



Appeal Decision Notice

Decision by Sinéad Lynch, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-320-2173
- Site address: Coathill Farm, Stirling Road, Luggiebank, Cumbernauld G67 4AE
- Appeal by Mr John Hannigan against the decision by North Lanarkshire Council
- Application for planning permission 22/01225/FUL dated 6 October 2022 refused by notice dated 25 May 2023
- The development proposed: holiday lodges (65 units), farmhouse, residential development (18 units), agricultural building and road improvements and associated infrastructure
- Date of site visit by Reporter: 10 October 2023

Date of appeal decision: 28 December 2023

Decision

I dismiss the appeal and refuse planning permission.

Preliminary matters

A Procedure Notice was issued on 13 October 2023, seeking submission of a development viability report. This was submitted by the appellant and all parties were offered an opportunity to comment.

Reasoning

1. I am required to determine this appeal in accordance with the development plan, unless material considerations indicate otherwise. In this instance, the development plan consists of National Planning Framework 4 (NPF4) and the North Lanarkshire Local Development Plan 2022.
2. Having regard to the provisions of the development plan the main issues in this appeal are the siting of the proposed development in the green belt, housing in the countryside, tourism and the potential for the site to be considered brownfield land.

Green Belt

3. NPF4 contains Policy 8 Green Belts. The policy sets out at Part i) bullet point 4 that development proposals will only be supported if they are for, amongst other uses, tourism and one-for-one replacements of existing homes. Part ii) of the policy then sets out the requirements for the supported uses in the green belt. Reasons need to be provided as to why a green belt location is essential and why it can't be located on an alternative site outwith the green belt; the purpose of the green belt in 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.

4. Policy PP4 Green Belt of the LDP acknowledges that developments that need a non-urban location can include those related to the visitor economy. In addition, LDP Policy AD4 sets out the appraisals and assessments required to support such proposals in the green belt.

5. I am satisfied that the appellant has provided the appropriate assessments and appraisals to support the tourism-related element of this appeal, in accordance with LDP Policy AD4.

6. I find that elements of the proposal such as the holiday lodges and the eighteen houses could be located elsewhere in countryside locations and on allocated sites outside the green belt in North Lanarkshire. The proposed holiday lodges and pitches are located close to the A73, and the appellant advises that it is also intended to provide a motorhome stop for tourists and travellers as they move north and south. I note the location of Coathill Farm, to the south of Luggiebank and Cumbernauld, and to the east of the A73 and M80. I accept that a holiday park of the nature proposed could be in accordance with both NPF4 Policy 8 and LDP Policies PP4 and AD4 in terms of requiring a location which is rural, potentially green belt and outwith a settlement. I find that the proposed holiday park and agricultural building elements of the proposed development would not undermine the purpose of the green belt in this location and would be compatible with the surrounding countryside and landscape character. Visual impact would be minimised and there would be no significant long-term impacts on the environmental quality of the green belt from those elements alone in this location.

7. The proposed farmhouse does not replace the existing farmhouse, as that would remain as a separate dwelling on the farm, contrary to the provisions of NPF4 Policy 8.

8. The proposed replacement farm building could be located on the existing farm and be in accordance with Policy 8 of NPF4 and LDP Policies PP4 and AD4.

9. In order to deliver the holiday park, farmhouse and farm building, the appellant advises that a cross subsidy is required, as it would not be a viable proposal otherwise. New homes are proposed in the northeast part of the site, where there are currently farm buildings, hard standing and the remains of an old building which may have been a school. Eighteen new homes are proposed. NPF4 Policy 8 does not make any provision for new homes in the green belt, nor does the LDP.

10. The appellant makes the case for the overall development by stating that the eighteen homes are enabling development to deliver the farmhouse and holiday lodges. A business case and development viability assessment have been provided with the appeal. I find that neither NPF4 Policy 8 or LDP Policies PP4 and AD4 make provision for enabling development, nor for housing as enabling development in the green belt.

11. I find that the holiday park and agricultural building may be in accordance with Policy 8 of NPF4 and Policies PP4 and AD4 of the LDP. However, the proposed eighteen houses and the new farmhouse are, I find, contrary to NPF4 Policy 8 and LDP Policies PP4 and AD4. Given that the proposed housing is required as enabling development and that the remainder of the proposal is not considered viable without the cross-subsidy it may generate, I conclude that overall, the proposed development is contrary to the development plan.

Housing

12. NPF4 Policy 17 Rural Homes Part a) supports new homes in rural areas where the development is suitably scaled, sited and designed and meets one or more of the eight listed criteria. I find that the proposed eighteen homes do not meet any of the criteria set out at Part a). Parts b), c) and d) are either not met or not applicable to the proposal. The site is not allocated for housing in an LDP; the site is only partially brownfield where there are remains of an old school house, the remainder appears to be scrubland or in active agricultural use; it does not reuse a redundant or unused building; there is no historic environment asset; the houses are not required for the management of a business or for workers; they are not part of succession planning; they do not involve subdivision; and a former dwelling would not be reinstated nor would an existing house be replaced.

13. Part b) of Policy 17 considers how proposals for rural homes would contribute to local living, including addressing local housing needs, economic considerations and the transport needs of the development. I agree that these considerations could be addressed by the proposal if it were in accordance with Part a) of Policy 17, which I have found it is not.

14. The proposed development includes a new farmhouse in the south-eastern part of the appeal site. The existing farmhouse would remain as is. I find that the proposal for a new farmhouse would not be in accordance with Policy 17 Part a).

15. NPF4 also includes Policy 16 Quality Homes. Part a) sets out that development on land allocated for housing will be supported. The appeal site is not allocated for housing. Part b) does not apply as the appeal proposal is not for fifty or more homes. Part c) i to viii does not appear to apply, Part d) is not applicable, Part e) is not applicable as the proposal is not for affordable homes and Parts g) and h) are not applicable. The appellant argues that Part f) ii applies and that the proposal is consistent with the plan spatial strategy and other relevant policies. I find that as the appeal site is in the countryside, outwith a settlement and in the green belt, it is not consistent with the LDP spatial strategy. Consistency with other relevant policies including local living and 20-minute neighbourhoods is addressed elsewhere in this decision.

16. I conclude that the part of the proposal for eighteen new homes and a new farmhouse is contrary to NPF4 Policies 16 and 17.

Rural Development

17. Policy 29 of NPF4 relates to rural development. It sets out at Part a) that proposals that contribute to the viability, sustainability and diversity of rural communities and the local rural economy will be supported. Ten criteria are then listed, none of which I consider the proposed development to be in accordance with. Part b) requires developments to be suitably scaled, sited and designed to be in keeping with the character of the area. They should consider how the development would contribute to local living and take in to account the transport needs of the development. I find that Parts c) and d) do not apply to this appeal proposal.

18. I find that the tourist – related element of the proposed development and the agricultural building may be compliant with Part b) of Policy 29. In addition, the new farmhouse as it does not replace on a one-to one basis another dwelling, does not comply. The proposed eighteen houses are not in keeping with the scale of the existing farm and steadings, or the character of the area.

19. I find that the proposal only partially complies with Policy 29 of NPF4.

Tourism

20. Policy 30 of NPF4 relates to tourism. Part a) sets out that proposals in locations identified in the LDP will be supported. The appeal site is not identified in the LDP for new or extended tourist facilities. Part b) sets out the criteria proposals for tourism should take into account, and I find that the seven criteria could be met by the proposal, if it complied with the locational requirement in Part a), which I have found it does not.

Local living and 20-minute neighbourhoods

21. The appeal site lies in the countryside and the green belt, to the south of the village of Luggiebank and the town of Cumbernauld. It is not within a settlement, nor is it adjoining a settlement. There is a bus service on the A73 north and south. At my site inspection, I noted the lack of pedestrian facilities from the site towards Luggiebank, and lack of local facilities.

22. The concept of 20-minute neighbourhoods and local living is set out in NPF4 Policy 15. I find that the existing settlement pattern in the vicinity of the appeal site is a dispersed rural one. Sustainable modes of transport are only available in the form of the limited local bus service, and there are no safe and high quality walking, wheeling or cycling networks in the vicinity of the appeal site; there are little to no employment opportunities, except the minimal ones created by the holiday park, as there appear to be no amenity facilities provided on site; there is no shopping available; there are no health and social care facilities; schools, childcare and life-long learning opportunities are not available; playgrounds are provided on site; there are no publicly accessible toilets; and the proposed lodges / motorhome sites could be affordable and accessible, as could the proposed eighteen new homes, but there is no indication that they are.

23. In addition, Policy 15 refers to LDPs supporting 20-minute neighbourhoods within settlements. The proposed development is outwith a settlement.

24. Overall, I am satisfied that the proposed development does not comply with Policy 15 of NPF4.

Brownfield land

25. The appellant argues that the eighteen houses would be located on a part of the site that should be considered brownfield, as it is currently occupied by agricultural buildings, a derelict structure which may have been an old school, hardstanding and the potential footings and access route of and to an old building.

26. At the accompanied site inspection, I noted the above elements on the north-eastern part of the site. Policy 9 of NPF4 specifically addresses brownfield, vacant, and derelict land and empty buildings. Part a) sets out that proposals that will result in the sustainable reuse of brownfield land will be supported. Part b) sets out that proposals on greenfield land will not be supported, unless the site has been allocated for development, or the proposal is explicitly supported by policies in the LDP.

27. NPF4 provides a definition of 'brownfield' at Annex F – Glossary of definitions. The definition provided is 'Land which has previously been developed. The term may cover

vacant or derelict land, land occupied by redundant or unused buildings and developed land within the settlement boundary where further intensification of use is considered acceptable'.

28. I find that the site is not vacant, as there are agricultural buildings in use on that part of the site; it is not derelict apart from the old building which has a relatively small footprint in comparison to the overall site area; the hardstanding appears to be used for vehicle parking and turning; and it is not within a settlement. Overall, I am satisfied that the appeal site does not meet the definition of brownfield as set out in NPF4.

29. NPF4 Policy 17 also offers support for new homes on brownfield land within rural areas where a return to a natural state has not or will not happen without intervention. In this instance, I am not aware of there being any significant obstacle to such a return. I am satisfied that the proposal does not accord with Policy 17 of NPF4 in this regard.

Climate mitigation and adaptation

30. The appellant sets out that all services are available on the site, the proposed development will generate energy onsite, and the enhanced wildlife areas would add to biodiversity in the area. I agree that the proposed development is capable of generating energy and potentially enhancing wildlife. However, its location outwith a settlement and potential reliance on private transport, and utilisation of a greenfield site, would not minimise lifecycle greenhouse gas emissions overall, contrary to NPF4 Policy 2 Part a).

Access

31. A number of parties have raised concerns regarding transport and access to and from the site. I note that the appellant has suggested that footpaths and lighting could be provided, in addition to widening the access road. The council is content that subject to the requisite planning conditions, all relevant access standards could be met by the proposed development. I am also content that all relevant standards could be met. The appellant advises that a request has been made to SPT for a bus stop in close proximity to the site.

Other matters

32. There were several representations made relating to the proposal. Matters were raised in those representations which have been addressed above. Matters were also raised which are not material to the planning system, including but not restricted to matters such as the potential management of the site, maintenance of the site, the current use of the site and the occupation of the owners. As such matters are not material to my decision, I have not taken them into account.

33. The appellant has questioned the manner in which the planning application was dealt with at the planning committee stage. That is not a matter that can be addressed through the planning appeal process; and it is not material to my decision.

Conclusions

34. I therefore conclude, for the reasons set out above, that the proposed development does not accord overall with the relevant provisions of the development plan, being NPF4 Policies 2, 8, 9, 15, 16, 17, 29 and 30, and LDP Policies PP4 and AD4. There are no material considerations which would still justify granting planning permission.

35. I have considered all the other matters raised, but there are none which would lead me to alter my conclusions.

Sinéad Lynch
Reporter

Richborough