
To: Communities, Housing and Planning Policy Board
On: 30 October 2018

Report by: Director of Communities, Housing and Planning

Heading: Planning Appeal Decisions – 2018

1. Summary

- 1.1 This paper sets out the outcomes of planning applications that were the subject of recent appeals to the Scottish Government's Directorate of Planning and Environmental Appeals (DPEA).
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2. Recommendations

- 2.1 It is recommended that the Board:
- (i) notes the outcomes of the planning recent appeals to the Directorate of Planning & Environmental Appeals (DPEA) as set out in Appendix 1.
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3. Appeals in 2018

- 3.1 To date, in 2018, nine appeals have been submitted to the Directorate of Planning and Environmental Appeals (DPEA), however three appeals were withdrawn prior to a decision on the matters.
- 3.2 Appendix 1 sets out the six appeals against the decisions made by the Council. In five out of the six appeals the Scottish Government Reporter decided in the appellant's favour.
- 3.3 The dismissal of the appeal against the refusal of planning permission in principle for residential development in the green belt at Johnshill in Lochwinnoch, outlines the consistent approach by Renfrewshire Council in aiming to get the right housing in the right sustainable locations across Renfrewshire. This reflects the Council approach to successfully defending appeals against development in the green belt in 2017.

- 3.4 Appeals against high hedges continues to contribute to the appeal submissions to the DPEA. The High Hedges (Scotland) Act 2013 came into force on the 1 April 2014. The purpose of the legislation is to consider issues in relation to high hedges which impact on the reasonable enjoyment of domestic properties and where issues have not been resolved amicably between neighbours.
- 3.5 The Scottish Government and Renfrewshire Council have prepared guidance to assist in understanding this piece of legislation. However there continues to be confusion and challenges with the legislation, its application and the consistency in approach from the Scottish Government Reporters in determining appeals against high hedge notices.
- 3.6 In relation to the appeal against the refusal of planning permission and listed building consent for The Institute at Maxwellton Street in Paisley, the Scottish Government Reporter found that the appeal succeeded on both main issues of acceptability of demolition of the listed building and the form of the redevelopment.
- 3.7 In terms of the appeal against the Certificate of Lawful Use at the Normandy Hotel, the Scottish Government Reporter confirmed that the burden of proof in relation to the evidence provided to confirm that the site at the Normandy Hotel had been used for car parking for more than 10 years was on the balance of probability accepted, therefore the use was considered lawful. In concluding, the Scottish Government Reporter considered that the use for airport parking was not materially different in planning terms to the use for car parking.

Implications of the Report

1. **Financial** - None
2. **HR & Organisational Development** - None
3. **Community/Council Planning** – None.
4. **Legal** – None
5. **Property/Assets** - None
6. **Information Technology** - None
7. **Equality & Human Rights** - None
 - (a) 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. 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
12. **Cosla Policy Position** – Not applicable.

List of Background Papers

Background Paper 1 – Planning Appeal Decision Notice HHA-350-11

Background Paper 2 – Planning Appeal Decision Notice PPA-350-2025

Background Paper 3 – Planning Appeal Decision Notice HHA-350-12

Background Paper 4 – Planning Appeal Decision Notice PPA-350-2031

Background Paper 5 – Planning Appeal Decision Notice LBA-350-2001

Background Paper 6 – Planning Appeal Decision Notice CLUD-350-2001

*FC/SM/MC
10 October 2018*

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Application / Appeal Ref No.	Site Address	Proposal	Date of Decision	Outcome
17/0236/HH HHA-350-11	38 Mansionhouse Road, Paisley	High Hedge	18 January 2018	Issue a high hedge notice to significantly reduce the height of the row of trees to improve light levels for the appellant when using the rear garden.
16/0806/PP PPA-350-2025	Site on Northern Boundary of Beech Burn, Johnshill, Lochwinnoch	Erection of residential development (in principle)	28 February 2018	Dismiss the appeal and refuse planning permission in principle for the residential development as the proposed development would not accord with the development plan and conflicts with Scottish Planning Policy as the development does not contribute to sustainable development.
17/0623/HH HHA-350-12	Land 40m South West of Lochwinnoch Parish Church, Lochhead Avenue, Lochwinnoch	High Hedge	5 June 2018	Issue a high hedge notice and fell the hedge to ground level to remove the adverse effects of the hedge.
17/0456/PP PPA-350-2031	The Institute, Maxwellton Street, Paisley	Erection of 40 flats and formation of parking and landscaping	15 August 2018	Allow the appeal and grant permission for residential development. It was considered that the building was incapable of repair. The proposal did not constitute over-development. Overall the form, siting, design, density, external finish and layout of the proposed development were acceptable.
17/0454/LB LBA-350-2001	The Institute, Maxwellton Street, Paisley	Demolition of former school building	15 August 2018	Allow appeal and listed building consent granted. Demolition is justified, particularly in the light of the unsafe condition of the surviving structures.
17/0831/CL CLUD-350-2001	Normandy Hotel, Inchinnan Road, Renfrew	Certificate of Lawful Use of Lawful Use for the use of land as airport car park	15 August 2018	Allow the appeal and grant a certificate of lawful use. On the balance of probability, the site has been used uninterrupted for car parking for more than 10 years.