

CLACKMANNANSHIRE COUNCIL

TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS

REFUSAL OF PLANNING PERMISSION IN PRINCIPLE

Applicant

Agent

Mr John Neilson
17 Glassford Square
Tillicoultry
Clackmannanshire
FK13 6AU

The Council hereby **REFUSE PLANNING PERMISSION IN PRINCIPLE** for the:-

Change Of Use Of Agricultural Land To Private Garden Ground, Erection Of Dwelling House To Rear Of 17 Glassford Square And Formation Of Car Parking And Turning Areas

17 Glassford Square, Tillicoultry, Clackmannanshire, FK13 6AU,

in accordance with your application and plans Ref. No:- 19/00112/PPP dated 11th June 2019

That the proposed erection of a house and associated access be REFUSED. The change of use of agricultural land to private garden ground whilst acceptable and retrospective is a detailed proposal that cannot be regularised through a planning in principle application.

For the following reason:-

1. The proposed erection of an additional dwellinghouse on the site would detract from rather than maintain or contribute positively to the established character, amenity and environmental qualities of the site and the surrounding area by reason of
 - (a) The creation of a site that due to its shape could not acceptably provide for the satisfactory position of a house and the useable space available for activities associated with the domestic use of the proposed house would be inadequate and poorly arranged.
 - (b) The amenity of the existing house would be adversely affected by the location of a house with associated parking and turning areas in close proximity.
 - (c) The proposed access does not comply with Roads advice in terms of its design and length.
 - (d) The proposed erection of an additional dwellinghouse on the site would result in a building isolated from the grouping of existing buildings to the detriment of the landscape character of the adjacent Special Landscape Area.
 - (e) The loss of more than 50 % of the garden to the rear of the existing house.

The proposal is therefore contrary to Policy SC 5 of the Clackmannanshire Local Development Plan 2015.

Dated: 21 August 2019



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DEVELOPMENT SERVICES

Plans Relating to the Decision

Plan 1 Location Plan and Access.

NOTES FOR GUIDANCE

1. Please examine your decision notice carefully. It describes the development to which the decision relates, includes any conditions that must be complied with and explains the reasons for the decision.
2. Please also read the following guidance. It contains important information regarding
 - * the duration of the permission
 - * rights of review
 - * requirements for further notification to the Council; and
 - * the publicising of the development.
3. Section 59 Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006 - Planning Permission in Principle:-
 - (a) In the case of matters specified by conditions, further application(s) for approval must be made to the Council not later than the expiration of 3 years beginning with the date of this permission. Otherwise, the planning permission lapses on that date.
 - (b) The development to which this permission relates must be begun not later than the expiration of 5 years from the date of this permission or within the expiration of 2 years from the final approval of matters specified whichever is the later. Otherwise, the planning permission lapses on the latter date.
4. Section 58 Town and Country Planning (Scotland) Act as amended by the Planning etc. (Scotland) Act 2006 - Planning Permission: Unless otherwise stated overleaf, the development to which this permission relates must be begun not later than the expiration of 3 years from the date of this permission. Otherwise, the planning permission lapses on that date.
5. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition, in respect of the proposed development, or to grant permission for 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. The Notice of Review form is available to download on the Council's website or can be obtained from the Council's Local Review Body at LRB@clacks.gov.uk. Once completed the form should be returned to the same mailbox or, alternatively, you can post your appeal form to:

Clerk to the Local Review Body
Resource & Governance – Legal Services
Clackmannanshire Council
Kilncraigs
Alloa FK10 1EB

Notification of Initiation of Development

6. Once it has been decided on the date to start work on the development to which this permission relates, **the developer must inform the Council of that date as soon as is practicable and certainly before starting work. This is termed Notification of Intention of Development (NID). Failure to give such notice to the Council constitutes a breach of planning control.** The notification must include:-
 - (i) The date on which the development is likely to commence.
 - (ii) The full name and address of the person intending to carry out the development.

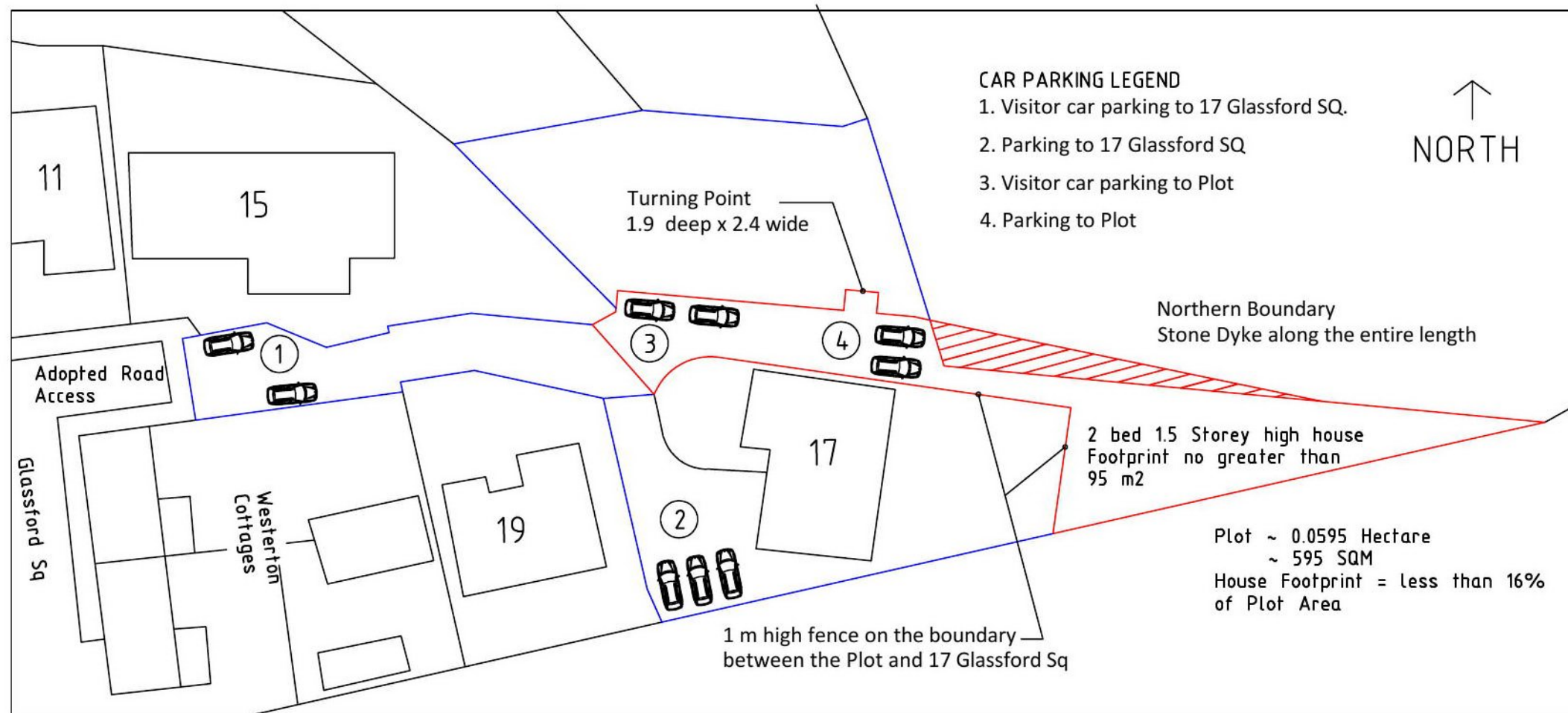
- (iii) The full name and address of the landowner if they are a different person.
- (iv) The full name and contact address/details of the site agent or other person appointed to oversee the development.
- (v) The reference number and date of issue of the planning permission.

Notification of Completion of Development

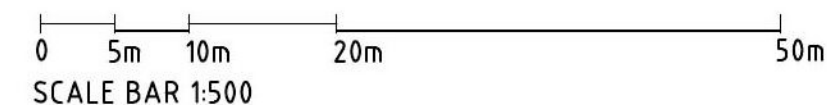
7. Once the development to which this permission relates has been completed, the applicant or developer must, as soon as practicable, notify the Council accordingly. This is termed Notification of Completion of Development (NCD). If the development is carried out in phases, the notification must be issued to the Council as soon as practicable after each phase.

Display of Notice while Development is carried out

8. If this permission relates to a national, major or bad neighbour development (such as a public house or hot food takeaway), the applicant or developer must, for the duration of the development, display one or more signs. The sign(s) must be displayed in a prominent place at or in the vicinity of the site, and be readily visible to the public. **Failure to display the sign(s)/notice while carrying out the development constitutes a breach of planning control.** The information to be displayed must include:-
 - (i) The location of the development.
 - (ii) Any conditions attached to the planning permission.
 - (iii) The name and address of the developer.
 - (iv) The date on which planning permission was granted.
 - (v) The planning authority reference number.
 - (vi) A description of the development.
 - (vii) A note of the Council's contact details for enquiries relating to the development, which is development_services@clacks.gov.uk or Development Services, Clackmannanshire Council, Kilncraigs, Greenside Street, Alloa, FK10 2EB.
9. 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.
10. **It should be understood that this permission does not carry with it any necessary consent or approval to the proposed development under other statutory enactments. In particular, it does not constitute approval under the Building (Scotland) Acts, The Water Environment (Controlled Activities) (Scotland) Regulations or Roads (Scotland) Acts in respect of street works.**



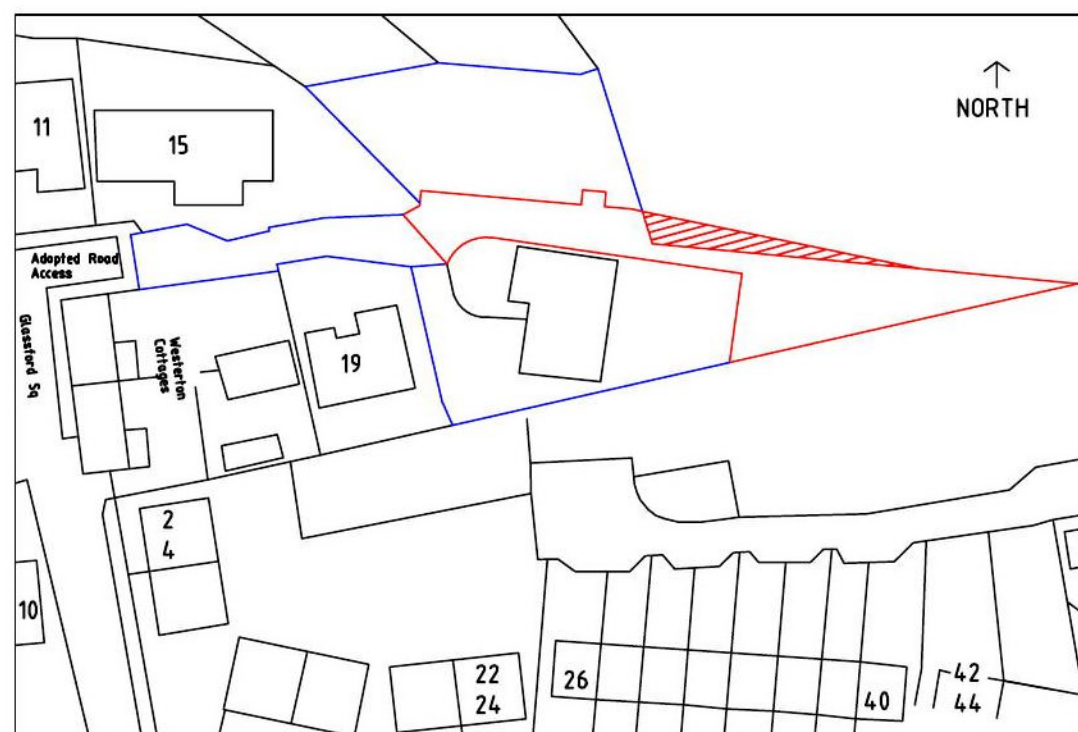
Site Plan 1:500



LEGEND

BLUE - Ownership / Control
RED - Proposed area of Plot
HATCHED AREA - Changes of use from agricultural land to garden.

Location of the proposed house to be agreed with the planning authority



Location Plan 1:1000



THE CLACKMANNANSHIRE COUNCIL
TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS

REFUSED

DEVELOPMENT SERVICES

REVISION		INT	DATE
TITLE			
Living Space			
Mr & Mrs Neilson			
17 Glassford Square			
Tillicoultry			
DRAWING			
Site / Location Plan			
SCALE	DRAWN BY	@ A3	
1:500 / 1:1000	A.N.		
DRAWING NO.	DATE		
JRN-AN-2019-003	June 2019		

