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**K2: Housing – Hillhead, Kirriemuir**

<b>Objector(s)</b>	<b>Objector Reference(s)</b>
Select Homes (Tayside) Ltd J & J Learmonth Guild Homes (Tayside) Ltd	871/2/2 & 871/3/1 71/1/3 & 71/2/1 872/2/1
<b>Procedure</b>	<b>Reporter</b>
Hearing	Jill Moody

**Background**

1.1 The allocation of 120 houses K2 at Hillhead was included in the Finalised Angus Local Plan Review, with a first phase restriction of 60 houses in the period to 2011. Following the emergence of a site beside K2, the council published pre-inquiry modifications that deleted the greenfield Beechwood Place site and amended the K2 site boundary to include the extra land, with 120 houses up to 2011 specified for the original, greenfield portion of the site. No house numbers were apportioned to the additional land.

1.2 In response to objections to Hillhead, the Reporters at the first local plan review inquiry in 2006 confirmed the greenfield element of the site, but they limited the release to 40 houses in the period to 2011 and recommended deletion of the adjacent brownfield, extra part of the site, because it was still in industrial use. To provide choice in the housing land supply, the Reporters also recommended the allocation of land at Sunnyside for around 40 houses, for release in the same period to 2011 (core production CP 14, pages 284 to 292).

1.3 In assessing the Reporters' recommendations, the council identified an overall shortfall of 85 houses in the Forfar, Kirriemuir & the Glens Housing Market Area up to 2011. Officials then recommended that part of this shortfall should be addressed in Kirriemuir by amending the phasing of site K2 Hillhead from 40 to 80 houses in the period to 2011. Councillors rejected this, instructing instead that a site at Beechwood Place should be included for 40 houses. Post-inquiry modifications to that effect were published in February 2007 but because objections were received, the council reverted to the originally recommended re-phasing of K2 Hillhead to allow 80 houses in the period to 2011. Accordingly, a second round of post-inquiry modifications were published in September 2007. Objections were again received, but this time the council resolved to make no further change, preferring instead that the objections are considered at this second inquiry.

**Summary of Objection(s)**

1.4 Select Homes objects to the proposed post-inquiry modification because bringing K2 forward earlier than the previous Reporters envisaged effectively robs housing land that is set aside by the development plan for the post 2011 period, so that it creates a subsequent shortfall and fails to comply with the longer term housing land requirements from the approved structure plan. In addition, it is entirely wrong that Hillhead should receive all of the extra Kirriemuir housing allocation, when the required amount could just as easily be accommodated on an enlarged K4 Beechwood Place site. Making full use of K4 in this way would enable cross subsidy and early realisation of the adjacent related business park development, which would

in turn secure the retention of locally important businesses.

1.5 In contrast to K4, the community benefits envisaged for Hillhead will no longer be forthcoming, so there is no economic argument for apportioning the extra 40 units to that site. The status of the K2 community benefits referred to in September 2005, when the pre-inquiry modifications were being promoted, has diminished considerably from the high level that was believed to be the council's expectation. For example, the health centre has been removed and, while that might be for good reasons, it has nonetheless reduced the value of the development to the community. The amount of open space and affordable housing has also diminished to no more than the council's normally applicable basic standard. The clear impression gained in 2005 was that the council sought significant community benefits and adherence to no more than these basic standards is considerably less than that expectation.

1.6 Learmonth objects because the recent shortfall in housing numbers is new and was not considered at the last inquiry. In these circumstances, all sites should have a fresh chance to compete for the extra houses. Hillhead might, in principle and in its own right, be an appropriate location because it was allocated by the previous Reporters. That fact is a material consideration of significant weight, but it is not conclusive and, if the competing merits of other sites are considered, then the extended Sunnyside site is a better choice. But fundamentally, Learmonth has been deprived of a proper chance to promote the extra land at Sunnyside, as a better alternative for the extra 40 houses than Hillhead.

1.7 Learmonth opposed Hillhead before for sound planning reasons, as well as for landscape and transport impact, and these concerns remain. For example, pedestrian access to Shielhill Road is likely to be problematic and without that, K2 is close to failing to provide a reasonable standard of accessibility. Further, various parts of Sunnyside have been supported from 1962 onwards, with the latest confirmation of that being the allocation of K(b) and K3 in the local plan review. Considerable evidence was led at the last inquiry to the effect that Sunnyside is a better site than Hillhead, and if the Reporters had known then that more land was needed, they would have preferred that option over more development at Hillhead. The council has not been consistent in its treatment of the housing land allocations and the new number could be split to bring 40 forward now and 40 beyond 2011, or the extra 40 houses could be directed to the additional land adjoining K3 Sunnyside, which was the area preferred by the Reporters as an additional choice. That solution would better accord with national planning policy and with the strategic vision of the development plan. It would also offset any future gap in land supply after 2011.

1.8 Guild Homes basically accepts either the Reporters' recommendation or the proposed post-inquiry modification, with its consequent increase from 40 to 80 homes in phase 1. However, if the issue of cross-funding for the business park by Beechwood Place can be shown to be crucial and it can be certain that the business park will be delivered in the relevant local plan period, Guild would compromise and accept 50 houses up to 2011, and 70 beyond. In that way, the Hillhead total would remain unchanged at 120 houses, and the short-term extra could then be allocated to Beechwood Place to facilitate the business park. This offer is made in the interest of promoting the business park to see Kirriemuir grow and flourish, and in recognition of the fact that jobs will help to sell houses.

1.9 However, Guild Homes opposes the consideration of an entirely new site like the Sunnyside extension, because that prospect was never raised before and other parties have not had a proper chance to comment on it. In addition, comparisons at this late stage are inappropriate and issues like landscape, visual, and traffic impacts

were all debated fully before, with the Reporters concluding that K2 is appropriate for development, so none of these issues should be revisited. The Reporters concluded that Hillhead is well located to support a mix of housing and releasing more homes now would enable the masterplan to be implemented in full and more quickly, all to the benefit of the community. Specific community benefits envisaged and agreed in the masterplan will include:

- new bus routes and stops;
- footpath links, including to Shielhill Road;
- some 7200 square metres of planned open space across 2 development phases;
- affordable housing and shared ownership housing; and
- a sizeable extension to the existing primary school drop-off point,

all in full accordance with council standards. Planning applications to this end have been submitted, and the council has declared its intention to grant permission for 31 houses, subject to a section 75 agreement to secure these community benefits. Given that, work is progressing on site to provide the necessary infrastructure that will eventually support development of the whole site and, as a result, it makes practical and economic sense to maximise the use of that infrastructure sooner rather than later. Based on all of this, there can be little doubt that Hillhead is an effective housing site, which can deliver 40, 50, or 80 homes before 2011.

### **The Council's Response**

1.10 None of the objections to K2 relate to the principle of an eventual total allocation of 120 houses at Hillhead, which was confirmed by the previous Reporters after the first local plan inquiry in 2006. The current issue is simply one of phasing and of the preferred choice of sites in the short-term. For example, the Select Homes objection is linked to the reinstatement of K4 at Beechwood Place for the extra housing, and the Learmonth objection is linked to the omission of land south of K3 Sunnyside from consideration for the extra housing.

1.11 In considering the current unique set of circumstances, i.e. the need to allocate extra land in Kirriemuir to accommodate 40 more houses, the council looked first to the established land supply to absorb the shortfall. K2 is part of that established land supply because it was identified in the consultative draft and the finalised versions of the local plan review, and it was confirmed and allocated by the previous Reporters, albeit over 2 phases, i.e. up to and beyond 2011. Therefore, the council's approach might not accord entirely with the letter of the previous Reporters' recommendations, but it is consistent with the spirit of them, as well as with approved structure plan Housing Policy 1, Scottish Planning Policy 3: *Planning for Housing* (SPP 3, core production CP 32) and Planning Advice Note 38: *Housing Land* (core production CP 40). It should also be noted that the previous reporters emphasised the desirability of building inside the town boundary before considering extensions (core production CP 14, paragraph 2.1185). Because Hillhead was an accepted development site, and that the only difference now is the number of houses to be released in each phase, the council saw no need to consider alternative sites.

1.12 In November 2007, the council approved a consultation draft development brief for residential development at Hillhead. The consultation period extended until January 2008, after which all comments received were considered and a finalised version was approved on 4 March 2008 (council production 3). The brief covers all of the relevant issues from the proposed modification, i.e.:

- vehicular access from Kinnordy Road;
- possible access from Shielhill Road if a suitable relocation or redesign can be agreed for the drop-off point for pupils of Northmuir Primary School;
- 15% of the capacity of the site to provide affordable housing; and
- proposals for suitable use and maintenance of the land not needed for phase 1.

The following 2 planning applications are also currently pending for part of K2:

- erection of 31 houses (Phase 1) by Guild Homes (reference 07/01714/FUL); and
- erection of 8 houses by Glenmuir Developments (reference 08/00027/FUL).

Decisions on both applications were deferred pending confirmation of the finalised development brief, but the council has since declared that it is minded to grant the Guild Homes proposal, subject to a section 75 agreement to confirm the mix of housing and the size of the affordable housing element. In effect, the site is split between 2 developers, but the council is trying to secure delivery as one package in accordance with the agreed brief.

1.13 The Select Homes objection also raises concerns that the community benefits envisaged as part the Hillhead development will no longer come forward. The context for these expectations in September 2005 was the bigger site with the industrial land, which was then being promoted as a pre-inquiry modification (core production CP 10). At that time, a range of major community gains like a major open space were built in to help justify the bigger housing development. Since then, the council has quite properly reconsidered these elements in the context of the smaller site, and is satisfied that housing development at Hillhead should provide open space and affordable housing in accordance with the recognised and consistently applied standards. These issues, along with the footpath links, all now form part of the approved K2 development brief and they apply to the whole site, but the council never sought more than the standard amount of either. The only community element that has disappeared is the replacement health centre. Hillhead was considered at the last inquiry as a potential location, but the Reporters agreed to broaden the site search to the whole of Kirriemuir. Since then, even that has been superseded because the existing health centre was extended in June 2006 and there is no longer any need to find any relocation site, or for the related community benefit at Hillhead.

1.14 The K4 Beechwood Place site has been rejected before, so there can be no reason to favour it over the consistently acceptable K2 Hillhead site. The council has not discussed the cross subsidy issue for the business park at East Muirhead of Logie, Kirriemuir, i.e. beside Beechwood Place with Select Homes, but it has discussed implementation of the business park outline planning permission, which was granted in June 2006 (reference 06/00294/OUT, council production 4), including the possibility of a joint venture with Select Homes to facilitate that. The permission was granted before publication of the previous Reporters' recommendations, which eventually rejected the site at Beechwood Place (core production CP 14, pages 293 to 295), but Select Homes still knew when they submitted the application that the housing site was not linked with the business park in the local plan review. Further, Select Homes has not at any stage submitted hard evidence to show that 40 houses at Beechwood Place are essential to cross subsidise the early provision of the business park. In the meantime, the council has responded to interest from a local employer wishing to relocate to the new business park by allocating £150,000 in its capital programme to buy the site, with a further £521,000 set aside for servicing, should that prove necessary. In this way, the council has recognised the importance of the business park to keeping locally important businesses and to attracting new

business or investment, and it is fully committed to delivering the business park.

1.15 Learmonth's preference for the allocation of ground south of K3 Sunnyside, which would in-effect become a third phase at Sunnyside, was not fully considered at the last inquiry because it was not part of the original objection. Therefore, it would be illogical to favour that site over Hillhead, especially as the council is concerned that Learmonth would not be able to deliver all 3 phases of Sunnyside, i.e. some 120 houses, in the period to 2011. In addition, the objection was not supported by information to show an acceptable landscape, visual and traffic impact at that site. Learmonth also argued before that the extra 40 houses could be brought forward earlier at K2 Hillhead, which is exactly what is now proposed.

1.16 Therefore overall, nothing in any of the objections suggests that a change to the council's position is merited, and the proposed modification should be confirmed.

### **Reporter's Consideration**

1.17 The council's proposed pre-inquiry modification was for a larger site, and for a total allocation at K2 Hillhead of 120 houses up to 2011. However, the previous Reporters' recommendation is explicit, i.e. they reduced the size of the site at K2, but kept and allocated the same total number of houses on the remainder, with the caveat that the first phase to be developed before 2011 was restricted to 40 houses (core production CP 14, paragraphs 1.116, 2.1155, and 2.1251). The Reporters seem not to have allocated the full amount of housing to the initial phase because of 3 main factors, which were:

- the need to accord with the approved structure plan by including some provision for beyond 2011, albeit subject to review;
- the apparent drainage constraints; and
- the need to provide choice through developing different sites within Kirriemuir, as opposed to within its wider housing market area.

Based on the above, I find that the whole of Hillhead was allocated for housing development, but the balance of the amount was being set aside for later use.

1.18 Housing Policy 1 from the approved Dundee and Angus Structure Plan (core production CP 1, pages 21 and 22) expects that local plans will:

- allocate sites to meet Schedule 1 up to 2011; and
- take account of the indicative scale and distribution of the land identified in Schedule 1 for development beyond 2011.

Given that, the previous Reporters' recommendation accords entirely with the approved structure plan.

1.19 SPP 3 confirms that monitoring should occur via the annual audit process (core production CP 32, paragraph 65), and that development plan alterations can be used to address any housing land shortfall, unless longer term allocations and releases can be brought forward (paragraph 66). The supporting structure plan text (core production CP 1, paragraph 4.17) and the remainder of Housing Policy 1 add that if the annual monitoring process reveals a shortfall in the 5 year effective land supply, local plan allocations will be the preferred means of identifying alternative development sites, and the potential contribution from sites that form part of the established land supply will be considered next. The structure plan glossary defines

the established land supply as including the remaining capacity of sites under construction, sites with planning permission, and sites in adopted local plans (page 80), so that for this particular local housing market area, allocated sites where the local plan review has phased development beyond 2011 are part of the established land supply. More specifically, the balance of the K2 site is in the established supply, mainly because it is allocated in the local plan review. But the evidence also now shows clearly that the balance has enough spare capacity to accommodate the shortfall, and that the site is now effective because it is free from constraint and can be developed within the required timescale.

1.20 Although the current shortfall has not emerged through the annual monitoring process, the effect is largely the same, in that the council has identified that insufficient land has been allocated in the local plan review to meet the approved structure plan requirement. Arguably therefore, a shortfall exists in the amount of land allocated for the period up to 2011. In addressing this, the approved structure plan and SPP 3 give a clear instruction that the deficiency should be resolved by looking first for a local plan allocation that is part of the established land supply as defined. I am satisfied that the council has followed that process exactly, and has identified part of the balance of K2 as the only existing available option in Kirriemuir. Therefore, I am also satisfied that the council's intention to accelerate development of K2 and to use some of the balance of that allocation to offset the current 40 house shortfall, is entirely appropriate against SPP 3 and the approved structure plan.

1.21 Equally, under the above circumstances, I find no justification in national planning policy or in the approved structure plan for disregarding the potential contribution that a site like K2 might make, in favour of another that may or may not have been considered at the last inquiry, but which is certainly not allocated or even safeguarded for future use. Policy does not support the contention that other sites like Beechwood Place and the extra land at Sunnyside can simply be slotted in instead of, or in advance of, an allocated site like K2, when neither site is even brownfield land. I find also that it is not possible to speculate what number or range of sites the Reporters might have recommended in favour of had they known of the numeric shortfall in the allocated sites. But I am certain the process of selecting K2 involved a comparison between it and the other sites drawn to their attention at the time, i.e. including Beechwood Place and at least part of Sunnyside. Further, based on the above summarised conclusions, the outcome favoured the phased allocation at K2 Hillhead.

1.22 If in future, the annual monitoring process produces a shortfall in the effective housing land supply, SPP 3 and approved structure plan Housing Policy 1 impose a clear response hierarchy, with the development plan process remaining the proper central forum for considering the full range of other competing options, i.e. promoting an alteration to the development plan or granting advance planning permission. In other words, if a shortfall in the effective land supply emerges, response mechanisms are in place to address it. However, in this regard, I note the council's evidence in the most recent housing land supply audit (council production 1), that no shortfall of land is predicted for the later period beyond 2016, and I find that the figures in the approved structure plan are intended to be indicative anyway, and quite specifically subject to review (core production CP 1, paragraph 4.16 and Schedule 1).

1.23 Based on the previous Reporters' conclusions, I find no doubt that they considered the wider community benefits to be derived from developing K2 in the context of the bigger site proposed via the pre-inquiry modifications, i.e. including the industrial land (core production CP 14, paragraphs 2.1164 to 2.1177, section Wider Community Benefits), but that the conclusions explicitly exclude the industrial land

from the eventual allocation (paragraph 2.1175). However, of greater significance is the conclusion that overall, the community benefits do not amount to an overriding reason for the designation of Hillhead as a sole housing allocation (paragraph 2.1177). I construe this as meaning that any diminution that might be perceived now in the value of those benefits has no bearing on the fundamental acceptability of the allocation and the ability of the smaller site to contribute to the housing land supply, because it did not justify the original allocation. In other words, development with housing is neither dependant upon nor justified by these benefits. But even if it were, the previous Reporters accepted that:

- the health centre need not be confined to within K2 (paragraph 2.1166);
- the council's standard for affordable housing to be applied was 15%, and K2 has no potential to provide more than any other site (paragraph 2.1167);
- an improved school drop-off point was not inextricably linked to housing development and could be achieved irrespective of it (paragraph 2.1168); and
- the provision of accessible open space was not in the pre-inquiry modification, but it should be provided in accordance with the council's recognised standard (paragraph 2.1169).

I also note the council's evidence that apart from the health centre, the need for which has been over taken by events that are outwith the council's control, these other benefits have all been accounted for by the approved development brief, the various planning applications, and in the section 75 agreement under negotiation, so that they will all be provided. Therefore, based on all of the above, I find no reason to accept the view that these expectations have diminished, and especially to an extent that might undermine the original K2 allocation.

1.24 The previous Reporters also considered landscape, visual, and traffic impacts for Hillhead, and they were satisfied on all counts that the impacts would be wholly acceptable (paragraphs 2.1178 to 2.1186, and 2.1193 to 2.1196). Further, I note that in discussion at the hearing session, all of the objectors to the proposed post-inquiry modifications accepted these conclusions.

1.25 Overall therefore, while I will consider the merits of the other site options suggested in the context of the linked, site specific objections, I am satisfied that the objections raise nothing in respect of K2 Hillhead that was not considered before, or that otherwise justifies departing from the views and recommendations expressed by the previous Reporters, or that might prevent bringing an additional 40 houses forward at K2 Hillhead for development before 2011.

## **Recommendation**

1.26 Accordingly, I recommend that the council adheres to the proposed post-inquiry modification to increase the allocation for the site described as K2: Hillhead, for an extra 40 homes.

**K3: Housing – Sunnyside, Kirriemuir**

<b>Objector(s)</b>	<b>Objector Reference(s)</b>
Select Homes (Tayside) Ltd	871/2/3
Guild Homes (Tayside) Ltd	872/1/1

**Supporter**

J & J Learmonth

**Procedure**

Hearing

**Reporter**

Jill Moody

**Background**

2.1 The site was included in the consultative draft version of the Angus Local Plan (2003) as site K4: Sunnyside. However, it was deleted from the finalised version in response to objections received, and it was replaced by K3: Housing – Land South of Beechwood Place. The Reporters conducting the first inquiry considered an objection to the omission of this site from the local plan review, and they recommended that it should be allocated for around 40 houses to provide an element of choice in the local Kirriemuir housing market. In doing so, they recognised that constraints like access needed to be resolved, but they concluded that there was a reasonable expectation that these issues would be resolved within the plan period. Angus Council accepted the Reporters' recommendation and published a post-inquiry modification in February 2007, whereby the site became K3 Sunnyside for about 40 homes. Although this proposed modification was the subject of further objection, the council resolved to maintain it, and to have these objections considered at a second inquiry.

**Summary of Objection(s)**

2.2 Select Homes and Guild Homes object to the allocation by the previous Reporters of land at Sunnyside for housing because:

- the site cannot achieve a vehicular access and there is no realistic possibility that the required access can be provided, whereby the constraint discussed at the last inquiry remains valid; and
- vehicular access would be along Lindsay Street, where accidents have already occurred because of poor visibility, so that it would need substantial improvement, which can only be achieved on land in separate ownership from the K3 site.

As a result, the site is not effective as defined by Scottish Planning Policy 3: *Planning for Housing* (SPP 3, core production CP 32) and Planning Advice Note 38: *Housing Land* (PAN 38, core production CP 40), and it is unlikely to become effective during the life of the local plan, so the previous Reporters' allocation should be deleted.

2.3 Select Homes adds that site K(b), which is immediately to the north of K3, already has planning permission for 39 houses and the proposed modification would increase the total by a further 40 to 79 houses. All of these houses would access

Lindsay Street off the same substandard arrangement, yet the ability to use that route has not been confirmed. Although the council owns the route, it might not be able to grant a right of access because so many of the objectors have an interest in the route, as well as in the adjoining land within the required visibility splay. But even if the necessary agreements and missives are in place, their legality must be questionable and the proposed access remains substandard.

2.4 Guild Homes adds that gaining access would mean using council land at Mortarholes Garages. No agreement is in place for the sale of this land, any purchase on the open market could not promise success, and there is no realistic alternative access route available to the north, all largely for legal and ownership reasons. The proprietor has had some 7 years to resolve these problems, and no factual evidence has been submitted to suggest that they have been resolved, or that they are likely to be resolved in the near future. In addition, the development of housing land in Kirriemuir has been hampered over the past few years by drainage constraints imposed by Scottish Water. Now that the embargo on new development has been lifted, it would be wrong to allocate a site like Sunnyside K3, which appears to be incapable of practical deliverability, because that would simply reserve drainage capacity for a site that is not effective. In turn, that would deprive other developable sites of the ability to use the spare drainage capacity in the interim. Drainage and access are essential elements to enable any new housing provision in Kirriemuir, but if they can both be shown to have been resolved beyond doubt, then K3 will be effective and the objection will have been superseded.

2.5 Guild Homes also argues that it seems illogical for the council to propose a modification to their own plan to include a site that they did not allocate in the finalised plan, and which they opposed at the last inquiry, especially when there is no new evidence to show that the site is effective, and when the combined alternative of Hillhead and Beechwood Place offers a better solution.

2.6 Neither objector has connected their concerns over the effectiveness of K3 with the recently emerged housing land supply shortfall that affects Kirriemuir's housing market area.

### **The Council's Response**

2.7 The site at Sunnyside was allocated in the consultative draft version of the Angus Local Plan Review as K4, to create a more attractive urban edge, to soften the existing hard built form, and to provide a better buffer with the countryside. However, the proposal drew significant public objection and detailed concerns, including about the capacity and ability of the local road network to cope with extra traffic. As a result, the site was withdrawn from the finalised local plan.

2.8 The previous Reporters considered an objection to that omission at the last inquiry in 2006, and concluded that more than one site was needed in Kirriemuir for housing development. In comparing the possible options, the Reporters' view was that an additional allocation south of the existing K(b) site at Westfield/Sunnyside was the most appropriate. The Reporters took specific account of the doubt over the access arrangements for site K(b) and the potential uncertainty over the deliverability of the site, but they concluded that there was a reasonable expectation the constraints would be removed in time for development in an appropriate timescale, whereby the *current lack of effectiveness is not a matter that should preclude the allocation of the objection site of 2 hectares at Sunnyside for residential use it being reasonable to expect that the site will become effective within the period of the local plan review* (core production CP 14, paragraphs 2.1219 to 2.1222). The council

accepted the Reporters' recommendation and published a post-inquiry modification to allocate land at K3 Sunnyside for around 40 houses, in February 2007.

2.9 In the meantime, the council has resolved to grant planning application reference 05/01825/REM (council production 1), which allows a residential development of 38 houses at site K(b), accessed via the Mortarholes garage lock-up site. The approval is based on a slight realignment of Lindsay Street, all in accordance with the council's required technical roads standard (drawing 6891/523, dated 23 April 2007, council production 2). Objections were received to the proposed access arrangements, but they have been superseded by the council's intention to grant that permission. The new access to K(b) can be extended and will have enough spare capacity to serve up to 200 houses, i.e. to serve site K3 Sunnyside as well. A further application was lodged with the council in December 2007, this time for outline planning permission for up to 40 houses on K3, accessed via the accepted K(b) route. A decision on that application remains pending.

2.10 The joint access route through Mortarholes affects ground in the council's ownership, but the housing committee agreed in principle on 1 March 2007 to grant a Deed of Servitude to enable the construction of that access road, albeit subject to valuation. The neighbourhood services committee approved the terms and conditions of the Deed of Servitude on 28 February 2008 and missives to that effect are now being signed and registered. The reports have not been published because they contain sensitive and exempt information, as defined by Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973. With all of this in place, the council is satisfied that any access related impediment to the development of either phase at Sunnyside has been removed, whereby housing site K3 at Sunnyside is accessible within the required period. But even if that access should fail for any reason, the council believes that the owners of site K3 have control over land to form an alternative joint access.

2.11 As regards drainage, the council has provided the following statement from Scottish Water:

*In the remaining two year period to April 2010, Scottish Water will continue to allow phased development (as previously agreed) up to 60 units per annum. Development connections will be allocated on a first come first served basis under our normal business rules. 120 of the available units within the three year period to 2010 are now being allocated in accordance with developments which have planning permission or are included in the local plan. Over and above these developments a further 60 additional connections are still available in this period. It is expected that this level of capacity will be sufficient to meet development needs within Kirriemuir until April 2010.*

*Beyond April 2010 additional capacity for housing within the provision of the Development Plan will be catered for as part of future investment in the wastewater treatment works. There is an item within Scottish Water's Investment Programme, Q&S 3b, for Kirriemuir Waste Water Treatment Plant to develop a solution within the 2010–2014 period to enable further growth. The precise details of how and when this investment will take place are currently under review and various options are being assessed. SEPA will be involved with these discussions. Scottish Water remains committed to enabling development in Kirriemuir through ongoing investment in its infrastructure (core production CP 84).*

From this, there is no evidence of a drainage constraint that makes K3 ineffective.

2.12 Therefore overall:

- the objections raise no new land-use planning issues;
- site K3 meets the test of effectiveness, as set out in SPP 3, i.e. *The part of the established housing land supply that is expected to be free of development constraints in the period under consideration, and will therefore be available for the construction of housing*, as well as and in particular the first bullet point on ownership in PAN 38 (paragraph 29); and
- there has been no material change in circumstances that warrants any further modifications to the local plan review.

2.13 The council referred the objections to this second inquiry because of the identification of a shortfall of 85 houses in Kirriemuir's housing market area, although the position remains exactly as per the proposed modification.

### **Reporter's Consideration**

2.14 I find no connection between these objections to the proposed allocation of site K3 at Sunnyside and the housing land supply shortfall issue that affects Kirriemuir's housing market area. Therefore, there is no issue to be considered about the number of houses. That said, I note that the concerns raised relate to the ability of the site to be developed inside the required timescale.

2.15 Following the last inquiry, the previous Reporters acknowledged that the K3 Sunnyside site suffered drainage and vehicular access difficulties, to the extent that it was not actually effective at the point they considered the objections to its omission. However, they were satisfied that K3 was capable of becoming effective in the required plan period, i.e. before 2011, and that the shortcomings should not prevent its allocation (core production CP 14, paragraphs 2.1220 and 2.1222). Accordingly, they recommended that the site should be allocated and the council accepted that view in the proposed post-inquiry modifications.

2.16 The approved structure plan glossary defines effective housing land as *that part of the established housing land supply that is expected to be free of constraints in the 5 year period under consideration and will therefore be available for construction of houses* (core production CP 1, page 80). This definition is repeated in the margin text of the finalised local plan review (core production CP 5, page 19) and it reflects national planning policy in SPP 3. In addition, PAN 38 states that to be effective, it must be shown that within the period under consideration, the site will be available for the construction of housing and be free of the listed range of constraints (core production CP 40, paragraph 29). The objectors are challenging compliance only in terms of ownership and infrastructure. For ownership, PAN 38 expects that an effective site *is in the ownership or control of a party which can be expected to develop it or to release it for development*. For infrastructure, PAN 38 expects that *the site is either free of infrastructure constraints, or any required infrastructure can realistically be provided by the developer or another party to allow development*.

2.17 Looking firstly at ownership, I have received no evidence to show that the owner of the K3 housing site is not likely to release it for development. However, there is an issue about ownership of the access route because it crosses council owned land at the Mortarholes lock-up garages. The previous Reporters considered this issue and found the prospects of development to be good. The evidence available in respect of these current objections and this second inquiry is that formal agreement has now been reached and signed by the council, and is being registered,

whereby vehicular access can be formed to the required standard at Mortarholes and used to serve the K3 site along with the adjoining land at K(b).

2.18 In terms of infrastructure, I note that the council has satisfied itself that vehicular access can be achieved to K3 in accordance with the required safety standards, and that it has resolved to grant planning permission for K(b) on that basis. In addition, the statement from Scottish Water (core production CP 84) confirms that generally, Kirriemuir is no longer subject to the same level of development restriction or uncertainty as applied at the last inquiry. I understand from that statement, that applications for drainage connections to development sites will now be considered by Scottish Water on a first come first served basis and overall, there seems to be enough spare capacity to accommodate the required level of house building, as envisaged by approved structure plan Housing Policy 1.

2.19 Therefore, I find no impediment to the principle development on K3 in either respect. The objectors may still disagree about the technical solutions to be used in addressing these issues, i.e. the way in which access and drainage connections to K3 might actually be formed. But I consider these are detailed considerations for the council and other relevant authorities to determine. Fundamentally, they are not issues for me to consider as part of this local plan inquiry process.

2.20 Based on the above, I am satisfied that the position as regards the effectiveness of the K3 Sunnyside site is now even stronger and more certain than it was at the last inquiry, because the site may now be regarded as actually effective in terms of complete ownership and infrastructure provision as compared to the PAN 38 criteria. Further, I find no evidence to justify overturning the previous reporters' conclusion that the site is, in planning terms, suitable for housing development.

### **Recommendation**

2.21 Accordingly, I recommend that the council adheres to the proposed post-inquiry modification to allocate the site described as K3: Sunnyside, for about 40 homes.

**K3: Housing – Sunnyside, Kirriemuir**

<b>Objector(s)</b>	<b>Objector Reference(s)</b>
Stephen Whyte	187/1/1
Mrs Lorna Allison	240/1/1
Mr & Mrs Garden	352/1/1 & 353/1/1
Neil Sutherland	504/1/1
Mr & Mrs Brown	508/1/1 & 606/1/1
Mr Allison	1089/1/1
Heather & Blair Hood	1093/1/1
Marjory D. Wallace	1094/1/1
Mr & Mrs Little	1095/1/1 & 1097/1/1
Robert & Kathleen Gourlay	1098/1/1 & 1099/1/1

  

<b>Procedure</b>	<b>Reporter</b>
Written Submissions	Jill Moody

**Background**

3.1 The site was included in the consultative draft version of the Angus Local Plan (2003) as site K4: Sunnyside. However, it was deleted from the finalised version in response to objections received, and it was replaced by K3: Housing – Land South of Beechwood Place. The Reporters conducting the first inquiry considered an objection to the omission of this site from the local plan review, and they recommended that it should be allocated for around 40 houses to provide an element of choice in the local Kirriemuir housing market. In doing so, they recognised that constraints like access needed to be resolved, but they concluded that there was a reasonable expectation that these issues would be resolved within the plan period. Angus Council accepted the Reporters' recommendation and published a post-inquiry modification in February 2007, whereby the site became K3 Sunnyside for about 40 homes. Although this proposed modification was the subject of further objection, the council resolved to maintain it, and to have these objections considered at a second inquiry.

**Summary of Objection(s)**

3.2 The basis of the written submissions objections may be summarised as follows:

- the allocation would undermine the strong urban edge formed by Sunnyside, which has been maintained over successive local plans, and it would establish a precedent for more urban sprawl and encroachment of development into the surrounding countryside;
- the site has no natural boundary to contain development and to prevent pressure for more;
- the site has been in agricultural use for many years and it should be kept as such, to encourage sustainable agricultural production of food and to mitigate against the continual development of agricultural land;
- Sunnyside is open in views from the west and it can be seen from a considerable distance along the main tourist route from Glamis, so that more development would appear as an unattractive intrusion in those views;
- residential amenity, privacy, and outlook would all be lost as a result of the close

- proximity of the proposed new houses to the existing houses on Sunnyside;
- traffic safety would be prejudiced generally because of the extra traffic volume arising, but especially on Lindsay Street, Beechwood Place, North Mains Road and Morrison Street, which all already carry a heavy traffic load and have poor or non-existent footways;
- vehicular access problems at Mortarholes are unresolved, but that route should not be used because of close proximity to several schools, and it should not be sold as a site access because it is in public ownership and the use would be detrimental to the surrounding residents;
- there is a strong likelihood that the developer will seek an alternative access through Sunnyside which would be entirely inappropriate in terms of road traffic and pedestrian safety;
- the High School, which has recently been capped at 800 pupils due to insufficient space, has no spare capacity for so many new residents;
- residents believed that the council was not pursuing the allocation of Sunnyside, so withdrew their earlier objections;
- the site should not now be included against residents' wishes, despite the previous Reporters' recommendation.

### **The Council's Response**

3.3 The site at Sunnyside was allocated in the consultative draft version of the Angus Local Plan Review as K4, partly because a similar area of land to the north, at Westfield/Lindsay Street, had been accepted for development following an inquiry and was allocated in the first Angus Local Plan as K/H3. That allocation required proposals to have regard to the location of the site on the edge of town with a need for appropriate landscaping and boundary treatment. The proposed subsequent allocation of Sunnyside as well, would have:

- allowed the creation of a more attractive urban edge;
- softened the existing hard built form; and
- provided a better buffer with the countryside.

However, the proposal drew significant public objection and detailed concerns, including about the capacity and ability of the local road network to cope with extra traffic. As a result, the site was withdrawn from the finalised local plan.

3.4 Although the council defended its decision to withdraw from Sunnyside at the last local plan inquiry in 2006, in considering an objection to that omission, the previous Reporters concluded that more than one housing development site was needed in Kirriemuir. They then compared the possible options, and reached the view that an allocation south of the existing K(b) site at Westfield/Sunnyside was the most appropriate. The Reporters took specific account of the doubt over the access arrangements for site K(b) and the potential uncertainty over the deliverability of the site, but they concluded that there was a reasonable expectation the constraints would be removed in time for development in an appropriate timescale, whereby the *current lack of effectiveness is not a matter that should preclude the allocation of the objection site of 2 hectares at Sunnyside for residential use it being reasonable to expect that the site will become effective within the period of the local plan review* (core production CP 14, paragraphs 2.1219 to 2.1222). The council accepted the Reporters' recommendation and published a post-inquiry modification to allocate land at K3 Sunnyside for around 40 houses, in February 2007.

3.5 In the meantime, the council has resolved to grant planning application reference 05/01825/REM (council production 1), which allows a residential development of 38 houses at site K(b), accessed via the Mortarholes garage lock-up site. The approval is based on a slight realignment of Lindsay Street, all in accordance with the council's required technical roads standard (drawing 6891/523, dated 23 April 2007, council production 2). Objections were received to the proposed access arrangements, but they have been superseded by the council's intention to grant that permission. The new access to K(b) can be extended and will have enough spare capacity to serve up to 200 houses, i.e. to serve site K3 Sunnyside as well. A further application was lodged with the council in December 2007, this time for outline planning permission for up to 40 houses on K3, accessed via the accepted K(b) route. A decision on that application remains pending.

3.6 The joint access route through Mortarholes affects ground in the council's ownership, but the housing committee agreed in principle on 1 March 2007 to grant a Deed of Servitude to enable the construction of that access road, albeit subject to valuation. The neighbourhood services committee approved the terms and conditions of the Deed of Servitude on 28 February 2008 and missives to that effect are now being signed and registered. The reports have not been published because they contain sensitive and exempt information, as defined by Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973. With all of this in place, the council is satisfied that any access related impediment to the development of either phase at Sunnyside has been removed, whereby housing site K3 at Sunnyside is accessible within the required period.

3.7 For education, the council's Director of Education has indicated that although the capacity of Webster's High School is around 800 pupils and the projected school roll in August 2008 is likely to be very close too, or indeed more than that, the final figure will depend on the number of placing requests that are accepted and the number of pupils who stay on to years S5 and S6. It should be noted however, that the council's September 2007 school census extract shows a gradual decline in placing requests at Webster's High School after 2004-2005 (council production 3). The Director of Education has also indicated that although short-term capacity will be tight, the position should ease once the school is extended in the summer of 2010. As with all schools though, the position will be kept under review.

3.8 Therefore overall, and based on the above:

- the objections raise no major new land-use planning issues that were not considered before in 2006 by the previous Reporters;
- site K3 meets the test of effectiveness, as set out in Scottish Planning Policy 3: *Planning for Housing* (SPP 3, core production CP 32), i.e. *The part of the established housing land supply that is expected to be free of development constraints in the period under consideration, and will therefore be available for the construction of housing*, as well as and in particular the first bullet point on ownership in Planning Advice Note 38: *Housing Land* (PAN 38, core production CP 40, paragraph 29); and
- there has been no material change in circumstances that warrants any further modifications to the local plan review.

3.9 The council has referred these objections to this second inquiry because of the identification of a shortfall of 85 houses in Kirriemuir's housing market area, although the position remains exactly as per the proposed modification.

## Reporter's Consideration

3.10 I find that the views of these objectors were withdrawn and not considered at the last local plan inquiry through the belief that the council was no longer promoting the site at Sunnyside for development. On that basis, it is entirely appropriate for me to consider them now, in response to the proposed post-inquiry modifications.

3.11 That said, Section 17(3) of the Town and Country Planning (Scotland) Act 1997 prohibits the adoption of a local plan that does not conform to the appropriate approved structure plan. Therefore, the council must make sure that the local plan review accords with the current approved structure plan specified 5 year housing land requirement for Kirriemuir. In other words, the local plan review must allocate enough housing land to accommodate the number of housing units specified in the approved structure plan (core production CP 1, Housing Policy 1). As it stands, the local plan review would fall short of meeting that requirement, but it would fail to an even greater extent without Sunnyside.

3.12 The previous Reporters took the view that more than one site should be used in Kirriemuir to accommodate the approved structure plan requirement and, after comparing a range of options, they chose to allocate Sunnyside along with Hillhead (core production CP 14, paragraph 2.1251). In doing so, the Reporters accepted the principle of:

- a greenfield land release to satisfy the housing land requirement;
- extending Kirriemuir to the south west; and
- creating a new urban edge with landscaping.

They also took account of the impact of and relationship between the allocation and the existing houses and built form at Sunnyside. In particular, the previous Reporters concluded that:

- the site would not be especially visible or have a considerable landscape impact in views along Glamis Road;
- layout, design, and tree planting could be used to soften and thereby to avoid creating an abrupt urban edge;
- layout and design could also be used to reduce the impact on the residential amenity and privacy of existing residents;
- the viability of the remaining agricultural land was at best doubtful; and
- the volume of traffic arising would be low enough that existing roads could accommodate it safely, albeit with improvements (core production CP 14, paragraphs 2.1211 to 2.1217).

I have received no new evidence that leads me to disagree with their conclusions on any of these issues, especially given the compact shape and contained form of the proposed site, the relatively small number of houses on Sunnyside that would be directly affected by development, and the potential to use early landscaping to soften and contain the site. I note that these considerations all satisfy SPP 3. Further, I note that the council has since resolved to grant planning permission for the K(b) site and has received an application for outline planning permission for the K3 site. I expect that the above detailed design issues will be considered as part of that development management process. The objectors may still disagree about the technical solutions to be used in addressing the issues, i.e. the relationship to the existing housing, the landscaping, and the way in which access might actually be formed to K3, but I consider these are detailed considerations for the council and

other relevant authorities to determine. Fundamentally, they are not issues for me to consider as part of this local plan inquiry process.

3.13 The ability to achieve land to provide a vehicular access into the site was also considered before, with the conclusion that access was ultimately achievable (core production CP 14, paragraph 2.1219). I have considered this in more detail in the context of objections from Select Home and Guild Homes. Suffice to say here that the evidence for those objections satisfies me that the deliverability of development at the K3 Sunnyside site is now even stronger and more certain than it was at the last inquiry because the council has agreed a Deed of Servitude right to construct and use a vehicular access across the Mortarholes lock-up garage site. On that basis, K3 may now be regarded as effective in terms of the ownership and infrastructure criteria from PAN 38 (core production CP 40, paragraph 29).

3.14 However, these objections raise 2 new issues, i.e. access through Sunnyside and capacity at the High School. Firstly, I have no evidence to suggest that anything more than a pedestrian access is proposed from K3 through to Sunnyside, although I am inclined to agree that a proposal for vehicular access could impact on traffic safety and residential amenity along that street. However, this issue is again a matter for detailed consideration as part of the development management process and any continuing concerns should be raised with the council in that forum. For my purposes, there is no fundamental reason why the unconfirmed prospect of a secondary access via that route would not prevent this housing allocation from being confirmed. Secondly, the council's Director of Education has provided evidence to confirm that although capacity at the relevant Webster's High School is under pressure, so that it is an issue, enough space should be available to accommodate the number of extra pupils arising from this proposed development. Therefore again, I find nothing in these additional concerns that would prevent the site from being allocated for development as per the previous Reporters' recommendation.

### **Recommendation**

3.15 Accordingly, I recommend that the council adheres to the proposed post-inquiry modification to allocate the site described as K3: Sunnyside, for about 40 homes.

**K4: Housing – South of Beechwood Place, Kirriemuir**

<b>Objector(s)</b>	<b>Objector Reference(s)</b>
J & J Learmonth Select Homes (Tayside) Ltd	71/1/1 & 71/2/4 871/2/1 & 873/3/2
<b>Procedure</b>	<b>Reporter</b>
Hearing	Jill Moody

**Background**

4.1 Land south of Beechwood Place was not in the consultative draft version of the local plan review, but it was in the finalised version for around 50 homes as a phase 1 up to 2011, with a requirement to prepare a development brief incorporating access to the adjacent employment land referred to as K4: Working – East Muirhead of Logie. The housing site was included as an alternative greenfield site to Sunnyside, which had been deleted in response to objection. However, following objections to the inclusion of the Beechwood site, the emergence of a brownfield site beside K2 Hillhead, and taking account of an uncertain drainage position, the Beechwood Place site was deleted in the September 2005 pre-inquiry modifications.

4.2 After considering objections, the Reporters at the first local plan review inquiry, recommended in 2006 that the site should not be allocated, for landscape and visual impact reasons. They also recommended a knock-on adjustment to K4: Working.

4.3 In assessing the Reporters recommendations, the council identified a shortfall of 85 houses in the Forfar, Kirriemuir & the Glens Housing Market Area up to 2011. Officials then recommended that part of this shortfall should be addressed in Kirriemuir by amending the phasing of site K2 Hillhead from 40 to 80 houses in the period to 2011. Councillors rejected this, instructing instead that a site at Beechwood Place should be included for 40 houses. Post-inquiry modifications to that effect were published in February 2007 but because objections were received, the council reverted to the originally recommended re-phasing of K2 Hillhead to allow 80 houses in the period to 2011. Accordingly, a second round of post-inquiry modifications was published in September 2007. Objections were again received, but this time the council resolved to make no further change to the local plan review, preferring instead that the objections are considered at this second inquiry.

**Summary of Objection(s)**

4.4 Learmonth objects to the proposal to allocate the Beechwood Place site because the previous Reporters rejected it, and, based on planning grounds, they preferred Sunnyside. Given that rejection, the council has been partial in directing the extra housing to Beechwood Place, and has not acknowledged the Reporters' negative comments about landscape and the lack of need for such a large development to improve the image of the Beechwood Place entrance to the town. In addition, the council based its flawed decision to prefer Beechwood Place on inaccurate information. For example, the agricultural land is not in a set-aside condition, vehicular access is private so that it may not be available for use in conjunction with development and, in general, access is less easy from Beechwood Place to Kirriemuir's facilities by non-car transport modes than from other sites including Sunnyside. This flawed basis deserves proper detailed scrutiny at inquiry.

4.5 Further, in recommending that Beechwood Place should not be allocated for housing, the previous Reporters considered and balanced all the relevant evidence and competing planning considerations between the different sites. The council did not do the same balancing exercise, nor did it consider whether the extra houses should be allocated to other sites, like the Sunnyside extension. The council's proposal to reverse its position from the last inquiry and to allocate an additional 40 houses to the rejected Beechwood Place site will increase the total number of houses allocated to Kirriemuir during the overall plan period, also by 40. The council did not discuss this new position at the first inquiry and it is unreasonable and perverse to simply propose giving the additional 40 houses to Beechwood Place now by modification, without allowing an opportunity for those who would wish to promote and compare alternative sites in the light of the new evidence. If Learmonth had known that the Reporters would recommend deletion of the industrial land at K2 Hillhead, and thereby create the 40 house shortfall, more detailed evidence in support of the 2 hectare Sunnyside extension would have been led, beyond simply indicating to the Reporters that the land could be made available in the future.

4.6 Select Homes argues that since the last inquiry, 2 significant changes have occurred. Firstly, more houses are needed in Kirriemuir above those envisaged when the previous Reporters made their recommendations and, secondly, the business park beside K4 Beechwood Place has planning permission so that beneficial integration with the housing site can now be secured. As a result, reconsidering the benefits associated with the Beechwood Place site is justified and Select Homes welcomed the release of land at Beechwood Place because that would reinstate the preferred option from the finalised version of the local plan review before the drainage uncertainties were envisaged. The removal of that constraint has allowed development on more sites, so Beechwood Place could now be included as the council's original proposed post-inquiry modification would have allowed. However, Select Homes objects to the proposed delineation of the K4 site in that modification, because the site should be bigger and its south boundary should be moved out to line through with the proposed edge of the K5 Employment Land allocation. The proposed modification imposes various specific requirements like vehicular access to serve the employment and housing land, and landscaping and other boundary treatments, all of which will impinge on the net developable area of the housing land. This minor alteration to the proposed housing site boundary would offset that, allow greater flexibility in accommodating these various requirements, enable an appropriate residential layout, and provide for the proper planning of the combined housing and the employment sites.

4.7 Despite this, the council deleted the K4 site again in December 2006 and added the 40 missing housing units to the 40 already allocated to Hillhead to meet part of the identified shortfall of 85 units in Kirriemuir's housing market area. This means that Hillhead will receive all of the increased Kirriemuir housing, which is inappropriate because some of the allocation set aside for after 2011 will be used too soon, thereby causing a problem later in complying with the approved structure plan requirement to maintain a 5 year land supply. Effectively, using Hillhead prejudices the council's ability to satisfy the later approved structure plan requirement. Allocating the 40 houses to K4 Beechwood Place now instead would avoid that entirely, especially as the Reporters recognised that this kind of need for a housing site could outweigh their concerns about Beechwood Place. Alternatively, 40 houses could be allocated to Beechwood Place for after 2011, to replace the 40 that would be used up earlier than anticipated from Hillhead.

4.8 Notwithstanding this, the community benefits envisaged as part of the K2 Hillhead allocation will no longer be forthcoming, which removes the economic

argument for allocating the extra 40 houses to that site. It also contrasts with K4 Beechwood Place, which could accommodate the shortfall and would enable cross subsidy and earlier provision of the adjacent business park, and thereby ensure retention of locally important businesses.

4.9 The council has long accepted the desirability of developing the adjacent employment land and has known of the financial difficulties and the huge funding gap that makes cross subsidy important. In addition, the council accepts that delivery of the business park is urgent and it has long been presented as a comprehensive package with the housing, all based on a common masterplan. Without this, the business park would not be financially viable partly due to the cost of providing common infrastructure and the need to use the housing profit to offset that and to help fund the business park, so that it will fail. The Beechwood Place site could contain 85 houses, but 40 would be enough of a cross subsidy to allow the business park to flourish, and this economic advantage should prevail. However, the primary issue is the substantial financial penalty that would be incurred if the business park were to proceed in isolation. The landowner wishes to avoid piecemeal development and has put in place a series of interrelated contractual arrangements that connect the various site components. If 40 houses are allocated, even for the period after 2011, that would be enough to satisfy these contracts and to release the business park site for development. Alternatively, the council could secure implementation of the business park by way of a compulsory purchase order, but agreement would then be needed over the market value of the site, and that is currently in dispute. The council has only committed £150,000, but the submitted evidence values the site at £1 million. But more significantly, using compulsory purchase powers in this way delays implementation of the business park.

4.10 The previous Reporters gave no clear reason for deleting the 100 house allocation from the finalised local plan review, and allowing some housing now at Beechwood Place, in tandem with Hillhead, would ensure the delivery of the required housing as early as possible, and certainly by 2011, which developing Hillhead alone could not. The Hillhead developer even supports the concept of splitting the allocation with Beechwood Place because that would provide extra choice to stimulate the local market.

4.11 The Reporters' view of landscape impact was illogical and needs to be reviewed because development of the employment land in isolation would extend the urban area, encroach into the countryside, and radically alter the town's south edge. The housing adds the chance to masterplan, and thereby to include significant structural landscaping to provide containment and to mitigate the combined visual impact. Master planning is by far the best approach to a development of this kind and it can quite properly be agreed in advance of a phased development. It also represents a better approach than retro-fitting, and it allows more flexibility over access arrangements and the general distribution of land uses than might otherwise be achieved. For example, it would allow shared utilities, a new roundabout, and a distributor road around the south edge of Kirriemuir that would be a significant benefit. All of this accords with Scottish Planning Policy 3: *Planning for Housing* (SPP 3, core production CP 32), which highlights that housing and employment can be complementary, and can act as a mutual catalyst. It also makes it entirely logical to develop housing beside the business park. The Reporters accepted the value of this good physical and functional relationship with the employment land, and that the Beechwood Place site suffers no traffic problems. They only rejected the general benefit of the distributor road because they felt it was not justified by any need to solve traffic problems elsewhere in the town.

## The Council's Response

4.12 The finalised version of the local plan review included a proposed allocation of 100 houses, with a first phase of 50 to come forward in the period to 2011, for the land south of Beechwood Place, to replace a small site west of Sunnyside and in view of the new distributor road that was required as part of the envisaged joint development of the housing land and the adjacent employment site at East Muirhead of Logie. However, the Beechwood Place site was deleted in favour of a larger allocation of land at Hillhead, which incorporated some adjacent brownfield land. Concentrating the new housing in this way was to maximise the potential benefit to the community of development at Hillhead, and it was against a background of uncertainty over the availability of waste water infrastructure in Kirriemuir.

4.13 In considering the current unique set of circumstances, i.e. the need to allocate extra land in Kirriemuir to accommodate 40 more houses before 2011, the council looked first to the established land supply to absorb the shortfall. The site at Beechwood Place is not part of that land supply, and it was rejected by the previous Reporters. Therefore, although the council's approach might not accord entirely with the letter of the previous Reporters' recommendations, it is consistent with the spirit of them, as well as with approved structure plan Housing Policy 1, SPP 3, (core production CP 32) and Planning Advice Note 38: *Housing Land* (core production CP 40). The council did not consider other possible sites in Kirriemuir's housing market area because of the availability of land at K2 Hillhead and bearing in mind the above policy framework. In addition, because Hillhead was an accepted development site, with the only difference being the number of houses to be released in each phase, the council saw no need to consider alternative sites, especially as the previous Reporters had emphasised the desirability of building inside the town boundary before considering extensions (core production CP 14, paragraph 2.1185).

4.14 The council is satisfied that the extra number of houses that will be realised by altering the phasing of the existing sites, including Hillhead, has produced more housing land for the relevant housing market area than is required to satisfy Housing Policy 1 up to and beyond 2011 (council production 1). After that, Schedule 1 from the approved structure plan applies a figure of 525 houses to the period 2011 to 2016, but that figure is not fixed because the schedule and the supporting text refer clearly to it being subject to review. Housing Policy 1 also expects that land is allocated up to 2011, but not beyond, so that all a local plan must do to conform to the approved structure plan is take account of that post 2011 expectation, which the local plan review with the proposed post-inquiry modifications would achieve. Further, the above shows that to suggest now that the Beechwood Place site should be allocated for housing after 2011 as a longer term aspiration and to satisfy the approved structure plan is ill-founded. It was also not in the original Select Homes objection and it goes beyond the remit of finding land to accommodate the current 40 house shortfall, so that it is not before this inquiry for consideration. But if 40 houses are allowed now at Beechwood Place, more will be inevitable and the council's future position will be tied.

4.15 The objection from Select Homes seeks to have the extra 40 houses that the council proposes to allocate to Hillhead, redirected to a reinstated K4 Beechwood Place site, and this objection is linked to another regarding the phased release of land at K2 Hillhead. Select Homes also seeks to extend the southern boundary of the K4 Beechwood Place site, but the council considers that the existing south boundary is formed by a track that leads to East Muirhead Farm, which is a well defined physical feature. In contrast, the proposed boundary is arbitrary, and it would break into the adjacent large agricultural field at a point where there is no natural

defining features or any clear edge. It should also be noted in this regard, that the previous Reporters rejected a substantially bigger site for a possible development of 100 houses and no evidence has been submitted to this second inquiry to show what landscape and visual impact 40 houses would have, or to show that on its own, the business park would be harmful. Therefore, the previous Reporters' landscape conclusions stand unchanged and should prevail.

4.16 Therefore, the only new issue raised for this inquiry is the question of cross funding for the business park, but because that case has not been properly made, it cannot outweigh the above, normal proper planning considerations or the previous Reporters' conclusions. The council has not discussed the cross subsidy issue for the business park at East Muirhead of Logie, i.e. beside Beechwood Place with Select Homes, but it has discussed implementation of the business park outline planning permission, which was granted in June 2006 (reference 06/00294/OUT, council production 4), including the possibility of a joint venture with Select Homes to facilitate that. The permission was granted before publication of the previous Reporters' recommendations, which eventually rejected the site at Beechwood Place (core production CP 14, pages 293 to 295), but Select Homes knew when they submitted the application that the housing site was not linked with the business park in the local plan review. Further, Select Homes has not at any stage submitted hard evidence to show that 40 houses at Beechwood Place are essential to cross subsidise the early provision of the business park. The only evidence that has been provided on this issue relates to a private contractual arrangement to develop the wider area in a particular way, and it is that which is preventing implementation of the extant planning permission. Clearly this is not a valid planning consideration, nor does it cover the more usual concept of cross subsidy whereby money raised from one development might be spent in facilitating another.

4.17 In the meantime, the council has responded to interest from a local employer wishing to relocate to the new business park by allocating £150,000 in its capital programme to buy the site, with a further £521,000 set aside for servicing, should that prove necessary. These figures are based on a robust valuation assessment, and they take account of the objector's evidence that predicts good demand, so that the development should be commercially viable in its own right. But the amount of money that the council has set aside also recognises the importance of the business park to keeping locally important businesses and to attracting new investment. Fundamentally, the sum is reasonable and appropriate for the size and nature of the business park site, it shows that there can be no specific need for cross subsidy, and it underlines the council's full commitment to delivering the business park.

4.18 Therefore overall, the K4 Beechwood Place site has been rejected before, and nothing in the objections suggests any reason to favour it over the consistently acceptable K2 Hillhead site. As a result, a change to the council's position is not merited and K4 Beechwood Place should not be allocated in favour of K2 Hillhead.

### **Reporter's Consideration**

4.19 The Select Homes objection falls into 2 main parts, namely the fundamental objection to the deletion of the Beechwood Place site from the proposed modifications, and the secondary objection that if it is reinstated, the site should be made bigger to make best use of the space and to relate as closely as possible to the configuration of the adjoining business park at East Muirhead of Logie.

4.20 Turning first to the fundamental objection, given improved drainage potential, the previous Reporters concluded that the approved structure plan housing land

need in Kirriemuir should be satisfied on more than one site. They then considered a range of competing options that had been drawn to their attention by way of objections, to accommodate the balance of the amount subtracted from K2 Hillhead. The competing sites included Beechwood Place, and at least part of Sunnyside. The outcome of that process preferred Sunnyside for reasons explained in the first inquiry report (core production CP 14, pages 293 to 298).

4.21 In the context of the current shortfall of land to accommodate 40 houses in Kirriemuir, I have dealt with the policy background to the council's proposal to resolve this issue by accelerating development at K2 Hillhead, against the linked Select Homes objection to that site. I do not propose to repeat the argument here, other than to stress that I find no justification in national planning policy or in the approved structure plan for disregarding the potential contribution that a site like K2 might make, in favour of another site that was not allocated at the last inquiry. Policy does not support the contention that other sites like Beechwood Place and the extra land at Sunnyside can simply be slotted in instead of, or in advance of, an allocated site like K2, especially when that site is not even brownfield land. I find also that the future housing land position for the relevant housing market area has been taken into account, and that the approved structure plan specified review would be the proper way to consider any subsequent shortfall in supply. Therefore, based on all of the above, the council's response to the current situation of allocating the extra housing to K2 Hillhead is appropriate and the Beechwood Place site is not in contention.

4.22 I have also dealt with the issue of community benefits at Hillhead in the context of the linked K2 objection, so that I will only restate my conclusion that these expectations have not diminished, that the clear majority are now secure, and that the original K2 allocation stands undamaged by the minor changes that have occurred in the interim, due to circumstances beyond the council's control.

4.23 The previous Reporters took specific account of landscape and visual impact at Beechwood Place (paragraphs 2.1198 and 2.1199). They concluded that the proposed south boundary, which at that time was as now requested by the Select Homes objection, i.e. it lined through with the business park and was south of the farm access, offered little containment. As a result, the larger site then under consideration would have a high level of local visual impact, which they judged to be harmful. While the current Select Homes objection disagrees with that view, no new evidence has been presented to show that the impact of the reduced number of homes now under consideration would be better.

4.24 The previous Reporters accepted that their concerns over landscape and visual impact might need to be set aside if more housing allocations are needed (paragraph 2.1200). I am satisfied that position has not yet been reached because the existing K2 allocation has enough spare capacity to absorb the current need of 40 houses. Therefore, there is still no justification to set aside the Reporters' concerns, especially as I have no evidence to show that the impact 40 houses on a smaller site might not be worse. I have noted the suggestion that more land could be allocated for future development, but that position has not been justified by factual evidence to show a clear future need for more housing land beyond 2011. In contrast, the only evidence presented is the council's most recent housing land audit (core production CP 70 and council production 1), which shows an adequate supply. But if that situation should change, the whole Beechwood Place site could then be reconsidered as part of the review process envisaged by the approved structure plan and SPP 3, which I have referred to above and described in more detail elsewhere in this report.

4.25 As regards the link with the business park, the approved structure plan requires that local plans should provide a supply of employment land in the same way as for housing. For Kirriemuir, this amounts to up to 5 hectares (core production CP 1, Employment Policy 1, page 12). In satisfying this, the finalised local plan review proposed to allocate land at East Muirhead of Logie (paragraph 2.45), so the justification for the business park is based on the approved structure plan and not on a council vision of a southerly expansion of Kirriemuir based on a linked housing and business park development. The finalised local plan review proposals map shows the allocation as a 4 hectare business park at K4: Working – East Muirhead of Logie. However, the allocation is subject to the following caveats:

- development is subject to a joint development brief with the then adjoining K3 Beechwood Place housing site;
- longer term vehicular access to the business park via a new distributor road; and
- both sites are to be subject to a combined landscaped and boundary treatment, to create best fit (page 142).

Therefore, the finalised local plan review created some linkage, but there is no suggestion that the development sites are interdependent. While I can see distinct advantages in pursuing a strategic development of that whole area via a planned, combined, and master planned approach, these benefits are only relevant if the housing development is fundamentally necessary or desirable. I have stated above my view that it is not currently necessary, and the previous Reporters found it to be undesirable. In reaching that view, they clearly balanced whether this benefit would outweigh their other concerns.

4.26 The previous Reporters considered an objection by Select Homes to K4, which stressed the benefits of the distributor road in providing good access to the business park. I note here a particular statement in the Reporters' summary of evidence from Select that *Even in the event of housing land not coming forward at this time, the local plan review should make adequate provision for a good quality access to the employment land. This is an important requirement in its own right ..... but is also needed so as not to prejudice future housing at Beechwood Place* (core production CP 14, paragraph 2.1260). I consider that this statement suggests the housing and employment proposals were being presented and considered as separate packages, which differs from the current objection. I find nothing in the Reporters' summary of the corresponding housing site objection that contradicts that view (pages 263 to 265). Therefore, I am satisfied that the previous Reporters considered the proposals as divisible and recommended accordingly, i.e. that the business park should proceed whereas the housing should not. On that basis, the distributor road did not justify the business park alone, because other acceptable options existed directly off Forfar Road. Similarly, the predicted amount of traffic generally, and especially turning traffic through the Morrison Street/Glamis Road junction with the housing development was judged not to be enough to justify the new road, and thereby to outweigh the landscape and visual impact concerns that persuaded against allocation of the Beechwood Place site for housing (paragraph 2.1206).

4.27 Therefore, I find that the only new issue raised for consideration at this inquiry relates to the question of cross subsidy between the business park and the housing site. Although the concept of cross subsidy can be a valid planning consideration, in this case I have no clear factual, or quantifiable evidence to show where or why any funding gap might arise, or to show exactly how the profit from the housing would be ploughed back into some particular aspect of the business park development, and quickly enough to secure the urgent site start that all seem to want. I note here that

Guild Homes offered a concession in the context of the K2 Hillhead site, whereby if this kind of evidence was produced, they would not oppose some housing allocation at Beechwood Place in place of K2. Clearly without this evidence, there can be no justification for invoking that concession. In discussing the issue at the Beechwood Place hearing session, it emerged that the concerns were because of private and contractual arrangements that seemed to prevent development of the business park in isolation. Clearly this is not a valid planning consideration, other than the extent to which it might stop delivery of a desirable development. However, with the council's available statutory compulsory purchase powers, the business park could still be implemented, although I accept that it would be delayed. Nevertheless, in all of these circumstances, I am satisfied that the cross subsidy issue is not of enough weight to justify allocating an otherwise unacceptable housing site, just to unlock the business park.

4.28 Consequently and overall, I find no reason to depart from either the correct policy response to the existing housing land shortfall, or the previous Reporters' conclusions.

4.29 Turning next to the Learmonth objection, I have included reference to this in my report against the possibility that the outcome might have found in favour of allocating the Beechwood Place site. In that case, I would have needed to consider the Learmonth opposition in detail. However, because I have concluded that the Beechwood Place site should remain deleted from the local plan review, I find, as the council has done, that the objection is satisfied. Based on that, consideration of the issues raised via this second inquiry is no longer applicable.

### **Recommendation**

4.30 Accordingly, I recommend that the site south of Beechwood Place should not be allocated for development as a response to the current shortfall in the relevant housing market area.

**K4: Housing – South of Beechwood Place, Kirriemuir**

<b>Objector(s)</b>	<b>Objector Reference(s)</b>
W D & I F Cameron	683/1/1 & 684/1/1
Mr & Mrs Robertson	685/1/1 & 686/1/1
Miss Celia Topping	708/1/1
Mr & Mrs Kirkman	711/2/1 & 712/1/1
Mr & Mrs Johnston	751/1/1 & 752/1/1
Mr H G McCrum	753/1/1
A S & R L Murray	861/1/1 & 1091/1/1
Wilma Falconer	878/1/1
Sheena Gallacher	1086/1/1
Alyssa Bell	1088/1/1
Harry Mowbray	1092/1/1
Mr & Mrs Dobson	1090/1/1
F M & S W Clark	703/1/1 & 704/1/1
A & N Ferguson	1085/1/1 & 760/1/1
James Hill	855/1/1
Eric Y Hill	843/1/1
<b>Procedure</b>	<b>Reporter</b>
Written Submissions	Jill Moody

**Background**

5.1 Land south of Beechwood Place was not in the consultative draft version of the local plan review, but it was in the finalised version for around 50 homes as a phase 1 up to 2011, with a requirement to prepare a development brief incorporating access to the adjacent employment land referred to as K4: Working – East Muirhead of Logie. The housing site was included as an alternative greenfield site to Sunnyside, which had been deleted in response to objection. However, following objections to the inclusion of the Beechwood site, the emergence of a brownfield site beside K2 Hillhead, and taking account of an uncertain drainage position, the Beechwood Place site was deleted in the September 2005 pre-inquiry modifications.

5.2 After considering objections, the Reporters at the first local plan review inquiry, recommended in 2006 that the site should not be allocated, for landscape and visual impact reasons. They also recommended a knock-on adjustment to K4: Working.

5.3 In assessing the Reporters recommendations, the council identified a shortfall of 85 houses in the Forfar, Kirriemuir & the Glens Housing Market Area up to 2011. Officials then recommended that part of this shortfall should be addressed in Kirriemuir by amending the phasing of site K2 Hillhead from 40 to 80 houses in the period to 2011. Councillors rejected this, instructing instead that a site at Beechwood Place should be included for 40 houses. Post-inquiry modifications to that effect were published in February 2007 but because objections were received, the council reverted to the originally recommended re-phasing of K2 Hillhead to allow 80 houses in the period to 2011. Accordingly, a second round of post-inquiry modifications was published in September 2007. Objections were again received, but this time the council resolved to make no further change to the local plan review, preferring instead that the objections are considered at this second inquiry.

## Summary of Objection(s)

5.4 The basis of the written submissions objections may be summarised as follows:

- building at Beechwood Place would spoil the entrance to Kirriemuir and create suburban sprawl, which would alter the character of the town and be an eye-sore;
- new development should be located away from the main approaches to the town;
- Kirriemuir relies greatly on tourism and its *Gateway to the Glens* image and the proposal would cause serious harm to this;
- Beechwood Place is a significant and appropriate existing urban boundary as described by the previous Reporters, and extension to the south will harm the town's landscape setting;
- the land is low lying and suffers from localised flooding;
- the site should be kept as valuable agricultural land, it is not set-aside;
- the proposal would remove a well-used footpath and harm the rich local biodiversity;
- residential property values, amenity, privacy, and outlook would all be reduced because of the close proximity of the proposed new houses to the existing houses on Beechwood Place;
- Logie Farm suffers chronic theft, graffiti, equipment vandalism, damage to lawns and trees, fires, littering, open livestock gates, unleashed dogs and excrement on the drive, and further development can only make these problems worse;
- the absence of local shops and services by the site will make new residents depend on car travel even for minor requirements, which will increase local road congestion and impact on fuel consumption and the rural environment;
- traffic safety would be prejudiced generally because of the extra traffic volume arising, but especially through Muirhead junction and on the A926, which has dangerous corners;
- vehicular access to Logie Farm will be prejudiced;
- the town's services like sewage, schools, nurseries, health centre, car parks, and leisure facilities are all already at capacity, with none spare for so many new residents;
- the other allocated sites are more discreet, and must be enough to absorb the required amount of development over the next 15 to 20 years; and
- the site should not now be included against residents' wishes, especially as it was rejected before by the Reporters.

In addition, if more housing land is needed for those houses over and above the allocations proposed by the previous Reporters, it would be consistent to use Hillhead which has been favoured by the council and the Reporters throughout. If another site is nonetheless to be considered, then all other potential options should be considered, but Sunnyside would be a more natural choice because it has been allocated already. In contrast, placing the extra houses at Beechwood Place would be a dramatic shift in the strategic shape and direction of development in the town. Further, the proposed siting of 40 houses there would in turn make further allocation in this area very difficult to resist. As a result, the implications of allocation are profound for the local area, and will be long lasting for the town.

## The Council's Response

5.5 The council's response to these written submissions objections is largely the same as the response to the Select Homes (Tayside) Ltd and J & J Learmonth objections. However, it should be noted that following the decision not to pursue an

allocation at Beechwood Place, the council is now predominantly of the same view as these objectors, albeit that they have not been withdrawn, pending the outcome of the Select Homes objection.

### **Reporter's Consideration**

5.6 I have included reference to these written submissions objections in my report against the possibility that the outcome might have found in favour of allocating the Beechwood Place site. In that case, I would have needed to consider the issues raised in opposition in detail. However, because I have concluded that the Beechwood Place site should remain deleted from the local plan review, I find, as the council has done, that the objection is satisfied. I also note that the majority of the concerns were covered at the last inquiry and in the previous Reporters' recommendation that Beechwood Place should not be allocated for housing development. Based on that, the objections are satisfied and detailed consideration of the issues raised via this second inquiry is no longer applicable.

### **Recommendation**

5.7 As before, I recommend that the site south of Beechwood Place should not be allocated for development as a response to the current shortfall in the relevant housing market area.

**Land South of Sunnyside, Kirriemuir**

<b>Objector(s)</b>	<b>Objector Reference(s)</b>
J & J Learmonth James F Hill Eric Y Hill	71/1/2 855/2/2 843/2/2
<b>Procedure</b>	<b>Reporter</b>
Hearing & Written Submissions	Jill Moody

**Background**

6.1 Learmonth's original objection to the finalised version of the local plan review raised the potential of a further phase of development at Sunnyside in a future plan period. At the first inquiry in 2006, Learmonth proposed that 2 hectare K3 Sunnyside site should be allocated for 40 houses or, alternatively, 60 to 80 houses could be allocated to a bigger, 4 hectare site at Sunnyside, and 20 houses could be allocated to Herdhill/Martin Park. The Reporters at that inquiry noted the suggestion, but they did not consider it to be a fundamental part of the objection, they reached no conclusion, and they made no recommendations on the matter.

6.2 After publishing the post-inquiry modifications in February 2007, where the council allocated additional land at Beechwood Place to meet part of the identified shortfall of 85 houses for the period to 2011, Learmonth objected to the omission of land for a third phase of development at Sunnyside, and lodged linked objections to the Beechwood Place and Hillhead allocations. The council decided not to alter the local plan review in response, although the proposed allocation of the Beechwood Place site was subsequently deleted from the modifications. Instead, the council preferred to refer the matter of the Sunnyside omission to this second inquiry for consideration.

**Summary of Objection(s)**

6.3 The Sunnyside extension site is not new, it was part of Learmonth's objection to the finalised local plan review, when the primary position was that K3 should be reinstated, but the extra site should be considered if more land were to be needed to satisfy the approved structure plan. That position was made clear in the closing submissions (production LEAR/PLAN/2, page 12), and it was shown in map form in the supporting documents (LEAR/PLAN/9). Therefore, the previous Reporters considered the whole of Sunnyside along with a further extension to North Mains Road (core production CP 14, paragraph 2.1222). If Learmonth had known that the Reporters would then recommend deletion of the industrial land at K2 Hillhead, and thereby create the 40 house shortfall, more detailed evidence would have been led at the inquiry in support of the 2 hectare Sunnyside extension beyond simply indicating that the land could be made available. Ultimately though, the Reporters did not include the extra land because they only needed to find space for 40 houses, i.e. the amount they were diverting from Hillhead, so they did not need to consider any extra at Sunnyside. The current shortfall has changed that position and the need for extra land has become a live issue.

6.4 In deciding how to address the issue, the council failed to consider whether the additional 40 houses up to 2011 should be allocated to other sites, including to

additional land at Sunnyside, before deciding to favour Beechwood Place, which had already been rejected by the previous Reporters. In this regard, the council's decision was unfair because those wishing to promote alternative sites were given no chance to do so. The extra 40 houses could just as easily have been directed to the extension land at Sunnyside, which was part of the area preferred by the Reporters as an additional choice to Hillhead.

6.5 Notwithstanding this, there are strong planning and landscape reasons to prefer the Sunnyside extension because it better fits regional and national planning policy and advice. Historically, Sunnyside received several allocations up to and including the recent K3, early development phases have planning permission, and the infrastructure is agreed, including the access and visibility splay difficulties through Mortarholes for K(b) and K3, which have been resolved with the council. As a result, the whole area can be regarded as effective. Agreement over extending the vehicular access through to the extra land is no more than an issue of timing because the Mortarholes route needs to have been built and adopted to give the public a right of access. That process is expected to take a minimum of about 2 years to achieve, although the build rate, and thereby also the ability to deliver the required amount of housing by 2011, depends entirely upon market demand. In other words, it depends upon the take up rate, not the ability to build the housing, so it may not be finished before adoption of the road is sought.

6.6 There can be no doubt that the principle focus of the evidence at the last inquiry was K3, but the submissions for planning and transport impact in particular covered the whole area, i.e. they included the extension site. The evidence now shows that the landscape and visual impact implications are much the same whether K(b) and K3 are developed alone, or with the extension. In either case, the main impacts would be felt along Glamis Road, but they would only be slightly adverse, unlike at the competing sites, especially Beechwood Place.

6.7 The council has not justified its concerns about the deliverability of 120 new houses across the 3 phases at Sunnyside, but was happy to allocate that same amount across the phases at Hillhead. Learmonth has confirmed with a housebuilder that delivery of the required amount is possible within the specified timescale and, as a third phase of development, it is usual for negotiations to be less far advanced than for phases 1 or 2. However, demand could be stimulated by using more than one builder.

6.8 Developing a third phase at Sunnyside is also more sustainable because it makes full use of the new infrastructure. Bear in mind also that phase 1 at K(b) has full planning permission, whereas a decision at Hillhead depends upon a section 75 agreement. In addition, if the shortfall goes to Sunnyside instead of Hillhead, then the K2 allocation will stay completely undisturbed as an important post 2011 land supply contributor.

6.9 Therefore, while Learmonth accepts that the allocation at Hillhead is a material and weighty consideration, it need not be conclusive. In deciding how best to accommodate the extra 40 houses, regard must be had to all planning considerations and, if that is done, then the Sunnyside omission site emerges as the most appropriate candidate.

6.10 The Hills' written objections argue that the extra 2 hectares should be allocated at Sunnyside because:

- it would enable all 3 phases of development at Sunnyside to be integrated and

- coordinated;
- the site is well located for access to schools, local shops, and other essential services;
- the land is, and always has been, part of the same field unit, which is not currently in productive agricultural use;
- the site was allocated for development in the 1970s and '80s;
- the existing housing along Sunnyside was built with access routes through to the extra land, which shows a clear expectation of more development; and
- existing residents are aware of the planning history of the area and should not be surprised by more development.

### **The Council's Response**

6.11 In considering the current unique set of circumstances, i.e. the need to allocate extra land in Kirriemuir to accommodate 40 more houses before 2011, the council looked first to the established land supply to absorb the shortfall. The extra land at Sunnyside is not part of that land supply. Therefore, the council remains convinced that altering the phasing at Hillhead instead of releasing extra land at Sunnyside is not only in keeping with the principles established by the previous Reporters' recommendations which supported the allocation of sites within the existing built-up area of the town before considering extensions (core production CP 14, paragraph 2.1185), but is also consistent with approved structure plan Housing Policy 1 (core production CP 1), Scottish Planning Policy 3: *Planning for Housing* (core production CP 32), and with Planning Advice Note 38: *Housing Land* (PAN 38, core production CP 40). The council's position on this is set out in more detail in the context of Learmonth's linked objection to the post-inquiry modifications for K2 Hillhead and, at one stage, Learmonth appeared to support this.

6.12 The council did not consider all other possible sites in Kirriemuir's housing market area because of the availability of land at K2 Hillhead and bearing in mind the above policy framework. In addition, because Hillhead was an accepted development site, with the only difference being the number of houses to be released in each phase, the council saw no need to consider alternative sites. In any event, the extra number of houses that will be realised by altering the phasing of the existing sites, including Hillhead, has produced more housing land for the relevant housing market area than is required to satisfy Housing Policy 1 up to and beyond 2011 (council production 1).

6.13 Learmonth's preference for the allocation of ground south of K3 Sunnyside, which would in-effect become a third phase, was not fully considered at the last inquiry because it was not part of the original objection and, the fact is, that the Reporters reached no conclusion on the acceptability of the extension site. The previous Reporters simply noted *the suggestion, that if necessary, an additional 2 hectares to the south could be allocated but do not consider that this is a fundamental part of the objection and therefore reach no conclusion and make no recommendations on this matter*, before concluding that they were *not in a position to assess this larger area in terms of visual and landscape impact and (I) have therefore not taken this matter any further* (core production CP 14, paragraph 2.1222). Therefore, it would be illogical to favour the extension site over Hillhead, especially as the council is concerned that Learmonth would not be able to deliver all 3 phases of Sunnyside, i.e. some 120 houses, in the period up to 2011. These concerns are reinforced by the following factors:

- Neither Learmonth nor the Hills, as site owners, will be developers, and no housebuilder is yet on board. The time taken to achieve that, as well as a site start is not known, in contrast to Hillhead, which is much farther advanced; and
- The agreement over vehicular access through Mortarholes to K(b) and K3 might not include the extension, so that it might not be deliverable in the short-term. Further, the council would not normally adopt a road until a year after the completion of building, simply because it would then be responsible for the maintenance and repair of damage caused by the extra loading from use by construction traffic.

The objection was also not supported by information to show an acceptable landscape, visual and traffic impact and K(b) and K3 could be landscaped quite effectively with or without the omission site.

6.14 Fundamentally, the extension site is entirely unallocated greenfield land so it would be wrong for the council to plan to expand Kirriemuir in that way when the housing land supply figures show that is not yet necessary. Further, the council is entitled to prefer Hillhead for all of the reasons given here and in the context of the linked Hillhead objection. Therefore, although the shortfall of 85 houses in Kirriemuir's housing market area in the period to 2011 is a material change in circumstances, the council considers that no further change in position or modification of the local plan review is merited by Learmonth's objection in relation to the omission of land south of K3 Sunnyside.

### **Reporter's Consideration**

6.15 I find that the simple fact that the site may have been allocated for development in the past does not act as a favourable precedent, nor does it automatically justify reallocation now. Clearly those circumstances have been superseded and my current task is to consider the omission of 2 hectares of land at Sunnyside against the up to date circumstances of the housing land shortfall, the current finalised local plan review, the current approved structure plan, and the most recent national planning policies.

6.16 That said, the proposals map from the consultative draft version of the local plan review (core production CP 3) designated the site now referred to as K3, for housing K4. When the finalised version of the current local plan review was under consideration, objection was made to the omission of that specific housing site at Sunnyside. The council's published responses summarises that objection as relating specifically to the omission of the consultative draft allocated site, i.e. what is now K3, and it make no mention of the extension site, including in the council's reply (core production CP 9, pages 150 and 151). Further, the only evidence from Learmonth now on the matter is the following extremely brief and unsubstantiated statement in the previous inquiry closing submissions: *Alternatively, 60 to 80 houses should be allocated on 4 hectares at Sunnyside ....* (LEAR/PLAN/2). No more confirmation or justification than that has been provided, so on the information available to me, it would seem that the extension site was not part of that original objection.

6.17 However, I am uncertain about the exact extent of the previous Reporters consideration of more than the site referred to in that objection because in describing the site, they state that it is bounded to the south by a line of young trees (core production CP 14, paragraph 2.1089). From my site visit and from Learmonth's current landscape assessment (LEAR/Land/01, Fig LV10), that line of trees seems to define the edge of the omission site, with the division between K3 and the extra land

being unmarked. But the whole of the combined area still calculates as 4 hectares (LEAR/PLAN/9). Similar references are contained elsewhere (paragraphs 2.1089 and 2.1099), so overall, the Reporters seem to have considered the prospect of 2 and 4 hectares of land at least to some extent. For example, they considered visual impact arguably for the whole site given the reference to the south boundary position (paragraph 2.1210). But that contradicts with their statement that they did not consider the impact of the larger area linking to North Mains Road (paragraph 1.1222) and, either way, they found the impact to be acceptable (paragraphs 2.1210 to 2.1212). Equally, I have no reason to suppose that they did not consider accessibility for the whole site and, again, found that to be acceptable (paragraphs 2.1214 to 2.1216). However, their consideration of traffic impact makes specific reference to a 2 hectare site, which must exclude the extension site (paragraph 2.1217). Notwithstanding all this, I have no evidence to show that these impacts would be significantly worse for the larger site, so I have no reason to disagree with the previous Reporters general acceptance of them.

6.18 Despite these uncertainties, I am clear that neither K3 nor the extension site was included for housing in the finalised local plan review. At that stage, only K(c) was proposed, which became K(b) for which the council has now resolved to grant planning permission. Further, I am also clear that the previous Reporters only allocated 2 hectares of land for housing, which they described as abutting and stretching south from the boundary of K(b) (core production CP 14, page 306). In other words, the amount of space that they allocated matched the original finalised local plan review objection and must, by implication, have excluded the extension site, no matter how much extra land they may or may not have considered in the process. I note that parties do not dispute the fact of this allocation, and that the eventual divisions largely reflect those shown on LEAR/PLAN/9.

6.19 Next, I find that the previous Reporters did not link consideration of the balance of the Sunnyside area beyond K3 to any question of housing land need. They state quite specifically that an additional 2 hectares to the south of what became K3 was *not a fundamental part of the objection and therefore reach no conclusion and make no recommendations on this matter* (paragraph 1.1222). Given that, I find it wrong to suggest that the current shortfall of housing land justifies reconsidering their recommendations because of the current numerical shortfall.

6.20 I have dealt with the policy background to the council's proposal to resolve the current shortfall of land for 40 houses in Kirriemuir by accelerating development at K2 Hillhead, against the linked Learmonth objection to that site. I do not propose to repeat the argument here, other than to stress that I find no justification in national planning policy or in the approved structure plan for disregarding the potential contribution that a site like K2 might make, in favour of canvassing views on a new range of sites, or for supporting another site that was not allocated at the last inquiry. Policy does not support the contention that other sites, including the extra land at Sunnyside, can simply be slotted in instead of, or in advance of, an allocated site like K2, especially when that new site was clearly not fully considered before and it is not even brownfield land. I find also that the future housing land position for the relevant housing market area has been taken into account, and that the approved structure plan specified review would be the proper way to consider any subsequent shortfall in supply. Therefore, based on all of the above, the council's response to the current situation of allocating the extra housing to K2 Hillhead is appropriate and the Sunnyside extension site is not in now in contention.

6.21 The only new issue raised in the context of this inquiry that might justify a different view is the question of the deliverability of so many new houses in a

relatively short timescale at Sunnyside. PAN 38 confirms that programming is an important aspect of the effectiveness of a potential housing site, and refers to the need to take account of lead-in times, the capacity of the builder to develop the site, and the capacity of the local housing market (core production CP 40, paragraph 30). In this case, phase 1 at K(b) would involve 39 houses, phase 2 at K3 is allocated for 40 houses, and phase 3 at the proposed extension site would add a further 40, bringing the total to 119, all to be delivered before 2011. Setting aside the question of market demand for the housing product, which must be assumed to exist based on the approved structure plan housing land projection figures, the evidence supporting the objection does not confirm any of the PAN 38 considerations. For example, phase 1 may have planning permission, but Learmonth has given no estimate of how long they might need to release the site to a housebuilder for work to begin, and only the most general of statements was given as to an unspecified builder having confirmed that the extra phase of houses could physically be built within the timescale. There was also an unresolved issue in discussion about when vehicular access might be achievable to the extension site to enable work to begin on that phase, with conflicting evidence about whether:

- the current agreement for phases 1 and 2 across Mortarholes would allow it;
- the access to phases 1 and 2 must be adopted first by the council; and
- when that adoption might take place, with the council arguing that building in phases 1 and 2 must be complete first.

Either way, the lack of a factual or quantifiable case regarding these PAN 38 effectiveness requirements leaves me unable to find that deliverability is a material consideration that weighs more favourably for the Sunnyside extension site than for K2 Hillhead. In contrast to Sunnyside, the evidence for the K2 objections confirms that Hillhead already has 2 developers working towards implementation, with decisions on planning applications well advanced, and with vehicular access being formed as a site start towards beginning house building as soon as possible. This progress must make it more than likely that a significant proportion of the allocated houses at K2 will be built and occupied within the required development plan period.

6.22 Consequently, I find no new evidence or fundamental justification in the objection to the council's proposed modifications that would warrant allocating 4 hectares instead of the 2 already recommended by the previous Reporters. The simple fact that that the impact of the bigger site would be no worse than that already accepted does not of itself justify a bigger housing land allocation beyond that which is currently needed to satisfy the approved structure plan housing land requirement, especially when that can be satisfied elsewhere in Kirriemuir on a site that the council and the previous Reporters have favoured throughout.

### **Recommendation**

6.23 Accordingly, I recommend that the land south of Sunnyside should not be allocated for development as a response to the current shortfall in the relevant housing market area.

**F8: Housing – Slatefield, Forfar**

<b>Objector(s)</b>	<b>Objector Reference(s)</b>
Ms B Eleanor Gledhill	1108/1/1
<b>Procedure</b>	<b>Reporter</b>
Written Submissions	Jill Moody

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**Background**

7.1 At the finalised local plan inquiry in 2006, the Reporters considered an objection into the omission of this site. They recommended that the site should be allocated for a high quality development of around 5 homes (core production CP 14). The council's published post-inquiry modifications allocated the site as F8 for housing, and applied a maximum of 5 homes (core production CP 22). However, the council's subsequent objection response in 2007 proposes to change this reference to accord with the Reporters' recommendation. The issue is referred to this second inquiry in response to an objection to that second proposed post-inquiry modification.

**Summary of Objection(s)**

7.2 Mrs Gledhill states that, like many other neighbouring house purchasers, she bought her house beside the F8 site for its views across open countryside. These views were believed to be preserved by the section 50 (now section 75) agreement then in place, which was to keep the field free of development for at least 75 years. If the agreement is now to be ignored, that amounts to a breach of trust between the council and the public, and it will reduce local property values. Despite the previous Reporters' conclusion that the agreement should *not fetter the discretion of the Council in land use matters arising from the Local Plan*, it should continue to restrict the ability to develop the site because releasing the site would breach the development plan, and the Act only allows an exception where that power is being exercised in accordance with the development plan.

7.3 The site was not proposed for development in either the consultative draft or the finalised versions of the local plan, so local residents had no reason to suppose that it was under consideration. Neighbour notifications were received for the related planning application, but it was generally thought that proposal stood no chance of approval because of the extant agreement. Residents were dismayed to find that the local plan had been changed, and that development was now being viewed more favourably. This significant change received insufficient publicity and consultation and it was not even mentioned in the November 2006 committee report on the outcome of the last inquiry (core production CP 15). In this regard, the council has failed to satisfy its own charter, the local community has not been treated fairly, and the site is now included against the wishes of the local community, as demonstrated by the submitted petition, which shows a clear majority against development. The council has done nothing to establish the local view of the proposed allocation of the site for housing development, and consultation on the post-inquiry modifications was grossly inadequate, especially in comparison to the comprehensive and effective first round on the consultative draft local plan.

7.4 The impression is that the council did not oppose the original objection vigorously enough at the last inquiry. For example, the council failed to mention that

allocating the site would contravene other finalised local plan policies, especially S1(c). Developing the site also affects protection of the footpath network, which is another key finalised local plan issue. The site is close by one of these paths and it would be clearly visible from it, so that it would harm the landscape quality of that path. The visual impact assessment submitted to the last inquiry was inaccurate because it failed to mention this effect, and that the site is highly visible from the wider area, as well as from the adjacent houses and their back gardens. The site is also prime quality agricultural land, the loss of which is contrary to policy ER29. The council stated at the last inquiry that the site was not in agricultural use. But the evidence submitted now shows clearly that it is. This F8 site, plus the other nearby housing allocations amounts to about one third of the bigger agriculture land parcel and removing that part for development undermines the viability of the remainder. The site is also greenfield land outside the town boundary, which should not be released for development. Only some 10.5% of the finalised local plan allocated sites are brownfield, so that the vast majority entail the release of greenfield land, which is fundamentally contrary to national planning policy advice, especially Scottish Planning Policy 3: *Planning for Housing* (SPP 3, core production CP 32), and will set several inappropriate precedents for the comparable use of similar sites elsewhere.

7.5 There is no need to create this separate, new site to provide choice and high quality housing, because that could be accommodated as part of other development sites, especially the larger sites. The F8 site is not a unique opportunity, and the proposers at the last inquiry did not show that it was unique. Market interest in the housing product of the site is also doubtful because other new houses nearby took years to sell. The site also suffers other significant constraints like a crossing water main, and the benefits referred to in the proposers submissions to the last inquiry are on land outwith the F8 proposal site, which is in separate ownership. Therefore, the site's effectiveness must be doubtful.

7.6 The site has been used to store earth and other materials related to the construction of housing on the adjacent phase 1 housing development site, apparently with no council permission or action to seek removal. In addition, the plans submitted to support the recent planning application are inaccurate, and missing critical details like existing roads. This incorrect information was submitted to the earlier inquiry to support the objection, which undermines the previous Reporters' conclusions.

### **The Council's Response**

7.7 Although the objection is made to the proposed modification to the wording of F8: Housing - Slatefield it also relates to the principle of allocating the site for development. At the last inquiry, the Reporters considered that:

- development of the site at Slatefield would be a justifiable rounding off of the development boundary in line with recent developments;
- in landscape terms, the visual impact of houses on the site would be very limited when viewed from outwith the site because the development would not alter the horizontal grain of the landscape in this part of Forfar; and
- the section 75 agreement should not prevent the council from considering the future of the land as part of a local plan review.

Taking these factors into account, the Reporters recommended that the site be included in the local plan for a high quality development of around 5 houses.

7.8 The local plan review has been conducted in full accord with the requirements of the Town and Country Planning (Structure and Local Plans) (Scotland) Regulations 1983. Unlike the requirements for planning applications, these regulations do not specify a neighbour notification procedure for local plan allocations. Consequently no neighbour rights have been ignored by the local plan review process.

7.9 Angus Council at their meeting of 16 November 2006 (core productions CP 15 and CP 16) accepted the Reporters' recommendation on the principle of development at F8 Slatefield, but agreed to modify the wording in relation to the maximum number of houses that could come forward. The modification was then published in February 2007 (core production CP 22) and no objection was received to the principle of development. Select Homes (Tayside) Ltd made a single objection to the number of houses that could come forward (reference number 871/1/1), which is being considered separately. It was only after the council had considered that objection at their meeting of 22 August 2007 (core productions CP 23 and CP 24), had agreed that the wording should be modified to around 5 houses, in line with the Reporters' recommendation, and had advertised that intention, that Mrs Gledhill's objection was received. Because the changed wording is a material modification to the local plan and, although the words were originally suggested by the Reporters, the objection is considered to be valid, whereby it has been referred to this second inquiry. However, the only issue to be addressed by the second inquiry should be the potential number of houses, not the principle of inclusion of the site in the local plan review, because that raises nothing new that was not considered before.

7.10 At the last inquiry, the council defended its opposition to the allocation fully and appropriately, and many of the extracted quotes in the objection are partial, wrongly attributed, and incomplete. For example, the planning application referred to in the objection (reference 07/01301/OUT) has yet to be determined, and many of the points raised by the objection relate more to that ongoing application. In addition, contrary to the objector's statement the council understood at the last inquiry that the site was not in productive agricultural use, but a recent site inspection has revealed that the site has since been ploughed. Nevertheless, it is not classified as prime agricultural land, so policy ER29 would not apply.

7.11 It should be noted that no complaint had been received about any unauthorised and unacceptable alternative use for the site.

### **Reporter's Consideration**

7.12 Arguably, this objection raises issues that were considered before, which should not be revisited at this extremely late stage. However, in the interests of thoroughness and complete transparency of process, I have preferred to comment as follows.

7.13 Reference is made in the objection to the loss of views and to the reduction of house values. Because it is not the function of the planning system to preserve private benefits and individual property values, neither of these issues can be relevant planning considerations.

7.14 Before the last inquiry, the objections, the various inquiry sessions and timetable were advertised and all the documents, objections, responses, statements, and precognitions were placed on public deposit for reference around a variety of local venues. As a result, the consideration of an objection into the omission of Slatefield as a housing site was widely and obviously publicised. Following the first

inquiry, the site was mentioned explicitly in the list of significant changes detailed in the November 2006 committee report, as follows *Forfar – at Gowanbank and Slatefield – Reporter recommends allocation of additional housing sites* (core production CP 15, paragraph 3.4). In addition, Table 2 in the report specifies Slatefield and recommends acceptance of the Reporters' recommendations (page 7). Section 5 of that same report then details the intended subsequent publicity measures for the post-inquiry modifications, which were to:

- advertise the proposed modifications and to allow 6 weeks for comment, as per the regulations;
- to place information in local libraries and on the council's web site;
- to notify previous objectors;
- to make copies of the council's responses available on request; and
- to report back to committee once the objection period had closed.

The council's statement of response to the objections received as a result of that process was reported to committee in August 2007 and the only objection for Slatefield was from Select Homes (Tayside) Ltd regarding the maximum applied to the number of houses allocated to the site. The council then adjusted its position and re-advertised, with a further 6 week objection period. It was only then that an objection emerged from Mrs Gledhill. No other community response had been forthcoming throughout. Therefore, the evidence shows beyond doubt that the council has complied with, and indeed has exceeded, its statutory obligations under the applicable regulations in terms of handling and publicising objections to the local plan review, along with the responses and subsequent modifications arising. It is also beyond doubt that the consideration of local plan objections is not subject to the same neighbour notification requirements as apply to planning applications. Equally, the lack of an objection to the local plan review does not preclude an objection to any planning application, so that the basic right to object has not been removed.

7.15 At the last inquiry, it was for the council to present its case as it saw fit. The Reporters then balanced all of the written documents and arguments, as well as the oral evidence, before reaching their conclusions, so that the council's precognitions only form part of that overall picture. Further, when the previous Reporters looked at the principle of including Slatefield as a housing site, they stated beyond doubt that no site layout had been considered (core production CP 14, paragraph 2.844, page 211). Therefore, if the subsequent planning application plans are not accurate, that issue should be raised with the development management staff instead. It is not the function of this process or report to consider those details.

7.16 The previous Reporters assessed the proposed site allocation in the context of other applicable structure and local plan policies, and explicitly against SPP 3 (core production CP 14, paragraph 2.836, page 210). In addition, they considered visual and landscape impact, based not just on the submitted evidence, but also on their own site inspections and experienced perceptions, with the conclusion that low density development would cause no significant harm. The issue of choice and any need for the site was also considered, along with the balance of allocations on brownfield and greenfield land. The conclusion in each instance was that the site was acceptable for development as described (pages 210 and 211).

7.17 The existence of the section 75 agreement was not regarded as an impediment to the proposed allocation by the last Reporters and, in my view, it could not be the intention of the Planning Act to create a situation whereby a planning authority could disable itself from carrying out its proper planning functions. In addition, section 75

agreements generally contain provision for a termination, specifically to allow for the prospect that circumstances may change and the agreement may no longer be relevant. Therefore, any misinterpretation of the long term effect of the agreement is unfortunate, but it should not prevent the recommended allocation from being incorporated into the local plan review.

7.18 No quantifiable evidence has been submitted to show that the site is so constrained as to be undevelopable, or that the agricultural unit of which it may or may not form part would be rendered unviable by development. For example, I note no objection to that effect from the relevant farmer. The evidence about a lack of market interest and demand for housing is contradicted by the assessment of land supply and demand until 2011 in the context of Housing Policy 1 from the approved Dundee and Angus Structure Plan (core production CP 1).

7.19 For all of these reasons, I am satisfied that the objection raises nothing that was not considered before, or that otherwise justifies overturning the previous Reporters' conclusion that the Slatefield site is, in planning terms, suitable for the form of housing development they described.

### **Recommendation**

7.20 Accordingly, I recommend that the council proceeds to allocate the site described as F8: Slatefield, for a high quality development of around 5 homes, with the final number being left to the development management process to determine.

**F8: Housing – Slatefield, Forfar**

<b>Objector(s)</b>	<b>Objector Reference(s)</b>
Select Homes (Tayside) Ltd	871/1/1
<b>Procedure</b>	<b>Reporter</b>
Written Submissions	Jill Moody

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**Background**

8.1 At the finalised local plan inquiry in 2006, the Reporters considered an objection into the omission of this site. They recommended that the site should be allocated for a high quality development of around 5 homes (core production CP 14). The council's published post inquiry modifications allocated the site as F8 for housing, and applied a maximum of 5 homes (core production CP 22). However, the council's subsequent objection response in 2007 proposes to change this reference to accord with the Reporters' recommendation. Nevertheless, the issue is referred to this second inquiry for completeness.

**Summary of Objection(s)**

8.2 Select Homes supports the proposed modification to include about 2 hectares of land at Slatefield for a high quality residential development, but objects to the restriction to a maximum of 5 houses. This restriction should be deleted from the modification because Reporters did not specify that 5 houses should be expressed as a maximum. Instead, they referred to a range of 5 to 10 good quality houses.

8.3 In the absence of a proposed site layout, the Reporters were unable to make any firm conclusion about the capacity of the site, leaving that aside to be agreed either by way of a planning application or an agreed brief. A layout has since been presented that shows the site could contain 7 good sized plots.

**The Council's Response**

8.4 Angus Council agreed to adopt the Reporters' recommendation at its meeting of 16 November 2007 and allocated the land at F8 Slatefield for a maximum of 5 houses. Post-inquiry modifications were published to that effect on 14 February 2007 (core production CP 22).

8.5 The reason for applying the maximum was because of vehicular access, which would come from Slatefield Rise. The council's Roads Division had previously indicated that Slatefield Rise is a shared surface, whereby to accord with the relevant standards, a maximum of 20 houses would be allowed vehicular access. Some 15 houses have already been permitted access, which leaves capacity for only 5 more. However, since publishing the post-inquiry modifications, the Roads Division has indicated that some flexibility can be now applied to allow a small level of additional development, although the number should be limited to the lower end of the suggested range of 5 to 10 houses, as recommended by the Reporters. Accordingly, the council accepts that the reference to a maximum of 5 houses should be replaced with around 5 houses.

### **Reporter's Consideration**

8.6 The previous Reporters' conclusions did not refer to the issue of vehicular access, but they did note the specific lack of any indicative layout for the site (core production CP 14, paragraph 2.844). The recommendation to allocate the site for 5 houses appears to stem from evidence that the site could contain a range of 5 to 10 homes, which was not disputed.

8.7 I note that the principle of the allocation is acceptable to the council and, that based on the particular circumstances of the site, the access constraint previously applied by roads officials, which limited development to a maximum of 5 houses, has now been lifted. I see no reason to disagree with that view, or to depart from the views expressed by the previous Reporters.

### **Recommendation**

8.8 Accordingly, I recommend that the site should be allocated for a high quality development of around 5 homes, with the final number being left to the development management process to determine.

**F9: Safeguard Site – North of Turfbeg, Forfar**

<b>Objector(s)</b>	<b>Objector Reference(s)</b>
Elite Homes (Tayside) Ltd	69/1/1
<b>Procedure</b>	<b>Reporter</b>
Written Submissions	Jill Moody

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**Background**

9.1 At the finalised local plan inquiry in 2006, the Reporters considered an objection into the omission of this site north of Turfbeg. They recommended that *the local plan review is modified whereby 17.6 hectares of land at Turfbeg is identified as being safeguarded for around 300 houses in the period beyond 2011. The text should further indicate that the development proposals are subject to review and will require to be confirmed by a future local plan* (core production CP 14, paragraph 2.881). In the preamble to that recommendation, the Reporters stated that:

- the safeguarding stems from the fact that the required amount of housing land up to 2011 can be provided on other sites;
- *Development proposals will require to be confirmed by a future local plan; and*
- if appropriate, a community need could also *be included in a future local plan* (core production CP 14, paragraph 2.879).

The council's post-inquiry modifications accepted this recommendation and safeguarded the site for that amount of housing, plus related community facilities, adding that *The possible future allocation of the site will require to be confirmed by a future local plan. No development will be permitted in the period to 2011.* The supporting text states that the site was not allocated formally by the Reporters, and that the safeguarding is to prevent development proposals in the short term that might prejudice the future use of the land for those specified purposes (core production CP 22, page 129).

9.2 Following publication of the proposed post-inquiry modifications, Elite Homes (Tayside) Ltd objected. The council's subsequent response proposes no change, preferring instead that the objection should be considered at this second inquiry.

**Summary of Objection(s)**

9.3 The objection seeks deletion of the reference in the proposed modification to allocation of the site being confirmed by a future local plan. In addition, the last sentence of the modification should be changed to read *No development will be permitted in the period to 2011, unless there is a need to do so to maintain an effective supply of housing land.* The given reason for these changes is that the modification should allow for the release of the land at Turfbeg without a formal alteration to the adopted local plan, if a shortfall in housing land supply should emerge and there is a need to do so to maintain an effective supply of housing land.

9.4 Scottish Planning Policy: *Planning for Housing* (SPP 3, core production CP 32) expects that local plans must conform to the approved structure plan and must provide enough effective housing land to meet the stated supply requirement for at

least 5 years. SPP 3 then adds that local plans should also identify further sites to meet the requirements in the medium term, and advocates that development plans should identify the triggers for the release of future phases of housing land. Paragraph 66 in particular, states that alterations to the housing elements of plans should be prepared where necessary, to ensure that housing land requirements are met, but an alteration is not required if longer term allocations are simply brought forward earlier. The council's proposed modification is contrary to that expectation.

9.5 The whole emphasis of national planning policy and the approved structure plan is to allow flexibility to respond to change as the need arises, but without any formal development plan alteration. In proposing the modification, the council is doing the complete opposite of that, and it is treating Turfbeg inconsistently with the other post 2011 sites, none of which are subject to the same stringent requirements.

9.6 The issue of flexibility is of particular significance now because a shortfall has emerged, which Turfbeg could accommodate, but it is being prevented from doing so by the wording of the proposed modification. The objection wording would better enable a response and it would allow the release of 45 units now, with the balance of 255 staying safeguarded for the future.

### **The Council's Response**

9.7 The council has taken the wording of the proposed modification straight from the previous Reporters' recommendations, so that it is in complete accord. At that stage, the Reporters concluded that Turfbeg was not needed for housing in the light of the other allocations, and that situation has not changed. Enough land remains allocated to satisfy the approved structure plan requirement and because Turfbeg is not allocated, paragraph 66 from SPP 3 cannot apply.

### **Reporter's Consideration**

9.8 Housing Policy 1 from the approved Dundee and Angus Structure Plan (core production CP 1, pages 21 and 22) expects that local plans will:

- allocate sites to meet Schedule 1 up to 2011; and
- take account of the indicative scale and distribution of the land identified in Schedule 1 for development beyond 2011.

In other words, the approved structure plan differentiates between immediate allocations and longer term identifications. SPP 3 matches the approved structure plan in the wording used, i.e. that future sites should be identified (paragraph 65).

9.9 The previous Reporters' recommendation is explicit, i.e. that the site at north of Turfbeg is to be safeguarded for housing. The Reporters did not allocate Turfbeg because the amount of housing required by approved structure plan Housing Policy 1 and Schedule 1 for the relevant housing market area up to 2011 was met on the other allocated sites, so the extra contribution from Turfbeg was not needed in the short-term (core production CP 14, paragraph 2.879). Accordingly, I am satisfied that the Reporters made a clear and intentional distinction between an allocated and a longer term safeguarded site, which distinction takes full account of the approved structure plan and SPP 3.

9.10 I also find little doubt that the Reporters' intention in making their recommendation, was to link the possible eventual allocation of the site to a future

local plan review. Their recommendation stipulates this, as does the supporting text from the report, which includes community need if appropriate in that same expectation (core production CP 14, paragraphs 2.881 and 2.879 respectively). The council's proposed modification accords generally with that recommendation, apart from the fact that the council seems to have incorporated the need for confirmation by a local plan into the wording of the proposal, as opposed to the supporting text, which the Reporters specified. Subject to this minor change of emphasis, i.e. moving the reference, the council's modification would accord entirely with that aspect of the Reporters' recommendation.

9.11 Whether or not the Reporters' intention has been applied consistently across other safeguarded sites in the housing market area does not, as a matter of principle, justify changing Turfbeg because each site falls to be considered on its own individual merits. The treatment of one should not act as an automatic precedent to justify treating others in an identical fashion.

9.12 The approved structure plan and SPP 3 undoubtedly expect flexibility in ensuring an adequate supply of effective housing land. However, the approved structure plan states that:

- the longer term allowances in Schedule 1 will be subject to review (core production CP 1, paragraph 4.17 and Schedule 1);
- the annual monitoring process is the trigger to confirm a shortfall (Housing Policy 1); and
- if the annual monitor shows *that any of the current effective sites are no longer effective*, others should be found to cover the shortfall, considering *sites in the established supply in the first instance*, followed by any brownfield opportunities (Housing Policy 1).

In other words, local plan allocations will be the preferred source of sites to offset any emerging shortfall. SPP 3 confirms that monitoring should occur via the annual audit process (paragraph 65), and that development plan alterations can be used to address any housing land shortfall, unless longer term allocations and releases can be brought forward (paragraph 66). Planning Advice Note 38: *Housing Land* (PAN 38, core production CP 40) is expressed similarly, but it states that additions should either be brought forward through revisions to the local plan or by granting planning permission if the local plan route would otherwise be too late (paragraph 41). PAN 38 also confirms that where a shortfall emerges, the planning authority should ensure that extra land is brought forward by means of an alteration to the development plan (paragraph 42).

9.13 Therefore, the approved structure plan and SPP 3 impose a clear hierarchy, with the development plan process remaining the proper central forum for considering sites beyond the initial period. If that process is lagging behind an emerging shortfall, the next recourse is to use allocated sites. After that, sites in the established land supply or brownfield options should be considered, all before promoting an alteration to the development plan or granting advance planning permission. Hence, if a shortfall in the effective land supply emerges, response mechanisms are in place that include granting permission. However, because Turfbeg is safeguarded and not allocated, or part of the established supply, or brownfield, it cannot benefit from this flexibility in advance of other allocated sites.

9.14 Based on this, paragraph 66 of SPP 3, which states that *an alteration is not required if longer term allocations and releases are simply brought forward earlier*,

does not apply to Turfbeg and I find no support for the contention that the allocated and the identified sites can be viewed as interchangeable without recourse to due process. Further, the approved structure plan and national planning policy make clear that development plan alterations and planning permissions are the only options available in addressing an emerging housing land shortfall. In other words, to accord with the approved structure plan and national planning policy, the only way that Turfbeg could be released for development to offset any future shortfall is via a further local plan review or if planning permission were to be granted. The previous Reporters' recommendation accords entirely with this approach.

9.15 That said, the council is currently seeking to address a small land supply shortfall for Forfar's housing market area for the period up to 2011. The Finalised Dundee and Angus Housing Land Audit 2007 (core production CP 70) and the land proposed for release through the local plan review as modified, up to and including the current proposed modifications show that there is enough effective land currently available either allocated or with planning permission to meet the full approved structure plan requirement for that period. Furthermore, with the proposed modifications, there would be more than the required 5 year land supply available. Given that position, and the response hierarchy described above, I find no current need to amend the terms of the proposed F9 modification wording, whereby any part of Turfbeg would become allocated for use now, as opposed to remaining safeguarded for the future. If future annual monitoring produces another shortfall in the effective housing land supply, the council would then address that deficiency by looking first to the established supply, which process accords with SPP 3, PAN 38, and approved structure plan Housing Policy 1. For this particular local housing market area, that would affect the allocated sites where the local plan review has phased development beyond 2011, but it would still not include Turfbeg.

9.16 Nevertheless, I note that the council's proposed modification includes a statement to the effect that development will not be permitted in the period until 2011, which amounts to an embargo on development that was not part of the previous Reporters' recommendation. The objection seeks to have that development embargo augmented, in circumstances where that release is needed to maintain an effective land supply. I have discussed the available responses to a shortfall in the effective land supply above, but I find that the council's changed modification does not allow for that full range of options to address any future shortfall. In particular, it excludes the flexibility of granting permission because it explicitly prevents development from being permitted before 2011, i.e. presumably under any circumstances. Consequently, this aspect of the proposed modification does not accord with the Reporters' recommendation and should be changed.

### **Recommendation**

9.17 Accordingly, I recommend that the council's proposed modification should be changed to reflect the Reporters' recommendation accurately, i.e.:

- to place the reference to the local plan review in the supporting text; and
- to delete the development embargo.

The council might consider replacing the embargo with a statement to the effect that no development will be permitted in the period to 2011, unless the annual monitoring process shows an emerging land supply shortfall, which cannot be accommodated on existing allocated sites, or on sites that form part of the established land supply, or on brownfield sites, all in accordance with established planning policy.

**F9: Safeguard Site – North of Turfbeg, Forfar**

<b>Objector(s)</b>	<b>Objector Reference(s)</b>
Webster Contracts Ltd	202/1/6
<b>Procedure</b>	<b>Reporter</b>
Written Submissions	Jill Moody

**Background**

10.1 At the finalised local plan inquiry in 2006, the Reporters considered an objection into the omission of this site. They recommended that *the local plan review is modified whereby 17.6 hectares of land at Turfbeg is identified as being safeguarded for around 300 houses in the period beyond 2011. The text should further indicate that the development proposals are subject to review and will require to be confirmed by a future local plan* (core production CP 14, paragraph 2.881). In the preamble to that recommendation, the Reporters stated that:

- the safeguarding stems from the fact that the required amount of housing land up to 2011 can be provided on other sites;
- *Development proposals will require to be confirmed by a future local plan;*
- the site relates acceptably to the existing settlement boundary;
- the landscape and visual impact is acceptable;
- if a community need is identified, the site is big enough to accommodate that; and
- if appropriate, a community need could also *be included in a future local plan* (core production CP 14, paragraphs 2.782 to 2.879).

10.2 The council's published post-inquiry modifications accepted this and safeguarded the site for that amount of housing, plus related community facilities, in the period beyond 2011, adding that *The possible future allocation of the site will require to be confirmed by a future local plan. No development will be permitted in the period to 2011.* (core production CP 22, page 129). Following publication of the post-inquiry modifications in February 2007, Webster Contracts Ltd objected to the proposed modification on the basis that the process of safeguarding is wrong, and that Turfbeg is unsuitable in terms of landscape fit and primary education provision.

**Summary of Objection(s)**

10.3 Fundamentally, the objection argues that the local plan review should not safeguard sites because the inquiry process is a better and more appropriate way to explore and compare options with potential, towards achieving the best for Forfar. But if sites are to be safeguarded, Turfbeg is a precedent and Westfield should be included on that same basis. However, the proposed modification to include Turfbeg is wrong because even the council's own landscape assessment highlights that the landscape is such that any development would be undesirably prominent and visually intrusive. In addition, the location does not sit comfortably with existing primary school catchment areas and adding a new primary school so close to a secondary school, i.e. beside Forfar Academy, would be contrary to current education policy advice. Other more suitable housing sites exist elsewhere in Forfar, including at Westfield, and Turfbeg should be deleted in its favour. Westfield is capable of accommodating a similar number of houses but with a significantly better landscape

fit, according to the council's assessment. Westfield is also capable of accommodating a new primary school in a more appropriate location, and in compliance with current education policy and advice.

### **The Council's Response**

10.4 The objection relates to the post-inquiry modification to safeguard land at F9: North of Turfbeg for possible development of around 300 houses and related community facilities, beyond 2011. The possible future allocation of the site will require to be confirmed by a future local plan, at which time there will be a chance to reconsider the potential role of Westfield.

10.5 Although Turfbeg is greenfield land on the edge of Forfar, the previous Reporters concluded that it should be safeguarded and that development would be acceptable there in landscape and visual terms, even though that would extend the urban area and change the character of this location from rural to urban. In reaching that view, the Reporters considered a range of other sites around Forfar, and they specifically compared Westfield and Turfbeg. They rejected Westfield.

10.6 The objection also relates to primary education provision, but the previous Reporters knew the position regarding schools in Forfar and the council's Director of Education did not object to the proposed safeguarding. Turfbeg is inside the new Whitehills Primary School catchment, which is currently under construction and, as always, the catchment position will be kept under review.

10.7 Therefore, Turfbeg was endorsed by the previous Reporters and accepted by the council. Further, the specific objections raise no new land use planning matters and there is no requirement to change the local plan review proposed modification.

### **Reporter's Consideration**

10.8 Arguably, this objection raises issues that were considered before, which should not be revisited at this extremely late stage. However, in the interests of thoroughness and complete transparency of process, I have preferred to comment as follows.

10.9 The approved structure plan expects that sites will be allocated up to 2011 and that beyond that, sites should be identified to provide for any shortfall that might subsequently emerge (core production CP 1, Housing Policy 1). The approved structure plan and Scottish Planning Policy 3: *Planning for Housing* (SPP 3, core production CP 32) matches the approved structure plan in the wording used, i.e. in that future sites should be identified and that monitoring should occur via the annual audit process (paragraph 65). In addition, SPP 3 confirms that development plan alterations can be used to address any housing land shortfall, unless longer term allocations and releases can be brought forward (paragraph 66). Planning Advice Note 38: *Housing Land* (PAN 38, core production CP 40) is expressed similarly, but it states that additions should either be brought forward through revisions to the local plan or by granting planning permission if the local plan route would otherwise be too late (paragraph 41). PAN 38 also confirms that where a shortfall emerges, the planning authority should ensure that extra land is brought forward by means of an alteration to the development plan (paragraph 42). As a result, I find a clear basis in planning policy of all levels for the Reporters' endorsement of the council's wish to safeguard sites for possible future housing development.

10.10 In accordance with the approved structure plan, the finalised local plan identifies specific longer term housing opportunities for Forfar, i.e. including part of Westfield. However, there can be no doubt that in preparing their report, the previous Reporters compared a range of sites, including Turfbeg and Westfield and, for the reasons clearly set out in their report, they favoured Turfbeg. These reasons included landscape and visual impact, which they found to be especially damaging at Westfield (core production CP 14, paragraphs 2.758 to 2.792) and acceptable at Turfbeg (paragraphs 2.872 to 2.875). Further, their recommendation is explicit, i.e. that Turfbeg is to be safeguarded for housing instead of Westfield, but with an additional text caveat that the safeguarding is to be subject to review and confirmation by a future local plan (paragraph 2.881). Consequently, the Reporters' clear intention in making their recommendation was to link the possible eventual allocation of the site and the potential need for a community facility like a primary school, to a future local plan review. The council accepts that general recommendation and has included it in the proposed post-inquiry modifications.

10.11 The approved structure plan estimates a need for some 525 houses for the period 2011 to 2016 (core production CP 1, Schedule 1) and, as a result of this post-inquiry modification process, the contribution of 300 houses to that estimate has simply been redirected from Westfield to Turfbeg. Nothing in the current situation suggests that a much greater number of houses will be needed at that later stage, whereby Westfield might be justified in addition to Turfbeg. However, should that arise, the way in which the recommendation is expressed shows clearly that it is for a future local plan review to repeat the comparison process. Given that, a further opportunity will exist to promote competing options in open, public forum.

10.12 The previous Reporters also considered the potential need for a new primary school to serve the site. While they seem to have been in some doubt about the definite need for this kind of community facility, they have covered that uncertainty because the preamble to the recommendation refers to development proposals, including community need if appropriate, being confirmed by a future local plan (core production CP 14, paragraph 2.879). The council accepts that general recommendation and has included it in the proposed post-inquiry modifications. The objection is not supported by evidence to show exactly how or why a new school at Turfbeg would be contrary to education policy and advice. But in any event, the council's response shows that the site is in the catchment of the new Whitehills Primary School, which is currently under construction (core production CP 23, page 48). Therefore, I find that this aspect of the objection has been overtaken by events.

10.13 Overall therefore, I am satisfied that the objection issues were considered explicitly by the previous Reporters, with the conclusion that the effect would be acceptable. No new evidence has been raised in the current objection that justifies a different view.

### **Recommendation**

10.14 Accordingly, I recommend that the council adheres to the proposed post-inquiry modification to safeguard Turfbeg for some 300 houses, plus related community facilities, for the period beyond 2011.

**New Neighbourhood, Westfield, Forfar**

<b>Objector(s)</b>	<b>Objector Reference(s)</b>
Webster Contracts Ltd	202/1/5
<b>Procedure</b>	<b>Reporter</b>
Written Submissions	Jill Moody

**Background**

11.1 Some 107 hectares of land was identified in the finalised Angus Local Plan Review as site F7 at Westfield, for the development of a new neighbourhood that was to include up to 300 houses, a distributor road linking Dundee Road/Westfield Loan and Glamis Road, major open space/park facilities, and an area for possible community facilities, all in the period up to 2011. After that, more land was safeguarded for further housing development, a new primary school, and business/employment development. However, the previous Reporters recommended that the site should be deleted from the local plan review mainly because the need for a new neighbourhood was not justified, and development west of Westfield Loan would have an unacceptable visual impact on the landscape setting of Forfar. Angus Council agreed in November 2006 to accept the Reporters' recommendation and published a post-inquiry modification deleting the site from the local plan review. Subsequently, an objection was received to that post-inquiry modification on the basis that the other sites proposed for allocation are incapable of being effective because they cannot be delivered in the relevant plan period.

**Summary of Objection(s)**

11.2 The previous Reporters found that the allocation of a new neighbourhood at Westfield had much to commend it, but that it should be deleted because of sufficient alternative allocations elsewhere. It has since emerged, due to what seems to be an arithmetical mistake, that the Reporters failed to allocate enough land in the Forfar, Glens and Kirriemuir Housing Market Area. Furthermore, significant doubts remain as to the effectiveness of the alternative housing sites allocated by the Reporters during the relevant plan period. Therefore, the F7 new neighbourhood at Westfield should be reinstated to provide enough land of proven effectiveness in the plan period up to 2011, and the other allocations with doubtful effectiveness, should be held over for potential allocation after 2011, to give time to resolve the constraints that are preventing their immediate use without harming the ability to provide a 5 year supply of housing land.

11.3 Westfield was clearly part of the council's vision for the future growth and development of Forfar. It was a key part of the overall local plan review strategy and Forfar expanding in this direction, in conformity with the strategy. For example, development has already begun at the Orchardbank employment area, which is close by Westfield. The council's abrupt change at Westfield seems strange in this context, and the decision to abandon the site was taken with little real public engagement. In particular, it was taken without the kind of wider engagement that is needed to accord with good practice and the spirit of the new planning legislation.

## **The Council's Response**

11.4 Council production 1 shows that with the proposed post-inquiry modifications, there is in fact more than a 5 year effective supply of housing land available, whereby no more allocations are needed. However, the recent housing shortfall is a change in circumstances that merits a reconsideration of the timing of the allocations, and the council prefers to address this by amending the phasing of F4 at Wester Restenneth, to allow for an extra 50 houses by 2011 (core production CP 23, paragraphs 4.30 to 4.37). This approach accords entirely with national planning policy and advice and there is no need for an additional housing site at Westfield.

11.5 Notwithstanding the arithmetical discrepancy, the previous Reporters rejected the principle of development at Westfield and recommended other sites in its place. In doing so, they placed significant weight on conformity with the approved structure plan, on the justification for the development, and on the landscape and visual effects of developing the site. The council accepted the deletion of F7 because of the Reporters' evaluation of the various competing options, and it is satisfied that these other sites meet the test of effectiveness, as set out in Scottish Planning Policy 3: *Planning for Housing* (SPP 3, core production CP 32) because they are expected to be free of development constraints in the period under consideration, and will therefore be available for the construction of housing. In other words, they are capable of delivering the required amount of housing when it is needed.

11.6 Orchardbank stems from the adopted local plan and proposal F/EMP1, but there was never any intention to make a direct link between that and the new neighbourhood at Westfield, which in any event contained its own business/employment area.

11.7 The council has accorded entirely with all statutory public engagement and publicity requirements, none of which even suggest that the consideration of post-inquiry modifications should be regarded as an opportunity to re-open the previous inquiry. There will be a future opportunity for another local plan review in due course, at which time the need for Westfield can be revisited.

## **Reporter's Consideration**

11.8 The Reporters allocated other sites in Forfar that are effective. These allocations included Wester Restenneth, where the removal of a sewage constraint enabled the site capacity to increase to 250 overall, and to 100 in the period to 2011. A small subsequent housing land shortfall has emerged, and Housing Policy 1 from the approved structure plan plus SPP 3 confirm that the council should respond by accelerating longer term allocations and using the established land supply as the first recourse to address that shortfall (core production CP 32, paragraph 66). Consequently, I find that the council's approach is appropriate against national planning policy, and more especially so because the previous Reporters recommended against development at Westfield for such comprehensive and fundamental reasons, i.e.:

- the allocated sites are enough to satisfy the approved structure plan requirement up to 2011 and, while a margin of flexibility is appropriate, 300 units at Westfield is too much;
- constraints have been removed from the allocated sites to offset the gap caused by the loss of Westfield;

- the new neighbourhood has not been shown to be sufficiently integrated or substantiated to support the allocation;
- there is more chance of the whole neighbourhood being achieved if it is delayed until after 2011;
- the school may not be needed and there is no evidence to support the need for more employment land;
- the visual impact would disturb the landscape setting of Forfar to a significant and adverse degree, which outweighs any gain in strengthening the town's edge;
- other sites are less visually harmful;
- the site is not ideally situated in terms of accessibility; and
- the traffic implications for the A90/A932 have not been fully assessed (core production CP 14, paragraphs 2.758 to 2.792).

On that basis, it would be inappropriate to disregard the potential contribution from an allocated site, i.e. Wester Restenneth, in favour of releasing an alternative, which was so soundly rejected at the last inquiry. Further, I note that no evidence has been submitted via the objection to show that the allocated sites are not effective.

11.9 The shortfall in housing land supply that has emerged for Forfar's housing market area since the last inquiry into the finalised local plan review, amounts to some 85 houses. The council proposes to address this by apportioning 40 homes to Kirriemuir and 45 to Forfar respectively. I am satisfied that such a small shortfall in Forfar could still not reasonably justify allocating a site for development with capacity for some 300 houses. The balance between these figures is clearly disproportionate and it would result in an over supply of housing land. The ability of the market to absorb such a significant extra amount of new housing over and above that identified as necessary by the approved structure plan for the short to medium term, must be questionable. Allowing this kind of substantial over supply of housing land, or even allowing some now and safeguarding the balance for later, which goes beyond the remit of this inquiry, increases the prospect of a piecemeal, staggered delivery of development at Westfield. Clearly that is the direct opposite of the council's finalised local plan vision of an integrated new neighbourhood. As I have stated above, the previous Reporters considered this issue, and concluded that the proposal did not show enough integration to justify supporting the allocation and exceeding the housing land requirement by such a significant margin (core production CP 14, paragraphs 2.761 to 2.766). The objection contains no evidence to show a need for so many more houses, market capacity for those houses, or a greater degree of integration, all of which might have justified an alternative view.

11.10 That said, Westfield was part of the council's earlier vision for Forfar, and it may yet re-emerge in the future. But in the meantime, for its own reasons and weighing the Reporters' recommendations, the council has chosen to depart from the finalised local plan position. This decision is entirely for the council.

11.11 After the first inquiry, Westfield was mentioned explicitly in the list of significant changes detailed in the November 2006 committee report (core production CP 15, paragraph 3.4). In addition, Table 2 later in the report specifies Westfield and recommends acceptance of the Reporters' recommendations (page 7), so that the process was publicised. Section 5 of that same report then details the intended subsequent publicity measures for the post-inquiry modifications, which were to:

- advertise the proposed modifications and to allow 6 weeks for comment, as per the Town and Country Planning (Structure and Local Plans) (Scotland) Regulations 1983;

- to place information in local libraries and on the council's web site;
- to notify previous objectors;
- to make copies of the council's responses available on request; and
- to report back to committee once the objection period had closed.

The council's statement of response to the objections received as a result of that process was reported to committee in August 2007 and the only remaining unresolved objection referring to Westfield was from Webster Contracts Ltd. The council then adjusted its position and re-advertised, with a further 6 week objection period, and no other community response was forthcoming throughout that whole process. Therefore, the evidence shows beyond doubt that the council has complied with, and indeed has exceeded, the letter of its statutory obligations under the applicable regulations in terms of handling and publicising objections to the local plan review, along with the council's responses and subsequent modifications arising. Changes are in train to these regulations, but as yet they have no statutory force and, given that the local plan process began a number of years ago, I find the council's actions are appropriate in the context of the extant regulations.

11.12 The issue of proximity and convenience for Orchardbank business park was considered by the last Reporters and was judged insufficient justification for allowing development of Westfield, especially given all of the other shortcomings that I have summarised above. Further, the council has since stated clearly that it never made any direct link with Orchardbank in proposing Westfield, and seeking to justify it as a new neighbourhood.

11.13 Accordingly, I find no new evidence or other reason in the objection that would justify departing from the previous Reporters' basic recommendation against allocating Westfield for housing development before 2011.

### **Recommendation**

11.14 I recommend that the Westfield site should not be allocated for development as a response to the current shortfall in the relevant housing market area.

**Policy SC6: Countryside Housing – New Houses**

<b>Objector(s)</b>	<b>Objector Reference(s)</b>
Fox Planning Consultancy	862/2/1
<b>Procedure</b>	<b>Reporter</b>
Hearing	Jill Moody

**Background**

12.1 In response to objections at the earlier stages of the local plan review, the council proposed wide ranging changes to the suite of countryside housing policies. These changes were presented to the Reporters undertaking the last inquiry in 2006 and, from them, proposed modifications 6 and 8 in particular intended to insert text and policy SC6, each to allow opportunities for new house building in the countryside. They also proposed Schedule 2. The previous Reporters agreed broadly with these pre-inquiry modifications, and recommended accordingly (core production CP 14, pages 37 to 38, 63 to 64, and 67). The only specific changes that are relevant to this objection were:

- a requirement for a proposal to include a supporting statement of site history;
- an acceptance that marginally more than 4 houses could be accommodated where it can be proven that there are *social, economic or environmental reasons of overriding public interest requiring such a scale of development in a countryside location*; and
- changes to Schedule 2 to avoid the creation of a precedent or the opening of further areas for similar applications.

The council's published proposed post-inquiry modifications incorporate all of these changes (core production CP 14, paragraphs 1.178 and 1.179 and 1.181 to 1.184, plus core production CP 22, pages 31 to 35).

**Summary of Objection(s)**

12.2 As it stands, policy SC6 would prevent the erection housing in walled gardens, so it should be changed to make positive provision for this kind of development where the walled garden is functionally redundant. The council has approved a number of planning applications for this kind of residential development in the countryside, so a favourable attitude and precedent exists. A supportive policy would recognise all of this, help to keep the historic garden walls that are an attractive landscape feature, and provide certainty and consistency of application.

12.3 Walled garden sites are not generally subdivided into individual self-contained plots, they are not always gaps or groups, and they are not always brownfield land as defined, so SC6 as proposed, would not provide adequately for such redevelopments. Experience shows that there is demand for this kind of development and that, with the fact that many walled gardens remain, justifies a specific policy. In this way, the issue would be like policy H25 in the adopted local plan, which was inserted in response to a similar issue, albeit the subdivision of urban gardens. Without a matching countryside policy, there is a gap in SC6 that resembles the new country house issue where the previous Reporters agreed a new

policy was justified. The local plan review should address walled gardens on the same basis, otherwise acceptable proposals could be refused unnecessarily, as contrary to policy.

12.4 However, if a new policy is inserted, it should make clear that:

- the maximum limit of 4 houses on brownfield sites should be varied, because it has often been exceeded and it may not suit the site circumstances; and
- any such development to be approved should be confined to the area contained by the wall, and shall not encroach onto adjoining greenfield land because many walled gardens might encourage this by being partially open.

The permissible number of houses for each site should be dictated by the plot size requirements from SC6 and Schedule 2, as adjusted to take account of existing physical features and site subdivisions.

### **The Council's Response**

12.5 Policy SC6 provides the broad basis for assessing proposals for new housing in the countryside, but it cannot cover every eventuality. Proposals for new housing in redundant walled gardens should be considered on their individual merits, taking into account the proposed framework of countryside housing policies as modified, and especially the terms of SC6, with any appropriate information and evidence from the applicant submitted to support their particular case. This kind of information would be treated as a material consideration in determining a planning application. Given this approach, there is no need to amend SC6 to include separate guidance for proposals to erect housing in walled gardens.

12.6 The council is not aware of any great pressure for this kind of development. No more than 10 to 13 applications have been considered recently for countryside housing, and only one of these was refused. Such a low level does not justify a policy addition and, if as the objector states, proposals for walled garden developments are being approved, then clearly the process of exercising planning judgment, which involves balancing material considerations, is working. Further, the objector's comparison with new country houses is wrong because in that case, the previous Reporters were recommending that the equivalent adopted local plan policy H9 should be reinstated, not that a new policy should be created.

12.7 The council is working on supplementary guidance to clarify and support all of the countryside housing policies, which offers an extra opportunity to address the objector's specific concerns. In the meantime, it is not appropriate to burden policy with too much detail. The general aim of SC6 as proposed, is to say when a new house might be acceptable, and the council is only looking to approve development in the specified circumstances. Sites will always vary, and each case must be looked at on its individual merits. The council must also retain flexibility to decide as it sees fit. To achieve that, the policy cannot be overly prescriptive, because that removes this essential and necessary flexibility. Further, the policy simply cannot carry the amount of detail that would be needed to anticipate and cover every conceivable development eventuality.

### **Reporter's Consideration**

12.8 Because this objection relates to the final amalgam of the specific provisions of the proposed pre and post-inquiry modifications, it could not all have been covered at

the last inquiry, whereby it should now be considered at this second inquiry.

12.9 The council has not covered every possible development type in the proposed policy SC6, believing that related supplementary guidance can add more descriptive detail than the basic policy could bear. I find in the context of current national planning policy and advice, that because this basic suite of local plan policies is clear, this approach is correct (Scottish Planning Policy 1: *The Planning System* (SPP 1, core production CP 30), Planning Advice Note 49: *Local Planning* (PAN 49, core production CP 43, annex 1 paragraph 11 and annex 3), and PAN 72: *Housing in the Countryside*, (core production CP 52)). For example, SPP 1 recognises that supplementary guidance can be useful where the level of detail is inappropriate for a development plan policy. That guidance would then become a material consideration in determining planning applications (paragraphs 41 and 42). PAN 72 adds that policies should be complemented by more detailed supplementary guidance as an effective way of handling detailed information (page 20).

12.10 Next, I remind that sections 25 and 37(2) of the Planning Act require that planning decisions shall accord with the development plan unless material considerations indicate otherwise. Clearly this introduces judgement in all cases and it avoids slavish adherence to policy for an otherwise acceptable development. It is a basic planning principle that each proposal is considered on its individual merits, so that precedent is not determinative. In addition, it is always for the decision maker to balance a variety of considerations above and beyond the strict terms of the development plan, and to assess the weight to be given to each, all as part of the planning judgement process. PAN 49 reflects this because although it expects that policies should be expressed clearly and simply, giving certainty over what the council might permit or refuse, it then adds that *There are procedures for dealing with development contrary to a local plan and policies should not be framed to accommodate every possibility .... there will always be development control decisions to be made where policy is uncertain or considerations conflict* (core production CP 43, paragraphs 50 and 52). In addition, an established appeal mechanism is in place to offer recourse to aggrieved applicants.

12.11 Therefore, as a matter of principle, I consider that there is no particular need for SC6 to be further modified to take account of the potential for development inside a walled garden in the countryside. I also note that no factual, quantifiable evidence has been provided to show significant pressure for this kind of development, or to show that the council's existing policy approach is failing to accommodate the development type. But perhaps the most persuasive factor is the broad agreement that in Angus, such developments are generally granted planning permission. Nevertheless, turning to look at the terms of SC6 and the interrelated Schedule 2 in more detail, my interpretation of the situation is as follows.

12.12 New housing inside a walled garden might entail the reuse of existing buildings, in which case policy SC4 or SC5 would apply, depending on the preceding use, and a conversion could be supported under either if the criteria are satisfied. New build housing either alone or with some conversion falls to be considered against SC6. The supporting text for SC6 recognises the potential environmental benefit that can result, and it allows up to 4 new houses, depending on the size of the site. I am not clear how this limit has been derived, and I note that it differs from the margin text definition of a building group, which consists of at least 3 closely related buildings, but in any event, either limit is diluted by the overriding paragraph 3 of SC6(c), which allows for more, albeit in confined circumstances. Nevertheless, a walled garden with buildings suitable for conversion could constitute a building group, whereby SC6(a) would apply, and one new house could be permitted.

12.13 If the walled garden is brownfield land as defined, new housing in isolation would fall to be considered under SC6(c), which encourages the removal of dereliction or significant environmental improvement. The 4 house maximum would then apply, unless more can be justified. In this regard, the previous Reporters noted the council's acceptance that site circumstances could justify more (core production CP 14, paragraph 1.178), and they recommended accordingly. The council's proposed modifications incorporate that qualification. In all cases, development is subject to the criteria in Schedule 2, with part (a) specifying a self contained site. The margin text defines that as being fully occupied by a single plot of the required size but without breaching field boundaries, and with existing physical boundaries or long established means of enclosure and again, excluding artificially created new boundaries (core production CP 22, page 35). I consider that a walled garden would more than likely, by its very nature, be just that. Part (b) relates to plot size, which could also be satisfied, depending on site circumstances. Therefore overall, I construe this framework as offering a generally positive attitude to development inside a brownfield walled garden.

12.14 If the site is greenfield, again as defined, or if it raises the prospect of even partial encroachment onto greenfield land, different criteria apply. Further, in proper accordance with national and approved structure plan policy, the attitude towards development is necessarily less favourable. For example, I note that only SC6(c) and Schedule 2(a) and (f) refer to any prospect of this being acceptable. I also note the margin text that says sites must not breach field or other boundaries, and that plots must not be created artificially. To me, all of this should, when read together, prevent the prospect of encroaching urban sprawl and unwanted or unforeseen development pressure on greenfield land. I note also that the previous Reporters considered the issue at the last inquiry but apparently, they saw no need to make any corresponding additional change to those already proposed by the council in the complete set of pre-inquiry modifications (core production CP 14, pages 62 and 63).

12.15 Based on the above, I am satisfied that walled gardens are provided for and, as far as is practicable, they are viewed favourably given the broad range of potential site circumstances and combinations that such a proposal might embody. As I have said, the council must in all cases retain the right and the flexibility to determine the full range of applications on their individual merits, against all of the site and other material circumstances. In addition, the council must not be constrained in exercising that full degree of planning judgment. Consequently, I am concerned that a specific policy in favour of all walled garden redevelopments risks introducing a simplistic response to a complex situation, whereby it might fetter the council and prevent each possible circumstance from being taken into account, in preparation for a properly balanced and fully justified decision.

### **Recommendation**

12.16 Therefore, I recommend no change to the proposed wording of policy SC6 in response to this objection.

**Schedule 2(c): Ribbon Development  
Policy SC6(c): Rural Brownfield Sites**

<b>Objector(s)</b>	<b>Objector Reference(s)</b>
Fox Planning Consultancy	862/1/3 & 862/1/1
<b>Procedure</b>	<b>Reporter</b>
Hearing	Jill Moody

**Background**

13.1 Schedule 1 from the current Angus Local Plan, which was adopted in November 2000, sets development criteria for countryside housing, which include:

*3(a) In category 1 RSUs development must not constitute ribbon development\* (see below). Gap sites with a maximum road frontage of 50 metres and a minimum of 15 metres may be filled by a single house if all other application criteria can be met.*

*(b) In Category 2 RSUs gap sites with a maximum road frontage of 75 metres may be filled by up to two houses provided all other criteria can be met.*

*Angus Council considers ribbon development\* to be a string of three or more houses along a road. A development proposal to add a single house to two existing houses will constitute ribbon development (unless it forms a gap site as defined above). A gap site is considered to be the distance between the curtilages of two domestic scale buildings/or between the curtilage of one such building and a metalled road.*

*The council will resist applications which, if approved, would constitute ribbon development.*

13.2 In response to objections at the earlier stages of the local plan review, the council proposed wide ranging changes to the suite of countryside housing policies in the finalised version of the plan. These altered policies were presented to the Reporters undertaking the last inquiry in 2006. The previous Reporters agreed broadly with these pre-inquiry modifications, and recommended accordingly (core production CP 14, pages 37 to 67). The council has since published an amalgam of all the changes as proposed post-inquiry modifications (core production CP 22, pages 31 to 35), so that now, the countryside housing policies comprise SC4, which relates to the retention and renovation of existing houses, SC5 to the conversion of non-residential buildings, and SC7 to the construction of essential worker housing. Policy SC6, which relates to new build housing, states that:

*b) Gap Sites – In Category 1 RSU's a single new house will be permitted on a gap site with a maximum road frontage of 50 metres; and in Category 2 RSU's up to two new houses will be permitted on a gap site with a maximum road frontage of 75 metres. Proposals must meet Schedule 2 : Countryside Housing Criteria as appropriate.*

*c) Rural Brownfield Sites – Redevelopment of redundant rural brownfield sites will be encouraged where they would remove dereliction or result in a significant environmental improvement. .... Proposals should be small scale, up to a maximum of four new houses and must meet Schedule 2 : Countryside Housing Criteria as appropriate.*

13.3 A gap site is defined in the plan's margin text as *The space between the curtilages of two dwellings or between the curtilage of one dwelling and a metalled road ie a road with a hard, crushed rock or stone surface as a minimum. The site should have established boundaries on three sides.* A rural brownfield site is defined in the margin text as *having previously been developed. In rural areas, this usually means sites that are occupied by redundant or unused buildings or where the land has been significantly degraded by a former activity* (page 33).

13.4 All of the above countryside policies generally expect compliance with the criteria in Schedule 2, but only as appropriate. In addition, the introductory text to SC6 states that *Proposals will be considered against the appropriate policy depending upon the nature of the site and type of development* (paragraph 2.16, page 33) and Schedule 2 states that it applies *except where specific exclusions are set out.* The criteria from Schedule 2 include:

- (a) be on self-contained sites and should not set a precedent or open up further areas for similar applications; (does not apply to proposals for conversion under Policy SC5, rural brownfield sites under Policy SC6(c) or essential worker houses under policy SC7); and*
- (c) not extend ribbon development;*

The exclusion in (a) comes directly from the previous Reporters' recommendations (core production CP 14, paragraphs 1.181 to 1.184). In summary, the margin text defines self-contained sites as being fully occupied by a single plot of the required size, but without breaching field boundaries, with existing physical boundaries or long established means of enclosure, and excluding artificially created new boundaries. Ribbon development is defined as *A string of three or more houses along a road* (core production CP 22, page 35).

### **Summary of Objection(s)**

13.5 The intentions of policy SC6(c) seem to conflict with Schedule 2(c) because proposals for the redevelopment of rural brownfield sites that would normally be acceptable under the policy would fail if they comprised ribbon development as defined, by virtue of the Schedule 2(c) restriction. As a result, development that would be beneficial because it would remove dereliction or result in significant environmental improvements would be refused permission as contrary to policy. In addition, the restriction risks encouraging out of place and urban character cul-de-sac type layout developments in the countryside, where more linear layouts might be more suitable. The issue is of particular relevance on brownfield sites where existing buildings are to be demolished, which are linear, or front onto the public highway, and where it would be desirable to keep and reflect the pattern or sense of enclosure provided by the existing built form in new development. As a result, Schedule 2(c) should be amended to exclude rural brownfield developments.

13.6 The local plan review also does not match the adopted local plan because the latter definition of ribbon development specifically excludes gap site developments from the restriction. As a result, and bearing in mind the above about brownfield development, the finalised local plan review policies would curtail a significant amount of countryside housing development that would otherwise be permitted. Given this, and to achieve the overall objective of some countryside housing, the restrictive ribbon development attitude should exclude all development that would be acceptable under policies SC4 to SC7 because, just as a brownfield or a gap site could be ribbon development, so too could a conversion, a replacement house, a new group of houses, and an essential worker's house. Schedule 2(c) as it stands,

acts against accepting all of these, which cannot be appropriate because it elevates ribbon development into the primary, overriding consideration, which would prevent an otherwise acceptable and beneficial development.

13.7 The adopted local plan accepts that a gap could comprise a corner plot abutting a road junction, whereas the new policies would not allow that if it would extend a ribbon of development. This change is wrong and unjustified because the plan's objective is generally to encourage the development of gap sites, so the previous exception should be reinstated. Further, in all cases, design considerations might make a linear form of development the most appropriate solution for the site. If the design is appropriate, such development should not be refused just because it constitutes ribbon development. However, the policy should not allow greenfield land to be included and developed alongside an acceptable redevelopment site of any kind, and SC6 and Schedule 2(a) in particular should make that clear. Without that, applicants might try to get the maximum development value out of a site, especially a brownfield site, by letting gardens encroach onto greenfield land. The policies seem not to restrict this kind of expansion. The issue would be resolved by amending them to state *not normally include greenfield land*, which would apply balance.

13.8 The countryside policies cannot be designed to cover everything, but equally they should be mutually consistent and they should not prevent or frustrate development that would implement desired plan objectives. The objection has arisen because of the change in the status of Schedule 2, from guidelines to criteria, which makes its provisions more definitive and capable of being interpreted as rules. In all cases, the policies should be clear, robust, user friendly, and capable of consistent application. Extra information in the form of supplementary guidelines might help, but such guidelines cannot substitute for robust policies. A chance exists via these modifications to improve the policy framework and thereby to achieve all that.

### **The Council's Response**

13.9 The aim of the new policy framework is to identify key issues and create more scope and flexibility for development, to accord with changing national planning policy priorities, but within parameters that are acceptable to the council, i.e. including discouraging ribbon development. In doing this, it is not possible to cover every possible development permutation, because the level of detail involved would overload the policies and make them too cumbersome, complex and inflexible. It is also not necessary, since each planning application is always considered on its individual merits. That said, scope exists to address some of the objector's concerns in more detail in supplementary guidance, which process is exactly as national planning policy and advice recommends.

13.10 The only difference between the adopted and the finalised versions of the local plan is that the former prohibits development that constitutes ribbon development, whereas the latter would only refuse an extension to a ribbon of development. Therefore, a gap site would be unaffected because it would be inside the ribbon and not make it longer, so arguably, the new policy would be less restrictive than before. This difference also removes the need for the additional adopted local plan description of when a proposal relates to a gap site and does not constitute ribbon development.

13.11 As for thwarting the other acceptable forms of development, the policy simply cannot guess and list every possible potential exclusion and SC7 in particular is not an issue because essential workers are always treated more favourably. Similarly, given the broad definition of what could constitute a rural brownfield site, it would not

be appropriate to amend SC6 or Schedule 2(c) to exclude all brownfield sites from consideration against the ribbon development criteria. The countryside policies should not be looked at apart and in isolation, and the council is deliberately trying to avoid a tick box approach. Instead, the policies should all be read together and in context as a suite, taking account of all issues raised.

13.12 Via policy SC6(c) the local plan review specifically encourages the desirable restoration of brownfield land as being sustainable development, and it confirms national and structure plan policy in that regard. However, not all brownfield housing development is automatically acceptable. To satisfy policy SC6, the whole site must comprise brownfield land as defined in the margin text (core production CP 22, page 33), so Schedule 2(a) carries no implication that brownfield development would be allowed to encroach onto greenfield land. That would only be allowed along with renovation or conversion. Given the broad definition of what could constitute a rural brownfield site, it would not be appropriate to amend SC6 or Schedule 2(c) to exclude all brownfield sites from consideration against the ribbon development criteria. In deciding applications, the council will take account of factors like the degree of dereliction, the historic pattern of development, and the proposed layout, all to find the best solution for the character of the area. If these suit, then permission would be granted.

13.13 However, in all cases, housing development proposals should be considered on their individual merits, taking into account the terms of the whole suite of countryside policies and Schedule 2 as appropriate, which the policies clearly specify. No decisions are ever black and white, and the council must reserve the ability and the flexibility to determine each application as it sees fit, after balancing all criteria and circumstances, considering all facets of a proposal, and the site to which it relates. In this way, the council will satisfy itself that the site is suitable in the first instance and, secondly, that the design and layout are both appropriate. If so, then an approval can be justified, even if a site were to extend a ribbon of development.

### **Reporter's Consideration**

13.14 Elsewhere in this report, I have considered a separate objection about the definition of ribbon development and about the general propriety of including it as a constraint in the local plan review. These objections relate more specifically to the applicability of that constraint to the various countryside housing policies, and the conflicts that seem to arise from that. I note nothing in the previous Reporters' recommendations or report that addresses these concerns and, because they relate to the final amalgam of the specific provisions of the proposed pre and post-inquiry modifications, I find that the objections cover an appropriate matter for consideration at this second inquiry.

13.15 The council has not covered every possible development type in the proposed suite of countryside housing policies, believing that related supplementary guidance can add more descriptive detail than the basic policy could bear. I find in the context of current national planning policy and advice, that because this basic suite of local plan policies is clear, this approach is correct (Scottish Planning Policy 1: *The Planning System* (SPP 1, core production CP 30), Planning Advice Note 49: *Local Planning* (PAN 49, core production CP 43, annex 1 paragraph 11 and annex 3), and PAN 72: *Housing in the Countryside*, (core production CP 52)). For example, SPP 1 expects that local plan policies will cover key issues (paragraph 25), and recognises that supplementary guidance can be useful where the level of detail is inappropriate for a development plan policy. That guidance would then become a material consideration in determining planning applications (paragraphs 41 and 42).

PAN 72 adds that policies should be complemented by more detailed supplementary guidance as an effective way of handling detailed information (page 20).

13.16 Next, I remind that sections 25 and 37(2) of the Planning Act require that planning decisions shall accord with the development plan unless material considerations indicate otherwise. Clearly this introduces judgement in all cases and it avoids slavish adherence to policy for an otherwise acceptable development. It is a basic planning principle that each proposal is considered on its individual merits, so that precedent is not determinative. In addition, it is a widely accepted planning principle that to accord generally with the development plan, it may not be necessary for a proposal to conform explicitly with all of its terms. Decision makers must always balance a variety of considerations above and beyond the strict terms of the development plan, and assess the weight to be given to each, all as part of the process of applying planning judgement. PAN 49 reflects this because although it expects that policies should be expressed clearly and simply, giving certainty over what the council might permit or refuse, it then adds that *There are procedures for dealing with development contrary to a local plan and policies should not be framed to accommodate every possibility .... there will always be development control decisions to be made where policy is uncertain or considerations conflict* (core production CP 43, paragraphs 50 and 52). In addition, an established appeal mechanism is in place that offers recourse to aggrieved applicants.

13.17 Therefore, as a matter of principle, I consider that there is no particular need for the countryside housing policies recommended for the local plan review to be further modified to take account of these objections. Nevertheless, turning to look at the terms of these policies and the interrelated Schedule 2 in more detail, my interpretation of the situation is as follows.

13.18 SC4 relates to the renovation or replacement of existing houses in the countryside. For renovation, there is no suggestion in the policy that Schedule 2 applies. For replacement, the policy is worded to state that a proposal should meet Schedule 2 as appropriate, so by my interpretation, the policy link is an expectation not an imperative, and the council quite properly retains the ability to apply no more than those criteria that it considers appropriate, based on the circumstances of the site and the proposal at issue. That said, I find it unlikely that such a proposal would extend a ribbon of development and the definition of a self-contained site is enough to prevent any undesirable encroachment that might set a precedent and create any artificial new house plots, i.e. urban sprawl onto greenfield land.

13.19 SC5 and SC7 are more definitive. They support proposals for conversions and for essential workers' houses where they meet Schedule 2, again as appropriate. However, both kinds of housing development were specifically excluded from the self-containment requirement of Schedule 2(a) by virtue of the previous Reporters' recommendations. Arguably therefore, such a site could include some greenfield land on that basis. I note that the exclusion was inserted by the Reporters in response to an objection to the last inquiry by Fox Planning Consultancy (core production CP 14, paragraph 1.182), and no evidence has been submitted to this inquiry to justify overturning that earlier recommendation. Both development types would be covered by Schedule 2(c), but I find it improbable that the conversion of an existing building could extend a ribbon of development and thereby conflict and, if the council judged a proposal for an essential worker's house to be in all other respects acceptable and desirable, the policy support makes it unlikely that permission would be refused on the point of principle that the proposal would extend a ribbon of development. That said, clearly there may be circumstances where an extension of ribbon development might be an appropriate overriding consideration.

13.20 For SC6, neither infill nor brownfield development can be regarded as automatically acceptable. For example, SPP 3: *Planning for Housing* states that infill sites can be a useful resource for housing development, provided development respects the scale, form and density of the surroundings and enhances rather than detracts from local character and amenity. Care should be taken to make sure that the cumulative effects of infill can be sustained by the social and economic infrastructure (core production CP 32, paragraph 34). However, the redevelopment of gap and rural brownfield sites is encouraged by SC6, but only on land that falls within the respective definitions and where the other criteria are also satisfied.

13.21 The concept of a gap site is clearly defined in the local plan review, and a housing development proposal would need to meet the specified frontage widths from SC6(b) as well as the definition of a gap site from the margin text. If the site comprised a corner plot bounded by a metalled road, then it could still be acceptable against SC6(b). However, in both cases, a proposal will only be supported where it also satisfies Schedule 2, albeit as appropriate, so that again, the council retains proper discretion. The margin text definition of a gap site expects 3 established boundaries, whereas the self-contained definition associated with Schedule 2(a) seems to expect a higher threshold. But without doubt, the latter could be used to prevent any inappropriate encroachment onto greenfield land.

13.22 Rural brownfield sites are also defined in the margin text and development that would remove dereliction, or result in significant environmental improvement, is encouraged. Therefore, if the site incorporated greenfield land, then it would more than likely not satisfy these checks and balances, so it could not generally expect to gain support. As with the other policies, development must yet again accord with Schedule 2, but in this case, the self-contained requirement from Schedule 2(a) would not apply by virtue of the same previous Reporters' exclusion that I have mentioned above in the context of SC5 and SC7.

13.23 As regards Schedule 2(c), if a gap or a brownfield site fell amidst other houses, and only houses are specified, any ribbon would not be extended by the development, so that the exclusion would not be an issue. However, if the proposal were to add to a row of 3 or more houses along a road, then Schedule 2(b) could exclude the development. Clearly the council wants to reserve that ability for infrastructure, sustainability, and rural amenity reasons, which accords entirely with the above discretion given by SPP 3.

13.24 Therefore, based on all of the above, I am satisfied that there is no need to complicate the countryside housing policy framework with an exception for each circumstance where the council may wish to grant permission for a proposal that might comprise ribbon development. In addition, I am satisfied that the ribbon development criterion (c) from Schedule 2 is not likely to be used unreasonably as an overriding determining factor in deciding planning applications and, other than as specified, I find no encouragement in the policies for any encroachment of development onto rural greenfield land.

### **Recommendation**

13.25 As a result, I find no reason to modify the suite of policies further, to take account of these objections and I recommend no change to the proposed wording of either policy SC6(c) or Schedule 2(c).

## New Policy SC\* - New Country Houses

Objector(s)	Objector Reference(s)
Fox Planning Consultancy	862/1/6
Procedure	Reporter
Hearing	Jill Moody

### Background

14.1 After taking account of objections to the finalised local plan review, the council proposed substantial amendments to the suite of countryside housing policies, none of which included a large country house policy. The Reporters at the last inquiry in 2006 recommended that such a policy should be included, because they perceived a gap in the new framework, so that the issues arising for this particular kind of development would be left unaddressed (core production CP 14, pages 31 to 33). Although the Reporters did not specify an exact wording for the new policy, essentially they indicated that the council should reinstate H9 from the current Angus Local Plan, which was adopted in November 2000, possibly with some minor amendments (paragraph 1.131).

14.2 Policy H9 sets criteria whereby the council will support proposals for new large country houses, which include *(a) the dwelling should be set in a substantial area of established landscaped ground*. In addition, the policy expects compliance with Schedule 1, which includes the following of relevance:

- 8. *Development .... requiring the felling of environmentally important trees will be resisted.*
- 9. *Housing sites in exposed or conspicuous locations where development would lead to unacceptable visual intrusion or impact will not be acceptable.*
- 10. *All new .... houses must respect the character and location of their rural setting through an appropriate scale and form of building design and must show compliance with the Planning Advice Note 36 and the council's locational guidance.*
- 15. *To achieve better long-term integration of new houses into the landscape, where appropriate, effective landscaping measures will be required.*

The council accepted the Reporters' recommendation, and the basis of the policy proposed in the post-inquiry modifications reflects H9. The new policy will support a proposal for a new country house where criteria that include the following are met:

- a) the house should be sited within a substantial area of established landscaped ground. Exceptionally, opportunity for a new country house could exist on a site which has an existing landscaped setting which can be strengthened through the implementation of a scheme of planting, approved as part of the overall design concept for the new country house.*
- Proposals must also meet Policy S6: Development Principles, the associated Schedule 1 and Schedule 2: Countryside Housing Criteria.*

Criterion (b) from Schedule 1 states that proposals should not result in unacceptable visual impact and criteria (e) and (h) from Schedule 2 state respectively that

proposals should have regard to the rural character of the surrounding area and should not harm or be affected by rural business activities.

### **Summary of Objection(s)**

14.3 Part (a) of the proposed new policy wording is ambiguous because it does not say what would be regarded as appropriate in terms of *a substantial area of landscaped ground (sic)* and *a site which has an existing landscaped setting*. For example, it is unclear whether an existing woodland or an existing forest clearing would comprise landscaped ground or an existing landscaped setting, and thereby satisfy the new policy. Given that there is a significant amount of woodland in the Angus countryside, and that landscape setting is a major issue, it is essential that the policy wording is as clear and robust as possible, so more detail is needed. The policy wording should also specify exactly when the council might accept such a proposal, it should take account of whether the Forestry Commission would support this type of development in woodlands and, if not, the new policy should exclude all development in a forest clearing.

14.4 Although there has, to date, not been much pressure for this particular kind of development, demand is expected to grow in future, and the new policy should make clear the circumstances under which development would or would not be acceptable. As it stands, there is room for debate over compliance, and for inconsistent interpretation by the council, which leaves prospective developers in a position of uncertainty. Specifically, the new policy should define what landscape means, i.e. it should exclude commercial forestry and, if the council would not approve housing in a woodland clearing, then it should say so. Alternatively, the new policy should state the circumstances under which permission would be granted. Further, if the council is relying on Schedule 2(h) to address this forestry issue, then it should clarify what is meant by adverse impact.

14.5 Supplementary guidance would help to address these concerns, but because it cannot substitute for a lack of policy clarity, it would be simpler and better to include coverage of these issues in the basic policy.

### **The Council's Response**

14.6 The council recognised the previous Reporters' concerns that meeting the requirements of the countryside housing policies may preclude the opportunity to achieve one-off modern day country houses by incorporating the new policy SC\* into the proposed post-inquiry modifications.

14.7 The council has discussed the objection with the Forestry Commission who has indicated that it does not regard a clearing within a commercial plantation as a suitable site for a house. There may be other circumstances where a woodland site could be acceptable, and each case must be looked at on its individual merits.

14.8 The council is working on supplementary guidance to clarify and support all of the countryside housing policies, which offers an extra opportunity to address the objector's specific concerns. In the meantime, it is not appropriate to burden such an infrequently used policy with too much detail. The general aim of SC\* as proposed, is to say when a new house might be acceptable, and the council is only looking to approve development in exceptional circumstances. Sites will always vary, and considerations will take account of factors like topography and woodland, amongst a range of other landscape considerations. Fundamentally, the council is expecting that applicants will justify, through appraisal, why their particular site and setting

would have capacity to produce an acceptable development and thereby to satisfy the policy. Each case must be judged individually, and the council must retain the flexibility to decide as it sees fit. To achieve that, SC\* cannot be overly prescriptive, because that removes this essential and necessary flexibility. Further, the policy simply cannot carry the amount of detail that would be needed to anticipate and cover every conceivable eventuality.

14.9 That said, a commercial forest clearing would obviously not be an acceptable housing site, because the protective tree screen could be removed virtually overnight, leaving the house exposed in the landscape. It is also important to avoid encouraging felling to create a clearing, just to get permission for a house. But arguably, commercial woodland would be a rural business, and the presence of housing would impact on the ability to undertake the work associated with that business, i.e. planting and felling trees, so the issue would be covered anyway by Schedule 2(h).

### **Reporter's Consideration**

14.10 In response to objections, the previous Reporters concluded that a policy of this kind was justified, and they recommended an updated version of H9 from the current adopted local plan. The council's proposed modifications accord generally with that recommendation. Because this objection relates to the specific provisions of that proposed modification, it could not have been considered at the last inquiry, whereby it should now be considered at this second inquiry.

14.11 That said, I note no essential difference between parts (a) of the current and the proposed country house policy wordings. All that policy SC\* adds is the ability to develop a site where landscape setting could be strengthened, so that it creates an entirely appropriate opportunity to justify development by improvement. However, that chance clearly applies exceptionally.

14.12 The council has not defined all of the terminology used in the proposed policy, believing that related supplementary guidance can add more descriptive detail than the basic policy could bear. I find as a matter of principle, and in the context of current national planning policy and advice, that as long as the basic local plan policy is clear, this approach is correct (Scottish Planning Policy 1: *The Planning System* (SPP 1, core production CP 30), Planning Advice Note 49: *Local Planning* (PAN 49, core production CP 43, annex 1 paragraph 11 and annex 3), and PAN 72: *Housing in the Countryside*, (core production CP 52)). For example, SPP 1 recognises that supplementary guidance can be useful where the level of detail is inappropriate for a development plan policy. That guidance would then become a material consideration in determining planning applications (paragraphs 41 and 42). PAN 72 adds that policies should be complemented by more detailed supplementary guidance as an effective way of handling detailed information (page 20).

14.13 In the meantime, I find that the majority of the words used in the proposed policy, like substantial, are capable of a common interpretation. Further, until the intended extra guidance is in place, national planning advice offers an obvious source of guidance on the other words mentioned in the objection. For example, I find the following advice regarding the concept of landscape and landscape setting.

14.14 Landscape includes landform, character, condition, physical features, and vegetation. Landscape character is the way in which the environment works and is perceived, which includes its uses, colours and textures. Commercial forestry is part of that overall picture, but because it is clearly subject to harvesting, it must be

regarded as a transient feature. Landscape capacity is the interplay of these elements and their ability to absorb development and change, along with any modifications might be needed to ease that impact. Achieving a good landscape fit, and hence a high quality development, demands an integrated approach to all of these considerations (PAN 44: *Fitting New Housing Development Into the Landscape*, core production CP 42, pages 22, 24, 28, and 34).

14.15 In addition, based generally on my experience and on the advice in PAN 72 (core production CP 52), I find that Angus benefits from a wide range of landscape types, which have varying abilities to absorb development. Given this, it is not appropriate to impose a standard, uniform, area-wide interpretation of SC\*. Siting considerations entail respect for local landform and patterns of vegetation and even the best designed house can be poorly and conspicuously sited. Setting against trees can be successful in enabling development to blend with the landscape, but those trees are not the only consideration. Further, where they exist, the trees must be capable of retention. Therefore, the aim of SC\* cannot be simply to hide development with trees. It must instead entail helping development to integrate with the landscape as a whole. In other words, to fit into or to nestle within the landscape.

14.16 Based on all of the above, I am satisfied that the reference in the proposed policy to landscaped ground and setting is undoubtedly intended to cover all of the above and thereby to mean more than just tree screening. I am also satisfied that the proposed policy is soundly based, and is capable of a clear interpretation, albeit that it might benefit from a margin text reference to these information sources, for use at least until the supplementary guidance has been prepared.

14.17 Next, I remind that sections 25 and 37(2) of the Planning Act require that planning decisions shall accord with the development plan unless material considerations indicate otherwise. Clearly this introduces judgement in all cases and it avoids slavish adherence to policy for an otherwise acceptable development. It is a basic planning principle that each proposal is considered on its individual merits, so that precedent is not determinative. In addition, it is always for the decision maker to balance a variety of considerations above and beyond the strict terms of the development plan, and to assess the weight to be given to each, all as part of the process of making a planning judgement. PAN 49 reflects this because although it expects that policies should be expressed clearly and simply, giving certainty over what the council might permit or refuse, it then adds that *There are procedures for dealing with development contrary to a local plan and policies should not be framed to accommodate every possibility .... there will always be development control decisions to be made where policy is uncertain or considerations conflict* (core production CP 43, paragraphs 50 and 52). In addition, an established appeal mechanism is in place to offer recourse to aggrieved applicants.

14.18 Therefore, taking all of the above into account, I am satisfied that there is no need to complicate the proposed SC\* policy with a checklist covering every kind of circumstance where the council will or will not grant planning permission, including the example of commercial forestry. I am also satisfied that the issue of woodland and forest clearings need not be referred to in the letter of the policy.

14.19 However, I note that the council's evidence in discussion at the hearing that it is for applicants to appraise the landscape themselves for compliance with the basic policy principles explained above, and then to apply for permission. While:

- this general approach accords with national planning policy and advice;

- the council must remain free to consider the information arising, to make its planning judgement, and then to decide accordingly;
- landscape assessment is referred to generally in part (q) of Schedule 1 to the finalised local plan review; and
- it is not part of the objection under consideration,

I find that if the new policy has any shortcoming, it is the lack of reference to this appraisal expectation. Policy SC\* could be made more useful by a specific and obvious mention of this process, given the exceptional circumstances in which it would apply.

### **Recommendation**

14.20 As a result of the above, I recommend no alteration to the wording of proposed policy SC\* in response to this specific objection. However, the council might wish to consider adding:

- a margin text reference to the various planning advice notes as a source of information and further guidance, until its own supplementary guidance is available; and
- reference to the submission of a landscape appraisal to support related planning applications.

**New Policy SC\* - New Country Houses**

<b>Objector(s)</b>	<b>Objector Reference(s)</b>
Select Homes (Tayside) Ltd R G Skea	315/1/1 1096/1/1
<b>Procedure</b>	<b>Reporter</b>
Written Submissions	Jill Moody

**Background**

15.1 After taking account of objections to the finalised local plan review, the council proposed substantial amendments to the suite of countryside housing policies, none of which included a large country house policy. The Reporters at the last inquiry in 2006 recommended that such a policy should be included, because they perceived a gap in the new framework, whereby the issues arising for this particular kind of development would be left unaddressed (core production CP 14, pages 31 to 33). Although the Reporters did not specify an exact wording for the new policy, essentially they indicated that the council should reinstate H9 from the extant Angus Local Plan, possibly with some minor amendments (paragraph 1.131).

15.2 Policy H9 sets criteria whereby the council will support proposals for new large country houses, which include *(a) the dwelling should be set in a substantial area of established landscaped ground*. In addition, the policy expects compliance with Schedule 1, which includes the following of relevance:

*9. Housing sites in exposed or conspicuous locations where development would lead to unacceptable visual intrusion or impact will not be acceptable.*

*10. All new .... houses must respect the character and location of their rural setting through an appropriate scale and form of building design and must show compliance with the Planning Advice Note 36 and the council's locational guidance.*

*15. To achieve better long-term integration of new houses into the landscape, where appropriate, effective landscaping measures will be required.*

The council accepted the Reporters' recommendation, and the basis of the policy proposed in the post-inquiry modifications reflects H9. The new policy will support a proposal for a new country house where criteria that include the following are met:

*a) the house should be sited within a substantial area of established landscaped ground. Exceptionally, opportunity for a new country house could exist on a site which has an existing landscaped setting which can be strengthened through the implementation of a scheme of planting, approved as part of the overall design concept for the new country house.*

*Proposals must also meet Policy S6: Development Principles, the associated Schedule 1 and Schedule 2: Countryside Housing Criteria.*

Criterion (b) from Schedule 1 states that proposals should not result in unacceptable visual impact and criterion (e) from Schedule 2 states that proposals should have regard to the rural character of the surrounding area.

### Summary of Objection(s)

15.3 Select Homes objects to the proposed wording of the new policy because the requirement to set new country houses *in a substantial area of established landscape setting* is too restrictive. It is also historically inaccurate because large country houses would have been developed with a planned, overall landscape scheme, which would then have matured and developed gradually, over time. Instead, the policy should reflect the wording from criteria 1 of Policy SC6 of the consultative draft version of the local plan review, which required only that the dwelling to be set in a substantial area of landscaped ground, so that large quality homes could be developed with a quality landscape setting. This proposed alteration will reflect the clear intentions of the members and decisions at the Development Control Committee more fully.

15.4 Mr Skea objects because the new policy should not restrict new country houses to existing landscaped sites. Instead, it should adopt a more realistic approach and provide for the potential to create landscaped sites to improve the environment and cultural heritage of Angus for future generations.

15.5 The potential to provide a new individually designed country house of quality architecture should not be curtailed by lack of an existing landscaped site and, it should allow a house on a site that is not *existing landscaped ground*, but where the wider setting would provide ample scope to provide an individually designed site that would complement the new country house and enhance the area. The policy should also recognise that because many historic houses were built on elevated ground with views over the surrounding countryside, there is no need for landscaping to hide or screen the new country house, which could easily become an attractive, visible feature that enhances the wider landscape in just the same way as these historic houses. Many such examples exist in Angus, and the new policy should provide for more. Historic country houses were also built and designed along with garden ground, or their gardens were added later. It is unrealistic to expect ready-made, vacant, landscaped sites to meet this policy requirement. Instead, allowing the provision of specifically designed landscaped ground to surround new country houses will provide for quality-designed sites, again for future generations to enjoy.

### The Council's Response

15.6 The Reporters at the last inquiry considered that there was merit in a policy to address the possible scope for larger country houses that could make a major contribution to the future architectural heritage of Angus. However, while they also considered that the issue of the requirement for an existing established landscape was one of several matters of detail for the council to determine, they suggested that the new policy should be worded to provide adequate safeguards against the *potential misuse of that policy by developers seeking to promote larger new properties in the countryside that do not meet the stringent criteria to be specified in line with the stated aims of the policy* (core production CP 14, paragraph 1.131).

15.7 The council recognised that meeting the requirements of the countryside housing policies may preclude the opportunity to achieve one-off modern day country houses, so the new policy SC\* was incorporated into the proposed post-inquiry modifications to satisfy the previous Reporters' concerns. But, because the basis of the new policy is not to encourage or allow large houses in large gardens in the countryside, the requirement for an established landscape framework is an important point of principle. The council's intention is about creating a quality architectural and

landscape legacy to match the existing examples of historic houses and gardens in Angus, many of which are in the Inventory of Historic Gardens and Designed Landscapes. Achieving this depends upon 2 main elements, i.e. an established landscape setting and exceptional design and finish quality. Without both of these, virtually any part of rural Angus could be considered a suitable site for a large country house, which is the opposite of the council's intention and would create an undesirable precedent that would ultimately open up significant areas of the countryside for development.

15.8 Traditionally, the landscape setting of these historic country houses would have been established as it was built, to create a large estate setting for the property. It is unlikely that proposals of a similar scale would come forward today, so that proposed new country houses must be sited within a substantial area of existing landscaped ground and some existing landscape framework, to promote development of exceptional quality. Very occasionally, scope might exist for a new country house where a scheme of planting, approved as part of the overall design concept, could reinforce areas of existing landscaping in and around the site, and the recommended new policy allows for this.

### **Reporter's Consideration**

15.9 In response to objections, the previous Reporters concluded that a policy of this kind was justified, and they recommended an updated version of H9 from the current adopted local plan. The council's proposed modifications accord generally with that recommendation. Because these objections relate to the specific provisions of that proposed modification, they could not have been considered at the last inquiry, whereby they should now be considered at this second inquiry.

15.10 National planning policy in Scottish Planning Policy 3: *Planning for Housing* (SPP 3, core production 32, paragraphs 48 to 56) allows for new houses in the countryside, but only:

- as part of a plan led response to particular local circumstances;
- in places where it would fit into the environment; and
- where it is carefully sited to respect and enhance the local landscape character.

The approved structure plan takes this attitude forward by expecting generally that development will occur in settlements, but with some new house building permissible in the countryside, in certain specified circumstances. These include .... *must have regard to landscape capacity* .... (core production CP 1, Housing Policy 5). Therefore, there is no suggestion in either source that the intention is to encourage sporadic house building, and especially on prominent sites in the countryside. Clearly, these policies want housing to fit into its existing landscape setting, as opposed to using a site with no setting and then creating one around a new house.

15.11 These policy sources also refer to other national planning advice for guidance on what factors might be taken into account, and I find that they contain the following advice on the concept of landscape and landscape setting.

15.12 Landscape includes landform, character, condition, physical features, and vegetation. Landscape character is the way in which the environment works and is perceived, which includes its uses, colours and textures. Landscape capacity is the interplay of these elements and their ability to absorb development and change, along with any modifications might be needed to ease that impact. Achieving a good

landscape fit, and hence a high quality development, demands an integrated approach to all of these considerations (PAN 44: *Fitting New Housing Development Into the Landscape*, core production CP 42, pages 22, 24, 28, and 34). Angus benefits from a wide range of landscape types, which have varying abilities to absorb development. Given this, siting considerations must entail respect for local landform and patterns of vegetation, and even the best designed house can be poorly and conspicuously sited. Setting against trees can be successful in enabling development to blend with the landscape, but trees are not the only consideration (PAN 72 *Housing in the Countryside*, core production CP 52).

15.13 Section 17(3) of the Town and Country Planning (Scotland) Act 1997 prohibits the adoption of a local plan that does not conform to the appropriate approved structure plan. Therefore, I am satisfied that to accord with the above, SC\* must identify the exceptional circumstances in which it would apply, with the aim of helping development to integrate with the landscape as a whole. In other words, to fit into or to nestle within the landscape. Given this, I am satisfied that the proposed policy is soundly based, and is capable of a clear interpretation, albeit that it might benefit from the additions and supplementary guidance referred to elsewhere in this report in the context of a parallel objection to SC\* from Fox Planning Consultancy.

15.14 More specifically, and for all of the above reasons, I find that it would be wholly inappropriate and out of accord with national and approved structure plan policy for SC\* to allow development in the countryside with no established or existing landscape setting to enable it to integrate, and most especially on an exposed or elevated site, no matter how good the house design.

15.15 I also note that the proposed policy SC\* repeats the same requirement for a substantial area of landscaped ground as is contained in policy H9 in the current adopted local plan. The objections do not justify any need to change or depart from this previous criterion. For example, they do not demonstrate any particular pressure or problem caused by continuing with that same requirement.

15.16 Further, without factual evidence to support the contention, I find that it is speculation to suggest that existing historic country houses were sited effectively on an exposed and blank canvas site. Many of these historic country estate houses may just as easily have been fitted into an established landscape setting, and that setting might have provoked the initial choice of site. The evidence before me is simply inconclusive. There is no doubt that the landscape around the houses has been managed since then, but that is a different issue from these objections.

15.17 Lastly, I note that the relevant council committee endorsed proposed policy SC\* in November 2006, and published its objection responses and the proposed modifications in February 2007. Therefore, the wording of SC\* must be taken as reflective of their clear intentions (core productions CP 15, 21, and 22).

### **Recommendation**

15.18 Taking the above into account, I recommend no change to the proposed wording of policy SC\* on new country houses in response to these objections. However, I would draw attention to and remind about my comments in respect of the parallel objection from Fox Planning Consultancy to the same new policy.

**Margin Text: Omission Ribbon Development**

<b>Objector(s)</b>	<b>Objector Reference(s)</b>
Fox Planning Consultancy	862/1/2
<b>Procedure</b>	<b>Reporter</b>
Hearing	Jill Moody

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**Background**

16.1 Schedule 1 from the current Angus Local Plan, which was adopted in November 2000, sets development criteria for countryside housing generally. Compliance with Schedule 1 is expected in policies H7, H8, and H9, which are all for new housing, as well as H10, which covers restoration and repair, H12 and H13, which apply to conversions, and H15 for essential worker housing. Schedule 1 includes criterion 3(a) that development in particular areas *must not constitute ribbon development\**. The adopted local plan then defines ribbon development as *a string of three or more houses along a road* before adding that *A development proposal to add a single house to two existing houses will constitute ribbon development (unless it forms a gap site as defined .... )*, which is based on the measured distance between either 2 curtilages, or one curtilage and *a metalled road*. The adopted local plan then states that the *council will resist applications which, if approved, would constitute ribbon development*.

16.2 In response to objections at the earlier stages of the local plan review, the council proposed wide ranging changes to the suite of countryside housing policies that were presented to the Reporters undertaking the last inquiry in 2006. The previous Reporters agreed broadly with these pre-inquiry modifications, and recommended accordingly (core production CP 14, pages 37 to 67). The council has since published an amalgam of all the changes as proposed post-inquiry modifications (core production CP 22, pages 31 to 35). From this, the modified suite of countryside housing policies, which cover all forms of new build housing and conversions, uniformly include reliance on compliance with the criteria in Schedule 2 as appropriate and *except where specific exclusions are set out*. The criteria include *(c) not extend ribbon development*; and the margin text defines ribbon development as *A string of three or more houses along a road*, with no specified exclusions (page 35). Gap site is also defined as before, but with the clarification that a metalled road is *a road with a hard, crushed rock or stone surface as a minimum* (page 33)

**Summary of Objection(s)**

16.3 The council's response to the last inquiry does not mention the pre-inquiry objections concerning the ribbon development margin text, which were that there appears to be no logical reason why a clearer definition of ribbon development would not be relevant and could not be included in the finalised local plan review, either as margin text or in the glossary, especially since it is in the current adopted local plan.

16.4 Arguably, ribbon development is an outdated concept that should no longer be a determining policy factor. However, if it is to be kept in the local plan review, the text should define a road in the context of ribbon development more fully, which could stem from the legislative definition of a road, i.e. the Town and Country Planning (General Permitted Development (Scotland) Order 1992, in Part 1, Section 2, as

interpreted by Section 151 of the Roads (Scotland) Act 1984(e). From these sources, a road is *any way other than a waterway over which there is a public right of passage (by whatever means) and includes the road verge and any bridge, whether permanent or temporary, over which, or tunnel through which, the road passes*. The road reference was to some extent uncertain before and it should be defined clearly now because, without that, the potential application of policy does not make certain whether the council will construe a track as a road and refuse permission.

16.5 After discussion, it was accepted that the Roads Act definition would probably still be too broad, whereby another suggestion offered was road and track used by vehicular traffic.

### **The Council's Response**

16.6 This same objection was submitted in response to the pre-inquiry modifications in December 2005, which established Schedule 2 and the associated margin text. Although the council's statement of evidence to that last inquiry addressed the issue (council production 1), it seems not to have been covered explicitly in the previous Reporters' report (core production CP 14). Given this unusual position, the objection should be heard at this further inquiry. However, the council's basic position has not changed, in that the definition of ribbon development in the finalised local plan review is broadly the same as that in Schedule 1 to the current adopted local plan, whereby there is no need to define a road in the context of ribbon development, especially because as the objector points out, there is already a legislative definition.

16.7 The local plan review margin text is intended to interpret and to stand along side policy. The only difference between the schedules in the adopted and finalised local plans is that the former prohibits development that constitutes ribbon development, whereas the latter version seeks to prevent the extension of a ribbon of development. Arguably therefore, the finalised local plan review approach is less restrictive than before. The new version is certainly trying to create more flexibility, but without encouraging ribbon development.

16.8 In discussion, the council conceded that although the margin text could be improved, the Roads Act definition was too loose to be useful because it would, for example, include a private track and a footway. The possibility of development in these circumstances would be unacceptable. Similarly, reference to use by vehicular traffic would also be inappropriate because it carries the consequent need to define those terms. That said, the metalled road concept used in the gap site margin text could be appropriate, although the purpose of that road reference differs from the ribbon development context.

16.9 Overall, the council would prefer the opportunity to address the objector's specific concerns in the supplementary guidance that is in preparation to clarify and support all of the countryside housing policies.

### **Reporter's Consideration**

16.10 I note nothing in the previous Reporters' recommendations or report that addresses this issue and, because the objection relates to the final amalgam of the specific provisions of the proposed pre and post-inquiry modifications, I find that this objection covers an appropriate matter for consideration at this second inquiry.

16.11 Nothing from either national planning policy and advice or the approved structure plan has been drawn to my attention as support or otherwise for accepting

the basic concept of ribbon development in the countryside. Equally, each policy source instructs local plans to set criteria to cover the kinds of rural development that suit local circumstances. In this case, the council has decided, for its own reasons and based on local circumstances, that the local plan should still generally not include ribbon development. Therefore, the exclusion has been carried forward from the adopted local plan.

16.12 I have set out above the definitions provided in the extant and the emerging local plans, and I agree with the objector that the connection with what might constitute a road has been lost in transition. The adopted local plan definition connects firmly with the definition of gap sites, so that it stipulates a metalled road. The finalised local plan does not maintain that link, although the definition of gap site still refers to a metalled road, albeit that it adds more detail to describe what that kind of road would be.

16.13 To resolve the omission, the original objection suggests using the definition of road from the Roads Act, which is also used to interpret the Town and Country Planning (General Permitted Development) (Scotland) Order 1992. The council resists this as being too broad. In discussion, the objector accepted that position, and various other options were explored. Ultimately, the council agreed that some improvement would be justified, and that the reference to a metalled road could be reinstated, preferably in future supplementary guidance.

16.14 I consider that the issue would benefit from clarification. However, I am satisfied that using the Roads Act would be unhelpful because it would increase the range of possibilities beyond that which the council would normally be willing to accept. In other words, prospective applicants might find it misleading. That said, the accepted purpose of the local plan review margin text is to interpret and stand beside the various policies, so that it should be an obvious, clear, and immediate resource to support the relevant policies and to provide a glossary of understanding. Given that, I am also satisfied that, leaving the definition of a road in the context of the ribbon development margin text aside for supplementary guidance to address, is too disconnected from the local plan review and it risks delaying the desired function. Therefore, I find that repeating the reference to a metalled road from the proposed post-inquiry modifications gap site definition, with the consequent description, in the ribbon development margin text would be a small but beneficial addition to the finalised local plan review.

### **Recommendation**

16.15 The definition of ribbon development in margin text of page 35 of the council's proposed post-inquiry modifications (core production CP 22) should be amended to have the last word *road* replaced by the phrase *a metalled road i.e. a road with a hard, crushed rock or stone surface as a minimum*, which is also used on page 33 of the proposed modifications in the context of a gap site.

**Margin Text: Omission Greenfield Sites**

<b>Objector(s)</b>	<b>Objector Reference(s)</b>
Mr D Armstrong Fox Planning Consultancy	34/2/1 862/1/5
<b>Procedure</b>	<b>Reporter</b>
Conditionally Withdrawn Written Submissions	Jill Moody

**Background**

17.1 In response to objections at the earlier stages of the local plan review, the council proposed wide ranging changes to the suite of countryside housing policies that were presented to the Reporters undertaking the last inquiry in 2006. From these, proposed modification 3 intended to replace the definitions of greenfield and brownfield land in the finalised local plan review with those from Scottish Planning Policy 3: *Planning for Housing* (SPP 3, core production CP 32). The previous Reporters agreed and recommended accordingly (core production CP 14, pages 37 to 38, 63 to 64, and 67).

**Summary of Objection(s)**

17.2 Despite the agreed pre-inquiry modifications, the countryside housing margin text continues to lack the definition of greenfield land, which the council and the previous Reporters agreed should be inserted alongside the definition of brownfield. Both definitions are equally important, and they should be based on SPP 3, which for greenfield, is *land which has never previously been developed, or fully-restored formerly derelict land which has been brought back into active or beneficial use for agricultural, forestry, environmental purposes, or outdoor recreation* (core production CP 32, page 19).

**The Council's Response**

17.3 The issue of a margin text definition for greenfield land was included in the pre-inquiry modifications published in December 2005. The previous Reporters considered these modifications, and recommended that a definition should be included in the finalised local plan review. In preparing the post-inquiry modifications, the council overlooked this recommendation, but will resolve the omission by including the agreed SPP 3 text as a technical change, when the Angus Local Plan Review is finally edited and put forward for adoption.

**Reporter's Consideration**

17.4 I note no dispute over the value of including the SPP 3 definition of greenfield, and agree for all the reasons discussed before, that it should be included when the local plan review is adopted. In this way, both objections will be satisfied.

**Recommendation**

17.5 The definition of greenfield land in the glossary of SPP 3 (core production CP 32, page 19), should be incorporated into the local plan review as margin text, beside the equivalent definition of brownfield land.

## APPENDIX 1

### List of Hearing Session Participants

#### **Kirriemuir Hearings**

##### For Angus Council

Ewan MacLeod, Shepherd & Wedderburn LLP  
Fraser Mitchell, Shepherd & Wedderburn LLP  
Ken Mcgregor  
Paul Christison  
Stewart Roberts  
Neil Prentice  
Neil Mackenzie  
Derek Nisbet  
Danny Munro

##### For Guild Homes (Tayside) Limited

Gillian Simpson, Maclay, Murray & Spens LLP  
Mark Guild

##### For J & J Learmonth

Euan Mackenzie, Advocate  
Tom Boyd, Wilkie & Dundas WS  
Dennis Garrity, Brodies Solicitors  
John Learmonth  
Pam Smith, The Charlton Smith Partnership  
Ian Marsh, W.A Fairhurst Transportation Scotland  
Roz Maclennan, Horner + Maclennan

##### For Select Homes (Tayside) Limited

Bruce Smith, Paull & Williamson  
Norman McLaggan  
Karen Clark  
Iain Michie, Montagu Evans LLP  
Fraser Littlejohn, Montagu Evans LLP  
Alison Irvine, Faber Maunsell  
Karen Esslemont, EDAW

#### **Countryside Housing Hearings**

##### For Angus Council

Gordon Pyper  
Ken Mcgregor  
Kevin Thurlow  
Iain Mitchell

##### For Fox Planning Consultancy

Jane Fox, Fox Planning Consultancy  
David Armstrong

## APPENDIX 2

### List of Documents

#### Kirriemuir Hearings

##### Angus Council

Statement of Case - Beechwood Place  
Production 1 FKHMA Background Paper  
Production 2 Report 257/08  
Production 3 Report 820/06  
Response to Statement of Case  
Statement of Case & Response – K2: Hillhead  
Production 1 FKHMA Background Paper  
Production 2 Report 257/08  
Production 3 Report 256/08  
Production 4 Report 820/06  
Statement of Case – K3: Sunnyside  
Production 1 660/07  
Production 2 Drawing 6891/523  
Statement of Case - South of Sunnyside  
Production 1 FKHMA Background Paper  
Production 2 Report 257/08  
Response to Statement of Case

##### Guild Homes (Tayside) Ltd

Statement of Case & Response - K2: Hillhead  
Statement of Case & Response - K3: Sunnyside  
GUI 1 Development Brief in relation to Hillhead  
GUI 2 Letter Maclay Murray & Spens LLP to Angus Council 28 January 2008  
GUI 3 Planning applications in relation to 07/01714/FUL  
GUI 4 Letter from AB Roger & Young to Angus Council 21 December 2007.  
GUI 5 Drawing reference Glenshiel SG House Type  
GUI 6 Drawing reference Glenogilvy House Type  
GUI 7 Drawing reference Glencoe House Type  
GUI 8 Drawing reference Glenshiel DG House Type  
GUI 9 Drawing reference Glenlyon House Type  
GUI 10 Drawing reference Location Plan  
GUI 11 Drawing reference Site Plan  
GUI 12 Drawing reference Plots 26 and 27  
GUI 13 Drawing reference Plots 28, 29, 30 and 31.  
GUI 14 Planning application in relation to 08/00027/FUL  
GUI 15 Letter from Arktx to Angus Council dated 13 March 2008  
GUI 16 Drawing reference 446-01/C  
GUI 17 Drawing reference 446/02/C  
GUI 18 Drawing reference 446/03/C  
GUI 19 Drawing reference 446/04/C  
GUI 20 Drawing reference 446/05/C  
GUI 21 Report 256/08 to Infrastructure Services Committee 4 March 2008  
GUI 22 Report by Jacobs Consulting dated March 2007  
GUI 23 Letter from Thorntons to Angus Council dated 17 February 2006  
GUI 24 Letter from Angus Council to Thorntons dated 15 March 2006  
GUI 25 Note prepared by J & J Learmonth dated 21 February

J & J Learmonth

- Combined Statement of Case & Response - K2: Hillhead  
Statement of Case & Response – K3: Sunnyside  
Combined Statement of Case & Response – South of Sunnyside  
Combined Statement of Case & Response –Beechwood Place
- LEAR/PLAN/1 Minute of Proceedings Lord Brailsford, Court of Session, 15 February 2008
- LEAR/PLAN/2 Closing Submission on behalf of J&J Learmonth, Land at Sunnyside, Kirriemuir, Angus Local Plan Review, Public Local Inquiry – E Mackenzie, Advocate
- LEAR/PLAN/3 Report No.660/07, Director of Infrastructure Services to Development Control Committee, 12 July 2007 (not produced, already produced by Council)
- LEAR/PLAN/4 Objections: New Areas of Evidence, 27 March 2007, Kirriemuir, on Behalf of J&J Learmonth
- LEAR/PLAN/5 Objections, 23 October 2007, on Behalf of J&J Learmonth, Kirriemuir to Pre-Second Inquiry Modification, 12 September 2007
- LEAR/PLAN/6 Appraisal of Competing Sites: Planning History Context
- LEAR/PLAN/7 Appraisal of Competing Sites: Planning Policy Context
- LEAR/PLAN/8 Extract NPPG 11: Sport, Physical Recreation & Open Space
- LEAR/PLAN/9 Plan Sunnyside “Omission” Site
- LEAR/LAND/01 Appraisal of Impacts on Landscape Resource and Visual Amenity
- LEAR/TRAN/1 Revised Transportation Implications Review
- LEAR/TRAN/2 Mortarholes junction plan prepared, Ironside Farrar (not produced, already produced by Council)
- LEAR/TRAN/3 SIAS Mortarholes junction capacity report
- LEAR/TRAN/4 Extract from Council re 200 house threshold served by General Roads Standards (not produced, already confirmed by Council)

Select Homes (Tayside) Ltd

- Statement of Case - K2: Hillhead  
Statement of Case & Response - Beechwood Place
1. Relevant correspondence on the importance of the employment land
  2. Relevant correspondence on the valuation and budget provision
  3. Accompanying Landscape and Visual Illustrations
  4. Transport Report
- Statement of Case & Response - K3: Sunnyside
1. Planning Consent for first phase of development at Sunnyside – Produced by Angus Council (production 1: Report 660/07)
  2. Correspondence regarding objectors interest in Council land at Sunnyside

**Additional Information Admitted at the Kirriemuir Hearings**

Select Homes (Tayside) Ltd

- Angus Council letter to Graham & Sibbald, 16 April 2008
- Graham & Sibbald letter to Select Homes (Tayside) Ltd, 17 April 2008
- Email and attachments from A Dandie to K Clark, 18 April 2008
- Lickley Proctor Valuation Report, 21 April 2008

### Angus Council

- Proposed Business Park/Industrial Estate, Kirriemuir – valuation information
- Disposition in favour of Select Homes (Tayside) Ltd – land at East Muirhead
- Faber Maunsell letter to Select Homes (Tayside) Ltd, 6 June 2007
- Kirriemuir Housing Background Information Paper (N.B. amendments were made to this paper by all parties after the hearing session and a final version was submitted to the Reporter on 2 May 2008)

### **Kirriemuir Written Submissions – additional supporting information**

#### **K3: Sunnyside**

- Mr E Hill and Mr J Hill - Expansion of written submission

### **Forfar Written Submissions - – additional supporting information**

#### **Slatefield**

- Mrs Gledhill - Expansion of written submission
  1. Statement of Evidence - Public Local Inquiry
  2. Precognition - Montagu Evans
  3. Closing Submission - Shepherd Wedderburn
  4. Closing Submission - Select Homes Ltd
  5. Ordnance Survey Map
  6. Neighbour Notification - Select Homes Ltd
  7. Slatefield Farm - Phase 2 map- Select Homes Ltd
  8. Slatefield Farm - Phase 2 map- Select Homes Ltd
  9. Angus Local Plan Review p.130
  10. Map of Forfar Path Network
  11. Angus Local Plan Review p.20
  12. Finalised Local Plan Review: Statement of response to Objections Pre-Second Inquiry Modification p.4
  13. Property Particulars - Savills
  14. Property Particulars - Tayside Solicitors' Property Centre
  15. House Banding - Slatefield Rise Forfar -Scottish Assessors Association
  16. Housing Land Supply Tables Forfar 2004-2007
  17. Contour Map - Ordnance Survey
  18. Correspondence with Angus Council re planning Application 99/01133/OUT
  19. Public Notice -Forfar Dispatch 15/02/2007
  20. E -mail Correspondence with Angus Council
  21. Neighbour signatures
- FN1. Documents withheld by Angus Council
- Select Homes (Tayside) Ltd - Expansion of written submission
- Angus Council - Statement of Case & Response

## **Turfbeg**

- Elite Homes (Tayside) Ltd - Expansion of written submission
- Webster Contracts Ltd - Expansion of written submission
- Angus Council - Statement of Case & Response  
Production 1 FKHMA Background Paper

## **Westfield**

- Webster Contracts Ltd - Expansion of written submission
- Angus Council - Statement of Case & Response  
Production 1 FKHMA Background Paper

## **Countryside Housing Hearings**

### Fox Planning Consultancy

Statement of Case Policy SC6: Countryside Housing – New Houses  
Statement of Case Policy SC\* - New Country Houses  
Statement of Case SC6(C): Rural Brownfield Sites  
Statement of Case: Schedule 2(c): Ribbon Development  
Statement of Case: Margin Text: Ribbon Development

### Angus Council

Statement of Case Policy SC6: Countryside Housing – New Houses  
Statement of Case Policy SC\* - New Country Houses  
Statement of Case SC6(C): Rural Brownfield Sites  
Statement of Case: Schedule 2(c): Ribbon Development  
Statement of Case: Margin Text: Ribbon Development  
Production 1: Statement of Evidence April 2006

## **Additional Information Admitted at the Countryside Hearings**

### Angus Council

Letter from Fox Planning Consultancy dated 10 October 2007  
Letter from Angus Council dated 23 November 2007  
Letter from Fox Planning Consultancy dated 13 December 2007  
Letter from Angus Council dated 11 February 2008

<b>Document Reference</b>	<b>Document Title</b>	<b>Location in Angus</b>
<b>CP1</b>	<b><u>Dundee and Angus Structure Plan</u></b> Dundee and Angus Structure Plan (Approved 2002) <a href="http://www.angus.gov.uk/structureplan/">http://www.angus.gov.uk/structureplan/</a>	County Buildings, Forfar & Weblink available
<b>CP2</b>	<b><u>Adopted Angus Local Plan</u></b> Adopted Angus Local Plan (2000)	Public Libraries & County Buildings, Forfar
	<b><u>Angus Local Plan Review Consultative Draft (2003)</u></b>	
<b>CP3</b>	Angus Local Plan Consultative Draft (2003)	Public Libraries & County Buildings, Forfar
<b>CP4</b>	Assessment of Possible Development Areas (Background Paper) Draft Angus Local Plan (2003)	Public Libraries & County Buildings, Forfar
	<b><u>Finalised Angus Local Plan Review</u></b>	
<b>CP5</b>	Finalised Angus Local Plan Review (2005) <a href="http://www.angus.gov.uk/localplan/localplanfinalised.pdf">http://www.angus.gov.uk/localplan/localplanfinalised.pdf</a>	Public Libraries, County Buildings, Forfar & Weblink available
<b>CP6</b>	Statement of Publicity and Consultation – Volume 1: Summary	Public Libraries, County Buildings, Forfar &

	<a href="http://www.angus.gov.uk/localplan/vol1summary.pdf">http://www.angus.gov.uk/localplan/vol1summary.pdf</a>	Weblink available
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Document Reference	Document Title	Location in Angus
CP7	Statement of Publicity and Consultation – Volume 2: Responses <a href="http://www.angus.gov.uk/localplan/volume2a.pdf">http://www.angus.gov.uk/localplan/volume2a.pdf</a> <a href="http://www.angus.gov.uk/localplan/volume2b.pdf">http://www.angus.gov.uk/localplan/volume2b.pdf</a>	Public Libraries, County Buildings, Forfar & Weblink available
CP8	Finalised Angus Local Plan Review Background Paper: Sustainability Appraisal of the Consultative Draft Local Plan <a href="http://www.angus.gov.uk/localplan/backgroundpapers.pdf">http://www.angus.gov.uk/localplan/backgroundpapers.pdf</a>	“ “ “ “ “ “
CP9	Finalised Angus Local Plan Review Responses to Objections (Report No. 1081/05 (Appendices) <a href="http://www.angus.gov.uk/ccmeetings/reports-committee2005/infrastructure/1081.pdf">http://www.angus.gov.uk/ccmeetings/reports-committee2005/infrastructure/1081.pdf</a>	“ “ “ “ “ “
CP10	Finalised Angus Local Plan Review First Round Pre-Inquiry Modifications (September 2005) <a href="http://www.angus.gov.uk/localplan/modsforpublication.pdf">http://www.angus.gov.uk/localplan/modsforpublication.pdf</a>	“ “ “ “ “ “
CP11	Finalised Angus Local Plan Review Second Round Pre-Inquiry Modifications (November 2005) <a href="http://www.angus.gov.uk/localplan/modsforpublication2.pdf">http://www.angus.gov.uk/localplan/modsforpublication2.pdf</a>	“ “ “ “ “ “
CP12	Finalised Angus Local Plan Review Public Local Inquiry Update Committee Report Number 1415/05 (24 November 2005) <a href="http://www.angus.gov.uk/ccmeetings/reports-committee2005/infrastructure/1415.pdf">http://www.angus.gov.uk/ccmeetings/reports-committee2005/infrastructure/1415.pdf</a>	“ “ “ “ “ “

Document Reference	Document Title	Location in Angus
CP13	<p><b><u>Finalised Angus Local Plan Review</u></b></p> <p>Finalised Angus Local Plan Review Third Round Pre-Inquiry Modifications (December 2005)  <a href="http://www.angus.gov.uk/localplan/ThirdRoundMods291105a.pdf">http://www.angus.gov.uk/localplan/ThirdRoundMods291105a.pdf</a></p>	Public Libraries, County Buildings, Forfar & Weblink available
CP14	<p><b><u>Post Inquiry documentation</u></b></p> <p>Report of the Public Local Inquiry into objections to the Finalised Angus Local Plan Review Volumes 1, 2 and 3 (January 23 – April 25 2006) published August 2006  <a href="http://www.angus.gov.uk/localplan/">http://www.angus.gov.uk/localplan/</a></p>	Public Libraries, County Buildings, Forfar & Weblink available
CP15	<p>Report 1342/06, Finalised Angus Local Plan Review - Report of Public Local Inquiry, Special Meeting of Angus Council 16 November 2006  <a href="http://www.angus.gov.uk/ccmeetings/reports-committee2006/anguscouncil/1342.pdf">http://www.angus.gov.uk/ccmeetings/reports-committee2006/anguscouncil/1342.pdf</a></p>	“ “ “ “ “
CP16	<p>Minute of Special Meeting of Angus Council, 16 November 2006  <a href="http://www.angus.gov.uk/ccmeetings/minutes2006/anguscouncil/sp16-11-06.pdf">http://www.angus.gov.uk/ccmeetings/minutes2006/anguscouncil/sp16-11-06.pdf</a></p>	“ “ “ “ “
CP17	<p>Report 1481/06, Finalised Angus Local Plan Review Deferred Kirriemuir Item, Angus Council 14 December 2006  <a href="http://www.angus.gov.uk/ccmeetings/reports-committee2006/anguscouncil/1481-06.pdf">http://www.angus.gov.uk/ccmeetings/reports-committee2006/anguscouncil/1481-06.pdf</a></p>	“ “ “ “ “
CP18	<p>Minute of Angus Council Meeting, 14 December 2006  <a href="http://www.angus.gov.uk/ccmeetings/minutes2006/anguscouncil/14-12-06.pdf">http://www.angus.gov.uk/ccmeetings/minutes2006/anguscouncil/14-12-06.pdf</a></p>	“ “ “ “ “
CP19	<p>Report 78/07, Finalised Angus Local Plan Review Beechwood Place, Kirriemuir; Infrastructure Services Committee 25 January 2007.  <a href="http://www.angus.gov.uk/ccmeetings/reports-committee2007/infrastructure/78.pdf">http://www.angus.gov.uk/ccmeetings/reports-committee2007/infrastructure/78.pdf</a></p>	“ “ “ “ “

Document Reference	Document Title	Location in Angus
CP20	Minute of Infrastructure Services Committee Meeting, 25 January 2007 <a href="http://www.angus.gov.uk/ccmeetings/minutes2007/infrastructure/25-01-06.pdf">http://www.angus.gov.uk/ccmeetings/minutes2007/infrastructure/25-01-06.pdf</a>	“ “ “ “ “
CP21	Finalised Angus Local Plan Review – Report of Public Local inquiry – Statement of Response by Angus Council; published February 2007 incorporating the following Committee Reports –R1342/06; R1481/06; and R78/07. <a href="http://www.angus.gov.uk/localplan/">http://www.angus.gov.uk/localplan/</a>	“ “ “ “ “
CP22	Finalised Angus Local Plan Review Post Inquiry Modifications, published by Angus Council, February 2007 <a href="http://www.angus.gov.uk/localplan/ModificationsSchedule.pdf">http://www.angus.gov.uk/localplan/ModificationsSchedule.pdf</a>	“ “ “ “ “ “ “ “ “ “
CP23	Report 728/07 Finalised Angus Local Plan Objections to Modifications Following Public Local Inquiry; Special Meeting of Angus Council 22 August 2007 <a href="http://www.angus.gov.uk/ccmeetings/reports-committee2007/anguscouncil/728.pdf">http://www.angus.gov.uk/ccmeetings/reports-committee2007/anguscouncil/728.pdf</a>	“ “ “ “ “
CP24	Minute of Special Meeting of Angus Council, 22 August 2007 <a href="http://www.angus.gov.uk/ccmeetings/minutes2007/anguscouncil/sp22-08-07.pdf">http://www.angus.gov.uk/ccmeetings/minutes2007/anguscouncil/sp22-08-07.pdf</a>	“ “ “ “ “
CP25	Finalised Angus Local Plan Review - Statement of Response by Angus Council – Objections to Post Inquiry Modifications. Published by Angus Council September 2007. <a href="http://www.angus.gov.uk/localplan/StatementofResponseSeptember2007.pdf">http://www.angus.gov.uk/localplan/StatementofResponseSeptember2007.pdf</a>	“ “ “ “ “
CP26	Finalised Angus Local Plan Review – Proposed Pre - Second Inquiry Modifications. Published by Angus Council September 2007. <a href="http://www.angus.gov.uk/localplan/ModificationsFollowingPost-InquiryObjectionsSeptember2007.pdf">http://www.angus.gov.uk/localplan/ModificationsFollowingPost-InquiryObjectionsSeptember2007.pdf</a>	“ “ “ “ “

Document Reference	Document Title	Location in Angus
CP27	Report 1121/07 Finalised Angus Local Plan Review Objections to Pre-Second Inquiry Modifications; Infrastructure Services Committee 27 November 2007. <a href="http://www.angus.gov.uk/localplan/Report1121.pdf">http://www.angus.gov.uk/localplan/Report1121.pdf</a>	“ “ “ “ “ “
CP28	Minute of Infrastructure Services Committee Meeting, 27 November 2007 <a href="http://www.angus.gov.uk/ccmeetings/minutes2007/infrastructure/27-11-07.pdf">http://www.angus.gov.uk/ccmeetings/minutes2007/infrastructure/27-11-07.pdf</a>	“ “ “ “ “ “
CP29	Finalised Angus Local Plan Review – Statement of Response by Angus Council – Objections to pre-second inquiry modifications – published by Angus Council December 2007. <a href="http://www.angus.gov.uk/localplan/StatementofResponsesDecember2007.pdf">http://www.angus.gov.uk/localplan/StatementofResponsesDecember2007.pdf</a>	“ “ “ “ “ “
CP30	<p><b><u>Scottish Planning Policy</u></b></p> <p>SPP1: The Planning System <a href="http://www.scotland.gov.uk/library5/planning/spp1-00.asp">http://www.scotland.gov.uk/library5/planning/spp1-00.asp</a></p>	County Buildings, Forfar & Weblink available
CP31	SPP2: Economic Development <a href="http://www.scotland.gov.uk/library5/planning/spp2-00.asp">http://www.scotland.gov.uk/library5/planning/spp2-00.asp</a>	“ “ “ “ “ “
CP32	SPP3: Planning for Housing <a href="http://www.scotland.gov.uk/library5/planning/spp3-00.asp">http://www.scotland.gov.uk/library5/planning/spp3-00.asp</a>	“ “ “ “ “ “
CP33	SPP15: Planning for Rural Development <a href="http://www.scotland.gov.uk/library5/planning/spp15-00.asp">http://www.scotland.gov.uk/library5/planning/spp15-00.asp</a>	“ “ “ “ “ “
CP34	SPP17: Planning for Transport <a href="http://www.scotland.gov.uk/Publications/2005/08/16154406/44078">http://www.scotland.gov.uk/Publications/2005/08/16154406/44078</a>	“ “ “ “ “ “

Document Reference	Document Title	Location in Angus
	<b><u>National Planning Policy Guidance</u></b>	
CP35	NPPG5: Archaeology and Planning <a href="http://www.scotland.gov.uk/Publications/1998/10/nppg5">http://www.scotland.gov.uk/Publications/1998/10/nppg5</a>	County Buildings, Forfar & Weblink available
CP36	NPPG14: Natural Heritage <a href="http://www.scotland.gov.uk/Publications/1999/01/nppg14">http://www.scotland.gov.uk/Publications/1999/01/nppg14</a>	“ “ “ “ “ “ “
CP37	NPPG18: Planning and the Historic Environment <a href="http://www.scotland.gov.uk/Publications/1999/04/nppg18">http://www.scotland.gov.uk/Publications/1999/04/nppg18</a>	“ “ “ “ “ “ “
	<b><u>Planning Advice Notes</u></b>	
CP40	PAN38: Housing Land (Revised 2003) <a href="http://www.scotland.gov.uk/library5/planning/pan38-00.asp">http://www.scotland.gov.uk/library5/planning/pan38-00.asp</a>	“ “ “ “ “ “ “
CP41	PAN42: Archaeology <a href="http://www.scotland.gov.uk/library5/planning/pan42-00.asp">http://www.scotland.gov.uk/library5/planning/pan42-00.asp</a>	“ “ “ “ “ “ “
CP42	PAN44: Fitting New Housing Development into the Landscape <a href="http://www.scotland.gov.uk/Publications/2005/04/01145231/52326">http://www.scotland.gov.uk/Publications/2005/04/01145231/52326</a>	“ “ “ “ “ “ “
CP43	PAN49: Local Planning <a href="http://www.scotland.gov.uk/library5/planning/pan4900.asp?mode=view">http://www.scotland.gov.uk/library5/planning/pan4900.asp?mode=view</a>	“ “ “ “ “ “ “
CP44	PAN52: Planning and Small Towns <a href="http://www.scotland.gov.uk/Publications/1997/04/pan52">http://www.scotland.gov.uk/Publications/1997/04/pan52</a>	“ “ “ “ “ “ “
CP45	PAN56: Planning and Noise <a href="http://www.scotland.gov.uk/library/pan/pan56-00.htm">http://www.scotland.gov.uk/library/pan/pan56-00.htm</a>	“ “ “ “ “ “ “

Document Reference	Document Title	Location in Angus
CP46	PAN60: Planning for Natural Heritage <a href="http://www.scotland.gov.uk/Publications/2000/08/pan60-root/pan60">http://www.scotland.gov.uk/Publications/2000/08/pan60-root/pan60</a>	“ “ “ “ “
CP47	PAN61: Planning and Sustainable Urban Drainage <a href="http://www.scotland.gov.uk/Publications/2001/07/pan61">http://www.scotland.gov.uk/Publications/2001/07/pan61</a>	“ “ “ “ “
CP48	PAN65: Planning and Open Space <a href="http://www.scotland.gov.uk/library5/planning/pan65-00.asp">http://www.scotland.gov.uk/library5/planning/pan65-00.asp</a>	“ “ “ “ “
CP49	PAN67: Housing Quality <a href="http://www.scotland.gov.uk/library5/planning/pan67-00.asp">http://www.scotland.gov.uk/library5/planning/pan67-00.asp</a>	“ “ “ “ “
CP50	PAN68: Design Statements <a href="http://www.scotland.gov.uk/library5/planning/pan68-00.asp">http://www.scotland.gov.uk/library5/planning/pan68-00.asp</a>	“ “ “ “ “
CP51	PAN69: Planning and Building Standards Advice on Flooding <a href="http://www.scotland.gov.uk/library5/planning/pan69-00.as">http://www.scotland.gov.uk/library5/planning/pan69-00.as</a>	“ “ “ “ “
CP52	PAN72: Housing in the Countryside <a href="http://www.scotland.gov.uk/library5/planning/pan72-00.asp">http://www.scotland.gov.uk/library5/planning/pan72-00.asp</a>	“ “ “ “ “
CP53	PAN73: Rural Diversification <a href="http://www.scotland.gov.uk/library5/planning/pan73-00.asp">http://www.scotland.gov.uk/library5/planning/pan73-00.asp</a>	“ “ “ “ “
CP54	PAN74: Affordable Housing <a href="http://www.scotland.gov.uk/library5/planning/pan74-00.asp">http://www.scotland.gov.uk/library5/planning/pan74-00.asp</a>	“ “ “ “ “
CP55	PAN75: Planning for Transport <a href="http://www.scotland.gov.uk/Publications/2005/08/16154453/44538">http://www.scotland.gov.uk/Publications/2005/08/16154453/44538</a>	“ “ “ “ “

Document Reference	Document Title	Location in Angus
CP56	PAN79: Water and Drainage <a href="http://www.scotland.gov.uk/Resource/Doc/149784/0039881.pdf">http://www.scotland.gov.uk/Resource/Doc/149784/0039881.pdf</a>	“ “ “ “ “ “
<b><u>Angus Council Planning Advice Notes</u></b>		
CP60	ADVICE NOTE 5: Houses in the Open Countryside <a href="http://www.angus.gov.uk/DevControl/advice05.pdf">http://www.angus.gov.uk/DevControl/advice05.pdf</a>	County Buildings, Forfar & Weblink available
CP61	ADVICE NOTE 6: Backland Housing Development <a href="http://www.angus.gov.uk/DevControl/advice_note_06.pdf">http://www.angus.gov.uk/DevControl/advice_note_06.pdf</a>	“ “ “ “ “
CP62	ADVICE NOTE 14: Small Housing Sites <a href="http://www.angus.gov.uk/DevControl/advice_note_14.pdf">http://www.angus.gov.uk/DevControl/advice_note_14.pdf</a>	“ “ “ “ “
CP63	ADVICE NOTE 17: Miscellaneous Planning Policies <a href="http://www.angus.gov.uk/DevControl/advice_note_17.pdf">http://www.angus.gov.uk/DevControl/advice_note_17.pdf</a>	“ “ “ “ “
CP64	ADVICE NOTE 21: The Siting of Built Development in the Countryside <a href="http://www.angus.gov.uk/DevControl/advice_note_21.pdf">http://www.angus.gov.uk/DevControl/advice_note_21.pdf</a>	“ “ “ “ “
CP65	ADVICE NOTE 22: The Survey of Trees on Development Sites <a href="http://www.angus.gov.uk/DevControl/advice_note_22.pdf">http://www.angus.gov.uk/DevControl/advice_note_22.pdf</a>	“ “ “ “ “
CP66	ADVICE NOTE 23: The Specification of Landscaping Proposals for Development Sites	“ “ “ “ “
CP67	<a href="http://www.angus.gov.uk/DevControl/advice_note_23.pdf">http://www.angus.gov.uk/DevControl/advice_note_23.pdf</a>	“ “ “ “ “
	ADVICE NOTE 25: Agriculture to Garden Ground <a href="http://www.angus.gov.uk/DevControl/advice_note_25.pdf">http://www.angus.gov.uk/DevControl/advice_note_25.pdf</a>	“ “ “ “ “

Document Reference	Document Title	Location in Angus
<b><u>Other Documents</u></b>		
CP70	Dundee and Angus Housing Land Audit (2007) <a href="http://www.angus.gov.uk/housinglandaudit2007/housingaudit2007.pdf">http://www.angus.gov.uk/housinglandaudit2007/housingaudit2007.pdf</a>	County Buildings, Forfar & Weblink available
CP71	Dundee and Angus Housing Land Audit (2006) <a href="http://www.angus.gov.uk/housinglandaudit2006/housingaudit2006.pdf">http://www.angus.gov.uk/housinglandaudit2006/housingaudit2006.pdf</a>	“ “ “ “ “
CP72	Dundee and Angus Housing Land Audit (2005) <a href="http://www.angus.gov.uk/housinglandaudit2005/housingaudit2005.pdf">http://www.angus.gov.uk/housinglandaudit2005/housingaudit2005.pdf</a>	“ “ “ “ “
CP73	Dundee and Angus Housing Land Audit (2004) <a href="http://www.angus.gov.uk/housinglandaudit2004/housingaudit2004.pdf">http://www.angus.gov.uk/housinglandaudit2004/housingaudit2004.pdf</a>	“ “ “ “ “
CP75	Angus Local Housing Strategy (2004) <a href="http://www.angus.gov.uk/lhs2004/LocalHousingStrategy2004.pdf">http://www.angus.gov.uk/lhs2004/LocalHousingStrategy2004.pdf</a>	Public Libraries, County Buildings, Forfar & Weblink available
CP76	Tayside Landscape Character Assessment (1999) <a href="http://www.snh.org.uk/publications/on-line/LCA/tayside.pdf">http://www.snh.org.uk/publications/on-line/LCA/tayside.pdf</a>	“ “ “ “ “
CP77	Angus Local Transport Strategy (2000)	“ “ “ “ “
CP78	Angus Local Plan Charter <a href="http://www.angus.gov.uk/localplan/LocalPlanCharter.pdf">http://www.angus.gov.uk/localplan/LocalPlanCharter.pdf</a>	“ “ “ “ “

Document Reference	Document Title	Location in Angus
CP79	Scottish Executive Circular 12/1996: The Town and Country Planning (Scotland) Act 1972 Planning Agreements <a href="http://www.scotland.gov.uk/Publications/1996/04/circular-12-1996">http://www.scotland.gov.uk/Publications/1996/04/circular-12-1996</a>	Public Libraries, County Buildings, Forfar & Weblink available
CP80	<a href="http://www.scotland.gov.uk/Publications/1998/02/circular-4-1998/circular-4-1998-circular">Scottish Executive Circular 4/1998: The Use of Conditions in Planning Permissions</a> <a href="http://www.scotland.gov.uk/Publications/1998/02/circular-4-1998/circular-4-1998-circular">http://www.scotland.gov.uk/Publications/1998/02/circular-4-1998/circular-4-1998-circular</a>	County Buildings, Forfar & Weblink available
CP81	<a href="http://www.angus.gov.uk/lhs2004/">Angus Council Local Housing Needs Assessment</a> <a href="http://www.angus.gov.uk/lhs2004/">http://www.angus.gov.uk/lhs2004/</a>	“ “ “ “ “
CP82	<a href="http://www.angus.gov.uk/localplan/SecondInquiryBusinessMeetingMinute.pdf">Note of Business Meeting: 11 January 2008</a> <a href="http://www.angus.gov.uk/localplan/SecondInquiryBusinessMeetingMinute.pdf">http://www.angus.gov.uk/localplan/SecondInquiryBusinessMeetingMinute.pdf</a>	“ “ “ “ “
CP83	<a href="http://www.angus.gov.uk/localplan/Pre-InquiryProcedureMeetingMinute.pdf">Note of Matters Agreed at Pre-Inquiry Procedure Meeting: 5 February 2008</a> <a href="http://www.angus.gov.uk/localplan/Pre-InquiryProcedureMeetingMinute.pdf">http://www.angus.gov.uk/localplan/Pre-InquiryProcedureMeetingMinute.pdf</a>	“ “ “ “ “
CP84	<a href="#">Kirriemuir Drainage Update Email from Scottish Water: 2 April 2008</a>	County Buildings, Forfar