

ANGUS COUNCIL

DEVELOPMENT CONTROL COMMITTEE

11 JULY 2006

PLANNING APPLICATION – LAND AT MOUNTBOY FARM, MONTROSE

REPORT BY THE DIRECTOR OF PLANNING AND TRANSPORT

**Abstract: This report deals with planning application No. 06/00407/OUT for the outline erection of a dwellinghouse (re-application) for Mr. & Mrs. M. Coutts on land at Mountboy Farm, by Montrose. This application is recommended for refusal.**

**1 INTRODUCTION**

- 1.1 Outline planning permission is sought for the erection of a dwellinghouse on land at Mountboy Farm at Rossie, by Montrose.
- 1.2 The application site measures approximately 882 square metres and at present includes a large former tractor shed. Access to the site is via a track from the public road to Rossie School. This access also serves other dwellinghouses, including those recently formed from the conversion of a former farm steading. To the south of the site is a paddock, also owned by the applicant who resides in the converted steading nearby. Open fields exist to the west, with a belt of mature trees to the north.
- 1.3 It is proposed to demolish the existing shed and erect a new dwellinghouse on the site. The existing access to the public road will be used. The proposals were advertised as potentially contrary to the Development Plan and one letter of representation has been received.

**2 RELEVANT PLANNING HISTORY**

- 2.1 An application for outline planning permission for a dwellinghouse on this site was withdrawn on 28 December 2005. The proposals were to be reported to the Development Control Committee with a recommendation of refusal, on the grounds of being contrary to the Development Plan. Full planning permission was also granted on 9 July 2003 for conversion of farm steading to four dwellinghouses (ref. No. 03/00470/FUL). This converted steading lies to the east of the application site. Subsequent to this full planning permission was granted on 20 October 2005 for the rebuilding of part of this steading to form a dwellinghouse and erection of a double garage (on Plot 3) (ref. No. 05/01249/FUL).

**3 APPLICANT'S CASE**

- 3.1 The applicant has stated that this is an identifiable group of existing 4 houses in the countryside and the application site will complete the development at Mountboy Farm. The existing tractor shed (to be demolished) is not suitable for conversion as it has an asbestos roof, minimal foundations, cracked brickwork and no damp proof course. The plans have been revised from the previously withdrawn application and the size of the site is now 882 square metres. The south boundary of the site will be

established within his own ground and will not breach a field boundary to the west and north of the site. This would therefore in the applicant's view be classed as a self-contained site. He would not class the existing building as an eyesore and would not consider there to be an acceptable alternative use for the building, with no agricultural activity within the site and unsuitable for conversion to a dwellinghouse.

#### 4 CONSULTATIONS

- 4.1 The Director of Roads has stated no objections to the proposals on the understanding that a minimum of two car parking spaces are provided within the site curtilage.
- 4.2 The Director of Environmental & Consumer Protection has stated that information should be provided in terms of previous uses of the building and site to determine whether or not these uses may have resulted in contamination. A condition of any consent would be sufficient.
- 4.3 Scottish Water have stated no objections to the proposals. However, as there are no known sewers in the vicinity, drainage would most likely be by a septic tank and this should be in accordance with the regulations of Building Control.

#### 5 LETTERS OF REPRESENTATION

- 5.1 The proposals were advertised as potentially contrary to the Development Plan and one letter of representation has been received. The points of concern are as follows:-
- **Land Ownership** – No formal notification of the proposals were given to an adjoining proprietor. A nearby dwelling was recently purchased, but the seller did not inform them of the current planning application and, technically, the person named in the Neighbour Notification Certificate for Plot 2 of the steading conversion was not the owner when the application was submitted.
  - **Inappropriate Development** – The original proposals for Mountboy Farm was for 4 dwellings only, two of which are complete and two are under conversion from the former steading. A fifth house would not round-off and consolidate the existing complex, as stated by the applicant.
  - **Loss of View** – The erection of a new dwellinghouse on this site would result in loss of uninterrupted views of the countryside from existing housing.

#### 6 PLANNING CONSIDERATIONS

- 6.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise.
- 6.2 In this case the development comprises: -
- Dundee and Angus Structure Plan (Approved 2002);
  - Angus Local Plan (Adopted 2000).

The Development Plan is current and up-to-date and in this respect merits considerable weight in the determination of the proposal.

- 6.3 The Finalised Angus Local Plan Review was approved by Council on 15 December 2004. The Finalised Angus Local Plan is not part of the statutory Development Plan but given the stage which it has reached is a material consideration to be taken into account in the determination of this planning application. In this report policies of the Finalised Local Plan Review (or Committee approved pre-inquiry modifications) have been referred to when the said policy is materially different to the Adopted Angus Local Plan to the extent that, as a consequence the recommendation contained within this report has been substantially influenced.
- 6.4 The determining issues to be considered are whether the proposal:-
- complies with Local Plan policy;
  - complies with Council advice;
  - would adversely affect existing residential amenity.
- 6.5 In the Angus Local Plan 2000 this site is located within an area where the following policies apply.

#### **Policy H7: Countryside Housing - Category 1**

In Category 1 RSUs individual new houses will only be acceptable for:-

- (a) sites forming part of an identifiable, closely related group of at least four existing domestic (e.g. house) scale buildings where development will round off or consolidate the group; or
- (b) the infill of a single house between the established curtilages of two existing buildings of a domestic scale or the curtilage of one such building and a metalled road.

Sites complying with these general rules must also meet the appropriate Development Criteria detailed in Schedule 1.

#### **Policy H14: Farm Building Replacement**

Proposals for the demolition and replacement of traditional and non-traditional farm buildings by housing will be considered as greenfield sites and assessed against Policies H7 or H8. In addition, proposals involving traditional building will require to be supported by a Structural Engineer's Report.

In Schedule 1 – Countryside Housing of the Local Plan, it states that all development sites must be self-contained and should not set a precedent nor open up a desirable area for similar applications. New houses will not be permitted on sites which breach existing field boundaries (for example, creating a plot in the corner of a field). Individual house plots should be no larger than 0.2 ha and no smaller than 0.08 ha. Housing sites in exposed or conspicuous locations where development would lead to unacceptable visual intrusion or impact will not be acceptable and development requiring the felling of environmentally important trees will be resisted.

- 6.6 In Angus Council's Advice Note 5 : Houses in the Open Countryside, it states that a new house should respect its neighbours in terms of roof material, colour, wall finishes and building line.
- 6.7 It is intended to erect a single dwellinghouse on this site within the open countryside. A former tractor shed of no architectural merit is to be removed to permit the development. An existing access serving other dwellinghouses will be used for access to the public road. In terms of Local Plan policy the proposals can be assessed as follows.
- **Policy H7** : The adjacent farm steading has planning consent for the conversion to four dwellinghouses. Two have already been formed with a further two currently underway. There are other dwellinghouses along the access track to the public road. I do not consider that an additional dwellinghouse would round off or consolidate the group but would extend it. The proposals would therefore be classed as contrary to Policy H7.
  - **Policy H14** : As already stated, this is a former tractor shed of no great architectural merit. However, the proposals are contrary to Policy H7 and therefore, they would also be classed as contrary to Policy H14.
- 6.8 In terms of Advice Note 5, this is an application in outline and, therefore, there are no details of proposed housing to consider in this regard.
- 6.9 In terms of the points of objection, these can be responded to as follows:-
- **Land Ownership** – At the time of making the application on 23 March 2005, the applicant carried out the Neighbour Notification procedure clearly and correctly. However, it appears that the following day an adjoining property changed hands. This however has not prejudiced the adjoining proprietor's situation as they clearly know of the proposals and have formally objected.
  - **Inappropriate Development** – It is agreed that the proposals would not round off or consolidate an existing group of domestic scale buildings and would be classed as an addition to this existing group of buildings.
  - **Loss of View** – This is not considered to be a valid point of objection as part of this planning application.
- Taking the above points into account, it is not considered that existing residential amenity will be adversely affected by the proposed development. However, the proposals will not conform to the Development Plan as the new dwellinghouse will be contrary to policies for the siting of housing in the countryside.
- 6.10 In conclusion, it is considered that the proposals would be contrary to Local Plan policy. The former tractor shed is not classed as an "eyesore" in the countryside and it may be that a suitable use for the building could be considered for the future. In this respect, the proposals should be refused. The points of support put forward from the applicant are noted, but it is not considered that there has been a material change in circumstances since the previous application for planning permission was withdrawn in December 2005.

- 6.11 This application is for the development that is contrary to a policy or policies of the Development Plan. Should the Committee determine to approve the application contrary to the Development Plan, reasons will require to be specified at the meeting for so doing.

## **7 HUMAN RIGHTS IMPLICATIONS**

- 7.1 The recommendation in this report for refusal of this application has potential implications for the applicant in terms of his entitlement to peaceful enjoyment of his possessions (First Protocol, Article 1). For the reasons referred to elsewhere in this report justifying the present recommendation in planning terms, it is considered that any actual or apprehended infringement of such Convention Rights, is justified. Any interference with the applicant's right to peaceful enjoyment of his possessions by refusal of the present application is in compliance with the Council's legal duties to determine this planning application under the Planning Acts and such refusal constitutes a justified and proportionate control of the use of property in accordance with the general interest and is necessary in the public interest with reference to the Development Plan and other material planning considerations as referred to in the report.

## **8 RECOMMENDATION**

- 8.1 It is recommended that the application be refused.

### **Reason:**

1. That the proposal is contrary to Policies H7 and H14 of the Angus Local Plan 2000 as the new dwellinghouse would not round off or consolidate the existing group of buildings to the east and would not be constructed on a self-contained site.

### **NOTE**

No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973, (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.

AA/ND/IAL  
30 June 2006

Alex Anderson  
Director of Planning and Transport