

To: Planning and Property Policy Board

On: 24 January, 2017

Report by: Director of Development and Housing Services

Heading: REVIEW OF PLANNING AND RELATED APPEAL DECISIONS

1. Summary

- 1.1 This report is to inform Members on the outcome of planning and related appeals in Renfrewshire which have been submitted to the Scottish Government's Directorate of Planning and Environmental Appeals since last being reported to the Planning & Property Board on 25th August 2015.
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2. Recommendations

- 2.1 That Members note the outcome of Appeals in Renfrewshire in relation to Planning and related matters.
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3. Background

- 3.1. The changes introduced by the Planning etc. (Scotland) Act 2006 included substantial changes to the procedures by which planning applications and related matters could be reconsidered, for example, following the refusal of planning permission or following the service of an enforcement notice.
- 3.2. Where an applicant is aggrieved by a decision on a planning application that has been determined by an Appointed Officer under the Council's Scheme of Delegation, the applicant may seek a fresh consideration of the application by the Local Review Body.
- 3.3. However, where an application has been determined by the Planning and Property Policy Board, the Directorate for Planning and Environmental Appeals (DPEA), usually through a Reporter, will determine the matter. Enforcement of planning control is a matter delegated to the Head of Planning and Development but enforcement appeals are determined by DPEA.

- 3.4. To provide some context on the volume and type of appeals, Members should be aware that for the year 2015-2016 some 97.1% of all applications were approved; compared with 98.2% in 2014-2015. Similarly, 97.5% of all applications were determined under the Scheme of Delegation; compared with 98.3% in 2014-2015.
- 3.5. Applications involving proposals which fall within the category of 'National' or 'Major' would always require to be determined by the Planning and Property Policy Board (or in specific circumstances by the Council). The Scheme of Delegation Protocol sets out the circumstances in which 'Local' applications, which would normally fall to be decided by an Appointed Officer, may be 'called-in' for determination by this Board.
- 3.6. The following table indicates the number of appeals submitted to DPEA, by type, and by outcome (where these have been determined at the date of writing). Table 1: Appeals Submitted to DPEA Between 1 Sep 2015 and 31 Dec 2016

DEVELOPMENT	DECISION
Planning Permission / Listed Building Consent	
Blackhall Lane/Street, Paisley – Demolition of Listed Building	Following the decision of the Board to refuse an application for Listed Building Consent, contrary to the Officers recommendation; this Appeal was sustained and permission Granted subject to conditions.
Blackhall Lane/Street, Paisley – Erection of Residential Development	Following the Refusals above, two separate Appeals were submitted within the terms of Deemed Refusal which were Sustained and Planning Permission granted subject to conditions.
Abbey Road, Elderslie – Erection of Residential Development	Following the decision of the Board contrary to the Officers recommendation, this Appeal was sustained and planning permission granted by the Scottish Ministers subject to conditions. It is also noted that the Council was asked to pay the Costs of the Appellant as they were considered to have acted unreasonably in reaching a decision on this application.
Weels Farm, Kaim Road, Lochwinnoch – Installation of Solar Farm	Appeal dismissed and planning permission refused.
West Michelton Farm, Bridesmill	Appeal dismissed and planning permission

Road, Lochwinnoch – Installation of Solar Farm	refused.
Sandholes Farm, Sandholes Road, Brookfield – Erection of Residential Development	With DPEA awaiting decision.
Land NW of Kilbarchan Quarry, Branscroft, Kilbarchan – Erection of Residential Development	With DPEA awaiting decision.
Enforcement Notice	None
Advertisement	
454 Hillington Road – Display of High Level Digital Signage.	Appeal dismissed and advertisement consent refused.
Northern Edge of Highway, Renfrew Road, Renfrew – Display of Digital Hoarding.	Appeal dismissed and advertisement consent refused.
Stopping-Up Order	
Mossland Road, Renfrew – Stopping up of part of solum of former Mossland Road.	Stopping-up order confirmed after objection was withdrawn.
High Hedges	
Dundarroch House, Golf Course Road, BoW – Appeal against decision not to issue a High Hedge Notice.	Following Delegated Decision not to serve notice, this decision was quashed and High Hedge Notice served.
Dundarroch House, Golf Course Road, BoW – Appeal against decision not to issue a High Hedge Notice.	Following Delegated Decision not to serve notice, this decision was quashed and High Hedge Notice served.
19 Woodside Road, Brookfield - Appeal against decision not to issue a High Hedge Notice.	Decision confirmed. No requirement to serve Notice.
Woodend House, Houston Road, Houston - Appeal against decision to issue a High Hedge Notice.	With DPEA awaiting decision.
(TOTAL NUMBER OF APPEALS OF ALL TYPES : 15)	

Implications of the Report

1. **Financial** – The award of costs in respect of the ‘Abbey Road’ appeal will have financial implications with the Council being required to bear the expenses incurred by the appellant to cover the costs arising from submission and conduct of the appeal. These costs are not yet known.
 2. **HR & Organisational Development** – None.
 3. **Community Planning** – None.
 4. **Legal** – None.
 5. **Property/Assets**–None.
 6. **Information Technology** – None.
 7. **Equality & Human Rights** - The Recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals’ human rights have been identified arising from the recommendations contained in the report because it is for noting only. If required following implementation, the actual impact of the recommendations and the mitigating actions will be reviewed and monitored, and the results of the assessment will be published on the Council's website.
 8. **Health & Safety** – None.
 9. **Procurement** – None.
 10. **Risk** – None.
 11. **Privacy Impact** – None.
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List of Background Papers

- (a) Background Paper 1 : Appeal Decision – Blackhall Lane, Paisley (Site 1)
<http://www.dpea.scotland.gov.uk/CaseDetails.aspx?ID=117073>
Background Paper 2 : Appeal Decision – Blackhall Lane, Paisley (Site 2)
<http://www.dpea.scotland.gov.uk/CaseDetails.aspx?ID=117072>
Background Paper 3 : Appeal Decision – Blackhall Lane, Paisley (Demolition)
<http://www.dpea.scotland.gov.uk/CaseDetails.aspx?ID=117125>
Background Paper 4 : Appeal Decision – Weels Farm, Lochwinnoch
<http://www.dpea.scotland.gov.uk/CaseDetails.aspx?ID=117408>
Background Paper 5 : Appeal Decision – West Michelton Farm, Lochwinnoch
<http://www.dpea.scotland.gov.uk/CaseDetails.aspx?ID=117407>
Background Paper 6 : Appeal Decision – Abbey Road, Elderslie
<http://www.dpea.scotland.gov.uk/CaseDetails.aspx?ID=117233>

Background Paper 7 : Appeal Decision – Sandholes Farm, Brookfield
<http://www.dpea.scotland.gov.uk/CaseDetails.aspx?ID=117585>
Background Paper 8 : Appeal Decision – NW of Kilbarchan Quarry
<http://www.dpea.scotland.gov.uk/CaseDetails.aspx?ID=117591>
Background Paper 9 : Appeal Decision – 454 Hillington Road, Hillington
<http://www.dpea.scotland.gov.uk/CaseDetails.aspx?ID=117052>
Background Paper 10 : Appeal Decision – Renfrew Road, Renfrew
<http://www.dpea.scotland.gov.uk/CaseDetails.aspx?ID=117367>
Background Paper 11 : Appeal Decision – Mossland Road, Hillington
<http://www.dpea.scotland.gov.uk/CaseDetails.aspx?ID=117128>
Background Paper 12 : Appeal Decision – Woodend House, Houston
<http://www.dpea.scotland.gov.uk/CaseDetails.aspx?ID=117709>
Background Paper 13 : Appeal Decision – Woodside Road, Brookfield
<http://www.dpea.scotland.gov.uk/CaseDetails.aspx?ID=117563>
Background Paper 14 : Appeal Decision – Golf Course Road, BoW
<http://www.dpea.scotland.gov.uk/CaseDetails.aspx?ID=117164>
Background Paper 15 : Appeal Decision – Golf Course Road, BoW
<http://www.dpea.scotland.gov.uk/CaseDetails.aspx?ID=117165>

The foregoing background papers will be retained within Development & Housing Services for inspection by the public for the prescribed period of four years from the date of the meeting. The contact officer within the service is David Bryce, Development Standards Manager, 0141 618 7892; david.bryce@renfrewshire.gov.uk.

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