

ANGUS COUNCIL

DEVELOPMENT MANAGEMENT REVIEW COMMITTEE – 1 NOVEMBER 2016

LAND EAST OF CRAIGHOWE, KINGENNIE

REPORT BY THE HEAD OF LEGAL AND DEMOCRATIC SERVICES

ABSTRACT:

The Committee is asked to consider an application for a Review of the decision taken by the Planning Authority in respect of the refusal of planning permission in principle for erection of an essential worker's dwellinghouse, application No 16/00163/PPPL, at Land East of Craighowe, Kingennie.

1. RECOMMENDATIONS

It is recommended that the Committee:-

- (i) review the case submitted by the Planning Authority (**Appendix 1**);
- (ii) review the case submitted by the Applicant (**Appendix 2**); and
- (iii) consider the review in accordance with the relevant policies of the Angus Local Development Plan (**Appendix 3**).

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. ANGUS LOCAL DEVELOPMENT PLAN

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

At the time of the determination of this planning application, the Angus Local Plan Review 2009 remained the extant plan. The Angus Local Development Plan was adopted on 23 September 2016. This review therefore requires determined in accordance with the Angus Local Development Plan.

The information submitted by the Planning Authority advises that the detail of the Proposed Local Development Plan and Reporters recommendations were considered as material considerations in the determination of the application.

The relevant policies within the Angus Local Development Plan are detailed below and extracts appended to this Report:

Policy DS1: Development Boundaries and Priorities
Policy TC2: Residential Development

The Countryside Housing Supplementary Guidance is a material consideration in the determination of this Review following agreement of the guidance at the meeting of Full Council on 8 September 2016.

http://www.angus.gov.uk/download/meetings/id/2679/agenda_item_10_-_report_no_33116_-_angus_local_development_plan_supplementary_guidance_-_appendix_1b

Normally Supplementary Guidance would form part of the Development Plan however as the guidance has not yet been formally adopted it is only as a material consideration at this time.

4. 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.

5. FINANCIAL IMPLICATIONS

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

6. CONSULTATION

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

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

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Appendix 1 – Submission by Planning Authority

Appendix 2 – Submission by Applicant

Appendix 3 – Angus Local Development Plan Policies

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

APPLICATION NUMBER – 16/00163/PPPL

APPLICANT- MRS DIANA EWART

**PROPOSAL & ADDRESS – PLANNING PERMISSION IN PRINCIPLE FOR ERECTION
OF AN ESSENTIAL WORKERS DWELLINGHOUSE AT LAND EAST OF CRAIGHOWE
KINGENNIE**

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Angus Council

Application Number:	16/00163/PPPL
Description of Development:	Planning Permission in Principle for Erection of an Essential Worker's Dwellinghouse
Site Address:	Land East Of Craighowe Kingennie
Grid Ref:	346998 : 734961
Applicant Name:	Mrs Diana Ewart

Report of Handling

Site Description

The application site, which measures approximately 980sqm, is located 57m to the south of the C4 public road some 160m south west of the settlement of South Kingennie. The application site is located within a larger triangular shaped paddock within the ownership of the applicant that measures approximately 15,000sqm. An access track that links the application site to the public road bounds the application site to the north with a modern shed building that has a footprint of 200sqm (ref: 09/00326/PRIORN refers) that accommodates the applicant's business and a sand school located further to the north; agricultural land bounds the application site to the east and south with a dismantled railway line bounding the application site to the west.

Proposal

The application seeks planning permission in principle for the erection of an essential worker dwellinghouse. No details of the proposed dwellinghouse are provided but access to the house plot would be taken from the existing vehicular access from the C4 public road.

The application has not been subject of variation.

Publicity

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

The application was advertised in the Dundee Courier on 11 March 2016 for the following reasons:

- Neighbouring Land with No Premises

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

Planning History

09/00326/PRIORN for Prior Notification for Erection of Agricultural Building was determined as "Approved subject to conditions" on 27 April 2009.

11/00597/PPPL for Erection of an Essential Worker's Dwelling was determined as "Application Withdrawn" on 19 September 2011.

11/01077/PPPL for Planning Permission in Principle for Erection of Essential Worker's Dwellinghouse (Re-Application) was determined as "Refused" on 12 June 2014.

Applicant's Case

The applicant's agent has submitted the following documents:

A report from the Scottish Agricultural Collage dated July 2013 indicates the applicant's business has been trading for 3 years on the small holding at Dancing Hillock near South Kingennie. The main focus of the business is to supply a rug washing service to clients 7 days a week. The applicant developed the business and is responsible for its day to day management. Alongside the rug washing enterprise the applicant also runs a small herd of breeding horses (6) which are stabled on the site and a small flock of breeding ewes. For security purposes, the efficiency of the business and welfare of the animals it is essential that the applicant resides on site.

A letter on behalf of the applicant has also been provided which indicates a similar application (ref: 11/01077/PPPL refers) at the site was refused on 12 June 2014 as it had not been adequately demonstrated that it is essential for the applicant to be resident on site and it had not been demonstrated that access and egress from the site could be provided in a suitable and safe manner. The applicant's business has continued to develop and is now involved in liveries having as many as 10 horses at any one time. At foaling time the mares require 24hrs attention because foaling can happen very quickly. The business now also provides overnight stabling for mounted police horses when they come to police football matches in Dundee. It is suggested that the police have indicated they would prefer an onsite presence at all times when horses are there. With regard to the access situation a revised drawing has been provided showing the present layout. The hedges and shrubs that previously restricted the sight lines have been removed thus providing one of the best access situations along this stretch of road.

Consultations

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

Angus Council - Roads – The roads Service has indicated that the proposed access arrangements are acceptable and offers no objection.

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

Angus Council Environmental Health - This consultee offers no objection to the proposal subject to conditions in respect of contaminated land.

Angus Council - Economic Development Unit - This consultee has raised concerns regarding the justification for the essential worker dwellinghouse given the industrial nature of the business.

Representations

There were no letters of representation.

Development Plan Policies

Angus Local Plan Review 2009

Policy S1: Development Boundaries
 Policy S6: Development Principles (Schedule 1)
 Policy SC6: Countryside Housing – New Houses
 Policy SC7: Essential Worker Housing

TAYplan Strategic Development plan

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

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

Assessment

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

Angus Council is progressing with preparation of a Local Development Plan to provide up to date Development Plan coverage for Angus. When adopted, the Angus Local Development Plan (ALDP) will replace the current adopted Angus Local Plan Review (ALPR). The Proposed Angus Local Development Plan was approved by Angus Council at its meeting on 11 December 2014. It sets out policies and proposals for the 2016-2026 period consistent with the strategic framework provided by the approved TAYplan SDP (June 2012) and Scottish Planning Policy (SPP) published in June 2014 and represents Angus Council's settled view in relation to the appropriate use of land within the Council area. Unresolved representations to the Proposed ALDP have been considered by Scottish Ministers at an Examination and the report on that Examination, which includes the Reporters recommendations, was published on 8 June 2016. The Proposed ALDP and the Reporters recommendations are material considerations in the determination of applications. The policies of the Proposed Plan and the Reporters recommendations are only referred to where they would materially alter the recommendation or decision.

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

The application seeks permission for a new house in the countryside. Therefore Policy SC6 is relevant. That policy identifies four general circumstances whereby a new house would be permitted, namely, where it rounds off or consolidates a building group; where it would occupy a gap site; where it would be located on a rural brownfield site; and finally where it would be located within a Category 2 Rural Settlement Unit (RSU) and meets Schedule 2: Countryside Housing Criteria. In this case the application site does not comprise a gap site; does not form part of a building group; is not a rural brownfield site; and is not located within a Category 2 RSU. On this basis a dwellinghouse on the site does not comply with the general policies that allow for a new house in the countryside. In passing the application site is not self-contained and therefore the proposal would not comply with the requirements of Schedule 2 of the ALDP.

The proposal does not comply with the general policies that deal with new housing in the countryside, however, the applicant has indicated that a house is required on-site in support of a business and has suggested that an essential worker house is necessary. In that respect Policy SC7 of the ALPR identifies circumstances where a new house will be permitted for an essential worker. It indicates that an essential worker is a full time worker required by the operational needs of a farm or rural business to live in close proximity to their place of work for reasons of security or animal welfare.

In this case the applicant has indicated that an equine rug wash and repair business is operated from the existing shed that is located at the site. It is also indicated that the applicant operates a livery business and breeds horses at the site. However, it must be noted that there is no planning permission for the operation of the rug wash or livery business at this location; the existing businesses are being operated without the benefit of the necessary planning permissions. The operation of those businesses may or may not be acceptable but this can only be appropriately determined through the submission, assessment and determination of a planning application for those uses. At this stage, it would be inappropriate to grant

planning permission for an essential worker house associated with a business that does not have the requisite planning permission.

Notwithstanding that, even if the business operations were properly authorised, it is questioned whether a new house would be justified by the case submitted. The applicant controls two fields at this general location which the supporting statement indicates extend to 12 acres. The applicants existing dwelling is located at South Kingennie and as such is a very short distance from those fields. Given the proximity of the applicants existing dwelling to the land holding there appears to be little justification for an additional new house for security or animal welfare reasons. However, as indicated above, the business operations do not have the requisite planning permission. A business operation that is operated without the necessary planning permission cannot be used as justification for an essential worker house.

Policy S6 of the ALPR states that proposals for development should where appropriate have regard to relevant principles set out in schedule 1 of this policy. In terms of matters relating to roads/parking/access the Roads Service has offered no objections to the proposed development. The Roads Service has advised that the National Roads Development Guide has been adopted by the Council since the refusal of the previous application at the site and the visibility splays previously required at the junction between the access and the public road (2.1m x 90m) are no longer necessary. A drawing detailing the specification of the junction with the public road has been provided and this has been reviewed by the Roads Service and they have indicated the junction as proposed would be sufficient to deal with the traffic generated by the development. I do not consider that the proposal gives rise to any significant issues in terms of the remaining criteria of Policy S6 of the ALPR in this instance.

In conclusion decisions on planning applications must be made in accordance with the development plan unless material considerations indicate otherwise. In this case the proposal does not comply with the general policies that deal with new housing in the countryside. The applicant has indicated that the house is required in connection with an existing business; however, the existing business operations are being undertaken without the necessary planning permission and are not lawful. An unauthorised business cannot be justification to allow an essential worker house to serve the needs of that unauthorised business. In any case, the applicant currently resides close to the existing land holding at Dancing Hillock. There appears to be little justification to allow a further house for reasons of security or animal welfare given the proximity of that existing dwelling and no evidence has been provided to demonstrate that the absence of a dwelling on the site has significantly adversely affected the operation of the business. Notwithstanding that, the proposal is contrary to development plan policy. There are no material considerations that justify granting a planning permission contrary to the provisions of the development plan.

Issues regarding the unauthorised business operation will be investigated separately.

Human Rights Implications

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

Equalities Implications

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

Decision

The application is Refused

Reason(s) for Decision:

1. That the proposal is contrary to Policy SC6 of the Angus Local Plan Review 2009 because the site would not round off or consolidate an existing building group; is not a gap site; is not a qualifying rural brownfield site; and is not located within a Category 2 RSU. The site also fails to meet the requirements of Schedule 2: Countryside Housing Criteria as it is not self-contained.
2. That the proposal is contrary to Policy S1 criterion (b) of the Angus Local Plan Review (2009) because it fails to be compatible with other policies of the local plan, namely Policy SC6.

Notes:

Case Officer: Ruari Kelly
Date: 16 June 2016

Development Plan Policies

Angus Local Plan Review 2009

Policy S1 : Development Boundaries

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

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

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

Policy S6 : Development Principles (Schedule 1)

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

Schedule 1 : Development Principles

Amenity

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

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

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

Roads/Parking/Access

(d) Access arrangements, road layouts and parking should be in accordance with Angus Council's Roads

Standards, and use innovative solutions where possible, including 'Home Zones'. Provision for cycle parking/storage for flatted development will also be required.

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

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

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

Landscaping / Open Space / Biodiversity

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

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

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

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

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

Drainage and Flood Risk

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

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

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

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

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

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

Supporting Information

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

Policy SC6 : Countryside Housing New Houses

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

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

(c) Rural Brownfield Sites – Redevelopment of redundant rural brownfield sites will be encouraged where they would remove dereliction or result in a significant environmental improvement. A statement of the planning history of the site/building, including the previous use and condition, must be provided to the planning authority. In addition, where a site has been substantially cleared prior to an application being submitted, or is proposed to be cleared, a statement by a suitably qualified professional justifying demolition must also be provided. Proposals should be small scale, up to a maximum of four new houses and must meet Schedule 2 : Countryside Housing Criteria as appropriate.

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

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

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

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

Policy SC7 : Essential Worker Housing

Proposals for a house for an essential worker will only be supported where:-

- (a) All alternatives have been demonstrated to be inappropriate, and a new house is the only option;
- (b) There is no evidence of houses or plots having been sold off from the landholding in the past five years;
- (c) Supporting evidence is provided that there is a functional requirement for the person to live at their place of work, which must be a viable agricultural unit or an existing business which has been established for at least 1 year. Where the proposal is for a house related to a proposed rural business the submission of adequate supporting information will be required, including a business plan, to establish that the business is genuine and viable.
- (d) The site forms part of the landholding where the worker is employed.
- (e) Schedule 2 : Countryside Housing Criteria is met as appropriate.

Applicants will be required to enter into a Section 75 Agreement to ensure the property continues to meet the needs of an essential worker.

A new house for a retired farmer and/or their spouse may also be permitted where parts a), b) and e) of this policy are met, and the site forms part of the existing landholding.

DEVELOPMENT BOUNDARIES

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

Development boundaries:

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

Policy S1 : Development Boundaries

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

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

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

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

Proposals that are solely of commercial benefit to the proposer would not comply with this policy.

DEVELOPMENT PRINCIPLES

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

Policy S6 : Development Principles

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

Schedule 1 : Development Principles**Amenity**

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

Roads/Parking/Access

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

Landscaping / Open Space / Biodiversity

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

Drainage and Flood Risk

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

Waste Management

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

Supporting Information

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

New Houses in the Countryside

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

Policy SC6 : Countryside Housing – New Houses

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

b) Gap Sites – In Category 1 RSUs a single new house will be permitted on a gap site with a maximum road frontage of 50 metres; and in Category 2 RSUs up to two new houses will be permitted on a gap site with a maximum road frontage of 75 metres. Proposals must meet Schedule 2 : Countryside Housing Criteria as applicable (page 30).

c) Rural Brownfield Sites – Redevelopment of redundant rural brownfield sites will be encouraged where they would remove dereliction or result in a significant environmental improvement. A statement of the planning history of the site/building, including the previous use and condition, must be provided to the planning authority. In addition, where a site has been substantially cleared prior to an application being submitted, or is proposed to be cleared, a statement by a suitably qualified professional justifying demolition must also be provided. Proposals should be small scale, up to a maximum of four new houses and must meet Schedule 2: Countryside Housing Criteria as applicable (page 30).

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

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

Gap Sites:

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

Building Group:

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

Sense of Containment:

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

Rural brownfield :

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

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

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

Schedule 2 : Countryside Housing Criteria

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

- a) be on self-contained sites and should not set a precedent or open up further areas for similar applications; (does not apply to proposals for conversion under Policy SC5, rural brownfield sites under Policy SC6(c) or essential worker houses under Policy SC7)
- b) meet the plot size requirements; (does not apply to proposals for conversion under Policy SC5, or new country house proposals under Policy SC8)
- c) not extend ribbon development;
- d) not result in the coalescence of building groups or of a building group with a nearby settlement;
- e) have regard to the rural character of the surrounding area and not be urban in form and/or appearance;
- f) provide a good residential environment, including useable amenity space/private garden ground, and adequate space between dwellings whilst retaining the privacy of adjacent properties. Angus Council's Advice Note 14 - Small Housing Sites provides guidance on minimum standards in relation to private amenity space and distance between dwellings which will be acceptable for proposals involving between one and four dwellings on sites within existing built up areas. In countryside areas it will commonly be expected that these standards should be greater than the minimum having regard to the nature of the location. The extension of property curtilage in relation to proposals for renovation or conversion of existing buildings may be permitted in line with Angus Council's Advice Note 25 – Agricultural Land to Garden Ground.
- g) be acceptable in relation to the cumulative effect of development on local community infrastructure including education provision;
- h) not adversely affect or be affected by farming or other rural business activities(may not apply to proposals for essential worker houses related to the farm or business under Policy SC7);
- i) not take access through a farm court (may not apply to proposals for essential worker houses for farm workers under Policy SC7);

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

PAN 73 : Rural Diversification
Feb 2005

Self – contained sites:

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

Plot size requirements:

Category 1 RSUs : between 0.08ha (800m²) and 0.2ha (2000m²)

Category 2 RSUs : between 0.06ha (600m²) and 0.4ha (4000m²)

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.

Essential Worker Housing

2.22 The local plan policies provide significant opportunities for new residential accommodation to be provided in rural areas. In addition a new house may be permitted where it is required for the management of land, or for family purposes related to the management of land (retired farmers and/or their spouses), or in relation to another form of rural business where all other options have been investigated and dismissed. These options include the conversion or renovation of an existing property on the same landholding, availability of accommodation in a settlement in close proximity to the location, the existence of a valid planning permission for a dwelling which has not been taken up, and development of a new house on a site which would comply with Policy SC6. These options will have the benefit of not being subject to occupancy conditions.

Essential Worker:
A full time worker required by the operational needs of a farm or rural business to live in close proximity to their place of work for reasons of security or animal welfare or similar.

2.23 To obtain support under Policy SC7 it is expected that the agricultural unit will be of a sufficient size to demonstrate long term viability. Small units will not normally be acceptable to justify a house. Where a new business is proposed it may be that temporary accommodation only will be acceptable pending demonstration of the viability of the business venture.

Policy SC7 : Essential Worker Housing

Proposals for a house for an essential worker will only be supported where:

- a) All alternatives have been demonstrated to be inappropriate, and a new house is the only option;
- b) There is no evidence of houses or plots having been sold off from the landholding in the past five years;
- c) Supporting evidence is provided that there is a functional requirement for the person to live at their place of work, which must be a viable agricultural unit or an existing business which has been established for at least 1 year. Where the proposal is for a house related to a proposed rural business the submission of adequate supporting information will be required, including a business plan, to establish that the business is genuine and viable.
- d) The site forms part of the landholding where the worker is employed.
- e) Schedule 2 : Countryside Housing Criteria is met as applicable (page 30).

Applicants will be required to enter into a Section 75 Agreement to ensure the property continues to meet the needs of an essential worker.

A new house for a retired farmer and/or their spouse may also be permitted where parts a), b) and e) of this policy are met, and the site forms part of the existing landholding.

ANGUS COUNCIL

**COMMUNITIES
PLANNING**

CONSULTATION SHEET

PLANNING APPLICATION NO

16/00163/PPPL

Tick boxes as appropriate

ROADS

No Objection

Interest

(Comments to follow within 14 days)

Date

09	03	16
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ELECTRONIC SUBMISSION DRAWINGS TO BE VIEWED VIA IDOX

MEMORANDUM

TO: James Wright, Planning Officer (Development Standards)

FROM: Alan Milne, Environmental Protection Officer

YOUR REF: 16/00163/PPPL

OUR REF: Site 2847

DATE: 9 March 2016

SUBJECT: Planning Permission in Principle for Erection of an Essential Worker's Dwelling at Land East of Craighowe, Kingennie

With reference to the above planning application and your consultation requesting comment regarding contaminated land, I can offer the following comments.

Available information including historical mapping and current aerial photography has been reviewed. At present the site appears to be rough ground, however the remnants of the old railway line adjacent to the south western fringe of the site is still evident. Further information is required regarding possible contamination to the application site from the above previous adjacent use given the proposed change of end use to residential and the introduction of sensitive receptors. Should the applicant require any further information or advice please feel free to forward on my details.

I have no objections in principle to the above application however would recommend the undernoted suspensive conditions be placed on any consent granted by your department.

1) That, prior to commencement of any development works, a comprehensive contaminated land investigation report shall be submitted for the written approval of the planning authority. The investigation shall be completed in accordance with a recognised code of practice such as British Standards Institution "The Investigation of Potentially Contaminated Sites – Code of Practice" (BS 10175: 2011). The report must include a site-specific risk assessment of all relevant pollutant linkages, as required in Scottish Government Planning Advice Note 33.

2) That where the contaminated land investigation report identifies any unacceptable risk or risks as defined under Part IIA of the Environmental Protection Act 1990, a detailed remediation strategy shall be submitted for the written approval of the planning authority. No works, other than investigative, demolition or site clearance works shall be carried out on the site prior to the remediation strategy being approved by the planning authority. Prior to the occupation of the development the remediation strategy shall be fully implemented and a validation report confirming that all necessary remediation works have been undertaken shall be submitted for the written approval of the planning authority.



Memorandum

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

TO: HEAD OF PLANNING AND PLACE

FROM: HEAD OF TECHNICAL & PROPERTY SERVICES

YOUR REF:

OUR REF: GH/AG/CG TD1.3

DATE: 10 March 2016

SUBJECT: PLANNING APPLICATION REF. NO. 16/00163/PPL – PROPOSED
ERECTION OF ESSENTIAL WORKERS DWELLING HOUSE ON LAND EAST
OF CRAIGHOWE KINGENNIE FOR MRS DIANA EWART

I refer to the above planning application.

The site is located on the south side of the C4 Monifieth-Kingennie-Duntrune Road.

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 development.

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

p.p.

From:McGeeM
Sent:Mon, 14 Mar 2016 08:25:32 +0000
To:KellyR
Cc:SmithAJ
Subject:FW: 16/00163/PPPL E Consultation
Attachments:1600163 EC DEV REQUEST.pdf, EC DEV response re 11/01077/PPPL

Thanks Ruari

Having read the business case I would agree with Lesley's previous statements in relation to application 16/00163/PPPL.

I trust this provides the comment you were looking for.

Regards

Mark

From: KellyR
Sent: 14 March 2016 08:05
To: McGeeM
Subject: FW: 16/00163/PPPL E Consultation

Mark

James has passed this application onto me as I dealt with a previous application for an identical development at the site in 2011.

Lesley provided a response to the 2011 application (copy attached) and we would be looking for confirmation that the same comments would apply to application 16/00163/PPPL.

Regards

Ruari

Ruari Kelly | Planning Officer (Development Standards) | Angus Council | Communities - Planning & Place | County Buildings, Market Street, Forfar, DD8 3LG. ☎ (01307) 473306

From: WrightJ
Sent: 11 March 2016 15:39
To: KellyR
Subject: FW: 16/00163/PPPL E Consultation

From: McGeeM
Sent: 11 March 2016 15:17
To: WrightJ
Subject: FW: 16/00163/PPPL E Consultation

James

Forgive the formality of an email, I am working remotely today and can't get a signal on the mobile so can't call you.

This below was issued to Alison Smith and myself, are you seeking formal comment from us , it's not clear to us from the info we have been provided?

I have read through the business case and can't see anything wrong with it albeit it refers to planning definitions that I am not familiar with so would be reluctant to comment in that respect.

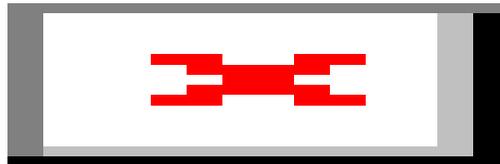
So are you even seeking formal comment from us or just letting us have sight? In this instance we would probably make no comment but keen to establish what your after and assist accordingly.

Speak soon

M

From: ECDEV
Sent: 08 March 2016 13:45
To: SmithAJ
Cc: McGeeM
Subject: FW: 16/00163/PPPL E Consultation

Neil Hardie, Clerical Officer (Web), Angus Council, Chief Executive's Unit, Angus House, Orchardbank Business Park, Forfar, DD8 1AX , Telephone: 01307 473267



From: MooreDJ
Sent: 08 March 2016 12:37
To: ECDEV
Subject: 16/00163/PPPL E Consultation

Planning Permission in Principle for Erection of an Essential Worker's Dwellinghouse

At Land East Of Craighowe

Kingennie

David Moore Clerical Officer Communities Planning and Place County Buildings 01307
473308 mooredj@angus.gov.uk

KellyR

From: WalkerLE
Sent: 25 November 2011 12:09
To: KellyR
Subject: EC DEV response re 11/01077/PPPL

Hi Ruari

Based on our telephone conversation and subsequent paperwork received from yourself, I would comment on the following:

- It is not obvious from the applicant's submission that there is a requirement for key worker accommodation (it would appear that she is the only key worker – would key worker accommodation regulations cover just one employee eg herself?)
- The business does not (yet) appear to be in the position financially to employ staff at present and again that would suggest that there is therefore no need for key worker accommodation
- The sole argument appears to sit around the inconvenience that this trader has in travelling to the site in order to manage her workload

It is of course for you to decide on the evidence of need for key worker accommodation (as requested in the planning submission) but hope the above helps for now. Feel free to contact me again should you need further assistance.

Kind regards

Lesley Walker
Business Adviser (Tourism)
Angus Council
Infrastructure Services
Economic Development and Environmental & Consumer Protection
Enterprise Business Centre
Brechin Business Park
BRECHIN
DD9 6RJ

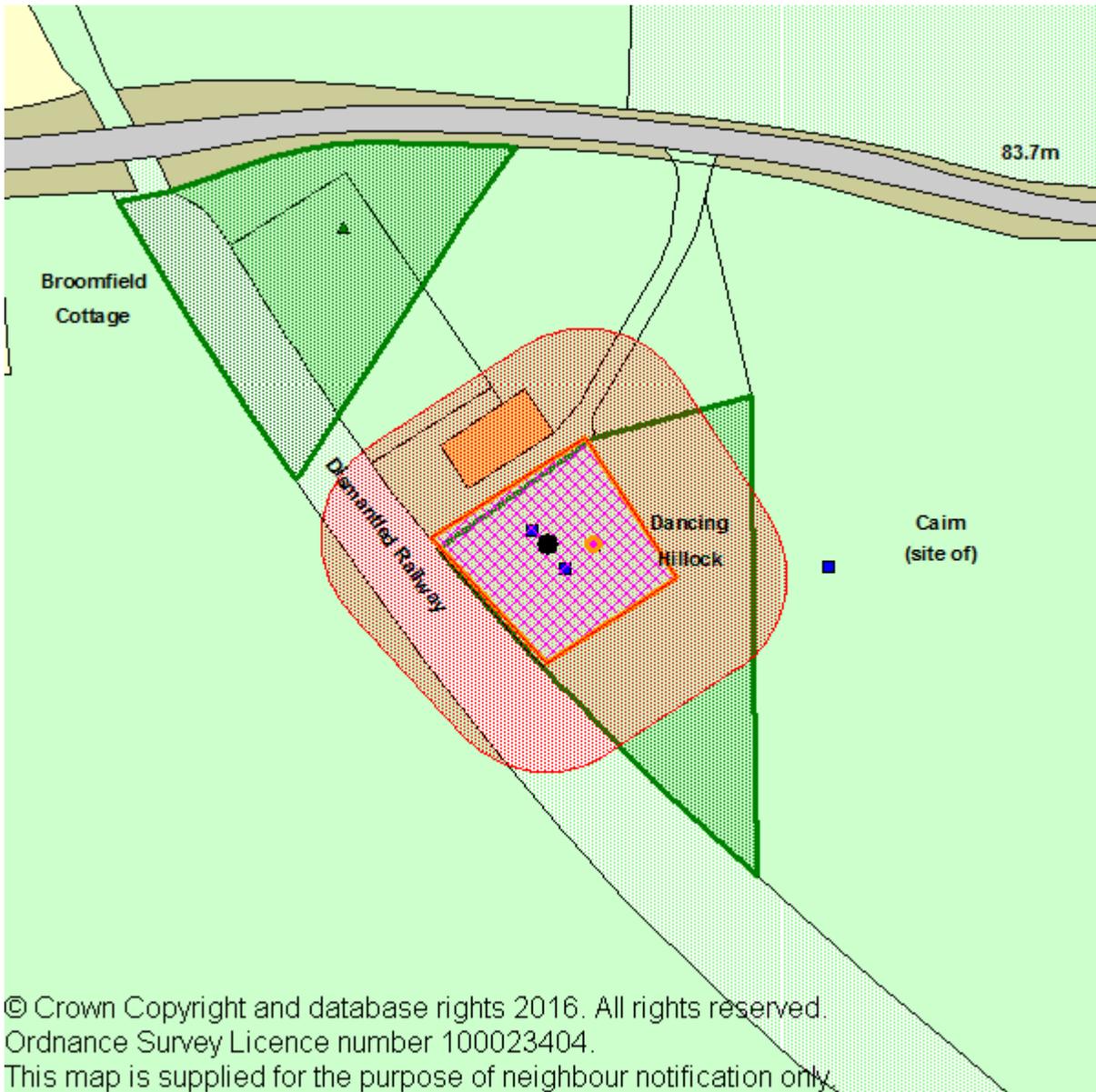
Tel: 01356 627040

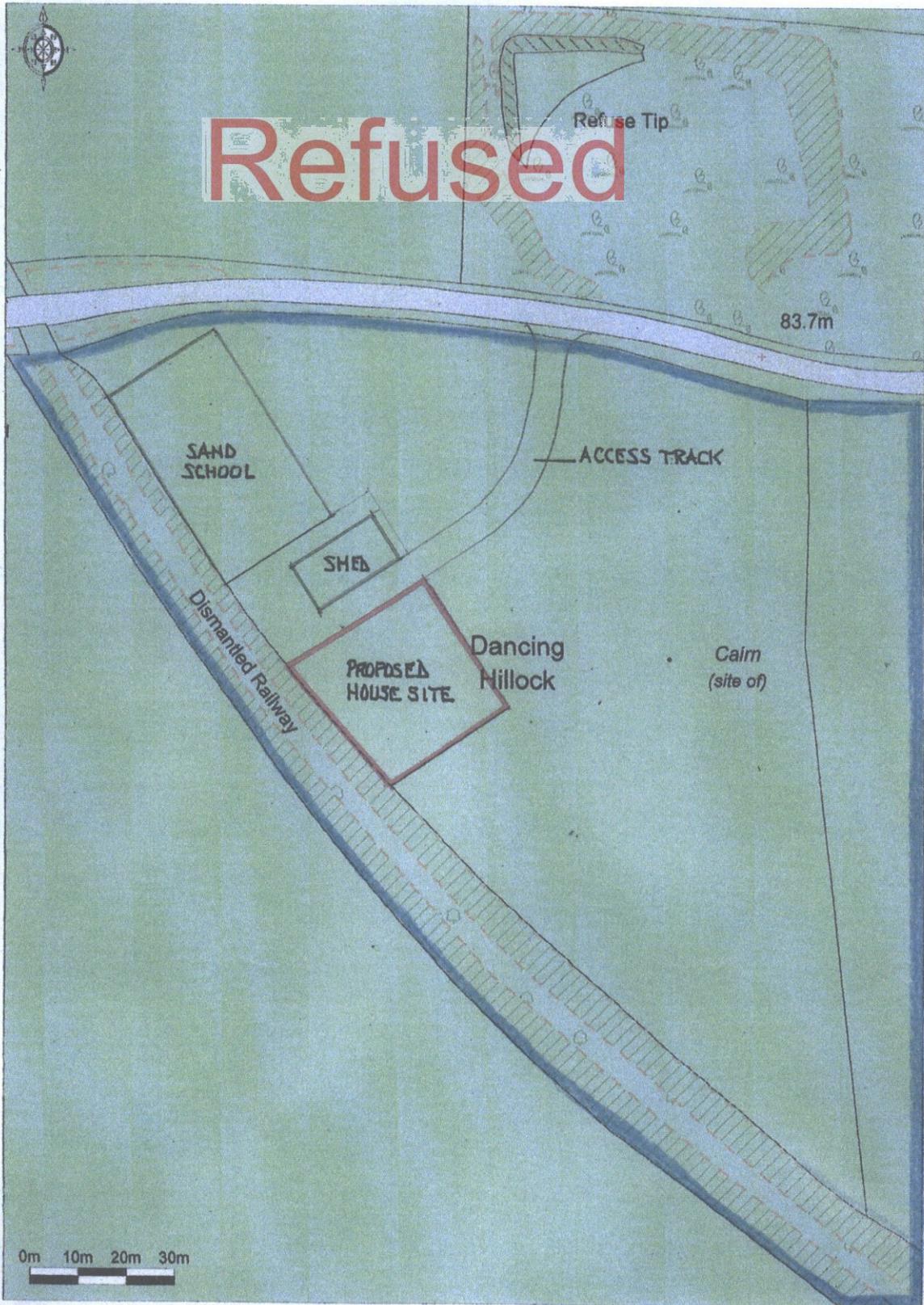
E: WalkerLE@angus.gov.uk

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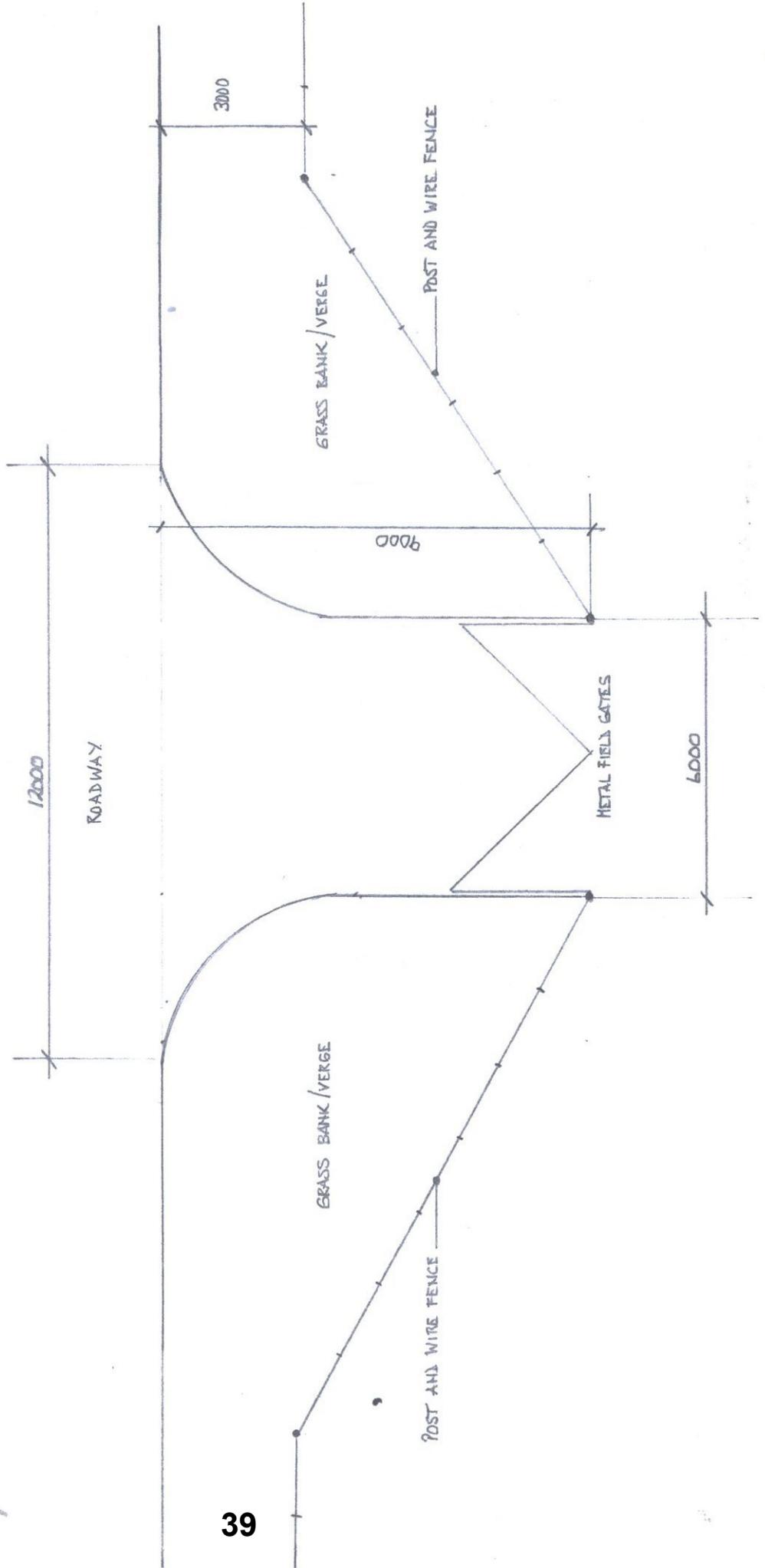


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Planning and Transport Division
County Buildings, Forfar, Angus
DD8 3LG. Tel 01307 473342



Refused



















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



PLANNING PERMISSION IN PRINCIPLE REFUSAL
REFERENCE : 16/00163/PPPL

To **Mrs Diana Ewart**
c/o L D Bertram
Garlowbank Farmhouse
Kirriemuir
Angus
DD8 4LH

With reference to your application dated 3 March 2016 for Planning Permission in Principle under the above mentioned Acts and Regulations for the following development, viz:-

Planning Permission in Principle for Erection of an Essential Worker's Dwellinghouse at Land East Of Craighowe Kingennie for Mrs Diana Ewart

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

The reasons for the Council's decision are:-

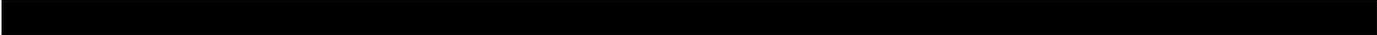
- 1 That the proposal is contrary to Policy SC6 of the Angus Local Plan Review 2009 because the site would not round off or consolidate an existing building group; is not a gap site; is not a qualifying rural brownfield site; and is not located within a Category 2 RSU. The site also fails to meet the requirements of Schedule 2 : Countryside Housing Criteria as it is not self-contained.
- 2 That the proposal is contrary to Policy S1 criterion (b) of the Angus Local Plan Review (2009) because it fails to be compatible with other policies of the local plan, namely Policy SC6.

Amendments:

The application has not been subject of variation.

Dated this **17 June 2016**

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



Angus Council

Application Number:	11/01077/PPPL
Description of Development:	Planning Permission in Principle for Erection of Essential Worker's Dwellinghouse (Re-Application)
Site Address:	Land East Of Craighowe Kingennie
Grid Ref:	346997 : 734962
Applicant Name:	Mrs Diana Ewart

Report of Handling**Site Description**

The application site which measures approximately 950 square metres is located to the south of the C4 classified road some 160 metres south west of the settlement at South Kingennie. The application site is located within a larger triangular shaped paddock that measures approximately 15,000 square metres and contains an access from the C4 to a modern shed building that has a footprint of 200 square metres and a sand school which are both located adjacent to the west boundary of the site. Agricultural land bounds the paddock to the east with a disused railway line bounding the paddock to the south and west.

Proposal

The proposal is for planning permission in principle for the erection of an essential worker dwellinghouse. No details are provided showing an indicative layout or elevations of a dwellinghouse. Access to the plot would be provided from the existing vehicular access from the C4 classified road.

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 18 November 2011 for the following reasons:

- Neighbouring Land with No Premises

A site notice was posted for Public Access - Special Interest.

Planning History

09/00326/PRIORN for Prior Notification for Erection of Agricultural Building was determined as "Approved subject to conditions" on 27 April 2009.

11/00597/PPPL for Erection of an Essential Worker's Dwelling was determined as "Application Withdrawn" on 19 September 2011.

Applicant's Case

In support of the application the applicant's agent has submitted the following documents:

A report from the Scottish Agricultural College which indicates the applicant's business has been trading for 3 years on the small holding at Dancing Hillock near South Kingennie. The main focus of the business is to supply a high quality rug washing service to clients 7 days a week. The applicant developed the business and is responsible for its day to day management. Alongside the rug washing enterprise the applicant also runs a small herd of breeding horses which are stabled on the site and a small flock of breeding ewes. For security purposes, the efficiency of the business and welfare of the animals it is essential that the applicant resides on site.

A letter from the applicant has also been provided which indicates the business is returning a profit in excess of £7,000 which has exceeded all expectations. With the success of the business more and more time is being spent on site and it has been necessary to work on into the evening. During winter months rugs have to be dried using various heaters which have to be watched over for fear of fire risk. There have been thefts from the premises which have resulted in additional security measures being implemented to prevent anymore thefts. It is acknowledged that planning must ensure that residence at one's business is necessary but would reiterate that without accommodation on site it will be almost impossible for the business to continue therefore it is argued that the proposal is in accordance with Policy SC7.

Consultations

Angus Council Environmental Health (Forfar) - No objection subject to conditions in respect of contaminated land

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

Angus Council - Roads - No objections subject to the provision of visibility sightlines of 2.1 x 90 metres being provided on both sides of the proposed access at its junction with the public road.

Due to the alignment of the public road adjacent to the site, compliance with the visibility splays will require the removal of the roadside hedge on the west side of the access. Additionally, significant earthworks operations to remove the embankment on which the hedging sits would also be required to achieve the sightline to the west.

If the resultant change in the land form is unacceptable to you in planning terms; then, the Roads Service would object to the application due to its detrimental affect on road safety

Scottish Water - No objections

Angus Council - Economic Development Unit - The business does not (yet) appear to be in the position financially to employ staff at present and again that would suggest that there is therefore no need for key worker accommodation. The sole argument appears to sit around the inconvenience that this trader has in travelling to the site in order to manage her workload.

Representations

There were no letters of representation.

Development Plan Policies

Angus Local Plan Review 2009

Policy S1 : Development Boundaries
 Policy S6 : Development Principles (Schedule 1)
 Policy SC7 : Essential Worker Housing

TAYplan Strategic Development plan

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

Other Guidance

None.

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.

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

The application seeks permission for an essential worker dwellinghouse therefore the proposal falls to be considered against Policy SC7 of the ALPR. This policy is criteria based and proposals must be assessed against all relevant criteria. Criterion (a) requires all alternatives to have been demonstrated to be inappropriate, and a new house is the only option; criterion (b) requires it to be demonstrated that there is no evidence of houses or plots having been sold off from the landholding in the past five years; criterion (c) requires the submission of supporting evidence that there is a functional requirement for the person to live at their place of work; criterion (d) requires the site to form part of the landholding where the worker is employed and criterion (e) requires compliance with Schedule 2: Countryside Housing Criteria as applicable.

In relation to criterion (b) there is no evidence of houses or plots having been sold off from the landholding in the past five years and the identified house plot forms part of the applicant's landholding, criterion (d).

In assessing the proposal against criteria (a) and (c) the submitted case details the nature of the applicant's business which consists of an equine rug wash and repair enterprise from the shed building. It is also noted from the submitted case that the applicant runs a small herd of 6 breeding horses and a small flock of 11 sheep. The predominant element of the applicant's business is akin to an industrial process concerned with the washing, repair and drying of equine rugs. The submitted case details how a permanent onsite presence would increase the efficiency of this part of the enterprise by having a presence to load, empty and periodically check the machines used in the washing and drying process as well as being able to greet customers as the business is operational seven days a week. The submitted case details an enterprise that is akin to an industrial use within Class 4 of the Town and Country Planning (Use Classes) (Scotland) Order 1997. The similarity between the case detailed and an industrial use is relevant however as businesses concerned in industrial processes exist without the need for permanent residential accommodation. While it is accepted that an onsite presence may have some benefit to the running of the business, it is questioned whether such a presence is so essential that an exception to an otherwise restrictive countryside housing policy is justified in this case, particularly given the proximity of the business to the settlement of South Kingennie where the applicant currently resides. Whilst it is acknowledged that the applicant houses a small number of animals and intends to expand the agricultural side of the business which extends to some 12 acres however these elements of the business are not considered to be of a scale that would lead to the establishment of a viable agricultural business based on assessments by independent consultants who consider that a viable farming unit would need to be at least 300 - 400 acres, unless a specialist or intensive enterprise was developed. Having assessed the nature of the 'essential worker' case submitted it is considered that there is not a functional

requirement for the applicant to live at their place of work therefore the proposal is not considered to comply with criteria (a) and (c) of Policy SC7.

Policy SC7 also requires proposals to comply with Schedule 2: Countryside Housing Criteria as applicable. I do not consider that the proposal gives rise to any significant issues in terms of Schedule 2: Countryside Housing Criteria in this instance.

Policy S6: Development Principles criterion (d) requires access arrangements, road layouts and parking to be in accordance with Angus Council's Roads Standards. The Roads Service has indicated the site is located on the south side of the classified Monifieth - Kingennie - Duntrune Road to the west of Craighowe. The road is a typical, narrow rural road with a twisty horizontal and hilly vertical alignment where a disused railway line bounds the south and west of the site. The proposal seeks to utilise an existing sub-standard access onto the Monifieth - Kingennie - Duntrune Road as there is substantial roadside hedging on the west side of the access. The council's Road Standards document recommends that minimum visibility sightlines of 3.0 x 215 metres are provided on both sides of the proposed access at its junction with the public road. However, due to the aforementioned road alignment, traffic speeds are naturally reduced below the 60mph limit adjacent to the site access. Accordingly, visibility sightlines of 2.1 x 90 metres would be acceptable in this case. Due to the alignment of the public road adjacent to the site, provision of the reduced visibility splays would require the removal of the roadside hedge on the west side of the access. Additionally, significant earthwork operations to remove the embankment on which the hedging sits would also be required to achieve the sightline to the west of the vehicular access. Such works to the embankment would result in a significant change in the landform to the west of the vehicular access which would have an adverse impact on the landscape. As the removal of the embankment is considered to be unacceptable in planning terms the Roads Service has objected to the application in the interests of road safety. Therefore the proposal is contrary to criterion (d) of Policy S6. I do not consider that the application would give rise to any other significant issues in terms of the criteria of Policy S6 beyond the matter identified above.

As the proposal is considered to be contrary to other policies of the ALPR, specifically SC7 as indicated above, the proposal is therefore considered not to meet with the requirements of Policy S1 criterion (b).

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. Whilst I am sympathetic to the needs of small businesses, I am not satisfied that it has been demonstrated beyond all reasonable doubt that the permanent onsite presence of a worker at Dancing Hillock in relation to the equine rug wash service located there is essential. In this regard I consider the proposal contrary to Policies S1 and SC7 of the Angus Local Plan Review. On the basis of the above the proposal is contrary to development plan policy. There are no material considerations that would justify approval of the application contrary to the provisions of supplementary planning guidance and development plan policy.

No legal agreement is required.

Human Rights Implications

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

Equalities Implications

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

Decision

The application is Refused

Reason(s) for Decision:

1. That the application is contrary to Policy SC7 of the adopted Angus Local Plan Review as it has not been demonstrated beyond all reasonable doubt that the permanent onsite presence of a worker at Dancing Hillock in relation to the equine rug wash service located there is essential.
2. That the application is contrary to criterion (d) of Schedule 1: Development Principles and consequently Policy S6 of the adopted Angus Local Plan Review as the applicant has failed to demonstrate that access to and egress from the site can be provided in a suitable and safe manner that complies with the requirements of the Roads Authority.
3. That the proposal would be contrary to Policies S1 criterion (b) of the adopted Angus Local Plan Review because it fails to be compatible with other policies of the local plan, namely Policies S6 and SC7.

Notes:

Case Officer: Ruari Kelly
Date: 10 June 2014

Development Plan Policies

Angus Local Plan Review 2009

Policy S1 : Development Boundaries

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

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

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

Policy S6 : Development Principles (Schedule 1)

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

Schedule 1 : Development Principles

Amenity

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

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

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

Roads/Parking/Access

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

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

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

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

Landscaping / Open Space / Biodiversity

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

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

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

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

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

Drainage and Flood Risk

- (m) Development sites located within areas served by public sewerage systems should be connected to that system. (Policy ER22)
- (n) Surface water will not be permitted to drain to the public sewer. An appropriate system of disposal will be necessary which meets the requirements of the Scottish Environment Protection Agency (SEPA) and Angus Council and should have regard to good practice advice set out in the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland 2000.
- (o) Proposals will be required to consider the potential flood risk at the location. (Policy ER28)
- (p) Outwith areas served by public sewerage systems, where a septic tank, bio-disc or similar system is proposed to treat foul effluent and /or drainage is to a controlled water or soakaway, the consent of SEPA and Angus Council will be required. (Policy ER23).
- (q) Proposals should incorporate appropriate waste recycling, segregation and collection facilities (Policy ER38)
- (r) Development should minimise waste by design and during construction.

Supporting Information

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

Policy SC7 : Essential Worker Housing

Proposals for a house for an essential worker will only be supported where:-

- (a) All alternatives have been demonstrated to be inappropriate, and a new house is the only option;
- (b) There is no evidence of houses or plots having been sold off from the landholding in the past five years;
- (c) Supporting evidence is provided that there is a functional requirement for the person to live at their place of work, which must be a viable agricultural unit or an existing business which has been established for at least 1 year. Where the proposal is for a house related to a proposed rural business the submission of adequate supporting information will be required, including a business plan, to establish that the business is genuine and viable.
- (d) The site forms part of the landholding where the worker is employed.
- (e) Schedule 2 : Countryside Housing Criteria is met as appropriate.

Applicants will be required to enter into a Section 75 Agreement to ensure the property continues to meet the needs of an essential worker.

A new house for a retired farmer and/or their spouse may also be permitted where parts a), b) and e) of this policy are met, and the site forms part of the existing landholding.

TAYplan Strategic Development Plan

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

Cairngorms National Park Local Plan

Not applicable.

**Report in Support of Provision of
House for an Essential Worker at**

For:

Diana Ewart

Angus Equine Rug Wash

Prepared by: SAC Consulting,
77 North Street, Forfar, Angus, DD8 3BL

Contact: Jane Fowlie, Agricultural Consultant

jane.fowlie@sac.co.uk

Telephone: 01307 464033
Fax: 01307 465264

Date: July 2013



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PROPOSAL

To erect a dwelling on owned land at Dancing Hillock By Dundee subject to a Section 75 agreement for the housing of an essential worker.

EXECUTIVE SUMMARY

The business of Angus Equine Rug Wash has been trading for 3 years on the small holding at Dancing Hillock near South Kingennie. The business and land is owned by Diana Ewart. The main focus of the business is to supply a high quality rug washing service to clients 7 days a week. Diana Ewart has developed the business and is responsible for the day to day management. Alongside the rug washing enterprise Diana also runs a small herd of breeding horses which are stabled on the site at Dancing Hillock and a small flock of breeding ewes. Currently Diana Ewart does not live at Dancing Hillock as there is no residential property on site.

This report fully supports the application for housing at Dancing Hillock

BACKGROUND

Diana Ewart owns 12 acres of farmland at Dancing Hillock on the outskirts on South Kingennie which is situated 6 miles East of Dundee city. From this site Diana Ewart runs the business of Angus Equine Rug Wash which began trading in 2010. The business specialises in equine rug wash and repairs in the Angus area and has a good base of repeat customers in the area. Diana Ewart manages the business and operates a 7 day a week drop off and pick up service to clients. All rugs are washed and repaired on the business premises at Dancing Hillock, South Kingennie.

At present the only building present at Dancing Hillock is a purpose built shed for the rug repair and wash service and horse stabling. Diana runs a small herd of 6 breeding horses on the holding at Dancing Hillock and a small flock of 11 sheep.

Diana Ewart does not live on site at Dancing Hillock. There is currently no house on the site. It has become crucial to the security and efficiency of the business and welfare of the animals that Diana Ewart lives at Dancing Hillock to allow her to successfully manage the day to day running of Angus Equine Rug Wash Services. It is also essential that Diana resides on site so she is able to look after the breeding horses and sheep which need 24 hour care and checking at foaling and lambing as well as other times of the year.

BUSINESS ENTERPRISES

The main enterprises of the businesses can be summarised as follows:

1. Rug Wash Service

The business offers a horse rug washing and repair service. This is operated 7 days a week at the premises and offers a drop off and pick up service.

2. Breeding Horses

Diana Ewart stables 6 horses at Dancing Hillock and these are mainly breeding horses. She also provides a schooling service for other people's horses on site at Dancing Hillock.

3. Agriculture

It is Diana Ewart's intention to expand the agricultural side of the business. The holding currently extends to 12 acres, so she has the scope to do so. The business would like to increase sheep numbers and perhaps look at other animal rearing enterprises.

LABOUR

The business is run solely by Diana Ewart. There are no other persons employed on site.

CALCULATED LABOUR REQUIREMENT (Appendix 1)

Normally Standard SGRPID data along with information from SAC's Farm Management Handbook is used to calculate the labour requirement for a business. In this instance hours are difficult to define accurately through external "standard" data. However the business only employs one labour unit at present for extended hours 7 days a week. Angus Equine Rug Wash probably in reality requires another one labour unit. This must confirm "Essential Worker" status on the proposal with respect to this rural business.

EXISTING HOUSING

There is no existing housing on site at Dancing Hillock.

SECURITY AND EFFICIENCY

With the increase in rural crime, Angus Equine Rug Wash is at potential risk from thieves. By enabling Diana Ewart to live on site at Dancing Hillock it would allow her to increase farm security and potentially deter thieves. The business has many high value items which are stored on the site. These include a rug wash machine, trailers, quad bike, tack, saddlery and tools as well as the horses and sheep. The security of the holding is the sole responsibility of Diana Ewart. With Dundee and Arbroath close by it is felt that the essential security provision at Dancing Hillock is increased through an added permanent presence on site.

Of equal importance is the requirement for business efficiency and viability to have Diana Ewart on site at Dancing Hillock. Angus Equine Rug Wash operates as 7 days a week service to customers which includes evenings. This means that customers can appear on site any day of the week which means that Diana Ewart has to drive to the site to meet them.

Living on site would mean that she was there to greet customers as and when they appeared.

The horses and sheep enterprises demand someone to be based on the site each day to feed and bed the animals. The welfare of housed animals is a key priority and the need to check animals at least twice daily is deemed important to maintain high standards of welfare.

Horses and sheep are foaling and lambing at different times throughout the year and these animals require regular and close monitoring to avoid foaling or lambing difficulties and ensure animal welfare at this critical time is maximised.

Feed, fertiliser and other supplies are delivered regularly throughout the year to storage at Dancing Hillock. To fit with transport scheduling, deliveries of supplies and uplift of livestock for sale often happen outwith normal working hours in early mornings, evenings or at weekends. Enabling Diana Ewart to live on site would greatly enhance the efficiency of these operations.

CONCLUSION

This report fully supports the application for additional housing at Dancing Hillock, South Kingennie

In addition, a range of security, animal welfare and business efficiency issues demand that Diane Ewart be resident on site at Dancing Hillock. The business of Angus Equine Rug Wash is reliant upon the skills and presence of Diana Ewart for the efficient management and long term viability of the business.

Due to the location of the site, it is essential that someone be resident on the site to increase security and deter thieves.

It is also essential for the welfare of the breeding horses and sheep that Diana Ewart resides on site.

DEFINITION OF "ESSENTIAL WORKER"

Essential Worker

An Essential Worker is defined in the Angus Local Plan Review as:

"A full time worker required by the operational needs of a farm or rural business to live in close proximity to their place of work for reasons of security or animal welfare or similar."

Policy SC7 : Essential Worker Housing

Proposals for a house for an essential worker will only be supported where:

- a) All alternatives have been demonstrated to be inappropriate, and a new house is the only option;**
- b) There is no evidence of houses or plots having been sold off from the landholding in the past five years;**
- c) Supporting evidence is provided that there is a functional requirement for the person to live at their place of work, which must be a viable agricultural unit or an existing business which has been established for at least 1 year. Where the proposal is for a house related to a proposed rural business the submission of adequate supporting information will be required, including a business plan, to establish that the business is genuine and viable.**
- d) The site forms part of the landholding where the worker is employed.**
- e) Schedule 2 : Countryside Housing Criteria is met as applicable (page 30).**

Applicants will be required to enter into a Section 75 Agreement to ensure the property continues to meet the needs of an essential worker.

A new house for a retired farmer and/or their spouse may also be permitted where parts a), b) and e) of this policy are met, and the site forms part of the existing landholding.

www.sac.ac.uk/consulting

L.D. BERTRAM ARCHITECTURAL SERVICES

**Garlowbank Farmhouse
Kinnordy
Kirriemuir
Angus
DD8 4LH**

ek
RECEIVED

U 4 MAR 2016

PLANNING & PLACE
COUNTY BUILDINGS
IM

E-Mail: lar@garlowbank.plus.com Mobile 07739064562

Director of Planning
Angus Council
County Buildings
Market Street
Forfar

2nd March 2016

Dear Sirs,

This is a supporting statement to accompany the attached outline Planning Permission for an essential worker's house on land East of Craighowe, Kingennie, Broughty Ferry, Dundee. for a Mrs Diana Ewart.

The applicant had a similar application refused (Ref No 11-01077-PPPL) on the 12th June 2014 for the following reasons:-

- 1) That it had not been adequately demonstrated that permeant on site presence is essential.
- 2) That access to and egress from the site could not be provided in a suitable and safe manner.

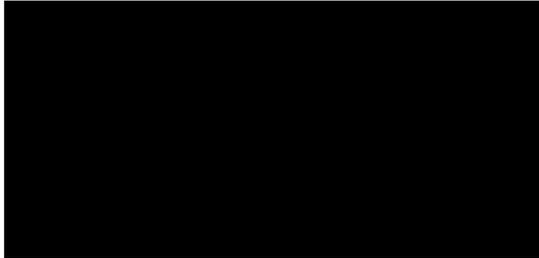
The applicants business –Angus Equine Rug Wash – continues to develop and is now involved in liveries having as many as ten horses at any one time. These can include mares in foal and young horses. At foaling time the mares require 24hrs attention because foaling can happen very quickly. It should be noted that some of these horses are valuable thoroughbred race horses.

The business now also supplies overnight stabling for mounted police horses when they come to police football matches in Dundee. The police have clearly stated that would prefer an on-site presence at all times when horses are there.

A report used in the previous application from S.A.C. Consulting dated July 2013 supporting a essential workers house on the site is attached. Given that business activity has increased since then as stated above it would surely further strengthen the applicants case.

With regard to the access situation please see attached drawing No DE-AERW-01 showing the present layout. The hedges and shrubs that previously restricted the sight lines have been removed thus providing one of the best access situation along this stretch of road.

We trust you find this adds some weight to the previous application and we look forward to a favourable outcome.





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DEVELOPMENT MANAGEMENT REVIEW COMMITTEE

APPLICATION FOR REVIEW

**ERECTION OF AN ESSENTIAL WORKER'S DWELLINGHOUSE AT
LAND EAST OF CRAIGHOWE, KINGENNIE**

APPLICATION NO 16/00163/PPPL

APPLICANT'S SUBMISSION

ITEM 1 Notice of Review

ITEM 2 SAC Consulting Report in Support of Provision of House for an Essential Worker

NOTICE OF REVIEW

Under Section 43A(8) Of the Town and County 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://www.eplanning.scot>

RECEIVED

1. Applicant's Details		2. Agent's Details (if any)	
Title	MRS	Ref No.	
Forename	DIANA	Forename	LAWRENCE
Surname	EWART	Surname	BERTRAM
Company Name		Company Name	
Building No./Name	GORTWELLA	Building No./Name	
Address Line 1	SOUTH KINGENNIE	Address Line 1	GARLOWBANK FARMHOUSE
Address Line 2	BROUGHTY FERRY	Address Line 2	KINNORBY,
Town/City	DUNDEE	Town/City	KIRRIEHUR
Postcode	DD5 3PA	Postcode	DD8 4LH
Telephone		Telephone	01575 575900
Mobile		Mobile	01773 9064562
Fax		Fax	
Email		Email	lor@garlowbank.plus.com

16 SEP 2016

PLANNING & PLACE
COUNTY BUILDINGS

3. Application Details	
Planning authority	ANGUS COUNCIL
Planning authority's application reference number	16/00163/PPPL
Site address	<div style="border: 1px solid black; padding: 10px; min-height: 80px;"> <p style="margin: 0;">LAND EAST OF CRAIGHOWE, KINGENNIE, BROUGHTY FERRY, DUNDEE</p> </div>
Description of proposed development	<div style="border: 1px solid black; padding: 10px; min-height: 40px;"> <p style="margin: 0;">ERECTION OF ESSENTIAL WORKER'S DWELLING HOUSE</p> </div>

SCANNED
16 SEP 2016

Date of application **3RD MARCH 2016**

Date of decision (if any) **17TH JUNE 2016**

Note. 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.

4. Nature of Application

- Application for planning permission (including householder application)
- Application for planning permission in principle
- 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)
- Application for approval of matters specified in conditions

5. Reasons for seeking review

- Refusal of application by appointed officer
- Failure by appointed officer to determine the application within the period allowed for determination of the application
- Conditions imposed on consent by appointed officer

6. Review procedure

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

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.

- Further written submissions
- One or more hearing sessions
- Site inspection
- Assessment of review documents only, with no further procedure

If you have marked either of the first 2 options, please explain here which of the matters (as set out in statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing necessary.

SCANNED
16 SEP 2016

7. Site inspection

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

- Can the site be viewed entirely from public land?
- Is it possible for the site to be accessed safely, and without barriers to entry?

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

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.

THE APPLICANT HAD A SIMILAR APPLICATION REFUSED - (REF N^o 11-01077-PPPL) ON THE 12TH JUNE 2014 FOR THE FOLLOWING REASONS:

- 1) THAT IT HAD NOT BEEN ADEQUATELY DEMONSTRATED THAT PERMANENT ON SITE PRESENCE IS ESSENTIAL.
- 2) THAT ACCESS TO AND EGRESS FROM THE SITE COULD NOT BE PROVIDED IN A SUITABLE AND SAFE MANNER.

WE FEEL THAT WE HAD ADDRESSED THE ISSUES ONLY TO FIND THAT THE SAME APPOINTED OFFICER HAS COME UP WITH OTHER REASONS FOR REFUSAL. WHY WERE THESE NOT BROUGHT TO OUR ATTENTION IN THE EARLIER APPLICATION?

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.

SCANNED
16 SEP 2016

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

S.A.C. CONSULTING REPORT IN SUPPORT OF PROVISION OF HOUSE FOR AN ESSENTIAL WORKER.

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

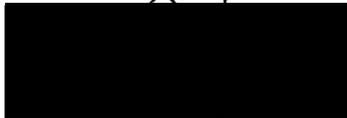
All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

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:

H² L. D. BERTRAM

Date:

15TH SEPT 2016

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.

SCANNED
16 SEP 2016

**Report in Support of Provision of
House for an Essential Worker at**

For:

Diana Ewart

Angus Equine Rug Wash

SCANNED
16 SEP 2016

Prepared by: SAC Consulting,
77 North Street, Forfar, Angus, DD8 3BL

Contact: Jane Fowlie, Agricultural Consultant

jane.fowlie@sac.co.uk

Telephone: 01307 464033
Fax: 01307 465264

Date: July 2013

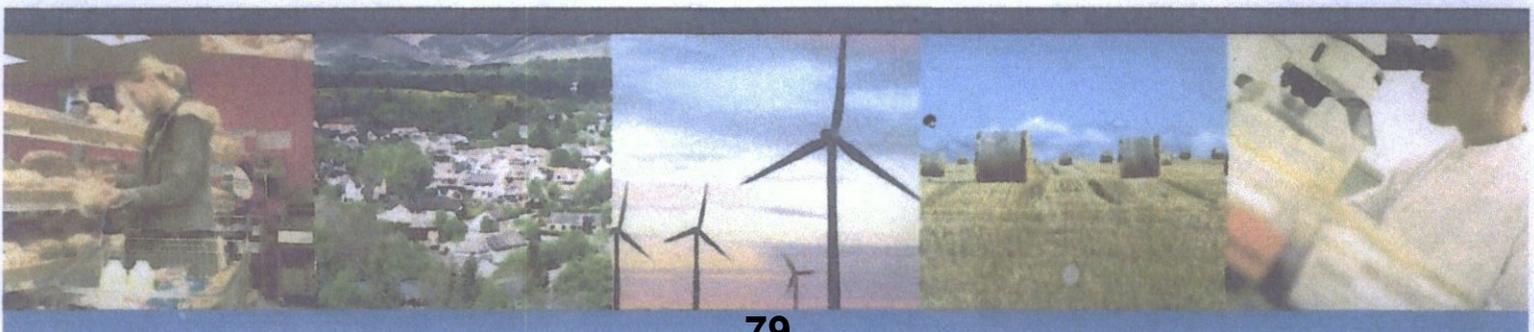


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PROPOSAL

To erect a dwelling on owned land at Dancing Hillock By Dundee subject to a Section 75 agreement for the housing of an essential worker.

EXECUTIVE SUMMARY

The business of Angus Equine Rug Wash has been trading for 3 years on the small holding at Dancing Hillock near South Kingennie. The business and land is owned by Diana Ewart. The main focus of the business is to supply a high quality rug washing service to clients 7 days a week. Diana Ewart has developed the business and is responsible for the day to day management. Alongside the rug washing enterprise Diana also runs a small herd of breeding horses which are stabled on the site at Dancing Hillock and a small flock of breeding ewes. Currently Diana Ewart does not live at Dancing Hillock as there is no residential property on site.

This report fully supports the application for housing at Dancing Hillock

BACKGROUND

Diana Ewart owns 12 acres of farmland at Dancing Hillock on the outskirts on South Kingennie which is situated 6 miles East of Dundee city. From this site Diana Ewart runs the business of Angus Equine Rug Wash which began trading in 2010. The business specialises in equine rug wash and repairs in the Angus area and has a good base of repeat customers in the area. Diana Ewart manages the business and operates a 7 day a week drop off and pick up service to clients. All rugs are washed and repaired on the business premises at Dancing Hillock, South Kingennie.

At present the only building present at Dancing Hillock is a purpose built shed for the rug repair and wash service and horse stabling. Diana runs a small herd of 6 breeding horses on the holding at Dancing Hillock and a small flock of 11 sheep.

Diana Ewart does not live on site at Dancing Hillock. There is currently no house on the site. It has become crucial to the security and efficiency of the business and welfare of the animals that Diana Ewart lives at Dancing Hillock to allow her to successfully manage the day to day running of Angus Equine Rug Wash Services. It is also essential that Diana resides on site so she is able to look after the breeding horses and sheep which need 24 hour care and checking at foaling and lambing as well as other times of the year.

BUSINESS ENTERPRISES

The main enterprises of the businesses can be summarised as follows:

1. **Rug Wash Service**

The business offers a horse rug washing and repair service. This is operated 7 days a week at the premises and offers a drop off and pick up service.

2. **Breeding Horses**

Diana Ewart stables 6 horses at Dancing Hillock and these are mainly breeding horses. She also provides a schooling service for other people's horses on site at Dancing Hillock.

3. **Agriculture**

It is Diana Ewart's intention to expand the agricultural side of the business. The holding currently extends to 12 acres, so she has the scope to do so. The business would like to increase sheep numbers and perhaps look at other animal rearing enterprises.

LABOUR

The business is run solely by Diana Ewart. There are no other persons employed on site.

CALCULATED LABOUR REQUIREMENT (Appendix 1)

Normally Standard SGRPID data along with information from SAC's Farm Management Handbook is used to calculate the labour requirement for a business. In this instance hours are difficult to define accurately through external "standard" data. However the business only employs one labour unit at present for extended hours 7 days a week. Angus Equine Rug Wash probably in reality requires another one labour unit. This must confirm "Essential Worker" status on the proposal with respect to this rural business.

EXISTING HOUSING

There is no existing housing on site at Dancing Hillock.

SECURITY AND EFFICIENCY

With the increase in rural crime, Angus Equine Rug Wash is at potential risk from thieves. By enabling Diana Ewart to live on site at Dancing Hillock it would allow her to increase farm security and potentially deter thieves. The business has many high value items which are stored on the site. These include a rug wash machine, trailers, quad bike, tack, saddlery and tools as well as the horses and sheep. The security of the holding is the sole responsibility of Diana Ewart. With Dundee and Arbroath close by it is felt that the essential security provision at Dancing Hillock is increased through an added permanent presence on site.

Of equal importance is the requirement for business efficiency and viability to have Diana Ewart on site at Dancing Hillock. Angus Equine Rug Wash operates as 7 days a week service to customers which includes evenings. This means that customers can appear on site any day of the week which means that Diana Ewart has to drive to the site to meet them.

Living on site would mean that she was there to greet customers as and when they appeared.

The horses and sheep enterprises demand someone to be based on the site each day to feed and bed the animals. The welfare of housed animals is a key priority and the need to check animals at least twice daily is deemed important to maintain high standards of welfare.

Horses and sheep are foaling and lambing at different times throughout the year and these animals require regular and close monitoring to avoid foaling or lambing difficulties and ensure animal welfare at this critical time is maximised.

Feed, fertiliser and other supplies are delivered regularly throughout the year to storage at Dancing Hillock. To fit with transport scheduling, deliveries of supplies and uplift of livestock for sale often happen outwith normal working hours in early mornings, evenings or at weekends. Enabling Diana Ewart to live on site would greatly enhance the efficiency of these operations.

CONCLUSION

This report fully supports the application for additional housing at Dancing Hillock, South Kingennie

In addition, a range of security, animal welfare and business efficiency issues demand that Diane Ewart be resident on site at Dancing Hillock. The business of Angus Equine Rug Wash is reliant upon the skills and presence of Diana Ewart for the efficient management and long term viability of the business.

Due to the location of the site, it is essential that someone be resident on the site to increase security and deter thieves.

It is also essential for the welfare of the breeding horses and sheep that Diana Ewart resides on site.

APPENDIX I

DEFINITION OF "ESSENTIAL WORKER"

Essential Worker

An Essential Worker is defined in the Angus Local Plan Review as:

"A full time worker required by the operational needs of a farm or rural business to live in close proximity to their place of work for reasons of security or animal welfare or similar."

Policy SC7 : Essential Worker Housing

Proposals for a house for an essential worker will only be supported where:

- a) All alternatives have been demonstrated to be inappropriate, and a new house is the only option;**
- b) There is no evidence of houses or plots having been sold off from the landholding in the past five years;**
- c) Supporting evidence is provided that there is a functional requirement for the person to live at their place of work, which must be a viable agricultural unit or an existing business which has been established for at least 1 year. Where the proposal is for a house related to a proposed rural business the submission of adequate supporting information will be required, including a business plan, to establish that the business is genuine and viable.**
- d) The site forms part of the landholding where the worker is employed.**
- e) Schedule 2 : Countryside Housing Criteria is met as applicable (page 30).**

Applicants will be required to enter into a Section 75 Agreement to ensure the property continues to meet the needs of an essential worker.

A new house for a retired farmer and/or their spouse may also be permitted where parts a), b) and e) of this policy are met, and the site forms part of the existing landholding.

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ANGUS LOCAL DEVELOPMENT PLAN POLICIES

Policy DS1 Development Boundaries and Priorities

All proposals will be expected to support delivery of the Development Strategy.

The focus of development will be sites allocated or otherwise identified for development within the Angus Local Development Plan, which will be safeguarded for the use(s) set out. Proposals for alternative uses will only be acceptable if they do not undermine the provision of a range of sites to meet the development needs of the plan area.

Proposals on sites not allocated or otherwise identified for development, but within development boundaries will be supported where they are of an appropriate scale and nature and are in accordance with relevant policies of the ALDP.

Proposals for sites outwith but contiguous* with a development boundary will only be acceptable where it is in the public interest and social, economic, environmental or operational considerations confirm there is a need for the proposed development that cannot be met within a development boundary.

Outwith development boundaries proposals will be supported where they are of a scale and nature appropriate to their location and where they are in accordance with relevant policies of the ALDP.

In all locations, proposals that re-use or make better use of vacant, derelict or under-used brownfield land or buildings will be supported where they are in accordance with relevant policies of the ALDP.

Development of greenfield sites (with the exception of sites allocated, identified or considered appropriate for development by policies in the ALDP) will only be supported where there are no suitable and available brownfield sites capable of accommodating the proposed development.

Development proposals should not result in adverse impacts, either alone or in combination with other proposals or projects, on the integrity of any European designated site, in accordance with Policy PV4 Sites Designated for Natural Heritage and Biodiversity Value.

**Sharing an edge or boundary, neighbouring or adjacent*

Policy DS1 SEA Implications

Biodiversity Flora and Fauna	Population	Human Health	Soil	Water	Air	Climatic Factors	Cultural Heritage	Material Assets	Landscape
?	++	+	+/?	?	+	?	?	+/?	?

Policy TC2 Residential Development

All proposals for new residential development*, including the conversion of non-residential buildings must:

- be compatible with current and proposed land uses in the surrounding area;
- provide a satisfactory residential environment for the proposed dwelling(s);
- not result in unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure; and
- include as appropriate a mix of house sizes, types and tenures and provision for affordable housing in accordance with Policy TC3 Affordable Housing.

Within development boundaries Angus Council will support proposals for new residential development where:

- the site is not allocated or protected for another use; and
- the proposal is consistent with the character and pattern of development in the surrounding area.

In countryside locations Angus Council will support proposals for the development of houses which fall into at least one of the following categories:

- retention, renovation or acceptable replacement of existing houses;
- conversion of non-residential buildings;
- regeneration or redevelopment of a brownfield site that delivers significant visual or environmental improvement through the removal of derelict buildings, contamination or an incompatible land use;
- single new houses where development would:
 - round off an established building group of 3 or more existing dwellings; or
 - meet an essential worker requirement for the management of land or other rural business.
 - in Rural Settlement Units (RSUs)**, fill a gap between the curtilages of two houses, or the curtilage of one house and a metalled road, or between the curtilage of one house and an existing substantial building such as a church, a shop or a community facility; and
- in Category 2 Rural Settlement Units (RSUs), as shown on the Proposals Map, gap sites (as defined in the Glossary) may be developed for up to two houses.

Further information and guidance on the detailed application of the policy on new residential development in countryside locations will be provided in supplementary planning guidance, and will address:

- the types of other buildings which could be considered suitable in identifying appropriate gap sites for the development of single houses in Category 1 Rural Settlement Units, or for the development of up to two houses in Category 2 Rural Settlement Units.
- the restoration or replacement of traditional buildings.
- the development of new large country houses.

**includes houses in multiple occupation, non-mainstream housing for people with particular needs, such as specialist housing for the elderly, people with disabilities, supported housing care and nursing homes.*

Policy TC2 SEA Implications

Biodiversity Flora and Fauna	Population	Human Health	Soil	Water	Air	Climatic Factors	Cultural Heritage	Material Assets	Landscape
+/?	++	+	+/?	+	+	?	+	+	?/+