

**ANGUS COUNCIL**

**DEVELOPMENT MANAGEMENT REVIEW COMMITTEE – 26 AUGUST 2014**

**THE LODGE, KINNABER ROAD, HILLSIDE, MONTROSE**

**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 two caravans as a private, permanent gypsy/traveller household pitch with associated services application No 14/00016/FUL

**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 NO. 14/00016/FULL

**APPLICANT: MR JAMES FORSYTH (JNR) FOR PERMANENT PITCH FOR TWO CARAVANS (ONE FAMILY) AND ASSOCIATED SERVICES AT SITE DUE EAST OF THE KNOWE, KINNABER ROAD, HILLSIDE, MONTROSE**

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Angus Council

Application Number:	14/00016/FULL
Description of Development:	Permanent Pitch For Two Caravans (One Family) And Associated Services
Site Address:	Site Due East Of The Knowe Kinnaber Road Hillside Montrose
Grid Ref:	371294:761138
Applicant Name:	Mr James Forsyth (Jnr)

## Report of Handling

### Site Description

The application site lies to the south side of Kinnaber Road, approximately 200 metres to the east of the development boundary of Hillside. The site, which measures approx. 1400 square metres, lies to the east of an existing building group which is terminated by the adjoining property "The Knowe" and is bounded to the south and east by agricultural land and by the public road to the north. A high stone wall and mature trees form the boundary to the public road with hedging and timber fencing forming the remaining boundaries. The site is currently occupied by a portaloo/toilet block and timber shed. Part of the site is laid out in hardstanding and is generally tidy and well kept.

### Proposal

The application proposes a permanent pitch for two caravans (one family) and associated services. The supporting information submitted identifies the potential residents of the two caravans proposed as being members of the same family who are part of the Scottish Gypsy/Traveller community.

The application has not been subject of variation.

### Publicity

The application was subject to normal neighbour notification procedures.

The application was advertised in the Dundee Courier on 24 January 2014 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 - 96/00731/OUT - Outline Erection of Dwellinghouse - "Refused" on 10 September 1996.

Enforcement Enquiry - 04/00132/UNDV - - Travellers encamped on site. Site cleared and case closed. No further action.

Enforcement Enquiry - 06/00052/UNDV - Alleged that portacabin placed on land to house foreign workers/travelling persons. Caravan removed and case closed. No further action.

Planning Application - 09/00447/OUT - Outline consent for Erection of Dwellinghouse - "Refused" on 30 June 2009.

Planning Appeal - 09/00024/REFUSE (P/PPA/120/2005) - Outline consent for Erection of Dwellinghouse - Appeal dismissed by the DPEA in January 2010.

Enforcement Enquiry - 10/00089/UNDV - Four caravans on site which people are living-in and also a large portaloos/portacabin. Caravans removed and case closed. No further action.

Enforcement Enquiry - 12/00059/UNDV - Caravans sited on the site. Caravan removed and case closed. No further action.

Planning Application - 12/00991/FULL - Proposed Siting of Residential Caravan - Application withdrawn.

Pre-application enquiry - 13/00057/PREAPP - regarding the possibility of locating two or three holiday caravans on the site. The response issued on 22 February 2013 advised that it was not considered that the proposed development would comply with planning policy.

Enforcement Enquiry - 12/00155/UNDV - Enforcement case relating to the siting of caravans on the site. Enforcement notice issued (see appeal details below).

Planning Application - 13/00181/FULL - Change of Use of Land to Form a Static Holiday Caravan Site (2 Single Unit Caravans) - "Refused" on 21 May 2013. The proposal was contrary to Policies SC20 and S6 of the adopted Angus Local Plan Review (2009).

Enforcement Notice Appeal - 13/00021/REFUSE - Use of land as a residential caravan site without planning permission - Appeal dismissed by the DPEA in August 2013.

## Applicant's Case

A supporting document was submitted as part of the application and the content of this is summarised as follows:

- The applicant is identified as part of the Gypsy/Traveller community who has lived, worked and has family ties in the area;
- There has been an erosion of traditional stopping and 'over-wintering' places in the area;
- There is a lack of capacity for private/local Authority permanent pitches in the area;

- The site is identified as 'brownfield land' and its development would round off 'ribbon development';
- No complaints have been received in respect of littering or anti-social behaviour;
- The site is within walking distance to public transport and services. The applicants are registered with a local medical centre and a local school;
- Human Rights and Equalities considerations and how this relates to documents published by the Council primarily the Angus Local Housing Strategy;

In addition the applicant's agent has submitted information in respect of trees on the site and issues raised in respect comments provided by the Council's Roads Service.

## Consultations

Community Council - Has objected to the proposal on the basis that the development constitutes ribbon development, does conform to the Angus Local Plan, unauthorised connections to utility services, breaches of health and safety regulations, anti-social behaviour, previous applications and general disregard for recognised processes

Angus Council - Roads - no objection to the application if certain improvements, including the provision of improved visibility sightlines at either side of the junction could be secured by planning condition. However, notes that the required visibility sightlines would impact on the existing boundary wall and mature trees. It also notes that the sightlines would involve land that is not in the control of the applicant. Accordingly, advises that if the recommended sightlines could not be secured then it would object to the application on the grounds of road safety.

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

Angus Council Environmental Health - Has offered no objection to the proposal

Angus Council - Housing Service - Notes that piecemeal development may undermine their future strategic social policy development to ensure there is sufficient provision in the right location

## Representations

Two letters of objection have been submitted in respect of the application from two individual objectors. The issues raised in the letters received relate to and are summarised as follows:-

- That the proposal would constitute ribbon development and does not conform to national or local guidance on ribbon development.
- Concerns regarding the presence of electric cables appearing above ground on the public verge which the Roads department cut.
- That up to six caravans have been observed on site and it would be difficult to monitor and enforce if planning permission was granted and create a precedent.
- Noise from dogs and people shouting/ using foul language.

## Development Plan Policies

### Angus Local Plan Review 2009

Policy S1 : Development Boundaries  
Policy S3 : Design Quality  
Policy S6 : Development Principles (Schedule 1)  
Schedule 2 : Countryside Housing Criteria  
Policy SC12 : Residential Caravans  
Policy SC13 : Sites for Gypsies and Travellers  
Policy ER6 : Trees, Woodlands and Hedgerows  
Policy ER7 : Trees on Development Sites

### TAYplan Strategic Development plan

The application is not strategically significant and the policies of TAYplan are not referenced.

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.

In policy terms, the proposal requires to be assessed against the relevant policies of the Angus Local Plan Review (2009) and supplementary planning guidance. The application site lies outwith any defined development boundary and is not specifically allocated for development. Policy S1 (b) indicates that proposals 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.

The main policies relevant to the determination of an application for the development of a residential caravan site for Gypsies/Travellers are policies SC12 and SC13 of the Angus Local Plan Review 2009.

Policy SC13 states that Angus Council will support existing sites and consider the development of new sites for Gypsies/Travellers where they satisfy an identified local demand and: are compatible with surrounding land uses; provide a good residential environment for the people living there, including the provision of public utilities for each pitch or in amenity blocks as appropriate; and are well located for access to the local road network. In this case the applicant's agent has stated that there is a shortfall in the provision of permanent pitches for gypsy/travellers in the area. The Council's Housing Service has confirmed that demand for the 18 pitches at the nearest site, St Christopher's in Montrose, is strong with around 12 applicants on the waiting list. In this respect I accept that there is some evidence of local demand. However, the Housing Service has indicated that the provision of sites for individual caravans or creation of very small sites is not an appropriate means of satisfying any identified local demand as this can give rise to other social issues. I share this concern and do not consider that the intention of the

policy is to deal with proposals for individual caravans on an ad-hoc basis. The policy seeks to ensure that proposals 'satisfy an identified local demand' and in my view this requirement to 'satisfy' involves consideration of issues beyond purely quantitative need; it requires consideration of the appropriateness of the provision in its widest sense, including the suitability of the nature and location of the development. In this respect, and having regard to the advice of the Housing Service, I do not consider that this proposal would satisfactorily address any local demand that may exist in the area. The site is remote from other provision for this sector of the community and the Housing Service, has indicated that this would make it difficult to support and allow for community integration. In these circumstances the proposal is not compatible with Policy SC13.

As indicated above the intention of this policy is generally not to allow for the establishment of sites for individual caravans. I am concerned that approval of this application could establish a precedent for the siting of individual caravans on sites throughout the rural area to the detriment of the character and amenity of the area.

As the proposal does not attract support from Policy SC13 it is also relevant to consider it in relation to the provisions of Policy SC12 which deals with proposals for residential caravans. In relation to proposals for the siting of single residential caravans (this proposal involves siting of two caravans but as a single residence) Policy SC12 (a) indicates that these will only be acceptable where it provides a temporary residence to allow for a dwelling to be renovated or in similar circumstances. The proposed development does not meet this requirement and would therefore not comply with Policy SC12.

Policy S6 of the ALPR indicates that development should, where appropriate, have regard to the relevant development principles set out in Schedule 1. In terms of general amenity the proposed use is effectively residential and I consider that it could be accommodated on the site without significantly affecting the amenity of occupants of neighbouring property. In terms of visual amenity the site is reasonably discreet. However, it would continue a pattern of ribbon development in the area and I do not consider that this would be desirable. Previous proposals for residential development on the site (in the form of a house) have been found unacceptable as it would continue ribbon development. Whilst this proposal is for the siting of caravans, it is a residential use and it would similarly extend ribbon development which has previously been determined as undesirable.

The Roads Service has advised that the existing site access does not comply with Council standards in respect of available visibility sightlines. The Roads Service has indicated that improved visibility sightlines capable of complying with the Council's requirements would involve land out with the control of the applicant. This matter was previously considered in relation to planning appeal PPA/120/2005. At that time the Appeal Reporter noted that the required visibility splays could not be achieved but also indicated that, in his opinion, the access was not sufficiently sub-standard that it would justify the refusal of planning permission on its own. Whilst I note the Appeal Reporters findings I am concerned that the formation of a permanent residence on this site would almost certainly increase the number of vehicles using the sub-standard junction. Kinnaber Road is comparatively minor and this is reflected in the nature of the Council's visibility sightline requirements. However, the road can be reasonably busy at certain times of the day and is also frequented by recreational walkers. In these circumstances, and notwithstanding the Appeal Reporters findings, I do not consider that it would be appropriate to allow a proposal that would intensify use of a sub-standard junction.

The proposal does not give rise to significant tension with the remaining criteria of Policy S6 or Schedule 1.

In summary the proposal does not comply with development plan policy.

In relation to other material considerations, I have had regard to the representations received from third parties and the community council. I share the concerns raised regarding ribbon development and have discussed this and other issues related to the principle of the proposed use above. I note the comments regarding the previous unauthorised use of the site but that is not directly relevant to the determination of this application. I also note the concerns regarding the electricity supply to the site but this is a matter for the relevant service provider and is not a material planning consideration.

The planning history of the site is also of some relevance to the determination of this application. A previous proposal to erect a house on this site to provide family accommodation was refused by Angus Council and dismissed on appeal as the site was not considered suitable for a house in terms of Council policy. A proposal for a house on this site would still not comply with Council policy and approval of a caravan on the site would effectively circumvent the policies that deal with housing in the countryside. I do not consider that this would be desirable.

In addition the Council has previously taken enforcement action to secure the cessation of use of the site as a caravan site. An appeal in relation to the Enforcement Notice was dismissed and the Appeal Reporter agreed with the Council that the caravans should be removed from the site in order to remedy the breach of planning control.

In conclusion planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise. In this case the proposal is contrary to relevant policies of the adopted Angus Local Plan Review (2009) for the reasons discussed above. In addition the planning history of the site indicates that residential use of the site, either for caravans or housing is not acceptable. The Roads Service has indicated that the site cannot provide a suitable and safe access in accordance with Council Roads Standards and in these circumstances I do not consider that it is appropriate to allow a development that would intensify use of an existing substandard junction. There are no material considerations that justify approval of this application contrary to the development plan.

### 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 proposed development is contrary to Policy SC13 of the Angus Local Plan Review 2009 as it would not satisfactorily address an identified local demand.
2. That the proposal is contrary to Policy S6 of the Angus Local Plan Review 2009 as the access arrangements would not comply with Angus Council Roads Standards and intensification of use of the sub-standard access would be detrimental to road traffic and pedestrian safety.
3. That the proposal would constitute ribbon development which is considered an undesirable form of development in the context of this rural area.

## Notes

Case Officer: Damian Brennan  
Date: 8.04.2014

## 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.

## 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*);
- h) 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, eg 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
- i) make provision for affordable housing in line with Policy SC9 : Affordable Housing.

## Policy SC12 : Residential Caravans

(a) Proposals to site a residential caravan will only be acceptable where it provides a temporary residence to allow a dwelling to be built or renovated or in similar circumstances.

(b) Proposals for the development of residential caravan sites should:-

- \* be compatible with surrounding land uses;
- \* provide for a minimum of six and a maximum of 25 mobile homes/caravans;
- \* provide a good residential environment for the people living there, including private amenity space;
- \* be connected to public utilities and not served by a communal amenity block.

#### Policy SC13 : Sites for Gypsies and Travellers

Angus Council will support existing sites and consider the development of new sites for Gypsies/Travellers where they satisfy an identified local demand and:-

- \* are compatible with surrounding land uses;
- \* provide a good residential environment for the people living there, including the provision of public utilities for each pitch or in amenity blocks as appropriate; and
- \* are well located for access to the local road network.

#### Policy ER6 : Trees, Woodlands and Hedgerows

Trees, woodlands and hedgerows which have a landscape, amenity and/or nature conservation value will be protected from development. Development that would result in the loss of or damage to ancient or semi-natural woodlands will not be permitted. Tree Preservation Orders will be promoted to protect groups of trees or individual significant trees of importance to the amenity of a surrounding area where such trees and woodland are under threat. Management Agreements will be introduced, where appropriate, to ensure the establishment of new and replacement planting. Tree planting initiatives such as Community Woodland proposals and other amenity planting will continue to be supported and encouraged.

#### Policy ER7 : Trees on Development Sites

Planning applications for development proposals affecting sites where existing trees and hedges occur and are considered by Angus Council to be of particular importance will normally be required to:

- (a) provide a full tree survey in order to identify the condition of those trees on site;
- (b) where possible retain, protect and incorporate existing trees, hedges, and treelines within the design and layout;
- (c) include appropriate new woodland and or tree planting within the development proposals to create diversity and additional screening, including preserving existing treelines, planting hedgerow trees or gapping up/ enhancing existing treelines.

In addition developers may be required to provide an Arboricultural Methods Statement, a Performance Bond and/or enter into Section 75 Agreements.

**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.*

## DESIGN QUALITY

1.37 High quality, people-friendly surroundings are important to a successful development. New development should add to or improve the local environment and should consider the potential to use innovative, sustainable and energy efficient solutions. A well-designed development is of benefit to the wider community and also provides opportunities to:

- create a sense of place which recognises local distinctiveness and fits in to the local area;
- create high quality development which adds to or improves the local environment and is flexible and adaptable to changing lifestyles;
- create developments which benefit local biodiversity;
- create energy efficient developments that make good use of land
- and finite resources.

1.38 Design is a material consideration in determining planning applications. In all development proposals consideration should be given to the distinctive features and character of the local area. This includes taking account of existing patterns of development, building forms and materials, existing features such as hedgerows, trees, treelines and walls and distinctive landscapes and skylines.

1.39 The preparation of a design statement to be submitted alongside a planning application is encouraged, particularly for major developments or those affecting listed buildings or conservation areas. Early contact with Planning and Transport is recommended so that the requirement for a design statement can be determined.

**Designing Places - A policy statement for Scotland – Scottish Executive 2001** This is the first policy statement on designing places in Scotland and marks the Scottish Executive's determination to raise standards of urban and rural development. Good design is an integral part of a confident, competitive and compassionate Scotland.

Good design is a practical means of achieving a wide range of social, economic and environmental goals, making places that will be successful and sustainable.

**PAN 68 Design Statements** Design Statements should explain the design principles on which the development is based and illustrate the design solution.

The PAN explains what a design statement is, why it is a useful tool, when it is required and how it should be prepared and presented.

The aim is to see design statements used more effectively in the planning process and to

### 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.**

**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.

**Residential Caravans**

2.37 Angus Council recognises the need for temporary residence in a residential caravan whilst a dwelling is being built or renovated, however permanent occupation of caravans is not favoured. Other than in circumstances similar to the above, applications for the siting and occupation of residential caravans will generally be resisted. However, where there is demand for the establishment of a site for residential caravans (also referred to as mobile homes) as a place to live the following policy sets out the criteria for the development of such sites. Further detailed guidance is available in Angus Council Advice Note 13: Residential Caravan Sites.

**Policy SC12 : Residential Caravans**

**(a) Proposals to site a residential caravan will only be acceptable where it provides a temporary residence to allow a dwelling to be built or renovated or in similar circumstances.**

**(b) Proposals for the development of residential caravan sites should:**

- **be compatible with surrounding land uses;**
- **provide for a minimum of six and a maximum of 25 mobile homes/caravans;**
- **provide a good residential environment for the people living there, including private amenity space;**
- **be connected to public utilities and not served by a communal amenity block.**

**Gypsy/Traveller Sites**

2.38 Communities Scotland, Angus Council, Dundee City Council and Perth and Kinross Council jointly commissioned a study – An Assessment of the Housing Needs and Aspirations of Gypsies/Travellers in Tayside (2003). The report found that some sites which were originally temporary have become permanent, and some private sites are no longer available to Gypsies/Travellers and so there is a need to provide more transit spaces. The Angus Local Housing Strategy seeks to address the accommodation needs of Gypsies and Travellers through direct liaison with these groups, the provision of additional spaces where necessary and access to housing. There are existing local authority sites at Tayock, Montrose, and Balmuir, Tealing as well as a privately run site at Maryton, Kirriemuir.

*SPP3 : Planning for Housing (2003) states that planning authorities should continue to play a role through development plans, by identifying suitable locations for Gypsies/Traveller's sites where need is demonstrated, and setting out policies for dealing with applications for small privately*

**Policy SC13 : Sites for Gypsies/Travellers**

**Angus Council will support existing sites and consider the development of new sites for Gypsies/Travellers where they satisfy an identified local demand and:**

- are compatible with surrounding land uses;
- provide a good residential environment for the people living there, including the provision of public utilities for each pitch or in amenity blocks as appropriate; and
- are well located for access to the local road network.

## Trees, Woodlands and Hedgerows

3.14 Trees, woodlands, hedgerows and treelines make valuable contributions to nature conservation and recreational activity and are integral to the landscape and townscape of Angus. Ancient woodland is of particular ecological value and is an irreplaceable resource. Such woodland requires special protection as once destroyed it cannot be recreated. Where appropriate, the Council will use Tree Preservation Orders to ensure the protection of an individual tree or group of trees considered important to the amenity value of the surrounding area. In addition and wherever possible the opportunity should be taken to strengthen woodland cover with local native species, either as part of a development proposal, or through the establishment of urban forestry and community woodland initiatives. Angus Council has established the Angus Millennium Forest (AMF) which covers around 83 ha of Council land in the main towns. The AMF makes a significant contribution to biodiversity, urban wildlife conservation and the provision of green spaces in these towns and should be protected from development.

**Treeline (lowland)**

*As defined in The Local Biodiversity Action Plan this is a row of standard trees growing in a hedgerow or as a separate avenue of trees.*

**Tree Preservation Order(TPO):**

*An order made by the Planning Authority to preserve trees or woodlands in their area which are considered to have a high amenity value.*

### **Policy ER6 : Trees, Woodlands and Hedgerows**

**Trees, woodlands and hedgerows which have a landscape, amenity and/or nature conservation value will be protected from development. Development that would result in the loss of or damage to ancient or semi-natural woodlands will not be permitted. Tree Preservation Orders will be promoted to protect groups of trees or individual significant trees of importance to the amenity of a surrounding area where such trees and woodland are under threat. Management Agreements will be introduced, where appropriate, to ensure the establishment of new and replacement planting. Tree planting initiatives such as Community Woodland proposals and other amenity planting will continue to be supported and encouraged.**

## **Trees on Development Sites**

3.15 The importance of trees and treelines on development sites should not be underestimated. They can make a substantial contribution towards the overall amenity and integration of new development into the environment and the layout of development proposals should, wherever possible, accommodate trees and treelines worthy of retention.

3.16 A full tree survey may be required to accompany planning applications on sites with existing trees so that the impact of the development on existing trees can be fully assessed. Care should also be taken to avoid damage to trees on sites adjacent to the proposed development. Additional guidelines on this matter are contained in Angus Council Advice Note 22: The Survey of Trees on Development Sites.

### **Policy ER7 : Trees on Development Sites**

**Planning applications for development proposals affecting sites where existing trees and hedges occur and are considered by Angus Council to be of particular importance will normally be required to:**

- (a) provide a full tree survey in order to identify the condition of those trees on site;**
- (b) where possible retain, protect and incorporate existing trees, hedges, and treelines within the design and layout;**
- (c) include appropriate new woodland and or tree planting within the development proposals to create diversity and additional screening, including preserving existing treelines, planting hedgerow trees or gapping up/ enhancing existing treelines.**

**In addition developers may be required to provide an Arboricultural Methods Statement, a Performance Bond and/or enter into Section 75 Agreements.**

#### ***Gapping up***

*Planting up gaps in hedgerows. This ensures that the hedgerow will retain both its ecological and historical value.*



**From:** [NelsonH](#)  
**To:** [BrennanDG](#)  
**Cc:** [ThomsonSD](#)  
**Subject:** 14/00016/FULL Permanent Pitch for two Caravans (one Family) and Associated Services @ kinnaber rd, Hillside  
**Date:** 11 February 2014 16:50:58

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Damien,

I refer to the above planning application and can advise that I have seen the plans and visited the site and have no objections to the proposal.

Regards



Holly Nelson, Environmental Health Officer (part time), Angus Council,  
Communities Dept, Dewar House, 12 Hill Terrace, Arbroath, DD11 1AH, Tel: 01241  
435600, Fax: 01241 431801

Consultation response received from the Planning Contact, Hillside Dun & Logie Pert Community Council, Oakwood, Main Road, Hillside, Montrose, DD10 9HT, dated 15 February 2014, reads as follows:-

“On behalf of Hillside Dun & Logie Pert Community Council I have been instructed to lodge an objection to the above application on the following grounds.

1. The development would constitute ribbon development and would not be in accordance with the Angus Local Plan.
2. The connections to the services, both electric and water do not appear to have been authorised or installed by the relevant public utility services. There are two exterior standpipes and Scottish water seem unable or unwilling to answer our concerns in respect thereof.  
The electricity supply is above ground, attached to a flimsy fencing, and there is a junction box of sorts adjacent to Kinnaber road, constituting a hazard to traffic.
3. Nearby inhabitants have continually complained about excessive noise from the site when 5 unauthorised caravans were on site. Neighbours have felt intimidated by the behaviour of the applicants or occupants of the site. In this respect the enforcement officer of the council was threatened last year attempting to enforce a council decision.
4. All previous applications in respect of this site have been refused.
5. In general the behaviour and actions of the 2 of 2 applicants and other occupiers of the site – in some cases unlawful occupiers, and the defiant attitude towards council decisions would in our view constitute anti social behaviour.

I look forward to hearing from you.”

**MEMORANDUM**

**Housing, Communities, William Wallace House, Orchardbank Business Park,  
Forfar. Angus. DD8 1WH. Tel 01307 474767**

TO: Damian Brennan, Planning Officer (Development Standards), Angus Council,  
Communities, Planning & Transport Division, County Buildings, Market Street, Forfar,

FROM: S. Patel, Senior Housing Officer, Strategic Housing Team

YOUR REF: UPRN: 000117099240

OUR REF: Housing/SP/ 2/2014

DATE: 19/2/2014

**SUBJECT: PROPOSED PERMANENT PITCH FOR TWO CARAVANS (ONE FAMILY) AND  
ASSOCIATED SERVICES AT SITE DUE EAST OF THE KNOWE, KINNABER ROAD, HILLSIDE,  
MONTROSE.**

**APPLICATION: 14/00016/FULL, UPRN: 000117099240**

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I refer to the above Planning Application.

The Local Housing Strategy 2012-17, evidenced by the Housing Need and Demand Assessment 2010, identified an under supply of provision within the Angus area. It also identified a lack of understand about the housing need that exists, with a commitment to undertake further research within the life of the LHS 2012-17.

Housing need and demand for Gypsy/Travellers sites has remained at a consistent level in recent years across Angus. Demand for 18 pitches at the authorised permanent site at St Christopher's in Montrose, though strong does not fluctuate much, with around 12 applicants on the waiting list. There is very little turnover, the current occupiers remain there all year round.

There is no evidence of any significant new arising need recorded through Homeless Applications made to the council. However there can be numerous gypsy/ travellers arriving through the year seeking pitches, they tend not to formally apply given it may take over ten years to actually get an offer.

The only site in Montrose, arguably gives rise to need in other geographic areas, and this would be a strategic imperative. The complex housing need and demand means there is currently a focus in the Montrose area, any additional provision may in itself lead to greater pressure on ancillary services such as schools, health care provision and employment, such a focal point may lead to increased discrimination against this vulnerable minority community.

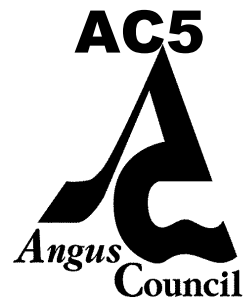
The Housing Authorities view would be to tackle any geographic imbalances and create communities that are more mixed across Angus avoiding concentration of any one community. It is also important to provide sufficient support to ensure communities are sustainable all year round.

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This proposal will not make significant inroads to meeting the needs of the wider gypsy/ traveller community, given its exclusivity. Pockets of minority communities can be difficult to support and allow for integration, arguably, they should be large enough to provide greater security for both the incumbent and minority communities to feel safe and secure.

It is noteworthy to report there have been no reports of anti-social behaviour and no complaints of discrimination against the gypsy/ traveller community in recent years. Montrose is a local hub for gypsy/traveller communities who often congregate for special occasions and events, their religious spiritual needs are also well served by a local church.

Therefore in conclusion without prejudice to the application, to which we have no objections we would encourage a larger site than the two pitches proposed in a different area of Angus. A strategic approach needs to be developed in consultation with the gypsy/ traveller community to identify how best to ensure there is sufficient provision in the right location.



## **MEMORANDUM**

**Housing, Communities, William Wallace House, Orchardbank Business Park,  
Forfar. Angus. DD8 1WH. Tel 01307 474767**

TO: Damian Brennan, Planning Officer (Development Standards), Angus Council,  
Communities, Planning & Transport Division, County Buildings, Market Street, Forfar,

FROM: S. Patel, Senior Housing Officer, Strategic Housing Team

YOUR REF: UPRN: 000117099240

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DATE: 19/2/2014

SUBJECT: PROPOSED PERMANENT PITCH FOR TWO CARAVANS (ONE FAMILY) AND  
ASSOCIATED SERVICES AT SITE DUE EAST OF THE KNOWE, KINNABER ROAD, HILLSIDE,  
MONTROSE. APPLICATION: 14/00016/FULL, UPRN: 000117099240

---

I refer to the above Planning Application.

The Local Housing Strategy 2012-17, evidenced by the Housing Need and Demand Assessment 2010, identified an under supply of provision within the Angus area for gypsy/travellers. It also identified a lack of understand about their housing need, with a commitment to undertake further research within the life of the LHS 2012-17.

Housing need and demand from Gypsy/Travellers has remained at a constant level in recent years across Angus. Demand for 18 pitches at the authorised permanent site at St Christopher's in Montrose, though strong does not fluctuate much, with around 12 applicants on the waiting list. There is very little turnover, the current occupiers remain there all year round.

There is no evidence of any significant new arising need recorded through Homeless Applications made to the council. However there can be numerous gypsy/ travellers arriving through the year seeking pitches, they tend not to formally apply given it may take many years to actually get an offer.

The site in Montrose is the only one in Angus and arguably gives rise to provision in other geographic areas within Angus, and this would be a strategic imperative to have more mixed communities. The current focus is in the Montrose area, and any additional provision in the locality may in itself lead to greater pressure on ancillary services such as schools, health care provision and employment, such a focal point may lead to increased discrimination against this vulnerable minority community.

The Housing Authorities view would be to tackle any geographic imbalances and create communities that are more mixed across Angus avoiding concentration of any one community. It is also important to provide sufficient support to ensure communities are sustainable all year round and into the long term.

This proposal will not make significant inroads to meeting the needs of the wider gypsy/ traveller community, given its exclusivity. Pockets of minority communities can be difficult to support and allow for integration, arguably, they should be large enough to provide greater security for both the incumbent and minority communities to feel safe and secure. This application does not fit with that principle.

It is noteworthy to report there have been no reports of anti-social behaviour and no complaints of discrimination against the gypsy/ traveller community in recent years. Montrose is a local hub for gypsy/traveller communities who often congregate for special occasions and events, their religious spiritual needs are also well served by a local church.

Therefore in conclusion we would not support the application, as there is insufficient evidence of how it would help to meet the housing needs of this complex community, and does not fit with our strategic forward planning.

Our strategic approach is being developed in consultation with the gypsy/ traveller community, community councils and representative national stakeholders such as the National Federation of Gypsy Liaison Groups. Our aim is to improve poor individual outcomes as identified in the Scottish Government report Gypsy/Travellers in Scotland: Summary of the Evidence Base, Summer 2013<sup>1</sup>.

We recognise the information gap and in partnership with the Scottish Government commit to improving the overall circumstances of Gypsy/ Travellers. Piecemeal development may undermine our future strategic social policy development to ensure there is sufficient provision in the right location.

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<sup>1</sup> <http://www.scotland.gov.uk/Resource/0043/00430806.pdf>



## Memorandum

Roads Division, County Buildings, Forfar Telephone 01307 461460

TO: HEAD OF PLANNING & PLACE

FROM: HEAD OF TECHNICAL AND PROPERTY SERVICES

YOUR REF:

OUR REF: GH/AG/FJ TD1.3

DATE: 29 January 2014

SUBJECT: **PLANNING APPLICATION REF. NO. 14/00016/FULL – PROPOSED 2NO CARAVANS AS A PRIVATE PERMANENT GYPSIE/TRAVELLER HOUSEHOLD AT THE KNOWE, KINNABER ROAD, HILLSIDE, MONTROSE FOR MR W FORSYTH (JNR)**

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I refer to the above planning application. A similar application was submitted under Planning application No 13/00181/FULL for two holiday caravans on the same site.

The site is located on the south side of Kinnaber Road, approximately 360 metres east of the junction of Kinnaber Road with the A937 Marykirk Road.

Kinnaber Road is relatively straight in alignment between the site and the A937 to the west. To the east; between the site and the A92, the road is generally twisty. The site access is located on the outside of the first of the bends on this twisty section, over which the derestricted, national speed limit of 60mph applies. The 30mph urban speed limit is located a short distance to the west and is visible from the site entrance.

In accordance with the Council's Road Standards, visibility sightlines of 3.0 x 215 metres should be provided on both sides of the site access at its junction with the public road. However, since the site is located on a twisty section of the road, close to the 30mph speed limit, average traffic speeds are not expected to be high and therefore; visibility sightlines of 3.0 x 120 metres would be acceptable.

The site is fronted by trees and a high stonework boundary wall. The adjacent road verge is narrow, having a width of 1.3 metres. These features would be significantly affected by the provision of the above sightlines.

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 have no objections to the proposed but would recommend that any consent granted shall be subject to the following conditions:

- 1 That, prior to the implementation of any consent for change of use or commencement of any other works on Site, visibility sightlines of 3.0 x 120 metres shall be provided on each side of the proposed access at its junction with the public road.  
*Reason: to ensure a satisfactory standard of visibility at the junction of the proposed access with the public road.*
- 2 That, within the above sightlines nothing shall be erected or planting permitted to grow to a height in excess of 1050mm above the adjacent road channel.  
*Reason: to ensure a satisfactory standard of visibility is maintained at the junction of the proposed access with the public road.*
- 3 That, prior to the implementation of any consent for change of use or commencement of any other works on Site, the verge crossing at the proposed access shall be improved to form a new bellmouth junction, with kerbed radii of 3 metres and a minimum throat width of 5 metres. The access shall be constructed in accordance with the standards of Angus Council (Access Junction Type B).  
*Reason: to ensure a satisfactory standard of site access.*

As previously stated, mature trees and the boundary wall of the site will be affected by compliance with conditions 1 and 2 above. Further, land not under the control of the applicant may also be affected. If, in your opinion, the recommended sightlines cannot be provided, I would object to the application in the interests of road safety.

Notwithstanding the above, I note that the site has been in the past, used by a number of domestic and business vehicles operating from a number of residential caravans and tents. Since the number of vehicles previously using the access may be greater than or equal to those that could be reasonably expected to be generated by two caravans, I would be interested in your opinion as to whether or not the previous use was legitimate and if so, whether it should be viewed as a mitigating factor in consideration of the current application.

I trust the above comments are of assistance but should you have any further queries, please contact Andrew Barnes on extension 3391.





Planning Application Ref: 14/00016/FULL – Forward Planning Team Consultation Response

Policies SC12: Residential Caravans and SC13: Sites for Gypsies/Travellers of the Angus Local Plan Review are relevant to the consideration of this application.

Policy SC13 seeks to support the establishment of appropriate new sites for Gypsy/Travellers where they satisfy local demand as identified by the Angus Local Housing Strategy. This aims to ensure a planned and strategic approach to meeting the accommodation needs of Gypsy/ Travellers across Angus. I note that the Housing Service have been consulted in terms of identified need and have responded under separate cover.

In this respect it is noted that work to identify the particular housing needs of Gypsy/Travellers at a strategic level requires to be undertaken by the Housing Service. This will consider need in terms of scale, type and geographical location of sites across Angus as a whole and will provide the basis for identifying appropriate locations and site specific requirements. It is noted that this research is to be completed within the LHS strategy period 2012 - 2017.

The proposed development seeks to establish a permanent household pitch for a Gypsy/Traveller family on a small plot of land in the countryside. Proposals for small, ad hoc sites such as this would not be consistent with the planned and strategic approach sought by Policy SC13 in seeking to address needs across Angus as a whole and, could set a precedent for the scattering of small sites or individual caravans throughout Angus. I note that the Housing Division would generally concur with this view.

Regardless of the client group, the proposal effectively seeks to establish a permanent site for a residential caravan for family accommodation. Policy SC12 (a) indicates that proposals to site a residential caravan will only be acceptable where it provides a temporary residence to allow a dwelling to be renovated. The proposed development does not meet these requirements and would therefore not comply with Policy SC12.

Braebost,  
Kinnaber Road,  
Hillside,  
Montrose,  
Angus,  
DD10 9EP.

29<sup>th</sup> January, 2014.

Mr I. Mitchell,  
Head of Planning,  
Angus Council,  
County Buildings,  
Market Street,  
Forfar,  
Angus,  
DD8 3LG

Dear Sir,

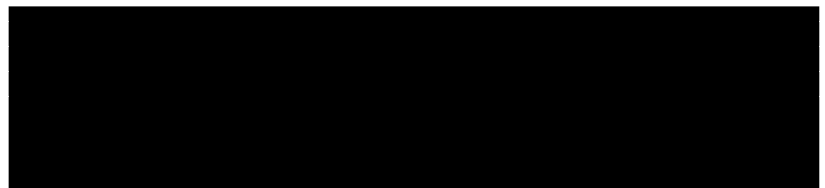
14KW

My husband and I wish to object to the planning application of two permanent caravans, reference number 14/00016/FULL, at Kinnaber Road, Hillside.

This application would constitute ribbon development and is contrary to the Angus Local Plan.

We have concerns regarding electric cables appearing above ground, on the public verge which the Roads Department cut, which cannot adhere to standard regulations. We understand this is not grounds for objection, but wish to make your department aware of this safety issue.

We have constantly viewed up to six caravans on site over the past few years and if planning permission was granted, it would be difficult for the planning department to monitor or enforce.



## **Comments for Planning Application 14/00016/FULL**

### **Application Summary**

Application Number: 14/00016/FULL

Address: Site Due East Of The Knowe Kinnaber Road Hillside Montrose

Proposal: Permanent Pitch For Two Caravans (One Family) And Associated Services

Case Officer: Damian Brennan

### **Customer Details**

Name: Mr Richard Gordon

Address: The Knowe Kinnaber Road, Hillside Montrose

### **Comment Details**

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

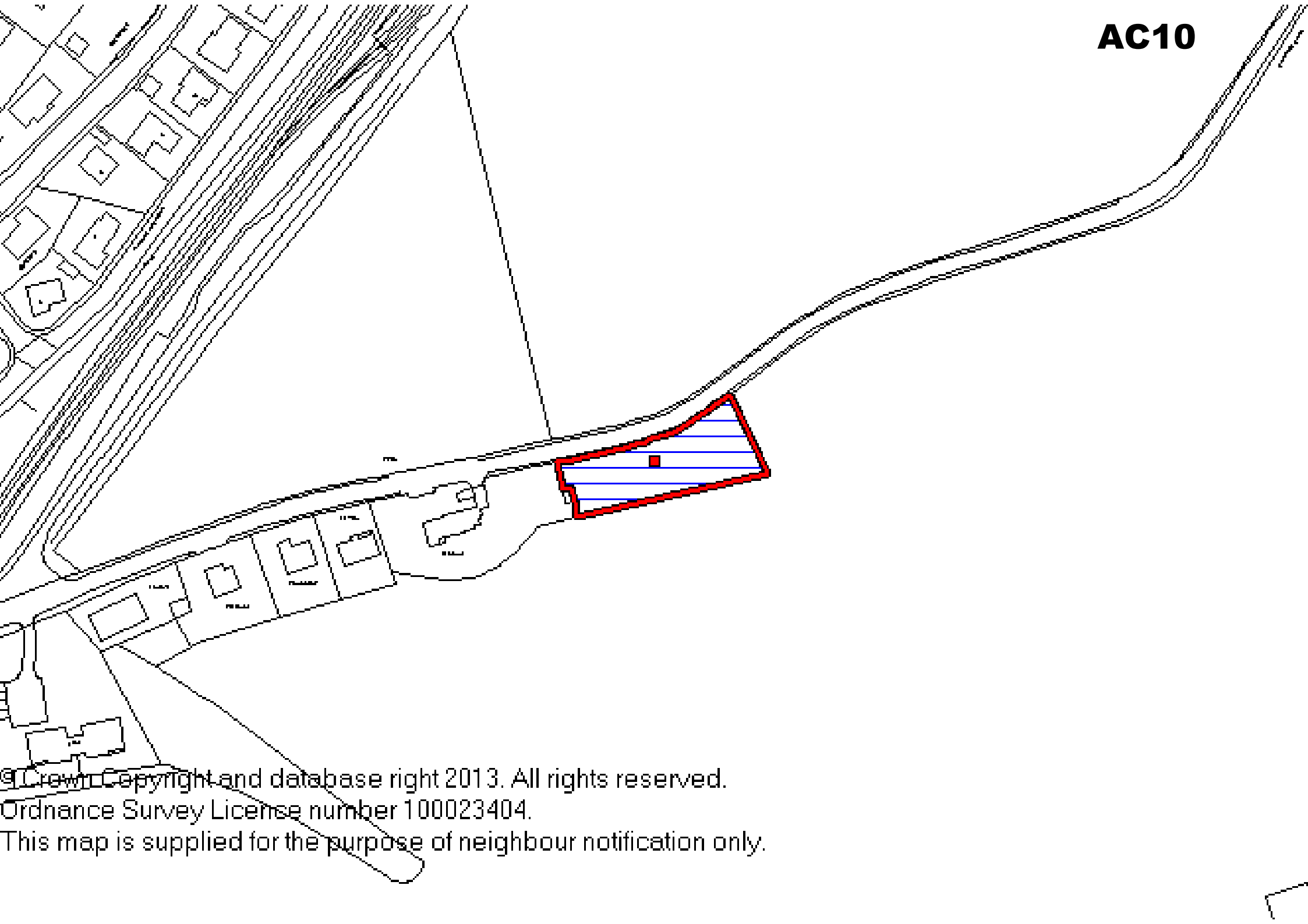
Comment Reasons:

Comment: The planning application does not conform to local or national guidance on ribbon development if granted it would create a precedent and Hillside would soon become part of Montrose through housing and industrial development. The Knowe was built in 1956 and any development after that has been west towards Hillside. During the winter months the site is quiet but come spring and summer as many as 6 caravans can be on site. The noise from dogs and people shouting using foul language is not ideal with 3 young children in our household, we have had to endure this for many years.

I would also like to mention previous breach of planning as detailed in ENA-120-2005 decision by John Martin.

Richard Gordon

**AC10**



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Ordnance Survey License number 100023404.  
This map is supplied for the purpose of neighbour notification only.



AC12



23/01/2014

**AC12**



**23/01/2014**

**AC12**



**23/01/2014**



ANGUS COUNCIL

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

PLANNING PERMISSION REFUSAL  
REFERENCE 14/00016/FULL



To Mr James Forsyth (Jnr)  
c/o Lynne Tammi  
Scottish Representative  
Gypsy Council  
Burnbank  
Ogilvie Terrace  
Ferryden  
Montrose  
DD10 9RG

With reference to your application dated 16 January 2014 for planning permission under the above mentioned Acts and Regulations for the following development, viz.:-

Permanent Pitch For Two Caravans (One Family) And Associated Services at Site Due East Of The Knowe Kinnaber Road Hillside Montrose for Mr James Forsyth (Jnr)

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

The reasons for the Council's decision are:-

- 1 That proposed development is contrary to Policy SC13 of the Angus Local Plan Review 2009 as it would not satisfactorily address an identified local demand.
- 2 That the proposal is contrary to Policy S6 of the Angus Local Plan Review 2009 as the access arrangements would not comply with Angus Council Roads Standards and intensification of use of the sub-standard access would be detrimental to road traffic and pedestrian safety.
- 3 That the proposal would constitute ribbon development which is considered an undesirable form of development in the context of this rural area.

The application has not been subject of variation.

Dated this 10 April 2014

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

OUTLINE PLANNING PERMISSION - REFUSAL

01/96/1438OUT

## ANGUS COUNCIL

### TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT) (SCOTLAND) ORDERS

To

PATON & MORAN ASSOCIATES  
41  
KING STREET  
FERRYDEN  
MONTROSE  
DD10 9RR

With reference to your application dated 31st July 1996 for planning permission under the above mentioned Acts and Orders for the following development, viz:-

OUTLINE ERECTION OF DWELLINGHOUSE at KINNABER ROAD HILLSIDE  
MONTROSE for MR N WILL FIRVIEW KINNABER ROAD HILLSIDE MONTROSE

the Angus Council in exercise of their powers under the above mentioned Acts and Orders hereby Refuse Planning Permission for the said development.

the reasons for the Councils decision are:-

01

That the proposal constitutes ribbon development.


02

That the proposal, if approved, would extend existing ribbon development to an unacceptable degree.

03

That the application, if approved, could be considered a precedent for applications of a similar nature..ei

Dated this 10 September 1996

  
Director of Planning, Transport  
and Economic Development,  
St James House,  
New Road,  
FORFAR DD8 2ZP.

**WARNING: ANY ALTERATIONS MADE TO THE APPROVED PLANS OR STATED**

**ANGUS COUNCIL****TOWN AND COUNTRY PLANNING (SCOTLAND) ACT  
TOWN AND COUNTRY PLANNING (GENERAL  
DEVELOPMENT) (SCOTLAND) ORDERS****OUTLINE PLANNING PERMISSION REFUSAL  
Ref: 09/00447/OUT**

To Mr P Forsyth  
c/o John D Crawford Ltd  
72 New Wynd  
Montrose  
Angus  
DD10 8RF

With reference to your application dated 5 May 2009 for outline planning permission under the above mentioned Acts and Order for the following development, viz.:-

**Outline consent for Erection of Dwellinghouse at Site Due East Of The Knowe Kinnaber Road Hillside Montrose for Mr P Forsyth**

The Angus Council in exercise of their powers under the above mentioned Acts and Orders hereby **Refuse Outline Planning Permission** for the said development.

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

- 1 That the application is contrary to Policy SC6 of the adopted Angus Local Plan Review (2009) as the site will extend a building group rather than round off or consolidate, is not a gap site and will not result in the removal of dereliction or significant environmental improvement.
- 2 That the application would extend ribbon development and this is contrary to criterion (c) of Schedule 2: Countryside Housing Criteria and consequently Policy SC6 of the Angus Local Plan Review (2009).
- 3 That the applicant has failed to demonstrate that a satisfactory access can be achieved and thereafter maintained in perpetuity and this is contrary to Policy S6 of the adopted Angus Local Plan Review (2009).
- 4 That the applicant has failed to demonstrate that the proposed development would not result in the loss of established trees to the detriment of the visual amenity of the area and this is contrary to Policies ER6 and ER7 of the adopted Angus Local Plan Review (2009).

Dated this 30 June 2009

Head of Planning and Transport,  
Infrastructure Services,  
County Buildings,  
Market Street,  
FORFAR.  
DD8 3LG

**WARNING ANY ALTERATIONS MADE TO THE APPROVED PLANS OR STATED  
CONDITIONS WITHOUT THE PRIOR CONSENT OF THE LOCAL PLANNING AUTHORITY  
COULD LEAD TO ENFORCEMENT ACTION BEING TAKEN TO REMEDY OR REINSTATE  
THE UNAUTHORISED ALTERATIONS**

## NOTES

1. If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he may appeal to the Secretary of State in accordance with Section 47 of the Town and Country Planning (Scotland) Act 1997, within six months from the date of this notice. The appeal should be addressed to the Chief Reporter, Scottish Executive Development Department, Inquiry Reporter's Unit, 4 The Court Yard, Callendar Business Park, Callendar Road, Falkirk, FK1 1XP.
2. If permission to develop land is refused or granted subject to conditions, whether by the planning authority or by the Secretary of State, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, he may serve on the planning authority a purchase notice requiring the purchase of his interest in the land in accordance with the Part V of the Town and Country Planning (Scotland) Act 1997.

Directorate for Planning and Environmental Appeals

## Appeal Decision Notice

T: 01324 696 400  
F: 01324 696 444  
E: [dpea@scotland.gsi.gov.uk](mailto:dpea@scotland.gsi.gov.uk)



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Decision by Trevor A Croft, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: P/PPA/120/2005
- Site address: land adjacent to The Knowe, Kinnaber Road, Hillside, Montrose, DD10 9EP
- Appeal by Mr P Forsyth against the decision by Angus Council
- Application for planning permission in principle 09/00447/OUT dated 5 May 2009 refused by notice dated 30 June 2009
- The development proposed: erection of dwellinghouse
- Date of site visit by Reporter: 8 December 2009

Date of appeal decision: 6 January 2010

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### Decision

I dismiss the appeal and refuse planning permission in principle.

### Reasoning

1. The principal determining issues in this appeal are whether the proposal would lead to ribbon development and extend, rather than rounding off, a building group, taking into account the provisions of the development plan, and whether any other material considerations indicate a different decision.
2. Local plan policy SC6 sets out circumstances where new houses will be permitted in the countryside. In this case the nearest houses are a line of five that extends along the south side of Kinnaber Road, from the railway at Hillside to the appeal site. They form ribbon development rather than a group as such, and building on the appeal site would simply extend this, without consolidating or rounding it off. As such the site would also be contrary to schedule 2, which sets out additional criteria that must be met by new countryside housing, in that it would extend this ribbon development. It is not a gap site, as there is no other house to the east.
3. Although the site may be considered brownfield in that it has formerly been used as a travellers' caravan site, and to provide accommodation for foreign workers, the council states that these were unauthorised. Some structures remain from those uses, including a toilet block and storage sheds, but the site is not particularly unsightly, being fairly well shielded by perimeter vegetation. In fact overall the state of the site is relatively tidy, and

should not be considered an eyesore such that it justifies development simply to clean it up. The proposals would therefore be contrary to policy SC6 and schedule 2 of the local plan, in line with the council's first two reasons for refusal.

4. The third reason for refusal relates to access, and this is refuted by the appellant. Whilst the council's visibility requirements cannot be met within land under control of the appellant, the present access has clearly existed for some considerable time, including use by vehicles towing caravans or other trailers. My attention has not been drawn to any accident record concerning the site. The entrance lies on the outside of a shallow bend, with reasonable visibility. From observations at my site inspection traffic was generally travelling at sensible speeds, possibly due to the proximity of the built up area and bends in the length of road as a whole. I do not consider the access to be sufficiently sub-standard that it would justify the refusal of permission on its own.

5. The final reason for refusal relates to the loss of established trees resulting in detriment to the visual amenity of the area, contrary to local plan policies ER6 and ER7. This loss would in part be due to the need to fell hedging trees to form a sightline. The site in general is well bounded by tall hedging, and if development was to be permitted the loss of any trees could be compensated by additional landscaping. With this in mind, as individual trees are not in themselves of particular landscape significance, any loss would not be fatal to the proposal.

6. I have also considered carefully all the other points raised, including the appellant's comments on the applicability of parts of the local plan policies referred to. I have found nothing however that justifies the granting of planning permission for a proposal that would clearly constitute ribbon development into open countryside.

***This is a true and certified copy of the decision issued on 6 January 2010***

Trevor A Croft  
Reporter

**ANGUS COUNCIL**

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997  
(AS AMENDED)  
TOWN AND COUNTRY PLANNING (DEVELOPMENT  
MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS  
2008**



**WITHDRAWN APPLICATION**

**REFERENCE 12/00991/FULL**

To: **Mr P Forsyth  
c/o John D Crawford Ltd  
72 New Wynd  
Montrose  
Angus  
DD10 8RF**

Application dated **21 November 2012** for **Proposed Siting of Residential Caravan at Site Due East Of The Knowe Kinnaber Road Hillside Montrose** for **Mr P Forsyth** was withdrawn on **17 January 2013**.

Dated this **17 January 2013**

Head of Planning and Transport,  
Infrastructure Services,  
County Buildings,  
Market Street,  
FORFAR  
DD8 3LG

## ANGUS COUNCIL

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997  
(AS AMENDED)  
TOWN AND COUNTRY PLANNING (DEVELOPMENT  
MANAGEMENT PROCEDURE) (SCOTLAND)  
REGULATIONS 2008**

**PLANNING PERMISSION REFUSAL  
REFERENCE 13/00181/FULL**



To **Mr W Forsyth**  
**c/o Montgomery Forgan Associates**  
**Per David Peripel**  
**Eden Park House**  
**Eden Park**  
**Cupar**  
**KY15 4HS**

With reference to your application dated 14 March 2013 for planning permission under the above mentioned Acts and Regulations for the following development, viz.:-

**Change Of Use Of Land To Form a Static Holiday Caravan Site (2 Single Unit Caravans) at Site Due East Of The Knowe Kinnaber Road Hillside Montrose for Mr W Forsyth**

The Angus Council in exercise of their powers under the above mentioned Acts and Regulations hereby **Refuse Planning Permission (Delegated Decision)** for the said development in accordance with the particulars given in the application and plans docquetted 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 use of the land for the siting of two holiday caravans is contrary to Policy SC20 of the Angus Local Plan Review 2009 as it would not improve the range and quality of visitor attractions and tourist facilities in the area and as the use would not be compatible with the surrounding land uses.
- 2 That the proposal is contrary to Policy S6 of the Angus Local Plan Review 2009 as it would have an unacceptable impact on the amenity of existing properties and as access arrangements would not comply with Angus Council Roads Standards.

Dated this **21 May 2013**

Head of Planning and Transport,  
Communities  
County Buildings,  
Market Street,  
FORFAR.  
DD8 3LG



Directorate for Planning and Environmental Appeals

## Appeal Decision Notice

T: 01324 696 400  
F: 01324 696 444  
E: [dpea@scotland.gsi.gov.uk](mailto:dpea@scotland.gsi.gov.uk)



Decision by John H Martin, a Reporter appointed by the Scottish Ministers

- Enforcement notice appeal reference: ENA-120-2005
- Site address: "The Lodge", land east of The Knowe, Kinnaber Road, Hillside, Montrose DD10 9EP
- Appeal by Mr William Forsyth against the enforcement notice dated 17 April 2013 served by Angus Council
- The alleged breach of planning control: use of the land as a residential caravan site and the installation of a septic tank.
- Date of site visit by Reporter: 16 July 2013

Date of appeal decision: 1 August 2013

### Decision

I dismiss the appeal and direct that the enforcement notice dated 17 April 2013 be upheld, subject to the variation of the terms of the notice by deleting the words "Return the site to a neat and tidy condition" in paragraph 5(3) of the notice and replacing them with the words "After the septic tank has been removed, the hole shall be backfilled and the ground made good to match the surrounding gravel surface". Subject to any application to the Court of Session, the enforcement notice takes effect on the date of this decision, which constitutes the determination of the appeal for the purpose of Section 131(3) of the Act.

### Reasoning

1. The appeal against the enforcement notice was made on the following grounds as provided for by section 130(1) of the Town and Country Planning (Scotland) Act 1997: ground (c), that the matters stated in the notice do not constitute a breach of planning control; and ground (f) that the steps required by the notice to be taken exceed what is necessary to remedy any breach of planning control or injury to amenity.
2. The appeal site is a gently sloping plot of land which lies to the east of The Knowe, the last of a row of 5 houses that lies outside the settlement of Hillside beyond the adjacent railway line. The site is bounded by a timber slatted fence to the south and by cypress hedges to the east and west, with an established stone wall and mature trees along the road where there is a double gate access. At the time of the site inspection, there were one 5 metre and one 7 metre touring caravans on the site together with a car and a van, a storage shed, a metal container and a toilet Portacabin which is connected to the septic

tank. Otherwise about 60% of the land is gravel hardstanding with the remainder laid to grass.

### *Site History*

3. In his statement the appellant states that before he purchased the land in 2002, it was used as a contractor's yard which included hardstanding, plant, machinery and the siting of various Portacabins and sheds etc. However, without the benefit of planning permission, it was subsequently unlawfully used as a traveller's caravan site and to provide accommodation for foreign workers. In 2009, planning permission in principle for the erection of a house on the land was refused and the subsequent appeal dismissed (P/PPA/120/2005). In November 2012 an application was submitted for a residential caravan on the land, but this was withdrawn. In 2013, pre-application advice on the siting of static caravans on the site found that this use would be unlikely to comply with development plan policy, so an application for such a use would be unlikely to be supported.

### *The appeal on ground (c)*

4. With regard to the change of use, under section 124(3) of the Town and Country Planning (Scotland) Act 1997, no enforcement action may be taken after the end of the period of 10 years beginning with the date of the breach. The appellant must therefore show that the use of the land as a caravan site has been continuous since at least 17 April 2003 (10 years before the enforcement notice was served).

5. While I acknowledge that the gypsy lifestyle is by definition itinerant, and there are bound to be periods when they have no caravans on the land, the appellant acknowledges that the site was also used for accommodation for migrant workers also living in caravans. Nevertheless, the council have clearly been aware of the caravan site because, following observations received, the unlawful siting of caravans on the land was investigated in July 2004, April 2006, May 2010 and April 2012 and on each occasion the caravans were removed. In addition, when the appellant applied for planning permission in principle for a dwellinghouse on the land in 2009, it was described as a vacant site, and the council advise that there were no caravans on the site when the reporter visited it later that year.

6. The council served a planning contravention notice after the last of the above investigations and, with the response of 13 June 2012, the appellant's then agent stated: "We would as instructed inform you that the caravans have now left the site and will not return at any time in the future." It is apparent from the council's submissions on the history of the site that, on each occasion that it has investigated the presence of caravans, it has recorded that they were subsequently removed and the case was closed. I therefore conclude that, on the balance of probabilities, there have been several occasions since 2003 when the land has not been used as a caravan site, and that the unlawful use has therefore not been sufficiently continuous to benefit from the 10 year rule.

7. Turning to the septic tank, as operational development, under section 124(1) of the Act, this would have to have been in place for at least 4 years to prevent enforcement action being taken. The appellant has not submitted the Building Warrant completion

certificate so I have no proof that it has been in place for more than 4 years. However, as the council describe it as recent, which the appellant has not challenged, and have included it in the allegation, I am satisfied that it is not immune from enforcement action. I therefore conclude that the matters stated in the notice constitute breaches of planning control and the appeal on ground (c) therefore fails.

#### *The appeal on ground (f)*

8. This part of the appeal concerns two separate elements. The first is the septic tank for which the appellant obtained the Building Warrant. While Building Standards officers may sometimes notify planning officers of a suspected unauthorised development, they have no obligation to do so and the onus is on the landowner to ensure that planning permission is obtained.

9. Although the toilet Portacabin may have been on site for more than 10 years and thereby immune from enforcement, with the removal of the caravans there would be no use for the toilets it provides. I therefore share the council's concern that the septic tank could become a health hazard once it ceases to be regularly flushed through and properly maintained. For this reason, I have to conclude that the requirement to remove the septic tank from the site is not excessive.

10. The second element is that the requirement to return the site to a neat and tidy condition is ambiguous. Bearing in mind that the former use was a contractor's yard with plant, machinery and structures thereon, I share the previous reporter's view in paragraph 3 of his decision that "the site is not particularly unsightly" and is "relatively tidy". While this might still apply once the caravans are removed, the requirement to remove the septic tank could seriously affect the appearance of the site. For the sake of clarity, I shall vary the terms of the notice under Section 132(2)(b) of the Act to require that, after the septic tank has been removed, the hole shall be backfilled and the ground made good to match the surrounding gravel surface. Subject to this variation, I conclude that the steps required by the notice to be taken do not exceed what is necessary to remedy any breach of planning control or injury to amenity, and that the appeal on ground (f) also fails.

#### *Other matters*

11. I have considered the duty in the Equality Act 2010 to have regard to the need to eliminate unlawful discrimination, to advance equality of opportunity and to foster good relations. The appellant has been aware for many years that the use of this land for siting caravans was unauthorized and has removed them on a number of occasions in response to the council's investigations. In the circumstances, I consider that the enforcement action is proportionate to the continuing breach of planning control, and is the minimum necessary to remedy that breach.

*John H Martin*  
Reporter



**TREE SURVEY: THE LODGE – LAND DUE EAST OF THE KNOWE, KINNABER ROAD, HILLSIDE, MONTROSE, DD10 9EP.****INTRODUCTION**

Further to the instructions of Mr James Forsyth (Jnr) trees have now been inspected at the above property within the constraints of *British Standard 5837:2012 Trees in relation to Design, Demolition and Construction - Recommendations*.

The inspection was carried out on 11 January 2014.

The trees were inspected from ground level only.

At the time the inspection was carried out the weather was overcast with moderate wind speeds.

**TREE SURVEY INFORMATION**

The trees were visually inspected and the information is recorded in the Tree Data section of this report. The details of the report should be self-explanatory; however abbreviations and certain terms used in the tree information schedule are explained below.

‘Species’ are recorded by both common and botanical name.

Height has been recorded in metres.

Stem diameter has been recorded in millimetres at 1.5m above ground level.

Branch spread has been recorded in metres.

Height of crown clearance has been recorded in metres.

‘Age Class’ has been recorded as follows:

**YNG** - Young trees;

**EM** - Early mature trees;

**MAT** - Mature trees;

**OM** - Over-mature trees;

**VET** - Veteran trees.

**GREENFUTURES**

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‘Observations’ have been recorded (e.g. collapsing, the presence of any decay and physical defect).

‘Preliminary management recommendations’ have been provided.

‘Estimated contribution’ is recorded in years <10, 10+, 20+, 40+.

Category rating has been recorded as R, A, B, or C. This gives an indication as to the tree’s importance in relation to the characteristics of the site and its suitability for retention in the context of the proposed development of the site.

R - Trees which should be removed irrespective of any development proposal.

A - Trees of high quality whose retention is most desirable.

B - Trees of moderate quality whose retention is desirable.

C - Trees of low quality which could be retained.

The approximate locations of the trees are identified on the tree location plan (appendix A).



## GREENFUTURES

### TREE DATA

Tree No	Species (Common & Botanical)	Approx Height (m)	Approx Crown Spread (avg M)	Approx Stem dia. At 1.5m (mm).	Approx Canopy Height (m)	Age Class	Observations	Preliminary Management Recommendations.	Estimated Remaining Contribution (years)	Category Rating
T1	Sycamore <i>Acer Platanoides</i>	10	5	2 stems 35 41	4 (avg)	EM	Hollow at base and rotting	Fell to stump	<10	R
T2	Sycamore <i>Acer Platanoides</i>	10	5	2 stems 36 45	4 (avg)	EM	Fire damaged and rotting	Fell to stump	<10	R
T3	Oak <i>Quercus Robur</i>	12	6	2 stems 57 49	6 (avg)	MAT	Reasonable aesthetic value	Remove large/broken branches	40+	B
T4	Sycamore <i>Acer Platanoides</i>	12	7	3 stems 38 33 27	4 (avg)	EM	Deep scarring at base/loss of bark	Fell to stump	10+	R
T5	Ash <i>Fraxinus Excelsior</i>	13	6	3 stems 29 24 31	4 (avg)	EM	Dying back in parts of crown (ash die back?) No amenity value, wire damage at stem	Fell to stump	20 (?)	R



## **RECOMMENDATIONS**

### **Recommendations for removal**

T1: Sycamore

T2: Sycamore

T4: Sycamore

T5: Ash

### **Recommendations for retention**

T3: Oak

Remove large/broken branches.

### **Recommendations for replacement**

Native species hedging – 6 no plants per linear metre, two rows staggered at 300mm spacing.  
Species to include: Hawthorn, Blackthorn, Bird Cherry, Hazel, Crab Apple, Roses.

### **Other considerations**

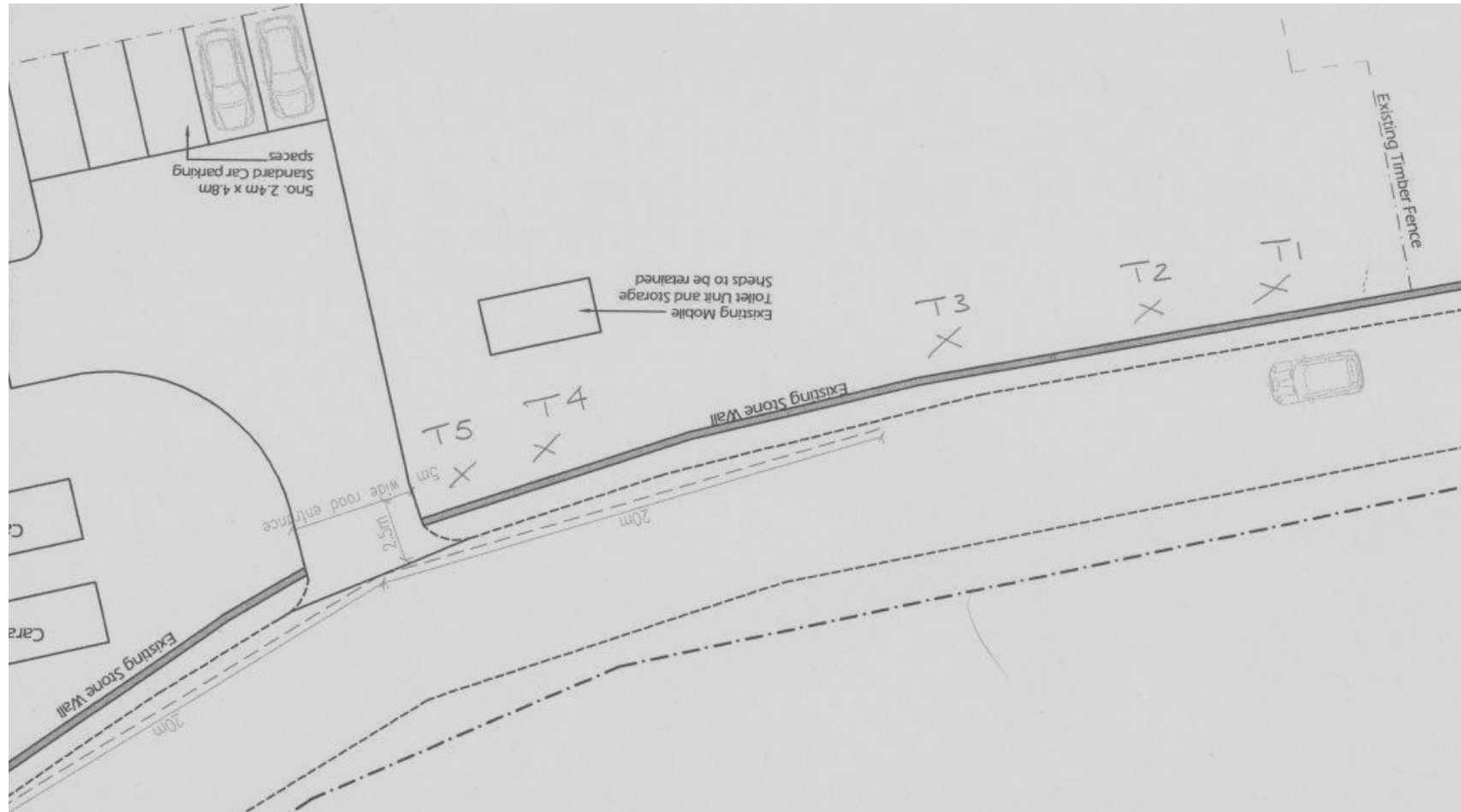
All operations should take account of the *Wildlife and Countryside Act 1981(as amended)*, the *Habitats Regulations 1994 (as amended)* and the *Nature Conservation (Scotland) Act 2004*. For example; tree works should be planned to avoid the bird nesting season and take advantage of weather conditions for minimum damage and disturbance.





TREE LOCATION PLAN

Appendix A



## **Supporting Statement in respect of planning application for the establishment of a Private, Permanent Gypsy/Traveller Household Pitch at the Lodge: Land Due East of The Knowe, Kinnaber Road, Hillside, Montrose, DD10 9EP**

### **BACKGROUND**

The applicants are Scottish Gypsy/Travellers, who have, for generations, travelled, lived and worked in the North East of Scotland, particularly the coastal region of Angus. Consequently, they have strong family and cultural ties to the land in the area.

However, the steady erosion of their traditional stopping and ‘over-wintering’ places and spaces, the lack of safe, secure and culturally appropriate private and/or Local Authority permanent pitches in the area [St Christopher’s site, Montrose currently operates at full capacity and has a waiting list measurable in years] and ‘the lack of current [non-Gypsy/Traveller] developer interest in the allocation of sites for Gypsy/Travellers’<sup>1</sup> has made it increasingly difficult for the applicants to establish a base from where they can continue their nomadic lifestyle and, of equal importance, access basic services particularly uninterrupted education for their children, short and long-term healthcare and, at times, the most basic of services such as access to clean water; a basic service that the majority take as given, in 21<sup>st</sup> century Scotland.

Further, Angus Council is aware of the shortfall in provision and the complexities of providing accommodation that meets the cultural needs of Gypsy/Travellers and in response has committed to working with the community to meet expressed need and, in terms of provision and development of new [including private] pitches and sites, allow for updating of, *inter alia*, policy and guidelines, should any reasonable alternatives be presented. [See, for example: *Angus Local Housing Strategy 2012-2017*; *Angus Council Equalities Mainstreaming Report and Equality Outcomes 2013 –201*; *Angus Local Development Plan, 2014 – 2024, Main Issues Report, Topic Paper 4, Housing*]. The applicants and their Agent are of the opinion that this application provides such a reasonable alternative.

### **THE LAND**

This brownfield plot of land lies to the east of The Knowe, the last of a ‘ribbon development’ of 5 houses of contemporary build, which lies outside the settlement of Hillside beyond the adjacent railway line. It is bounded by a timber slatted fence to the south and by cypress hedges to the east and west, with an established stone wall [which also bounds the aforementioned houses] and mature trees along the road where there is a double gate access. Thus, the land has the potential to provide safe and secure accommodation for the applicants and effectively ‘round off’ the ‘ribbon development’. Previous inspections of the land have identified no major entry/exit issues and no objections *vis a vis* proposals for the land have been forthcoming from immediate neighbours.

The area has been landscaped and is maintained to a high standard. There has been neither evidence nor complaint of littering or any other form of anti-social behaviour. In terms of access to services, the land is within a short walking distance of public transport links to the nearby town of Montrose and the local pre/primary school in Hillside. The applicants are registered with the Links Medical Centre, Montrose and a place has been secured at the local pre-school for one of their children.

---

<sup>1</sup> See: *Angus Local Development Plan, 2014 – 2024, Main Issues Report, Topic Paper 4, Housing, p.41.*

## **HUMAN RIGHTS AND EQUALITY CONSIDERATIONS**

Approval of the application would enable Angus Council, as a human rights and equality duty bearer, to meet its obligations as set out in and national and international Human Rights and Equality law and Local Authority level policy and practice outcome statements; principally the *Human Rights Act* [HRA, 1998], the *Equality Act* [EA, 2010], *Getting it Right for Every Child* [GIRFEC, 2009], *Angus Council Local Housing Strategy 2012-2017* and *For the Children and Young People of Angus, 2009 - 2012* which, for example, include:

### HRA

Article 8: The right to respect for private and family life. This includes the right to have family relationships recognised by the law. It also includes the right for a family to live together and enjoy each other's company and is particularly relevant when considering the provision of culturally appropriate accommodation/housing.

### ANGUS LOCAL HOUSING STRATEGY

Work to identify housing need of broader minority groups will also be required in the mid to long term. This includes Gypsy Travellers whose needs are sometimes complex and may require more carefully thought-out solutions than other social groups [*Angus Local Housing Strategy 2012-2017*, p.29].

### EA

As a recognised minority ethnic group, Gypsy/Travellers have the right to legal remedy per the Protected Characteristics of the *Equality Act* [2010];

### ANGUS COUNCIL EQUALITIES - SINGLE OUTCOME AGREEMENT [SOA]

Angus Council's *Single Outcome Agreement Priority – Prosperous And Fair* [that] Gypsy Travellers are given equal respect and opportunities to live and work in Angus [*Angus Council Equalities Mainstreaming Report and Equality Outcomes 2013 –2017*, Appendix 1, Local Outcome 2, p.1]

### GIRFEC

The values and principles of GIRFEC, which all Local Authorities are required to take cognisance of, include:

Promoting the wellbeing of individual children and young people; keeping children and young people safe; promoting opportunities [including access to education, health services and safe, secure and appropriate accommodation/housing] and valuing and celebrating diversity.

### FOR THE CHILDREN AND YOUNG PEOPLE OF ANGUS

We are committed to giving every child and young person in Angus the best possible start in life and to provide support, where required, to enable them to realise their potential. We are determined to ensure that all children and young people in Angus will be assisted to become confident individuals, effective contributors, successful learners and responsible citizens [*For the Children and Young People of Angus, 2009 – 2012*].

**AC21**



**DEVELOPMENT MANAGEMENT REVIEW COMMITTEE**

**APPLICATION FOR REVIEW**

**THE LODGE, KINNABER ROAD, HILLSIDE, MONTROSE**

**APPLICATION NO 14/00016/FULL**

**APPLICANT'S SUBMISSION**

- ITEM 1** Notice of Review
- ITEM 2** Statement
- ITEM 3** Tree Survey
- ITEM 4** Email communication

RECEIVED

9 - JUL 2014

**NOTICE OF REVIEW**

Under Section 43A(8) Of the Town and Country Planning (SCOTLAND) ACT 1997 (As amended) In Respect of Decisions on Local Developments

The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (SCOTLAND) Regulations 2013

The Town and Country Planning (Appeals) (SCOTLAND) Regulations 2013

**IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.**

PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS ELECTRONICALLY VIA <https://eplanning.scotland.gov.uk>

1. Applicant's Details		2. Agent's Details (if any)	
Title	Mr	Ref No.	
Forename	James	Forename	Lynne
Surname	Forsyth [Jnr]	Surname	Tammi
Company Name		Company Name	Per the Gypsy Council
Building No./Name	C/O the agent	Building No./Name	Burnbank
Address Line 1		Address Line 1	Ogilvie Terrace
Address Line 2		Address Line 2	Ferryden
Town/City		Town/City	Montrose
Postcode		Postcode	DD10 9RG
Telephone		Telephone	01674 674086
Mobile		Mobile	
Fax		Fax	
Email		Email	lynne@article12.org
3. Application Details			
Planning authority	Angus Council		
Planning authority's application reference number	14/00016/FULL		
Site address	<p>The Lodge Kinnaber Road Hillside Montrose DD10 9EP</p>		
Description of proposed development	<p>2 caravans [one family] as a Private, Permanent Gypsy/Traveller Household Pitch, with associated services.</p>		

Date of application	10/1/14	Date of decision (if any)	10/4/14
<p><b>Note.</b> This notice must be served on the planning authority within three months of the date of decision notice or from the date of expiry of the period allowed for determining the application.</p>			
<b>4. Nature of Application</b>			
Application for planning permission (including householder application)	<input checked="" type="checkbox"/>		
Application for planning permission in principle	<input type="checkbox"/>		
Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission and/or modification, variation or removal of a planning condition)	<input type="checkbox"/>		
Application for approval of matters specified in conditions	<input type="checkbox"/>		
<b>5. Reasons for seeking review</b>			
Refusal of application by appointed officer	<input checked="" type="checkbox"/>		
Failure by appointed officer to determine the application within the period allowed for determination of the application	<input type="checkbox"/>		
Conditions imposed on consent by appointed officer	<input type="checkbox"/>		
<b>6. Review procedure</b>			
<p>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.</p> <p>Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.</p>			
Further written submissions	<input type="checkbox"/>		
One or more hearing sessions	<input type="checkbox"/>		
Site inspection	<input checked="" type="checkbox"/>		
Assessment of review documents only, with no further procedure	<input type="checkbox"/>		
<p>If you have marked either of the first 2 options, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing necessary.</p>			
<div style="border: 1px solid black; width: 100%; height: 100%;"></div>			
<b>7. Site inspection</b>			
<p>In the event that the Local Review Body decides to inspect the review site, in your opinion:</p>			
Can the site be viewed entirely from public land?	<input type="checkbox"/>		
Is it possible for the site to be accessed safely, and without barriers to entry?	<input type="checkbox"/>		

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

The land is bounded by a stone wall, mature hedges, a fence and [locked] access gates. The height of the hedges and the fence mean the site cannot be viewed in its entirety from public land. This is private land, the owner requests to be present during any site visit.

**8. Statement**

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. Note: 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.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

Please see separate document.

SCANNED  
10 JUL 2014

Have you raised any matters which were not before the appointed officer at the time your application was determined? Yes  No

If yes, please explain below a) why your are raising new material b) why it was not raised with the appointed officer before your application was determined and c) why you believe it should now be considered with your review.

[Empty box for explanation]



**9. List of Documents and Evidence**

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review

Statement document;  
Tree Survey;  
Email communication between Damian Brennan and Lynne Tammi [the agent] regarding Roads Services response.

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

**10. Checklist**

Please mark the appropriate boxes to confirm that you have provided all supporting documents and evidence relevant to your review:

Full completion of all parts of this form

Statement of your reasons for requesting a review

All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

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 from that earlier consent.

**DECLARATION**

I, the applicant/agent hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

Signature:

Name: Lynne Tammi

Date: 9 July 2014

Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act

RECEIVED

9 - JUL 2014

**APPEAL STATEMENT WITH REGARD TO PLANNING APPLICATION  
14/00016/FULL – MR J FORSYTH [JNR].****1. That [the] proposed development is contrary to Policy SC13 of the Angus Local Plan Review 2009 as it would not satisfactorily address an identified local demand.**

The appellant's accommodation needs, which would be met with the approval of this application, are for a private, permanent base, a need which is not explicitly addressed in any of Angus Council's current Plans or Guidance. Further, according to S. Patel, Senior Housing Officer, Strategic Housing Team, the process of developing a strategic forward plan for the accommodation needs of the Gypsy/Traveller community in Angus is yet to commence.<sup>1</sup>

The absence of such plans/strategies and the lack of alternative provision currently available or likely to become available in the short/medium term [St Christopher's site has around 12 applicants on the waiting list and the site has very little turnover] effectively leaves the appellant and his family in a state of 'homeless limbo'. This is unacceptable and, arguably, leaves the Council open to challenge, vis a vis meeting its commitments to minority ethnic individuals and groups, as set out in Scottish and UK Government Law, Policy and Guidance.

For example: Scottish Government has long supported the principle of private permanent Gypsy/Traveller sites as a legitimate way of helping to resolve the special accommodation needs of Scottish Gypsy/Travellers who wish to base themselves in a given area and lock into health and education and has consistently called for a sympathetic consideration of proposals by Councils. Further, the Advisory Committee's Ninth and Final Report and Recommendations to the Secretary of State, adopted as policy in 2000, set out clear instructions and guidance to local authorities as to the need for Councils to resolve the different pitch requirements of Gypsy/Traveller households including the establishment of pitch proposals such as this application. Indeed, Section 5 of that Report calls for proposals such as this to be treated as an agricultural use and not residential, because their character is more akin to the former.

Let it be noted that both of these documents were confirmed by Scottish Ministers following a public inquiry in relation to a private Gypsy/Traveller site at Cartmore, Lochgelly, Fife, as having the same status as Scottish Planning Policy publications. The appellant is of the opinion that his plans are consistent with the principles of these and subsequent SPP publications.

In any case, no need requires to be proven, in the same way that no member of the settled community is required to prove a need to acquire or occupy a private dwelling and base themselves within the Angus area. Indeed, to require this would be unreasonable and a clear violation of the terms of Equality Act [2010] particularly, but not exclusively, section 149 of the Act.

JOINED

10 JUL 2014

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<sup>1</sup> Communication by telephone – L Tammi and S Patel, 30<sup>th</sup> June 2014

**2. That the proposal is contrary to Policy S6 of the Angus Local Plan Review 2009 as the access arrangements would not comply with Angus Council Roads Standards and intensification of use of the sub-standard access would be detrimental to road traffic and pedestrian safety.**

Scrutiny of the Roads Division's memorandum indicates that no site visit was undertaken prior to its writing. If a site visit had been undertaken, representatives would have been aware that a bell mouth junction [which meets the standards of Angus Council Access Junction Type B] was in place and consequently there would be no requirement to include this in their list of conditions. In light of this, and other concerns regarding their response document, a site visit was convened on 5<sup>th</sup> February 2014. Mr Barnes and Mr Gwynne of Roads Division were in attendance.

Discussion centred on sightlines: concluding that An X value of 2.4 and Y values of 90 m to the East and 43 m to the West would be acceptable. These values could be achieved by lowering the boundary wall to a height of 1 m. The 43 m to the West falls within the boundary of the appellant's land so would not require work to the neighbouring property's wall. The 90 m to the East would include a short section of wall on the neighbouring farmland. The appellant has a good relationship with the landowner in question and would not foresee any difficulty in negotiating the lowering of that short section.<sup>2</sup> In addition, it was suggested by the appellant's agent that the 30 mile speed limit sign [which is currently situated adjacent to the property known as the Knowe – the property due West of the appellant's land] could be re-situated to the East of the appellant's land, thus effectively 'slowing down' any traffic entering the village from that direction. In response, Roads Division stated that such re-siting is rare, but possible. It would be unfair and unreasonable, then, to refuse this application on these grounds.

Further, a Tree Survey commissioned by the appellant indicates that 4 of the 5 mature trees situated on his land should be felled due, mainly, to poor quality [e.g. fire damage, rot, no amenity value] and in one case possibly ash die back. The removal of these trees will serve to further enhance the sightline to the West.<sup>3</sup>

**3. That the proposal would constitute ribbon development which is considered an undesirable form of development in the context of this rural area.**

Scottish Planning Policy, 2010 states that 'Development plans should support more opportunities for small scale housing development in all rural areas, including new clusters and groups [and] extensions to existing clusters and groups.'<sup>4</sup> An existing group being defined as at least 3 closely related existing dwellings which enjoy 'a sense of containment'. A 'sense of containment' includes existing physical boundaries such as stone walls.

Cognisant of the above, the appellant asserts that his land currently enjoys a 'sense of containment' *vis a vis* being enclosed, at roadside, by a stone wall which also bounds other dwellings in the group: *ergo* the appellant's [previously developed] land forms part of an existing cluster or group and consequently it would be disingenuous to refuse this application on the grounds of new [ribbon] development.

<sup>2</sup> Communication by email - L Tammi and D Brennan. See attached document.

<sup>3</sup> Tree Survey, 11<sup>th</sup> January 2014. See attached document.

<sup>4</sup> Scottish Planning Policy, 2010 <http://www.scotland.gov.uk/Publications/2010/02/03132605/12>

#### 4. Human Rights and Equality considerations

The Council's Housing Service would appear to favour 'quotas' for and the ghettoisation of the Gypsy/Traveller community in Angus [see, for example, response document/s from S Patel, Senior Housing Officer, Strategic Housing Team]. Insofar as the appellant is aware, the Council neither sets area quotas for other minority ethnic groups nor dictates where or with whom they may base themselves in the area. Indeed, to do so would be contrary to International and Domestic Law.

Finally, the appellant questions the amendment of the initial memorandum from the Housing Service, particularly, but not exclusively, the removal of the following paragraph:

Therefore in conclusion without prejudice to the application, to which we have no objections we would encourage a larger site than the two pitches proposed in a different area of Angus. A strategic approach needs to be developed in consultation with the gypsy/ traveller community to identify how best to ensure there is sufficient provision in the right location.

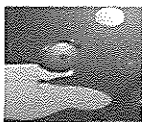
This was replaced with:

Therefore in conclusion we would not support the application, as there is insufficient evidence of how it would help to meet the housing needs of this complex community, and does not fit with our strategic forward planning.

Relative to the above, please refer to the first paragraph of section one of this document.

SCANNED

10 JUL 2014



## GREENFUTURES

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### **TREE SURVEY: THE LODGE – LAND DUE EAST OF THE KNOWE, KINNABER ROAD, HILLSIDE, MONTROSE, DD10 9EP.**

#### **INTRODUCTION**

Further to the instructions of Mr James Forsyth (Jnr) trees have now been inspected at the above property within the constraints of *British Standard 5837:2012 Trees in relation to Design, Demolition and Construction - Recommendations*.

The inspection was carried out on 11 January 2014.

The trees were inspected from ground level only.

At the time the inspection was carried out the weather was overcast with moderate wind speeds.

#### **TREE SURVEY INFORMATION**

The trees were visually inspected and the information is recorded in the Tree Data section of this report. The details of the report should be self-explanatory; however abbreviations and certain terms used in the tree information schedule are explained below.

'Species' are recorded by both common and botanical name.

Height has been recorded in metres.

Stem diameter has been recorded in millimetres at 1.5m above ground level.

Branch spread has been recorded in metres.

Height of crown clearance has been recorded in metres.

'Age Class' has been recorded as follows:

**YNG** - Young trees;

**EM** - Early mature trees;

**MAT** - Mature trees;

**OM** - Over-mature trees;

**VET** - Veteran trees.

SCANNED  
10 JUL 2014



## GREENFUTURES

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'Observations' have been recorded (e.g. collapsing, the presence of any decay and physical defect).

'Preliminary management recommendations' have been provided.

'Estimated contribution' is recorded in years <10, 10+, 20+, 40+.

Category rating has been recorded as R, A, B, or C. This gives an indication as to the tree's importance in relation to the characteristics of the site and its suitability for retention in the context of the proposed development of the site.

R - Trees which should be removed irrespective of any development proposal.

A - Trees of high quality whose retention is most desirable.

B - Trees of moderate quality whose retention is desirable.

C - Trees of low quality which could be retained.

The approximate locations of the trees are identified on the tree location plan (appendix A).



GREENFUTURES

**TREE DATA**

Tree No	Species (Common & Botanical)	Approx Height (m)	Approx Crown Spread (avg M)	Approx Stem dia. At 1.5m (mm).	Approx Canopy Height (m)	Age Class	Observations	Preliminary Management Recommendations.	Estimated Remaining Contribution (years)	Category Rating
T1	Sycamore <i>Acer Platanoides</i>	10	5	2 stems 35 41	4 (avg)	EM	Hollow at base and rotting	Fell to stump	<10	R
T2	Sycamore <i>Acer Platanoides</i>	10	5	2 stems 36 45	4 (avg)	EM	Fire damaged and rotting	Fell to stump	<10	R
T3	Oak <i>Quercus Robur</i>	12	6	2 stems 57 49	6 (avg)	MAT	Reasonable aesthetic value	Remove large/broken branches	40+	B
T4	Sycamore <i>Acer Platanoides</i>	12	7	3 stems 38 33 27	4 (avg)	EM	Deep scarring at base/loss of bark	Fell to stump	10+	R
T5	Ash <i>Fraxinus Excelsior</i>	13	6	3 stems 29 24 31	4 (avg)	EM	Dying back in parts of crown (ash die back?) No amenity value, wire damage at stem	Fell to stump	20 (?)	R

10 JUL 2004  
 SHAWNEE



## GREENFUTURES

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### RECOMMENDATIONS

#### **Recommendations for removal**

T1: Sycamore

T2: Sycamore

T4: Sycamore

T5: Ash

#### **Recommendations for retention**

T3: Oak

Remove large/broken branches.

#### **Recommendations for replacement**

Native species hedging – 6 no plants per linear metre, two rows staggered at 300mm spacing. Species to include: Hawthorn, Blackthorn, Bird Cherry, Hazel, Crab Apple, Roses.

#### **Other considerations**

All operations should take account of the *Wildlife and Countryside Act 1981 (as amended)*, the *Habitats Regulations 1994 (as amended)* and the *Nature Conservation (Scotland) Act 2004*. For example; tree works should be planned to avoid the bird nesting season and take advantage of weather conditions for minimum damage and disturbance.

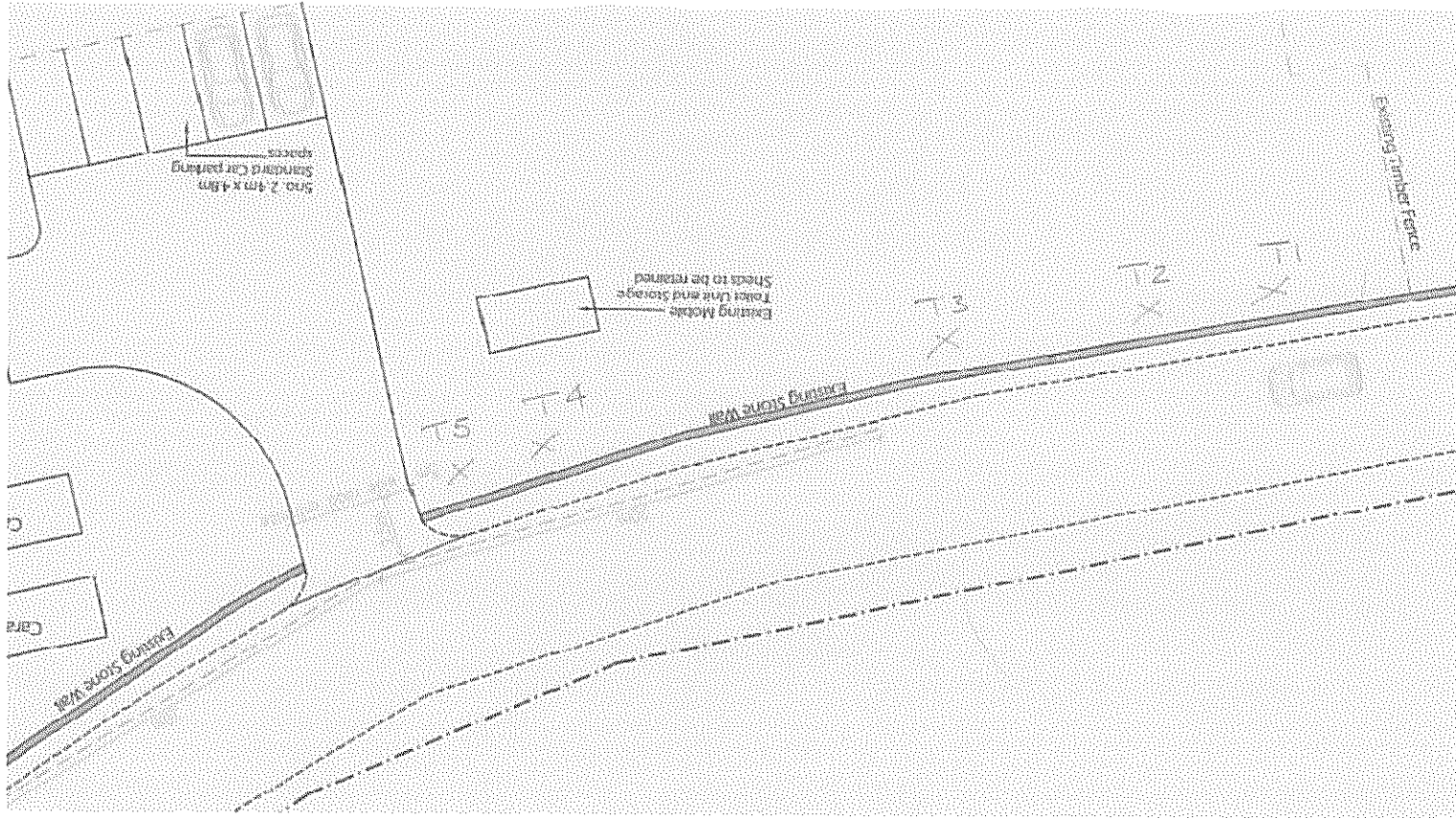




# GREENFUTURES

## TREE LOCATION PLAN

Appendix A



APPROVED  
10/10/2024

**From:** [Lynne Tammi](#)  
**Sent:** Wednesday, February 05, 2014 1:23 PM  
**To:** [BrennanDG](#)  
**Subject:** Re: 14/00016/FULL - SITE DUE EAST OF THE KNOWE

SCANNED  
 10 JUL 2014

Dear Mr Brennan,

I met on site today with Mr Barnes and Mr Gwynne of Roads Services to discuss the conditions laid out in their Memorandum of 29th January. On inspection of the site the following conclusions were reached:

1/2: Visibility sightlines

An X value of 2.4 and Y values of 90 m to the East and 43 m to the West would be acceptable. These values can be achieved by lowering the boundary wall to a height of 1 m. The 43 m to the West falls within the boundary of my client's land so would not require work to the neighbouring property's wall. The 90 m to the East would include a short section of wall on the neighbouring farmland, however my client has a good relationship with the landowner in question and would not foresee any difficulty in negotiating the lowering of that short section.

3: Bellmouth junction

On inspection of the current entrance/exit Mr Barnes and Mr Gwynne are content that it meets the recommended standards and consequently no further alterations would be required.

**From:** [BrennanDG](#)  
**Sent:** Friday, January 31, 2014 11:23 AM  
**To:** ['Lynne Tammi'](#)  
**Subject:** RE: 14/00016/FULL - SITE DUE EAST OF THE KNOWE

Dear Ms Tammi,

**PROPOSED PERMANENT PITCH FOR TWO CARAVANS (ONE FAMILY) AND ASSOCIATED SERVICES AT SITE DUE EAST OF THE KNOWE, KINNABER ROAD, HILLSIDE, MONTROSE.  
 APPLICATION: 14/00016/FULL  
 UPRN: 000117099240**

Thank you for clarifying my query in relation to land ownership, it provides the assurance that I was seeking. It is an important aspect as it ensures the correct procedure has been followed and that if after consideration of the application and if it was considered to be acceptable, any approval would not be open to challenge in this respect.

I have undertaken to keep you updated on the progress of the application and can report that since the date of my last e-mail a consultation response has been received from the Council's Roads Service. The consultation response from the

Roads Service is available to view on the Council's Planning Portal at <http://planning.angus.gov.uk/online-applications/>.

The response received from the Roads service notes no objection to the application subject to conditions. The proposed conditions are:

1. That, prior to the implementation of any consent for change of use or commencement of any other works on Site, visibility sightlines of 3.0 x 120 metres shall be provided on each side of the proposed access at its junction with the public road.  
Reason: to ensure a satisfactory standard of visibility at the junction of the proposed access with the public road.
2. That, within the above sightlines nothing shall be erected or planting permitted to grow to a height in excess of 1050mm above the adjacent road channel.  
Reason: to ensure a satisfactory standard of visibility is maintained at the junction of the proposed access with the public road.
3. That, prior to the implementation of any consent for change of use or commencement of any other works on Site, the verge crossing at the proposed access shall be improved to form a new bell mouth junction, with kerbed radii of 3 metres and a minimum throat width of 5 metres. The access shall be constructed in accordance with the standards of Angus Council (Access Junction Type B).  
Reason: to ensure a satisfactory standard of site access.

The Roads Service have also advised that mature trees and the boundary wall of the site will be affected by compliance with conditions 1 and 2 above. Further, land not under the control of the applicant may also be affected. The Roads Service have also advised that if in the opinion of the Planning Service, the recommended sightlines cannot be provided, they would object to the application in the interests of road safety.

At present it would seem that it is not possible for conditions 1 and 2 to be complied with. Could I please ask for your observations in respect of the Roads Service consultation response and specifically for confirmation whether the land located outwith the site to the east and west of the site are under the control of the applicant.

In addition to the Roads Service request for visibility sightlines to be provided and the observation that mature trees and the boundary wall of the site will be affected, I would express concern regarding the possible loss of trees on the site and the removal of the boundary wall. These are features of the site and existing landscape and I would ask for clarification of the impacts on these features if it was considered possible to provide the visibility sightlines proposed.

I look forward to your observations in respect of the above points and I will continue to keep you updated on the progress of the application.