

**ANGUS COUNCIL**

**DEVELOPMENT MANAGEMENT REVIEW COMMITTEE – 15 JUNE 2016**

**LAND AT MAINS OF KIRKBUDDO**

**REPORT BY THE HEAD OF LEGAL AND DEMOCRATIC SERVICES**

**ABSTRACT:**

The Committee is asked to consider an application for a Review of the decision taken by the Planning Authority in respect of the refusal of planning permission in principle for erection of a dwellinghouse (re-application), application No 16/00114/PPPL, at Land at Mains of Kirkbuddo.

**1. RECOMMENDATIONS**

It is recommended that the Committee:-

- (i) review the case submitted by the Planning Authority (**Appendix 1**); and
- (ii) review the case submitted by the Applicant (**Appendix 2**).

**2. ALIGNMENT TO THE ANGUS COMMUNITY PLAN/SINGLE OUTCOME AGREEMENT/CORPORATE PLAN**

This Report contributes to the following local outcomes contained within the Angus Community Plan and Single Outcome Agreement 2013-2016:

- Our communities are developed in a sustainable manner
- Our natural and built environment is protected and enjoyed

**3. CURRENT POSITION**

The Development Management Review Committee is required to determine if they have sufficient information from the Applicant and the Planning Authority to review the case. Members may also wish to inspect the site before full consideration of the Appeal.

**4. FINANCIAL IMPLICATIONS**

There are no financial implications arising directly from the recommendations in the Report.

**5. CONSULTATION**

In accordance with Standing Order 48(4), this Report falls within an approved category that has been confirmed as exempt from the consultation process.

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

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Appendix 1 – Submission by Planning Authority  
Appendix 2 – Submission by Applicant



**ANGUS COUNCIL'S SUBMISSION IN RESPECT OF REFUSAL OF PLANNING  
PERMISSION**

**APPLICATION NUMBER – 16/00114/PPPL**

**APPLICANT- MR W NICOLL**

**PROPOSAL & ADDRESS – PLANNING PERMISSION IN PRINCIPLE FOR ERECTION  
OF A DWELLINGHOUSE (RE-APPLICATION OF 15/00454/PPPL) AT LAND AT  
MAINS OF KIRKBUDDO MAINS OF KIRKBUDDO KIRKBUDDO**

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**Angus Council**

<b>Application Number:</b>	16/00114/PPPL
<b>Description of Development:</b>	Planning Permission in Principle for Erection of a Dwellinghouse (Re-application of 15/00454/PPPL)
<b>Site Address:</b>	Land At Mains Of Kirkbuddo Mains Of Kirkbuddo Kirkbuddo
<b>Grid Ref:</b>	350077 : 743583
<b>Applicant Name:</b>	Mr W Nicoll

**Report of Handling****Site Description**

The fallow application site which measures approximately 890sqm is located to the east of the B9127 classified road some 1.9km east of the village of Whigstreet. The north boundary of the application site consists of a stonewall; the east boundary consists of a timber fence; the south boundary consists of a timber fence and associated line of trees with the west boundary having no boundary enclosure. To the north of the site lies a residential property known as The Bungalow; to the east lies agricultural land; to the south lies an access track between the boundary and an existing agricultural shed. The site gradually slopes downwards from south to north.

**Proposal**

The application seeks planning permission in principle for the erection of a new dwellinghouse. An indicative layout has been provided which indicates a dwellinghouse towards the north of the site approximately 18m from the south boundary with a detached garage located on the north west corner of the site. The proposed vehicular access would be located at the northwest boundary of the site.

The application has not been subject of variation.

**Publicity**

The application was subject to normal neighbour notification procedures.

The application was advertised in the Dundee Courier on 26 February 2016 for the following reasons:

- Neighbouring Land with No Premises

The nature of the proposal did not require a site notice to be posted.

**Planning History**

01/00958/OUT for Outline Erection of a Dwellinghouse was determined as "Application Withdrawn" on 27 December 2001.

02/01340/OUT for Outline Erection of a Dwellinghouse and Garage - Re-Application was determined as "Refused" on 17 March 2003.

10/00812/PPPL for Change of Use of Land to House Plot was determined as "Refused" on 17 September 2010.

15/00454/PPPL for Planning Permission in Principle for Erection of a Dwellinghouse was determined as "Refused" on 7 July 2015.

## Applicant's Case

A statement in support of the proposal with associated photographs has been submitted on behalf of the applicant. The statement indicates:

An application for planning permission in principle for the erection of a dwellinghouse at the site (ref: 10/00812/PPPL refers) was refused on 17 September 2010 for the following reasons:

1. The proposed development is not considered to qualify as a gap site as defined by the Angus Local Plan Review as the unmade track to the south of the site is not considered to constitute a metalled road. In addition the site would not represent the rounding off or consolidation of a building group as defined by the local plan as it is separated from any grouping to the south by a large agricultural building. On this basis the application is contrary to Policies SC6 and S1 of the Angus Local Plan Review.
2. It has not been demonstrated that a house on the site would have an acceptable residential amenity and would not be adversely affected by, or impede legitimate agricultural activity associated with the neighbouring agricultural building and as such the application is considered to be contrary to Schedule 2 criterion (h) and therefore Policy SC6 of the Angus Local Plan Review.

A further application for planning permission for Change of Use on the site was submitted to Angus Council on 8 May 2015 (Ref: 15/00454/PPPL refers) which again was subsequently refused. The reasons for refusal were:

1. That the proposed development is contrary to Policy SC6 of the Angus Local Plan Review 2009 as the application site does not round off or consolidate a building group; does not constitute a gap site; is not a rural brownfield site; and is not located in a Category 2 Rural Settlement Unit. In addition the proposal is contrary to Schedule 2: Countryside Housing Criteria as it has not been demonstrated that a house on the site would have an acceptable residential amenity and would not be adversely affected by, or impede legitimate agricultural activity associated with the neighbouring agricultural building.
2. That the proposal is contrary to Policy S1 criterion (b) of the Angus Local Plan Review 2009 because it fails to be compatible with other policies of the local plan, namely Policy SC6 and Schedule 2: Countryside Housing Criteria.

In response to the first reason for refusal on both applications DJ Laing Contracts Ltd have visited the site and inspected the road bounding the southern boundary of the site and this concludes that while the road did not have bitumen top surface it has clearly been properly constructed and meets the definition of a 'metalled road' which confirms that the Council's first reason for refusal was not justified.

In relation to the second reason for refusal which indicated a house on the site would not have an acceptable residential amenity and would not be adversely affected by or impede legitimate agricultural activity associated with the neighbouring agricultural building the proposed site plan illustrates an indicative house and garage which leaves approximately 20m of garden ground between the house and south boundary. Such provision would be more than adequate to provide acceptable amenity ground and is more than is currently available to the existing Coach House and reflects the planning approval that was granted for the erection of 2 dwellinghouse to the south of the agricultural buildings (ref: 09/01295/FUL refers).

## Consultations

**Community Council** - There was no response from this consultee at the time of report preparation.

**Angus Council - Roads** - This consultee offers no objection to the proposal subject to conditions.

**Scottish Water** - There was no response from this consultee at the time of report preparation.

**Angus Council Environmental Health** - This consultee has indicated that a satisfactory level of internal and external residential amenity could be achieved on this site; however, this would require careful consideration of both house position and layout in terms of any detailed application.

### **Representations**

There were no letters of representation.

### **Development Plan Policies**

#### **Angus Local Plan Review 2009**

Policy S1 : Development Boundaries  
 Policy S6 : Development Principles (Schedule 1)  
 Policy SC6 : Countryside Housing New Houses  
 Policy ER23 : Private Drainage Systems  
 Policy ER24 : Surface Water Disposal

#### **TAYplan Strategic Development plan**

The proposal is not of strategic significance and policies of TAYplan are not referred to in this report.

The full text of the relevant development plan policies can be viewed at Appendix 1 to this report.

### **Assessment**

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise.

Angus Council is progressing with preparation of a Local Development Plan to provide up to date Development Plan coverage for Angus. When adopted, the Angus Local Development Plan (ALDP) will replace the current adopted Angus Local Plan Review (ALPR). The Proposed Angus Local Development Plan was approved by Angus Council at its meeting on 11 December 2014 and subsequently published for a statutory period for representations. The statutory period for representation has now expired and unresolved representations have been submitted to Scottish Ministers for consideration at an Examination. The Proposed ALDP sets out policies and proposals for the 2016-2026 period consistent with the strategic framework provided by the approved TAYplan SDP (June 2012) and Scottish Planning Policy (SPP) published in June 2014. The Proposed ALDP represents Angus Council's settled view in relation to the appropriate use of land within the Council area. As such, it is a material consideration in the determination of planning applications. The Proposed ALDP is, however, at a stage in the statutory process of preparation where it may be subject to further modification. Limited weight can therefore currently be attached to policies and proposals of the plan that are subject to unresolved objection. The policies of the Proposed Plan are only referred to where they would materially alter the recommendation or decision.

The application site is not specifically allocated for any purpose and lies outwith a development boundary and as such it must be considered in line with the provisions of Policy S1 criterion (b). This policy indicates proposals on sites outwith development boundaries (i.e. in the countryside) will generally be supported where they are of a scale and nature appropriate to the location and where they are in accordance with the relevant policies of the local plan.

The main policy relevant to the determination of a proposal for residential development at this site is

Policy SC6: Countryside Housing and the associated requirements of Schedule 2. This site is located in a Category 1 Rural Settlement Unit (RSU). These are generally non-remote areas with stable or increasing populations or where there are no services or facilities in need of support. The Local Plan indicates that in these areas new housing development outwith settlements should be restricted. Policy SC6 requires the proposal to comply with one of the four policy tests.

In this case the site comprises greenfield land and it is not located within a Category 2 RSU. Accordingly, it does not attract any support from criteria (c) or (d) of Policy SC6. In relation to criterion (a) the site lies to the north of a large agricultural shed which is not of domestic scale and which would not be suitable for conversion under Policy SC5. Whilst there is a group of buildings to the south of the agricultural shed the application site is separated from that group by the large agricultural building. Accordingly the application site would not round off or consolidate a building group (criterion (a)).

The application has been submitted on the basis that the applicant contends that the site would constitute a gap site on the basis that it is located between the curtilage of a dwelling and a 'metalled road'. This matter has previously been considered through the assessment of applications 10/00812/PPPL and 15/00454/PPPL where the applicant's case was rejected and it was concluded that the application site did not lie between a residential curtilage and a metalled road because the track to the south of the site consisted of two wheel ruts that were unmade and run into a network of field accesses. The circumstances on site remain the same. The local plan envisages a scenario where a substantial landscape feature is required to define a 'gap site' and it seeks that substantial landscape feature to be either a dwelling curtilage or a metalled road. The physical characteristics of the agricultural track (two wheel ruts with limited evidence of road metal) do not present a substantial landscape feature to contain the site and this is not what is envisaged as a gap site by the local plan. The comments of D J Laing Contracts based on a site visit in 2005 regarding the construction of the track are noted but they do not alter my assessment. This assessment is consistent with the decision of Committee in relation to an application refused at the site in 2003 and the Council's Development Management Review Committee which dismissed a review of application 10/00812/PPPL. It is also relevant to consider that a grass verge is located between the south boundary of the application site and the access track that varies in width between 2 and 5.5m which is a further indication that the site does not meet the definition of a gap site. There has been no material change in the physical circumstances of the site, access track, grass verge and agricultural building since the previous determinations and I conclude that the site does not meet the definition of a gap site as required by criterion (b). The proposal is therefore inconsistent with the requirements of criterion (b) and would not meet with any of the tests for a countryside house provided by Policy SC6 of the local plan.

Notwithstanding the above, Policy SC6 requires proposals to comply with Schedule 2: Countryside Housing Criteria. Criterion (h) indicates development proposals should not adversely affect or be affected by farming or other rural business activities. As indicated above the application site is located 5.5m to the north of a general purpose agricultural shed. The proximity of the application site to the agricultural building has been raised as a matter of concern by the Council's Environmental Health Service as the application is in principle only and while an indicative site layout has been provided there are no details of window positions, internal room layout and boundary treatments. The previous applications on the site by the same applicant were subject of similar concerns and there has been no material change of circumstance on site in the period since the previous applications were refused. The proposal therefore fails criterion (h). The proposal does not give rise to any significant issues in terms of the remaining criteria of Schedule 2.

Policy S6 of the ALPR states that proposals for development should where appropriate have regard to relevant principles set out in schedule 1 of this policy. I do not consider that the proposal gives rise to any significant issues in terms of Policy S6 of the ALPR in this instance.

As the proposal is considered to be contrary to other policies of the ALPR, specifically SC6 as indicated above, the proposal is therefore considered to fail to meet the requirements of Policy S1 criterion (b).

In relation to other material considerations a previous application for a house on this site was refused (ref:



10/00812/PPPL refers) and that decision was upheld by the Council's Development Management Review Committee (DMRC). In dismissing the review the Committee noted that the site did not lie between a residential curtilage and a metalled road. It was also noted by the DMRC that the Environmental Health objection had not been addressed in terms of amenity as a consequence of the proximity of the application site to the agricultural building adjacent. As indicated above there has been no material change in the physical circumstances of the site, access track, grass verge and agricultural building since the decision of the DMRC.

The application does not comply with the council's policies for new housing in the countryside and as such the proposal is contrary to the development plan. There are no material considerations that justify granting a planning permission contrary to the provisions of the development plan.

No legal agreement is required.

### **Human Rights Implications**

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

### **Equalities Implications**

The issues contained in this report fall within an approved category that has been confirmed as exempt from an equalities perspective.

### **Decision**

The application is Refused

### **Reason(s) for Decision:**

1. That the proposed development is contrary to Policy SC6 of the Angus Local Plan Review 2009 as the application site does not round off or consolidate a building group; does not constitute a gap site; is not a rural brownfield site; and is not located in a Category 2 Rural Settlement Unit. In addition the proposal is contrary to Schedule 2: Countryside Housing Criteria as it has not been demonstrated that a house on the site would have an acceptable residential amenity and would not be adversely affected by, or impede legitimate agricultural activity associated with the neighbouring agricultural building.

2. That the proposal is contrary to Policy S1 criterion (b) of the Angus Local Plan Review 2009 because it fails to be compatible with other policies of the local plan, namely Policy SC6 and Schedule 2: Countryside Housing Criteria.

### **Notes:**

Case Officer: Ruari Kelly  
Date: 8 April 2016

### **Appendix 1 - Development Plan Policies**

#### **Angus Local Plan Review 2009**

#### Policy S1 : Development Boundaries

(a) Within development boundaries proposals for new development on sites not allocated on Proposals Maps will generally be supported where they are in accordance with the relevant policies of the Local Plan.

(b) Development proposals on sites outwith development boundaries (i.e. in the countryside) will generally be supported where they are of a scale and nature appropriate to the location and where they are in accordance with the relevant policies of the Local Plan.

(c) Development proposals on sites contiguous with a development boundary will only be acceptable where there is a proven public interest and social, economic or environmental considerations confirm there is an overriding need for the development which cannot be met within the development boundary.

#### Policy S6 : Development Principles (Schedule 1)

Proposals for development should where appropriate have regard to the relevant principles set out in Schedule 1 which includes reference to amenity considerations; roads and parking; landscaping, open space and biodiversity; drainage and flood risk, and supporting information.

#### Schedule 1 : Development Principles

##### Amenity

(a) The amenity of proposed and existing properties should not be affected by unreasonable restriction of sunlight, daylight or privacy; by smells or fumes; noise levels and vibration; emissions including smoke, soot, ash, dust, grit, or any other environmental pollution; or disturbance by vehicular or pedestrian traffic.

(b) Proposals should not result in unacceptable visual impact.

(c) Proposals close to working farms should not interfere with farming operations, and will be expected to accept the nature of the existing local environment. New houses should not be sited within 400m of an existing or proposed intensive livestock building. (Policy ER31).

##### Roads/Parking/Access

(d) Access arrangements, road layouts and parking should be in accordance with Angus Council's Roads Standards, and use innovative solutions where possible, including 'Home Zones'. Provision for cycle parking/storage for flatted development will also be required.

(e) Access to housing in rural areas should not go through a farm court.

(f) Where access is proposed by unmade/private track it will be required to be made-up to standards set out in Angus Council Advice Note 17 : Miscellaneous Planning Policies. If the track exceeds 200m in length, conditions may be imposed regarding widening or the provision of passing places where necessary.

(g) Development should not result in the loss of public access rights. (Policy SC36)

##### Landscaping / Open Space / Biodiversity

(h) Development proposals should have regard to the Landscape Character of the local area as set out in the Tayside Landscape Character Assessment (SNH 1998). (Policy ER5)

(i) Appropriate landscaping and boundary treatment should be an integral element in the design and layout of proposals and should include the retention and enhancement of existing physical features (e.g. hedgerows, walls, trees etc) and link to the existing green space network of the local area.

(j) Development should maintain or enhance habitats of importance set out in the Tayside Local Biodiversity Action Plan and should not involve loss of trees or other important landscape features or valuable habitats and species.

(k) The planting of native hedgerows and tree species is encouraged.

(l) Open space provision in developments and the maintenance of it should be in accordance with Policy SC33.

##### Drainage and Flood Risk

(m) Development sites located within areas served by public sewerage systems should be connected to that system. (Policy ER22)

(n) Surface water will not be permitted to drain to the public sewer. An appropriate system of disposal will be necessary which meets the requirements of the Scottish Environment Protection Agency (SEPA) and Angus Council and should have regard to good practice advice set out in the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland 2000.

(o) Proposals will be required to consider the potential flood risk at the location. (Policy ER28)

(p) Outwith areas served by public sewerage systems, where a septic tank, bio-disc or similar system is proposed to treat foul effluent and /or drainage is to a controlled water or soakaway, the consent of SEPA and Angus Council will be required. (Policy ER23).

(q) Proposals should incorporate appropriate waste recycling, segregation and collection facilities (Policy ER38)

(r) Development should minimise waste by design and during construction.

#### Supporting Information

(s) Where appropriate, planning applications should be accompanied by the necessary supporting information. Early discussion with Planning and Transport is advised to determine the level of supporting information which will be required and depending on the proposal this might include any of the following: Air Quality Assessment; Archaeological Assessment; Contaminated Land Assessment; Design Statement; Drainage Impact Assessment; Environmental Statement; Flood Risk Assessment; Landscape Assessment and/or Landscaping Scheme; Noise Impact Assessment; Retail Impact Assessment; Transport Assessment.

#### Policy SC6 : Countryside Housing New Houses

(a) Building Groups – One new house will be permitted within an existing building group where proposals meet Schedule 2 : Countryside Housing Criteria and would round off or consolidate the group.

(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. A statement of the planning history of the site/building, including the previous use and condition, must be provided to the planning authority. In addition, where a site has been substantially cleared prior to an application being submitted, or is proposed to be cleared, a statement by a suitably qualified professional justifying demolition must also be provided. Proposals should be small scale, up to a maximum of four new houses and must meet Schedule 2 : Countryside Housing Criteria as appropriate.

Exceptionally this may include new build housing on a nearby site where there is a compelling environmental or safety reason for removing but not redeveloping the brownfield site.

Large scale proposals for more than four new houses on rural brownfield sites will only be permitted exceptionally where the planning authority is satisfied that a marginally larger development can be acceptably accommodated on the site and it can be demonstrated beyond reasonable doubt that there are social, economic or environmental reasons of overriding public interest requiring such a scale of development in a countryside location.

(d) Open Countryside - Category 2 RSU's - Development of a single house will be supported where Schedule 2 : Countryside Housing Criteria is met.

#### Policy ER23 : Private Drainage Systems

Development proposals requiring the private provision of waste water treatment plant, biodiscs, septic tanks or similar arrangements will only be acceptable where:-

(a) the site is located outwith the public sewerage network;

(b) the proposed development is in accord with the development strategy and other relevant policies of

the Local Plan;

(c) there is no detrimental effect to a potable water supply, or supply for animals or an environmentally sensitive water course or loch, including ground and surface waters; and

(d) the requirements of SEPA and/or The Building Standards (Scotland) Regulations 1990, as amended, are met in relation to installation, e.g. proximity to other buildings.

#### Policy ER24 : Surface Water Disposal

Sustainable Urban Drainage Systems are preferred in dealing with surface water drainage from all new development. In considering development proposals Angus Council will consult and liaise closely with SEPA, Scottish Water and developers in order to ensure that appropriate methods of surface water run-off collection, treatment, decontamination and disposal are implemented to minimise the risk of flooding and the pollution of water courses, lochs and ground water.

Proposals that adopt ecological solutions to surface water management which promote local biodiversity by the formation of ponds and/or wetlands for example, and create or improve habitats will also be encouraged.

**DEVELOPMENT BOUNDARIES**

1.29 Angus Council has defined development boundaries around settlements to protect the landscape setting of towns and villages and to prevent uncontrolled growth. The presence of a boundary does not indicate that all areas of ground within that boundary have development potential.

**Development boundaries:**

Generally provide a definition between built-up areas and the countryside, but may include peripheral areas of open space that are important to the setting of settlements.

**Policy S1 : Development Boundaries**

**(a) Within development boundaries proposals for new development on sites not allocated on Proposals Maps will generally be supported where they are in accordance with the relevant policies of the Local Plan.**

**(b) Development proposals on sites outwith development boundaries (i.e. in the countryside) will generally be supported where they are of a scale and nature appropriate to the location and where they are in accordance with the relevant policies of the Local Plan.**

**(c) Development proposals on sites contiguous with a development boundary will only be acceptable where there is a proven public interest and social, economic or environmental considerations confirm there is an overriding need for the development which cannot be met within the development boundary.**

**Public interest:** Development would have benefits for the wider community, or is justifiable in the national interest.

Proposals that are solely of

commercial benefit to the proposer would not comply with this policy.

**DEVELOPMENT PRINCIPLES**

1.44 The principles in Schedule 1 provide a 'checklist' of factors which should be considered where relevant to development proposals. They include amenity considerations; roads and parking; landscaping, open space and biodiversity; drainage and flood risk, and supporting information. The Local Plan includes more detailed policies relating to some principles set out. Not all development proposals will require to comply with all of the principles.

**Policy S6 : Development Principles**

**Proposals for development should where appropriate have regard to the relevant principles set out in Schedule 1 which includes reference to amenity considerations; roads and parking; landscaping, open space and biodiversity; drainage and flood risk, and supporting information.**

**Schedule 1 : Development Principles****Amenity**

- a) The amenity of proposed and existing properties should not be affected by unreasonable restriction of sunlight, daylight or privacy; by smells or fumes; noise levels and vibration; emissions including smoke, soot, ash, dust, grit, or any other environmental pollution; or disturbance by vehicular or pedestrian traffic.
- b) Proposals should not result in unacceptable visual impact.
- c) Proposals close to working farms should not interfere with farming operations, and will be expected to accept the nature of the existing local environment. New houses should not be sited within 400m of an existing or proposed intensive livestock building. (Policy ER31).

**Roads/Parking/Access**

- d) Access arrangements, road layouts and parking should be in accordance with Angus Council's Roads Standards, and use innovative solutions where possible, including 'Home Zones'. Provision for cycle parking/storage for flatted development will also be required.
- e) Access to housing in rural areas should not go through a farm court.
- f) Where access is proposed by unmade/private track it will be required to be made-up to standards set out in Angus Council Advice Note 17: Miscellaneous Planning Policies. If the track exceeds 200m in length, conditions may be imposed regarding widening or the provision of passing places where necessary
- g) Development should not result in the loss of public access rights. (Policy SC36)

**Landscaping / Open Space / Biodiversity**

- h) Development proposals should have regard to the Landscape Character of the local area as set out in the Tayside Landscape Character Assessment (SNH 1998). (Policy ER5)
- i) Appropriate landscaping and boundary treatment should be an integral element in the design and layout of proposals and should include the retention and enhancement of existing physical features (e.g. hedgerows, walls, trees etc) and link to the existing green space network of the local area.
- j) Development should maintain or enhance habitats of importance set out in the Tayside Local Biodiversity Action Plan and should not involve loss of trees or other important landscape features or valuable habitats and species.
- k) The planting of native hedgerows and tree species is encouraged.
- l) Open space provision in developments and the maintenance of it should be in accordance with Policy SC33.

**Drainage and Flood Risk**

- m) Development sites located within areas served by public sewerage systems should be connected to that system. (Policy ER22)
- n) Surface water will not be permitted to drain to the public sewer. An appropriate system of disposal will be necessary which meets the requirements of the Scottish Environment Protection Agency (SEPA) and Angus Council and should have regard to good practice advice set out in the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland 2000.
- o) Proposals will be required to consider the potential flood risk at the location. (Policy ER28)
- p) Outwith areas served by public sewerage systems, where a septic tank, bio-disc or similar system is proposed to treat foul effluent and /or drainage is to a controlled water or soakaway, the consent of SEPA and Angus Council will be required. (Policy ER23).

**Waste Management**

- q) Proposals should incorporate appropriate waste recycling, segregation and collection facilities (Policy ER38).
- r) Development should minimise waste by design and during construction.

**Supporting Information**

- s) (s) Where appropriate, planning applications should be accompanied by the necessary supporting information. Early discussion with Planning and Transport is advised to determine the level of supporting information which will be required and depending on the proposal this might include any of the following: Air Quality Assessment; Archaeological Assessment; Contaminated Land Assessment; Design Statement; Drainage Impact Assessment; Environmental Statement; Flood Risk Assessment; Landscape Assessment and/or Landscaping Scheme; Noise Impact Assessment; Retail Impact Assessment; Transport Assessment.

## New Houses in the Countryside

2.21 The opportunity to build new houses in the Angus countryside has been provided for by successive local plans. Taking account of recent changes to Government policy, the policy continues to allow new housebuilding mainly in locations next to existing houses throughout the rural area. The potential of some available brownfield sites to provide opportunities for net environmental improvement through removal of an eyesore and redevelopment for housing is also recognised, and the policy allows for up to four new houses depending on the size of the site. It should be noted that such sites may also contribute towards diversification of the rural economy, for example through development for business or tourism uses. Policies SC19 : Rural Employment and SC20 : Tourism Development, allow consideration of such proposals. Policy SC6 also continues the provision for single new houses to be built on appropriate sites in the more remote parts of the open countryside.

### Policy SC6 : Countryside Housing – New Houses

**a) Building Groups – One new house will be permitted within an existing building group where proposals meet Schedule 2 : Countryside Housing Criteria and would round off or consolidate the group (page 30).**

**b) Gap Sites – In Category 1 RSUs a single new house will be permitted on a gap site with a maximum road frontage of 50 metres; and in Category 2 RSUs 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 applicable (page 30).**

**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. A statement of the planning history of the site/building, including the previous use and condition, must be provided to the planning authority. In addition, where a site has been substantially cleared prior to an application being submitted, or is proposed to be cleared, a statement by a suitably qualified professional justifying demolition must also be provided. Proposals should be small scale, up to a maximum of four new houses and must meet Schedule 2: Countryside Housing Criteria as applicable (page 30).**

**Exceptionally this may include new build housing on a nearby site where there is a compelling environmental or safety reason for removing but not redeveloping the brownfield site.**

**Large scale proposals for more than four new houses on rural brownfield sites will only be permitted exceptionally where the planning authority is satisfied that a marginally larger development can be acceptably accommodated on the site and it**

#### **Gap Sites:**

*The space between the curtilages of two dwellings or between the curtilage of one dwelling and a metalled road – ie. a stone surface with a hard, crushed rock or stone surface as a minimum. The site should have established boundaries on three sides*

#### **Building Group:**

*A group of at least 3 closely related existing dwellings or buildings capable of conversion for residential use under Policy SC5. The building group will require to have a sense of containment (defined below).*

#### **Sense of Containment:**

*A sense of containment is contributed to by existing, physical boundaries such as landform, buildings, roads, trees, watercourses, or long established means of enclosure such as stone walls. Fences will not normally be regarded as providing a suitable boundary for the purposes of this definition unless they can be demonstrated to define long standing and established boundaries as evidenced by historic OS maps. Any boundaries artificially created to provide a sense of containment will not be acceptable.*

#### **Rural brownfield :**

*Brownfield Sites are broadly defined as sites that have previously been developed. In rural area this usually means sites that are occupied by redundant or unused buildings*



can be demonstrated beyond reasonable doubt that there are social, economic or environmental reasons of overriding public interest requiring such a scale of development in a countryside location.

**d) Open Countryside - Category 2 RSUs - Development of a single house will be supported where Schedule 2 : Countryside Housing Criteria is met (page 30).**

### Schedule 2 : Countryside Housing Criteria

In addition to taking account of the provisions of the General Policies including Policy S6: Development Principles, and the associated Schedule 1, all countryside housing proposals should meet the following criteria as applicable (except where specific exclusions are set out). Development proposals should :

- 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)
- b) meet the plot size requirements; (does not apply to proposals for conversion under Policy SC5, or new country house proposals under Policy SC8)
- c) not extend ribbon development;
- d) not result in the coalescence of building groups or of a building group with a nearby settlement;
- e) have regard to the rural character of the surrounding area and not be urban in form and/or appearance;
- f) provide a good residential environment, including useable amenity space/private garden ground, and adequate space between dwellings whilst retaining the privacy of adjacent properties. Angus Council's Advice Note 14 - Small Housing Sites provides guidance on minimum standards in relation to private amenity space and distance between dwellings which will be acceptable for proposals involving between one and four dwellings on sites within existing built up areas. In countryside areas it will commonly be expected that these standards should be greater than the minimum having regard to the nature of the location. The extension of property curtilage in relation to proposals for renovation or conversion of existing buildings may be permitted in line with Angus Council's Advice Note 25 – Agricultural Land to Garden Ground.
- g) be acceptable in relation to the cumulative effect of development on local community infrastructure including education provision;
- h) not adversely affect or be affected by farming or other rural business activities(may not apply to proposals for essential worker houses related to the farm or business under Policy SC7);
- i) not take access through a farm court (may not apply to proposals for essential worker houses for farm workers under Policy SC7);

or where the land has been significantly degraded by a former activity.

PAN 73 : Rural Diversification  
Feb 2005

#### *Self – contained sites:*

*The whole site must be fully occupied by a single plot which meets the plot size requirements. Sites must not breach field boundaries and should have existing, physical boundaries such as landform, buildings, roads, trees, watercourses, or long established means of enclosure, such as stone walls. Fences will not normally be regarded as providing a suitable boundary for the purposes of this definition unless they can be demonstrated to define long standing and established boundaries as evidenced by historic OS maps. Plots which have been artificially created will not be acceptable.*

#### *Plot size requirements:*

*Category 1 RSUs : between 0.08ha (800m<sup>2</sup>) and 0.2ha (2000m<sup>2</sup>)*

*Category 2 RSUs : between 0.06ha (600m<sup>2</sup>) and 0.4ha (4000m<sup>2</sup>)*

*The size of the footprint of the dwelling, including contiguous buildings, will depend on local circumstances including the size of the plot and the character of the surrounding area. Where a plot is created by sub-division of an existing plot, both the original and new plot must comply with the plot size requirements.*

#### *Ribbon development :*

*A string of three or more houses along a metalled road – ie. a road with a hard, crushed rock stone surface as a minimum.*

- j) not require an access road of an urban scale or character. The standard of an access required to serve a development will give an indication of the acceptability of the scale of the development in a rural location, e.g. where the roads standards require a fully adoptable standard of road construction with street lighting and is urban in appearance it is likely that the development proposals will be too large; and
- k)** make provision for affordable housing in line with Policy SC9 : Affordable Housing.

**Policy ER22 : Public Drainage Systems**

Within towns and villages served by public sewers all development proposals requiring drainage must be connected to the public drainage system. Private drainage solutions will not be permitted within areas served by public sewers, even where they are subject to constraint.

**Policy ER23 : Private Drainage Systems**

Development proposals requiring the private provision of waste water treatment plant, biodiscs, septic tanks or similar arrangements will only be acceptable where:-

- (a) the site is located outwith the public sewerage network;
- (b) the proposed development is in accord with the development strategy and other relevant policies of the Local Plan;
- (c) there is no detrimental effect to a potable water supply, or supply for animals or an environmentally sensitive water course or loch, including ground and surface waters; and
- (d) the requirements of SEPA and/or The Building Standards (Scotland) Regulations 1990, as amended, are met in relation to installation, e.g. proximity to other buildings.

**Surface Water Management**

3.49 In the Angus towns and villages much of the existing drainage network is a combined system which deals with both foul water and surface water run-off from roads, roofs and other impermeable surfaces. This significantly reduces the capacity of the foul drainage network during storm water conditions. Scottish Water does not accept surface water run-off from new greenfield development into the foul drainage network and separate arrangements are required for surface water disposal. Depending on local circumstances such arrangements will also be required for brownfield redevelopment sites.

3.50 Developers are required to make appropriate provision for the collection, treatment, decontamination and disposal of all surface water arising from development sites to the standards and requirements of SEPA, Angus Council Planning & Transport and Roads Departments and Scottish Water as appropriate. Isolating pollutants at source and providing the necessary treatment can reduce the potential for pollution. The use of permeable surfaces and other water attenuation measures designed to slow surface water run-off from the development site can reduce the risk of flooding in water catchment areas. Detailed guidance on the effective management of surface water run-off through the use of Sustainable Urban Drainage Systems (SUDS) is provided by PAN61: Planning and Sustainable Urban Drainage Systems (2001) and the Sustainable Urban Drainage Systems - Design Manual for Scotland and Northern Ireland (2002).

**PAN 61: Planning and Sustainable Urban Drainage Systems (2001)**

*Sustainable Urban Drainage Systems (SUDS) aim to deal in an integrated way with surface water, based on the following principles:*

- *managing surface water run-off on-site as near to source as possible;*
- *slowing down run-off;*
- *treating it naturally; and*
- *releasing good quality surface water to watercourses or groundwater.*

**Sustainable Urban Drainage Systems - Design Manual for Scotland and Northern Ireland (2002):**

*prepared by the Sustainable Urban Drainage Scottish Working Party the Manual provides a definitive source of advice for SUDS design, planning and implementation in Scotland.*

## Surface Water Management

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### **Sustainable Urban Drainage Systems - Design Manual for Scotland and Northern Ireland (2002):**

*prepared by the Sustainable Urban Drainage Scottish Working Party the Manual provides a definitive source of advice for SUDS design, planning and implementation in Scotland.*

## **Policy ER24 : Surface Water Disposal**

**Sustainable Urban Drainage Systems are preferred in dealing with surface water drainage from all new development. In considering development proposals Angus Council will consult and liaise closely with SEPA, Scottish Water and developers in order to ensure that appropriate methods of surface water run-off collection, treatment, decontamination and disposal are implemented to minimise the risk of flooding and the pollution of water courses, lochs and ground water.**

**Proposals that adopt ecological solutions to surface water management which promote local biodiversity by the formation of ponds and/or wetlands for example, and create or improve habitats will also be encouraged.**

**From:**AkroydL  
**Sent:**Mon, 14 Mar 2016 11:22:15 +0000  
**To:**KellyR  
**Cc:**ThomsonSD  
**Subject:**16/00114/PPPL - Planning Permission in Principle for the Erection of a Dwellinghouse, Land at Mains of Kirkbuddo

Ruari,

## **16/00114/PPPL**

### **Planning Permission in Principle for the Erection of a Dwellinghouse**

#### **Land at Mains of Kirkbuddo**

I refer to the above application and can advise that I have seen the submitted information and visited the site.

This department was consulted last year on a planning in principle application (15/00454/PPPL) for the erection of a dwellinghouse and raised comments regarding the proximity of the development to a large agricultural storage shed which was being used to house livestock and the location of the vehicle entrance to the shed which was located in the north elevation of the farm building facing the development site (although it did appear that this entrance and the farm track itself were seldom used, with activities associated with the farm building being undertaken via the open south elevation).

However, it was this department opinion that due to the size of the plot that a satisfactory level of internal and external residential amenity could be achieved on this site but would require careful consideration of both house position and layout in terms of any detailed application.

I would advise that the current application is again for planning in principal and that while plans have been submitted to show the proposed location of the house footprint on the site no details of the windows, internal room layout, fencing/planting to screen the site etc. has been provided, which I understand would normally form part of a detailed application.

I would therefore advise that this department's comments would remain the same and I would advise that a satisfactory level of internal and external residential amenity could be achieved on this site; however, this will require careful consideration of both house position and layout in terms of any detailed application.

If you wish to discuss any of the above matter further please let me know

Regards

**Louise Akroyd | Environmental Health Officer | Angus Council | Communities | Regulatory Protective & Prevention Services | County Buildings, Market Street, Forfar, DD8 3WE, Tel: (01307) 473382**

**ANGUS COUNCIL**

**COMMUNITIES  
PLANNING**

**CONSULTATION SHEET**

PLANNING APPLICATION NO

**16/00114/PPPL**

Tick boxes as appropriate

ROADS

No Objection

Interest

(Comments to follow within 14 days)

Date

19	02	16
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**PLEASE DO NOT TAKE AWAY THE LAST SET OF PLANS WHERE POSSIBLE COPIES  
WILL BE PROVIDED ON REQUEST**

**ELECTRONIC SUBMISSION DRAWINGS TO BE VIEWED VIA IDOX**



# Memorandum

**Communities Directorate – Technical & Property Services  
Roads & Transport Business Unit**

TO: HEAD OF PLANNING AND PLACE

FROM: HEAD OF TECHNICAL & PROPERTY SERVICES

YOUR REF:

OUR REF: GH/AG/CG TD1.3

DATE: 24 February 2016

SUBJECT: PLANNING APPLICATION REF. NO. 16/00114/PPPL – PROPOSED  
CHANGE OF USE OF LAND TO FORM RESIDENTIAL HOUSE PLOT AT  
MAINS OF KIRKBUDDO FOR MR W NICOLL

---

I refer to the above planning application which was subject to previous applications 10/00812/PPPL and 15/00454/PPL.

The site is located on the east side of B9127 Douglas Town – Arbroath Road on land at Mains of Kirkbuddo.

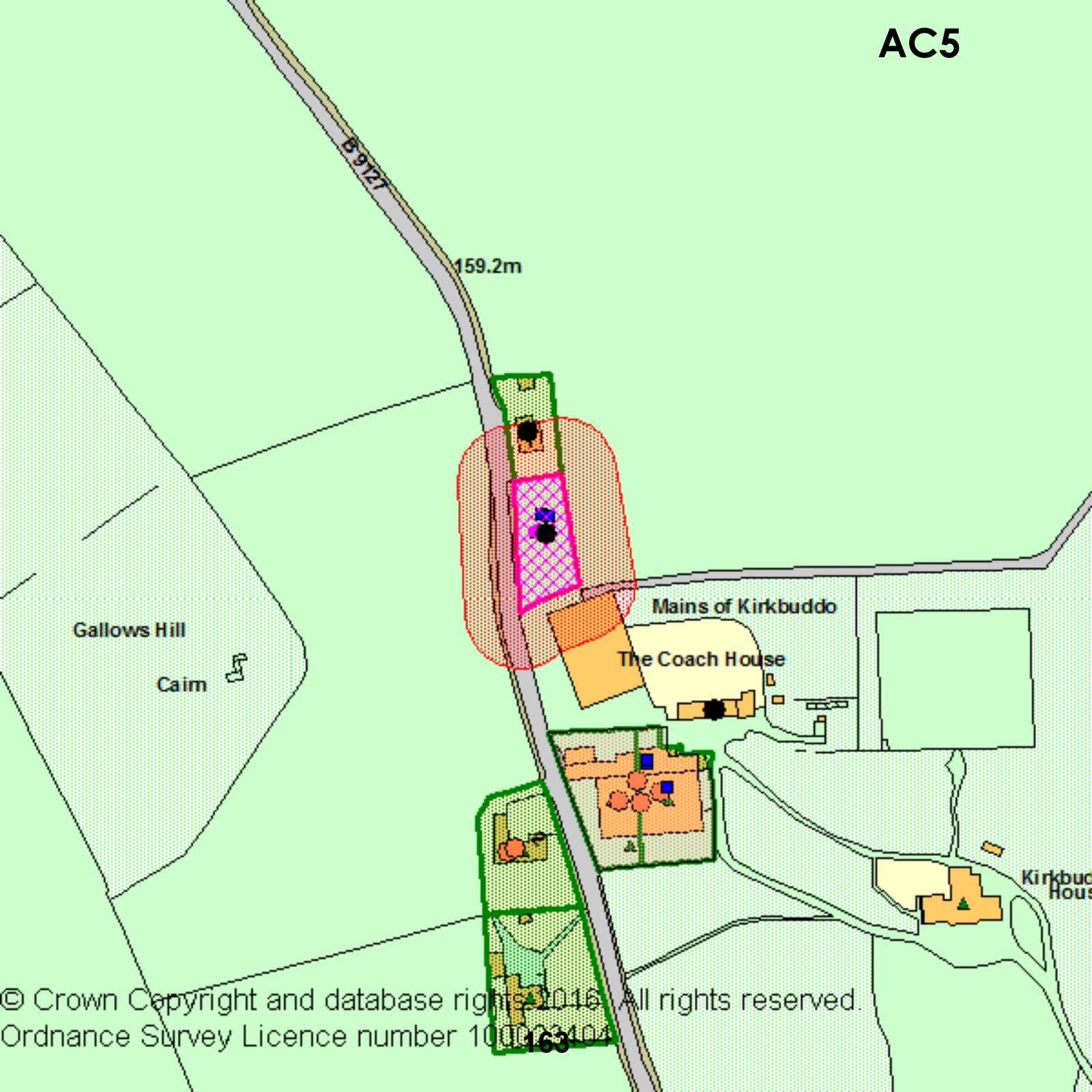
The National Roads Development Guide, adopted by the Council as its road standards, is relative to the consideration of the application and the following comments take due cognisance of that document.

I have no further comments to make and recommend that my conditions relating to application 15/00454/PPPL are taken into consideration for this application.

I trust the above comments are of assistance but should you have any queries, please contact Adrian Gwynne on extension 3393.

*p.p.*





Gallows Hill  
Caim

159.2m

B9121

Mains of Kirkbuddo

The Coach House

Kirkbuddo House



**A. B. Rogan & Young**  
 Chartered Architect & Surveyors  
 9 Macgregor Street, Brechin  
 Tel: 01356 622125 Fax: 622644

Job Title: Proposed Change of use of land to form House Plot at Mains of Kirkbuddo, by Forfar for W Nicol

Scale: 1:500  
1:2500

Drawing Title: Site & Location Plan

Drawing No.: 2014AK001

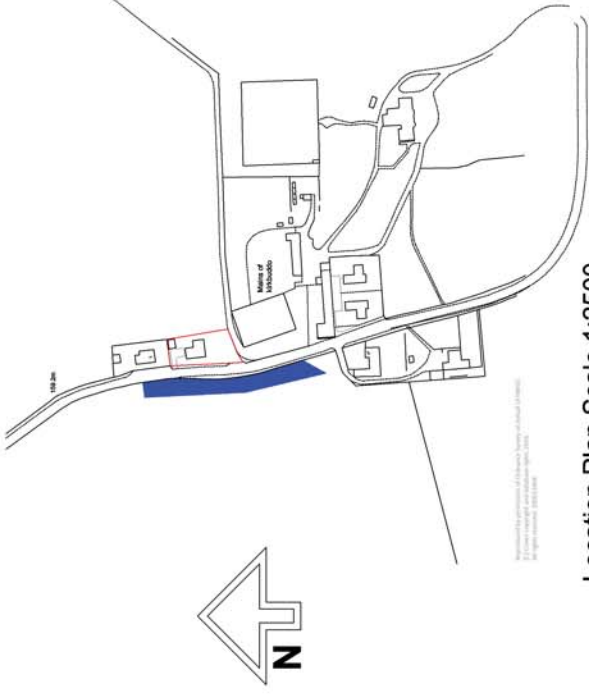
Date: March 2015

Drawn By: BWP

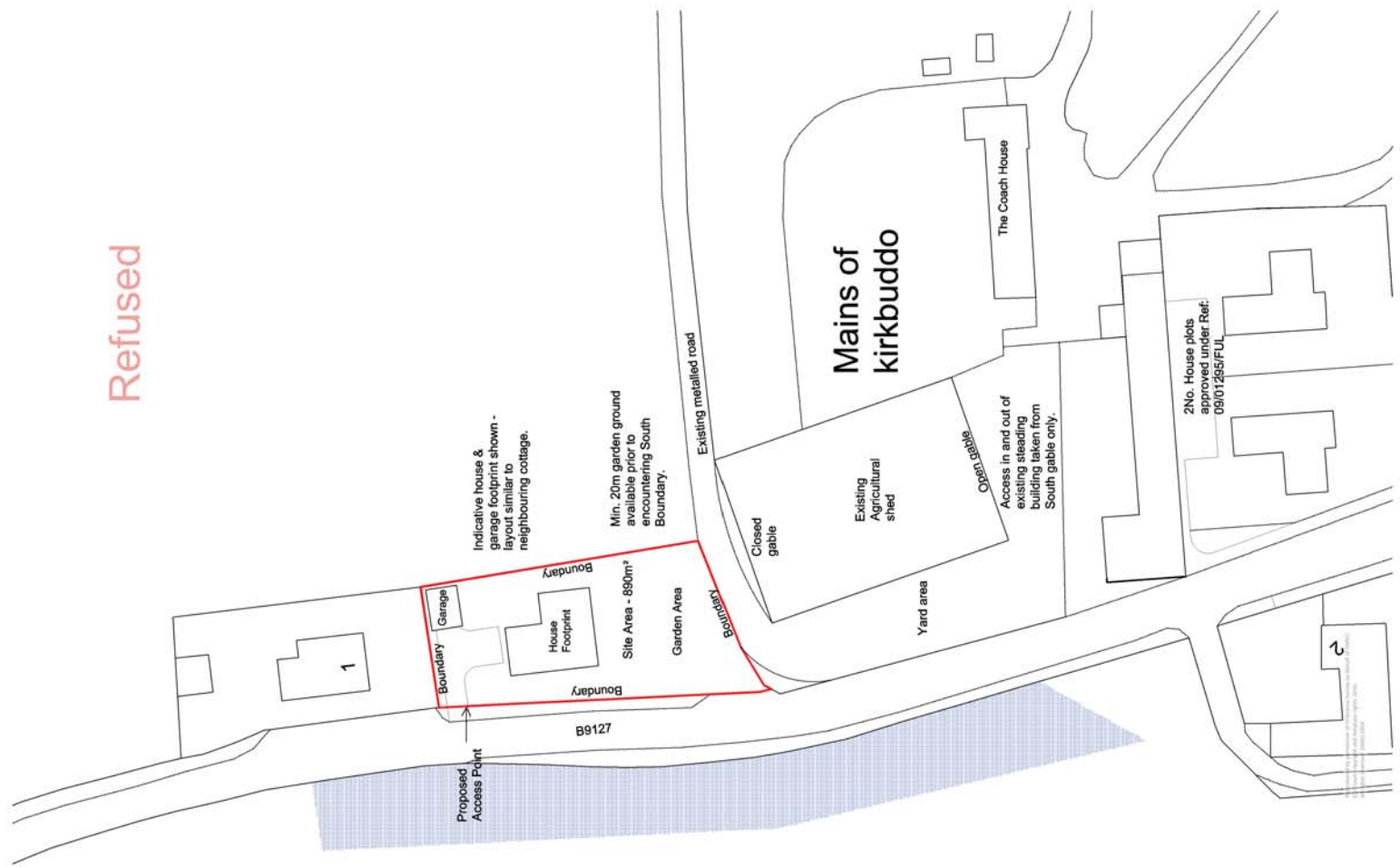
Checked By:

Revisions:  
A.

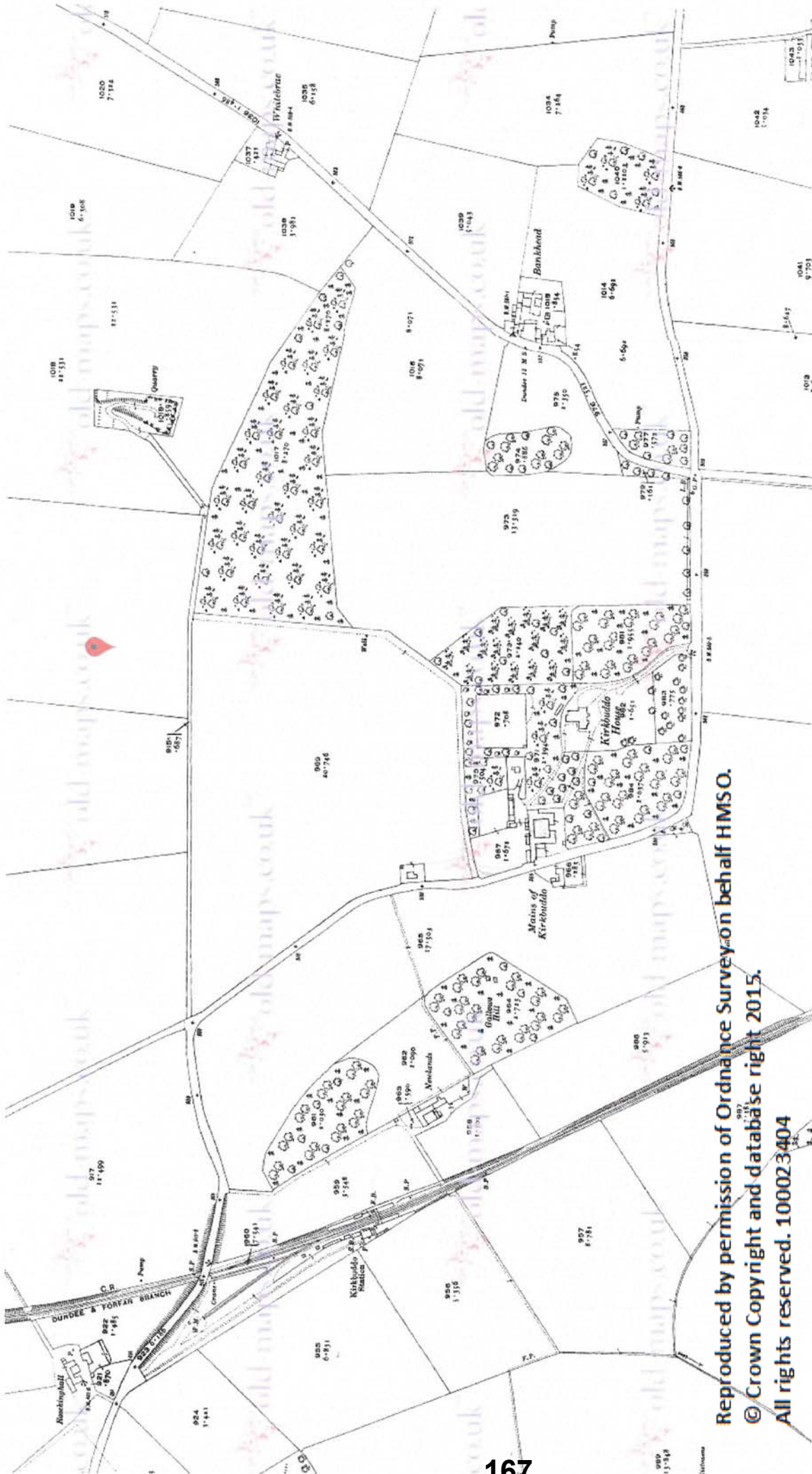
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TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997  
(AS AMENDED)  
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT  
PROCEDURE) (SCOTLAND)  
REGULATIONS 2013



PLANNING PERMISSION IN PRINCIPLE REFUSAL  
REFERENCE : 16/00114/PPPL

To **Mr W Nicoll**  
**c/o A B Roger & Young**  
**9 MacGregor Street**  
**Brechin**  
**Angus**  
**DD9 6AB**

With reference to your application dated 16 February 2016 for Planning Permission in Principle under the above mentioned Acts and Regulations for the following development, viz:-

**Planning Permission in Principle for Erection of a Dwellinghouse (Re-application of 15/00454/PPPL) at Land At Mains Of Kirkbuddo Mains Of Kirkbuddo Kirkbuddo for Mr W Nicoll**

The Angus Council in exercise of their powers under the above mentioned Acts and Regulations hereby **Refuse Planning Permission in Principle (Delegated Decision)** for the said development in accordance with the particulars given in the application and plans docketed as relative hereto in paper or identified as refused on the Public Access portal.

**The reasons for the Council's decision are:-**

- 1 That the proposed development is contrary to Policy SC6 of the Angus Local Plan Review 2009 as the application site does not round off or consolidate a building group; does not constitute a gap site; is not a rural brownfield site; and is not located in a Category 2 Rural Settlement Unit. In addition the proposal is contrary to Schedule 2: Countryside Housing Criteria as it has not been demonstrated that a house on the site would have an acceptable residential amenity and would not be adversely affected by, or impede legitimate agricultural activity associated with the neighbouring agricultural building.
- 2 That the proposal is contrary to Policy S1 criterion (b) of the Angus Local Plan Review 2009 because it fails to be compatible with other policies of the local plan, namely Policy SC6 and Schedule 2: Countryside Housing Criteria.

**Amendments:**

The application has not been subject of variation.

Dated this **11 April 2016**

Kate Cowey  
Service Manager  
Angus Council  
Communities  
Planning  
County Buildings  
Market Street  
FORFAR  
DD8 3LG





**ANGUS COUNCIL****DEVELOPMENT CONTROL COMMITTEE****13 MARCH 2003****PLANNING APPLICATION – LAND AT MAINS OF KIRKBUDDO, BY FORFAR****REPORT BY THE DIRECTOR OF PLANNING AND TRANSPORT**

**Abstract: This report deals with planning application No. 02/01340/OUT for the outline erection of a dwellinghouse and garage for Mr. W. Nicoll at land at Mains of Kirkbuddo, by Forfar. This application is recommended for refusal.**

**1 INTRODUCTION**

- 1.1 Outline planning permission is sought for the erection of a house on land at Mains of Kirkbuddo, Kirkbuddo, by Forfar.
- 1.2 The application sites lies to the east of the B9127 road which runs from Kirkbuddo Crossroads to Whigstreet. The site is located approximately 800 metres west of Kirkbuddo Crossroads and sits to the north of the farm buildings associated with Mains of Kirkbuddo. It measures some 1050 square metres in area with a road frontage of approximately 48 metres. A small cottage lies to the north of the site whilst the land to the east is agricultural. An unmade track runs to the south of the site. The site itself is agricultural ground however it has previously been annexed from the field by the erection of a timber fence along its eastern boundary. The site is now uncultivated.
- 1.3 No details of siting or design have been provided at this stage.
- 1.4 An outline application for the erection of a house on the same site was previously withdrawn by the applicant after receiving a recommendation of refusal (application No. 01/000958/OUT refers). Pre-application advice was sought by the applicant prior to submission of the original application. The applicant was accordingly advised in January of 2001 that the proposal did not comply with Policy H7 of the Angus Local Plan and that a recommendation of refusal would be likely if a formal application was submitted.

**2 APPLICANT'S CASE**

- 2.1 The applicant has submitted a statement in support of the application.
- 2.2 The main aspects of the supporting statement are:-

The application site is clearly defined, measuring some 1050 metres, is not in agricultural use and is considered to have no productive agricultural value.

It is considered that the objections of Inverarity Community Council can be overcome by formation of a vehicular access at the north end of the site in accordance with Angus Council standards, by provision of two parking spaces and the formation of a

turning space within the site to allow vehicles to enter and leave the site in a forward gear.

The requirements of SEPA regarding drainage by means of septic tank and soakaway are noted and will be addressed at the appropriate stage.

The introductory section to Housing Policy 5 of the Dundee and Angus Structure Plan is referred to as well as part of the policy itself. Section 4.42 of the written statement advises that “an appropriate balance is sought which allows housing development in the countryside helping to maintain the viability of fragile communities whilst respecting the environment” and that “where a new house is appropriate careful consideration requires to be given to the landscape character, location, scale, design and use of materials...”. It is argued that Kirkbuddo is no different from other rural areas with a continuing loss of employment and population. Part of Policy H5 which refers to the acceptability of a new house “where it is essential to meet the operational needs of agriculture/forestry...” is also highlighted. The full text of this policy can be found in Section 5 of this report.

It is recognised that the more detailed guidance on countryside housing is provided in the Angus Local Plan and the statement acknowledges that the site is located in a category 1 RSU. It is conceded that the proposal does not comply with criterion (a) but it is contended that the proposal stands the test of criterion (b) in that the site lies between two buildings of a domestic scale and that there is a metalled access road immediately to the north of the adjacent steading building.

It is stated that the potential source of nuisance presented by the adjacent farm shed is not a significant problem as a new house could be located within the northern part of the site, if necessary, and as no animals are kept in the shed. It is impractical for the shed to be used for livestock storage as the main part of the farm is several miles away.

It is concluded that the proposal is consistent with Policy H7 of the Angus Local Plan and that an existing cottage some 12 metres away from the agricultural shed is not disadvantaged. The applicant’s agent is satisfied that all appropriate criteria within Schedule 1 can be met at the detailed stage.

### **3 CONSULTATIONS**

- 3.1 Inverarity Community Council has raised concern regarding road safety. It is indicated that the public road is particularly narrow at this point restricting access and egress from the site. If permission is granted it is requested that a condition be attached prohibiting on-street parking.
- 3.2 The Director of Roads has indicated no objection to the application subject to a number of conditions in the interest of pedestrian and traffic safety and free traffic flow.
- 3.3 The Director of Environmental and Consumer Protection has raised concerns in respect of the proximity of the proposal to agricultural farm buildings.

#### 4 LETTERS OF REPRESENTATION

4.1 One letter of representation has been received and is attached to this report. The main area of concern relates to:-

- **Sewage effluent disposal** - any effluent disposal scheme would be regulated by the Building Control Section and/or SEPA and would be controlled by means of a condition attached to any permission.

#### 5 PLANNING CONSIDERATIONS

5.1 The determining issue in this case is whether the proposal complies with Development Plan policy.

5.2 Housing Policy 5: Countryside Housing within the Dundee and Angus Structure Plan states that:-

“In the countryside, housing development will generally be directed to existing settlements, defined by development boundaries in Local Plans. Outwith development boundaries housing in the countryside will be supported where it involves:

- renovation of an existing house; or
- conversion of a non-residential building of traditional construction which cannot otherwise be used for a rural business.

A new-build house may be acceptable particularly where it is essential to meet the operational needs of agriculture/forestry or other rural business or where it would assist in maintaining population and services in Category 2 Rural Settlement Units. Proposals should have regard to the following:

- brownfield sites should be used in preference to greenfield land;
- the site must be accessible and capable of connection to infrastructure without adverse cumulative impact;
- the development must have regard to landscape capacity, the natural and built heritage and respect the location through sensitive design and use of materials.

Local Plans will define areas of countryside and provide detailed policy guidance on housing development in those areas.

5.3 This application does not involve conversion or renovation, is not in an RSU2 and no relevant information in support of a case to prove a need for a new house for an essential worker has been submitted. The Structure Plan does not therefore support the proposal. However, it is the Local Plan which applies the broad principles of the Structure Plan and therefore it is the Local Plan which contains the most relevant policies to the specific development of a site for housing in areas defined as countryside.

5.4 The Angus Local Plan amplifies guidance within Housing Policy 5 of the Dundee and Angus Structure Plan and provides the main policy context against which the application should be considered. The proposed site is located outwith any development boundary as defined in the Local Plan and all land outwith established boundaries is considered to be countryside where development will be assessed against relevant policies. The site falls within a Category 1 Rural Settlement Unit (RSU) where Policy H7: Countryside Housing is applicable. Category 1 RSUs are defined as generally non-remote areas with stable or increasing populations or where there are no facilities in need of support where a relaxed planning regime is not desirable or justifiable. A more restrictive policy for housing outwith settlements is appropriate. This policy states that in Category 1 RSUs individual new houses will only be acceptable for: -

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

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

5.5 In this case the site lies immediately to the north of a large agricultural building and a farm courtyard. Whilst there is a group of buildings at the farm steading it is not a "closely related group of at least four existing domestic scale buildings" as required by Policy H7 as 'the group' principally comprises large agricultural sheds. I disagree with the contention in the applicants supporting statement that the shed to the south of the site is of domestic scale as it is of a utilitarian design commonly used for modern agricultural buildings and is of a scale not associated with domestic use. The site does not lie between the established curtilages of two existing buildings of a domestic scale and does not lie between the curtilage of one such building and a metalled road. The track adjoining the southern boundary of the site is unsurfaced and the metalled access road referred to by the applicant lies on the south side of the adjacent agricultural shed. As such the application is contrary to the basic locational criteria identified in the relevant development plan policy.

5.6 In addition, the site is immediately adjacent to a working farm unit and I have serious concerns regarding the proximity of the site to the large farm building to the south which is within six metres of the boundary of the site. Development Criterion 6 of Schedule 1 of the Local Plan indicates that proposals for new housing must not adversely affect or be affected by farming activities and I am not satisfied that this proposal would not be affected by such activities given its proximity to the shed. Although the supporting statement indicates that no animals are kept in the shed presently, this situation could change in the future with no requirement to obtain planning permission. The shed is capable of being used for livestock storage and the Council have no control over this matter.

5.7 On this basis were a house to be permitted on the site and legitimate and substantial complaints received from any occupant, the Council may require to take appropriate action against the farmer to prevent the nuisance. That could include action

restricting or preventing farming practices and any action would be taken irrespective of the fact that the farm was in situ before the house. On this basis it is concluded that due to its immediate proximity to a working farm, notwithstanding it fills an apparent gap, the site would be adversely affected by farming activities and as such would be contrary to Development Criterion 6 and would not provide a satisfactory residential environment. Should at some time in the future, the farm building change its use from farming or be removed, a house may be acceptable on this site.

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

## **6 HUMAN RIGHTS IMPLICATIONS**

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

## **7 RECOMMENDATION**

- 7.1 It is recommended that the application be refused.
1. That the proposed house by virtue of its location would be contrary to the Council's countryside housing policies, in particular Policy H7 of the Angus Local Plan.
  2. That the proposed house, by virtue of its proximity to a working farm unit would not provide a suitable residential environment and as such does not comply with Development Criterion 6 and is contrary to Policy H7 of the Angus Local Plan.

### **NOTE**

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

AA/DS/IAL  
4 March 2003

Alex Anderson  
Director of Planning and Transport



Development Management Review Committee

DMRC – 7 December 2010

Review Decision Notice

---

Decision by Development Management Review Committee (DMRC)

- Site Address: Land at Mains of Kirkbuddo, by Forfar
- Application for review by A B Roger & Young for Mr W Nicoll
- Application 10/00812/PPPL Proposed House Plot
- Application drawings: Location Plan, scale 1:2500 and Site Plan, scale 1:500
- Date of DMRC – 7 December 2010

Date of Decision Notice: 13 December 2010

---

Decision

The DMRC upheld the decision taken by the Head of Planning and Transport and confirmed refusal of the application.

**Preliminary**

1. This Notice constitutes the formal decision notice of the Development Management Review Committee as required by the Town & Country Planning (Schemes of Delegation and Local Review Procedures) (Scotland) Regulations 2008.
2. At the planning stage five letters of objection were received including one from the Inverarity Community Council. The main grounds of objection were as follows:-
  - Land use incompatibility;
  - Drainage and water supply issues;
  - Road safety concerns; and
  - Loss of amenity.

Following notification of the receipt of the review further representations were received from two of the objectors which reiterated concerns previously expressed.

3. The DMRC at its meeting on 7 December 2010 considered that they had sufficient information to come to a decision.

### Proposal

4. The application proposal was for a house plot approximately 890 square metres in area located between an existing dwelling to the north and an agricultural shed to the south. The site is currently fallow, has a fenced boundary with an agricultural field beyond to the east with the public road forming the boundary to the west. Between the agricultural shed and the site there is an unmade track which provides access to the agricultural fields to the north and east of the site.

### Reasoning

6. The determining issues in this review were:-
  - (1) whether the proposal would accord with the provisions of the development plan; and
  - (2) whether there were any other material considerations which should be taken into account.
7. The DMRC noted that the site was located between the curtilage of a dwelling and agricultural shed and was located within an RSU 1 as identified by the Angus Local Plan Review. In this instance in order to be compliant with Policy SC6 of the Angus Local Plan Review the proposal would require to round off or consolidate a group of at least three closely related dwellings or buildings capable of conversion for residential use or alternatively be a gap site with a maximum frontage of 50 metres.
8. The proposal cannot be considered within the context of a building group and therefore in the opinion of the DMRC the main consideration is whether or not the site qualifies as a gap site under SC6(b). The Local Plan defines a gap site as a space between the curtilage of two dwellings or the curtilage of one dwelling and a metalled road where the road has a stone surface with a hard crushed rock or stone surface as a minimum. Sites should have at least three established boundaries and Schedule 2 compliance is also required.
9. The DMRC concluded that the site did not lie between a residential curtilage and a metalled road. It was also noted by the DMRC that the Head of Economic Development & Environmental and Consumer Protection concerns had not been addressed in terms of amenity as a consequence of the proximity of the application site to the agricultural building adjacent.
10. The DMRC concluded that the development was not considered to qualify as a gap site as the unmade track to the south of the site was not considered to constitute a metalled road. The site did not represent the rounding off or consolidation of a building group and it had not been demonstrated that a house on the site would have an acceptable residential amenity. It was considered that the application was contrary to Policies SC6 and S1 of the Angus Local Plan Review and Schedule 2 criterion (h) of the Angus Local Plan Review. There were no other material considerations that warranted approval of the application.



**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)**

**Notification to be sent to applicant on determination by the planning authority of an application following a review conducted under section 43A(8)**

**Notice Under Regulation 21 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008**

1. If the applicant is aggrieved by the decision of the planning authority to refuse permission or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.
  
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997 (As Amended).

Signed.....Date.....

Head of Law & Administration



**ANGUS COUNCIL****HANDLING REPORT**

**Subject: Planning Application No. 10/00812/PPPL  
Change of Use of Land to House Plot  
for  
The Firm Of W Nicoll  
at  
Land At Mains Of Kirkbuddo Mains Of Kirkbuddo Kirkbuddo  
Grid Ref. No: 350077 : 743587**

Details of any variation under Section 32A:

None

Publicity:

The application has been subject of statutory neighbour notification and has also been subject of an advertisement in the local press.

Representations:

Four representations have been received in relation to the application. The following points are raised:

- Land-use incompatibility
- Drainage and water supply issues
- Road safety concerns
- Loss of amenity
- Adequacy of neighbour notification - neighbour notification has been undertaken in accordance with statutory requirements, including public advertisement.

Consultation Responses:

Scottish Water offer no objection to the proposal but highlight that in order to maintain service levels to existing customers, it may be necessary for the developer to carry out works on the local network and this matter should be discussed directly with Scottish Water.

The Head of Roads offers no objection to the proposal subject to various conditions.

The Head of Economic Development and Environmental and Consumer Protection has noted that his service objected to a similar application for the site. Accordingly he objects to the current application as it has not been demonstrated that a satisfactory level of amenity could be provided for residents of a property on this site.

The Community Council objects to the proposal on the grounds of amenity impacts and road safety.

Policies:

The Dundee and Angus Structure Plan:

The application is not strategically significant and the policies of the Structure Plan are not referred to in this report.

The Angus local Plan Review

Policy S1: Development Boundaries  
 Policy SC6: Countryside Housing: New Houses

Supplementary Planning Guidance:

Advice Note 5: Houses in the Open Countryside

Officer Report:

Supporting statement: The applicants agent has submitted a supporting letter which states that he considers the site to qualify as a gap site under Policy SC6 (b). The applicant's agent considers that a farm track running to the south of the site is a metalled road and has submitted a letter from Messrs D J Laing of 14 February 2005 which states that in the author's opinion, the track qualifies as a metalled road.

Site History: The site was previously subject of planning application ref: 02/01340/OUT which was refused at the Development Control Committee Meeting of 13 March 2003. The reasons for refusal were given as:

1 That the proposed house, by virtue of its proximity to a working farm unit would not provide a suitable residential environment and as such does not comply with Development Criterion 6 and is contrary to Policy H7 of the Angus Local Plan.

2 That the proposed house by virtue of its location would be contrary to the Council's countryside housing policies, in particular Policy H7 of the Angus Local Plan.

Discussion:

The application relates to a proposal to erect a dwelling on a site measuring approximately 890 sq m. The site has a road frontage of 48 metres and lies between The Bungalow (a dwelling) and a general purpose agricultural building with a footprint of around 900 sq m that occupies the land to the immediate south of the site.

The site is currently fallow has a fenced boundary with the agricultural field beyond to the east. The boundary runs at the same depth as that of The Bungalow to the north. An unmade track consisting of wheel ruts runs to the south of the site between the boundary and the existing agricultural shed. The track feeds into an access network serving agricultural fields to the north and east of the site.

Policy S1 states a general presumption in favour of development in the countryside where proposals are appropriate in scale and nature to their surroundings and they comply with other Local Plan policies. The key policy consideration in relation to this application is SC6 which is relevant to applications for new dwellings in the Angus Countryside.

The site lies between the curtilage of a dwelling and an agricultural shed. The site has not previously been developed and the site lies within the RSU 1 area. Parts (c) and (d) of SC6 can therefore be discounted without further consideration. The applicants agent has stated that he considers the site to qualify as a gap site under SC6 (b) considerations. SC6 (b) states that a dwelling shall be permitted on sites with a maximum road frontage of 50 metres in RSU1 areas. The Local Plan defines a gap site as the space between the curtilages of two dwellings or the curtilage of one dwelling and a metalled road where the road has a stone surface with a hard crushed rock or stone surface as a minimum. Sites should have at least three established boundaries. Schedule 2 compliance is also required.

The site has a 48 metre frontage and therefore meets SC6 requirements in this respect. The site has four established boundaries although it has clearly been annexed off from the larger field to the east at some time in the past. Nonetheless it meets Local Plan boundary requirements. The site does not however lie between a residential curtilage and a metalled road. The track to the south of the site as previously mentioned consists of two wheel ruts that are unmade and run into a network of field accesses. The road does not have a surface as

required by Local Plan margin definition despite the assertions of Messrs D J Laing. The site therefore fails to qualify under this fundamental criterion. This position is consistent with the decision of Committee in relation to the application refused in 2003.

In terms of criterion (a) of Policy SC6, the site lies to the north of a large agricultural shed which is not of domestic scale and which would not be suitable for conversion under Policy SC5. Whilst there is a group of buildings to the south of the agricultural shed the site is separated from that group by the large agricultural building. Accordingly the application site would not round off or consolidate a building group as defined by the local plan. This position is consistent with the decision of Committee in relation to the application refused in 2003.

Furthermore, the application is required to comply with Schedule 2 Countryside Housing Criteria. The site falls within acceptable size ranges under Schedule 2 and is self contained however in terms of Criterion (h) the proximity of the site to the adjacent general purpose agricultural shed on the elevated site to the south (5.5m to boundary). This has been raised as a matter of concern by the Council's Environmental Health Division as it is not demonstrated that the potential disamenity from the adjacent agricultural activity could be satisfactorily mitigated. The previous application on the site by the same applicant was the subject of similar concern and there has been no material change of circumstance on site in the period since the previous application was refused by Committee in 2003.

The proposal is therefore considered to be contrary to the provisions of Policy SC6 (b) in the Angus Local Plan Review. In failing to qualify under SC6 provisions the proposal is therefore also contrary to policy S1.

#### **DECISION      REFUSAL**

Reasons:

- 1      The proposed development is not considered to qualify as a gap site as defined by the Angus Local Plan Review as the unmade track to the south of the site is not considered to constitute a metalled road. In addition the site would not represent the rounding off or consolidation of a building group as defined by the local plan as it is separated from any grouping to the south by a large agricultural building. On this basis the application is contrary to Policies SC6 and S1 of the Angus Local Plan Review.
- 2      It has not been demonstrated that a house on the site would have an acceptable residential amenity and would not be adversely affected by, or impede legitimate agricultural activity associated with the neighbouring agricultural building and as such the application is considered to be contrary to Schedule 2 criterion (h) and therefore Policy SC6 of the Angus Local Plan Review.

16 September 2010



**Angus Council**

<b>Application Number:</b>	15/00454/PPPL
<b>Description of Development:</b>	Planning Permission in Principle for Erection of a Dwellinghouse
<b>Site Address:</b>	Land At Mains Of Kirkbuddo Mains Of Kirkbuddo Kirkbuddo
<b>Grid Ref:</b>	350077 : 743583
<b>Applicant Name:</b>	Mr W Nicoll

**Report of Handling****Site Description**

The fallow application site which measures approximately 890sqm is located to the east of the B9127 classified road some 1.9km east of the village of Whigstreet. The north boundary of the application site consists of a stonewall; the east boundary consists of a timber fence; the south boundary consists of a timber fence and associated line of trees with the west boundary having no boundary enclosure. To the north of the site lies a residential property known as The Bungalow; to the east lies agricultural land; to the south lies an access track between the boundary and an existing agricultural shed. The site gradually slopes downwards from south to north.

**Proposal**

The application seeks planning permission in principle for the erection of a new dwellinghouse. No details are provided showing elevations or an indicative house position. The proposed vehicular access would be located at the northwest boundary of the site.

The application has not been subject of variation.

**Publicity**

The application was subject to normal neighbour notification procedures.

The application was advertised in the Dundee Courier on 22 May 2015 for the following reasons:

- Neighbouring Land with No Premises

The nature of the proposal did not require a site notice to be posted.

**Planning History**

01/00958/OUT for Outline Erection of a Dwellinghouse was determined as "Application Withdrawn" on 27 December 2001.

02/01340/OUT for Outline Erection of a Dwellinghouse and Garage - Re-Application was determined as "Refused" on 17 March 2003.

10/00812/PPPL for Change of Use of Land to House Plot was determined as "Refused" on 17 September 2010 for the following reasons:-

- 1 *The proposed development is not considered to qualify as a gap site as defined by the Angus Local Plan Review as the unmade track to the south of the site is not considered to constitute a metalled*

*road. In addition the site would not represent the rounding off or consolidation of a building group as defined by the local plan as it is separated from any grouping to the south by a large agricultural building. On this basis the application is contrary to Policies SC6 and S1 of the Angus Local Plan Review.*

- 2 It has not been demonstrated that a house on the site would have an acceptable residential amenity and would not be adversely affected by, or impede legitimate agricultural activity associated with the neighbouring agricultural building and as such the application is considered to be contrary to Schedule 2 criterion (h) and therefore Policy SC6 of the Angus Local Plan Review.*

That decision was subject of a review to the Council's Development Management Review Committee (ref: 10/00031/REFUSE, decision dated 13/12/2010) who upheld the decision of the Planning Service noting that 'the development was not considered to qualify as a gap site as the unmade track to the south of the site was not considered to constitute a metalled road'.

### **Applicant's Case**

A statement in support of the proposal with associated photographs has been submitted on behalf of the applicant. The statement indicates:

An application for planning permission in principle for the erection of a dwellinghouse at the site (ref: 10/00812/PPPL refers) was refused on 17 September 2010 for the following reasons:

1. The proposed development is not considered to qualify as a gap site as defined by the Angus Local Plan Review as the unmade track to the south of the site is not considered to constitute a metalled road. In addition the site would not represent the rounding off or consolidation of a building group as defined by the local plan as it is separated from any grouping to the south by a large agricultural building. On this basis the application is contrary to Policies SC6 and S1 of the Angus Local Plan Review.
2. It has not been demonstrated that a house on the site would have an acceptable residential amenity and would not be adversely affected by, or impede legitimate agricultural activity associated with the neighbouring agricultural building and as such the application is considered to be contrary to Schedule 2 criterion (h) and therefore Policy SC6 of the Angus Local Plan Review.

In relation to the first reason for refusal D J Laing Contracts Ltd have visited the site and inspected the road bounding the southern boundary of the site and this concludes that while the road did not have bitumen top surface it has clearly been properly constructed and meets the definition of a 'metalled road' which confirms that the Council's first reason for refusal was not justified.

In relation to the second reason for refusal which indicated a house on the site would not have an acceptable residential amenity and would not be adversely affected by or impede legitimate agricultural activity associated with the neighbouring agricultural building the proposed site plan illustrates an indicative house and garage which leaves approximately 20m of garden ground between the house and south boundary (Planning Service comment: this information has not been submitted in support of the application). Such provision would be more than adequate to provide acceptable amenity ground and is more than is currently available to the existing Coach House and reflects the planning approval that was granted for the erection of 2 dwellinghouse to the south of the agricultural buildings (ref: 09/01295/FUL refers).

It is therefore considered that the site is a clear cut gap site and complies with Policy SC6: Countryside House - New Houses and Schedule 2: Countryside Housing Criteria.

### **Consultations**

**Community Council** - There was no response from this consultee at the time of report preparation.



**Angus Council - Roads** - No objections subject to conditions.

**Scottish Water** - There was no response from this consultee at the time of report preparation.

**Angus Council Environmental Health** - The level of information submitted has not demonstrated that the potential disamenity from the adjacent agricultural activity could be satisfactorily mitigated.

**Angus Council - Education** - There was no response from this consultee at the time of report preparation.

### **Representations**

There were no letters of representation.

### **Development Plan Policies**

#### **Angus Local Plan Review 2009**

Policy S1 : Development Boundaries  
 Policy S6 : Development Principles (Schedule 1)  
 Policy SC6 : Countryside Housing New Houses  
 Policy Imp1 : Developer Contributions

#### **TAYplan Strategic Development plan**

Policy 8 : Deliver Strategic Development

The full text of the relevant development plan policies can be viewed at Appendix 1 to this report.

### **Assessment**

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise.

Angus Council is progressing with preparation of a Local Development Plan to provide up to date Development Plan coverage for Angus. When adopted, the Angus Local Development Plan (ALDP) will replace the current adopted Angus Local Plan Review (ALPR). The Draft Proposed Angus Local Development Plan was considered by Angus Council at its meeting on 11 December with a view to it being approved and published as the Proposed ALDP for a statutory period for representations. The Draft Proposed ALDP sets out policies and proposals for the 2016-2026 period consistent with the strategic framework provided by the approved TAYplan SDP (June 2012) and Scottish Planning Policy (SPP) published in June 2014. The Proposed ALDP, as approved by Angus Council, will be subject to a 9 week period for representation commencing in February 2015. Any unresolved representations received during this statutory consultation period are likely to be considered at an Examination by an independent Reporter appointed by Scottish Ministers. The Council must accept the conclusions and recommendations of the Reporter before proceeding to adopt the plan. Only in exceptional circumstances can the Council choose not to do this. The Proposed ALDP represents Angus Council's settled view in relation to the appropriate use of land within the Council area. As such, it will be a material consideration in the determination of planning applications. The Proposed ALDP is, however, at a stage in the statutory process of preparation where it may be subject to further modification. Limited weight can therefore currently be attached to its contents. This may change following the period of representation when the level and significance of any objection to policies and proposals of the plan will be known.

The application site is not specifically allocated for any purpose and lies outwith a development boundary

and as such it must be considered in line with the provisions of Policy S1 criterion (b). This policy indicates proposals on sites outwith development boundaries (i.e. in the countryside) will generally be supported where they are of a scale and nature appropriate to the location and where they are in accordance with the relevant policies of the local plan.

The main policy relevant to the determination of a proposal for residential development at this site is Policy SC6: Countryside Housing and the associated requirements of Schedule 2. This site is located in a Category 1 Rural Settlement Unit (RSU). These are generally non-remote areas with stable or increasing populations or where there are no services or facilities in need of support. The Local Plan indicates that in these areas new housing development outwith settlements should be restricted. Policy SC6 requires the proposal to comply with one of the four policy tests.

In this case the site comprises greenfield land and it is not located within a Category 2 RSU. Accordingly, it does not attract any support from criteria (c) or (d) of Policy SC6. In relation to criterion (a) the site lies to the north of a large agricultural shed which is not of domestic scale and which would not be suitable for conversion under Policy SC5. Whilst there is a group of buildings to the south of the agricultural shed the application site is separated from that group by the large agricultural building. Accordingly the application site would not round off or consolidate a building group (criterion (a)).

The application has been submitted on the basis that the applicant contends that the site would constitute a gap site on the basis that it is located between the curtilage of a dwelling and a 'metalled road'. This matter has previously been considered through the assessment of application 10/00812/PPPL where the applicant's case was rejected and it was concluded that the application site did not lie between a residential curtilage and a metalled road because the track to the south of the site consisted of two wheel ruts that were unmade and run into a network of field accesses. The circumstances on site remain the same. The local plan envisages a scenario where a substantial landscape feature is required to define a 'gap site' and it seeks that substantial landscape feature to be either a dwelling curtilage or a metalled road. The physical characteristics of the agricultural track (two wheel ruts with limited evidence of road metal) do not present a substantial landscape feature to contain the site and this is not what is envisaged as a gap site by the local plan. The comments of D J Laing Contracts based on a site visit in 2005 regarding the construction of the track are noted but they do not alter my assessment. This assessment is consistent with the decision of Committee in relation to an application refused at the site in 2003 and the Council's Development Management Review Committee which dismissed a review of application 10/00812/PPPL. It is also relevant to consider that a grass verge is located between the south boundary of the application site and the access track that varies in width between 2 and 5.5m which is a further indication that the site does not meet the definition of a gap site. There has been no material change in the physical circumstances of the site, access track, grass verge and agricultural building since the previous determinations and I conclude that the site does not meet the definition of a gap site as required by criterion (b). The proposal is therefore inconsistent with the requirements of criterion (b) and would not meet with any of the tests for a countryside house provided by Policy SC6 of the local plan.

Notwithstanding the above, Policy SC6 requires proposals to comply with Schedule 2: Countryside Housing Criteria. Criterion (h) indicates development proposals should not adversely affect or be affected by farming or other rural business activities. As indicated above the application site is located 5.5m to the north of a general purpose agricultural shed. The proximity of the application site to the agricultural building has been raised as a matter of concern by the Council's Environmental Health Service as the submitted information has not demonstrated that the potential disamenity from the adjacent agricultural activity could be satisfactorily mitigated. The supporting information suggests that information has been submitted to address this albeit no information has been submitted with the application. The previous applications on the site by the same applicant were subject of similar concerns and there has been no material change of circumstance on site in the period since the previous applications were refused. The proposal therefore fails criterion (h). In terms of criterion (g), it is understood that the site falls within Inverarity Primary School and Forfar Academy catchments, the latter of which is currently at more than 80% capacity. However, given the application is for a single house only it is unlikely to contribute significantly to the school in terms of pupil numbers and no contribution would be required towards an extension of the school. The proposal does not give rise to any other issues in terms of Schedule 2.

Policy S6 of the ALPR states that proposals for development should where appropriate have regard to relevant principles set out in schedule 1 of this policy. I do not consider that the proposal gives rise to any significant issues in terms of Policy S6 of the ALPR in this instance.

As the proposal is considered to be contrary to other policies of the ALPR, specifically SC6 as indicated above, the proposal is therefore considered not to meet with the requirements of Policy S1 criterion (b).

In relation to other material considerations a previous application for a house on this site was refused and that decision was upheld by the Council's Development Management Review Committee (DMRC). In dismissing the review the Committee noted that the site did not lie between a residential curtilage and a metalled road. It was also noted by the DMRC that the Environmental Health objection had not been addressed in terms of amenity as a consequence of the proximity of the application site to the agricultural building adjacent. As indicated above there has been no material change in the physical circumstances of the site, access track, grass verge and agricultural building since the decision of the DMRC.

The application does not comply with the council's policies for new housing in the countryside and as such the proposal is contrary to the development plan. There are no material considerations that justify granting a planning permission contrary to the provisions of the development plan.

No legal agreement is required.

### **Human Rights Implications**

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

### **Equalities Implications**

The issues contained in this report fall within an approved category that has been confirmed as exempt from an equalities perspective.

### **Decision**

The application is Refused

### **Reason(s) for Decision:**

1. That the proposed development is contrary to Policy SC6 of the Angus Local Plan Review 2009 as the application site does not round off or consolidate a building group; does not constitute a gap site; is not a rural brownfield site; and is not located in a Category 2 Rural Settlement Unit. In addition the proposal is contrary to Schedule 2: Countryside Housing Criteria as it has not been demonstrated that a house on the site would have an acceptable residential amenity and would not be adversely affected by, or impede legitimate agricultural activity associated with the neighbouring agricultural building.

2. That the proposal is contrary to Policy S1 criterion (b) of the Angus Local Plan Review 2009 because it fails to be compatible with other policies of the local plan, namely Policy SC6 and Schedule 2: Countryside Housing Criteria.

### **Notes:**

Case Officer: Ruari Kelly  
Date: 2 July 2015

## **Appendix 1 - Development Plan Policies**

### **Angus Local Plan Review 2009**

#### Policy S1 : Development Boundaries

(a) Within development boundaries proposals for new development on sites not allocated on Proposals Maps will generally be supported where they are in accordance with the relevant policies of the Local Plan.

(b) Development proposals on sites outwith development boundaries (i.e. in the countryside) will generally be supported where they are of a scale and nature appropriate to the location and where they are in accordance with the relevant policies of the Local Plan.

(c) Development proposals on sites contiguous with a development boundary will only be acceptable where there is a proven public interest and social, economic or environmental considerations confirm there is an overriding need for the development which cannot be met within the development boundary.

#### Policy S6 : Development Principles (Schedule 1)

Proposals for development should where appropriate have regard to the relevant principles set out in Schedule 1 which includes reference to amenity considerations; roads and parking; landscaping, open space and biodiversity; drainage and flood risk, and supporting information.

#### Schedule 1 : Development Principles

##### Amenity

(a) The amenity of proposed and existing properties should not be affected by unreasonable restriction of sunlight, daylight or privacy; by smells or fumes; noise levels and vibration; emissions including smoke, soot, ash, dust, grit, or any other environmental pollution; or disturbance by vehicular or pedestrian traffic.

(b) Proposals should not result in unacceptable visual impact.

(c) Proposals close to working farms should not interfere with farming operations, and will be expected to accept the nature of the existing local environment. New houses should not be sited within 400m of an existing or proposed intensive livestock building. (Policy ER31).

##### Roads/Parking/Access

(d) Access arrangements, road layouts and parking should be in accordance with Angus Council's Roads Standards, and use innovative solutions where possible, including 'Home Zones'. Provision for cycle parking/storage for flatted development will also be required.

(e) Access to housing in rural areas should not go through a farm court.

(f) Where access is proposed by unmade/private track it will be required to be made-up to standards set out in Angus Council Advice Note 17 : Miscellaneous Planning Policies. If the track exceeds 200m in length, conditions may be imposed regarding widening or the provision of passing places where necessary.

(g) Development should not result in the loss of public access rights. (Policy SC36)

##### Landscaping / Open Space / Biodiversity

(h) Development proposals should have regard to the Landscape Character of the local area as set out in the Tayside Landscape Character Assessment (SNH 1998). (Policy ER5)

(i) Appropriate landscaping and boundary treatment should be an integral element in the design and layout of proposals and should include the retention and enhancement of existing physical features (e.g. hedgerows, walls, trees etc) and link to the existing green space network of the local area.

(j) Development should maintain or enhance habitats of importance set out in the Tayside Local Biodiversity Action Plan and should not involve loss of trees or other important landscape features or valuable habitats and species.

(k) The planting of native hedgerows and tree species is encouraged.

(l) Open space provision in developments and the maintenance of it should be in accordance with Policy SC33.

#### Drainage and Flood Risk

(m) Development sites located within areas served by public sewerage systems should be connected to that system. (Policy ER22)

(n) Surface water will not be permitted to drain to the public sewer. An appropriate system of disposal will be necessary which meets the requirements of the Scottish Environment Protection Agency (SEPA) and Angus Council and should have regard to good practice advice set out in the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland 2000.

(o) Proposals will be required to consider the potential flood risk at the location. (Policy ER28)

(p) Outwith areas served by public sewerage systems, where a septic tank, bio-disc or similar system is proposed to treat foul effluent and /or drainage is to a controlled water or soakaway, the consent of SEPA and Angus Council will be required. (Policy ER23).

(q) Proposals should incorporate appropriate waste recycling, segregation and collection facilities (Policy ER38)

(r) Development should minimise waste by design and during construction.

#### Supporting Information

(s) Where appropriate, planning applications should be accompanied by the necessary supporting information. Early discussion with Planning and Transport is advised to determine the level of supporting information which will be required and depending on the proposal this might include any of the following: Air Quality Assessment; Archaeological Assessment; Contaminated Land Assessment; Design Statement; Drainage Impact Assessment; Environmental Statement; Flood Risk Assessment; Landscape Assessment and/or Landscaping Scheme; Noise Impact Assessment; Retail Impact Assessment; Transport Assessment.

#### Policy SC6 : Countryside Housing New Houses

(a) Building Groups – One new house will be permitted within an existing building group where proposals meet Schedule 2 : Countryside Housing Criteria and would round off or consolidate the group.

(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. A statement of the planning history of the site/building, including the previous use and condition, must be provided to the planning authority. In addition, where a site has been substantially cleared prior to an application being submitted, or is proposed to be cleared, a statement by a suitably qualified professional justifying demolition must also be provided. Proposals should be small scale, up to a maximum of four new houses and must meet Schedule 2 : Countryside Housing Criteria as appropriate.

Exceptionally this may include new build housing on a nearby site where there is a compelling environmental or safety reason for removing but not redeveloping the brownfield site.

Large scale proposals for more than four new houses on rural brownfield sites will only be permitted exceptionally where the planning authority is satisfied that a marginally larger development can be acceptably accommodated on the site and it can be demonstrated beyond reasonable doubt that there are social, economic or environmental reasons of overriding public interest requiring such a scale of development in a countryside location.

(d) Open Countryside - Category 2 RSU's - Development of a single house will be supported where Schedule 2 : Countryside Housing Criteria is met.

## Policy Imp1 : Developer Contributions

Developer contributions will be required in appropriate circumstances towards the cost of public services, community facilities and infrastructure and the mitigation of adverse environmental impacts that would not have been necessary but for the development. Such contributions will be consistent with the scale and effect of the development and may relate to both on-site and off-site items that are required to produce an acceptable development in the public interest.

## **TAYplan Strategic Development plan**

### Policy 8 : Deliver Strategic Development

To ensure that quality is designed-in to development and places developer contributions shall be sought for new developments:-

to mitigate any adverse impact on infrastructure, services and amenities brought about by development including contributions towards schools, affordable housing, transport infrastructure and facilities (including for road, rail, walking, cycling and public transport), and other community facilities in accordance with the Scottish Government Circular 1/2010.

**DEVELOPMENT MANAGEMENT REVIEW COMMITTEE**

**APPLICATION FOR REVIEW**

**ERECTION OF A DWELLINGHOUSE (RE-APPLICATION) AT LAND AT  
MAINS OF KIRKBUDDO**

**APPLICATION NO 16/00114/PPPL**

**APPLICANT'S SUBMISSION**

- ITEM 1**      Notice of Review
- ITEM 2**      Statement of Review
- ITEM 3**      Letter re Road Makeup from D J Laing x 2
- ITEM 4**      Site/Location Plan
- ITEM 5**      Photographs
- ITEM 6**      Historic Map







County Buildings Market Street Forfar DD8 3LG Tel: 01307 461 460 Fax: 01307 461 895 Email: [plnprocessing@angus.gov.uk](mailto:plnprocessing@angus.gov.uk)

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100003091-003

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

## Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant  Agent

## Agent Details

Please enter Agent details

Company/Organisation:	A B ROGER & YOUNG LTD		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	STEPHEN	Building Name:	
Last Name: *	PIRIE	Building Number:	9
Telephone Number: *	01356 622125	Address 1 (Street): *	MACGREGOR STREET
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	BRECHIN
Fax Number:		Country: *	ANGUS
		Postcode: *	DD9 6AB
Email Address: *	info@abrogerandyoung.com		

Is the applicant an individual or an organisation/corporate entity? \*

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *
Other Title:	<input type="text"/>	Building Name: <input type="text" value="ARRAT FARM"/>
First Name: *	<input type="text" value="W"/>	Building Number: <input type="text"/>
Last Name: *	<input type="text" value="NICOLL"/>	Address 1 (Street): * <input type="text" value="ARRAT"/>
Company/Organisation	<input type="text"/>	Address 2: <input type="text"/>
Telephone Number: *	<input type="text" value="██████████"/>	Town/City: * <input type="text" value="BRECHIN"/>
Extension Number:	<input type="text"/>	Country: * <input type="text" value="ANGUS"/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text" value="DD9 7PW"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text"/>	

## Site Address Details

Planning Authority:	<input type="text" value="Angus Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="MAINS OF KIRKBUDDO FARMHOUSE"/>
Address 2:	<input type="text" value="MAINS OF KIRKBUDDO"/>
Address 3:	<input type="text" value="KIRKBUDDO"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="FORFAR"/>
Post Code:	<input type="text" value="DD8 2NJ"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="743418"/>	Easting	<input type="text" value="350071"/>
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## Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: \*  
(Max 500 characters)

PLANNING PERMISSION IN PRINCIPLE FOR ERECTION OF A DWELLINGHOUSE (RE-APPLICATION OF 15/00454/PPPL)  
AT LAND AT MAINS OF KIRKBUDDO

## Type of Application

What type of application did you submit to the planning authority? \*

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? \*

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

## Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: \* (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

SEE STATEMENT OF REVIEW IN SUPPORTING DOCUMENTS

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? \*

Yes  No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: \* (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: \* (Max 500 characters)

STATEMENT OF REVIEW, LETTER RE ROAD MAKEUP X 2, COPY OF THE SITE/LOCATION PLAN, PHOTOGRAPHS, HISTORIC MAP

## Application Details

Please provide details of the application and decision.

What is the application reference number? \*

16/00114/PPPL

What date was the application submitted to the planning authority? \*

16/02/2016

What date was the decision issued by the planning authority? \*

11/04/2016

## Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. \*

Yes  No

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be a combination of procedures.

Please select a further procedure \*

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

WE FEEL A SITE VISIT WOULD BE APPROPRIATE TO VIEW THE EXISTING METALLED TRACK BOUNDING THE SITE IN ORDER TO ESTABLISH IF THE PROPOSAL IS A CLEAR CUT GAP SITE AS WE BELIEVE

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? \*

Yes  No

Is it possible for the site to be accessed safely and without barriers to entry? \*

Yes  No

## Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. \*

Yes  No

Have you provided the date and reference number of the application which is the subject of this review? \*

Yes  No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? \*

Yes  No  N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? \*

Yes  No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review \*

Yes  No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

## Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr STEPHEN PIRIE

Declaration Date: 04/05/2016



## DEVELOPMENT MANAGEMENT REVIEW COMMITTEE

### STATEMENT OF REVIEW

#### **Planning Permission in Principle for Erection of a Dwellinghouse (Re-Application of 15/00454/PPPL) at Land at Mains of Kirkbuddo Mains of Kirbuddo for Mr W Nicoll**

#### **Planning Permission Refusal Ref: 16/00114/PPPL**

Planning permission in principle is sought for a new dwellinghouse at the above location. The site is a clear cut Gap Site which falls under the RSU1 Guidelines with a total site area of 890m<sup>2</sup>. The site lies to the north of the former Mains of Kirkbuddo Steading and is bounded to the west by the B1927, to the north by a neighbouring cottage/dry stone dyking and to the south by a historic existing metalled track.

Reasons for refusal states that:-

*1. 'That the proposed development is contrary to Policy SC6 of the Angus Local Plan Review 2009 as the application site does not round off or consolidate a building group; does not constitute a gap site; is not a rural brownfield site; and is not located in a Category 2 Rural Settlement Unit. In addition the proposal is contrary to Schedule 2: Countryside Housing Criteria as it has not been demonstrated that a house on the site would have an acceptable residential amenity and would not be adversely affected by, or impede legitimate agricultural activity associated with the neighbouring agricultural building.*

*2. 'That the proposal is contrary to Policy S1 criterion (b) of the Angus Local Plan Review 2009 because it fails to be compatible with other policies of the local plan, namely Policy SC6 and Schedule 2: Countryside Housing Criteria'.*

AB Roger & Young Ltd. were not contacted by the Planning Department to discuss the reasons for refusal during the application process or during the previous application 15/00454/PPPL and as such the opportunity to address these matters were not allowed.

It is noted within the Planning Officers Report of Handling that the proposed site does not constitute as a Gap Site for the following –

*“The application has been submitted on the basis that the applicant contends that the site would constitute a gap site on the basis that it is located between the curtilage of a dwelling and a 'metalled road'. This matter has previously been considered through the assessment of applications 10/00812/PPPL and 15/00454/PPPL where the applicant's case was rejected and it was concluded that the application site did not lie between a residential curtilage and a metalled road because the track to the south of the site consisted of two wheel ruts that were unmade and run into a network of field accesses. The circumstances on site remain the same”*

Within our original application we enclosed an updated report from DJ Lang Contracts Ltd. Confirming that they again visited the site after the original 2005 produced report and carried out a full inspection of the existing road bounding the southern boundary. The conclusion of this was that while the road did not have a bitumen top surface and had not been used for some time it had clearly been properly constructed and meets the definition of a ‘metalled road’

Angus Councils Local Plan policy SC6: Countryside Housing clearly details the description of a metalled track as “*a stone surface with a hard, crushed rock or stone surface as a minimum*”

We also enclosed Arial photographs of the site along with a copy of historic ordinance survey mapping that clearly shows the route of this metalled road bounding the site as early as 1924, it seems that this track along with a similar track immediately to the north of our site serviced a now disused quarry to the north east of Mains of Kirkbuddo.

Angus Council Planning Department has added within this latest refusal –

*“It is also relevant to consider that a grass verge is located between the south boundary of the application site and the access track that varies in width between 2 and 5.5m which is a further indication that the site does not meet the definition of a gap site”*

We would argue that the majority of all access tracks/ metalled roads have grass verges located at either side of them along their entire length, the main B9127 that runs along the front of this site is a prime example of this and as such we would state that this comment has no relevance on this application.

As such we are of the opinion that this site falls under Policy SC6’s definition of a Gap site and clearly complies with Schedule 2 : Countryside Housing Criteria.

Reason 1 for Angus Council’s decision also states –

*“In addition the proposal is contrary to Schedule 2: Countryside Housing Criteria as it has not been demonstrated that a house on the site would have an acceptable residential amenity and would not be adversely affected by, or impede legitimate agricultural activity associated with the neighbouring agricultural building.”*

This application is for outline approval only with no detailed plans or elevations being submitted, again if we had been consulted by Angus Council’s Planning Department during the application process this point could have been addressed and detailed plans and elevations provided however, taken from Angus Councils own website we note that the Environmental Health Department have stated the following within their response –

*“ it was this departments opinion that due to the size of the plot that a satisfactory level of internal and external residential amenity could be achieved on this site but would require careful consideration of both house position and layout in terms of any detailed application.”*



An indicative site layout plan was provided with the original application which showed a large garden area separating the proposed house position from the neighboring steading and we feel that if a condition had been attached by Angus Council to any approval document stating that Environment Health had to approve any proposed house layout and elevations prior to a detailed Planning Application being approved this could easily of been met.

Given the historic map evidence available for the site and the written statements received we are of the opinion that the proposals clearly comply with Policy SC6 and S1 of the Angus Local Plan Review.

All who know this site will be aware that the farming activities that take place in the shed to the south are on a seasonal and very low key basis, it should be noted that access into the shed is to the south and away from the proposed site in question, as was stated in our original supporting statement we feel that suitable amenity ground could easily be provided which in turn would certainly be more than is currently available to the existing Coach House site and in line with that provided within the planning approval that was granted for the erection of 2 dwellinghouses to the south of the neighbouring agricultural buildings (Planning Ref: 09/01295/FUL).

All countryside properties are affected by farming activities at some point throughout the year and this is fully accepted without issue.

We trust you find the above in order.

A B Roger & Young Ltd

Stephen Pirie

03/05/16





**CONTRACTS LTD**

Laing House  
Panmure Industrial Estate  
Carnoustie DD7 7NP

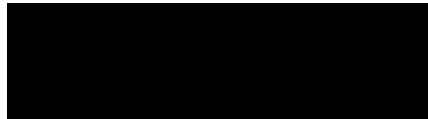
 Telephone: 01241 852750

To Whom It May Concern

I visited the site of a proposed dwelling house at Mains of Kirkbuddo, By Forfar on 14 February 2005.

I inspected the road adjoining the Southern boundary of the site. The road has no bitumen surface but is clearly properly constructed using stone of varying grades and as such would meet the definition of a "metalled road" as indicated by Angus Council Planning Department.

Yours faithfully  
for D J LAING [CONTRACTS] LTD



Bruce Nicoll  
Projects Manager



**CONTRACTS LTD**

Laing House  
Panmure Industrial Estate  
Carnoustie DD7 7NP

 Telephone: 01241 852750

To Whom It May Concern

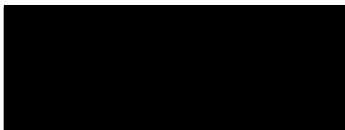
**MAINS OF KIRKBUDDO FARM**

I visited the site of a proposed house at Mains of Kirkbuddo, by Forfar on 29 September 2015.

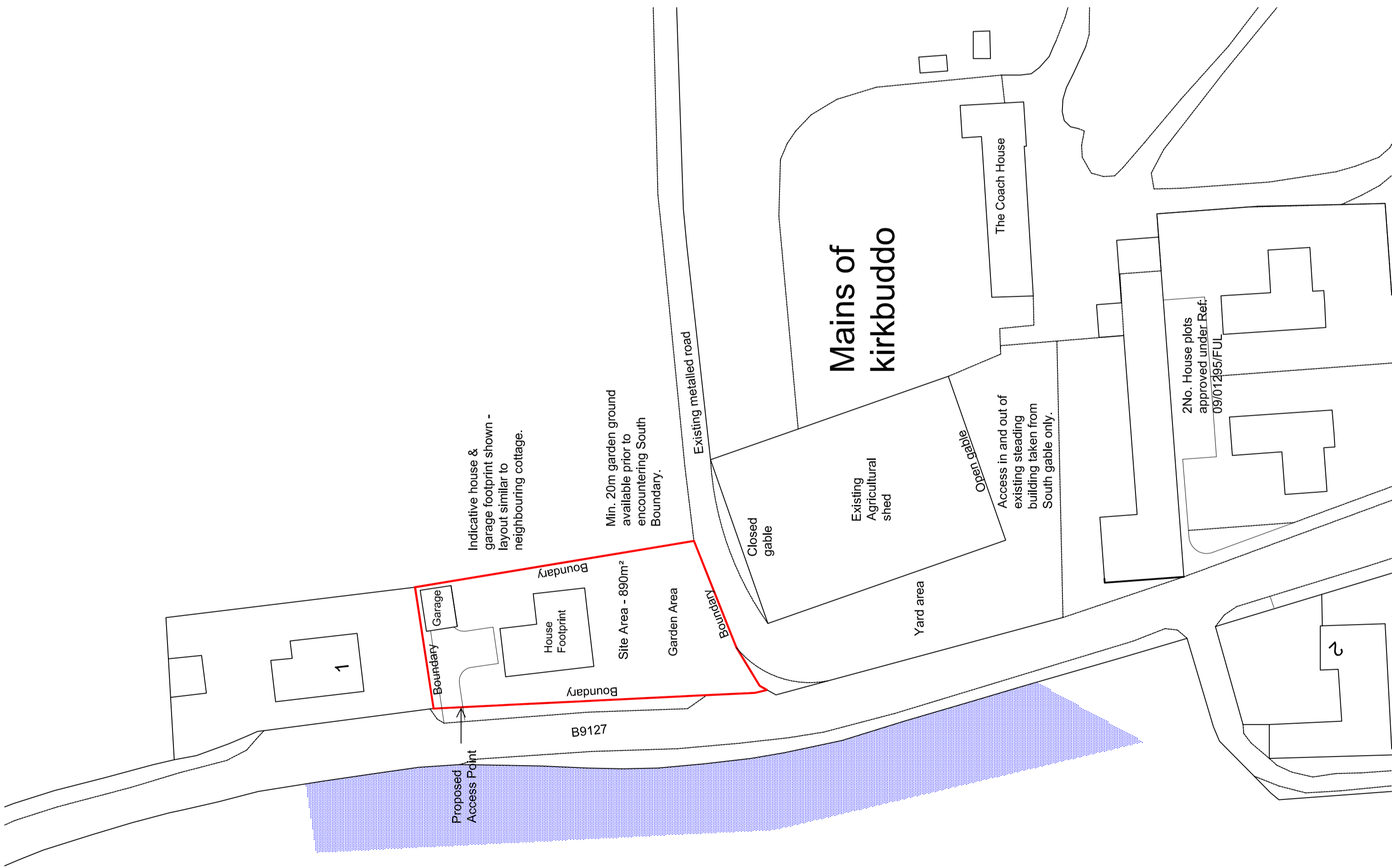
The purpose of the visit was to assess the construction of a road which adjoins the site on its southern boundary.

The road has no bituminous surfacing but has been properly constructed using stones of varying sizes, (presumably sourced locally) to form a good hardstanding road. This would meet the definition of a "metalled road" as indicated by Angus Council Planning Department.

Yours faithfully  
for D J LAING (CONTRACTS) LTD

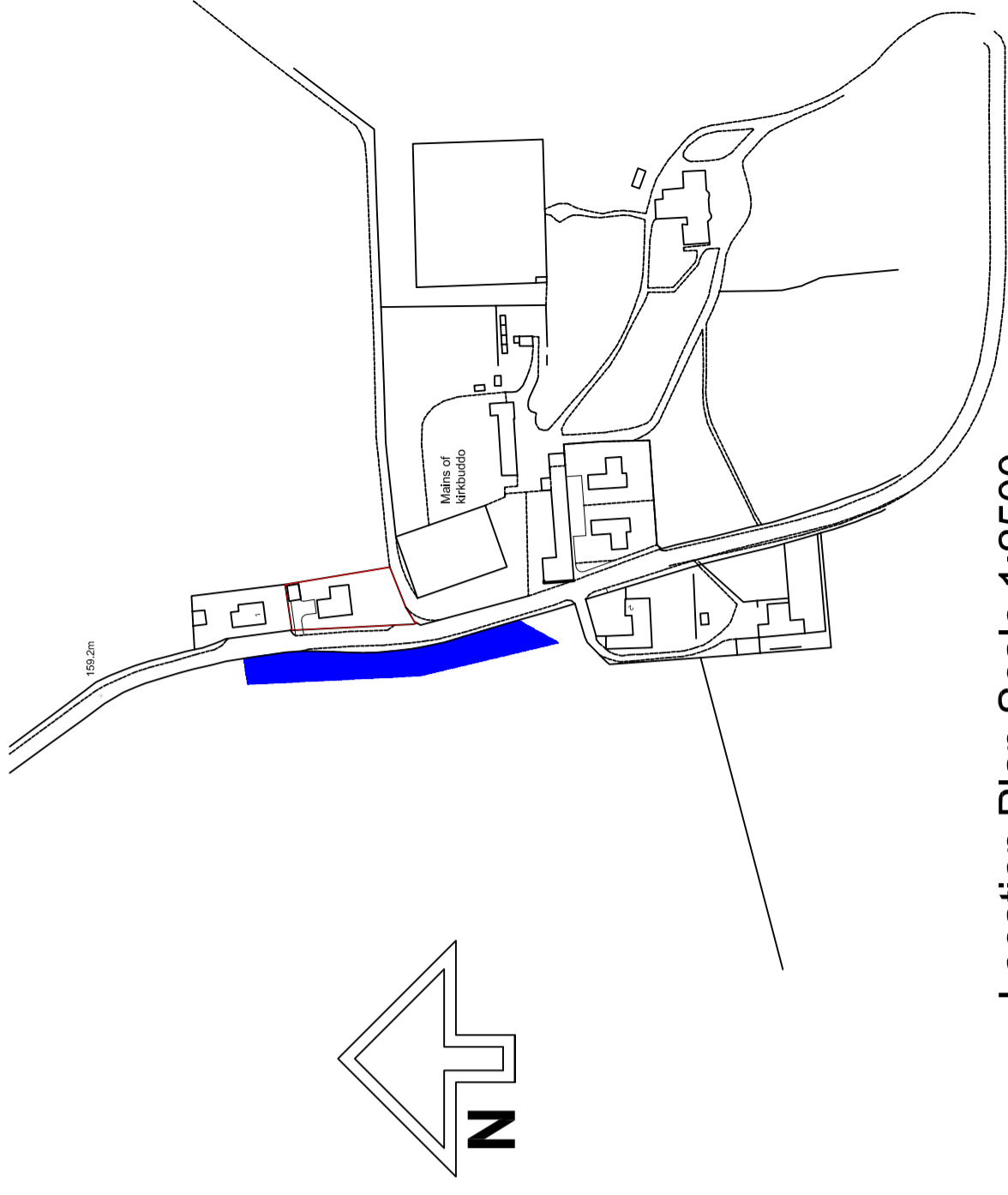


Bruce Nicoll  
**Projects Manager**



Land west of site owned by applicant

Site Plan 1:500



Location Plan Scale 1:2500

<b>A.B. Roger &amp; Young</b> Chartered Architect & Surveyors 9 Macgregor Street, Brechin Tel: 01356 622125 Fax: 622644	
Job Title: Proposed Change of use of land to form House Plot at Mains of Kirkbuddo, by Forfar for W Nicol	Date: March 2015
Scale: 1:500 1:2500	Drawn By: SWP
Drawing Title: Site & Location Plan	Checked By:
Drawing No. 2014MK001	Revisions: A.

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