



Report by Chief Planning Officer
Planning and Climate Change Policy Board: 27 August 2024

Reference No	24/0261/PP
Application Type	Planning Permission
Proposal	Erection of holiday lodge
Location	Site on Northern Boundary of High Linthills Linthills Road Lochwinnoch
Ward	9 - Johnstone North, Kilbarchan, Howwood and Lochwinnoch
Community Council	Lochwinnoch Community Council
Applicant	Mr Robert Seaton
Recommendation	Grant subject to conditions
All plans, reports, documents and representations relating to this application can be viewed in full online at https://pl-bs.renfrewshire.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SBGJHZMWGMN00	

This report fulfils the requirements of regulation 16, Schedule 2, paragraphs 3(c) and 4 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.

The report is presented to the Planning and Climate Change Policy Board in line with the Council's Scheme of Delegation. In this instance, the application would normally fall within the Council's scheme of delegation to be determined by an appointed officer. However, a request was submitted by Cllr Andy Doig, Cllr Chris Gilmour and Cllr Gillian Graham, within 21 days of the application appearing on the weekly list, that the matter be removed from the scheme of delegation for determination by the Board due to the application being viewed as controversial in the eyes of the local community.

Proposal

This application seeks planning permission for the erection of a holiday lodge at High Linthills. Access is via Linthills Road, with the lodge positioned on higher ground above the road which bounds the site to the south. Proposed parking arrangements include provision for two spaces adjacent to the site access, and two spaces on the higher ground adjacent to the lodge. The proposed lodge has a rectangular footprint of approx. 100 square metres (including the canopy overhang). It incorporates a dual pitched roof which measures 2.65m in height at the eaves and 4.5m at the ridge. The lodge is clad in cedar cladding with a brick base course, timber window frames and a slate roof. There is provision for six solar panels to be fitted to the roof plane on the rear elevation.

The site layout also includes a container which will be used in connection with the water and electricity supply to the lodge. The container, which is already positioned at the site, will be located to the rear of the lodge. It measures 3m in length by 2.4m in width by 2.6m in height.

Site Description

The site is located at the north western end of Linthills Road and comprises of grassland with a rocky outcrop towards the north western boundary. The site is currently accessed from Linthills Road which bounds the site to the south. The southern boundary is defined by a hedge and trees along the road edge. There are neighbouring residential properties approx. 35m to the south of the access. To the east the site is bound by a strip of woodland, with rolling grassland to the north and west.

The access track which connects the site to Linthills Road has already been formed, as has the hard standing area upon which the lodge would be positioned. A post and wire fence has also been erected along the edge of the access track and the hard standing area, with conifer trees also planted along the edge of the access track in conjunction with the post and wire fence.

It is noted that a holiday lodge was previously approved at this location via appeal (application ref: 20/0195/PP). For the purposes of this application the lodge is in the same position as the previous application. It is also of a comparable design and external finish. However, the footprint of the proposed lodge at 100 sqm is larger than the previous lodge which was 77 sqm. The ridge line on the proposed lodge is also 0.2m higher than the lodge approved at appeal.

Pre-Application Consultation with Officers

The Scottish Government strongly encourages constructive pre-application discussions between prospective applicants and the planning authority. Pre-application discussions seek to identify key planning considerations at an early stage and help inform what supporting information is required to support a subsequent application.

Pre-application discussions have not taken place in this instance.

Negotiated Improvements

Following submission, the following changes have been negotiated between officers and the applicant:

No changes have been negotiated.

Site History

Application No: 20/0195/PP
Description: Erection of holiday lodge
Decision: Refused. Appeal sustained.

Consultations

Environment, Housing & Infrastructure (Env. Protection) - No objection subject to conditions relating to provision of evidence demonstrating capacity within the private water supply, and the requirement for a site investigation. Advisory notes also recommended with respect to the private water supply coming under the control of The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017 and the requirement to comply with the requirements of the regulations, and that the property will require a license to operate as a short term let.

Chief Executive's Service (Roads Development) – No objection subject to conditions relating to provision of sightlines of 2.4m x 35m to be provided from the centre of the access in either direction with no obstruction to visibility above 1.05m above carriageway level, and that the access shall be constructed to ensure no surface water/ loose chippings are discharged/ carried out onto the public road.

Representations

The application has been publicised in line with the requirements of the relevant legislation.

The following representations were received:

Object - 2
Support - 0
Neutral – 0

The points of objection raised in the letters can be summarised below.

1. The previous application was refused on environmental grounds, and included removal of 6m of woodland over which the applicant had no control.
2. Implementation of the access requires the removal of 10-12 mature trees. These should be replaced with full standard trees.
3. The proposed access is incomprehensible. The original field track entrance would be preferable.
4. The lodge now requires 4 parking spaces.
5. The orientation of the lodge requires explanation, with the patio area orientated to face the excavated rock face.
6. Discrepancy in land ownership.
7. Adequacy of private water supply to serve the proposed development and existing properties.
8. The reporter did not manage to visit the site for the appeal.
9. There is no landscaping plan or biodiversity plan submitted with the application.
10. Electricity supply is also at capacity.
11. Drainage and issues with surface water run off.
12. Linthills Road is not suitable to serve the development. It is narrow and in poor condition.
13. If the application is approved it should carry the same conditions as the previous application, and the application should be passed to the planning committee to determine.

Policy Context

In making any determination under the Planning Acts, regard is to be had to the development plan unless material considerations indicate otherwise. In this instance the Development Plan consists of National Planning Framework 4 (NPF4) and the Renfrewshire Local Development Plan (2021) (LDP).

The following provisions of the Development Plan are considered relevant to the determination of this application:

National Planning Framework 4

Policy 1 - Tackling the climate and nature crises

Policy 2 - Climate mitigation and adaptation

Policy 3 - Biodiversity

Policy 6 – Forestry, woodland and trees

Policy 8 – Green belts

Policy 14 – Design, quality and place

Policy 20 – Blue and green infrastructure

Policy 22 – Flood risk and water management

Policy 29 – Rural development

Policy 30 - Tourism

Full details relating to the policies of the NPF4 can be found [online](#).

Renfrewshire Local Development Plan

Policy ENV1 – Green Belt

Policy E4 – Tourism

Policy I3 - Flooding and Drainage

Policy I7 - Zero and Low Carbon Buildings

New Development Supplementary Guidance

Delivering the Environment Strategy – Green Belt and Regional Parks
Delivering the Economic Strategy - Tourism

Full details relating to the policies of the LDP can be found [online](#).

Other relevant policies and guidance

Renfrewshire's Tourism Plan 2024-2027

Submitted Reports and Assessments

In assessing and reporting on a planning application the Council is required to provide details of any report or assessment submitted as set out in Regulation 16, Schedule 2, para 4(c) (i) to (iv) of the Development Management Regulations.

No reports or assessments were submitted in support of the application.

Scottish Ministers Direction

In determining a planning application, the Council is required to provide details of any Direction made by Scottish Ministers under Regulation 30 (Directions requiring consultation), Regulation 31 (Directions requiring information), Regulation 32 (Directions restricting the grant of planning permission) and Regulation 33 (Directions requiring consideration of condition) of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, or under Regulation 50 (that development is EIA development) of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017.

None.

Planning Assessment

Section 25 of the Town and Country Planning (Scotland) Act requires decisions on planning applications to be made in accordance with the Development Plan. Material considerations applicable to the proposal also require to be taken into consideration, including site history. As noted above a holiday lodge has previously been granted planning permission at this location. Planning permission 20/0195/PP was granted via appeal and remains live until January 2025.

In assessing the appeal, the appointed reporter concluded that the development does not conflict with the criteria set out in the supplementary guidance for new tourist facilities, and for development in the green belt and in the regional park. The development therefore satisfies the requirements of policies ENV1 and E4 of the LDP.

In view of the above it is considered that the principle of the proposed development has been established in accordance with policies ENV1 and E4 and it is not considered necessary to reassess the principle of the development with regard to these policies. The key considerations within the assessment are therefore the detailed assessment criteria within these policies and the associated supplementary guidance, and the relevant policies within NPF4 which now also form part of the development plan.

With regard to the green belt development criteria within the new development supplementary guidance, there will be no loss of prime quality agricultural land or agricultural land of lesser quality that is locally important.

There will be no adverse impacts on wild land.

The proposed access to the site reflects the location of the access approved under the appeal associated with planning application 20/0195/PP. The Roads Development officer

has not objected to the access subject to conditions regarding provision of visibility splays, and surfacing of the access road to ensure no loose chippings or surface water is discharged onto the public road. No concerns have been raised with regard to the suitability of High Linthills Road to accommodate the development.

The proposed access is positioned to the west of the existing access. The formation of the new access will include removal of a section of boundary wall and some trees. To ensure these alterations are implemented sensitively conditions are proposed which would require compensatory replanting of the trees and reinstatement of the boundary wall where the original access will be closed up. The net result of the development would therefore be to move the access slightly to the west. Compensatory planting would also be sought for any trees that are removed to form the sight lines.

It is not anticipated that the development would give rise to any significant effects on public water supply and the water environment from any pollution risk.

The development will not have a significant impact on any active travel routes or access to open space, and is linked to the green network via High Linthills Road.

The lodge will be positioned in the same location as the lodge approved under the appeal associated with planning application 20/0195/PP. The orientation of the lodge has been amended so that the canopy overhang is now orientated to the south (as opposed to the original submission whereby the overhang was orientated to the north). The orientation as now proposed does not raise any issues with respect to overlooking of the neighbouring properties given the separation distance between the neighbours to the south and the site, and the intervening trees and vegetation which form a screen.

While the building occupies higher ground within the site, it will be screened from view to the north by the rocky outcrop, and from views to the east by the existing strip of woodland. The southern boundary of the site is defined by tree and hedge planting which provides some existing screening to the site as viewed from Linthills Road. Additionally, the proposed timber design is considered to be suitable to the location. While the proposed lodge has a slightly larger footprint in comparison to the previous approval, it is not considered to be of a scale that will significantly impact local landscape character or visual amenity both individually and cumulatively.

Landscaping proposals will be requested via condition. This will include a requirement to demonstrate biodiversity gain, to compensate for trees that are removed to accommodate the access, to reinforce the existing boundary treatment where necessary, and to ensure additional planting and boundary treatments are appropriate.

Environmental Protection have requested a condition that would require the applicant to demonstrate that there is capacity within the private water supply to serve the development. This requirement is also set out within part d) of NPF4 policy 22.

With regard to other utilities, it is noted that there is an existing container at the site which would provide the lodge with electricity and water supply. The applicants have advised that the container will be screened with suitable boundary treatment and planting. This can be managed via condition.

For discharge of foul water, the applicants advise that a sewerage tank position has been excavated, and a new treatment plant will be provided thereafter with treated water ultimately discharging to a soakaway in an adjacent field. A condition requiring submission of further details is recommended. It is also noted that this type of foul water treatment system is regulated by SEPA to prevent pollution.

It is not anticipated that there will be a significant detrimental effect on identified nature conservation interests including species and habitats. It is noted that the hard surface where the lodge would be located, and the associated access road have already been formed. There has been no breach of planning control as the existing consent for a lodge at this site has not lapsed. A row of conifer trees has also been planted along the edge of the access track. The trees removed to accommodate the access and the visibility splays will be compensated for via the submission of a landscape strategy for the site.

In view of the above, it is considered that the development complies with Policy ENV1 and the green belt development criteria.

As noted above the development is considered to comply with policy E4 in principle with regard to the site specific locational need. A holiday lodge has previously been approved in this location via application 20/0195/PP, and it was noted by the reporter assessing the appeal that such a development in the Clyde Muirshiel Regional park would be attractive to tourists.

The development will complement existing tourist facilities, and strengthen the attraction of Renfrewshire to a range of visitors. The Lochwinnoch area has several tourist facilities including those associated with Clyde Muirshiel Regional Park and nearby Castle Semple Visitor Centre. The proposal will complement these facilities by offering accommodation that will allow visitors to stay in the area. It is noted that the Council's Tourism Plan aims to grow opportunities around outdoor activities, the natural environment, and historic villages. An outcome of this is to increase the capacity to attract and accommodate visitors.

The siting, scale and layout of the development is considered to be proportionate to the site.

Environmental Protection have not raised any concerns with respect to statutory nuisances such as noise. It is considered that the development would be compatible with surrounding land uses in this regard.

With respect to the New Development Supplementary Guidance on tourism developments, the development will add to the attraction of Renfrewshire as a visitor destination by providing additional tourist accommodation to complement existing facilities in the area.

A condition is recommended to ensure the lodge is not occupied on a full time basis as permanent residential accommodation. This condition was also applied to the appeal decision for the previous application 20/0195/PP.

There will not be a significant detrimental impact on visual amenity, the built heritage or natural heritage interests.

The design and external finish of the lodge is appropriate for the location.

The development is compatible with neighbouring land uses.

There will not be a significant adverse impact on the natural environment, and as noted above a landscape strategy will be sought via condition to ensure appropriate compensatory planting and biodiversity gain is delivered at the site.

The applicant will be required to demonstrate that there is suitable capacity within the private water supply as per the consultation response from Environmental Protection. Matters relating to other utility connections have been addressed above.

Roads Development have not raised any concerns with respect to the capacity of the road network to accommodate the development.

The site connects to active travel routes and the wider green network via High Linthills Road.

The proposed development has been amended to incorporate solar panels into the design.

In view of the above it is considered that the development complies with Policy E4 and the New Development Supplementary Guidance on tourism development.

As the application site is located within the Clyde Muirshiel Regional Park, it must also be assessed against the New Development Supplementary Guidance on Regional Parks.

The relevant guidance indicates that tourism uses will be permitted within the regional park where they will bring social or economic benefits. While the development is of a small scale it will contribute to the overall mix of tourism accommodation within the area. The Council's Tourism Plan seeks to build capacity in the area for tourism growth, and the development will contribute towards this objective.

It is not anticipated that there will be a significant detrimental impact on nature conservation, landscape character or heritage. The development will not cause significant conflict with neighbouring land uses with respect to matters which can be controlled by the Planning Authority.

The proposed building is appropriate to its surroundings with respect to design and materials, and there will be no significant impact on the visual amenity of the area. Finally, the development does not prevent or diminish existing recreational access to the surrounding area.

In view of the above, it is considered that the development complies with the relevant policies and guidance set out within the LDP.

With regard to NPF4, Policy 8 states that tourism uses will be supported within the green belt.

The site-specific locational need for the development has been accepted as per the above assessment. The purpose of the green belt will not be undermined. The proposal is of an acceptable scale and external appearance and is compatible with the surrounding landscape character. There will be no significant long-term impact on the environmental quality of the green belt.

Policy 29 states that development proposals that contribute to the viability, sustainability and diversity of rural communities and the local rural economy will be supported. The development could bring economic benefit through the provision of tourist accommodation which would allow tourists to stay in the local area. Though this is unlikely to be significant given the scale of the development. It is considered that the development is suitably scaled, sited, and designed to be in keeping with the character of the area.

Policy 30 states that development proposals for new tourist facilities or accommodation will be supported in areas identified in the LDP. The proposal is considered to comply with the LDP as noted in the above assessment. This includes the site-specific locational justification. Proposals for tourism related development must thereafter take into account a number of criteria.

It is acknowledged that the development could bring economic benefit through the provision of tourist accommodation which would allow tourists to stay in the local area.

The nature and scale of the development is compatible with the surrounding area.

The development will not have a detrimental impact on the local community by hindering the provision of homes and services. Matters relating to utility supplies have been addressed above.

Roads Development have made no objection with regard to parking and traffic generation, and the suitability of the local road network to accommodate the development.

The applicant has advised that the proposed lodge complies with disabled ambulant access provisions.

The development has been amended to incorporate solar panels into the design.

The development would improve access to the natural environment by providing tourist accommodation within the Clyde Muirshiel Regional Park.

With regard to policies 3 and 6, the developer will be required to compensate for the removal of the trees to accommodate the site access. The landscape strategy which demonstrates this compensation shall also require to include a biodiversity strategy to ensure biodiversity net gain.

The development is considered to be of an acceptable design and incorporates materials that are suitable for use at this location. It is acceptable with regard to its impact on the place as set out within Policy 14.

The development complies with Policy 20 in that it is compatible with the uses, natural habitats and character of the regional park.

Finally with regard to policies 1 and 2 the development is not considered to raise significant implications with regard to the global climate and nature crisis. Appropriate compensatory planting and biodiversity gain will be sought as part of the development. Solar panels have been incorporated into the design of the lodge to reduce the carbon emissions associated with the development through the generation of renewable energy.

In view of the above, it is considered that the development complies with NPF4.

In response to the points raised in the letters of representation.

1 – The previous application was subsequently granted at appeal. It is considered that conditions can be used to ensure the environmental impact of the development is mitigated primarily through compensatory planting of trees that require to be felled to accommodate the access.

2 - Replacement trees will be required via condition.

3 – The proposed access has been approved by Roads Development subject to conditions relating to sight lines and the surfacing of the access.

4 – Four car parking spaces have been proposed to ensure the lodge is accessible given the gradient of the access track. Vehicles can therefore park at the bottom of the access track if required.

- 5 – The orientation of the lodge is discussed in the foregoing assessment.
- 6 – Matters relating to land ownership are a separate legal matter and not material to the assessment of the planning application.
- 7 – A condition will be used to require the developer to demonstrate adequacy within the private water supply before the lodge can be brought into use.
- 8 – The appeal decision notice advises that the reporter did undertake a site inspection.
- 9 – Landscaping and biodiversity plans will be sought via condition.
- 10 – Capacity within the electricity grid is a matter for the developer to discuss with SPEN and would not be an impediment to the determination of a planning application.
- 11 – Roads Development have requested a condition to ensure that no surface water or loose chippings are discharged or carried out onto the public road.
- 12 – Roads Development have not raised any concern over the suitability of Linthills Road to accommodate the development.
- 13 – The conditions that were attached to the appeal decision would be reapplied in this instance, and the application will be determined by the Planning and Climate Change Policy Board.

Section 75 Obligations

The Council is required to provide a summary of the terms of any planning obligation which is required to be entered into under Section 75 of the Town and Country Planning (Scotland) Act in relation to the grant of permission for the proposed development:

None.

Conclusion

In view of the above, it is considered that the proposal would accord with the relevant provisions of the Development Plan. There are no other material considerations. Planning permission should therefore be granted subject to conditions.

Recommendation

Grant subject to conditions

Reason(s) for Recommendation

1. The proposal accords with the provisions of the Development Plan and there were no material considerations which outweighed the presumption in favour of development according with the Development Plan

Condition(s)

1. That the development hereby approved shall be used as holiday accommodation only, and shall not be used as permanent residential accommodation. For the purposes of this condition permanent residential accommodation is defined as occupation by the same person or persons continuously for more than 28 days, or cumulatively for more than 84 days in a single calendar year.

Reason: To define the consent in the interests of protecting the integrity of the Local Development Plan policies on new housing within the green belt.

2. That prior to construction commencing on the structure of the holiday lodge hereby approved, the developer shall submit a scheme of landscaping for the written approval of the Planning Authority. The scheme shall include details of existing trees, shrubs, and hedgerows to be retained (and measures for their protection) and those that are to be felled; a scheme of tree, shrub and hedge planting and grass seeding and/or turfing including compensatory planting for any trees and shrubs removed to accommodate the access and associated visibility splays and planting to screen the existing container on the site which provides the electricity and water supply for the lodge; measures to promote biodiversity gain at the site, the phased implementation of the proposed landscaping, and details of the management and maintenance of landscaped areas. The scheme thereafter approved shall be implemented on site in accordance with the phasing plan, and maintained thereafter in accordance with the maintenance details.

Reason: To ensure a suitable landscape strategy is developed for the site in the interests of visual amenity and biodiversity.

3. That prior to construction commencing on the structure of the holiday lodge, the developer shall submit for the written approval of the Planning Authority a plan showing the location of all existing boundary walls, fences, gates, and any other method of enclosure to be retained and those that shall be removed, and the location, design and finish of all proposed boundary walls, fences, gates, and any other method of enclosure. The development shall thereafter be undertaken in accordance with the approved plan.

Reason: To ensure a suitable scheme of boundary treatment is developed for the site in the interests of visual amenity.

4. That prior to construction commencing on the structure of the holiday lodge, the developer shall submit a plan detailing the design of the proposed access for the written approval of the Planning Authority. The plan shall specify the design of the access, its geometry, surfacing, a drainage scheme to prevent surface water discharging onto the public road, any gates and or boundary walls, and the works required to form the required visibility splays. The approved access shall thereafter be implemented on site and the visibility splays formed prior to the holiday lodge being brought into use. The visibility splays shall be maintained thereafter for the life of the development.

Reason: To ensure a safe access to the site is formed.

5. That the holiday lodge shall not be occupied or brought into use until the developer provides evidence for the written approval of the Planning Authority which demonstrates sufficient capacity in the private water supply to serve the property.

Reason: To ensure the holiday lodge can be serviced and that water supply to other properties is not compromised.

6. That construction of the structure of the holiday lodge hereby approved shall not commence until written approval of:
 - a) a Site Investigation report (characterising the nature and extent of any soil, water and gas contamination within the site); and, if remedial works are recommended therein
 - b) a Remediation Strategy and Implementation Plan identifying the proposed methods for implementing all remedial recommendations contained with the site investigation report prepared in accordance with current authoritative technical guidance, has been provided by the Planning Authority.

Reason: To ensure that the site will be made suitable for its proposed use.

7. Prior to occupation of the holiday lodge:
 - a) a Verification Report confirming completion of the works specified within the approved Remediation Strategy and Implementation Plan; and/or
 - b) where remediation works are not required but soils are to be imported to site, a Verification Report confirming imported materials are suitable for use shall be submitted to the Planning Authority and approved in writing.

Reason: To demonstrate that works required to make the site suitable for use have been completed.

8. That prior to construction commencing on the structure of the holiday lodge hereby approved, the developer shall first provide a specification detailing the design, colour, and texture of all finishing materials to be used on the lodge and all energy efficiency measures to be employed within the design and construction of the lodge shall be submitted for the written approval of the Planning Authority. Only the approved details shall thereafter be used in the development of the site.

Reason: To ensure that the proposed finishing materials are suitable for use in the interests of visual amenity.

9. That prior to the holiday lodge being occupied or brought into use, the developer shall submit for the written approval of the Planning Authority a strategy for the management and disposal of all foul and surface water at the site. The approved strategy shall thereafter be implemented on site prior to the holiday lodge being occupied or brought into use, and shall be maintained thereafter for the duration that the lodge is occupied or in use to the satisfaction of the Planning Authority.

Reason: To ensure all foul and surface water is managed sustainably in the interests of pollution control.

Advisory Note(s)

1. It should be noted that with the addition of the holiday lodge development to the private water supply the supply will come under the control of The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017 and to comply with the requirements of the regulations. As such the water supply will require to be sampled and risk assessed prior to use of the lodge and thereafter on an annual basis with all associated costs passed to the applicant.
2. The property will require a license to operate as a short term let. The applicant should apply to the Licensing section of Renfrewshire Council. More information on this is available from the council's website.

Schedule of Plans Determined

Drawing Number	Revision	Drawing/Document Title
23.259.01 (003)	A	Site Plan Proposed
23.259.02 (001)	A	Floor Plan and Elevations
2310979-1	A	Impression

23.259.01 (002)		Site Plan as Existing
23.259.01 (001)		Location Plan

For further information please contact James Weir, Development Standards Team, Email: james.weir@renfrewshire.gov.uk