

**ANGUS COUNCIL**

**DEVELOPMENT MANAGEMENT REVIEW COMMITTEE – 18 AUGUST 2015**

**THE COTTAGE, LUMLEYDEN, DUNDEE**

**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 for erection of single dwellinghouse with associated access and garden and demolition of existing workshop/shed, application No 1500220/PPPL at The Cottage, Lumleyden, Dundee.

**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 47(3), 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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List of Appendices:

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

**APPLICATION NUMBER – 15/00220/PPPL****APPLICANT - MR NEIL HUTCHESON****PROPOSAL & ADDRESS – ERECTION OF SINGLE DWELLING HOUSE WITH  
ASSOCIATED ACCESS AND GARDEN AND DEMOLITION OF EXISTING  
WORKSHOP/SHED AT THE COTTAGE, LUMLEYDEN, DUNDEE, DD4 0QF****ANGUS COUNCIL'S SUBMISSION****CONTENTS**

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**Angus Council**

<b>Application Number:</b>	15/00220/PPPL
<b>Description of Development:</b>	Erection of single dwelling house with associated access and garden and demolition of existing workshop/shed
<b>Site Address:</b>	The Cottage Lumleyden Dundee DD4 0QF
<b>Grid Ref:</b>	340447 : 741492
<b>Applicant Name:</b>	Mr Neil Hutcheson

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

The application site, which measures approximately 1475sqm, is located within the open countryside and outside of any development boundary as defined in the Angus Local Plan 2009 (ALPR). The site is located immediately south of the existing Lumley Den Cottage and to the east side of the A928 public road. It currently contains a commercial shed in the centre of the site, with grassed areas south. The application site generally slopes from north to south with walled boundaries and retaining walls being used to produce level areas of ground. To the west of the site beyond the A928 road lies a small spring which links to a watercourse running through the site, located just below the existing commercial shed. The application site is surrounded by open countryside to the south and east. The existing property at Lumleyden is located to the north.

**Proposal**

The application is for planning permission in principle for the erection of single dwellinghouse with associated access and garden and demolition of existing workshop / shed. The application form indicates that no trees would be affected by the proposal. The plans submitted indicate that the proposed house would be located in a similar position to the existing shed with a garden area to the south of the pond/spring.

The application has not been subject of variation.

**Publicity**

The nature of the proposal did not require the application be the subject of Neighbour Notification.

The application was advertised in the Dundee Courier on 13 March 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**

Planning Application 08/00188/OUT for outline Erection of a Dwellinghouse on the site was refused.

**Applicant's Case**

As part of the application the agent submitted a supporting statement and the content of this is

summarised as follows:

- o That the land to the north is in residential use and as such redevelopment of the brownfield site and garden areas for a housing use is considered appropriate;
- o That the shed was last used as part of the applicants haulage and scaffolding business however this was closed in 2009;
- o Acknowledged the site history in terms of the previous planning refusal and pre application advice;
- o Provides interpretation of national and local policies;
- o Indicates that the entire application site currently forms part of the curtilage of Lumleyden;
- o The site has no current use and there are some concerns with another use in close proximity to the existing residential property;
- o That the removal of the section of garden ground from the cottage will in no way effect the amenity of the property;
- o That the brownfield section of the site is in poor condition and without costly ongoing maintenance will no doubt fall into disrepair;
- o That the detailed design will include a septic tank to meet the current building standards;
- o Concludes that the development accords with the policies of the Scottish Government and the LDP and provides a high quality of development which will make a significant contribution to the rural area and result in a net environmental improvement.

Following correspondence with the agent, the agent provided further comments in relation to the brownfield nature of the site and this is summarised as follows:

- o That the original shed blew down and was rebuilt by the insurance company;
- o That there is no prospect of a new use given the close proximity of The Cottage;
- o As such the shed will continue to decline into a poor state of repair;
- o Confirms that Scottish Planning Policy includes a presumption in favour of sustainable development, the reuse of brownfield land is considered wholly sustainable;
- o That the brownfield area includes the area occupied by the shed and associated yard / access area and is therefore not considered to be small in scale;
- o That the proposal involves the removal of a shed with no function and no prospect of a useful function.

## **Consultations**

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

**Scottish Environment Protection Agency** - Raised no objections.

**Angus Council - Flood Prevention** - Raised no objections to the proposal. Indicated that the proposed development lies out with the medium probability flood envelope as given on SEPAs indicative flood map. It is therefore unlikely to be at risk of flooding during an event of this return period.

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

**Angus Council - Roads** - Raised no objections to the proposal subject to conditions.

**Scottish Water** - 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 S3 : Design Quality  
 Policy S6 : Development Principles (Schedule 1)  
 Policy SC6 : Countryside Housing New Houses

**TAYplan Strategic Development plan**

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

**Other Guidance**

Advice Note 5 Houses in the Open Countryside

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 proposed site lies outwith the development boundary in the ALPR. Policy S1, criterion (b) of the Angus Local Plan Review 2009 (ALPR) states that proposals on sites outwith development boundaries (ie. 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.

Policy SC6 applies to proposals for new housing within the countryside and provides four tests, one of which must be met to secure permission for a new dwellinghouse. The site proposed would not round off or consolidate a building group (criterion a). There is only one existing dwelling in situ and a building group is defined as being '*a group of at least 3 closely related existing dwellings or buildings capable of conversion*'. Criterion (a) therefore cannot be met. The site does not form a gap site because it does not sit between two dwelling curtilages or one dwelling curtilage and a metalled road. Criterion (b) therefore cannot be met. The site is not located within a Category 2 Rural Settlement Unit. Criterion (d) therefore cannot be met.

Criterion (c) of Policy SC6 would allow a new house on a rural brownfield site where redevelopment of that site would remove dereliction or make a significant environmental improvement. In judging the intentions of this part of the policy, it is relevant to note that the narrative found at 2.21 of the local plan indicates that *'the potential of some available brownfield sites to provide opportunities for net environmental improvement through the removal of an eyesore and redevelopment for housing is also recognised'*.

The condition of the site as observed on my site visit identified that only part of the site has an area of existing hard standing and a building on it, the remainder is a well maintained grassed area. The existing building is relatively modern in its construction and small in scale. It is tidy and appears to be well maintained. I have not examined the condition of the interior of the building and I note that the applicant has indicated that it has not been used since 2009. While the building may not be in use at present, its external characteristics do not give the impression or appearance of dereliction and it appears that it could be brought back into use relatively easily in a manner that would not adversely impact on the amenity of the Cottage (particularly given that it is in the ownership of the adjacent cottage). The existing shed is not an eyesore and the redevelopment of the site for a house would not represent a net environmental improvement. On that basis it is not considered that the proposal would meet with the intentions of criterion (c) of Policy SC6 which relates to rural brownfield sites. The proposal is therefore contrary to Policy SC6 of the local plan.

The applicant's agent has provided an historic photo showing other buildings on the site historically. This is of limited relevance and the application must be assessed on the basis of the current condition of the site.

Policy SC6 also requires that proposals meet with the criteria of Schedule 2: Countryside Housing Criteria. Criterion (g) of Schedule 2 indicates that proposals should be acceptable in relation to the cumulative effect of development on local community infrastructure including education provision. It is understood from other recent proposals within the Forfar Academy catchment (including ref: 13/01001/PPPM) that Forfar Academy would require to be extended to accommodate the additional pupils generated by planned developments within the catchment. The Education Service has indicated that a financial contribution is required in order to mitigate the impact of those developments on secondary school infrastructure. The Education Service has not been consulted on this proposal because the proposal is contrary to the test of principle provided by Policy SC6. Had the proposal been consistent with other policies of the local plan, the Education Service may have sought a financial contribution to offset this cumulative impact on education provision.

Were the proposal to meet the tests of Policy SC6, other relevant policies would need to be satisfied and I have assessed the proposal against those policies for completeness. In terms of Policy S6 and the associated Schedule 1 Development Principles, the proposal would be unlikely to give rise to any insurmountable issues. No objections have been received from the Roads Service or comments received from Scottish Water in terms of drainage. The application form indicates that no new drainage arrangements or altered water supply will be required. However it is assumed that a new private drainage system and septic tank would be required and the supporting information would appear to confirm this. Drainage arrangements could be dealt with at a detailed planning application stage, were the proposal otherwise acceptable. I am satisfied that a house could be constructed in a manner that wouldn't have any significant impact on the privacy of the adjacent property. It is not considered that the rest of policy S6 is directly relevant to the current proposal. Overall the proposal would generally comply with Policy S6 subject to planning conditions. In terms of Policy S3, limited assessment against this policy can take place under an application for planning permission in principle. The development of the site for a house would not conflict with the pattern of development in landscape character terms.

In conclusion, the proposal is considered to be contrary to the development plan. There are no material considerations that justify approval of the application.

### **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 proposal is contrary to Policy SC6 of the Angus Local Plan Review 2009 because the site (a) would not round off or consolidate an existing building group; (b) would not form a gap site; (c) is not a rural brownfield site where redevelopment would remove dereliction or make a significant environmental improvement; and (d) because the site is not located within a Category 2 Rural Settlement Unit.

2. That the proposal fails to comply with Policy S1 criterion (b) on the basis that it is contrary to Policy SC6 of the Angus Local Plan Review 2009.

## **Notes:**

Case Officer: James Wright

Date: 24 April 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 S3 : Design Quality

A high quality of design is encouraged in all development proposals. In considering proposals the following factors will be taken into account:-



- \* site location and how the development fits with the local landscape character and pattern of development;
- \* proposed site layout and the scale, massing, height, proportions and density of the development including consideration of the relationship with the existing character of the surrounding area and neighbouring buildings;
- \* use of materials, textures and colours that are sensitive to the surrounding area; and
- \* the incorporation of key views into and out of the development.

Innovative and experimental designs will be encouraged in appropriate locations.

#### 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.

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

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

**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.

**Policy SC3 : Windfall Sites**

**Angus Council will support proposals for residential development of 5 or more dwellings on windfall sites within development boundaries in addition to the identified supply where they:**

- **will make a significant contribution towards regeneration and renewal;**
- **are compatible with established and proposed land uses in the surrounding area;**
- **include affordable housing in accordance with Policy SC9; and**
- **take account of the provisions of Policy S6 : Development Principles.**

***Windfall Sites:** These are sites with potential to accommodate 5 or more dwellings but which are not allocated or otherwise identified in the Local Plan or the Housing Land Audit.*



**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.

**INTRODUCTION**

Notwithstanding offering support for farm diversification and the setting aside of agricultural land, Government policy is still generally negative and restrictive towards the building of new houses in the countryside.

Angus District Council, however, recognised that there was a demand, indeed a need, for some new houses in the countryside and, therefore, its policies were more supportive than in many other parts of Scotland. Clearly a free-for-all cannot and does not exist and a number of criteria, as specified in the Local Plan, must first be met.

Numerous sites did meet these criteria and despite advice on design being offered through the earlier versions of this Advice Note, many completed houses continued to attract criticism. In acknowledgement of this criticism, the design advice offered by the Council was revised in order to more adequately protect, for local and visitor alike, that very valuable asset - the Angus countryside. This updated advice has now been adopted and reissued by Angus Council.

The advice endeavours to halt some trends which have attracted particular criticism and is based on the standpoint that all new houses should make a positive contribution to the rural scene and not detract from it.

The design of a house for the countryside is a challenge, far more so than a town or village development and by following the advice contained in this note, an effort to produce a product that respects the countryside and local tradition and avoids the persistent use of designs more at home in a suburban situation, you should be rewarded with a planning approval.

**DESIGN ADVICE**

The extent to which the Council will expect the following advice to be heeded will vary according to the prominence of the location and the extent to which the elevations are viewed by the public

ACCORDINGLY THERE WILL BE A MORE FLEXIBLE APPROACH TO IMPOSING THE ADVICE ON SITES REMOTE FROM PUBLIC VIEW OR WHERE WELL SCREENED BY THE LAND FORM OR NATURAL SCREENING.

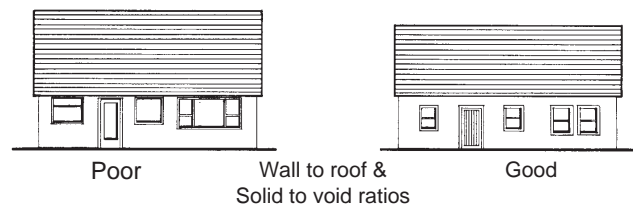
Neither is it the intention of this note to stifle original design in the Angus countryside, its prime purpose being to bring about a reduction in the mundane or out of character houses that are becoming the norm.

ACCORDINGLY THERE WILL BE A MORE FLEXIBLE APPROACH TO IMPOSING THE FOLLOWING ADVICE ON PROPOSALS WHICH DEMONSTRATE DESIGN FLAIR AND THOUGHT IN PRODUCING A HOUSE SUITED TO A RURAL ANGUS LOCATION.

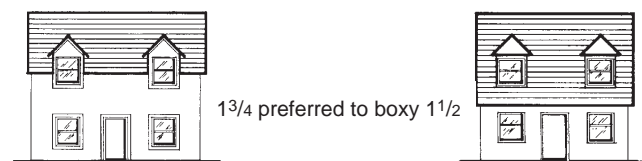
Especially in achieving the latter, THE SERVICES OF A CHARTERED ARCHITECT ARE STRONGLY RECOMMENDED.

1. **FORM/SCALE** A satisfactory composition depends on plan depth, roof pitch, length of frontage, etc. Modern standards in these respects make it difficult to achieve traditional or even satisfactory proportions. Providing specific advice in this context is not easy but a balanced composition should be the objective.

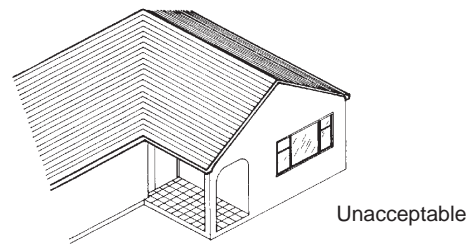
- (i) Plan Shape: plans based on rectangles should be preferred over square forms and T shapes over L.
- (ii) Wall to Roof Ratio: perhaps the most important element of the composition. Over-dominant roofs must be avoided. In single storey houses the wall to roof ratio should not exceed 1:1<sup>1</sup>/<sub>3</sub>, on 1<sup>1</sup>/<sub>2</sub> storeys 1:1<sup>1</sup>/<sub>2</sub> will be the maximum allowed.
- (iii) Solid to Void: new houses should recreate the traditional character of solidity. The wall to void (windows and doors) ratio on public elevations should not be less than 5:1.



- (iv) Roof Ridgelines: long, unbroken ridgelines should be avoided. Introduce variation into roof height and pattern.
- (v) Height: many modern 1<sup>1</sup>/<sub>2</sub> storey designs are far too tall and boxy, especially if it has a small floor plan. Many standard designs will fail the wall to roof ratio. Preferred options are: revert to single storey if small; 1<sup>3</sup>/<sub>4</sub> will generally be sympathetically received; or even a full two storeys may achieve a better composition.

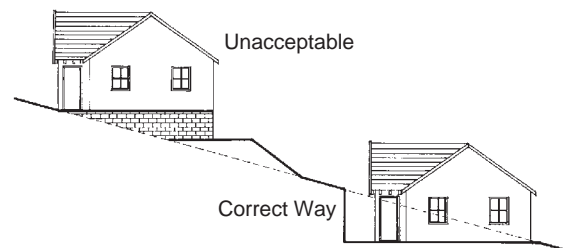


- (vi) Avoid Disruptive Features: such as cut-away front porches. Fine in town but with no rural tradition and a tendency to destroy the symmetry of a design. The same can be said for balconies on public elevations.



2. **SITING** Sloping sites call for particular care as few houses are designed specifically for such situations. Where sloping sites are involved, detailed plans may be demanded at the outline stage.

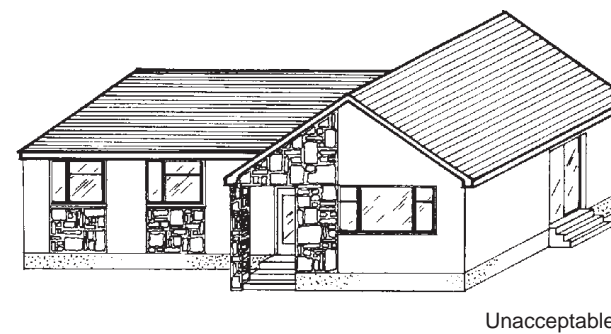
- (i) Underbuilding: excessive underbuilding is visually destructive and will not be acceptable if viewed by the public.



- (ii) Terracing: in order to avoid underbuilding, sites are sometimes relevelled to create a raised terrace. This too is an unacceptable solution.
- (iii) Split-Level Housing: a sloping site may demand a unique solution utilising split floor levels. However, a standard design over a garage does not constitute such a solution.
- (iv) Basecourse: should not be in a contrasting colour to the walls above but should be a close match.

3. **WALLS** The impact of a new house in the countryside will to a large extent be determined by its walls and in particular the colour.

- (i) Feature Panels: comprising part of an elevation are very much a suburban feature, out of character in the countryside and accordingly will no longer be permitted. Permissible may be complete elevations finished in natural stone or gable ends in some materials that complement the colour of the other walls.



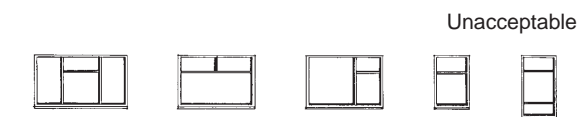
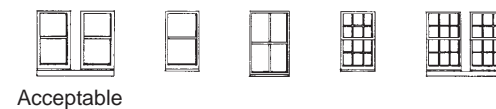
- (ii) Number of Materials: from the above it is clear that a maximum of two materials will be allowed and preferably it should be one (excluding basecourses and window margins).
- (iii) Bricks: are alien to the Angus countryside and will not be accepted as an external finish, except as a basecourse.
- (iv) Colour: light colours make a building appear larger, more conspicuous and closer, it attracts attention. Light colours (i.e. white, cream, champagne, buff, etc.) will, therefore, only be allowed under certain conditions e.g. where all adjacent buildings are light coloured, where the building, in the opinion of the planning authority is of such merit as to warrant the prominence a light colour will produce and in locations hidden from public view. Where a light colour is acceptable, a traditional wet dash will be preferred.
- (v) Timber: totally timber clad houses will only be acceptable in exceptional (such as wooded) circumstances.

4. **WINDOWS AND DOORS** The windows can make or break a design, particularly in the countryside where a major feature of an individual house will be the appearance of the windows.

- (i) Vertical Proportions: too many horizontally proportioned windows have been permitted in the past and the Council intends a stricter policy to be applied to windows on public elevations. Here windows should be no wider than one metre, whilst depth should exceed

width on all but the smallest, minor windows. Larger areas of glazing will be accommodated by positioning two or more such windows side by side with a solid (not timber) mullion or division of at least 200mm between and finished the same as the walls.

- (ii) Style: windows on public elevations should respect and echo traditional styles in appearance and should match through. Illustrated are some examples of acceptable and unacceptable styles.



- (iii) Patio Doors/French Windows: are very popular but especially eye-catching and alien in rural areas. They will not be allowed on public elevations even if it is the only one south facing.

- (iv) Bay/Bow Windows: again should be avoided on the main elevations.

- (v) Window to Eaves Relationship: windows should not disappear into the roof, there must be visual evidence of walling (lintel) between windows and eaves.

- (vi) Doors: doors on rural dwellings have traditionally been simple timber affairs. Highly glazed doors and particularly side panels, must be avoided and fancy entrance features (arches etc.) will not be acceptable.

- (vii) Orientation: where the back of a house faces the public road, perhaps to utilise a view, the treatment of windows and doors will require particularly careful handling. It will probably be necessary to create the impression of it being a second front!

5. **ROOF TO WALL JUNCTION** A feature which amplifies and confirms that a house is modern is the current practice of using excessive amounts of timber around eaves and gables.

- (i) Eaves: heavy boxed eaves and the even heavier, clumsy corners ("club-feet") are to be eliminated. Exposed rafter ends are a much more acceptable feature and will receive every encouragement.

- (ii) Overhang: the extent by which the roof overhangs the walls, particularly on the gables, must be minimised.

- (iii) Gable Bargeboarding: should preferably be eliminated but where this is impractical, minimal timber should be used, painted to complement the walls.

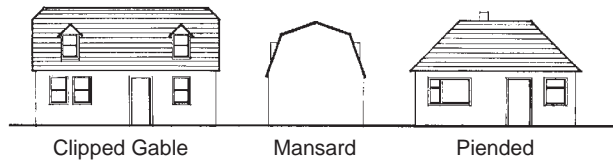
**6. ROOF**

- (i) Materials: roofs should be covered in dark blue/grey materials, preferably slate. There are, however, a number of slate lookalikes now available and these will generally receive sympathetic consideration, albeit they will rarely involve a significant cost saving. These do not include standard concrete tiles which will be restricted to houses distant from public roads or adjacent to buildings similarly clad.

- (ii) Pitch: traditionally rural houses would, as a general rule, have a 40° or even 45° pitch but because modern houses are much deeper, this can produce a top-heavy

appearance. As a general rule then 35° will be the minimum acceptable but see also section on "Form/Scale".

- (iii) Styles: mansard roofs and clipped gables (a particularly recent introduction) will not be acceptable in Angus. Piended roofs will be discouraged, especially when the ridge is short. Mixing of roof styles on the same building is unacceptable.



- (iv) Ventilation: tile vents, whilst effective and functional are a modern and unacceptable eyesore in the countryside.
- (v) Chimneys: the provision of chimneys will be encouraged. Every effort should be made to design the chimney so as to emerge through the ridge. Floor to roof "stuck-on" gable chimneys will not be acceptable unless every effort has been made to integrate them into the overall design or they are not readily visible
- 7. DORMERS** Dormers can be particularly effective (if well designed) in adding visual interest to an otherwise monotonous roofscape.
- (i) Style: the use of small, traditional style dormers will be encouraged and may be demanded where felt essential to make a 1 1/2 storey house visually acceptable. Box dormers will not be acceptable.
- (ii) Materials: generally dormers will require to be finished in materials to match the roof.
- 8. PORCHES** Small porches are a traditional feature of rural houses and could provide a viable alternative to the over-elaborate entrances which will not be accepted.
- (i) Scale: overlarge porches cum conservatories should be avoided on the public elevation. Porches were traditionally small!
- (ii) Materials: roofs should be pitched and clad in the same material as the house, there might however be some scope for alternative but complementary materials to be used on the walls. Traditionally, for instance, porches were often of timber construction.
- 9. GARAGES** A tendency at the planning stage to pay little attention to this nevertheless important adjunct to the house.
- (i) Integral or Detached: integral garages will often jeopardise the composition of a house, making it too long or bulky and leads to the breaching of other guidelines, e.g. length of ridge or the solid to void ratio and thus producing a planning refusal. Detached but carefully sited garages are recommended.
- (ii) Materials: should always match the house.
- (iii) Design: flat roofs will not be acceptable. Double garages should have two separate doors when open to public view.
- 10. BOUNDARY TREATMENT** Many very acceptable designs have been spoiled by a poor choice of boundary treatment. The advice is to:-

- (i) retain drystone dykes, hedges etc., and
- (ii) avoid alien, often suburban fences and walls, preferred are stone dykes, walls harled and coped with natural stone, native hedging, perhaps palisade or pale fencing and even the ubiquitous post and wire fence.

**11. LANDSCAPING** Both existing and proposed landscaping can be very important in settling a new house into the countryside and reducing the otherwise raw, intrusive impression that can be created. The Council will be looking for evidence that landscaping has been taken into consideration in any planning application and conditions requiring landscaping proposals and tree planting will be commonplace.

**12. OTHER FEATURES** There are a number of "optional" features which can add traditional touches or interest to a new house. Several are listed below and while there is no intention to demand their use in all instances, they may help (but certainly not guarantee) your proposal to secure planning approval:-

- (i) Window/Door Margins: structurally unnecessary but they are very much a Scottish vernacular feature which is appreciated by most members of the public.
- (ii) Tabling: another vernacular feature which builders today seem to avoid but one that can add genuine character and individuality to a house.
- (iii) Rybats/Quoins: a traditional detailing feature again rarely performing a structural function today, but if some form of individual treatment is sought, then worth considering. Colour should complement not contrast with the walls.
- (iv) Dummy Chimneys: genuine chimneys are covered above (see roof) but it is acknowledged that not everyone wishes an open fire. Because of this many modern houses have a very uninteresting, deficient appearance to the roof. Provision of a realistic, dummy chimney can overcome this and provide a major visual boost, in the correct position of course!

**13. NEIGHBOURLINESS** A new house should respect its neighbours. This will encompass many factors such as roof material colour, wall finishes, building line, respecting privacy and avoiding over-looking but perhaps most importantly, a new house should not dominate its neighbours. If the neighbouring properties consist of or include modern houses of the type that this Advice Note discourages, then the planning authority reserves the right to seek improvements, e.g. wall colour, and will not necessarily accept simple repetition.

**14. REPLACEMENTS** Where in terms of Council policy demolition and replacement is permitted, it should not be assumed that a dwelling significantly removed from the original's location or significantly larger, will be acceptable. It is accepted, however, that some old dwellings are very small and a slightly larger replacement will be permitted but don't expect to replace a but n'ben with a five bedroom villa. Re-use of existing material will be expected in the case of replacement houses where that material is worthy of re-use.

*The design of any new house in the countryside is a challenge, one which a good designer should be able to rise to, thus making the above advice largely redundant. Unfortunately it will be very appropriate in the majority of cases. Building a house in the countryside cannot be*

*regarded simply as a private transaction. There is a public interest in the end result. Accordingly if you are fortunate enough to secure a planning consent for a new house in the countryside:-*

### **BE WARNED**

YOU MAY NOT BE ABLE TO BUILD THE HOUSE OF YOUR CHOICE OR DREAMS.

YOU MAY NOT BE ALLOWED TO USE THE ROOF OR WALL FINISH OF YOUR CHOICE.

YOU MAY HAVE TO USE A DARK TINTED ROUGHCAST WHEN YOU ALWAYS WANTED A LIGHT COLOUR.

YOU WILL NOT BE ALLOWED A PICTURE WINDOW OR PATIO DOORS ON THE FRONT OF YOUR HOUSE.

YOU MAY NOT BE ALLOWED AN INTEGRAL GARAGE.

YOU WILL BE REQUIRED TO PLANT TREES.

MEETING THE PLANNING CONDITIONS MAY COST YOU A LITTLE MORE THAN YOU EXPECTED.

*and most definitely* YOU WILL NOT BE ABLE TO POINT TO EXAMPLES FROM THE PAST TO JUSTIFY BREACHES OF THIS ADVICE NOTE!



*For further information and advice contact:*

Planning & Transport  
Angus Council  
County Buildings  
Market Street  
Forfar  
DD8 3LG

Telephone 01307 461460

**Angus Council**



**ADVICE NOTE 5**

**HOUSES IN  
THE OPEN  
COUNTRYSIDE**



**Memorandum  
Communities  
(Roads)**

TO: PLANNING & TRANSPORT  
James Wright, Planning Officer, Development Standards

FROM: ROADS  
Neil Young, Design Engineer, Engineering & Design Services

YOUR REF: 15/00220/PPPL

OUR REF: NY/?/ CF1.1

DATE: 13 March 2015

**SUBJECT: TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997  
PLANNING APPLICATION REF NO. 15/00220/PPPL  
ERECTION OF SINGLE DWELLING HOUSE WITH ASSOCIATED ACCESS  
AND GARDEN AND DEMOLITION OF EXISTING WORKSHOP/SHED  
THE COTTAGE LUMLEYDEN DUNDEE DD4 0QF**

---

I have considered the above planning application and have the following observations with regard to the disposal of surface water within the context of Sustainable Urban Drainage Systems (SUDS) and flood risk to the site:

**Observations**

1. The location of the proposed development lies out with the medium probability flood envelope as given on SEPA's indicative flood map. It is therefore unlikely to be at risk of flooding during an event of this return period.

**Conclusion**

I have no objection to this proposal.

Should you have any further queries please call me on extension 3173.

Neil Young,

Design Engineer (Engineering & Design Services)

CC Walter Scott, Design Manager, Engineering & Design Services, County Buildings;  
Adrian Gwynne, Traffic Engineer, Traffic Management, County Buildings;



# Memorandum

## Communities (Roads)

TO: HEAD OF PLANNING & PLACE

FROM: HEAD OF TECHNICAL & PROPERTY SERVICES

YOUR REF:

OUR REF: GH/AG/CM TD1.3

DATE: 20 March 2015

**SUBJECT: PLANNING APPLICATION REF. NO. 15/00220/PPPL – PROPOSED ERECTION OF SINGLE DWELLING HOUSE WITH ASSOCIATED ACCESS AND GARDEN AND DEMOLITION OF WORKSHOP AT LUMLEY DEN FOR MR NEIL HUTCHESON**

---

I refer to the above planning application.

The site is located on the A928 Kirriemuir – Glamis – Toddhills road at Lumley Den. On site there is an existing workshop with an existing access to the public road.

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 considered the application in terms of the traffic likely to be generated by it, and its impact on the public road network. As a result, I do not object to the application but would recommend that any consent granted shall be subject to the following conditions:

- 1 That, prior to the commencement of development, a visibility splay shall be provided at the junction of the proposed access with the A928 Kirriemuir – Glamis – Toddhills road giving a minimum sight distance of 70 metres in a south easterly direction at a point 2.4 metres from the nearside channel line of the A928 Kirriemuir – Glamis – Toddhills road.

**Reason: to ensure a safe and suitable access, in the interests of road safety.**

- 2 That, within the above visibility splay nothing shall be erected, or planting permitted to grow to a height in excess of 1050mm above the adjacent road channel level.

**Reason: to provide and maintain adequate sightlines, in the interests of road safety.**

- 3 That, prior to the occupation or use of the dwelling house, the verge crossing at the proposed access shall be re-constructed in accordance with the National Roads Development Guide (SCOTS).

**Reason: to provide a safe and satisfactory access in a timely manner.**

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

*p.p.*

Our ref: PCS/139092  
Your ref: 15/00220/PPPL

James Wright  
Angus Council  
Planning & Transport  
County Buildings  
Market Street  
Forfar  
DD8 3LG

If telephoning ask for:  
Stephen Iannarelli

2 April 2015

By email only to: [PLNProcessing@angus.gov.uk](mailto:PLNProcessing@angus.gov.uk)

Dear James Wright

**Planning application: 15/00220/PPPL  
Erection of single dwelling house with associated access and garden and  
demolition of existing workshop/shed  
The Cottage Lumleyden Dundee DD4 0QF**

Thank you for your consultation letter of which SEPA received on 11 March 2015.

We have **no objection** to this planning application. Please note the advice provided below.

Notwithstanding our position we would expect Angus Council to undertake their responsibilities as the Flood Prevention Authority.

Please also note the advice provided below. This advice is given without prejudice to any decision made on elements of the proposal; regulated by us, which may take account of factors not considered at the planning application stage.

**Advice for the planning authority**

**1. Flood Risk**

- 1.1 We have reviewed the information provided in this consultation and it is noted that, although the site appears to lie out with the SEPA Flood Map, the application site is adjacent to a small watercourse and consequently the site may be at risk of flooding.
- 1.2 Small watercourses are often poorly understood with respect to the severity of the flood hazard that can be generated on a catchment of this scale. SEPA holds a wealth of information on past small catchment flooding in Scotland which has led to significant impacts upon people and property.
- 1.3 Following a review of the information provided, the siting of the proposed dwellinghouse (identified within the supporting Planning Statement within 'existing brownfield land') should be positioned to minimise any potential impacts associated with any localised flood risk from small watercourses. As we hold no specific flood risk information and/or local knowledge of



this site, the Local planning Authority should be satisfied that adequate information will be provided, for example pre- and post-development ground levels for the site and proposed finished floor levels, to determine the acceptability of the proposed development.

- 1.4 Notwithstanding this, informal discussions with Angus Council's Flood Prevention Officer, and a review of the subsequent consultation response, appear to outline that the site would be unlikely to be subject to unreasonable localised flood risk.
- 1.5 If your authority requires further comment from us, additional information would be necessary to enable us to comment upon the flood risk at the application site in line with the principles of Scottish Planning Policy (2010), SEPA-COSLA Protocol (as updated 2011) and the duties of the Flood Risk Management (Scotland) Act (2009)

## **Detailed advice for the applicant**

### **2. Flood Risk**

#### **Caveats & Additional Information for Applicant**

- 2.1 The SEPA Flood Maps have been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km<sup>2</sup> using a Digital Terrain Model (DTM) to define river corridors and low-lying coastal land. The maps are indicative and designed to be used as a strategic tool to assess flood risk at the community level and to support planning policy and flood risk management in Scotland. For further information please visit [http://www.sepa.org.uk/flooding/flood\\_maps.aspx](http://www.sepa.org.uk/flooding/flood_maps.aspx).
- 2.2 We refer the applicant to the document entitled: "*Technical Flood Risk Guidance for Stakeholders*". This document provides generic requirements for undertaking Flood Risk Assessments and can be downloaded from [www.sepa.org.uk/flooding/planning\\_flooding.aspx](http://www.sepa.org.uk/flooding/planning_flooding.aspx). Please note that this document should be read in conjunction Policy 41 (Part 2).
- 2.3 Our Flood Risk Assessment checklist should be completed and attached within the front cover of any flood risk assessments issued in support of a development proposal which may be at risk of flooding. The document will take only a few minutes to complete and will assist our review process. It can be downloaded from [http://www.sepa.org.uk/flooding/planning\\_flooding/fra\\_checklist.aspx](http://www.sepa.org.uk/flooding/planning_flooding/fra_checklist.aspx)
- 2.4 Please note that we are reliant on the accuracy and completeness of any information supplied by the applicant in undertaking our review, and can take no responsibility for incorrect data or interpretation made by the authors.
- 2.5 The advice contained in this letter is supplied to you by SEPA in terms of Section 72 (1) of the Flood Risk Management (Scotland) Act 2009 on the basis of information held by SEPA as at the date hereof. It is intended as advice solely to Angus Council as Planning Authority in terms of the said Section 72 (1). Our briefing note entitled: "*Flood Risk Management (Scotland) Act 2009: Flood risk advice to planning authorities*" outlines the transitional changes to the basis of our advice in line with the phases of this legislation and can be downloaded from [www.sepa.org.uk/planning/flood\\_risk.aspx](http://www.sepa.org.uk/planning/flood_risk.aspx).

### **3. Waste Water Drainage**

- 3.1 The application documentation outlines that no new foul drainage would be provided,

however, we highlight that all new private waste water discharge arrangements require authorisation (registration or licence) under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR). Outwith sewerred areas, the principle of private foul drainage systems are generally acceptable, subject to obtaining CAR authorisation.

- 3.2 It is at the applicant's own commercial risk if they proceed with planning permission without the requested regulatory authorisations in place. We recommend that the applicant contact our local operations team to discuss the obligations required to comply with the above Regulations.
- 3.3 We prefer private waste water discharges to be made to soakaways where ground conditions are suitable rather than discharges to water. The applicant will be required to ascertain the porosity of the ground as this will be the main driving factor in determining available waste water drainage options. SEPA advise that if the porosity of the ground is not within an acceptable level a soakaway drainage system may not be appropriate. In this instance, the applicant should contact SEPA's Local Operations team to discuss alternative waste water drainage arrangements.
- 3.4 Any proposed sewage effluent discharge from the private drainage serving the property should follow the steps set out in the following guidance documents: *Treatment and disposal of sewage where no foul sewer is available:PPG4* and *Regulatory Method (WAT-RM-04) Indirect Sewage Discharges to Groundwater*.
- 3.5 Waste water drainage systems should also be designed and located in accordance with the Building Standards Technical Handbooks however planning authorities should ensure a development can be drained in accordance with Planning Advice Note 79 Water and Drainage. In addition, surface water should be kept separate from the foul system to avoid short circuiting of any proposed private sewage plant.

## **Regulatory advice for the applicant**

### **4. Regulatory requirements**

- 4.1 Details of regulatory requirements and good practice advice for the applicant can be found on our website at [www.sepa.org.uk/planning.aspx](http://www.sepa.org.uk/planning.aspx). If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the operations team in your local SEPA office at:

62 High Street, ARBROATH, DD11 1AW, Tel: 01241 874370

If you have any queries relating to this letter, please contact me by telephone on 0131 273 7275 or e-mail at [planning.se@sepa.org.uk](mailto:planning.se@sepa.org.uk).

Yours Sincerely

Stephen Iannarelli  
Senior Planning Officer  
Planning Service

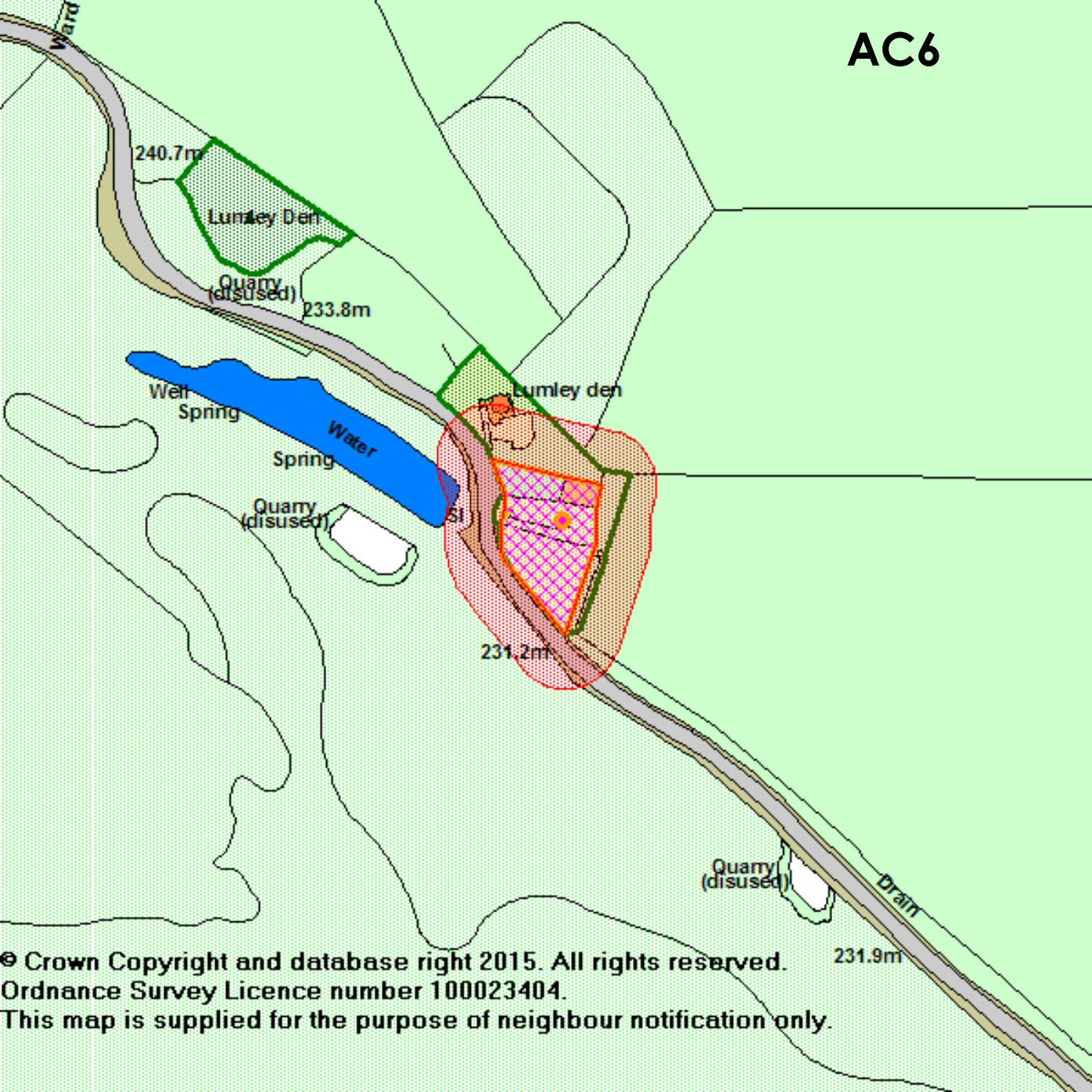
Copy to:  
Karen Clark  
Scoutbog Steading

Oldmeldrum  
Inverurie  
AB51 0BH

*Disclaimer*

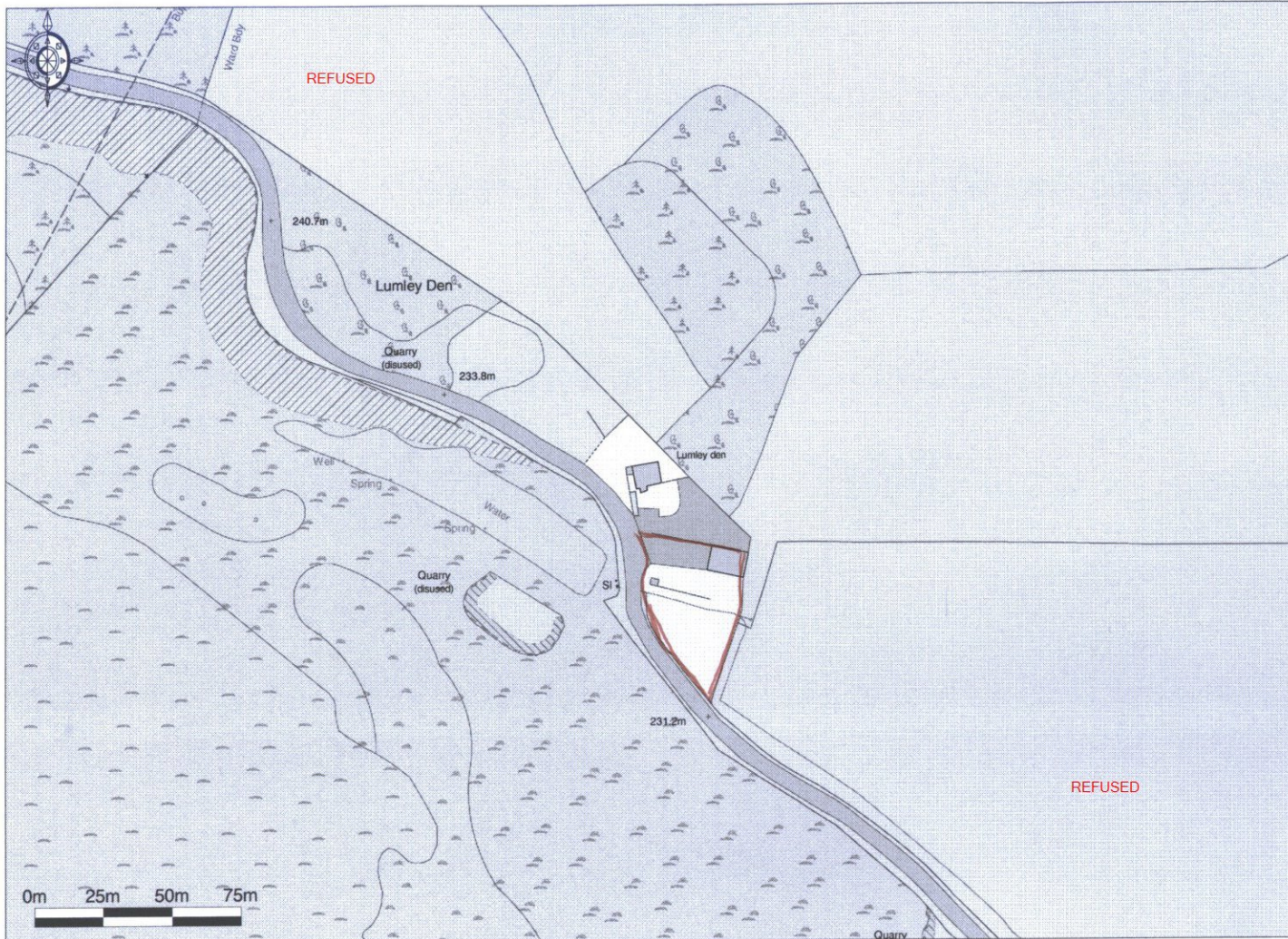
*This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at the planning stage. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application and/or neighbour notification or advertising. We have relied on the accuracy and completeness of the information supplied to us in providing the above advice and can take no responsibility for incorrect data or interpretation, or omissions, in such information. If we have not referred to a particular issue in our response, it should not be assumed that there is no impact associated with that issue. If you did not specifically request advice on flood risk, then advice will not have been provided on this issue. Further information on our consultation arrangements generally can be found in [How and when to consult SEPA](#), and on flood risk specifically in the [SEPA-Planning Authority Protocol](#).*

AC6



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Produced by Angus Council  
Planning and Transport Division  
County Buildings, Forfar, Angus  
DD8 3LG. Tel 01307 473342

















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 15/00220/PPPL

To **Mr Neil Hutcheson**  
**c/o Suller & Clark Planning Consultants**  
**FAO Karen Clark**  
**Scoutbog Steading**  
**Scoutbog Steading**  
**Oldmeldrum**  
**Inverurie**  
**AB51 0BH**

With reference to your application dated 6 March 2015 for Planning Permission in Principle under the above mentioned Acts and Regulations for the following development, viz:-

**Erection of single dwelling house with associated access and garden and demolition of existing workshop/shed at The Cottage Lumleyden Dundee DD4 0QF for Mr Neil Hutcheson**

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 proposal fails to comply with Policy S1 criterion (b) on the basis that it is contrary to Policy SC6 of the Angus Local Plan Review 2009.
- 2 That the proposal is contrary to Policy SC6 of the Angus Local Plan Review 2009 because the site (a) would not round off or consolidate an existing building group; (b) would not form a gap site; (c) is not a rural brownfield site where redevelopment would remove dereliction of make a significant environmental improvement; and (d) because the site is not located within a Category 2 Rural Settlement Unit.

**Amendments:**

The application has not been subject of variation.

Dated this **1 May 2015**

Iain Mitchell  
Service Manager  
Angus Council  
Communities  
Planning  
County Buildings  
Market Street  
FORFAR  
DD8 3LG



Planning Department  
Angus Council  
St James House  
St James Road  
Forfar

26<sup>th</sup> February 2014

Dear Sir/Madam,

**Town and County Planning (Scotland) Act 1997, as amended**  
**Planning permission in Principle for the Erection of a Dwelling House, Land to the South of The Cottage, Lumleyden, Angus DD4 0QF**

We refer to the aforementioned application which seeks planning permission in principle for the erection of a dwelling house on land to the south of The Cottage, Lumleyden, Angus. The application package comprises:-

- Completed application forms.
- Location plan
- Indicative layout plan
- Planning supporting statement

If you require any further information during the consideration of the application please contact Karen Clark on 07930 566336 or [karen@sullerandclark.com](mailto:karen@sullerandclark.com)

Yours Sincerely  
**Suller & Clark**

---

■ **Karine Suller B.Sc, M.Sc, MRTPI**  
Scoutbog Steading, Oldmeldrum  
Aberdeenshire AB51 0BH

Telephone: 07742 613 598  
[karine@sullerandclark.com](mailto:karine@sullerandclark.com)

■ **Karen Clark B.Sc (Hons), MRTPI**  
Mayriggs, 69 Brechin Road  
Kirriemuir DD8 4DE

Mob: 07930 566 336  
[karen@sullerandclark.com](mailto:karen@sullerandclark.com)



**Planning Statement in Support**

**of**

**Planning permission in Principle for the Erection of a Dwelling house,  
Land to the South of The Cottage,  
Lumleyden, Angus DD4 0QF**

**for Mr and Mrs Hutcheson**

---

■ **Karine Suller B.Sc**, M.Sc, MRTPI  
Scoutbog Steading, Oldmeldrum  
Aberdeenshire AB51 0BH

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karine@sullerandclark.com

■ **Karen Clark B.Sc (Hons)**, MRTPI  
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Kirriemuir DD8 4DE

Mob: 07930 566 336  
karen@sullerandclark.com

## **Introduction**

This Planning statement is lodged in support of an application for planning permission in principle for the development of a single dwelling house on land to the south of The Cottage, Lumleyden, Angus. The application site currently comprises a vacant and redundant agricultural shed and associated hard standing and an area of garden ground currently used in association with The Cottage. The land to the north is in a residential use as such redevelopment of the brownfield and garden areas for a housing use is considered appropriate. The site can accommodate the proposed house without detriment to the existing residents or to the surrounding area. The proposed redevelopment complies with all policies of the Scottish Government and Angus Council.

## **Site Description**

The application site extends to approximately 1 430 sqm and slopes gently from the north to the south. The majority of the application site currently accommodates a redundant agricultural shed and associated hardstanding. The shed was last used as part of the applicant's haulage and scaffolding business however in 2009, at the time of the economic downturn, the applicant closed this business and bought a shop in Forfar which he currently runs with his partner. The shed has been vacant for some 5 years and there is no prospect of a new use which can operate without loss of amenity to the residents of The Cottage. The remainder of the application site, south of the brownfield section, has been used as garden ground associated with The Cottage for a number of years. The Cottage has a sizable garden and the removal of this section of the garden will not cause any loss of amenity to the existing property.

The site includes established boundaries on all sides with a boundary to the The Cottage in the form of a recently constructed wall to the north, the A928 runs immediately adjacent to the site along the west and south west. To the east is an existing fence line which provides an established boundary as evidenced on the OS plans for the area.

The Cottage premises is located to the north of the application site, this property is in the ownership of the applicant. The wider surrounding area is agricultural. An existing access to the application site is available from the A928.



Aerial view of the application site, this demonstrates the sizable area of garden ground which will remain associated with The Cottage. Further the aerial photograph demonstrates the large expanse of brownfield land which comprised the majority of the application site. The boundaries are confirmed as the recently constructed retaining wall site to the north, the existing stone dyke and the A928 to the south and south west and the fence line to the east.





Photograph of the application site showing brownfield area to north with the area of existing garden ground to the foreground. The site is currently dissected by a wall which will be removed as part of the proposed development. To the rear/north of the site the boundary with The Cottage is provided by a recently constructed retaining wall

## **Site History**

The following planning history is of relevance to the current application

08/00188 Outline Erection of Dwelling House refused 1<sup>st</sup> May 2008. The application was considered under the policies of the now superseded Angus Local Plan

Pre application advice 14/00208/PREAPP/LW.02/WW Sought two houses on part of current application site, not considered sufficiently large a site to comply with the minimum plot standards.

Pre application Advice ref 14/00293/PREAPP/LW.02/WW 23/6/14 Sought a single dwelling on part of current application site, not considered appropriate for development

## **Proposal**

The current application seeks planning permission in principle for a single dwelling house and associated garden ground, parking and turning area. An indicative plan is provided in support of the application which demonstrates a plot area of 1 430sqm. The plan demonstrates a detached property of approximately 180 sqm floor space orientated north/south. The proposed house will be situated on the brownfield section of the application site, with no built development planned on the southern section which will be retained as garden ground. The existing access will be reused which provides excellent visibility in both directions. The property will include 3 parking spaces and a turning area, ensuring vehicles can enter and exit the property in a forward gear. A large garden area is located to the south of the houses making maximum use of the south facing aspect.

While that current application seeks to confirm the principle of a single house on the site, the applicant is committed to high quality development as such the detailed design, which will be the subject of a further application, will ensure a house design which reflects the rural setting.

## **Development Plan Policy**

### **Scottish Planning Policy 2014**

The recently adopted SPP published June 2014 provides an overview of the key components and overall aims and principles of the planning system in Scotland. In general terms the SPP advises that the planning system should enable the development of well designed, energy efficient, good quality development in sustainable locations.

Paragraph 2 states

*“Planning should take a positive approach to enabling high-quality development and making efficient use of land to deliver long-term benefits for the public while protecting and enhancing natural and cultural resources.”*

The SPP introduces a presumption in favour of development that contributes to sustainable development one of the guiding principles of the planning system is:

*“making efficient use of existing capacities of land, buildings and infrastructure”*

The current development represents the efficient use of land as it will result in the reuse of a previously developed area of land.

The SPP encourages rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality.

### PAN 72 Housing in the Countryside.

The aim of the PAN is to provide widespread good quality rural housing. The document recognises that more people want to live and work in rural areas. Additions to small scale building groups, such as proposed by the current application, are seen as appropriate within rural areas. The PAN seeks to ensure that potential sites are accessible and well designed.

### PAN 73 Rural Diversification

The Scottish Government confirms its commitment to supporting rural life, rural communities and the rural economy.

The PAN recognises that a one size does not fit all and a flexible approach is often required, the document confirms

*“ It should also be recognised that new housing in rural areas can play an important part in wider economic regeneration and environmental renewal especially in remote areas. The provision of appropriately located, well designed homes, suitable for a range of incomes can help to stem depopulation, keep young people and skills in the area and help to attract new people and entrepreneurs.”*

### TAYplan Strategic Development Plan

A key vision for TAY plan is to

*“Promote prosperous and sustainable rural communities that support local services, including the provision of additional housing and related development proportionate to local need, available infrastructure and environmental capacity.”*

The document further confirms

*“This Plan balances the importance of sustaining rural economies with the need to protect the countryside, by allowing some development in small settlements which are not principal settlements. Implementation of this principle will be set out in Local Development Plans.”*

## Angus Local Plan Review 2009

It is considered the following policies are of relevance to the consideration of the current application

- Policy S1 Development Boundaries
- Policy S3 Design Quality
- Policy S5 Safeguarded Areas
- Policy S6 Development Principles
- Schedule 1 Development Principles
- Policy SC6 Countryside Housing: New Houses
- Advice Note 14 Small Housing Sites
- Advice Note 5 Houses in the Countryside

These policies will be considered within the Discussion section of this Report.

## **Discussion**

The Town and Country Planning (Scotland) Act 1997 as amended requires that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise.

The application seeks planning in permission for the erection of a single dwelling house on land located to the south of The Cottage at Lumleyden. The entire application site currently forms part of the curtilage of The Cottage. The application site currently has two distinct uses, the northern section has previously been developed and accommodates a redundant shed and associated hard standing, and the southern section has historically been used as garden area associated with The Cottage.

The brownfield section currently accommodates a shed which was previously used by the applicant as part of his haulage and scaffolding company. However, with the downturn in economic climate the applicant was forced to close this business and bought a retail unit in Forfar which he currently runs with his partner. The shed has no current use and in spite of marketing has no possibility of a new use which would be considered appropriate in such close proximity to the existing residential unit without loss of amenity to the existing residents. The brownfield section will be redeveloped allowing construction of a single house.

The southern section of the application site comprises a section of garden ground associated with The Cottage. This area will be used as the garden ground area for the proposed house. There is no built development proposed within this area. The removal of this section of garden ground from The Cottage will in no way effect the amenity of this property as a sizeable area of garden will remain. We are aware of other instances where an area of additional land has been permitted in order to provide a satisfactory garden area associated with a proposed house, an example of this can be found at Powmill Bungalow, Farnell where a change of use from agricultural land was permitted to

provide a satisfactory garden area associated with a replacement house. And at Redbarn, Tannadice, an application to extend a house further included change of use from agricultural land to garden ground again ensuring an improved garden ground area associated with the house.

The application site extends to some 1 430 sqm. An indicative plan has been lodged in support of the application which indicates that the site can comfortably accommodate the proposed house and associated parking, garden, turning area and safe access. The proposal will reuse the existing access point which provides excellent visibility in both directions.

All relevant Scottish Government advice provided by the SPP, PAN 72 Housing in the Countryside and PAN 73 Rural Diversification supports small scale rural development such as that proposed. Limited development is seen as supporting the rural communities helping to stem depopulation, keeping young people and skills in the area and helping to attract new business. Further the recently published SPP includes a presumption in favour of development that contributes to sustainable development and supports *“making efficient use of existing capacities of land, buildings and infrastructure”*. The current development is sustainable as it represents efficient use of land as it will result in the reuse of a previously developed site.

TAYplan further promotes prosperous and sustainable rural communities that support local services, including the provision of small scale additional housing such as the current application.

Considering the policies of relevance of the Angus Local Plan Review,

**Policy S1 Development Boundaries** supports proposals on sites in the countryside 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. In the current circumstances, it is submitted that the proposed development involves the reuse of a brownfield site with an associated subdivision of garden ground. The brownfield section has been vacant for over 5 years and there is no prospect of a new use suitable within close proximity to the existing residential property without loss of amenity to the existing residents. The southern section of the application site is currently garden ground associated with The Cottage. The Cottage has a sizable garden and the removal of this section will not have any loss of amenity for the residents. The brownfield section of the application is in poor condition and, without costly ongoing maintenance, will no doubt fall into disrepair. The proposed single house, designed to reflect the rural setting is considered to be wholly appropriate in scale and nature.

In terms of **Policy S3 Design Quality** the Plan encourages a high quality of design. The current application seeks planning permission in principle at this time. The detailed design will be the subject of a further planning application however the applicants are committed to a high quality design with complements the rural setting. The detailed design will follow the guidance provided in Advice Note 5 Houses in the Countryside.

**Policy S6 Development Principles** requires consideration of the Development Principles contained in Schedule 1, considering the principles of relevance to the current application,

The Schedule 1 Development Principle of relevance to the current planning application in principle application are considered to be as follows

**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.* The proposed house will not have any detrimental impact on the amenity of the existing house. In terms of the prospective amenity, the proposed house will be set back from the adjacent road and will be orientated towards the south maximising the open views and the solar gain opportunities.

(b) *Proposals should not result in unacceptable visual impact.* The site currently accommodates a substantial commercial shed. The proposal will result in the removal of a commercial shed and its replacement with a single house which will be designed to complement the rural setting. As such it is submitted that the proposal will have a positive impact on the visual amenity of the area.

**Roads/Parking/Access**

(d) *Access arrangements, road layouts and parking should be in accordance with Angus Council's Roads Standards,* The indicative layout indicates that the existing access to the A928 will be reused. This access provides excellent visibility in both directions. The proposal includes two off street parking spaces and a turning area to ensure vehicle entrance and exit the property in a forward gear.

**Landscaping / Open Space / Biodiversity**

(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.* The application seeks to establish the principle of development at this time the detailed design will be the subject of a further application. However, the applicants are committed to a high quality development which will include a landscape scheme incorporating native species.

(k) *The planting of native hedgerows and tree species is encouraged.* As stated above a native species will be incorporated into the landscape plan.

(l) *Open space provision in developments and the maintenance of it should be in accordance with Policy SC33.* There is no open space requirement under the terms of SC33. The private useable garden area is 800 sqm which exceeds the standards of Angus Council.

**Drainage and Flood Risk**

(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.* A SUDS is included within the development. The final design will be to the satisfaction of the Building Standards Service

(o) *Proposals will be required to consider the potential flood risk at the location. (Policy ER28)* There is no issue of flooding at the site.

*(p) Out with 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 controlled water or soakaway, the consent of SEPA and Angus Council will be required. (Policy ER23).* The detailed design will include a septic tank which will meet the current Building Standards.

### **Waste Management**

*(q) Proposals should incorporate appropriate waste recycling, segregation and collection facilities (Policy ER38).* Space will be available on site for storage of waste

In summary the proposal responds to all the relevant development principles contained in Schedule 1 in a considered manner.

**Policy SC6 Countryside Housing: New Houses** provides specific opportunities to provide new houses in the countryside, criteria c) allow the redevelopment of brownfield sites. As indicated that application site has two sections, a brownfield area to the north of the site and an area of existing garden ground to the south. Policy SC6 encourages the redevelopment of redundant brownfield sites where they will remove dereliction or result in a significant environment improvement. This principle has been confirmed by the recent advice of the SPP which introduced a presumption in favour of development that contributes to sustainable development and a factor which guides development decision should include:

*“making efficient use of existing capacities of land, buildings and infrastructure”*

In the current circumstances the redevelopment of this brownfield area will bring a net environment improvement. The brownfield site has been vacant for 5 years and no alternative use is available which will not detract from the amenity of the existing residents at The Cottage. The remaining area of the application site has historically been used as garden ground associated with The Cottage. No built development is proposed within this area, this area will continue to be used as garden ground. The removal of this section of garden ground will not affect the amenity of The Cottage which retains a considerable garden area.

The proposals are further required to meet the requirements of Schedule 2: Countryside Housing Guidelines as appropriate. For the current application the following criteria are considered appropriate, these are considered in turn:-

*a) be on self contained sites and should not set a precedent or open up further areas for similar applications* The application is a self contained site and with defined boundaries on all sides does not open up or set a precedent for similar further applications.

*b) Meet the plot size requirements, in RSU 1 areas the minimum plot size is 800sqm with a maximum plot area of 2000sqm.* The application plot size is 1 430 sqm as such meets the plot size requirements.

*c) Not extend ribbon development* The site is self contained and in no way constitutes ribbon development.

*d) Not result in coalescence of building groups or of a group with a nearby settlement.* The site will not result in any coalescence.

*e) Have regard to the rural character of the surrounding area and not be urban in form and/or appearance.* The brownfield section of the site currently accommodates a commercial shed. The proposal will result in the removal of this structure and its replacement with a house which will be designed to complement the rural setting.

*f) provide a good residential environment* The layout plan demonstrates that a good quality residential amenity can be provided. The required amenity, parking and window to window standards can be accommodated.

*g) be acceptable in terms of the cumulative effect of development on local community infrastructure including education provision.* The proposal is for a single house, it is not anticipated that the house will result in any cumulative impact on the existing community infrastructure.

*h) not adversely effect of be affected by farming or other rural business activities* The application site will not affect any farming activity.

*j) not require an access of an urban scale or character.* The existing access will be unchanged.

As such the development adheres to Policy SC6 subsection (c) which allows the development on accepted rural brownfield sites. The proposal further complies with all relevant criteria in Schedule 2, Countryside Housing Criteria.

Finally with regard to Advice Note 14, Small House Sites, this document provides various standards for development. The current proposal exceeds the minimum standards for plot ratio and private amenity ground.

## **Summary**

The current proposal is for a single family home on a site within the established boundaries on all sides. The application site currently forms part of the curtilage of The Cottage which is located to the north of the application site. The site comprises two sections, a brownfield area and an existing area of garden ground. All Scottish Government and Angus Council policies support the reuse of previously developed land, indeed the very recently published SPP 2014 introduces a presumption in favour of development that contributes to sustainable development, the reuse of this area of brownfield land is wholly sustainable in that it maximises the use of land as a scarce resource. The southern section of the application site is currently and historically garden ground associated with The Cottage, there is no built development proposed within this area, the area will continue to be utilised as garden ground.

The development adheres to all policies of Angus Council and will create a high quality family home. While the current application seeks to establish the principle of a single house at this time the applicants are committed to a high quality development one which complements and enhances the rural setting.

Finally, The Scottish Government supports development that is designed to a high-quality, which demonstrates the six qualities of successful place, the current proposal responds to these issues in the following ways:

**Distinctive:** The development will ensure the reuse of a vacant brownfield site, a site that without costly maintenance will become unsightly. The proposed house design will complement and enhance the rural setting.

**Safe and Pleasant:** The development has been carefully considered and provides an appropriate response to this small site while considering the existing residents and site topography.

**Easy to get around:** The property is for a single house. The proposed house will reuse the existing access.

**Welcoming:** The house is orientated towards the south, overlooking the open views and maximising solar gain.

**Resource Efficient** The development will ensure the reuse of a small brownfield site with and therefore represents efficient use of land as a scarce resource. Further the house will be insulated to a very high standard meeting or exceeding all current building control requirements.

**Adaptable** The proposed house will provide adaptable family accommodation.

The application site is for a single house on a brownfield site. The development fully accords with the policies the Scottish Government and of the LDP and provides a high quality development which will make a valuable contribution to the rural area and result in a net environmental improvement as such we respectfully submit that the application be SUPPORTED.

Suller & Clark

February 2015



**DEVELOPMENT MANAGEMENT REVIEW COMMITTEE**

**APPLICATION FOR REVIEW**

**THE COTTAGE, LUMLEYDEN, DUNDEE**

**APPLICATION NO 15/00220/PPPL**

**APPLICANT'S SUBMISSION**

- ITEM 1** Notice of Review
- ITEM 2** Location Plan
- ITEM 3** Site Layout Plan
- ITEM 4** Decision Notice dated 1 May 2015
- ITEM 5** Ariel Photograph
- ITEM 6** Appeal Statement



County Buildings Market Street Forfar DD8 3LG

Tel: 01307 461460

Fax: 01307 461 895

Email: [plnprocessing@angus.gov.uk](mailto:plnprocessing@angus.gov.uk)

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

Thank you for completing this application form:

ONLINE REFERENCE                      000125653-001

The online ref number 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:	Suller & Clark Planning Consultants
Ref. Number:	
First Name: *	Karen
Last Name: *	Clark
Telephone Number: *	07930 566336
Extension Number:	
Mobile Number:	
Fax Number:	
Email Address: *	karen@sullerandclark.com

You must enter a Building Name or Number, or both:\*

Building Name:	Scoutbog steading
Building Number:	
Address 1 (Street): *	Scoutbog steading
Address 2:	Oldmeldrum
Town/City: *	Inverurie
Country: *	UK
Postcode: *	AB51 0BH

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"/>
Other Title:	<input type="text"/>
First Name: *	<input type="text" value="Neil"/>
Last Name: *	<input type="text" value="Hutcheson"/>
Company/Organisation:	<input type="text"/>
Telephone Number:	<input type="text"/>
Extension Number:	<input type="text"/>
Mobile Number:	<input type="text"/>
Fax Number:	<input type="text"/>
Email Address:	<input type="text"/>

You must enter a Building Name or Number, or both:\*

Building Name:	<input type="text" value="The Cottage"/>
Building Number:	<input type="text"/>
Address 1 (Street): *	<input type="text" value="Lumleyden"/>
Address 2:	<input type="text"/>
Town/City: *	<input type="text" value="By Dundee"/>
Country: *	<input type="text" value="UK"/>
Postcode: *	<input type="text" value="DD4 0QF"/>

## 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="THE COTTAGE"/>	Address 5:	<input type="text"/>
Address 2:	<input type="text" value="LUMLEYDEN"/>	Town/City/Settlement:	<input type="text" value="DUNDEE"/>
Address 3:	<input type="text"/>	Post Code:	<input type="text" value="DD4 0QF"/>
Address 4:	<input type="text"/>		

Please identify/describe the location of the site or sites.

Northing	<input type="text" value="741543"/>	Easting	<input type="text" value="340430"/>
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## Description of the Proposal

Please provide a description of the 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)

## 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 of 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.

Please see attached Appeal Statement

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

Yes  No

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)

1. Location Plan  
2. Site Layout Plan  
3. Decision Notice Application ref 15/00220/PPPL dated 1/5/15  
4. Ariel Photograph  
5. Appeal Statement

## Application Details

Please provide details of the application and decision.

What is the application reference number? \*

15/00220/PPPL

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

06/03/15

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

01/05/15

## 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

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: Karen Clark

Declaration Date: 09/07/2015

Submission Date: 09/07/2015

## Location Plan –Land South of the Cottage- Lumleyden



# ITEM 3

- \* 4 bedroom, 1 1/2 storey house inc. integrated double garage (approx. 180m<sup>2</sup>, excluding garage, on brownfield site (700m<sup>2</sup> approx.)
- \* Greenfield site (800m<sup>2</sup> approx.)

pm

PROJECT MANAGEMENT SCOTLAND LIMITED  
98 NORTH STREET, FORFAR, ANGUS, DD8 3BN  
TELE: 01307 467744 FAX: 01307 467766  
E-MAIL: architect@pm-scot.com

CLIENT

Mr & Mrs Hutchison

PROJECT

2 Houses at Lumley Den

ADDRESS

Lumley Den,  
by Glamis

DRAWING NUMBER

1959 / 200

REV

NOTES

DATE

SCALE

1:500 - A4 PRINT

DRAWING STATUS

FEASIBILITY

CLIENT APPROVAL

PLANNING

BUILDING WARRANT

PRE-SITE DISCUSSION

CONSTRUCTION

AS BUILT

DIRECTION



DATE

JAN 2015

DRAWN BY

P. Birse

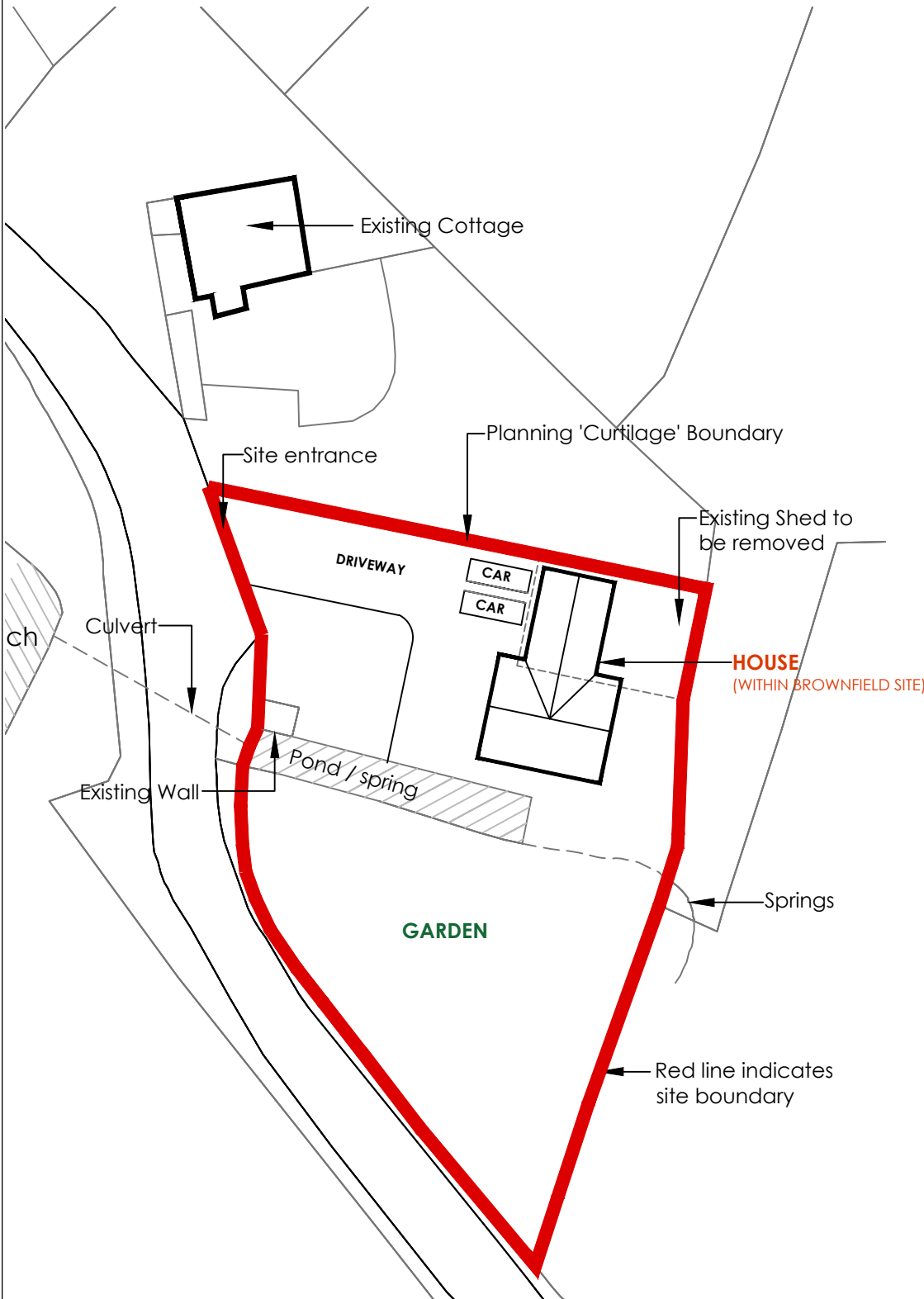
CHECKED BY

CAD REFERENCE

1959 - LOCATION PLAN

DO NOT SCALE - IF IN DOUBT ASK

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LOCATION PLAN  
Scale 1:500

## ANGUS COUNCIL

**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 15/00220/PPPL**

To **Mr Neil Hutcheson**  
**c/o Suller & Clark Planning Consultants**  
**FAO Karen Clark**  
**Scoutbog Steading**  
**Scoutbog Steading**  
**Oldmeldrum**  
**Inverurie**  
**AB51 0BH**

With reference to your application dated 6 March 2015 for Planning Permission in Principle under the above mentioned Acts and Regulations for the following development, viz:-

**Erection of single dwelling house with associated access and garden and demolition of existing workshop/shed at The Cottage Lumleyden Dundee DD4 0QF for Mr Neil Hutcheson**

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 proposal fails to comply with Policy S1 criterion (b) on the basis that it is contrary to Policy SC6 of the Angus Local Plan Review 2009.
- 2 That the proposal is contrary to Policy SC6 of the Angus Local Plan Review 2009 because the site (a) would not round off or consolidate an existing building group; (b) would not form a gap site; (c) is not a rural brownfield site where redevelopment would remove dereliction of make a significant environmental improvement; and (d) because the site is not located within a Category 2 Rural Settlement Unit.

**Amendments:**

The application has not been subject of variation.

Dated this **1 May 2015**

Iain Mitchell  
Service Manager  
Angus Council  
Communities  
Planning  
County Buildings  
Market Street  
FORFAR  
DD8 3LG



ITEM 5





Angus Council  
Angus House  
Orchardbank Business Park  
Forfar  
9<sup>th</sup> July 2015

Dear Sir/Madam,

**Town and County Planning (Scotland) Act 1997, as amended**  
**Appeal against the Refusal of Planning permission in Principle for the Erection of a Dwelling House, Land to the South of The Cottage, Lumleyden, Angus DD4 0QF ref 15/00220/PPPL**

We refer to the aforementioned application which was refused planning consent on the 1<sup>st</sup> May 2015. The applicant now seeks a Review of this decision. The appeal documentation includes the following

- Completed electronic appeal forms.
- Location plan
- Indicative layout plan
- Decision Notice ref 15/00220/PPPL
- Ariel photograph
- Appeal supporting statement

If you require any further information during the consideration of the application please contact Karen Clark on 07930 566336 or karen@sullerandclark.com

Yours Sincerely  
**Suller & Clark**

---

■ **Karine Suller B.Sc, M.Sc, MRTPI**  
Scoutbog Steading, Oldmeldrum  
Aberdeenshire AB51 0BH

Telephone: 07742 613 598  
karine@sullerandclark.com

■ **Karen Clark B.Sc (Hons), MRTPI**  
Mayriggs, 69 Brechin Road  
Kirriemuir DD8 4DE

Mob: 07930 566 336  
karen@sullerandclark.com



**Town and Country Planning (Scotland) Act 1997  
as amended**

**Appeal against the Refusal of Planning Permission in Principle for  
the Erection of a Dwelling house (Planning Ref: 2015/00220/PPPL)**

**by Angus Council (“the Council”)**

**on**

**Land to the South of The Cottage,  
Lumleyden, Angus DD4 0QF**

**for Mr and Mrs Hutcheson (“The appellant”)**

---

■ **Karine Suller B.Sc, M.Sc, MRTPI**  
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Aberdeenshire AB51 0BH

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■ **Karen Clark B.Sc (Hons), MRTPI**  
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karen@sullerandclark.com

## **Introduction**

An application for Planning Permission in Principle for the erection of a single dwelling house on land at The Cottage, Lumleyden, Angus was registered with Angus Council on the 6<sup>th</sup> March 2015. The application was refused under delegated powers on the 1<sup>st</sup> May 2015. The reasons for refusal were stated as the following:

*“1. That the proposal fails to comply with Policy S1 criterion (b) on the basis that it is contrary to Policy SC6 of the Angus Local Plan Review 2009.*

*2. That the proposal is contrary to Policy SC6 of the Angus Local Plan Review 2009 because the site (a) would not round off or consolidate an existing building group; (b) would not form a gap site; (c) is not a rural brownfield site where redevelopment would remove dereliction or make a significant environmental improvement; and (d) because the site is not located within a Category 2 Rural Settlement Unit. “*

## **Grounds of Appeal**

In support of the appeal the appellant is of the opinion that

1. The proposal does comply with Policy S1 (b) in that the proposal is not in fact contrary to Policy SC6 of the ALPR 2009.
2. The Proposal complies with Policy SC6 Countryside Housing in that the site falls within the definition of a “brownfield site” as provided by Scottish Planning Policy and the redevelopment of the site to build a single house will bring a net environmental benefit. The site has no current function and is unlikely to attract a useful function given the appellant has closed the business the shed was originally constructed and used for. Further, given the close proximity to The Cottage immediately to the north of the appeal site there is unlikely to be a useful function for the shed without significant loss of amenity for the residents of The Cottage. Therefore continuing dereliction is the likely scenario unless redevelopment is permitted.

## **Site Description**

The appeal site extends to approximately 1 430 sqm and slopes gently from the north to the south. The majority of the appeal site currently accommodates a redundant agricultural shed and associated hardstanding. The shed was last used as part of the appellant’s haulage and scaffolding business, however in 2009, at the time of the economic downturn, the appellant closed this business and bought a shop in Forfar which he currently runs with his partner. The shed has been vacant for some 5 years and there is no prospect of a new use which can operate without loss of amenity to the residents of The Cottage. The remainder of the appeal site, south of the brownfield section, has been used as garden ground associated with The Cottage for a number of years. The Cottage has a sizable garden and the removal of this section of the garden will not cause any loss of amenity to the existing property.

The agricultural shed has had no function for some time as a result fell into a very poor condition and was an eyesore in the immediate vicinity, as demonstrated on the photograph below. Indeed the shed was in such poor condition that in high winds the shed blew over. As a result the insurance company undertook to replace the shed. This is the only reason the shed is currently in a reasonable condition. However, given there is no current use for the shed, the appellant having closed his business, and that there is no likelihood that the shed can be used for a useful function without significant loss of amenity to the existing residents of The Cottage, redevelopment is the only useful and pragmatic solution for the site.



Aerial photograph indicating the shed in very poor condition

The site includes established boundaries on all sides with a boundary to the The Cottage in the form of a recently constructed wall to the north, the A928 runs immediately adjacent to the site along the west and south west. To the east is an existing fence line which provides an established boundary as evidenced on the OS plans for the area.

The Cottage premises is located to the north of the appeal site, this property is in the ownership of the appellant. The wider surrounding area is agricultural. An existing access to the appeal site is available from the A928.



Aerial view of the appeal site, this demonstrates the sizable area of garden ground which will remain associated with The Cottage. Further the aerial photograph demonstrates the large expanse of brownfield land which comprised the majority of the appeal site. The boundaries are confirmed as the recently constructed retaining wall site to the north, the existing stone dyke and the A928 to the south and south west and the fence line to the east.



Photograph of the appeal site showing brownfield area to north with the area of existing garden ground to the foreground. The site is currently dissected by a wall which will be removed as part of the proposed development. To the rear/north of the site the boundary with The Cottage is provided by a recently constructed retaining wall.

### **Site History**

The following planning history is of relevance to the current appeal

08/00188 Outline Planning Permission for Erection of Dwelling House refused 1<sup>st</sup> May 2008. The application was considered under the policies of the now superseded Angus Local Plan.

Pre application advice 14/00208/PREAPP/LW.02/WW Sought two houses on part of current appeal site, not considered sufficiently large a site to comply with the minimum plot standards.

Pre application Advice ref 14/00293/PREAPP/LW.02/WW 23/6/14 Sought a single dwelling on part of current appeal site, not considered appropriate for development.

### **Proposal**

The appeal seeks planning permission in principle for a single dwelling house with associated garden ground, parking and turning area. An indicative plan has been provided in support of the proposal which demonstrates a plot area of 1 430sqm. The plan demonstrates a detached property of approximately 180 sqm floor space orientated north/south. The proposed house will be situated on the brownfield section of the appeal site, with no built development planned on the southern section which will be retained as garden ground. The existing access will be reused which provides excellent visibility in both directions. The property will include 3 parking spaces and a turning area, ensuring vehicles can enter and exit the property in a forward gear. A large garden area is located to the south of the houses making maximum use of the south facing aspect.

While the appeal seeks to confirm the principle of a single house on the site, the appellant is committed to high quality development as such the detailed design, which will be the subject of a further appeal, will ensure a house design which reflects the rural setting.

### **Consultations**

At the time the planning application was considered the various statutory consultee were notified of the proposal. No objections were forthcoming from SEPA, Scottish Water, Angus Council Roads Service, the local Community Council or any surrounding neighbours.

### **Development Plan Policy**

#### **Scottish Planning Policy 2014**

The adopted SPP published June 2014 provides an overview of the key components and overall aims and principles of the planning system in Scotland. In general terms the SPP advises that the planning

system should enable the development of well designed, energy efficient, good quality development in sustainable locations.

Paragraph 2 states

*“Planning should take a positive approach to enabling high-quality development and making efficient use of land to deliver long-term benefits for the public while protecting and enhancing natural and cultural resources.”*

The SPP introduces a presumption in favour of development that contributes to sustainable development one of the guiding principles of the planning system is:

*“making efficient use of existing capacities of land, buildings and infrastructure”*

The current development represents the efficient use of land as it will result in the reuse of a previously developed area of land.

The SPP encourages rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality.

The SPP defines brownfield land as

*“Land which has previously been developed. The term may cover vacant or derelict land; land occupied by redundant or unused building and developed land within the settlement boundary where further intensification of use is considered acceptable.”*

#### PAN 72 Housing in the Countryside.

The aim of the PAN is to provide widespread good quality rural housing. The document recognises that more people want to live and work in rural areas. Additions to small scale building groups, such as proposed, are seen as appropriate within rural areas. The PAN seeks to ensure that potential sites are accessible and well designed.

#### PAN 73 Rural Diversification

The Scottish Government confirms its commitment to supporting rural life, rural communities and the rural economy. The PAN recognises that a one size does not fit all and a flexible approach is often required, the document confirms

*“ It should also be recognised that new housing in rural areas can play an important part in wider economic regeneration and environmental renewal especially in remote areas. The provision of appropriately located, well designed homes, suitable for a range of incomes can help to stem depopulation, keep young people and skills in the area and help to attract new people and entrepreneurs.”*



## TAYplan Strategic Development Plan

A key vision for TAY plan is to

*“Promote prosperous and sustainable rural communities that support local services, including the provision of additional housing and related development proportionate to local need, available infrastructure and environmental capacity.”*

The document further confirms

*“This Plan balances the importance of sustaining rural economies with the need to protect the countryside, by allowing some development in small settlements which are not principal settlements. Implementation of this principle will be set out in Local Development Plans.”*

## Angus Local Plan Review 2009

It is considered the following policies are of relevance to the consideration of the current appeal

- Policy S1 Development Boundaries
- Policy S3 Design Quality
- Policy S5 Safeguarded Areas
- Policy S6 Development Principles
- Schedule 1 Development Principles
- Policy SC6 Countryside Housing: New Houses
- Advice Note 14 Small Housing Sites
- Advice Note 5 Houses in the Countryside

These policies will be considered within the Discussion section of this Report.

## **Discussion**

The Town and Country Planning (Scotland) Act 1997 as amended requires that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise.

The appeal seeks planning permission in principle for the erection of a single dwelling house on land located to the south of The Cottage at Lumleyden. The entire site currently forms part of the curtilage of The Cottage. The appeal site currently has two distinct uses, the northern section was previously developed and accommodates a redundant shed and associated hard standing, this section of the appeal site falls within the accepted definition of “brownfield land” as provided by the SPP as it comprises *“land occupied by redundant or unused building”*. The brownfield section currently accommodates a shed which was previously used by the appellant as part of his haulage and scaffolding company. However, with the economic downturn the appellant was forced to close this business and bought a retail unit in Forfar which he currently runs with his partner. The shed has no current use and in spite of marketing has no possibility of a new use which would be considered appropriate in such close proximity to the existing residential unit without loss of

amenity to the existing residents. The brownfield section will be redeveloped allowing construction of a single house.

The southern section of the appeal site comprises a section of garden ground associated with The Cottage. This area will continue to be used as the garden ground area for the proposed house. There is no built development proposed within this area. The removal of this section of garden ground from The Cottage will in no way effect the amenity of this property as a sizeable area of garden will be retained.

The appeal site extends to some 1 430 sqm. An indicative plan has been lodged in support of the appeal which indicates that the site can comfortably accommodate the proposed house and associated parking, garden, turning area and safe access without loss of amenity to the existing residents. The proposal will reuse the existing access point which provides excellent visibility in both directions.

All relevant Scottish Government advice provided by the SPP, PAN 72 Housing in the Countryside and PAN 73 Rural Diversification supports small scale rural development such as that proposed. Limited development is seen as supporting the rural communities helping to stem depopulation, keeping young people and skills in the area and helping to attract new business. Further the recently published SPP includes a presumption in favour of development that contributes to sustainable development and supports *“making efficient use of existing capacities of land, buildings and infrastructure”*. The current development is considered sustainable as it represents efficient use of land resulting in the reuse of a previously developed site.

TAYplan further promotes prosperous and sustainable rural communities that support local services, including the provision of small scale additional housing such as the current appeal.

Considering the policies of relevance of the Angus Local Plan Review,

**Policy S1 Development Boundaries** supports proposals on sites in the countryside 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. In the current circumstances, it is submitted that the proposed development involves the reuse of a brownfield site with an associated subdivision of garden ground. The brownfield section has been vacant for over 5 years and there is no prospect of a new use suitable within close proximity to the existing residential property without loss of amenity to the existing residents. The southern section of the appeal site is currently garden ground associated with The Cottage. The Cottage has a sizable garden and the removal of this section will not have any loss of amenity for the residents. The brownfield section of the appeal is in poor condition and, without costly ongoing maintenance, will no doubt fall into disrepair. The proposed single house, designed to reflect the rural setting is considered to be wholly appropriate in scale and nature.

In terms of **Policy S3 Design Quality** the Plan encourages a high quality of design. The proposal seeks planning permission in principle at this time. If the principle of a house is approved the detailed design will be the subject of a further planning application however the appellants are committed to a high quality design one which complements the rural setting. The detailed design will follow the guidance provided in Advice Note 5 Houses in the Countryside.

**Policy S6 Development Principles** requires consideration of the Development Principles contained in Schedule 1, considering the principles of relevance to the current appeal,

The Schedule 1 Development Principle of relevance to the current planning appeal in principle application are considered to be as follows

### **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.* The proposed house will not have any detrimental impact on the amenity of the existing house. In terms of the prospective amenity, the proposed house will be set back from the adjacent road and will be orientated towards the south maximising the open views and solar gain opportunities.

*(b) Proposals should not result in unacceptable visual impact.* The site currently accommodates a substantial commercial shed. The proposal will result in the removal of a commercial shed and its replacement with a single house which will be designed to complement the rural setting. As such it is submitted that the proposal will have a positive impact on the visual amenity of the area.

### **Roads/Parking/Access**

*(d) Access arrangements, road layouts and parking should be in accordance with Angus Council's Roads Standards,* The indicative layout indicates that the existing access to the A928 will be reused. This access provides excellent visibility in both directions. The proposal includes two off street parking spaces and a turning area to ensure vehicle entry and exit the property in a forward gear. No objection to the proposal has been received from Angus Council Roads Service

### **Landscaping / Open Space / Biodiversity**

*(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.* The proposal seeks to establish the principle of development at this time the detailed design will be the subject of a further application. However, the appellants are committed to a high quality development which will include a landscape scheme incorporating native species.

*(k) The planting of native hedgerows and tree species is encouraged.* As stated above a native species will be incorporated into the landscape plan.

*(l) Open space provision in developments and the maintenance of it should be in accordance with Policy SC33.* There is no open space requirement under the terms of SC33. The private useable garden area is 800 sqm which exceeds the standards of Angus Council.

### **Drainage and Flood Risk**

*(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.* A SUDS is included within the development. The final design will be to the satisfaction of the Building Standards Service

*(o) Proposals will be required to consider the potential flood risk at the location. (Policy ER28)* There is no issue of flooding at the site.

*(p) Out with 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 controlled water or soakaway, the consent of SEPA and Angus Council will be required. (Policy ER23).*

The detailed design will include a septic tank which will meet the current Building Standards. No objection to the proposal has been received from either Scottish Water or SEPA.

### **Waste Management**

*(q) Proposals should incorporate appropriate waste recycling, segregation and collection facilities (Policy ER38).* Space will be available on site for storage of waste

In summary the proposal responds to all the relevant development principles contained in Schedule 1 in a considered manner.

**Policy SC6 Countryside Housing: New Houses** provides specific opportunities to provide new houses in the countryside, criteria c) encourages redevelopment of redundant rural brownfield sites where they would remove dereliction or result in significant environmental improvement. This principle has been confirmed by the recent advice of the SPP which introduced a presumption in favour of development that contributes to sustainable development and a factor which guides development decision should include:

*“making efficient use of existing capacities of land, buildings and infrastructure”*

The SPP defines brownfield land as

*“Land which has previously been developed. The term may cover vacant or derelict land; land occupied by redundant or unused building and developed land within the settlement boundary where further intensification of use is considered acceptable.”*

Clearly the current appeal site falls within the definition of brownfield land as it comprises “land occupied by redundant or unused buildings”

The issue of a development bringing a “significant environmental benefit” is a subjective assessment. In the current circumstances the shed and associated yard area have had no function for over 5 years. The shed had fallen into such poor condition that high winds caused the shed to collapse. As a result the insurance company undertook to rebuild the structure. It is only because the insurance company rebuilt the shed that the site is not currently a significant eyesore. The shed and yard continue to have no function and there is little prospect of a new function without loss of residential amenity to the residents of The Cottage. Therefore there is little prospect of the shed

having a useful function and as a result will continue to decline to dereliction. The proposed redevelopment offers a pragmatic solution for this site, avoiding the site falling into dereliction again and providing an affordable home for a local person.

The remaining area of the appeal site has historically been used as garden ground associated with The Cottage. No built development is proposed within this area, this area will continue to be used as garden ground. The removal of this section of garden ground will not affect the amenity of The Cottage which retains a considerable garden area.

The proposals are further required to meet the requirements of Schedule 2: Countryside Housing Guidelines as appropriate. For the current appeal the following criteria are considered appropriate, these are considered in turn:-

*a) be on self contained sites and should not set a precedent or open up further areas for similar applications* The site is a self contained and with defined boundaries on all sides does not open up or set a precedent for similar further applications.

*b) Meet the plot size requirements, in RSU 1 areas the minimum plot size is 800sqm with a maximum plot area of 2000sqm.* The appeal plot size is 1 430 sqm as such meets the plot size requirements.

*c) Not extend ribbon development* The site is self contained and in no way constitutes ribbon development.

*d) Not result in coalescence of building groups or of a group with a nearby settlement.* The site will not result in any coalescence.

*e) Have regard to the rural character of the surrounding area and not be urban in form and/or appearance.* The brownfield section of the site currently accommodates a commercial shed. The proposal will result in the removal of this structure and its replacement with a house which will be designed to complement the rural setting.

*f) provide a good residential environment* The layout plan demonstrates that a good quality residential amenity can be provided. The required amenity, parking and window to window standards can be accommodated.

*g) be acceptable in terms of the cumulative effect of development on local community infrastructure including education provision.* The proposal is for a single house, it is not anticipated that the house will result in any cumulative impact on the existing community infrastructure.

*h) not adversely effect of be affected by farming or other rural business activities* The appeal site will not affect any farming activity.

*j) not require an access of an urban scale or character.* The existing access will be unchanged.

As such the development adheres to Policy SC6 subsection (c) which allows the development on accepted rural brownfield sites. The proposal further complies with all relevant criteria in Schedule 2, Countryside Housing Criteria.

Finally with regard to Advice Note 14, Small House Sites, this document provides various standards for development. The current proposal exceeds the minimum standards for plot ratio and private amenity ground.

### **Summary**

The appeal submission seeks planning permission in principle for a single family home on a site within the established boundaries on all sides. The site currently forms part of the curtilage of The Cottage which is located to the north of the appeal site. The appeal site falls within the accepted definition of "brownfield land" as it is "land occupied by redundant or unused building"

The shed and associated yard area has had no function for over 5 years. The shed had fallen into such poor condition that high winds caused the shed to collapse. It is only because the insurance company rebuilt the shed that the site is not currently a significant eyesore. The shed and yard have no function and there is little prospect of a new function without loss of residential amenity to the residents of The Cottage as a result the shed and associated yard will continue to decline into dereliction. The proposed redevelopment offers a pragmatic solution for this site, avoiding the site falling into dereliction once more and providing an affordable home for a local person.

All Scottish Government and Angus Council policies support the reuse of previously developed land, indeed the very recently published SPP 2014 introduces a presumption in favour of development that contributes to sustainable development. The reuse of this area of brownfield land is wholly sustainable in that it maximises the use of land as a scarce resource. The southern section of the appeal site is currently and historically garden ground associated with The Cottage, there is no built development proposed within this area, the area will continue to be utilised as garden ground.

The development adheres to all policies of Angus Council specifically Policy S1 Development Boundaries and Policy SC6 Countryside Housing. The shed and associated yard are redundant and vacant and without redevelopment will continue their decline into dereliction. Allowing redevelopment is a pragmatic solution allowing redevelopment of a redundant site and providing an affordable home for a local person. The appellant is committed to a high quality development one which complements and enhances the rural setting.

In summary it is submitted that the development fully accords with the policies the Scottish Government and of the ALPR and provides a high quality development which will make a valuable contribution to the rural area and result in a net environmental improvement as such we would respectfully request that the appeal against the issue of planning permission in principle is upheld and planning permission granted.

Suller & Clark

July 2015