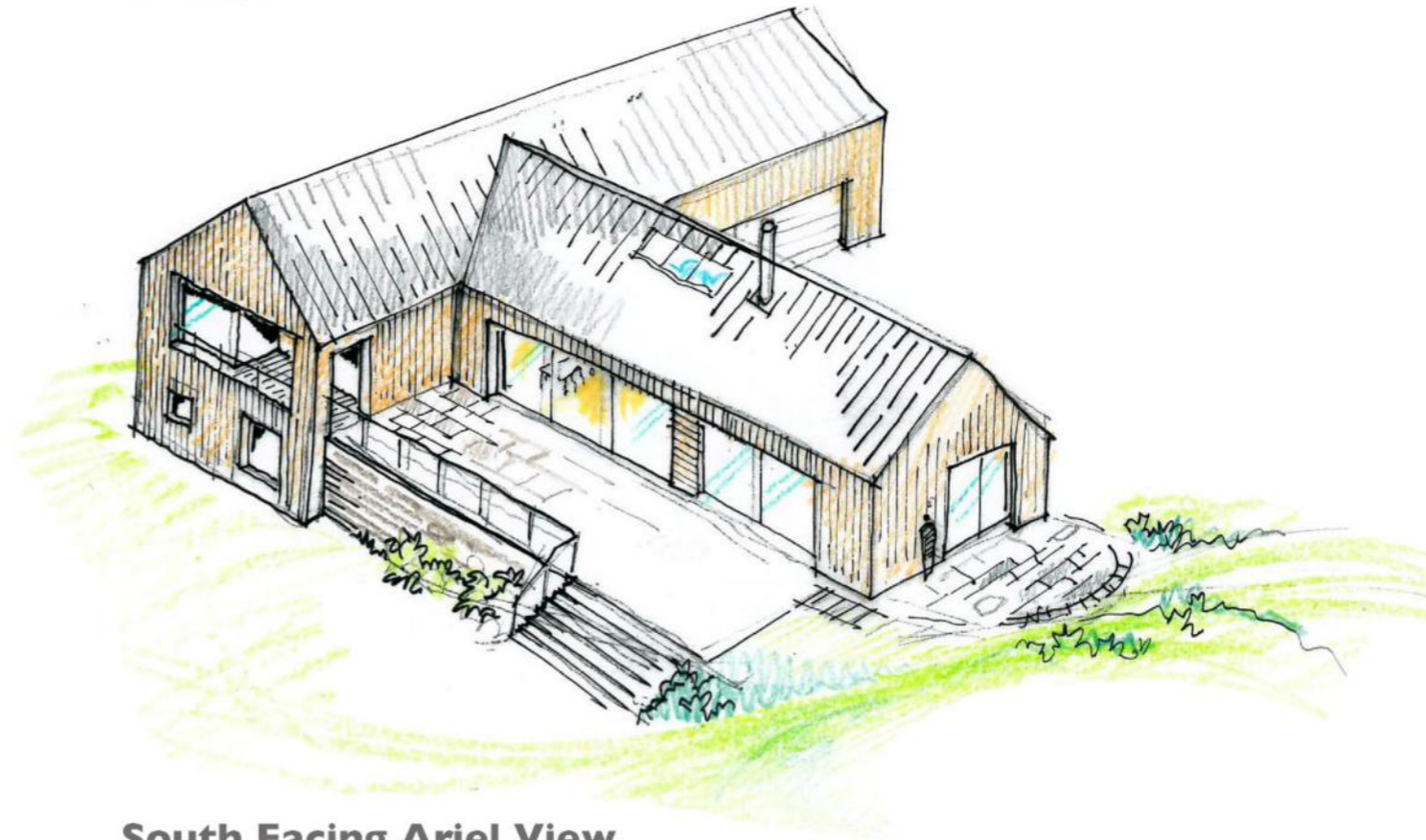
Proposed North West Elevation

Scale 1:200 @A3



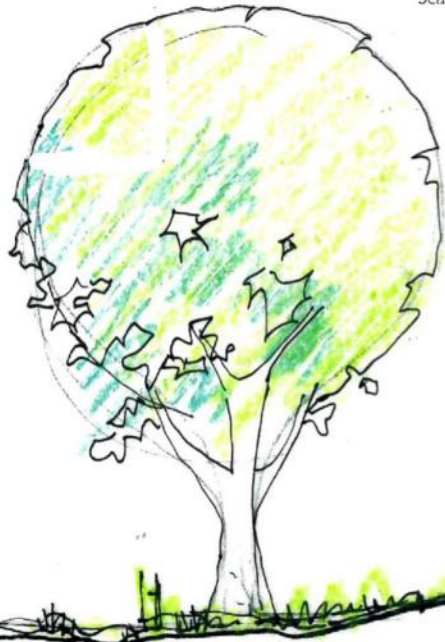
Proposed North East Section

Scale 1:200 @A3



South Facing Ariel View

Not to scale



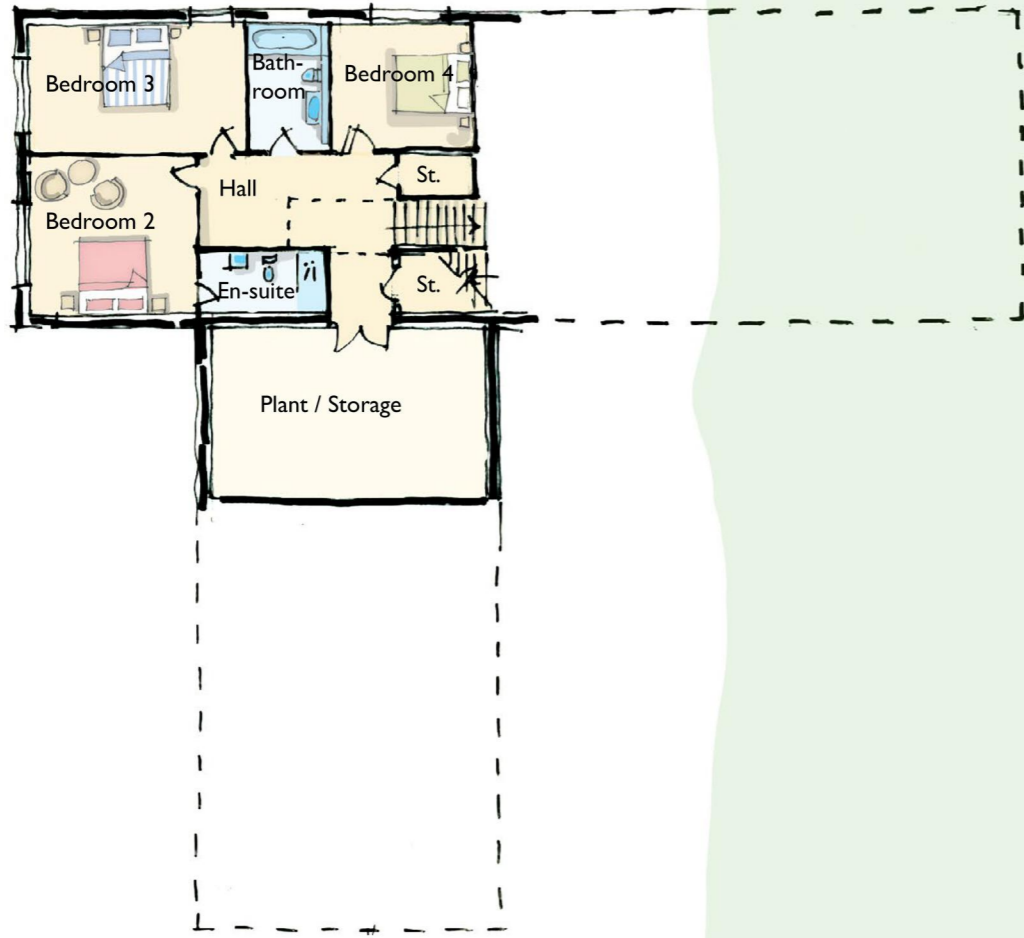
Proposed South West Elevation

Scale 1:200 @A3



Lower Ground Floor Plan

Scale 1:200 @ A3



Entrance and Upper Ground

Scale 1:200 @ A3



The new house is situated on a sloping site tucked behind the grassy mounds which are next to Hazelden Mains Farm. The T-shaped plan allows for a slim traditional shaped gable, which enables the house to be sited low and the mass to be well broken up.

The house will appear single storey from the approach with the main living accommodation all at an accessible raised ground floor, the bedrooms tucked beneath as the hillside slopes down the site.



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Grassy Mounds

INDICATIVE PLANNING APPLICATION

New House at Hazelden Mains Farm, Hazelden Road, Newton Mearns, East Renfrewshire, G77 6RR

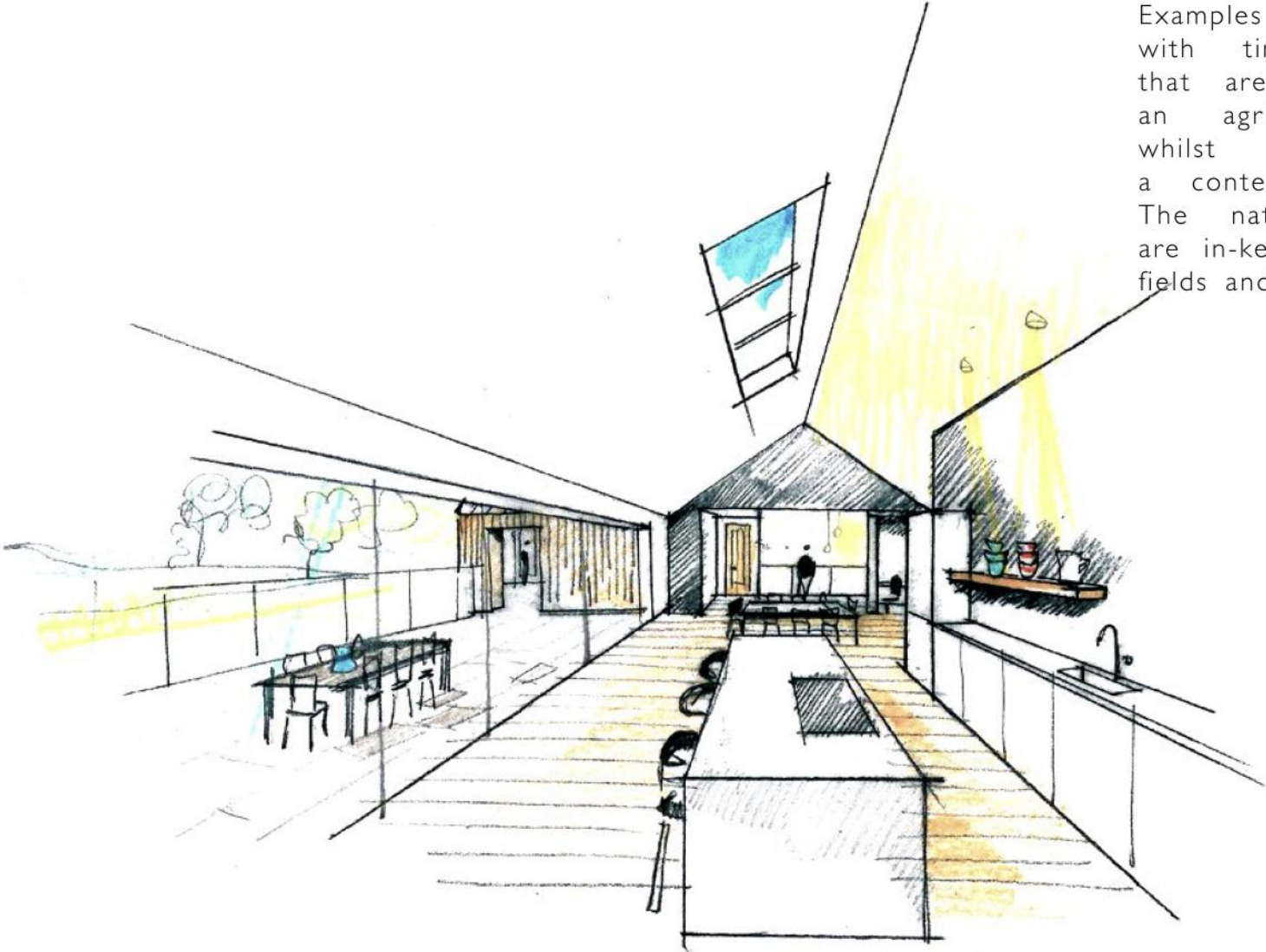
PL05 AUGUST 2022

Please note these drawings are for information only, the proposed position of the dwellinghouse and floor plans will not form part of this application.

Interior Sketch View

206

Examples of similar houses with timber cladding that are evocative of an agricultural barn whilst incorporating a contemporary style. The natural materials are in-keeping with the fields and woods nearby.



Precedent Images



PLANNING APPLICATION

New House at Hazelden Mains Farm, Hazelden Road, Newton Mearns, East Renfrewshire, G77 6RR

PL07 AUGUST 2022

Please note these drawings are for information only, the proposed position of the dwellinghouse and floor plans will not form part of this application.

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Site Photos

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North view of proposed site



View of site and existing house from access road



South west view of site

Proposed access road to join existing access road



Location of proposed access road to new dwelling house



Proposed access road looking back towards Hazelden Mains Farm



Starting point of proposed access road to new dwelling house



Existing access road with Hazelden Saddlery beyond



Existing access road

PLANNING APPLICATION

New House at Hazelden Mains Farm, Hazelden Road, Newton Mearns, East Renfrewshire, G77 6RR

PL04 AUGUST 2022

Please note these drawings are for information only, the proposed position of the dwellinghouse and floor plans will not form part of this application.

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