

Directorate for Planning and Environmental Appeals

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Robert Freel
Stonehouse Community Council
75 Lockhart Street
Stonehouse
ML9 3LX



Our ref: P\PPA\380\447

20 May 2009

Dear Sir

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
PLANNING APPEAL: THE MIDDEN, EAST MAINS FARM, MANSE ROAD,
STONEHOUSE, ML9 3NX**

I enclose for your information a copy of the decision letter on this appeal.

The Reporter's decision is final, subject to the right of any aggrieved person to apply to the Court of Session within six weeks from the date of the decision conferred by Sections 237 and 239 of the Town and Country Planning (Scotland) Act 1997; on any such application, the Court may quash the decision if satisfied that it is not within the powers of the Act or that the applicant's interests have been substantially prejudiced by a failure to comply with any requirement of the Act, or of the Tribunals and Inquiries Act 1992, or of any orders, regulations or rules made under these Acts.

Yours faithfully

EMMA BROWN

Enc

Appeal Decision Notice

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Decision by Michael Shiel, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: P/PPA/380/447
- Site address: The Midden, East Mains Farm, Manse Road, Stonehouse ML9 3NX
- Appeal by Mr and Mrs W Allan against the decision by South Lanarkshire Council.
- Application for outline planning permission no. HM/08/0364, dated 28 April 2008, refused by notice dated 19 September 2008.
- The development proposed: Erection of a dwellinghouse and stables.
- Date of site visit by Reporter: 29 April 2009

Date of appeal decision: 20 May 2009

Decision

I dismiss the appeal and refuse outline planning permission.

Reasoning

1. The determining issues in this appeal are whether: (1) the proposal complies with the provisions of the development plan; and (2) there are any other material considerations that warrant determining the appeal other than in accordance with those provisions.
2. No structure plan policies have been drawn to my attention. The South Lanarkshire Local Plan was adopted on 23 March 2009 and the proposal must now be considered on the basis of its provisions. The appeal site is within the Green Belt, at some distance from the settlement boundary of Stonehouse. There is no suggestion that the proposed house is required in connection with any of the uses considered appropriate in the Green Belt in local plan policy STRAT 3. Nor does it fall within one of the five categories in policy CRE 1 where planning permission might be granted for the erection of housing in the countryside. The proposal does not, therefore, accord with the provisions of the development plan.
3. With regards to other material considerations, photographic evidence shows that there were formerly some small agricultural buildings on the front part of the site although it is not known when they were removed. This part of the site has an uneven surface now covered in rough grass, but is not unsightly nor does its condition detract from the visual amenity of its rural surroundings. The greater part of the appeal site, however, comprises agricultural land and, whilst it might be intended to retain it as a paddock associated with

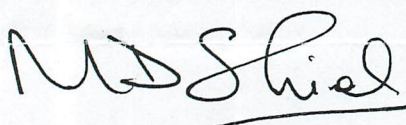


the proposed stables, I do not consider that, taken as a whole, the appeal site is brownfield land in a meaningful sense.

4. The site adjoins East Mains farmhouse and steading on one side and is separated by an agricultural track from a house (The Haining) to the north-east, which is well screened from Manse Road by a line of tall cypress trees. Visually, therefore, I do not consider that it reads as a gap site where infilling might be acceptable, particularly given the very strong presumption against new development in the Green Belt. Rather than consolidating an existing group of buildings, as suggested for the appellant, I find that the house would effectively intensify the pattern of sporadic development (which appears to be largely associated with former smallholdings) along Manse Road. As such it could establish an undesirable precedent leading to pressure for further development which would erode the rural character of the area.

5. The existing steading buildings at East Mains have permission, as yet unimplemented, for conversion into six dwellings. However the circumstances of such a development, which utilises and retains traditional farm buildings, are very different from a proposal to build a new house in the countryside, and do not provide any justification for approving this application. The planning permission granted in 1991 for the erection of a new house at East Mains Farm was specifically for agricultural use and is not relevant to the present situation, as well as long predating current planning policies for the area.

6. Overall, I conclude that there are no material considerations that warrant granting permission for the proposed house, contrary to the relevant development plan policies.



MICHAEL D SHIEL
Reporter

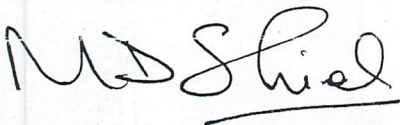


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