

ANGUS COUNCIL

DEVELOPMENT MANAGEMENT REVIEW COMMITTEE – 13 FEBRUARY 2018

WINDSOR COTTAGE, FERN, BRECHIN

REPORT BY THE HEAD OF LEGAL AND DEMOCRATIC SERVICES

ABSTRACT:

The Committee is asked to consider an application for a review of the decision taken by the planning authority in respect of the refusal of planning permission for the proposed erection of a dwelling, application No 17/00458/FULL, on Land Previously Occupied by Farms Buildings (Re-Application) at Windsor Cottage, Fern, Brechin.

1. RECOMMENDATIONS

It is recommended that the Committee:-

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

2. ALIGNMENT TO THE ANGUS LOCAL OUTCOMES IMPROVEMENT PLAN

This Report contributes to the following local outcomes contained within the Angus Local Outcomes Improvement Plan 2017-2030:

- Safe, secure, vibrant and sustainable communities
- An enhanced, protected and enjoyed natural and built environment

3. CURRENT POSITION

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

4. FINANCIAL IMPLICATIONS

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

5. CONSULTATION

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

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

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List of Appendices:

Appendix 1 – Submission by Planning Authority

Appendix 2 – Submission by Applicant

ANGUS COUNCIL'S SUBMISSION ON GROUNDS OF REFUSAL

APPLICATION NUMBER – 17/00458/FULL

APPLICANT- MRS MARY MCPHERSON

PROPOSAL & ADDRESS – PROPOSED ERECTION OF DWELLING ON LAND
PREVIOUSLY OCCUPIED BY FARM BUILDINGS – RE-APPLICATION AT WINDSOR
COTTAGE FERN BRECHIN DD9 6SB

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Angus Council

Application Number:	17/00458/FULL
Description of Development:	Proposed Erection of Dwelling on Land Previously Occupied by Farm Buildings - Re.Application
Site Address:	Windsor Cottage Fern Brechin DD9 6SB
Grid Ref:	351242 : 760870
Applicant Name:	Mrs Mary McPherson

Report of Handling**Site Description**

The site measures approximately 4000sqm is located at the north-eastern end of a long rough track which runs for approximately 630m from the C31 Kirriemuir-Coull Smithy-Brechin road. The site is surrounded to the west and south by open fields with a backdrop of woodland to the north and a derelict traditional stone dwellinghouse to the east which is outside of the application site. From within and outside of the site it has the appearance of a greenfield grass/scrub area adjacent to the agricultural field.

The adjacent site to the east has previously benefitted from planning permission in principle for the erection of a replacement dwelling (ref: 13/00025/PPPL) and is subject of a current application for full planning permission for a dwelling (ref: 17/00457/FULL).

Proposal

Full planning permission is sought for the erection of a dwelling. The plans submitted detail a 1.5 storey four bedroom dwellinghouse with an L plan form. The dwelling would primarily be finished in stone and wet dash on the walls with a natural slate roof. The application form indicates that the existing site access would be utilised; a new public water supply connection made; and private drainage arrangements.

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 9 June 2017 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

16/00239/PREAPP for Proposed Erection of a Dwellinghouse on the site. The enquirer was advised that a dwellinghouse on this site would not comply with countryside housing policy and would be refused planning permission.

A planning application for a replacement dwelling is currently being assessed on land to the immediate east (ref. 17/00457/FULL applies).

Applicant's Case

A statement in support of the proposal has been submitted with this application. This states that the erection of a single dwellinghouse at the end of this long track from the public road would be economically unviable due to costs of infrastructure and services. The applicant considers the current application site to be brownfield in nature and has stated that the site was formerly occupied by farm buildings. The applicant has provided photographs to indicate an element of concrete and stone from former buildings, exposed within the application site.

Consultations

Aberdeenshire Council Archaeology Service - This consultee has raised no objections.

National Grid Plant Protection - There was no response from this consultee at the time of report preparation.

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

Angus Council - Roads - This consultee has stated no objections.

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

Angus Council - Flood Prevention - Offered no objection.

Health & Safety Executive - This consultee has stated no objections.

Representations

There were no letters of representation.

Development Plan Policies

Angus Local Development Plan 2016

Policy DS1 : Development Boundaries and Priorities

Policy DS3 : Design Quality and Placemaking

Policy DS4 : Amenity

Policy TC2 : Residential Development

Policy PV21 : Pipeline Consultation Zones

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.

- The key issue in this case is whether the erection of a house on the site complies with policies of the Local Development Plan; and
- Whether there are any material considerations which would justify approval contrary to the Local Development Plan.

Policy TC2 'Residential Development' and the Council's Countryside Housing Supplementary Guidance 2016 states that in countryside locations, proposals for the development of houses will be supported where the proposed development falls into one (or more) of a number of categories. The proposal does not

involve conversion of a non-residential building or replacement or renovation of a house. There is one dwelling adjacent to site (subject of a separate application for a replacement house) but insufficient houses to form a building group and the rounding off test does not apply. The site does not form a gap site and the proposed house is not for an essential farm worker.

Policy TC2 allows housing where the proposal would involve the regeneration or redevelopment of a rural brownfield site where development delivers *significant* visual or environmental improvement through the removal of derelict buildings, contamination or an incompatible land use. The supplementary guidance indicates that the mere fact that the site is brownfield in nature is not a sufficient reason for its redevelopment.

The applicant's supporting case suggests that the site should be considered a rural brownfield site because a very small part of the site once occupied a building (which has now been removed). The building referred to does not appear on historic mapping from 1968 onwards and appears to have been removed between 1959 and 1968 - around 50 years ago. The applicant has submitted information including a photograph which appears to show a very small area of concrete or similar which has been exposed following a recent scraping back of the site. Whether viewed from a distance or on site, the land appears to be predominantly greenfield in nature and does not represent an eye sore which would benefit from redevelopment. The site does not cause any obvious visual or environmental harm and its redevelopment would not deliver significant visual or environmental improvement. The proposal is contrary to Policy TC2 and the associated supplementary guidance.

The proposal raises no significant conflicts against other policies of the plan. An acceptable residential environment could be provided for the proposed house which would not compromise the amenity of other housing. A contribution towards affordable housing would be required by Policy TC3 if the proposal were approved. The cumulative area of this site in addition to the adjacent application site to the immediate east (reference: 17/00457/FULL) would exceed 0.5HA. The design of the proposed house raises no issues against Policy DS3 'Design Quality and Placemaking'. Access, drainage and water supply arrangements appear to be acceptable. The application site lies within a pipeline consultation zone. The Health and Safety Executive and National Grid were consulted on the proposal but have offered no objection.

Policy DS1 'Development Boundaries and Priorities' is supportive of development which is of a scale and nature appropriate to its location and where it accords with other policies of the plan. The proposal has been assessed as contrary to Policy TC2 above. A single house on the adjacent site which replaces the existing derelict cottage would represent a suitable development, but two houses in this area would simply add to the suburbanisation of the countryside. It would not represent a development of a scale and nature appropriate to its location. The proposal is also contrary to Policy DS1.

The applicant has indicated that the proposed house is required (in addition to the house proposed on the adjacent site) to make the overall development more viable. No development viability information has been submitted in support of the application. Developing the land in and adjacent to this site for two houses rather than one would undoubtedly generate additional revenue; but this does not represent a material consideration that would justify a departure from the local development plan. The proposed house does not comply with policies TC2 and DS1 and there are no material considerations that justify approval of planning permission contrary to policies of the plan.

Human Rights Implications

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

Equalities Implications

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

Decision

The application is refused

Reason(s) for Decision:

1. The application is contrary to Policy TC2 of the Angus Local Development Plan (2016) because the redevelopment of the site for a house would not meet with any of the acceptable categories for a house in the countryside including retention or replacement of an existing dwelling; conversion of a non-residential building; redevelopment of a brownfield site where that redevelopment would deliver significant visual or environmental improvement; round off a building group; meet the needs of an essential worker; and is not a gap site.
2. The application is contrary to Policy DS1 of the Angus Local Development Plan (2016) because the proposal does not comply with Policy TC2 and is not of a scale and nature appropriate to its location.

Notes:

Case Officer: Neil Duthie
Date: 19 September 2017

Appendix 1 - Development Plan Policies

Angus Local Development Plan 2016

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 DS3 : Design Quality and Placemaking

Development proposals should deliver a high design standard and draw upon those aspects of landscape or townscape that contribute positively to the character and sense of place of the area in which they are to be located. Development proposals should create buildings and places which are:

- o Distinct in Character and Identity: Where development fits with the character and pattern of development in the surrounding area, provides a coherent structure of streets, spaces and buildings and retains and sensitively integrates important townscape and landscape features.
- o Safe and Pleasant: Where all buildings, public spaces and routes are designed to be accessible, safe and attractive, where public and private spaces are clearly defined and appropriate new areas of landscaping and open space are incorporated and linked to existing green space wherever possible.
- o Well Connected: Where development connects pedestrians, cyclists and vehicles with the surrounding area and public transport, the access and parking requirements of the Roads Authority are met and the principles set out in 'Designing Streets' are addressed.
- o Adaptable: Where development is designed to support a mix of compatible uses and accommodate changing needs.
- o Resource Efficient: Where development makes good use of existing resources and is sited and designed to minimise environmental impacts and maximise the use of local climate and landform.

Supplementary guidance will set out the principles expected in all development, more detailed guidance on the design aspects of different proposals and how to achieve the qualities set out above. Further details on the type of developments requiring a design statement and the issues that should be addressed will also be set out in supplementary guidance.

Policy DS4 : Amenity

All proposed development must have full regard to opportunities for maintaining and improving environmental quality. Development will not be permitted where there is an unacceptable adverse impact on the surrounding area or the environment or amenity of existing or future occupiers of adjoining or nearby properties.

Angus Council will consider the impacts of development on:

- Air quality;
- Noise and vibration levels and times when such disturbances are likely to occur;
- Levels of light pollution;
- Levels of odours, fumes and dust;
- Suitable provision for refuse collection / storage and recycling;
- The effect and timing of traffic movement to, from and within the site, car parking and impacts on highway safety; and
- Residential amenity in relation to overlooking and loss of privacy, outlook, sunlight, daylight and overshadowing.

Angus Council may support development which is considered to have an impact on such considerations, if the use of conditions or planning obligations will ensure that appropriate mitigation and / or compensatory measures are secured.

Applicants may be required to submit detailed assessments in relation to any of the above criteria to the Council for consideration.

Where a site is known or suspected to be contaminated, applicants will be required to undertake investigation and, where appropriate, remediation measures relevant to the current or proposed use to prevent unacceptable risks to human health.

Policy TC2 : Residential Development

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

- o be compatible with current and proposed land uses in the surrounding area;
- o provide a satisfactory residential environment for the proposed dwelling(s);

THE STRATEGY

To optimise the use of existing resource capacities and to ensure the impact of development on the wider environment and landscape is minimised, development proposals in the countryside should also ensure that they have investigated all possibilities of locating adjacent to existing development or groups of buildings.

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
?	++	+	+/?	?	+	?	?	+/?	?

Accessibility

A key element in the creation of sustainable communities is how well new development is integrated with the existing form of development and transport networks. The ALDP Development Strategy supports development within the Towns and Rural Service Centres and allocates land for new development in locations that are well related to the existing form and pattern of development and therefore the existing transport network.

THE STRATEGY

In some areas the transport network will require improvement to roads infrastructure, public transport and path networks to support and enable future development. Where appropriate, site allocation policies and development briefs will specify where infrastructure requirements or improvements are known. The exact nature of improvements will be negotiated at the time of application.

National and regional planning policies seek to promote sustainable transport and active travel, giving priority to walking and cycling for local journeys and to public transport in preference to travel by car. The publication of the Scottish Government policy document “Designing Streets” signals the government’s resolve to move away from a standards based approach to street design and to put place and people before the movement of motor vehicles. The ALDP takes account of “Designing Streets” and supports development which is accessible by a choice of transport modes including walking, cycling and public transport.

Development proposals should seek to maintain and improve linkages between residential, employment, recreation and other facilities to help support an integrated sustainable transport network and opportunities for active travel.

Path networks including Core Paths and Rights of Way also form an important recreational resource enabling outdoor access around settlements and to the countryside. Policy PV3 Access and Informal Recreation seeks to protect and enhance public access and paths in this context. They are also important elements of green infrastructure providing linkages to the wider green network. The ALDP seeks to protect and enhance the role of path networks in this respect under Policies PV1 Green Networks and Green Infrastructure and PV2 Open Space Protection and Provision within settlements.

Appendix 2 gives guidance as to when a Transport Assessment may be required. Angus Council agreed to adopt the National Roads Development Circular as the new roads standard document for use on all new development in Angus in August 2014. The new national document was produced as a collaborative project undertaken by Scotland’s local authorities through the Society of Chief Officers of Transportation in Scotland (SCOTS) and embraces current Scottish Government Policy documents, in particular “Designing Streets”.

THE STRATEGY

Policy DS3 Design Quality and Placemaking

Development proposals should deliver a high design standard and draw upon those aspects of landscape or townscape that contribute positively to the character and sense of place of the area in which they are to be located. Development proposals should create buildings and places which are:

- **Distinct in Character and Identity:** Where development fits with the character and pattern of development in the surrounding area, provides a coherent structure of streets, spaces and buildings and retains and sensitively integrates important townscape and landscape features.
- **Safe and Pleasant:** Where all buildings, public spaces and routes are designed to be accessible, safe and attractive, where public and private spaces are clearly defined and appropriate new areas of landscaping and open space are incorporated and linked to existing green space wherever possible.
- **Well Connected:** Where development connects pedestrians, cyclists and vehicles with the surrounding area and public transport, the access and parking requirements of the Roads Authority are met and the principles set out in 'Designing Streets' are addressed.
- **Adaptable:** Where development is designed to support a mix of compatible uses and accommodate changing needs.
- **Resource Efficient:** Where development makes good use of existing resources and is sited and designed to minimise environmental impacts and maximise the use of local climate and landform.

Supplementary guidance will set out the principles expected in all development, more detailed guidance on the design aspects of different proposals and how to achieve the qualities set out above. Further details on the type of developments requiring a design statement and the issues that should be addressed will also be set out in supplementary guidance.

Policy DS3 SEA Implications									
Biodiversity Flora and Fauna	Population	Human Health	Soil	Water	Air	Climatic Factors	Cultural Heritage	Material Assets	Landscape
+	++	+	0	0	+	+	++	+	++

Amenity

The stewardship of natural resources is key to sustainable development and the ALDP has a role in avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for air quality. There is also a need to safeguard the amenity of future occupiers, or existing properties near to development as well as the wider area. Where it is considered that development has an impact, appropriate mitigation or compensatory measures will be secured through conditions or planning obligations. Specific impacts relating to the water environment, geodiversity and minerals resource are covered by policies elsewhere within the Plan.

THE STRATEGY

Policy DS4 Amenity

All proposed development must have full regard to opportunities for maintaining and improving environmental quality. Development will not be permitted where there is an unacceptable adverse impact on the surrounding area or the environment or amenity of existing or future occupiers of adjoining or nearby properties.

Angus Council will consider the impacts of development on:

- Air quality;
- Noise and vibration levels and times when such disturbances are likely to occur;
- Levels of light pollution;
- Levels of odours, fumes and dust;
- Suitable provision for refuse collection / storage and recycling;
- The effect and timing of traffic movement to, from and within the site, car parking and impacts on highway safety; and
- Residential amenity in relation to overlooking and loss of privacy, outlook, sunlight, daylight and overshadowing.

Angus Council may support development which is considered to have an impact on such considerations, if the use of conditions or planning obligations will ensure that appropriate mitigation and / or compensatory measures are secured.

Applicants may be required to submit detailed assessments in relation to any of the above criteria to the Council for consideration.

Where a site is known or suspected to be contaminated, applicants will be required to undertake investigation and, where appropriate, remediation measures relevant to the current or proposed use to prevent unacceptable risks to human health.

Policy DS4 SEA Implications

Biodiversity Flora and Fauna	Population	Human Health	Soil	Water	Air	Climatic Factors	Cultural Heritage	Material Assets	Landscape
0	+	++	0	0	+	0	0	+	0

Developer Contributions

New development has an important role in funding measures to mitigate any adverse impacts in a way that is consistent with the delivery of wider planning and environmental objectives. Circular 3/2012 sets out that planning obligations can be used to overcome obstacles to the grant of planning permission. This means that development can be permitted and potentially negative impacts on land use, the environment and infrastructure can be reduced, eliminated or compensated for.

Planning obligations will only be sought where they meet the tests set out in Circular 3/2012, including: necessity, planning purpose, being related to the proposed development, scale and kind and reasonableness. It is recognised that developers and landowners would like certainty about the likely scale and nature of developer contributions that will be sought by the Council. The site allocations made in the ALDP identify contributions where they are currently known, but it is important to recognise that additional contributions may be required and in all cases the scale and nature of contributions will be negotiated and agreed as part of the planning application process. In such negotiations, the details of a contribution will be based on the most up to date information at the time in respect of

THE STRATEGY

infrastructure provision and consideration by the Council of any abnormal development costs identified by the developer.

THE POLICY FRAMEWORK – PART 1

THRIVING & CONNECTED

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.*

***Rural Settlement Units are defined in the Glossary and their role is further explained on Page 9.*

THE POLICY FRAMEWORK – PART 1

THRIVING & CONNECTED

Policy TC2 SEA Implications									
Biodiversity Flora and Fauna	Population	Human Health	Soil	Water	Air	Climatic Factors	Cultural Heritage	Material Assets	Landscape
+/?	++	+	+/?	+	+	?	+	+	?/+

Affordable Housing

The provision of choice in the housing market is essential to support the delivery of sustainable and mixed communities. The supply of housing land on a variety of well-located and accessible sites allows the market to deliver a range of house sizes, types and tenures to meet the housing needs and aspirations of the people of Angus. However the general housing market does not always meet the housing needs of everyone. There is restricted availability of affordable housing for rent or sale across Angus.

The Scottish Government defines affordable housing as: "*housing of a reasonable quality that is affordable to people on modest incomes. Affordable Housing can be provided in the form of social rented accommodation (Council and Registered Social Landlords), mid-market rented accommodation, shared ownership housing, shared equity housing, housing sold at a discount (including plots for sale) and low cost housing without subsidy*".

The most up-to-date assessment of the requirement for affordable housing across Angus is provided by the TAYplan Housing Need and Demand Assessment (HNDA) (December 2013). This identified a substantial backlog of need for affordable housing across the 4 Angus Housing Market Areas (HMAs). In line with Scottish Planning Policy (SPP) (2014) Angus Council will seek to secure delivery of a maximum of 25% affordable housing across all 4 HMAs, although this will not meet all identified need over the plan period.

Policy TC3 Affordable Housing sets out the requirement for affordable housing which will be applied to all qualifying allocated, housing opportunity and windfall sites. The policy will be supported by an updated and revised Affordable Housing Implementation Guide which will establish a framework and best practice to support delivery of affordable housing.

In rural areas proposals for affordable housing on sites outwith but contiguous with development boundaries will be considered in the context of DS1 Development Boundaries and Priorities.

Effective partnership working between Angus Council, developers, Registered Social Landlords and the Scottish Government will be key to securing the delivery of appropriate and well located affordable housing across Angus.

Policy PV21 Pipeline Consultation Zones

AC2

Decisions on whether to grant planning permission for development proposals within the pipeline consultation zones shown on the proposals map will be taken in light of the views and advice of the Health and Safety Executive.

Policy PV21 SEA Implications

Biodiversity Flora and Fauna	Population	Human Health	Soil	Water	Air	Climatic Factors	Cultural Heritage	Material Assets	Landscape
0	+	0	0	0	0	0	0	0	0

ANGUS COUNCIL

COMMUNITIES PLANNING

CONSULTATION SHEET

PLANNING APPLICATION NO

17/00458/FULL

Tick boxes as appropriate

ROADS

No Objection

Interest

(Comments to follow within 14 days)

Date

05	06	17
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ELECTRONIC SUBMISSION DRAWINGS TO BE VIEWED VIA IDOX

From:Claire Herbert
Sent:8 Jun 2017 12:54:01 +0100
To:PLNProcessing
Cc:DuthieNG
Subject:Planning consultation 17/00458/FULL - Archaeology response

Planning Reference: 17/00458/FULL

Case Officer Name:Neil Duthie

Proposal: Proposed Erection of Dwelling on Land Previously Occupied by Farm Buildings - Re.Application

Site Address: Windsor Cottage Fern Brechin

Site Post Code: DD9 6SB

Grid Reference: NO 5124 6087

Thank you for consulting us on the above application. I can advise that in this particular instance, no archaeological mitigation is required.

Should you have any comments or queries regarding the above, please do not hesitate to contact me.

Kind regards,

Claire

Claire Herbert MA(Hons) MA MCIfA FSA Scot

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Archaeology Service for Aberdeenshire, Moray, Angus & Aberdeen City Councils

[2017: Celebrating the History, Heritage & Archaeology of North East Scotland](#)

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www.aberdeenshire.gov.uk

From:DavidsonMA
Sent:19 Jun 2017 15:49:17 +0100
To:DuthieNG
Subject:RE: Roads Flooding Consultations

Neil,

I do not feel that we will need consulted on these applications.

Thanks
Mark

Mark Davidson, Principal Engineer, Roads Division

Tel 01307 473329

Mob 07803 888472

From: DuthieNG
Sent: 12 June 2017 16:33
To: DavidsonMA
Subject: Roads Flooding Consultations

Mark

Can you please advise if you want formally consulted on the following two applications;

Proposed Replacement Dwelling to Replace Existing Farmhouse - Re-Application - Windsor Cottage, Fern, Brechin - 17/00457/FULL

Proposed Erection of Dwelling on Land Previously Occupied by Farm Buildings – Re-Application – Windsor Cottage, Fern, Brechin - 17/00458/FULL.

I would be grateful for your reply by Monday 19 June 2017.

Thanks

Neil Duthie

Planning Officer (Development Standards) Communities Planning & Place Angus Council County
Buildings Market Street Forfar

DD8 3LG

If calling or telephoning please ask for Neil Duthie on 01307 473229 or e-mail DuthieNG@angus.gov.uk

Angus
County Buildings Market Street
Forfar
Angus
DD8 3LG



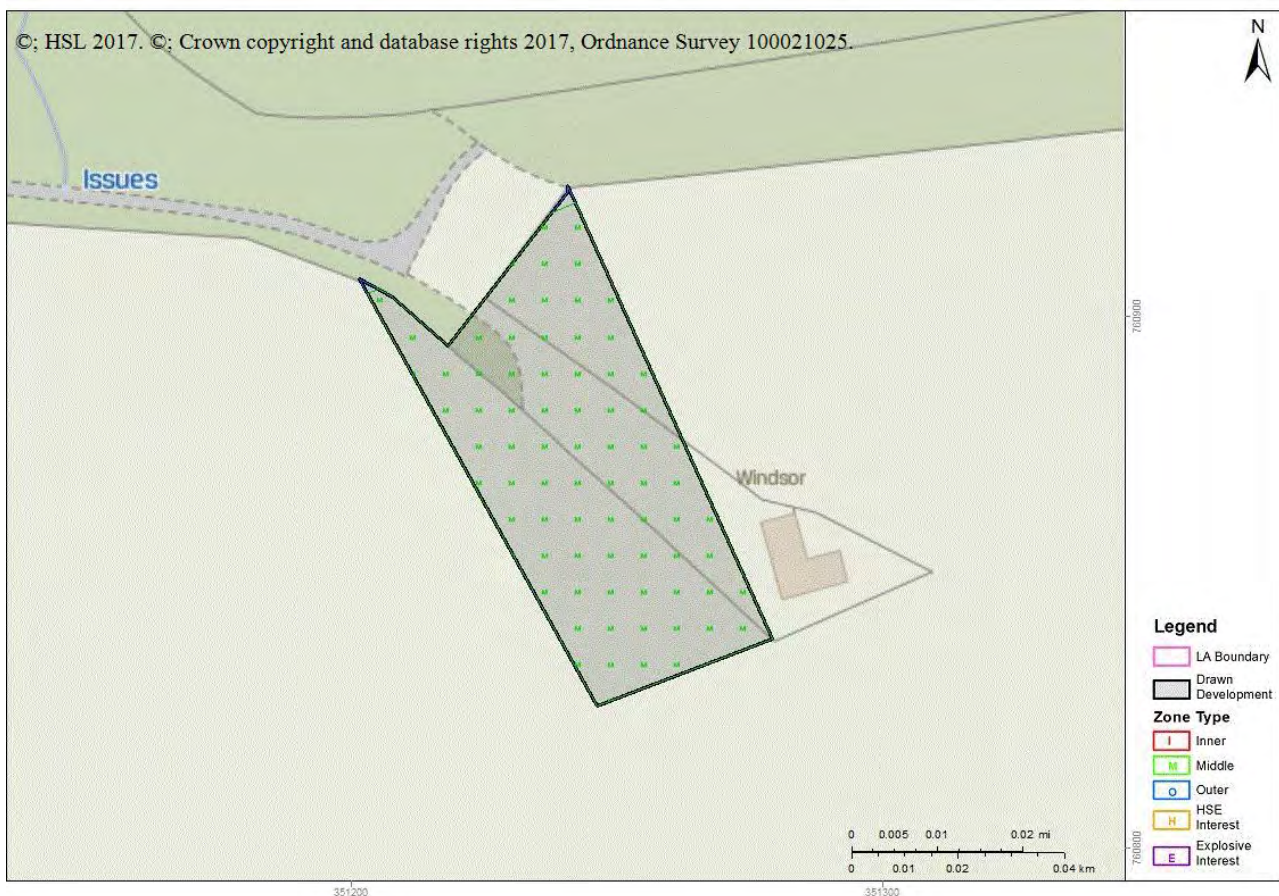
Advice : HSL-170717164129-269 Crosses Consultation Zone

Please enter further details about the proposed development by continuing with the enquiry on the HSE's Planning Advice Web App from the Previous Enquiries tab either now or at a later time, unless the Web App has stopped the process and notified you to contact HSE.

Your Ref: 17/00458/FULL

Development Name: Proposed Erection of Dwelling on Land Previously Occupied by Farm Buildings - Re.Application

Comments: Windsor Cottage Fern Brechin DD9 6SB



The proposed development site which you have identified currently lies within the consultation distance (CD) of at least one major hazard site and/or major accident hazard pipeline; HSE needs to be consulted on any developments on this site.

This advice report has been generated using information supplied by Damian Brennan at Angus on 17 July 2017.

You will also need to contact the pipeline operator as they may have additional constraints on development near their pipeline.

• 8364_2641 National Grid Gas PLC

HSL-170717164129-269 Date enquiry processed :17 July 2017 (351243,760871)

HSL/HSE accepts no liability for the accuracy of the pipeline routing data received from a 3rd party. HSE/HSL also accepts no liability if you do not consult with the pipeline operator.

You may wish to contact HSE's Planning Advice team to discuss the above enquiry result on 01298 218159 or by email at lupenquiries@hsl.gsi.gov.uk.

Angus
County Buildings Market Street
Forfar
Angus
DD8 3LG



Advice : HSL-170717164129-269 DO NOT ADVISE AGAINST

Your Ref: 17/00458/FULL

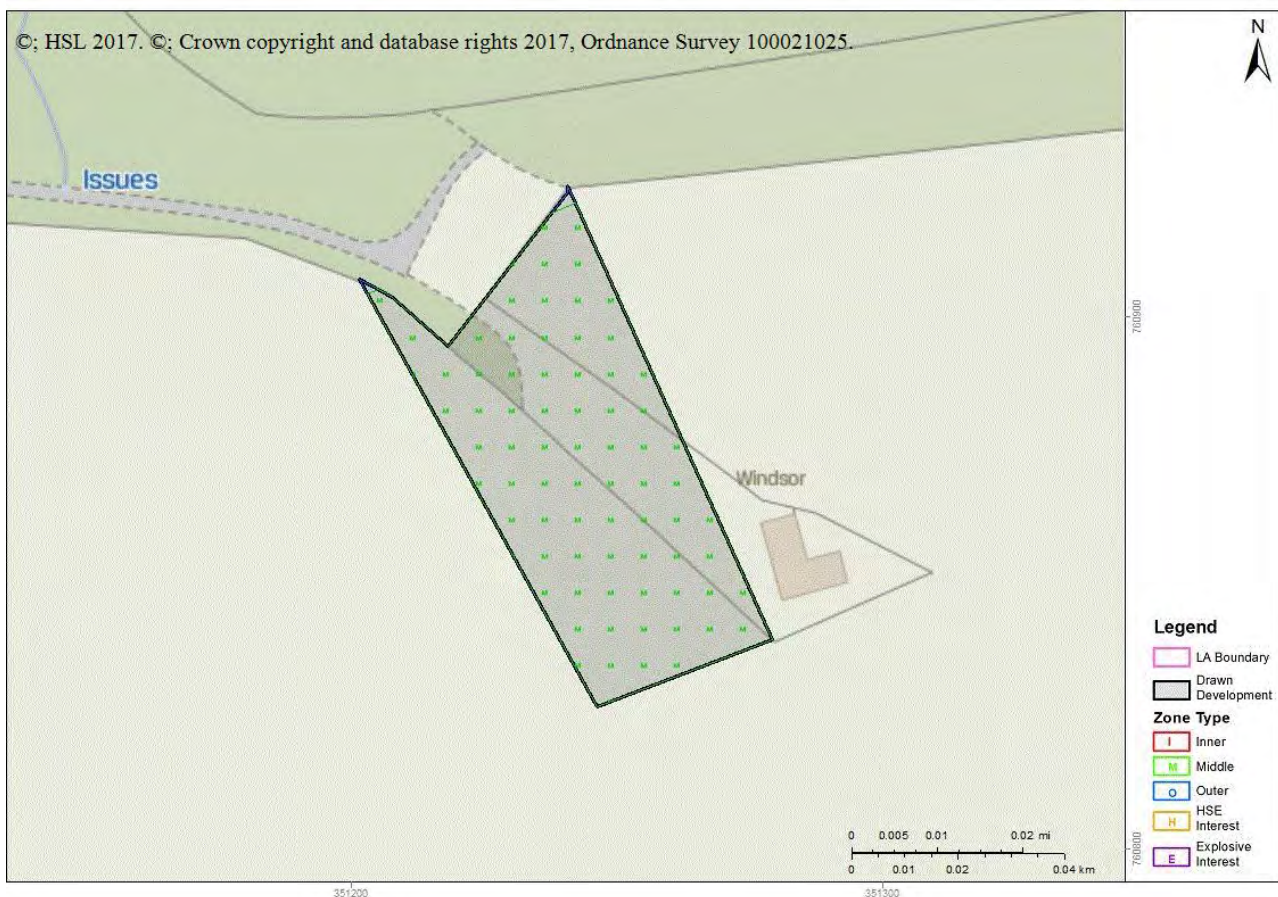
Development Name: Proposed Erection of Dwelling on Land Previously Occupied by Farm Buildings - Re.Application

Comments: Windsor Cottage Fern Brechin DD9 6SB

Land Use Planning Consultation with Health and Safety Executive [Town and Country Planning (Development Management Procedure) (England) Order 2015, Town and Country Planning (Development Management Procedure) (Wales) Order 2012, or Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013]

The Health and Safety Executive (HSE) is a statutory consultee for certain developments within the Consultation Distance of Major Hazard Sites/ pipelines. This consultation, which is for such a development and is within at least one Consultation Distance, has been considered using HSE's planning advice web app, based on the details input on behalf of Angus.

HSE's Advice: Do Not Advise Against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.

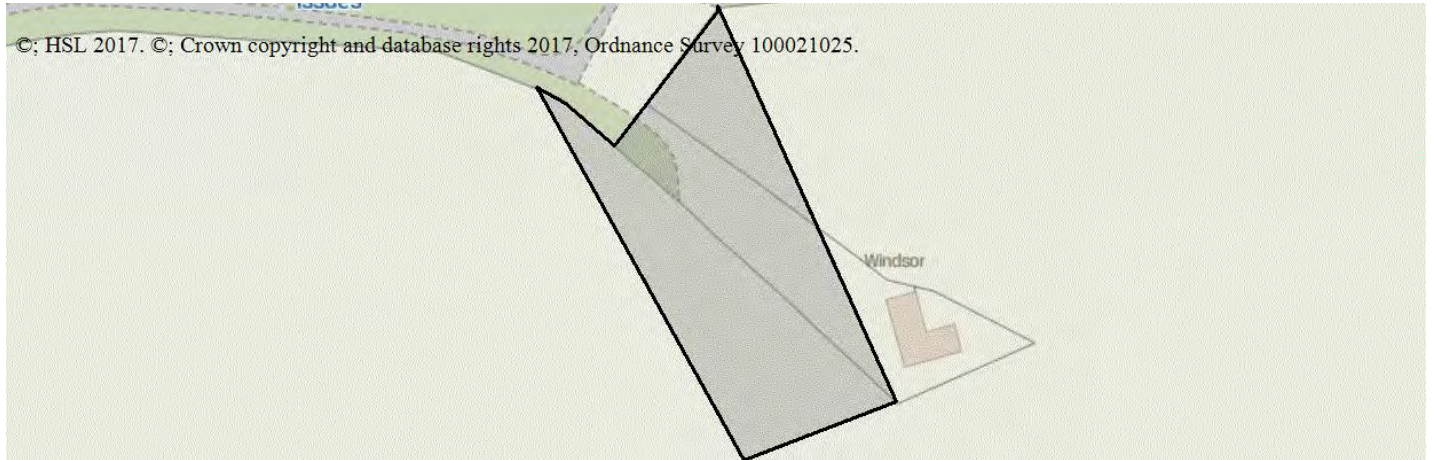


Commercial In Confidence

Breakdown:

Housing DAA

How many dwelling units are there (that lie partly or wholly within a consultation distance)? Less than 3

**Pipelines**

8364_2641 National Grid Gas PLC

As the proposed development is within the Consultation Distance of a major hazard pipeline you should consider contacting the pipeline operator before deciding the case. There are two particular reasons for this:

- The operator may have a legal interest (easement, wayleave etc.) in the vicinity of the pipeline. This may restrict certain developments within a certain proximity of the pipeline.
- The standards to which the pipeline is designed and operated may restrict occupied buildings or major traffic routes within a certain proximity of the pipeline. Consequently there may be a need for the operator to modify the pipeline, or its operation, if the development proceeds.

HSE's advice is based on the situation as currently exists, our advice in this case will not be altered by the outcome of any consultation you may have with the pipeline operator.

This advice report has been generated using information supplied by Damian Brennan at Angus on 17 July 2017.

Note that any changes in the information concerning this development would require it to be re-submitted.

Refused



ues



All Boundary Treatments
Post & Wire fence with Hedging -
 Crataegus Monogyna (Hawthorn), Blackthorn (Prunus spinosa),
 with 15% of native Holly (Ilex aquifolium), Common Privet (Ligustrum vulgare) &
 spindle Tree (Euonymus europaeus) Mix - 0.6 - 0.8m
 Planted in two staggered rows to be 0.5m apart, plants 1.0 apart.

PLOT 2
 Proposed New Dwelling Plot on
 brownfield site - 4000m²

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Location Plan (1:1250)



Area of land outlined in Red
 800mm or Treasury

Landscape Legend

- Trees**
 BP - Betula Pendula (Silver Birch) - 1.8 - 2.1m
 BT - Betula Tristis (Weeping Birch) - 1.8 - 2.1m
 FE - Fraxinus Excelsior (Common Ash) - 1.8 - 2.1m
 PA - Prunus Avium (Wild Cherry) - 1.8 - 2.1m
 PS - Pinus Sylvestris (Scots Pine) 1.0m
 SA - Sorbus Aria (Whitebeam) - 1.8 - 2.1m

- Shrubs**
 CA - Corylus Avellana (Common Hazel) - 60-80cm
 CP - Cytisus Fراعox (Broom) - 3.0 litre
 IA - Ilex aquifolium (Common Holly) 3.0 litre
 PR - Prunus Rotundifolia (Cheery Laurel) 3.0 litre
 RR - Rosa Rugosa (Japanese Rose) 60-80cm

FENCING NOTES:
 The fencing surrounding the new plantations shall be a
 deer & rabbit proof, post & wire fence, 900mm high.

Landscaping / Management Plan

Landscaping / planting will be to enhance the existing
 landscape and plant new native species where
 appropriate with the entire management and
 implementation plan lasting a 5 year period.

The site plan shows locations of new tree/bush belts that
 will be created to help integrate the development with the
 landscape and provide screening for neighbouring
 domestic and agricultural properties. The following
 maintenance and management plan will be employed for
 the development.

The developer shall oversee the Landscape Management
 Plan until the completion of their Defects Liability Period, at
 which time the developer reserves the right to transfer the
 overseeing of the management plan to a Landscape
 Management Company.

The Contractor shall ensure that the Landscape
 Management Plan is adhered to, and any changes to the
 plan are to be agreed in writing with Angus Council
 planning authority.

The Landscaping Plan as approved will have considered
 this Landscape Management Plan as part of the overall
 design.

1 Implementation

Preparation of Site -

Where shrubs are to be planted with trees, any existing
 grass shall be treated with an approved Glyphosate
 herbicide and after 3 weeks shall be rotovated or dug to
 provide a cleared topsoil bed for planting.

Where trees are to be planted at 3m/2m centres without
 shrubs 1.0m diameter shall be created in the existing grass
 surface by the spot treatment with an approved
 Glyphosate herbicide.

Planting -
 Shrubs be to placed randomly with 5-15 plants per species.

Fencing -
 New fences to be erected around new plantations which
 is to be post & wire fence between 800 - 900mm high. This
 should be made rabbit proof also.

2 Maintenance

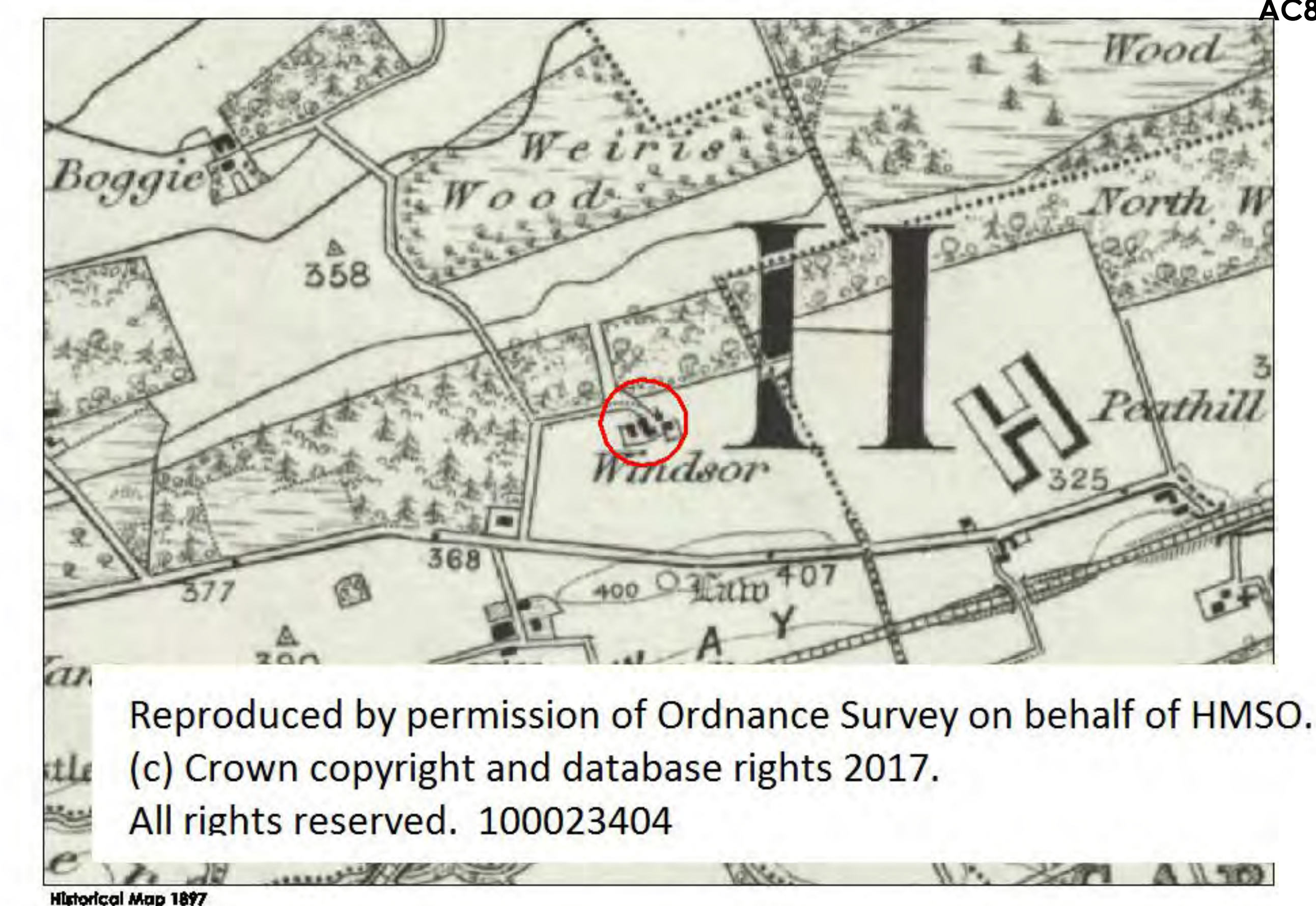
New planted areas to be protected during the building
 work for an establishment period of 2-3 years following
 planting with an approved fence (as above).

New trees to be thinned at 5 yearly intervals after planting.
 An area of 1.0m diameter is to be kept free from weed
 and grass growth using an approved herbicide around
 each tree until suitably established. Wild grass areas to be
 cut once a year following establishment and collected.

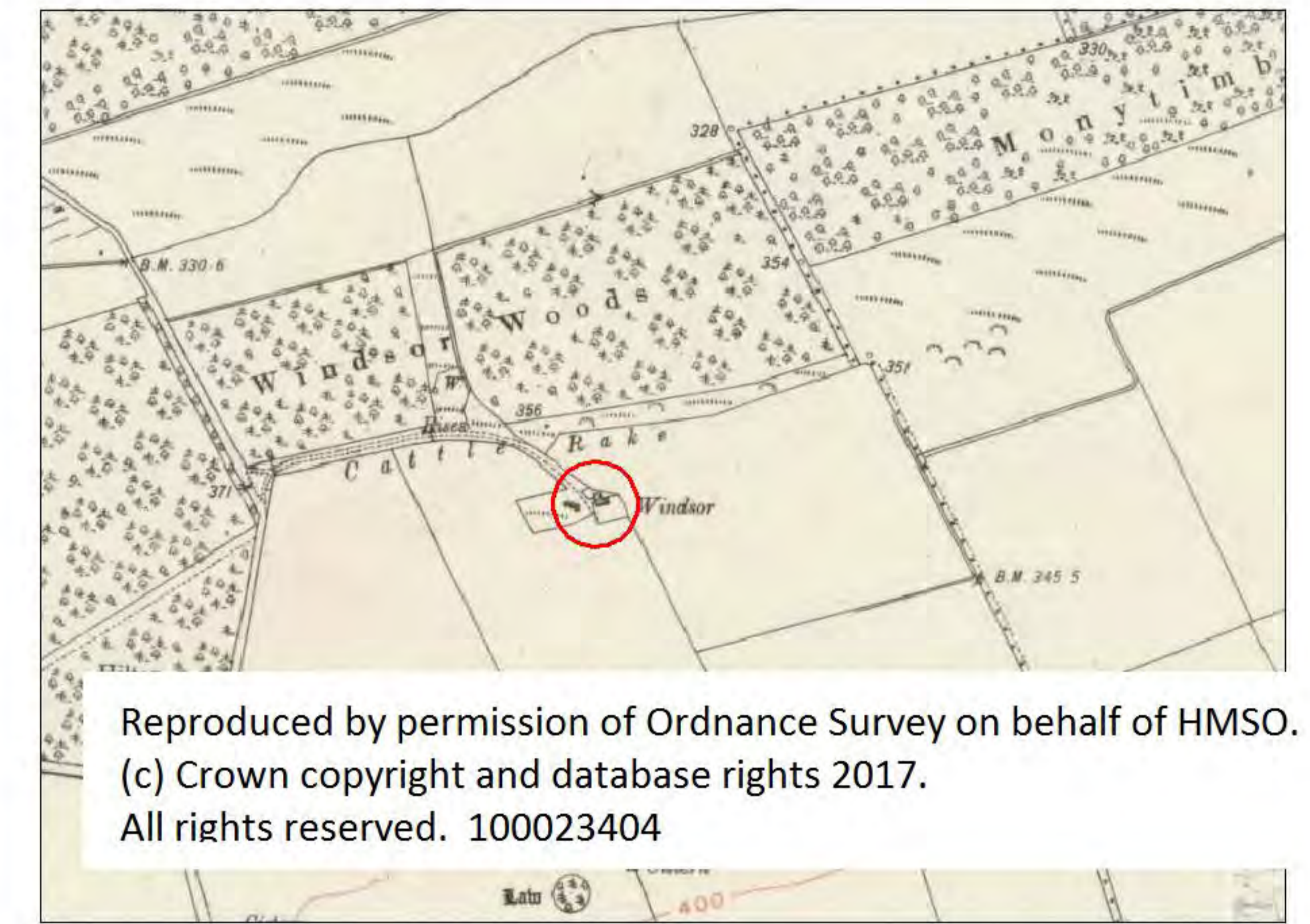
Watering -
 Watering as frequently as needed. Watering should take
 place however once a week in dry periods from March to
 August with less than 15mm rain fall.

Pests & Disease -
 Inspections to be carried out once each season with a
 focus on Ash species.

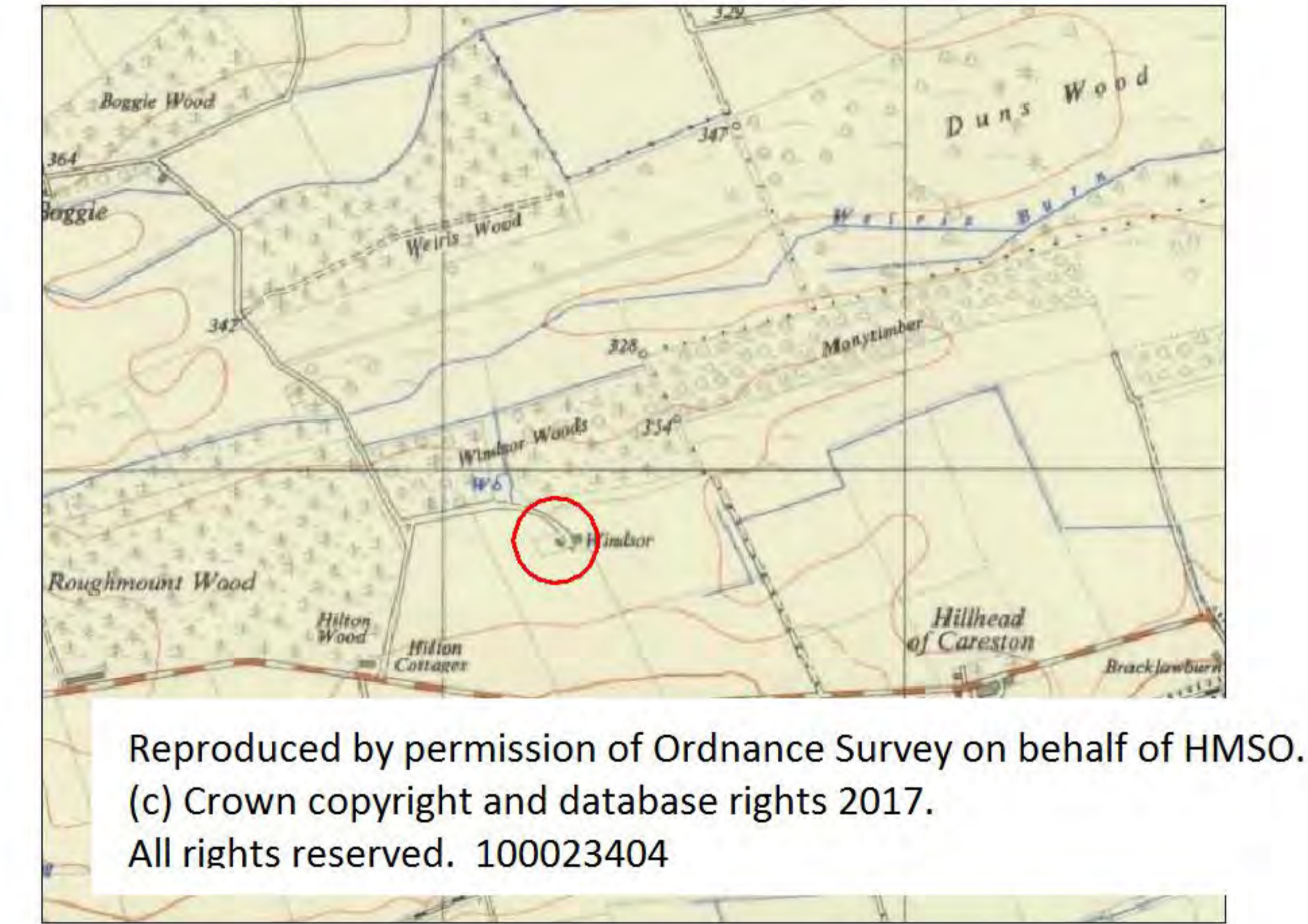
Any planting within the 5 year plan which has died, been
 damaged or become diseased should be replaced by
 plants that are of similar size and species to the originally
 approved. This is to ensure that the overall landscape
 scheme will integrate the park into its immediate
 surroundings and enhance the visual amenity within the
 area.



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REVISION	DATE	DESCRIPTION OF REVISION

CLIENT
 Mrs M McPherson

PROJECT
 Proposed Erection of Dwelling on Site East of
 Windsor Cottage, Fern, By Brechin, DD9 6SB

DRAWING TITLE
 Proposed Site & Location Plan PLOT 2

SCALE	DATE	DRAWING No.	DRAWN BY
1:1250	24.05.17	JDC/715/001/SitePlot 2	DP

This drawing is issued for the purpose of the status indicated below

- Sketch Proposal
- Planning Application Submission
- Planning Application
- Building Warrant Application Submission
- Building Warrant Application
- Tender Issue
- Construction Drawings to be Adhered to on Site

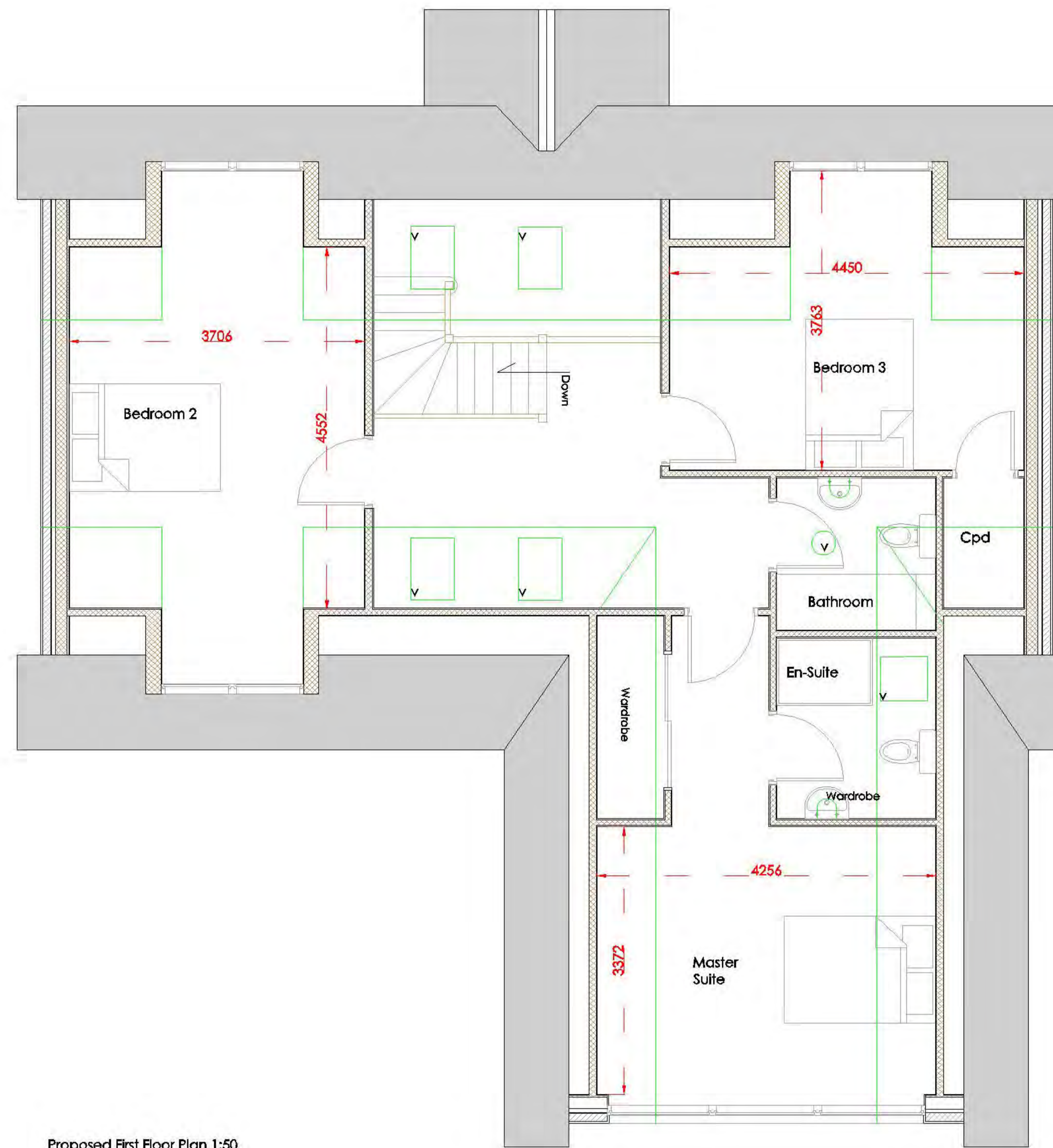
john d crawford Ltd
 ARCHITECTURAL SERVICES
 72 New Wynd Montrose
 Angus
 DD10 8RF
 email | info@johndcrawford.co.uk
 tel | 01674 672064 fax | 01674 672126

Refused

Refused

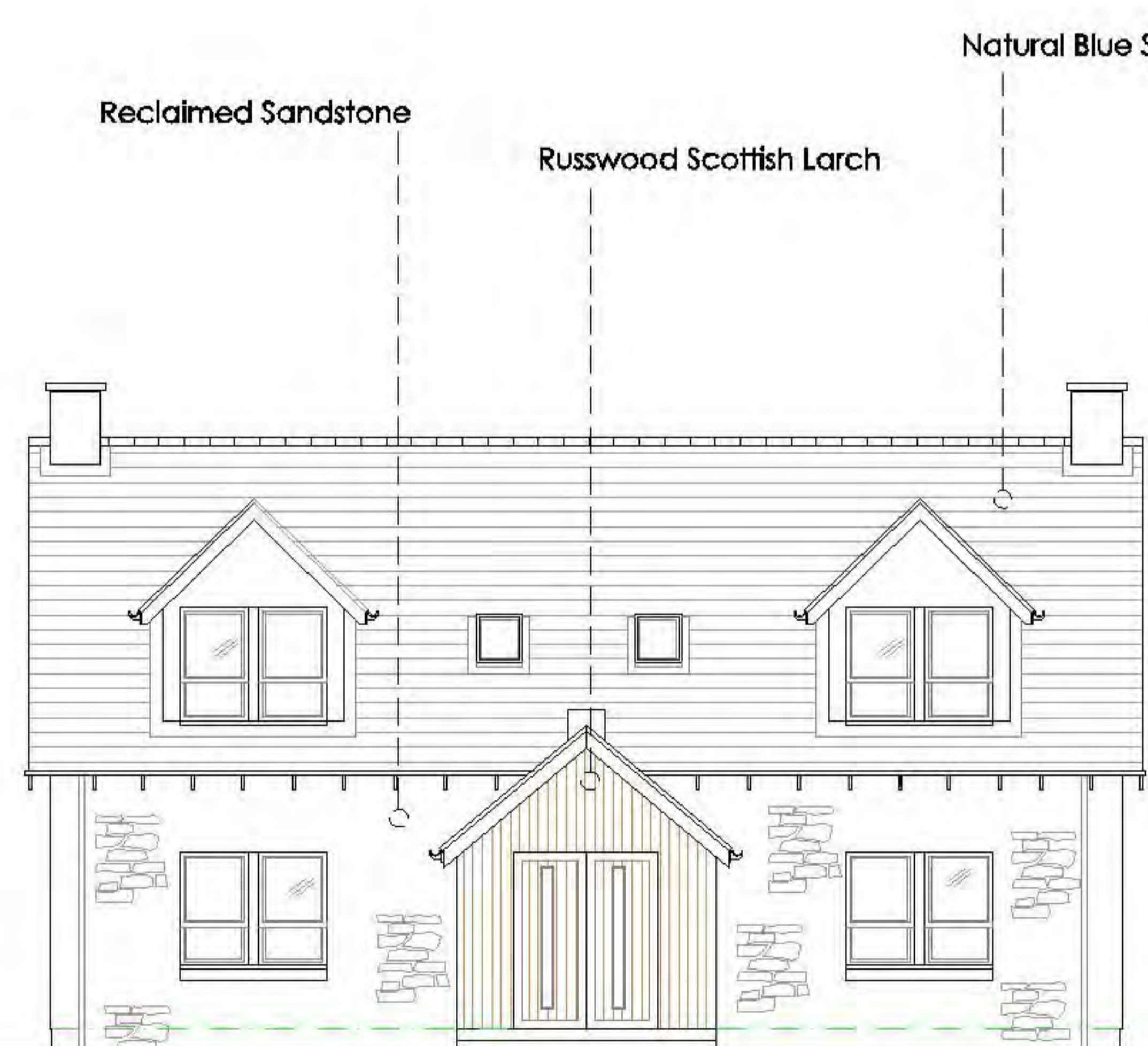


Proposed Ground Floor Plan 1:50

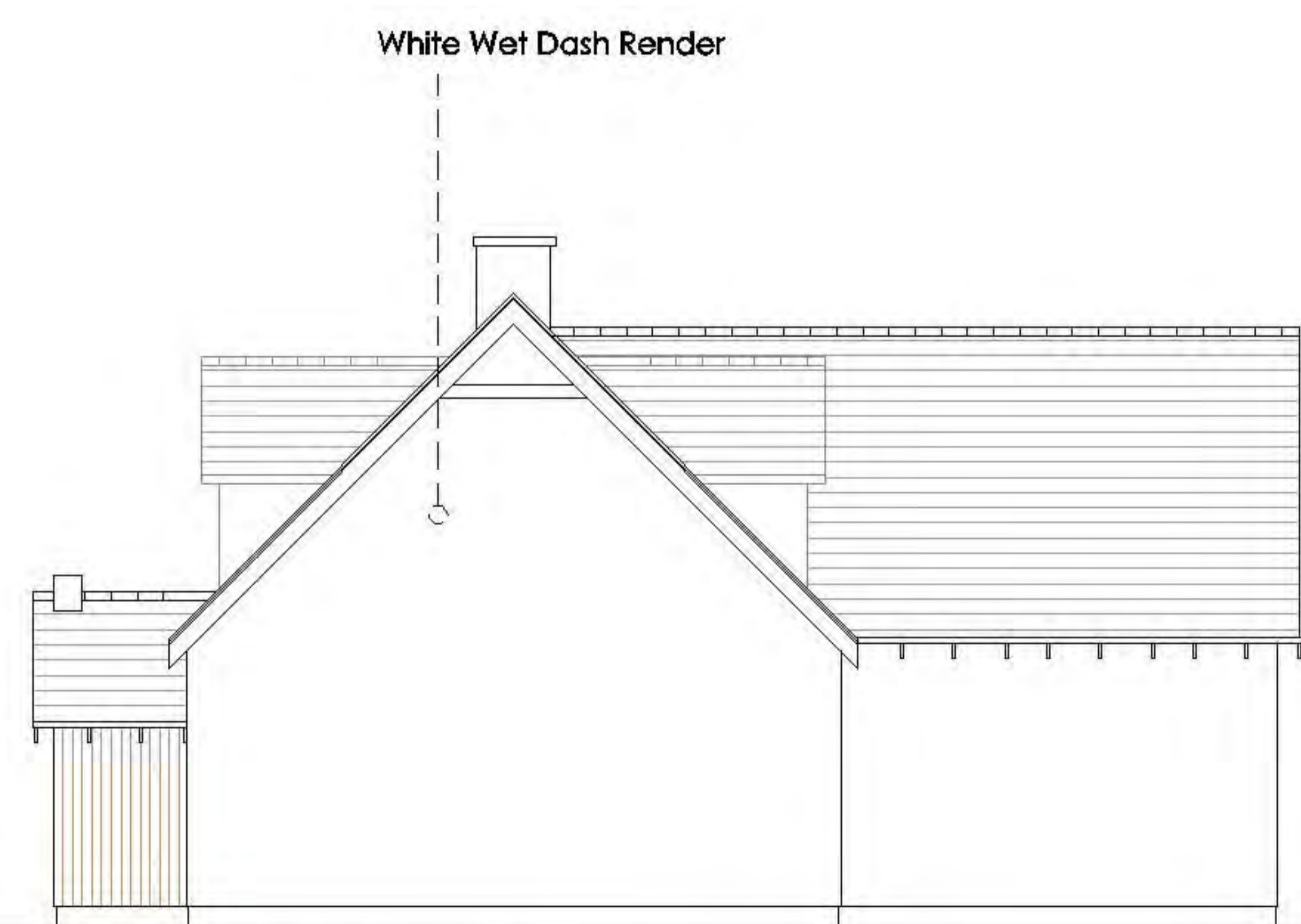


Proposed First Floor Plan 1:50

Refused



Proposed Front Elevation 1:100



Proposed Side Elevation 1:100



Proposed Side Elevation 1:100



Proposed Rear Elevation 1:100

AC7
This drawing is not suitable for construction purposes. No liability will be accepted for any omission should the drawing be used for constructional purposes.

Do not scale this drawing

GENERAL LEGEND

- Areas shaded represents Existing Structure
- New External Walls

REVISION	DATE	DESCRIPTION OF REVISION

CLIENT Mrs M McPherson
PROJECT Proposed Erection of Dwelling on Site East of Windsor Cottage, Fern, By Brechin, DD9 6SB
DRAWING TITLE Plans & Elevations PLOT 2

SCALE	DATE	DRAWING No.	DRAWN BY
1:1250	24.05.17	JDC/715/002Plot2	DP

This drawing is issued for the purpose of the status indicated below

- Sketch Proposal
- Planning Application Submission
- Planning Application
- Building Warrant Application Submission
- Building Warrant Application
- Tender Issue
- Construction Drawings to be Adhered to on Site











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

PLANNING PERMISSION REFUSAL
REFERENCE : 17/00458/FULL

To **Mrs Mary McPherson**
c/o John D Crawford Ltd
72 New Wynd
Montrose
Angus
DD10 8RF

With reference to your application dated 31 May 2017 for planning permission under the above mentioned Acts and Regulations for the following development, viz.:-

Proposed Erection of Dwelling on Land Previously Occupied by Farm Buildings - Re.Application at Windsor Cottage Fern Brechin DD9 6SB for Mrs Mary McPherson

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

The reasons for the Council's decision are:-

- 1 The application is contrary to Policy TC2 of the Angus Local Development Plan (2016) because the redevelopment of the site for a house would not meet with any of the acceptable categories for a house in the countryside including retention or replacement of an existing dwelling; conversion of a non-residential building; redevelopment of a brownfield site where that redevelopment would deliver significant visual or environmental improvement; round off a building group; meet the needs of an essential worker; and is not a gap site.
- 2 The application is contrary to Policy DS1 of the Angus Local Development Plan (2016) because the proposal does not comply with Policy TC2 and is not of a scale and nature appropriate to its location.

Amendments:

- 1 This application for planning permission has not been subject of variation.

Informatives:

Dated this **20 September 2017**

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

Planning Decisions – Guidance Note

Please retain – this guidance forms part of your Decision Notice

You have now received your Decision Notice. This guidance note sets out important information regarding appealing or reviewing your decision. There are also new requirements in terms of notifications to the Planning Authority and display notices on-site for certain types of application. You will also find details on how to vary or renew your permission.

Please read the notes carefully to ensure effective compliance with the new regulations.

DURATION

This permission will lapse 3 years from the date of this decision, unless there is a specific condition relating to the duration of the permission or development has commenced by that date.

PLANNING DECISIONS

Decision Types and Appeal/Review Routes

The 'decision type' as specified in your decision letter determines the appeal or review route. The route to do this is dependent on the how the application was determined. Please check your decision letter and choose the appropriate appeal/review route in accordance with the table below. Details of how to do this are included in the guidance.

Determination Type	What does this mean?	Appeal/Review Route
Development Standards Committee/Full Council	National developments, major developments and local developments determined at a meeting of the Development Standards Committee or Full Council whereby relevant parties and the applicant were given the opportunity to present their cases before a decision was reached.	DPEA (appeal to Scottish Ministers) – See details on attached Form 1
Delegated Decision	Local developments determined by the Service Manager through delegated powers under the statutory scheme of delegation. These applications may have been subject to less than five representations, minor breaches of policy or may be refusals.	Local Review Body – See details on attached Form 2
Other Decision	All decisions other than planning permission or approval of matters specified in condition. These include decisions relating to Listed Building Consent, Advertisement Consent, Conservation Area Consent and Hazardous Substances Consent.	DPEA (appeal to Scottish Ministers) – See details on attached Form 1

Notification of initiation of development (NID)

Once planning permission has been granted and the applicant has decided the date they will commence that development they must inform the Planning Authority of that date. The notice must be submitted before development commences – failure to do so would be a breach of planning control. The relevant form is included with this guidance note.

Notification of completion of development (NCD)

Once a development for which planning permission has been given has been completed the applicant must, as soon as practicable, submit a notice of completion to the planning authority. Where development is carried out in phases there is a requirement for a notice to be submitted at the conclusion of each phase. The relevant form is included with this guidance note.

Display of Notice while development is carried out

For national, major or 'bad neighbour' developments (such as public houses, hot food shops or scrap yards), the developer must, for the duration of the development, display a sign or signs containing prescribed information.

The notice must be in the prescribed form and:-

- displayed in a prominent place at or in the vicinity of the site of the development;
- readily visible to the public; and
- printed on durable material.

A display notice is included with this guidance note.

Should you have any queries in relation to any of the above, please contact:

Angus Council
Communities
Planning
County Buildings
Market Street
Forfar
Angus
DD8 3LG

Telephone 01307 473212 / 473207 / 473335

E-mail: planning@angus.gov.uk

Website: www.angus.gov.uk



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

The Town & Country Planning (Development Management Procedure) (Scotland) Regulations 2013 – Schedule to Form 1

*Notification to be sent to applicant on refusal of planning permission
or on the grant of permission subject to conditions decided by Angus Council*

1. If the applicant is aggrieved by the decision of the planning authority-
 - a) to refuse permission for the proposed development;
 - b) to refuse approval, consent or agreement required by condition imposed on a grant of planning permission;
 - c) to grant planning permission or any approval, consent or agreement subject to conditions,

the applicant may appeal to the Scottish Ministers to review the case under section 47 of the Town and Country Planning (Scotland) Act 1997 within three months beginning with the date of this notice. The notice of appeal should be addressed to Directorate for Planning & Environmental Appeals, 4 The Courtyard, Callendar Business Park, Falkirk, FK1 1XR. Alternatively you can submit your appeal directly to DPEA using the national e-planning web site <https://eplanning.scotland.gov.uk>.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.



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

The Town & Country Planning (Development Management Procedure) (Scotland) Regulations 2013 – Schedule to Form 2

*Notification to be sent to applicant on refusal of planning permission
or on the grant of permission subject to conditions decided through
Angus Council's Scheme of Delegation*

1. If the applicant is aggrieved by the decision of the planning authority-
 - a) to refuse permission for the proposed development;
 - b) to refuse approval, consent or agreement required by condition imposed on a grant of planning permission;
 - c) to grant planning permission or any approval, consent or agreement subject to conditions,

the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months beginning with the date of this notice. The notice of review should be addressed to Committee Officer, Angus Council, Resources, Legal & Democratic Services, Angus House, Orchardbank Business Park, Forfar, DD8 1AN.

A Notice of Review Form and guidance can be found on the national e-planning website <https://eplanning.scotland.gov.uk>. Alternatively you can return your Notice of Review directly to the local planning authority online on the same web site.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

COMMUNITIES Your experience with Planning

Please indicate whether you agree or disagree with the following statements about your most recent experience of the Council's handling of the planning application in which you had an interest.

Q.1 I was given the advice and help I needed to submit my application/representation:-

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	It does not apply
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q.2 The Council kept me informed about the progress of the application that I had an interest in:-

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	It does not apply
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q.3 The Council dealt promptly with my queries:-

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	It does not apply
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q.4 The Council dealt helpfully with my queries:-

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	It does not apply
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q.5 I understand the reasons for the decision made on the application that I had an interest in:-

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	It does not apply
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q.6 I feel that I was treated fairly and that my view point was listened to:-

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	It does not apply
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

OVERALL SATISFACTION: Overall satisfaction with the service:

Q.7 Setting aside whether your application was successful or not, and taking everything into account, how satisfied or dissatisfied are you with the service provided by the council in processing your application?

Very satisfied	Fairly satisfied	Neither Satisfied nor Dissatisfied	Fairly Dissatisfied	Very Dissatisfied
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

OUTCOME: Outcome of the application:

Q.8 Was the application that you had an interest in:-

Granted Permission/Consent	<input type="checkbox"/>	Refused Permission/Consent	<input type="checkbox"/>	Withdrawn	<input type="checkbox"/>
----------------------------	--------------------------	----------------------------	--------------------------	-----------	--------------------------

Q.9 Were you the:- Applicant Agent Third Party objector who made a representation

Please complete the form and return in the pre-paid envelope provided.
Thank you for taking the time to complete this form.

SUPPORTING STATEMENT

ERECTION OF RESIDENTIAL DEVELOPMENT (TWO DWELLING HOUSES)

On land at

**Windsor Cottage
Fern
By Brechin
DD9 6SB**

Prepared by

**Derek Scott Planning
Planning and Development Consultants**



**Unit 9
Dunfermline Business Centre
Izatt Avenue
Dunfermline KY11 3BZ
Tel No: 01383 620300
Fax No: 01383 844999
E-Mail: enquiries@derekscottplanning.com**

On behalf of

Mary MacPherson

Executive Summary

ERECTION OF RESIDENTIAL DEVELOPMENT (TWO DWELLING HOUSES) ON LAND AT WINDSOR COTTAGE, FERN, BY BRECHIN DD9 6SB

- The application sites which measure c0.8 hectares (c1.97 acres) combined are located at the north-eastern end of a long track which runs approximately 630 metres from the C31 Kirriemuir-Coull Smithy-Brechin Road. The sites are surrounded to the east, west and south by open fields with a backdrop of woodland to the north. There is a derelict and partially roofed 1.5 storey rubble cottage within the site. Evidence in the form of historical mapping demonstrates that former farm buildings occupied the land to the west of the dwelling house.
- Planning Permission in Principle was granted for the erection of a dwelling house on part of the site under Planning Application Number 13/00025/PPPL on 26th April 2013. The site relating to that particular application only included the site of the former dwelling house. It did not include or relate to the site previously occupied by the farm buildings.
- The distance of the site from the public road and the costs associated with servicing it with the required infrastructure (water, electricity and access arrangements) renders the erection of a single dwelling house on the site economically unviable.
- The applications now submitted seek detailed planning permission for the erection of two dwelling houses. One of the dwellings would occupy the site of the former house and the other dwelling the location of the former farm buildings. The additional dwelling proposed will allow the servicing costs associated with the site to be spread over two houses thus rendering the scheme more viable.
- Policy TC2 of the Angus Local Development Plan supports, in countryside locations, the erection of replacement dwelling houses and the erection of new housing where it involves the 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.
- The entire extent of the application sites are clearly brownfield in nature. The previous grant of planning permission for the erection of a dwelling house thereon provides recognition that its redevelopment will deliver a significant visual/environmental improvement. The Report of Handling on that application acknowledged that *'a properly designed replacement dwelling could be an improvement over this derelict and significantly decayed building.'*
- The Council's Supplementary Guidance on Countryside Housing advises that no more than four new houses (five as an exception) should be developed on such brownfield sites. The application submitted proposes only two.

• **Based on our consideration of the development plan and all other material considerations it is respectfully requested that permission be granted for the dwelling houses as applied for.**

SUPPORTING STATEMENT

ERECTION OF RESIDENTIAL DEVELOPMENT (TWO DWELLING HOUSES) ON LAND AT
WINDSOR COTTAGE, FERN, BY BRECHIN DD9 6SB

TABLE OF CONTENTS

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3.	Description of Proposed Development	Page 4
4.	Planning Policy	Page 9
5.	Summary & Conclusions	Page 21

SUPPORTING STATEMENT

ERECTION OF RESIDENTIAL DEVELOPMENT (TWO DWELLING HOUSES) ON LAND AT WINDSOR COTTAGE, FERN, BY BRECHIN DD9 6SB

1. INTRODUCTION

- 1.1 This statement has been prepared by Derek Scott Planning, Chartered Town Planning and Development Consultants on behalf of our client, Mary MacPherson. It is in support of two separate applications seeking planning permission for the erection of two dwelling houses on a site at Windsor Cottage, Fern, By Brechin.



Location Plan (Site Outlined in Red)

2. LOCATION AND DESCRIPTION OF SITE

- 2.1 The application sites which measure c0.8 hectares (c1.97 acres) combined are located at the north-eastern end of a track which runs approximately 630 metres from the C31 Kirriemuir-Coull Smithy-Brechin Road. The sites are surrounded to the east, west and south by open fields with a backdrop of woodland to the north. There is a derelict and partially roofed 1.5 storey rubble cottage within the sites. Evidence in the form of historical mapping demonstrates the existence of former farm buildings to the immediate west of the dwelling house.



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Photograph of Site from C31



Photograph of existing house from within site



Remains of Former Farm Buildings



Access Track

- 2.2 Planning Permission in Principle has previously been granted for the erection of a dwelling house on part of the site under Planning Application Number 13/00025/PPPL. This was granted on 26th April 2013. The site relating to that particular application only included the site of the former dwelling house. It did not include or relate to the site previously occupied by the farm buildings.



Historical Mapping shows previous existence of farm buildings

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3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1 The applications submitted seek detailed planning permission for the erection of two dwelling houses on the site. The dwellings are proposed in the vicinity of the locations formerly occupied by the ruins of the dwelling house and farm buildings. The sites associated with each plot measure 4000 sq. metres in area.
- 3.2 The dwelling house proposed on Plot 1 is 1¾ storey in scale and that proposed on Plot 2 is 1½ storey with designs traditional to and in keeping with the local vernacular. Materials proposed include White Wet Dash Render, Reclaimed Sandstone and Rushwood Scottish Larch on the walls; Natural Blue Slate on the roofs; and Grey Aluclad Windows.



Elevations (Plot 1)



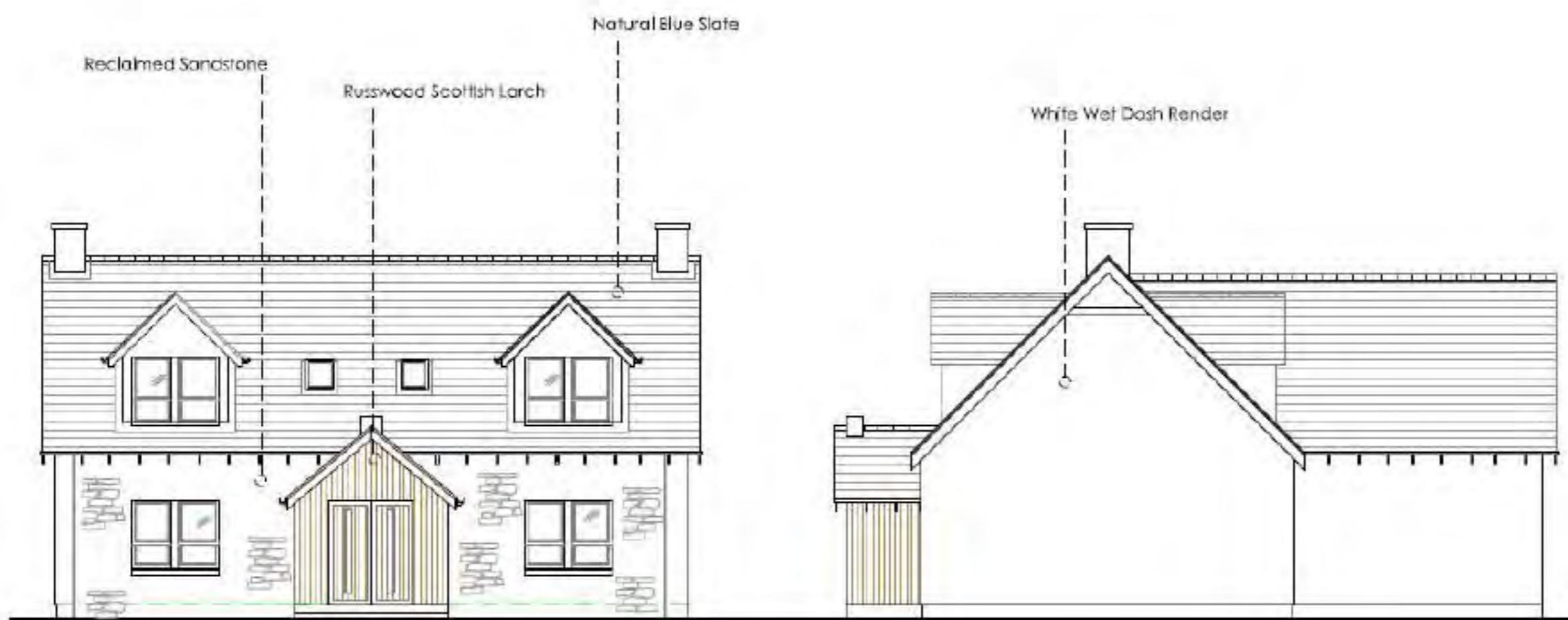
Elevations (Plot 1)



Ground Floor Plan (Plot 1)



First Floor Plan (Plot 1)



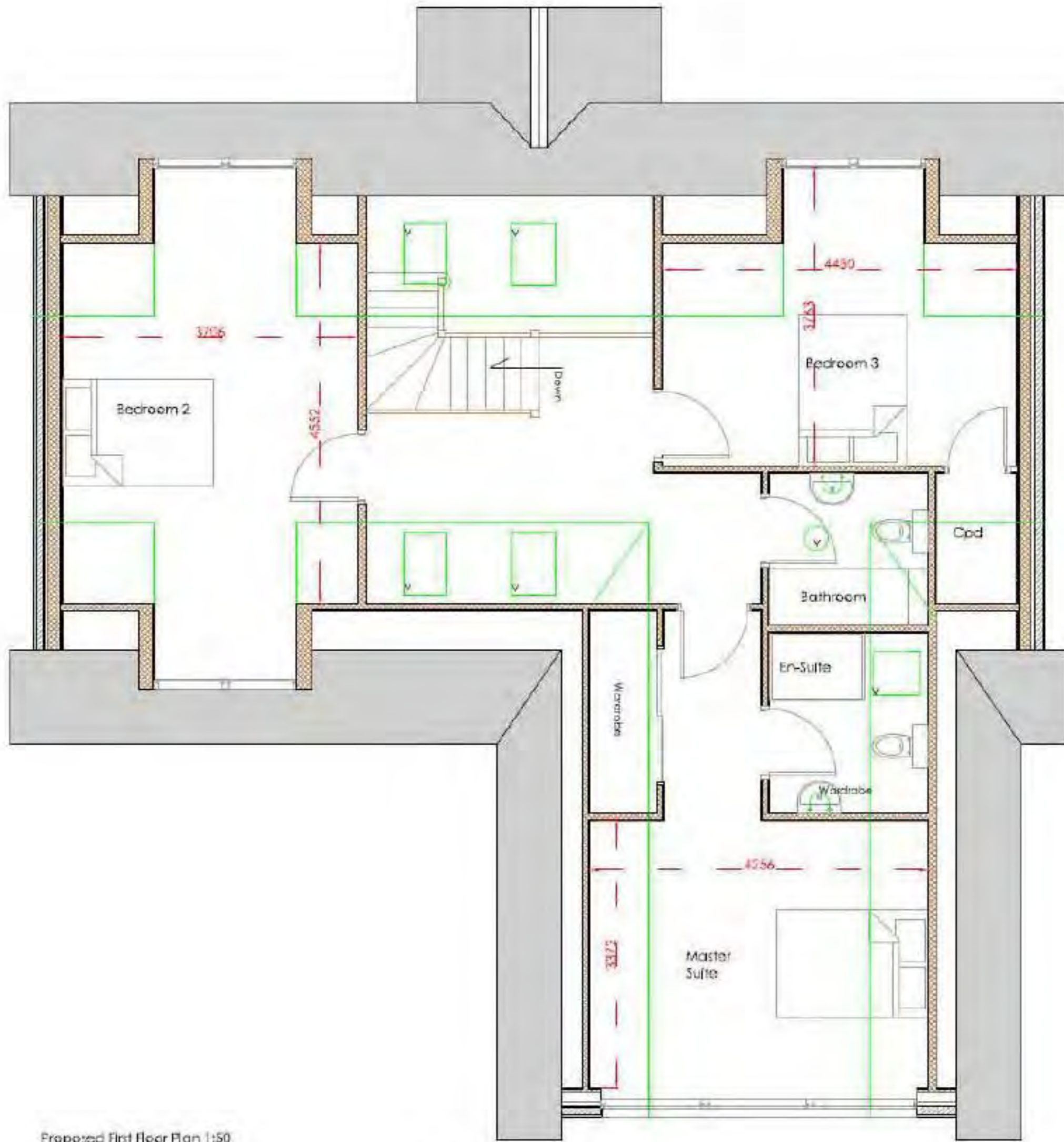
Elevations (Plot 2)



Elevations (Plot 2)



Ground Floor Plan (Plot 2)



Proposed First floor Plan 1:50

First Floor Plan (Plot 2)

4. PLANNING POLICY

4.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) states that:

'where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the development plan unless material considerations indicate otherwise.'

4.2 In the context of the above it is worth making reference to the House of Lord's Judgement on the case of the City of Edinburgh Council v the Secretary of State for Scotland 1998 SLT120. It sets out the following approach to deciding an application under the Planning Acts:

- identify any provisions of the development plan which are relevant to the decision;
- interpret them carefully, looking at the aims and objectives of the plan as well as detailed wording of policies;
- consider whether or not the proposal accords with the development plan;
- identify and consider relevant material considerations, for and against the proposal; and
- assess whether these considerations warrant a departure from the development plan.

4.3 The relevant development plan for the area comprises the Strategic Development Plan for Dundee, Angus, Perth and North Fife (Tay Plan) and the adopted Angus Local Development Plan. Other key material considerations in the determination of the application include the Proposed Tay Plan; Scottish Planning Policy; the Council's Supplementary Guidance on Countryside Housing; Planning History; and Economic Considerations.

4.4 **Strategic Development Plan for Dundee, Angus, Perth and North Fife (TayPlan)**
The Strategic Development Plan for Dundee, Angus, Perth and North Fife (Tay Plan) was approved by Scottish Ministers in June 2012 and sets out proposals for the development of the region in the period between 2012 and 2032. This plan provides the strategic framework for the determination of planning applications and the preparation of local plans. However it contains no specific policies or proposals of direct relevance to either the site or the proposed development and as such merits no further comment in the context of the application proposals.



Angus Local Development Plan 2016

- 4.5 The Angus Local Development Plan was adopted by Angus Council in September 2016. The application site lies within a 'Countryside Housing Category 2 Area.' Policy TC2 on 'Residential Development' states the following:

'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 of affordable housing in accordance with Policy TC3 Affordable Housing.*

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

- *is not allocated or protected for another use;*
- *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.*

***Rural Settlement Units are defined in the Glossary.*

- 4.6 Our client's applications are supported by the terms of two of the criteria outlined in Policy TC2. Firstly, part of the overall proposal relates to the replacement of an existing dwelling house, and secondly it relates to a brownfield site, the redevelopment of which will lead to significant visual and environmental improvement. This was previously acknowledged by the Council when it granted planning permission in principle for the erection of a dwelling house and garage on part of the site under Planning Application Reference Number 13/00025/PPPL. The Report of Handling on that application acknowledged that *'a properly designed replacement dwelling could be an improvement over this derelict and significantly decayed building.'* Comments on the Council's Countryside Housing Supplementary Guidance are provided within the section dealing with *'other material considerations'* below.

- 4.7 Other policies within the Plan which are of relevance to the applications under consideration include the following:

Policy DS1 – Development Boundaries and Priorities

Policy DS3 – Design Quality & Place Making

Policy DS4 – Amenity

Policy PV6 – Development in the Landscape

- 4.8 Policy DS1 on *'Development Boundaries and Priorities'* states the following:

'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 green field 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*

- 4.9 As demonstrated throughout this document the application proposals relate to both the erection of a replacement dwelling house and the redevelopment of a brownfield site; they are of scale appropriate to their location; and they are in accordance with the relevant policies contained within the Angus Local Development Plan.

- 4.10 Policy DS3 on '*Design Quality and Place Making*' states the following:

'Development proposals should deliver a high design standard and draw upon those aspects of landscape or townscape that contribute positively to the character and sense of place of the area in which they are to be located. Development proposals should create buildings and places which are:

- *Distinct in Character and Identity: Where development fits with the character and pattern of development in the surrounding area, provides a coherent structure of streets, spaces and buildings and retains and sensitively integrates important townscape and landscape features.*
- *Safe and Pleasant: Where all buildings, public spaces and routes are designed to be accessible, safe and attractive, where public and private spaces are clearly defined and appropriate new areas of landscaping and open space are incorporated and linked to existing green space wherever possible.*
- *Well Connected – Where development connects pedestrians, cyclists and vehicles with the surrounding area and public transport, the access and parking requirements of the Roads Authority are met and the principles are set out in '*Designing Street's*' are addressed.*
- *Adaptable – Where development is designed to support a mix of compatible uses and accommodating changing needs.*
- *Resource Efficient: Where development makes good use of existing resources and is sited and designed to minimize environmental impacts and maximize the use of local climate and landform.*

Supplementary guidance will set out the principles expected in all development, more detailed guidance on the design aspects of different proposals and how to achieve the qualities set out above. Further details on the type of developments requiring a design statement and the issues that should be addressed will also be set out in supplementary guidance.'

- 4.11 Whilst many of the criteria mentioned in Policy DS3 above relate to larger scale developments than that proposed; and to urban rather than rural locations, it is evidently clear that the two dwelling houses proposed can be comfortably accommodated on the site and in doing so contribute positively to the character and appearance of the area.

4.12 Policy DS4 on 'Amenity' states the following:

'All proposed development must have full regard to opportunities for maintaining and improving environmental quality. Development will not be permitted where there is an unacceptable adverse impact on the surrounding area or the environment or amenity of existing or future occupiers of adjoining or nearby properties.'

Angus Council will consider the impacts of development on:

- *Air Quality;*
- *Noise and vibration levels and times when such disturbances are likely to occur;*
- *Levels of light pollution;*
- *Levels of odours, fumes and dust;*
- *Suitable provision for refuse collection/storage and recycling;*
- *The effect and timing of traffic movement to, from and within the site, car parking and impacts on highway safety; and*
- *Residential amenity in relation to overlooking and loss of privacy, outlook, sunlight, daylight and overshadowing.*

Angus Council may support development which is considered to have an impact on such considerations, if the use of conditions or planning obligations will ensure that appropriate mitigation and/or compensatory measures are secured.

Applicants may be required to submit detailed assessments in relation to any of the above criteria to the Council for consideration.

Where a site is known or suspected to be contaminated, applicants will be required to undertake investigation and where appropriate, remediation measures relevant to the current or proposed use to prevent unacceptable risks to human health.'

4.13 The application sites are situated in open countryside remote from any other residential property. It is clearly possible to accommodate the two dwelling houses proposed without a resultant adverse impact on the residential amenity enjoyed at each.

4.14 Policy DV6 on 'Development in the Landscape' states the following:

'Angus Council will seek to protect and enhance the quality of the landscape in Angus, its diversity (including coastal, agricultural lowlands, the foothills and mountains), its distinctive local characteristics, and its important views and landmarks.'

Capacity to accept new development will be considered within the context of the Tayside Landscape Character Assessment, relevant landscape capacity studies, any formal designations and special landscape areas to be identified within Angus. Within the areas shown on the proposals map as being part of 'wild land', as identified in maps published by Scottish Natural Heritage in 2014, development proposals will be considered in the context of Scottish Planning Policy's provision in relation to safeguarding the character of wild land.

Development which has an adverse effect on landscape will only be permitted where:

- *the site selected is capable of accommodating the proposed development;*
- *the siting and design integrate with the landscape context and minimize adverse impacts on the local landscape;*
- *potential cumulative effects with any other relevant proposal are considered to be acceptable; and*
- *mitigation measures and/or reinstatement are proposed where appropriate.*

Landscape impact of specific types of development is addressed in more detail in other policies in this plan and work involving development which is required for the maintenance of strategic transport and communications infrastructure should avoid, minimize or mitigate any adverse impact on the landscape.

Further information on development in the landscape, including identification of special landscape and consideration areas in Angus will be set out in a Planning Advice Note.'

4.15 It is considered that the application sites are capable of accommodating the two dwelling houses proposed without adverse impact on the character and appearance of the landscape.

4.16 In light of the considerations outlined above we are very firmly of the opinion that the proposals are entirely compliant with the terms of the development plan and therefore meets the requirements of the first part of Section 25 in the Planning Act.

Other material considerations

4.17 There are a number of other material considerations which must be addressed in the consideration of this Planning Application including the Proposed Tay Plan; Scottish Planning Policy, Planning History, the Council's Supplementary Guidance on '*Countryside Housing*', and Economic Considerations.

Tay Plan – The Proposed Strategic Development Plan

4.18 The Proposed Strategic Development Plan for Dundee, Angus, Perth and North Fife (Tay Plan) was published in May 2015 and submitted to Scottish Ministers in June 2016. It sets out proposals for the development of the region in the period between 2016 and 2036. The Report into the examination of the plan was submitted to Scottish Ministers in March 2017 who will approve it with or without modifications. This plan, when approved, will provide the strategic framework for the determination of planning applications and the preparation of local plans. However it contains no specific policies or proposals of direct relevance to either the site or the proposed development and as such merits no further comment in the context of the application proposals.



Scottish Planning Policy

4.19 Scottish Planning Policy was published by the Scottish Government in June 2014 with its purpose stated as being *'to set out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land.'* Paragraph 75 of SPP advises that the Planning System should:

- *in all rural and island areas promote a pattern of development that is appropriate to the character of the particular rural area and the challenges it faces;*
- *encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality; and*
- *support an integrated approach to coastal planning.'*

4.20 Paragraph 81 of the SPP states the following:

'In accessible or pressured rural areas, where there is a danger of unsustainable growth in long-distance car-based commuting or suburbanisation of the countryside, a more restrictive approach to new housing development is appropriate, and plans and decision-making should generally:

- *guide most new development to locations within or adjacent to settlements; and*
- *set out the circumstances in which new housing outwith settlements may be appropriate, avoiding use of occupancy restrictions.*

4.21 Paragraph 83 of the SPP states the following:

'In remote rural areas, where new development can often help to sustain fragile communities, plans and decision-making should generally:

- *encourage sustainable development that will provide employment;*
- *support and sustain fragile and dispersed communities through provision for appropriate development, especially housing and community-owned energy;*
- *include provision for small-scale housing (including clusters and groups; extensions to existing clusters and groups; replacement housing; plots for self-build; holiday homes; new build or conversion linked to rural business) and other development which supports sustainable economic growth in a range of locations, taking account of environmental protection policies and addressing issues of location, access, siting, design and environmental impact;*
- *where appropriate, allow the construction of single houses outwith settlements provided they are well sited and designed to fit with local landscape character, taking account of landscape protection and other plan policies;*
- *not impose occupancy restrictions on housing.'*

4.22 It is evidently clear from the above extracts that there is a strong level of support for appropriate forms of development in rural areas advocated in Scottish Planning Policy. The dwelling houses proposed by our client, which, as we have demonstrated previously, are supported by the terms of the Angus Local Development Plan are clearly considered appropriate in the context described.

Planning History

4.23 As previously noted planning permission was granted for the erection of a dwelling house on part of the site under Planning Application Reference Number 13/00025/PPL on 26th April 2013. Whilst that application was assessed against the terms of the Angus Local Plan Review (2009) the policies pertaining to that plan, insofar as they related to countryside housing considerations, are not dissimilar in nature. Key statements made in the Report of Handling relating to that particular application which we cite in support of the current application include the following:

- (i) The Council's Roads Department had no objection to the proposal provided that details of the proposals for the management of surface water within the site and a scheme for the improvement of the site access track were submitted.
- (ii) The Council's Archaeologist had no objection to the proposal provided that a condition be imposed requiring a photographic survey of the existing building on the site.
- (iii) Scottish Natural Heritage had no objection in respect of protected sites or protected species/biodiversity.
- (iv) A site inspection report submitted with the application concluded that the existing building was life expired and was unsuitable for reuse or refurbishment.
- (v) A survey of bats, swifts, swallows and barn owl concluded the following
 - (a) Due to the derelict nature of the building and its lack of weather tight roof spaces, the building was deemed unlikely to offer potential roost sites for bats and, therefore no negative impact on bats or bat roosts was anticipated from its demolition; and
 - (b) There were no signs of barn owl or swift using the building; and
 - (c) Swallows were using the building for breeding and in light of this it was recommended that any demolition works were undertaken outwith the breeding season.
- (vi) It was concluded that a *'properly designed replacement building could be an improvement over this derelict and significantly decayed building.'*

Countryside Housing – Supplementary Guidance

4.24 The Council's Supplementary Guidance on '*Countryside Housing*' is understood to have been approved by the Council's Planning Committee in 2016. The main objectives of the Supplementary Guidance are to:

- Provide advice on the interpretation of relevant aspects of Policies TS2 and DS1 of the Angus Local Development Plan, and provide a consistent approach to decision-making;
- Guide new development to appropriate and sustainable locations, where impact on landscape quality is minimised;
- Ensure new development reflects traditional patterns of development in the locality; and
- Promote high quality development in the countryside that respects local character and rural heritage.

4.25 As far as the '*Retention, Renovation or Acceptable Replacement of Existing Houses*' is concerned the Supplementary Guidance cites a preference for the retention of existing houses where they contribute to the character of rural Angus. However, in situations where such houses do not contribute to the character of the area or where their renovation is not viable, then reconstruction or replacement is considered acceptable. A Structural Report submitted in support of Planning Application Reference Number 13/00025/PPL conclusively demonstrated that the existing

building was life expired and was unsuitable for reuse or refurbishment. The condition of the building has deteriorated further since that report was prepared so its conclusions remain valid.

- 4.26 Section 3.3 of the Supplementary Guidance sets out the criteria to be met in respect of the *'Regeneration or Redevelopment of Brownfield Sites.'* It defines a *'Brownfield Site'* in its Glossary as *'Land which has previously been developed. The term may cover vacant or derelict land, land occupied by redundant or unused building and development land within the development boundary where further intensification of use is considered acceptable.'* It defines a *'Rural Brownfield Site'* as *'sites that have previously been developed. In rural areas this usually means sites that are occupied by redundant or unused buildings or where the land has been significantly degraded by a former activity.'* Based on the definitions referred to above in the context of what exists on site and based on historical mapping information it is unequivocally clear that both the derelict dwelling house and the site of the former farm buildings to their west constitute *'brownfield sites.'*

- 4.27 The Supplementary Guidance also states the following:

'Regeneration or redevelopment of brownfield sites will only be permitted where the development delivers significant visual or environmental improvement through the removal of derelict buildings, contamination or an incompatible land use; the mere fact that a site is brownfield in nature is not a sufficient reason for its redevelopment. The number of new houses that will be acceptable on rural brownfield sites depends on:

- *the extent of environmental degradation, contamination and derelict buildings;*
- *the overall size of the previously developed area of land;*
- *the scope for improvements to visual amenity; and*
- *the character of the surrounding landscape/built environment.*
- *compliance with applicable detailed Criteria (e.g. standard of access required).*

Development will be up to a maximum of four new houses, except where a marginally greater number (e.g. five) would be in the public interest and social, economic or environmental considerations override concerns associated with building large numbers of houses in the countryside.

The entire area of brownfield land must be remediated. New houses should be built on brownfield land, unless there are good planning reasons for doing otherwise (e.g. to achieve a satisfactory design solution). In this case, the whole area of brownfield land must also be remediated.'

- 4.28 The Council has previously accepted, through its granting of planning permission in principle for the erection of a single dwelling house on the site under Planning Application Reference Number 13/00025/PPPL that such a proposal could deliver significant visual and environmental improvement. Unfortunately and as expanded upon below, the extent of improvement that can be delivered through the erection of a single house is restricted due to the high costs associated with servicing the site with necessary infrastructure in terms of water, electricity and access arrangements. It is, as a consequence of this and the existence of the former farm buildings, not realised at the time of the earlier application, that permission is now being sought for the erection of two houses on the site. The Supplementary Guidance clearly supports a development of this nature.

4.29 Section 4 of the Supplementary Guidance on *Design Considerations for New Houses in the Countryside* states the following:

'In general the design solution for new houses in the countryside should accord with the principles set out in Policies DS3 Design Quality and Placemaking and PV6 Development in the Landscape. Guidance on design of new development in rural locations has been incorporated into the Design Quality and Placemaking Supplementary Guidance.'

The basic principles for the siting and design of new houses in the countryside are set out below. New housing development should:

- *Reflect the traditional pattern of development in the area;*
- *Materials, form, scale and massing of new development should complement and not detract from existing traditional buildings in the area. Contemporary designs based on traditional characteristics will be generally encouraged. New housing based on suburban characteristics will not be supported;*
- *New development should seek to integrate with local landscape context and features and fit into the wider landscape setting not be imposed on it. Obtrusive development (i.e. on a ridgeline, artificially elevated ground or open settings) will not be supported;*
- *Landscaping and boundary treatment should be used to integrate new development with its setting. Proposals should be accompanied by a landscaping plan to demonstrate how the development will integrate into the local landscape setting.'*

4.30 The application sites are clearly capable of accommodating the two dwelling house applied for. The sensitive designs employed combined with appropriate landscaping will result in a significant improvement to the character and appearance of the area.

4.31 Appendix 3 to the Supplementary Guidance sets out the Criteria that all countryside housing proposals are required to meet. Those criteria and our responses to them are outlined below:

a not create a gap or rounding off opportunity for additional greenfield development. The sub-division of existing residential curtilages to artificially create new build plots will not be supported;

Response – The granting of planning permissions for the erection of two dwelling houses on this site would not create a gap or rounding off opportunity for additional green field development in the future.

b meet the following plot size requirements (does not apply to proposals for conversion of non-residential buildings):

- *Category 1 RSUs – between 0.08ha/800m² and 0.2ha/2000m²*
- *Category 2 RSUs – between 0.06ha/600m² and 0.4ha/4000m²*

Response – The two plots proposed fall within the 600m² to 4000m² thresholds considered appropriate in Category 2 RSUs as outlined above.

c not extend ribbon development;

Response – The erection of two dwelling houses on these sites will not result in ribbon development.

d not result in the coalescence of building groups or of a building group with a nearby settlement;

Response – As the sites are situated within the open countryside in isolation from other dwelling houses it will not result in the coalescence of one building group with another or of a building group with a nearby settlement.

e contribute to the rural character of the surrounding area and not be urban in form and/or appearance. Materials and design should reflect and complement traditional properties in the locality. Examples of suburban design on nearby or adjacent houses will not be accepted as justification for additional suburban development;

Response – It is unequivocally clear that the sites can comfortably accommodate the two dwelling houses proposed and will contribute positively to the rural character of the area as a result of their traditional design and use of appropriate finishing materials.

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. Guidance on private amenity space and distance between dwellings is set out in the Design Quality and Placemaking Supplementary Guidance. In countryside areas application of this guidance will have regard to the nature of the location and adjoining properties. 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.

Response – High quality residential environments will clearly be created on the sites for the two dwelling houses proposed.

g make provision for affordable housing in line with Policy TC3: Affordable Housing and the guidance set out in the Developer Contributions and Affordable Housing Supplementary Guidance;

Response – Given the scale of development proposed there is no requirement for the provision of affordable housing in association with it.

h where the proposed development will have a demonstrable cumulative impact on infrastructure and community facilities provision, an appropriate developer contribution from will be sought. Guidance on the range of contributions that may be sought from residential development and the methodologies for calculating the contribution are set out in the Developer Contributions and Affordable Housing Supplementary Guidance.

Response – Whilst our client has no objection to the principle of providing developer contributions, any such contributions sought should be directly related to the impacts arising from the development in accordance with the principles set out in Scottish Government Circular 3/2012

on 'Planning Obligations and Good Neighbour Agreements.' We do not consider that there is a justification in seeking developer contributions in this particular instance.

- i not adversely affect or be affected by farming or other rural business activities (subject to provision of a good residential environment may not apply to proposals for essential worker housing required for the management of land or other rural business);*

Response – The proposed dwelling houses will not have an adverse effect on any existing farming or rural based enterprise in the area.

- j not take access through a farm court; (subject to provision of a good residential environment may not apply to proposals for essential worker housing required for the management of land or other rural business);*

Response – Access to the development site is via an existing access track from the public road. That access does not run through a farm court.

- k 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. The standard of the existing access should be taken into account when assessing a development proposal. Improvements should only be required where these would be necessary to provide ease of vehicular access to the existing and proposed development, or for road safety purposes;*

Response – The existing access track serving the sites will require to be upgraded and resurfaced to facilitate vehicular movement to and from the dwelling houses proposed. Those upgrades will ensure that the track maintains its existing scale and rural character.

Economic Considerations

- 4.32 The application sites are devoid of any services at present. In order to develop the sites for residential purposes significant investment will be required in the provision of infrastructure for water, electricity and access arrangements. Due to the costs associated with providing those services it would not be economically viable to erect a single dwelling house on the site. The erection of two dwelling houses would allow the cost of the infrastructure works to be spread over both thus making the development economically viable.

- 4.33 Having assessed the proposal against the terms of the development plan and all other material considerations we are firmly of the view that our client's application which seeks planning permission for the erection of up to two dwelling houses on this site should be granted planning permission.


5. SUMMARY AND CONCLUSIONS

5.1 The following bullet points set out a summary of our client's planning application and the reasons supporting a positive recommendation:

- The application sites which measure c0.8 hectares (c1.97 acres) are located at the north-eastern end of a long track which runs approximately 630 metres from the C31 Kirriemuir-Coull Smithy-Brechin Road. The sites are surrounded to the east, west and south by open fields with a backdrop of woodland to the north. There is a derelict and partially roofed 1.5 storey rubble cottage within the sites. Evidence in the form of historical mapping demonstrates that former farm buildings occupied the land to the west of the dwelling house.
- Planning Permission in Principle was granted for the erection of a dwelling house on part of the site under Planning Application Number 13/00025/PPPL on 26th April 2013. The site relating to that particular application only included the site of the former dwelling house. It did not include or relate to the site previously occupied by the farm buildings.
- The distance of the site from the public road and the costs associated with servicing it with the required infrastructure (water, electricity and access arrangements) renders the erection of a single dwelling house on the site economically unviable.
- The applications now submitted seeks detailed planning permission for the erection of two dwelling houses on the site. One of the dwellings would occupy the site of the former house and the other dwelling the location of the former farm buildings. The additional dwelling proposed will allow the servicing costs associated with the site to be spread over two houses thus rendering the scheme more viable.
- Policy TC2 of the Angus Local Development Plan supports, in countryside locations, the erection of replacement dwelling houses and the erection of new housing where it involves the 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.
- The entire extent of the application sites are clearly brownfield in nature. The previous grant of planning permission for the erection of a dwelling house thereon provides recognition that its redevelopment will deliver a significant visual/environmental improvement. The Report of Handling on that application acknowledged that *'a properly designed replacement dwelling could be an improvement over this derelict and significantly decayed building.'*
- The Council's Supplementary Guidance on Countryside Housing advises that no more than four new houses (five as an exception) should be developed on such brownfield sites. The application submitted proposes only two.

- 5.2 In light of the considerations outlined above it is respectfully requested that planning permission be granted for the erection of two dwelling houses on the site. We reserve the right to provide additional information in support of this application prior to its determination is considered necessary or justified.

Signed

A solid black rectangular box redacting the signature of Derek Scott.

Derek Scott

Date 25th May 2017



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ND/ET
RECEIVED
10 AUG 2017
PLANNING & PLACE
CITY BUILDINGS
KE

Ref JDC/715/GC

9 August 2017

For the Attention of Neil Duthie/Ed Taylor

Dear Sirs

**Re: Proposed Site for Erection of Dwelling House at Windsor Farm, Fern, By Brechin
(Your Ref 17/00458/FULL)**

Further to recent conversation/correspondence with regards the above, we now write to inform you of the following:-

- 1 that exposure works have now taken place on area of proposed site (formerly land with farm buildings) as was discussed and concrete floor has been exposed (photograph enclosed) which would appear to be for a former building housing cattle due to the gridding
- 2 that exposure works have also exposed stone from walls of buildings and we believe a site meeting would be of benefit for you to view and establish site usage

We trust the above is to your understanding and now await your response with regards to a site visit. We would thank you for your assistance with this matter and can assure you of our best attention at all times.

Yours faithfully

pp. John D Crawford

Encs

Cc Derek Scott & John Mears





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Angus Council
Planning Department
County Buildings
Market Street
Forfar
DD8 3LG

NDJET
RECEIVED

11 AUG 2017

PLANNING & PLACE
COUNTY BUILDINGS
KC

Ref JDC/715/GC

10 August 2017

For the Attention of Neil Duthie/Ed Taylor

Dear Sirs

**Re: Proposed Site for Erection of Dwelling House at Windsor Farm, Fern, By Brechin
(Your Ref 17/00458/FULL)**

Further to our correspondence yesterday with regards the above, we now write with further comment which we omitted for your attention.

1 that in the light of the photographic evidence now provided we would ask you now to consider this site as brownfield due to it being previously developed, which we now believe to be in line with the definition in the councils Supplementary Guidance on Housing in the Countryside

We trust the above is to your understanding and now await your response with regards to the above. We would thank you for your assistance/co-operation with this matter and can assure you of our best attention at all times.

Yours faithfully



PP John D Crawford

Encs

Cc Derek Scott & John Mears

DEVELOPMENT MANAGEMENT REVIEW COMMITTEE

APPLICATION FOR REVIEW

**PROPOSED ERECTION OF DWELLING ON LAND PREVIOUSLY
OCCUPIED BY FARM BUILDINGS (RE-APPLICATION)
AT WINDSOR COTTAGE, FERN**

APPLICATION NO 17/00458/FULL

APPLICANT'S SUBMISSION

- ITEM 1** Notice of Review (including covering letter submitted by Derek Scott Planning)
- ITEM 2** Copy of Planning Application submitted to Angus Council
- (a) Application Forms
 - (b) Location and Site Plans
 - (c) Floor Plans and Elevations
 - (d) Supporting Statement
 - (e) Photographs showing evidence of former farm buildings
- ITEM 3** Copy Decision Notice relating to 17/00458/FULL
- ITEM 4** Copy Report of Handling relating to 17/00458/FULL
- ITEM 5** Copy documents relating to Planning Permission 17/00457/FULL
- (a) Decision Notice 17/00457/FULL
 - (b) Approved Site and Location Plans 17/00457/FULL
 - (c) Approved Elevations and Floor Plans 17/00457/FULL
 - (d) Report of Handling 17/00457/FULL
- ITEM 6** Copy Report of Handling relating to 13/00025/PPPL
- ITEM 7** Copy correspondence received from Mr James Wilson



By Post & Email

Our Ref: ep512/let001WRC/DS

11th December 2017

Ms. Sarah Forsyth
Angus Council
Corporate Services
Angus House
Orchardbank
FORFAR
DD8 1AN

Dear Ms. Forsyth

17/00458/FULL- PROPOSED ERECTION OF DWELLING ON LAND PREVIOUSLY OCCUPIED BY FARM BUILDINGS AT WINDSOR COTTAGE, FERN, BRECHIN DD9 6SB

Introduction

We write on behalf of our client, Mrs. Mary McPherson, to respectfully request that your Council's Local Review Body reviews the decision of the Appointed Officer, Mr. Neil Duthie, to refuse the above-mentioned application for detailed planning permission for the erection of a dwelling house on land previously occupied by farm buildings at Windsor Cottage, Fern, near Brechin. A Notice of Review Form is attached as **Document 1**; a copy of the planning application is attached as **Document 2**; a copy of the decision notice is attached as **Document 3**; and a copy of Mr. Duthie's Report of Handling is attached as **Document 4**. All documents should be read with and form an integral part of this review request.

Site Location and Description

The application site which measures c.0.4 hectares (0.99 acres) forms part of a larger site accommodating a traditional stone derelict dwelling house and former farm buildings (demolished) located at the north-eastern end of a track which runs approximately 630 metres from the C31 Kirriemuir-Coull Smithy-Brechin Road. It is surrounded to the south and west by open agricultural land and to the north by a backdrop of woodland. Planning permission was granted for the erection of a replacement dwelling house on the part of the site occupied by the derelict dwelling house under Planning Permission Reference Number 17/00457/FULL on 03rd November 2017. A copy of the decision notice, report of handling and approved plans relating to that dwelling house are attached as **Document 5**.

Description of Proposed Development

The application relating to the current proposal had sought detailed planning permission for the erection of a traditionally designed 1½ storey dwelling house sited on the location of the farm

buildings that formerly occupied the site. Materials proposed include White Wet Dash Render, Reclaimed Sandstone and Rushwood Scottish Larch on the walls; Natural Blue Slate on the roofs; and Grey Aluclad Windows.

Response to Reasons for Refusal of Planning Application

The application was refused by the Council's Planning Department on 20th September 2017 for two reasons. Those reasons and our responses to them are outlined below:

- 1. The application is contrary to Policy TC2 of the Angus Local Development Plan (2016) because the redevelopment of the site for a house would not meet any of the acceptable categories for a house in the countryside including retention or replacement of an existing dwelling, conversion of a non-residential building; redevelopment of a brownfield site where that development would deliver significant visual or environmental improvement; round of a building group; meet the needs of an essential worker; and is not a gap site.*

Response – As noted previously separate planning applications were submitted to the Council for the erection of two dwelling houses on the site of the derelict Windsor Cottage and its associated farm buildings. Planning Application Reference Number 17/00457/FULL has been granted permission whereas Planning Application Reference Number 17/00458/FULL, which is the subject of the current Review Request, has been refused. Notwithstanding the fact that two separate applications were submitted it is quite apparent that they are inextricably linked and should have been considered in tandem.

Policy TC2 and by definition Policy DS1 of the Angus Local Development Plan (2016) set out the circumstances under which new dwelling houses in the Angus Countryside will be supported. As set out in the accompanying statement submitted in support of the planning applications (**See Document 2d**) it is considered that our client's applications are supported by the terms of two of the criteria outlined in Policy TC2. Part of the overall proposal relates to the replacement of an existing dwelling house, and part of it relates to a brownfield site. It has previously been acknowledged by the Council, when it granted planning permission in principle for the erection of a replacement dwelling house on the site, under Planning Permission Reference Number 13/00025/PPPL (**See Document 6**) that '*a properly designed replacement dwelling could be an improvement over this derelict and significantly decayed building.*' Put another way it would lead to a significant visual and environmental improvement. Unfortunately the significant visual and environmental improvement that would arise from the erection of the replacement dwelling approved under 17/00457/FULL cannot take place as the scale of development permitted does not represent a viable development opportunity due to the costs associated with servicing the site (access road to be upgraded, electricity and water supplies to be provided).

The Council's Planning Officer has taken the view, in his consideration of the refused application that the application site to which the current proposal relates is not brownfield in nature and even if it were to be so considered that its development would not lead to a '*significant visual and environmental improvement.*'

Dealing firstly with the '*brownfield*' issue, a '*brownfield site*' is defined in the Council's Supplementary Guidance on '*Countryside Housing*' as follows:

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

Historical Maps dating from 1897, 1927 and 1957 have been submitted in support of the application. These maps conclusively demonstrate that the application site was previously occupied by buildings and as such must be recognised as *'land which has previously been developed.'* In further support of this position an area of the site has been scraped back to reveal those said buildings with photographs being submitted to the Council in support of the application (See Document 2e). We also attach (See Document 7) a copy of correspondence from Mr. James Wilson (Hilton of Fern), the applicant's brother, who farms the surrounding fields. This confirms that since 1961, when his father purchased Windsor and the Hilton of Fern Farms, the approximate two acre plot has never been tilled or farmed and that the stone and Carmylie slate byre and sheds were flattened as they fell into disrepair, the associated rubble being spread about the site

The appointed Planning Officer, in view of the fact that the buildings referred to do not appear on any maps from 1968 onwards, has taken the view that the site is no longer *'brownfield'* in nature and is now *'greenfield.'* We disagree with this view for the following reasons:

- (i) A *'brownfield site'* is defined in the Supplementary Guidance as *'land which has previously been developed.'* It does **NOT** specifically exclude from that definition land from which former buildings have been removed.
- (ii) Setting the above aside and as noted previously the application site is inextricably linked to the derelict cottage to the east and as such forms part of an overall site which is unquestionably brownfield in nature.

The appointed Planning Officer claims that the application site does not represent an eyesore which would benefit from redevelopment. Whilst the application site in itself may not represent an eyesore it cannot, as noted previously, be viewed in isolation from the derelict cottage adjacent. When it is so viewed the development thereon has a significant adverse effect on the character and appearance of the area which can only be alleviated through the erection of a minimum of two dwelling houses on the overall site.

Having established that the overall site is *'brownfield'* in nature and that its redevelopment could lead to a significant visual and environmental improvement to the area the Council's Supplementary Guidance supports the erection of up to four and in exceptional circumstances up to five dwelling houses on application sites of this nature. Our client is only proposing the erection of two houses on the site.

In light of the considerations outlined above we are firmly and conclusively of the opinion that the proposal does not contravene Policy TC2 of the Angus Local Development Plan on the grounds referred to in the first reason for the refusal of the planning application.

2. The application is contrary to Policy DS1 of the Angus Local Development Plan (2016) because the proposal does not comply with Policy TC2 and is not of a scale and nature appropriate to its location.

The second reason for the refusal of the application claims that the proposal is not of a scale and nature appropriate to its location. The Report of Handing on the application states that *'a single*

house on the adjacent site which replaces the existing derelict cottage would, represent a suitable development but two houses in this area would simply add to the suburbanisation of the countryside.' It further claims that it would not represent a development of a scale and nature appropriate to its location and is therefore contrary to the terms of Policy DS1.

Such claims are at complete odds with the Council's Supplementary Guidance which elicits positive support for the erection of up to four and in exceptional circumstances up to five dwelling houses on application sites of which are '*brownfield*' in nature. Both of the dwelling houses proposed on this and the adjacent site are of a traditional design and entirely appropriate to the countryside location within which they are located. They could not, by any stretch of the imagination, be described as contributing to the suburbanisation of the Angus Countryside as described by the Appointed Planning Officer.

Summary and Conclusions

Our client has submitted two separate applications for the erection of two dwelling houses on different parts of the same landholding. One of the applications, relating to the erection of a replacement dwelling house on part of the site has been approved whereas the other application relating to the erection of a house on the site of former farm buildings has been refused as the Planning Officer does not consider this part of the site to be brownfield in nature nor would its development result in a significant visual and environmental improvement.

The Council has previously acknowledged through the granting of outline planning permission for the erection of a replacement dwelling house on the larger site that it would result in a significant visual and consequent environmental improvement to the area. As outlined in this submission, in order for the visual and environmental benefits to be derived from the removal of the derelict structure, permission is required for a minimum of two houses to compensate for the significant costs associated with servicing it.

Given the brownfield nature of the overall site; the visual and environmental benefits to be derived from developing it as a single entity; and the fact that the Council's Supplementary Guidance on Countryside Housing allows up to four dwelling houses and in exceptional circumstances five dwelling houses to be erected on sites of this nature, we are firmly and unequivocally of the view that the proposal would not lead to suburbanisation of the countryside and furthermore accords with policy as contained in the Angus Local Development Plan (2016). In the circumstances described and in order to derive the visual and environmental benefits sought, it is essential that permission is also granted for the second dwelling house proposed under this application. Such a decision would contribute to the range and choice of house building opportunities in the Angus Area in compliance with general Scottish Government Policy as contained in Scottish Planning Policy (SPP).

We reserve the right to expand on the contents of this letter/review statement or to respond to any further submissions made by the Council's Planning Department, Consultees or third parties prior to its determination by the Local Review Body.

Please acknowledge receipt and registration of this request at your earliest convenience. Thanking you in anticipation of your assistance.

Yours sincerely



Derek Scott

enc.

cc. Mrs M.Mcpherson

List of Documents

- Document 1 -** Notice of Review Form
- Document 2 -** Copy of Planning Application submitted to Angus Council
- Document 2a - Application Forms
Document 2b - Location and Site Plans
Document 2c - Floor Plans and Elevations
Document 2d - Supporting Statement
Document 2e - Photographs showing evidence of former farm buildings
- Document 3 -** Copy of Decision Notice relating to 17/00458/FULL
- Document 4 -** Copy of Report of Handling to 17/00458/FULL
- Document 5 -** Copy of Documents relating Planning Permission Reference Number 17/00457/FULL
- Document 5a - Decision Notice - 17/00457/FULL
Document 5b - Approved Site and Location Plans - 17/00457/FULL
Document 5c - Approved Elevations and Floor Plans - 17/00457/FULL
Document 5d - Report of Handling - 17/00457/FULL
- Document 6 -** Copy of Report of Handling relating to 13/00025/PPPL
- Document 7 -** Copy of correspondence received from Mr. James Wilson

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>

1. Applicant's Details		2. Agent's Details (if any)	
Title	<input type="text" value="Mrs."/>	Ref No.	<input type="text" value="ep512Windsor Cottage 17"/>
Forename	<input type="text" value="Mary"/>	Forename	<input type="text" value="Derek"/>
Surname	<input type="text" value="McPherson"/>	Surname	<input type="text" value="Scott"/>
Company Name	<input type="text" value="c/o Agent"/>	Company Name	<input type="text" value="Derek Scott Planning"/>
Building No./Name	<input type="text"/>	Building No./Name	<input type="text" value="Unit 9"/>
Address Line 1	<input type="text"/>	Address Line 1	<input type="text" value="Dunfermline Business Centre"/>
Address Line 2	<input type="text"/>	Address Line 2	<input type="text" value="Izatt Avenue"/>
Town/City	<input type="text"/>	Town/City	<input type="text" value="Dunfermline"/>
Postcode	<input type="text"/>	Postcode	<input type="text" value="KY11 3BZ"/>
Telephone	<input type="text"/>	Telephone	<input type="text" value="01383 620300"/>
Mobile	<input type="text"/>	Mobile	<input type="text" value="07802 431970"/>
Fax	<input type="text"/>	Fax	<input type="text" value="01383 844 999"/>
Email	<input type="text"/>	Email	<input type="text" value="enquiries@derekscottplanning.com"/>
3. Application Details			
Planning authority	<input type="text" value="Angus Council"/>		
Planning authority's application reference number	<input type="text" value="17/00458/FULL"/>		
Site address	<input style="height: 100px;" type="text" value="Windsor Cottage
Fern
Brechin
DD9 6SB"/>		
Description of proposed development	<input style="height: 50px;" type="text" value="Erection of dwelling house on land previously occupied by farm buildings"/>		

Date of application

Date of decision (if any)

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 your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing necessary.

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:

None.

8. Statement

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

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

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

Please refer to attached appeal statement.

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.

N/A

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

Please refer to attached appeal statement.

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: Date:

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.



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100043789-003

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

Type of Application

What is this application for? Please select one of the following: *

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Proposed Erection of Dwelling on Land Previously Occupied by Farm Buildings

Is this a temporary permission? *

Yes No

If a change of use is to be included in the proposal has it already taken place?
(Answer 'No' if there is no change of use.) *

Yes No

Has the work already been started and/or completed? *

No Yes – Started Yes - Completed

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	John D. Crawford Ltd	
Ref. Number:	Ref JDC/715	You must enter a Building Name or Number, or both: *
First Name: *	John	Building Name:
Last Name: *	Crawford	Building Number:
Telephone Number: *	01674672064	Address 1 (Street): *
Extension Number:		Address 2:
Mobile Number:		Town/City: *
Fax Number:		Country: *
		Postcode: *
Email Address: *	admin@johndcrawford.co.uk	

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mrs	You must enter a Building Name or Number, or both: *
Other Title:		Building Name:
First Name: *	Mary	Building Number:
Last Name: *	McPherson	Address 1 (Street): *
Company/Organisation		Address 2:
Telephone Number: *		Town/City: *
Extension Number:		Country: *
Mobile Number:		Postcode: *
Fax Number:		
Email Address: *		

Site Address Details

Planning Authority:

Angus Council

Full postal address of the site (including postcode where available):

Address 1:

WINDSOR COTTAGE

Address 2:

FERN

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

BRECHIN

Post Code:

DD9 6SB

Please identify/describe the location of the site or sites

Northing

760854

Easting

351283

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

Meeting Telephone Letter Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (max 500 characters)

Advising to apply for planning permission for two units

Title:

Mr

Other title:

First Name:

Ed

Last Name:

Taylor

Correspondence Reference
Number:

17/00216/PPL

Date (dd/mm/yyyy):

04/04/2017

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

Site Area

Please state the site area:

4000.00

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

Vacant land

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? *

Yes No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? *

Yes No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

0

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *

3

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? *

Yes No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *

- Yes – connecting to public drainage network
 No – proposing to make private drainage arrangements
 Not Applicable – only arrangements for water supply required

Do your proposals make provision for sustainable drainage of surface water?? * (e.g. SUDS arrangements) *

Yes No

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

- Yes
 No, using a private water supply
 No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? *

Yes No Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? *

Yes No Don't Know

Trees

Are there any trees on or adjacent to the application site? *

Yes No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? *

Yes No

If Yes or No, please provide further details: * (Max 500 characters)

see plans

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

Yes No

How many units do you propose in total? *

1

Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

Yes No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013) *

Yes No Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? * Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? * Yes No

Is any of the land part of an agricultural holding? * Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: John Crawford

On behalf of: Mrs Mary McPherson

Date: 30/05/2017

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

Yes No Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

Yes No Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

Yes No Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

Yes No Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

Yes No Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

Site Layout Plan or Block plan.

Elevations.

Floor plans.

Cross sections.

Roof plan.

Master Plan/Framework Plan.

Landscape plan.

Photographs and/or photomontages.

Other.

If Other, please specify: * (Max 500 characters)

Provide copies of the following documents if applicable:

- | | | |
|--|------------------------------|---|
| A copy of an Environmental Statement. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Flood Risk Assessment. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Habitat Survey. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Processing Agreement. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |

Other Statements (please specify). (Max 500 characters)

Supporting Statement

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr John Crawford

Declaration Date: 30/05/2017



All Boundary Treatments
Post & Wire fence with Hedging -
 Crataegus Monogyna (Hawthorn), Blackthorn (Prunus spinosa),
 with 15% of native Holly (Ilex aquifolium), Common Privet (Ligustrum vulgare) &
 spindle Tree (Euonymus europaeus) Mix - 0.6 - 0.8m
 Planted in two staggered rows to be 0.5m apart, plants 1.0 apart.

PLOT 2
 Proposed New Dwelling Plot on
 brownfield site
 - 4000m²

Location Plan (1:1250)



Area of land outlined in Red
 4000m² or thereabouts

ITEM 2 (b)

Landscape Legend

- Trees**
 BP - Betula Pendula (Silver Birch) - 1.8 - 2.1m
 BT - Betula Tristis (Weeping Birch) - 1.8 - 2.1m
 FE - Fraxinus Excelsior (Common Ash) - 1.8 - 2.1m
 PA - Prunus Avium (Wild Cherry) - 1.8 - 2.1m
 PS - Pinus Sylvestris (Scots Pine) 1.0m
 SA - Sorbus Aria (Whitebeam) - 1.8 - 2.1m

- Shrubs**
 CA - Corylus Avellana (Common Hazel) - 60-80cm
 CP - Cytisus Praecox (Broom) - 3.0 Litre
 IA - Ilex aquifolium (Common Holly) 3.0 litre
 PR - Prunus Rotundifolia (Cheery Laurel) 3.0 litre
 RR - Rosa Rugosa (Japanese Rose) 60-80cm

FENCING NOTES:
 The fencing surrounding the new plantations shall be a
 deer & rabbit proof, post & wire fence, 900mm high.

Landscaping / Management Plan

Landscaping / planting will be to enhance the existing
 landscape and plant new native species where
 appropriate with the entire management and
 implementation plan lasting a 5 year period.

The site plan shows locations of new tree/bush belts that
 will be created to help integrate the development with the
 landscape and provide screening for neighbouring
 domestic and agricultural properties. The following
 maintenance and management plan will be employed for the
 development -

The developer shall oversee the Landscape Management
 Plan until the completion of their Defects Liability Period, at
 which time the developer reserves the right to transfer the
 overseeing of the management plan to a Landscape
 Management Company.

The Contractor shall ensure that the Landscape
 Management Plan is adhered to, and any changes to the
 plan are to be agreed in writing with Angus Council
 planning authority.

The Landscaping Plan as approved will have considered
 this Landscape Management Plan as part of the overall
 design.

1 Implementation

Preparation of Site -

Where shrubs are to be planted with trees, any existing
 grass shall be treated with an approved Glyphosate
 herbicide and after 3 weeks shall be rotovated or dug to
 provide a cleared topsoil bed for planting.

Where trees are to be planted at 3m/2m centres without
 shrubs 1.0m diameter shall be created in the existing grass
 surface by the spot treatment with an approved
 Glyphosate herbicide.

Planting -
 Shrubs be to placed randomly with 5-15 plants per species.

Fencing -
 New fences to be erected around new plantations which
 is to be post & wire fence between 800 - 900mm high. This
 should be made rabbit proof also.

2 Maintenance

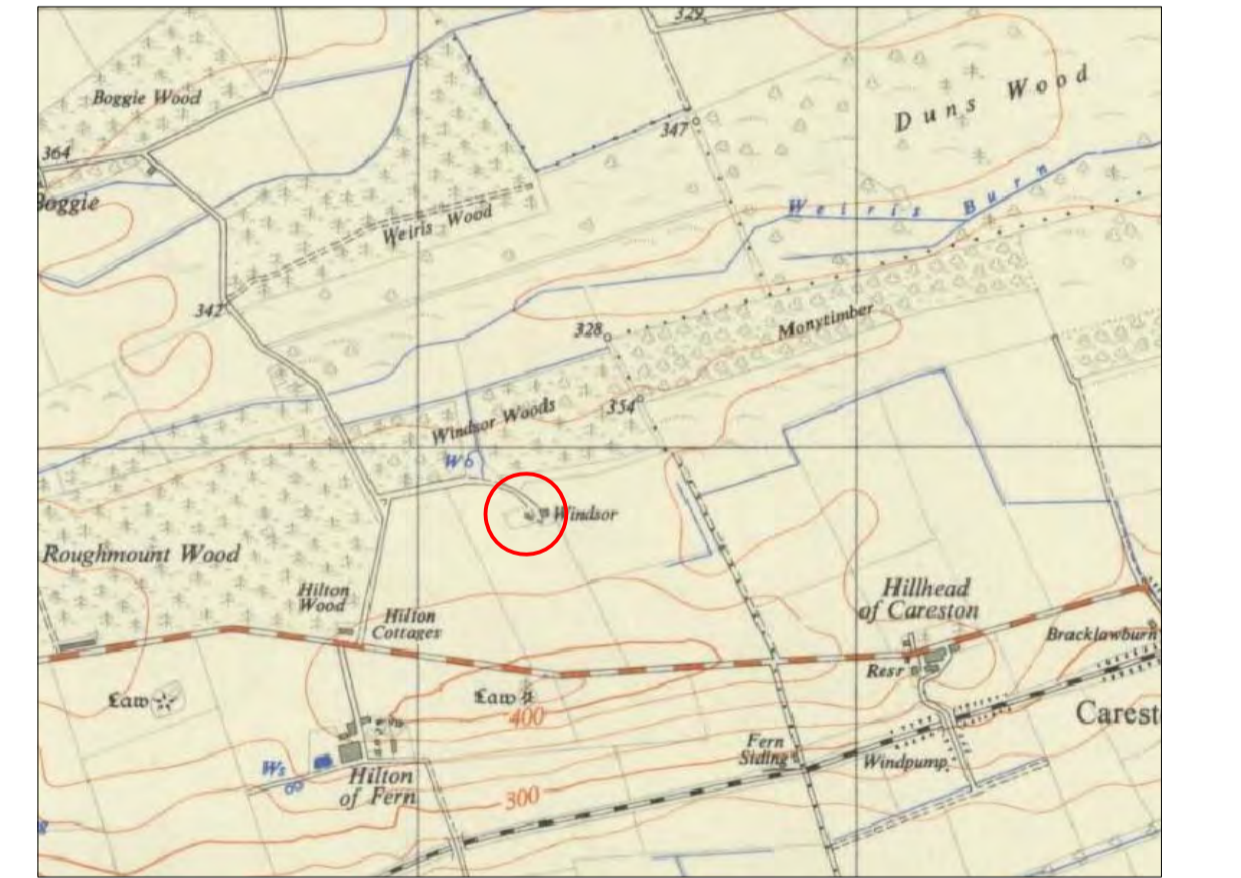
New planted areas to be protected during the building
 work for an establishment period of 2-3 years following
 planting with an approved fence (as above).

New trees to be thinned at 5 yearly intervals after planting.
 An area of 1.0m diameter is to be kept free from weed
 and grass growth using an approved herbicide around
 each tree until suitably established. Wild grass areas to be
 cut once a year following establishment and collected.

Watering -
 Watering as frequently as needed. Watering should take
 place however once a week in dry periods from March to
 August with less than 15mm rain fall.

Pests & Disease -
 Inspections to be carried out once each season with a
 focus on Ash species.

Any planting within the 5 year plan which has died, been
 damaged or become diseased should be replaced by
 plants that are of similar size and species to the originally
 approved. This is to ensure that the overall landscape
 scheme will integrate the park into its immediate
 surroundings and enhance the visual amenity within the
 area.



REVISION	DATE	DESCRIPTION OF REVISION

CLIENT
 Mrs M McPherson

PROJECT
 Proposed Erection of Dwelling on Site East of
 Windsor Cottage, Fern, By Brechin, DD9 6SB

DRAWING TITLE
 Proposed Site & Location Plan PLOT 2

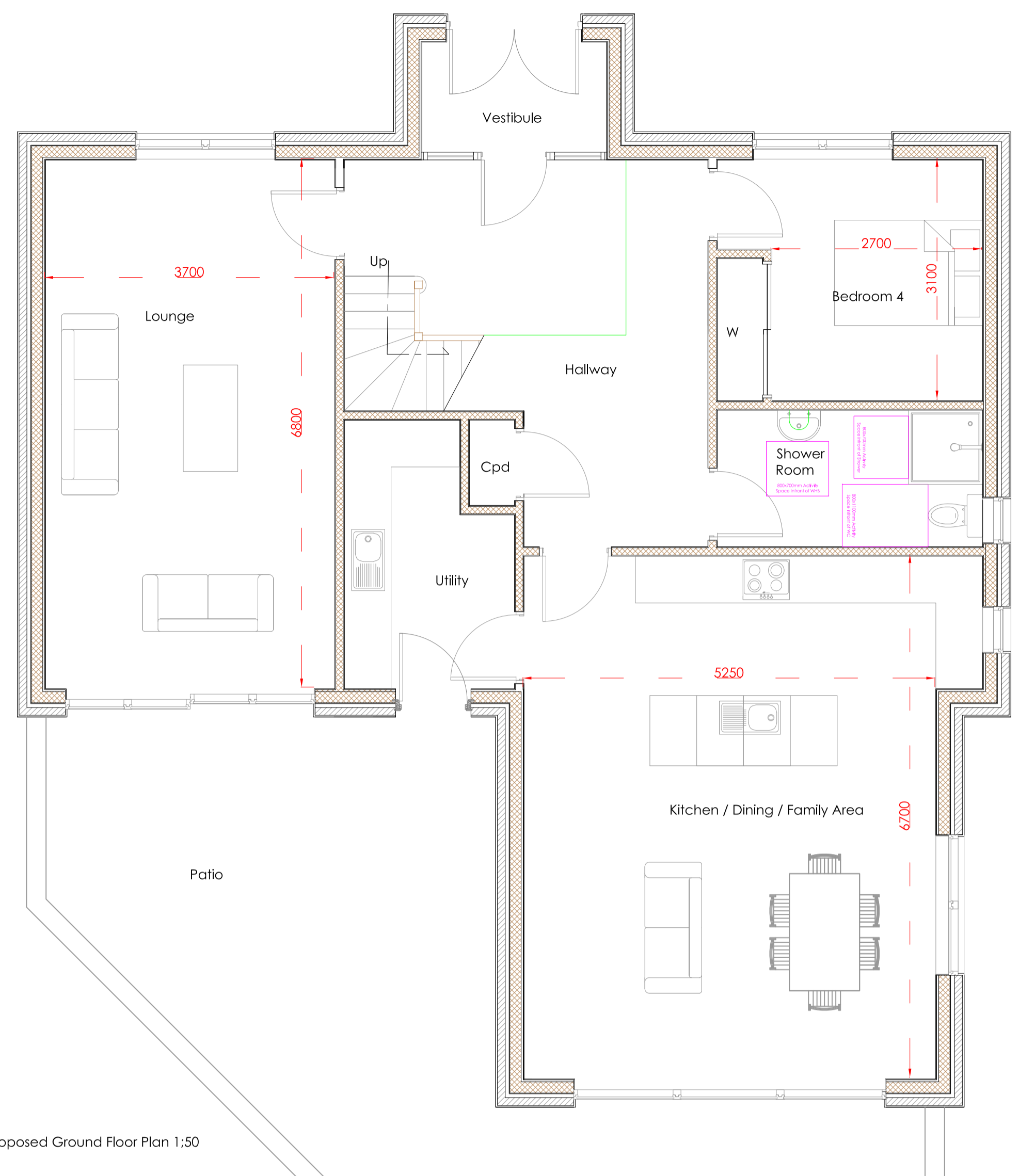
SCALE	DATE	DRAWING No.	DRAWN BY
1:1250	24.05.17	JDC/715/001/SitePlot 2	DP

This drawing is issued for the purpose of the status indicated below

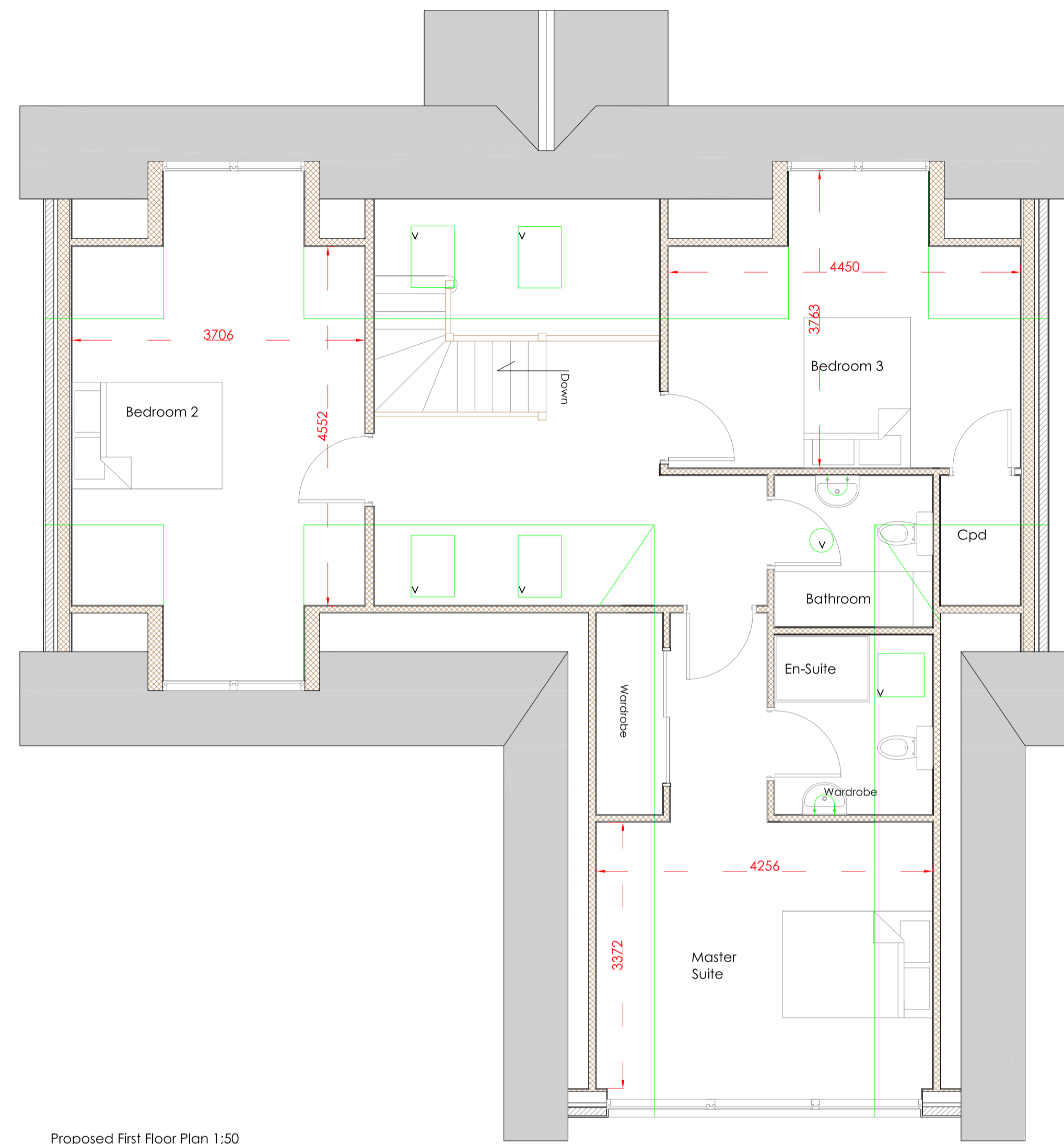
- Sketch Proposal
- Planning Application Submission
- Planning Application
- Building Warrant Application Submission
- Building Warrant Application
- Tender Issue
- Construction Drawings to be Adhered to on Site

Do not scale this drawing

GENERAL LEGEND	
	Areas shaded represents Existing Structure
	New External Walls



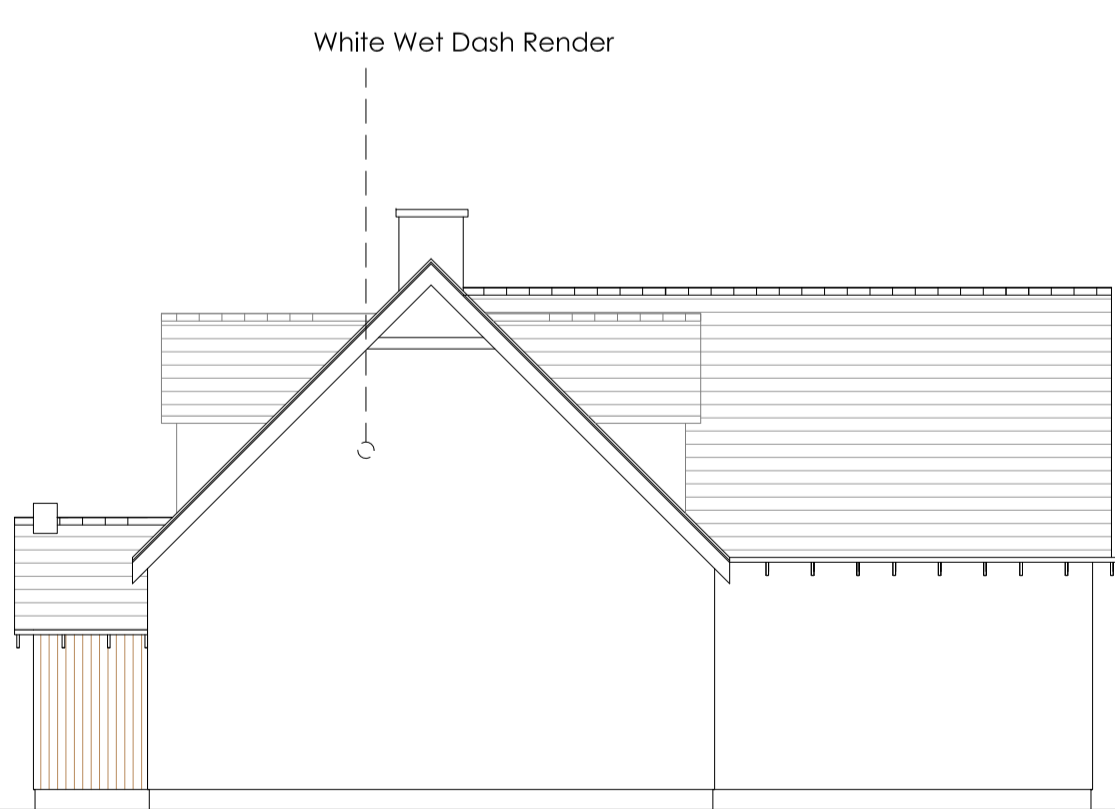
Proposed Ground Floor Plan 1:50



Proposed First Floor Plan 1:50



Proposed Front Elevation 1:100



Proposed Side Elevation 1:100



Proposed Side Elevation 1:100



Proposed Rear Elevation 1:100

REVISION	DATE	DESCRIPTION OF REVISION

CLIENT Mrs M McPherson

PROJECT Proposed Erection of Dwelling on Site East of Windsor Cottage, Fern, By Brechin, DD9 6SB

DRAWING TITLE Plans & Elevations PLOT 2

SCALE	DATE	DRAWING No.	DRAWN BY
1:1250	24.05.17	JDC/715/002Plot2	DP

This drawing is issued for the purpose of the status indicated below

- Sketch Proposal
- Planning Application Submission
- Planning Application
- Building Warrant Application Submission
- Building Warrant Application
- Tender Issue
- Construction Drawings to be Adhered to on Site

SUPPORTING STATEMENT

ERECTION OF RESIDENTIAL DEVELOPMENT (TWO DWELLING HOUSES)

On land at

**Windsor Cottage
Fern
By Brechin
DD9 6SB**

Prepared by

**Derek Scott Planning
Planning and Development Consultants**



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Dunfermline Business Centre
Izatt Avenue
Dunfermline KY11 3BZ
Tel No: 01383 620300
Fax No: 01383 844999
E-Mail: enquiries@derekscottplanning.com**

On behalf of

Mary MacPherson

Executive Summary

ERECTION OF RESIDENTIAL DEVELOPMENT (TWO DWELLING HOUSES) ON LAND AT WINDSOR COTTAGE, FERN, BY BRECHIN DD9 6SB

- The application sites which measure c0.8 hectares (c1.97 acres) combined are located at the north-eastern end of a long track which runs approximately 630 metres from the C31 Kirriemuir-Coull Smithy-Brechin Road. The sites are surrounded to the east, west and south by open fields with a backdrop of woodland to the north. There is a derelict and partially roofed 1.5 storey rubble cottage within the site. Evidence in the form of historical mapping demonstrates that former farm buildings occupied the land to the west of the dwelling house.
- Planning Permission in Principle was granted for the erection of a dwelling house on part of the site under Planning Application Number 13/00025/PPPL on 26th April 2013. The site relating to that particular application only included the site of the former dwelling house. It did not include or relate to the site previously occupied by the farm buildings.
- The distance of the site from the public road and the costs associated with servicing it with the required infrastructure (water, electricity and access arrangements) renders the erection of a single dwelling house on the site economically unviable.
- The applications now submitted seek detailed planning permission for the erection of two dwelling houses. One of the dwellings would occupy the site of the former house and the other dwelling the location of the former farm buildings. The additional dwelling proposed will allow the servicing costs associated with the site to be spread over two houses thus rendering the scheme more viable.
- Policy TC2 of the Angus Local Development Plan supports, in countryside locations, the erection of replacement dwelling houses and the erection of new housing where it involves the 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.
- The entire extent of the application sites are clearly brownfield in nature. The previous grant of planning permission for the erection of a dwelling house thereon provides recognition that its redevelopment will deliver a significant visual/environmental improvement. The Report of Handling on that application acknowledged that *'a properly designed replacement dwelling could be an improvement over this derelict and significantly decayed building.'*
- The Council's Supplementary Guidance on Countryside Housing advises that no more than four new houses (five as an exception) should be developed on such brownfield sites. The application submitted proposes only two.

- **Based on our consideration of the development plan and all other material considerations it is respectfully requested that permission be granted for the dwelling houses as applied for.**

SUPPORTING STATEMENT

ERECTION OF RESIDENTIAL DEVELOPMENT (TWO DWELLING HOUSES) ON LAND AT
WINDSOR COTTAGE, FERN, BY BRECHIN DD9 6SB

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5.	Summary & Conclusions	Page 21

SUPPORTING STATEMENT

ERECTION OF RESIDENTIAL DEVELOPMENT (TWO DWELLING HOUSES) ON LAND AT WINDSOR COTTAGE, FERN, BY BRECHIN DD9 6SB

1. INTRODUCTION

- 1.1 This statement has been prepared by Derek Scott Planning, Chartered Town Planning and Development Consultants on behalf of our client, Mary MacPherson. It is in support of two separate applications seeking planning permission for the erection of two dwelling houses on a site at Windsor Cottage, Fern, By Brechin.



Location Plan (Site Outlined in Red)

2. LOCATION AND DESCRIPTION OF SITE

- 2.1 The application sites which measure c0.8 hectares (c1.97 acres) combined are located at the north-eastern end of a track which runs approximately 630 metres from the C31 Kirriemuir-Coull Smithy-Brechin Road. The sites are surrounded to the east, west and south by open fields with a backdrop of woodland to the north. There is a derelict and partially roofed 1.5 storey rubble cottage within the sites. Evidence in the form of historical mapping demonstrates the existence of former farm buildings to the immediate west of the dwelling house.



Location Plan (Application Site Outlined in red)



Photograph of Site from C31



Photograph of existing house from within site



Remains of Former Farm Buildings



Access Track

2.2 Planning Permission in Principle has previously been granted for the erection of a dwelling house on part of the site under Planning Application Number 13/00025/PPPL. This was granted on 26th April 2013. The site relating to that particular application only included the site of the former dwelling house. It did not include or relate to the site previously occupied by the farm buildings.



Historical Mapping shows previous existence of farm buildings

3. DESCRIPTION OF PROPOSED DEVELOPMENT

3.1 The applications submitted seek detailed planning permission for the erection of two dwelling houses on the site. The dwellings are proposed in the vicinity of the locations formerly occupied by the ruins of the dwelling house and farm buildings. The sites associated with each plot measure 4000 sq. metres in area.

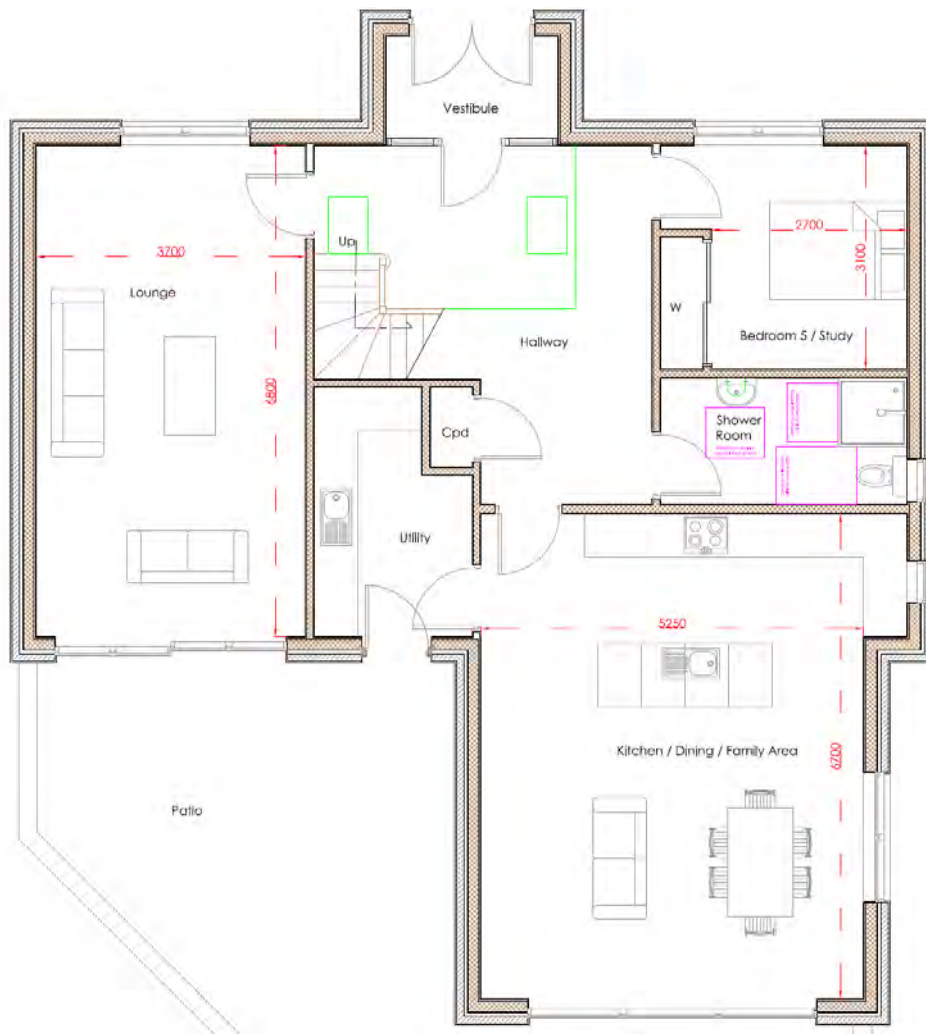
3.2 The dwelling house proposed on Plot 1 is 1¾ storey in scale and that proposed on Plot 2 is 1½ storey with designs traditional to and in keeping with the local vernacular. Materials proposed include White Wet Dash Render, Reclaimed Sandstone and Rushwood Scottish Larch on the walls; Natural Blue Slate on the roofs; and Grey Aluclad Windows.



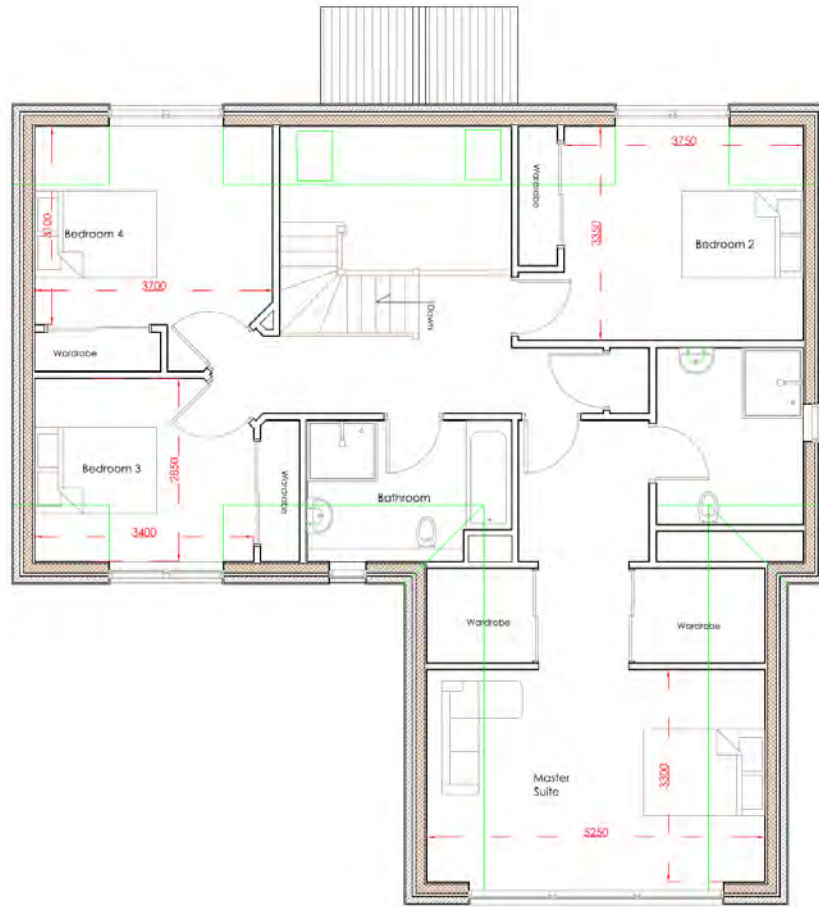
Elevations (Plot 1)



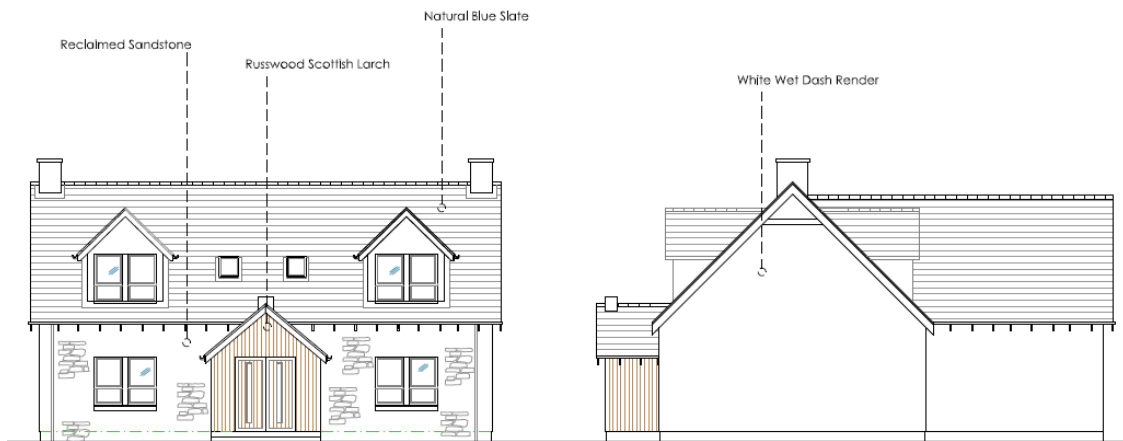
Elevations (Plot 1)



Ground Floor Plan (Plot 1)



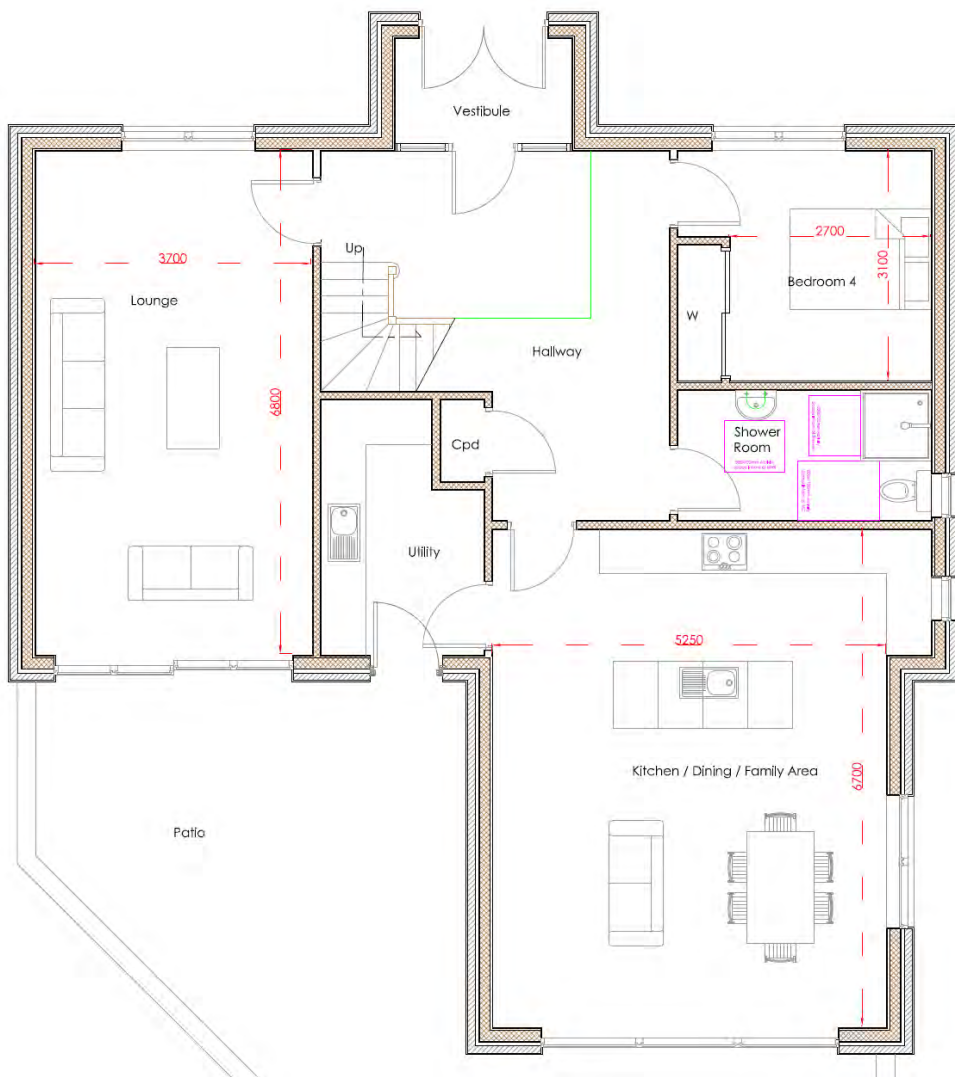
First Floor Plan (Plot 1)



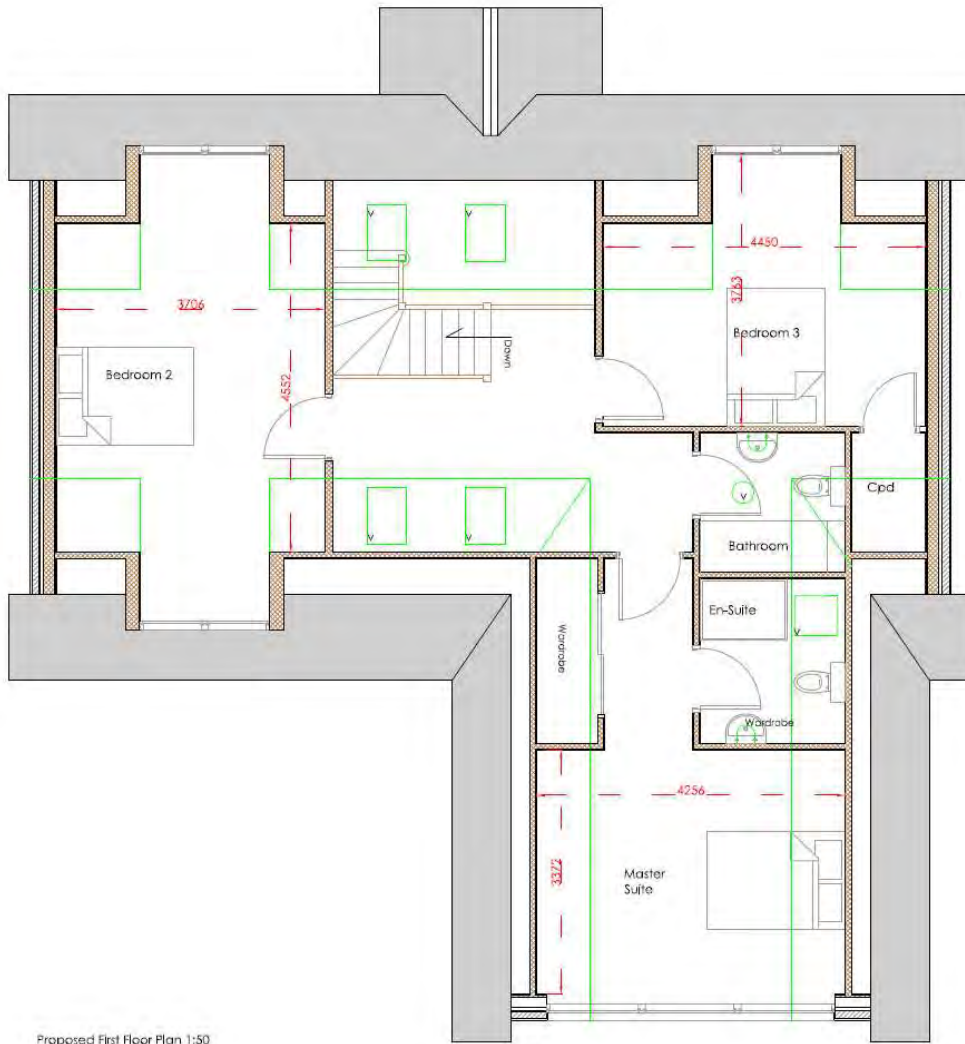
Elevations (Plot 2)



Elevations (Plot 2)



Ground Floor Plan (Plot 2)



Proposed First Floor Plan 1:50

First Floor Plan (Plot 2)

4. PLANNING POLICY

4.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) states that:

‘where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the development plan unless material considerations indicate otherwise.’

4.2 In the context of the above it is worth making reference to the House of Lord’s Judgement on the case of the City of Edinburgh Council v the Secretary of State for Scotland 1998 SLT120. It sets out the following approach to deciding an application under the Planning Acts:

- identify any provisions of the development plan which are relevant to the decision;
- interpret them carefully, looking at the aims and objectives of the plan as well as detailed wording of policies;
- consider whether or not the proposal accords with the development plan;
- identify and consider relevant material considerations, for and against the proposal; and
- assess whether these considerations warrant a departure from the development plan.

4.3 The relevant development plan for the area comprises the Strategic Development Plan for Dundee, Angus, Perth and North Fife (Tay Plan) and the adopted Angus Local Development Plan. Other key material considerations in the determination of the application include the Proposed Tay Plan; Scottish Planning Policy; the Council’s Supplementary Guidance on Countryside Housing; Planning History; and Economic Considerations.

Strategic Development Plan for Dundee, Angus, Perth and North Fife (TayPlan)

4.4 The Strategic Development Plan for Dundee, Angus, Perth and North Fife (Tay Plan) was approved by Scottish Ministers in June 2012 and sets out proposals for the development of the region in the period between 2012 and 2032. This plan provides the strategic framework for the determination of planning applications and the preparation of local plans. However it contains no specific policies or proposals of direct relevance to either the site or the proposed development and as such merits no further comment in the context of the application proposals.



Angus Local Development Plan 2016

- 4.5 The Angus Local Development Plan was adopted by Angus Council in September 2016. The application site lies within a 'Countryside Housing Category 2 Area.' Policy TC2 on 'Residential Development' states the following:

'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 of affordable housing in accordance with Policy TC3 Affordable Housing.*

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

- *is not allocated or protected for another use;*
- *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.*

***Rural Settlement Units are defined in the Glossary.'*

4.6 Our client's applications are supported by the terms of two of the criteria outlined in Policy TC2. Firstly, part of the overall proposal relates to the replacement of an existing dwelling house, and secondly it relates to a brownfield site, the redevelopment of which will lead to significant visual and environmental improvement. This was previously acknowledged by the Council when it granted planning permission in principle for the erection of a dwelling house and garage on part of the site under Planning Application Reference Number 13/00025/PPPL. The Report of Handling on that application acknowledged that *'a properly designed replacement dwelling could be an improvement over this derelict and significantly decayed building.'* Comments on the Council's Countryside Housing Supplementary Guidance are provided within the section dealing with *'other material considerations'* below.

4.7 Other policies within the Plan which are of relevance to the applications under consideration include the following:

Policy DS1 – Development Boundaries and Priorities

Policy DS3 – Design Quality & Place Making

Policy DS4 – Amenity

Policy PV6 – Development in the Landscape

4.8 Policy DS1 on *'Development Boundaries and Priorities'* states the following:

'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 green field 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*

4.9 As demonstrated throughout this document the application proposals relate to both the erection of a replacement dwelling house and the redevelopment of a brownfield site; they are of scale appropriate to their location; and they are in accordance with the relevant policies contained within the Angus Local Development Plan.

4.10 Policy DS3 on ‘*Design Quality and Place Making*’ states the following:

‘Development proposals should deliver a high design standard and draw upon those aspects of landscape or townscape that contribute positively to the character and sense of place of the area in which they are to be located. Development proposals should create buildings and places which are:

- *Distinct in Character and Identity: Where development fits with the character and pattern of development in the surrounding area, provides a coherent structure of streets, spaces and buildings and retains and sensitively integrates important townscape and landscape features.*
- *Safe and Pleasant: Where all buildings, public spaces and routes are designed to be accessible, safe and attractive, where public and private spaces are clearly defined and appropriate new areas of landscaping and open space are incorporated and linked to existing green space wherever possible.*
- *Well Connected – Where development connects pedestrians, cyclists and vehicles with the surrounding area and public transport, the access and parking requirements of the Roads Authority are met and the principles are set out in ‘Designing Street’s are addressed.*
- *Adaptable – Where development is designed to support a mix of compatible uses and accommodating changing needs.*
- *Resource Efficient: Where development makes good use of existing resources and is sited and designed to minimize environmental impacts and maximize the use of local climate and landform.*

Supplementary guidance will set out the principles expected in all development, more detailed guidance on the design aspects of different proposals and how to achieve the qualities set out above. Further details on the type of developments requiring a design statement and the issues that should be addressed will also be set out in supplementary guidance.’

4.11 Whilst many of the criteria mentioned in Policy DS3 above relate to larger scale developments than that proposed; and to urban rather than rural locations, it is evidently clear that the two dwelling houses proposed can be comfortably accommodated on the site and in doing so contribute positively to the character and appearance of the area.

4.12 Policy DS4 on 'Amenity' states the following:

'All proposed development must have full regard to opportunities for maintaining and improving environmental quality. Development will not be permitted where there is an unacceptable adverse impact on the surrounding area or the environment or amenity of existing or future occupiers of adjoining or nearby properties.'

Angus Council will consider the impacts of development on:

- *Air Quality;*
- *Noise and vibration levels and times when such disturbances are likely to occur;*
- *Levels of light pollution;*
- *Levels of odours, fumes and dust;*
- *Suitable provision for refuse collection/storage and recycling;*
- *The effect and timing of traffic movement to, from and within the site, car parking and impacts on highway safety; and*
- *Residential amenity in relation to overlooking and loss of privacy, outlook, sunlight, daylight and overshadowing.*

Angus Council may support development which is considered to have an impact on such considerations, if the use of conditions or planning obligations will ensure that appropriate mitigation and/or compensatory measures are secured.

Applicants may be required to submit detailed assessments in relation to any of the above criteria to the Council for consideration.

Where a site is known or suspected to be contaminated, applicants will be required to undertake investigation and where appropriate, remediation measures relevant to the current or proposed use to prevent unacceptable risks to human health.'

4.13 The application sites are situated in open countryside remote from any other residential property. It is clearly possible to accommodate the two dwelling houses proposed without a resultant adverse impact on the residential amenity enjoyed at each.

4.14 Policy DV6 on 'Development in the Landscape' states the following:

'Angus Council will seek to protect and enhance the quality of the landscape in Angus, its diversity (including coastal, agricultural lowlands, the foothills and mountains), its distinctive local characteristics, and its important views and landmarks.'

Capacity to accept new development will be considered within the context of the Tayside Landscape Character Assessment, relevant landscape capacity studies, any formal designations and special landscape areas to be identified within Angus. Within the areas shown on the proposals map as being part of 'wild land', as identified in maps published by Scottish Natural Heritage in 2014, development proposals will be considered in the context of Scottish Planning Policy's provision in relation to safeguarding the character of wild land.

Development which has an adverse effect on landscape will only be permitted where:

- *the site selected is capable of accommodating the proposed development;*
- *the siting and design integrate with the landscape context and minimize adverse impacts on the local landscape;*
- *potential cumulative effects with any other relevant proposal are considered to be acceptable; and*
- *mitigation measures and/or reinstatement are proposed where appropriate.*

Landscape impact of specific types of development is addressed in more detail in other policies in this plan and work involving development which is required for the maintenance of strategic transport and communications infrastructure should avoid, minimize or mitigate any adverse impact on the landscape.

Further information on development in the landscape, including identification of special landscape and consideration areas in Angus will be set out in a Planning Advice Note.'

4.15 It is considered that the application sites are capable of accommodating the two dwelling houses proposed without adverse impact on the character and appearance of the landscape.

4.16 In light of the considerations outlined above we are very firmly of the opinion that the proposals are entirely compliant with the terms of the development plan and therefore meets the requirements of the first part of Section 25 in the Planning Act.

Other material considerations

4.17 There are a number of other material considerations which must be addressed in the consideration of this Planning Application including the Proposed Tay Plan; Scottish Planning Policy, Planning History, the Council’s Supplementary Guidance on ‘*Countryside Housing*’, and Economic Considerations.

Tay Plan – The Proposed Strategic Development Plan

4.18 The Proposed Strategic Development Plan for Dundee, Angus, Perth and North Fife (Tay Plan) was published in May 2015 and submitted to Scottish Ministers in June 2016. It sets out proposals for the development of the region in the period between 2016 and 2036. The Report into the examination of the plan was submitted to Scottish Ministers in March 2017 who will approve it with or without modifications. This plan, when approved, will provide the strategic framework for the determination of planning applications and the preparation of local plans. However it contains no specific policies or proposals of direct relevance to either the site or the proposed development and as such merits no further comment in the context of the application proposals.



Scottish Planning Policy

4.19 Scottish Planning Policy was published by the Scottish Government in June 2014 with its purpose stated as being *‘to set out national planning policies which reflect Scottish Ministers’ priorities for operation of the planning system and for the development and use of land.’* Paragraph 75 of SPP advises that the Planning System should:

- *in all rural and island areas promote a pattern of development that is appropriate to the character of the particular rural area and the challenges it faces;*
- *encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality; and*
- *support an integrated approach to coastal planning.’*

4.20 Paragraph 81 of the SPP states the following:

‘In accessible or pressured rural areas, where there is a danger of unsustainable growth in long-distance car-based commuting or suburbanisation of the countryside, a more restrictive approach to new housing development is appropriate, and plans and decision-making should generally:

- *guide most new development to locations within or adjacent to settlements; and*
- *set out the circumstances in which new housing outwith settlements may be appropriate, avoiding use of occupancy restrictions.*

4.21 Paragraph 83 of the SPP states the following:

‘In remote rural areas, where new development can often help to sustain fragile communities, plans and decision-making should generally:

- *encourage sustainable development that will provide employment;*
- *support and sustain fragile and dispersed communities through provision for appropriate development, especially housing and community-owned energy;*
- *include provision for small-scale housing (including clusters and groups; extensions to existing clusters and groups; replacement housing; plots for self-build; holiday homes; new build or conversion linked to rural business) and other development which supports sustainable economic growth in a range of locations, taking account of environmental protection policies and addressing issues of location, access, siting, design and environmental impact;*
- *where appropriate, allow the construction of single houses outwith settlements provided they are well sited and designed to fit with local landscape character, taking account of landscape protection and other plan policies;*
- *not impose occupancy restrictions on housing.’*

4.22 It is evidently clear from the above extracts that there is a strong level of support for appropriate forms of development in rural areas advocated in Scottish Planning Policy. The dwelling houses proposed by our client, which, as we have demonstrated previously, are supported by the terms of the Angus Local Development Plan are clearly considered appropriate in the context described.

Planning History

4.23 As previously noted planning permission was granted for the erection of a dwelling house on part of the site under Planning Application Reference Number 13/00025/PPL on 26th April 2013. Whilst that application was assessed against the terms of the Angus Local Plan Review (2009) the policies pertaining to that plan, insofar as they related to countryside housing considerations, are not dissimilar in nature. Key statements made in the Report of Handling relating to that particular application which we cite in support of the current application include the following:

- (i) The Council's Roads Department had no objection to the proposal provided that details of the proposals for the management of surface water within the site and a scheme for the improvement of the site access track were submitted.
- (ii) The Council's Archaeologist had no objection to the proposal provided that a condition be imposed requiring a photographic survey of the existing building on the site.
- (iii) Scottish Natural Heritage had no objection in respect of protected sites or protected species/biodiversity.
- (iv) A site inspection report submitted with the application concluded that the existing building was life expired and was unsuitable for reuse or refurbishment.
- (v) A survey of bats, swifts, swallows and barn owl concluded the following
 - (a) Due to the derelict nature of the building and its lack of weather tight roof spaces, the building was deemed unlikely to offer potential roost sites for bats and, therefore no negative impact on bats or bat roosts was anticipated from its demolition; and
 - (b) There were no signs of barn owl or swift using the building; and
 - (c) Swallows were using the building for breeding and in light of this it was recommended that any demolition works were undertaken outwith the breeding season.
- (vi) It was concluded that a '*properly designed replacement building could be an improvement over this derelict and significantly decayed building.*'

Countryside Housing – Supplementary Guidance

4.24 The Council's Supplementary Guidance on '*Countryside Housing*' is understood to have been approved by the Council's Planning Committee in 2016. The main objectives of the Supplementary Guidance are to:

- Provide advice on the interpretation of relevant aspects of Policies TS2 and DS1 of the Angus Local Development Plan, and provide a consistent approach to decision-making;
- Guide new development to appropriate and sustainable locations, where impact on landscape quality is minimised;
- Ensure new development reflects traditional patterns of development in the locality; and
- Promote high quality development in the countryside that respects local character and rural heritage.

4.25 As far as the '*Retention, Renovation or Acceptable Replacement of Existing Houses*' is concerned the Supplementary Guidance cites a preference for the retention of existing houses where they contribute to the character of rural Angus. However, in situations where such houses do not contribute to the character of the area or where their renovation is not viable, then reconstruction or replacement is considered acceptable. A Structural Report submitted in support of Planning Application Reference Number 13/00025/PPL conclusively demonstrated that the existing

building was life expired and was unsuitable for reuse or refurbishment. The condition of the building has deteriorated further since that report was prepared so its conclusions remain valid.

4.26 Section 3.3 of the Supplementary Guidance sets out the criteria to be met in respect of the ‘*Regeneration or Redevelopment of Brownfield Sites.*’ It defines a ‘*Brownfield Site*’ in its Glossary as ‘*Land which has previously been developed. The term may cover vacant or derelict land, land occupied by redundant or unused building and development land within the development boundary where further intensification of use is considered acceptable.*’ It defines a ‘*Rural Brownfield Site*’ as ‘*sites that have previously been developed. In rural areas this usually means sites that are occupied by redundant or unused buildings or where the land has been significantly degraded by a former activity.*’ Based on the definitions referred to above in the context of what exists on site and based on historical mapping information it is unequivocally clear that both the derelict dwelling house and the site of the former farm buildings to their west constitute ‘*brownfield sites.*’

4.27 The Supplementary Guidance also states the following:

‘Regeneration or redevelopment of brownfield sites will only be permitted where the development delivers significant visual or environmental improvement through the removal of derelict buildings, contamination or an incompatible land use; the mere fact that a site is brownfield in nature is not a sufficient reason for its redevelopment. The number of new houses that will be acceptable on rural brownfield sites depends on:

- *the extent of environmental degradation, contamination and derelict buildings;*
- *the overall size of the previously developed area of land;*
- *the scope for improvements to visual amenity; and*
- *the character of the surrounding landscape/built environment.*
- *compliance with applicable detailed Criteria (e.g. standard of access required).*

Development will be up to a maximum of four new houses, except where a marginally greater number (e.g. five) would be in the public interest and social, economic or environmental considerations override concerns associated with building large numbers of houses in the countryside.

The entire area of brownfield land must be remediated. New houses should be built on brownfield land, unless there are good planning reasons for doing otherwise (e.g. to achieve a satisfactory design solution). In this case, the whole area of brownfield land must also be remediated.’

4.28 The Council has previously accepted, through its granting of planning permission in principle for the erection of a single dwelling house on the site under Planning Application Reference Number 13/00025/PPPL that such a proposal could deliver significant visual and environmental improvement. Unfortunately and as expanded upon below, the extent of improvement that can be delivered through the erection of a single house is restricted due to the high costs associated with servicing the site with necessary infrastructure in terms of water, electricity and access arrangements. It is, as a consequence of this and the existence of the former farm buildings, not realised at the time of the earlier application, that permission is now being sought for the erection of two houses on the site. The Supplementary Guidance clearly supports a development of this nature.

4.29 Section 4 of the Supplementary Guidance on ‘*Design Considerations for New Houses in the Countryside*’ states the following:

‘In general the design solution for new houses in the countryside should accord with the principles set out in Policies DS3 Design Quality and Placemaking and PV6 Development in the Landscape. Guidance on design of new development in rural locations has been incorporated into the Design Quality and Placemaking Supplementary Guidance.

The basic principles for the siting and design of new houses in the countryside are set out below. New housing development should:

- *Reflect the traditional pattern of development in the area;*
- *Materials, form, scale and massing of new development should complement and not detract from existing traditional buildings in the area. Contemporary designs based on traditional characteristics will be generally encouraged. New housing based on suburban characteristics will not be supported;*
- *New development should seek to integrate with local landscape context and features and fit into the wider landscape setting not be imposed on it. Obtrusive development (i.e. on a ridgeline, artificially elevated ground or open settings) will not be supported;*
- *Landscaping and boundary treatment should be used to integrate new development with its setting. Proposals should be accompanied by a landscaping plan to demonstrate how the development will integrate into the local landscape setting.’*

4.30 The application sites are clearly capable of accommodating the two dwelling house applied for. The sensitive designs employed combined with appropriate landscaping will result in a significant improvement to the character and appearance of the area.

4.31 Appendix 3 to the Supplementary Guidance sets out the Criteria that all countryside housing proposals are required to meet. Those criteria and our responses to them are outlined below:

a *not create a gap or rounding off opportunity for additional greenfield development. The sub-division of existing residential curtilages to artificially create new build plots will not be supported;*

Response – The granting of planning permissions for the erection of two dwelling houses on this site would not create a gap or rounding off opportunity for additional green field development in the future.

b *meet the following plot size requirements (does not apply to proposals for conversion of non-residential buildings):*

- *Category 1 RSUs – between 0.08ha/800m² and 0.2ha/2000m²*
- *Category 2 RSUs – between 0.06ha/600m² and 0.4ha/4000m²*

Response – The two plots proposed fall within the 600m² to 4000m² thresholds considered appropriate in Category 2 RSUs as outlined above.

c not extend ribbon development;

Response – The erection of two dwelling houses on these sites will not result in ribbon development.

d not result in the coalescence of building groups or of a building group with a nearby settlement;

Response – As the sites are situated within the open countryside in isolation from other dwelling houses it will not result in the coalescence of one building group with another or of a building group with a nearby settlement.

e contribute to the rural character of the surrounding area and not be urban in form and/or appearance. Materials and design should reflect and complement traditional properties in the locality. Examples of suburban design on nearby or adjacent houses will not be accepted as justification for additional suburban development;

Response – It is unequivocally clear that the sites can comfortably accommodate the two dwelling houses proposed and will contribute positively to the rural character of the area as a result of their traditional design and use of appropriate finishing materials.

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. Guidance on private amenity space and distance between dwellings is set out in the Design Quality and Placemaking Supplementary Guidance. In countryside areas application of this guidance will have regard to the nature of the location and adjoining properties. 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.

Response – High quality residential environments will clearly be created on the sites for the two dwelling houses proposed.

g make provision for affordable housing in line with Policy TC3: Affordable Housing and the guidance set out in the Developer Contributions and Affordable Housing Supplementary Guidance;

Response – Given the scale of development proposed there is no requirement for the provision of affordable housing in association with it.

h where the proposed development will have a demonstrable cumulative impact on infrastructure and community facilities provision, an appropriate developer contribution from will be sought. Guidance on the range of contributions that may be sought from residential development and the methodologies for calculating the contribution are set out in the Developer Contributions and Affordable Housing Supplementary Guidance.

Response – Whilst our client has no objection to the principle of providing developer contributions, any such contributions sought should be directly related to the impacts arising from the development in accordance with the principles set out in Scottish Government Circular 3/2012

on 'Planning Obligations and Good Neighbour Agreements.' We do not consider that there is a justification in seeking developer contributions in this particular instance.

i not adversely affect or be affected by farming or other rural business activities (subject to provision of a good residential environment may not apply to proposals for essential worker housing required for the management of land or other rural business);

Response – The proposed dwelling houses will not have an adverse effect on any existing farming or rural based enterprise in the area.

j not take access through a farm court; (subject to provision of a good residential environment may not apply to proposals for essential worker housing required for the management of land or other rural business);

Response – Access to the development site is via an existing access track from the public road. That access does not run through a farm court.

k 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. The standard of the existing access should be taken into account when assessing a development proposal. Improvements should only be required where these would be necessary to provide ease of vehicular access to the existing and proposed development, or for road safety purposes;

Response – The existing access track serving the sites will require to be upgraded and resurfaced to facilitate vehicular movement to and from the dwelling houses proposed. Those upgrades will ensure that the track maintains its existing scale and rural character.

Economic Considerations

4.32 The application sites are devoid of any services at present. In order to develop the sites for residential purposes significant investment will be required in the provision of infrastructure for water, electricity and access arrangements. Due to the costs associated with providing those services it would not be economically viable to erect a single dwelling house on the site. The erection of two dwelling houses would allow the cost of the infrastructure works to be spread over both thus making the development economically viable.

4.33 Having assessed the proposal against the terms of the development plan and all other material considerations we are firmly of the view that our client's application which seeks planning permission for the erection of up to two dwelling houses on this site should be granted planning permission.

5. SUMMARY AND CONCLUSIONS

5.1 The following bullet points set out a summary of our client's planning application and the reasons supporting a positive recommendation:

- **The application sites which measure c0.8 hectares (c1.97 acres) are located at the north-eastern end of a long track which runs approximately 630 metres from the C31 Kirriemuir-Coull Smithy-Brechin Road. The sites are surrounded to the east, west and south by open fields with a backdrop of woodland to the north. There is a derelict and partially roofed 1.5 storey rubble cottage within the sites. Evidence in the form of historical mapping demonstrates that former farm buildings occupied the land to the west of the dwelling house.**
- **Planning Permission in Principle was granted for the erection of a dwelling house on part of the site under Planning Application Number 13/00025/PPPL on 26th April 2013. The site relating to that particular application only included the site of the former dwelling house. It did not include or relate to the site previously occupied by the farm buildings.**
- **The distance of the site from the public road and the costs associated with servicing it with the required infrastructure (water, electricity and access arrangements) renders the erection of a single dwelling house on the site economically unviable.**
- **The applications now submitted seeks detailed planning permission for the erection of two dwelling houses on the site. One of the dwellings would occupy the site of the former house and the other dwelling the location of the former farm buildings. The additional dwelling proposed will allow the servicing costs associated with the site to be spread over two houses thus rendering the scheme more viable.**
- **Policy TC2 of the Angus Local Development Plan supports, in countryside locations, the erection of replacement dwelling houses and the erection of new housing where it involves the 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.**
- **The entire extent of the application sites are clearly brownfield in nature. The previous grant of planning permission for the erection of a dwelling house thereon provides recognition that its redevelopment will deliver a significant visual/environmental improvement. The Report of Handling on that application acknowledged that *'a properly designed replacement dwelling could be an improvement over this derelict and significantly decayed building.'***
- **The Council's Supplementary Guidance on Countryside Housing advises that no more than four new houses (five as an exception) should be developed on such brownfield sites. The application submitted proposes only two.**

5.2 In light of the considerations outlined above it is respectfully requested that planning permission be granted for the erection of two dwelling houses on the site. We reserve the right to provide additional information in support of this application prior to its determination is considered necessary or justified.

Signed

A black rectangular box redacting the signature of Derek Scott.

Derek Scott

Date 25th May 2017





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

PLANNING PERMISSION REFUSAL
REFERENCE : 17/00458/FULL

To **Mrs Mary McPherson**
c/o John D Crawford Ltd
72 New Wynd
Montrose
Angus
DD10 8RF

With reference to your application dated 31 May 2017 for planning permission under the above mentioned Acts and Regulations for the following development, viz.:-

Proposed Erection of Dwelling on Land Previously Occupied by Farm Buildings - Re.Application at Windsor Cottage Fern Brechin DD9 6SB for Mrs Mary McPherson

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

The reasons for the Council's decision are:-

- 1 The application is contrary to Policy TC2 of the Angus Local Development Plan (2016) because the redevelopment of the site for a house would not meet with any of the acceptable categories for a house in the countryside including retention or replacement of an existing dwelling; conversion of a non-residential building; redevelopment of a brownfield site where that redevelopment would deliver significant visual or environmental improvement; round off a building group; meet the needs of an essential worker; and is not a gap site.
- 2 The application is contrary to Policy DS1 of the Angus Local Development Plan (2016) because the proposal does not comply with Policy TC2 and is not of a scale and nature appropriate to its location.

Amendments:

- 1 This application for planning permission has not been subject of variation.

Informatives:

Dated this **20 September 2017**

A handwritten signature in black ink that reads 'Kate Cowey'.

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

Planning Decisions – Guidance Note

Please retain – this guidance forms part of your Decision Notice

You have now received your Decision Notice. This guidance note sets out important information regarding appealing or reviewing your decision. There are also new requirements in terms of notifications to the Planning Authority and display notices on-site for certain types of application. You will also find details on how to vary or renew your permission.

Please read the notes carefully to ensure effective compliance with the new regulations.

DURATION

This permission will lapse 3 years from the date of this decision, unless there is a specific condition relating to the duration of the permission or development has commenced by that date.

PLANNING DECISIONS

Decision Types and Appeal/Review Routes

The 'decision type' as specified in your decision letter determines the appeal or review route. The route to do this is dependent on the how the application was determined. Please check your decision letter and choose the appropriate appeal/review route in accordance with the table below. Details of how to do this are included in the guidance.

Determination Type	What does this mean?	Appeal/Review Route
Development Standards Committee/Full Council	National developments, major developments and local developments determined at a meeting of the Development Standards Committee or Full Council whereby relevant parties and the applicant were given the opportunity to present their cases before a decision was reached.	DPEA (appeal to Scottish Ministers) – See details on attached Form 1
Delegated Decision	Local developments determined by the Service Manager through delegated powers under the statutory scheme of delegation. These applications may have been subject to less than five representations, minor breaches of policy or may be refusals.	Local Review Body – See details on attached Form 2
Other Decision	All decisions other than planning permission or approval of matters specified in condition. These include decisions relating to Listed Building Consent, Advertisement Consent, Conservation Area Consent and Hazardous Substances Consent.	DPEA (appeal to Scottish Ministers) – See details on attached Form 1

NOTICES

Notification of initiation of development (NID)

Once planning permission has been granted and the applicant has decided the date they will commence that development they must inform the Planning Authority of that date. The notice must be submitted before development commences – failure to do so would be a breach of planning control. The relevant form is included with this guidance note.

Notification of completion of development (NCD)

Once a development for which planning permission has been given has been completed the applicant must, as soon as practicable, submit a notice of completion to the planning authority. Where development is carried out in phases there is a requirement for a notice to be submitted at the conclusion of each phase. The relevant form is included with this guidance note.

Display of Notice while development is carried out

For national, major or 'bad neighbour' developments (such as public houses, hot food shops or scrap yards), the developer must, for the duration of the development, display a sign or signs containing prescribed information.

The notice must be in the prescribed form and:-

- displayed in a prominent place at or in the vicinity of the site of the development;
- readily visible to the public; and
- printed on durable material.

A display notice is included with this guidance note.

Should you have any queries in relation to any of the above, please contact:

Angus Council
Communities
Planning
County Buildings
Market Street
Forfar
Angus
DD8 3LG

Telephone 01307 473212 / 473207 / 473335
E-mail: planning@angus.gov.uk
Website: www.angus.gov.uk



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

The Town & Country Planning (Development Management Procedure) (Scotland) Regulations 2013 – Schedule to Form 1

*Notification to be sent to applicant on refusal of planning permission
or on the grant of permission subject to conditions decided by Angus Council*

1. If the applicant is aggrieved by the decision of the planning authority-

- a) to refuse permission for the proposed development;
- b) to refuse approval, consent or agreement required by condition imposed on a grant of planning permission;
- c) to grant planning permission or any approval, consent or agreement subject to conditions,

the applicant may appeal to the Scottish Ministers to review the case under section 47 of the Town and Country Planning (Scotland) Act 1997 within three months beginning with the date of this notice. The notice of appeal should be addressed to Directorate for Planning & Environmental Appeals, 4 The Courtyard, Callendar Business Park, Falkirk, FK1 1XR. Alternatively you can submit your appeal directly to DPEA using the national e-planning web site <https://eplanning.scotland.gov.uk>.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

Angus Council

Application Number:	17/00458/FULL
Description of Development:	Proposed Erection of Dwelling on Land Previously Occupied by Farm Buildings - Re.Application
Site Address:	Windsor Cottage Fern Brechin DD9 6SB
Grid Ref:	351242 : 760870
Applicant Name:	Mrs Mary McPherson

Report of Handling**Site Description**

The site measures approximately 4000sqm is located at the north-eastern end of a long rough track which runs for approximately 630m from the C31 Kirriemuir-Coull Smithy-Brechin road. The site is surrounded to the west and south by open fields with a backdrop of woodland to the north and a derelict traditional stone dwellinghouse to the east which is outside of the application site. From within and outside of the site it has the appearance of a greenfield grass/scrub area adjacent to the agricultural field.

The adjacent site to the east has previously benefitted from planning permission in principle for the erection of a replacement dwelling (ref: 13/00025/PPPL) and is subject of a current application for full planning permission for a dwelling (ref: 17/00457/FULL).

Proposal

Full planning permission is sought for the erection of a dwelling. The plans submitted detail a 1.5 storey four bedroom dwellinghouse with an L plan form. The dwelling would primarily be finished in stone and wet dash on the walls with a natural slate roof. The application form indicates that the existing site access would be utilised; a new public water supply connection made; and private drainage arrangements.

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 9 June 2017 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

16/00239/PREAPP for Proposed Erection of a Dwellinghouse on the site. The enquirer was advised that a dwellinghouse on this site would not comply with countryside housing policy and would be refused planning permission.

A planning application for a replacement dwelling is currently being assessed on land to the immediate east (ref. 17/00457/FULL applies).

Applicant's Case

A statement in support of the proposal has been submitted with this application. This states that the erection of a single dwellinghouse at the end of this long track from the public road would be economically unviable due to costs of infrastructure and services. The applicant considers the current application site to be brownfield in nature and has stated that the site was formerly occupied by farm buildings. The applicant has provided photographs to indicate an element of concrete and stone from former buildings, exposed within the application site.

Consultations

Aberdeenshire Council Archaeology Service - This consultee has raised no objections.

National Grid Plant Protection - There was no response from this consultee at the time of report preparation.

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

Angus Council - Roads - This consultee has stated no objections.

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

Angus Council - Flood Prevention - Offered no objection.

Health & Safety Executive - This consultee has stated no objections.

Representations

There were no letters of representation.

Development Plan Policies

Angus Local Development Plan 2016

Policy DS1 : Development Boundaries and Priorities

Policy DS3 : Design Quality and Placemaking

Policy DS4 : Amenity

Policy TC2 : Residential Development

Policy PV21 : Pipeline Consultation Zones

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.

- The key issue in this case is whether the erection of a house on the site complies with policies of the Local Development Plan; and
- Whether there are any material considerations which would justify approval contrary to the Local Development Plan.

Policy TC2 'Residential Development' and the Council's Countryside Housing Supplementary Guidance 2016 states that in countryside locations, proposals for the development of houses will be supported where the proposed development falls into one (or more) of a number of categories. The proposal does not

involve conversion of a non-residential building or replacement or renovation of a house. There is one dwelling adjacent to site (subject of a separate application for a replacement house) but insufficient houses to form a building group and the rounding off test does not apply. The site does not form a gap site and the proposed house is not for an essential farm worker.

Policy TC2 allows housing where the proposal would involve the regeneration or redevelopment of a rural brownfield site where development delivers *significant* visual or environmental improvement through the removal of derelict buildings, contamination or an incompatible land use. The supplementary guidance indicates that the mere fact that the site is brownfield in nature is not a sufficient reason for its redevelopment.

The applicant's supporting case suggests that the site should be considered a rural brownfield site because a very small part of the site once occupied a building (which has now been removed). The building referred to does not appear on historic mapping from 1968 onwards and appears to have been removed between 1959 and 1968 - around 50 years ago. The applicant has submitted information including a photograph which appears to show a very small area of concrete or similar which has been exposed following a recent scraping back of the site. Whether viewed from a distance or on site, the land appears to be predominantly greenfield in nature and does not represent an eye sore which would benefit from redevelopment. The site does not cause any obvious visual or environmental harm and its redevelopment would not deliver significant visual or environmental improvement. The proposal is contrary to Policy TC2 and the associated supplementary guidance.

The proposal raises no significant conflicts against other policies of the plan. An acceptable residential environment could be provided for the proposed house which would not compromise the amenity of other housing. A contribution towards affordable housing would be required by Policy TC3 if the proposal were approved. The cumulative area of this site in addition to the adjacent application site to the immediate east (reference: 17/00457/FULL) would exceed 0.5HA. The design of the proposed house raises no issues against Policy DS3 'Design Quality and Placemaking'. Access, drainage and water supply arrangements appear to be acceptable. The application site lies within a pipeline consultation zone. The Health and Safety Executive and National Grid were consulted on the proposal but have offered no objection.

Policy DS1 'Development Boundaries and Priorities' is supportive of development which is of a scale and nature appropriate to its location and where it accords with other policies of the plan. The proposal has been assessed as contrary to Policy TC2 above. A single house on the adjacent site which replaces the existing derelict cottage would represent a suitable development, but two houses in this area would simply add to the suburbanisation of the countryside. It would not represent a development of a scale and nature appropriate to its location. The proposal is also contrary to Policy DS1.

The applicant has indicated that the proposed house is required (in addition to the house proposed on the adjacent site) to make the overall development more viable. No development viability information has been submitted in support of the application. Developing the land in and adjacent to this site for two houses rather than one would undoubtedly generate additional revenue; but this does not represent a material consideration that would justify a departure from the local development plan. The proposed house does not comply with policies TC2 and DS1 and there are no material considerations that justify approval of planning permission contrary to policies of the plan.

Human Rights Implications

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

Equalities Implications

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

Decision

The application is refused

Reason(s) for Decision:

1. The application is contrary to Policy TC2 of the Angus Local Development Plan (2016) because the redevelopment of the site for a house would not meet with any of the acceptable categories for a house in the countryside including retention or replacement of an existing dwelling; conversion of a non-residential building; redevelopment of a brownfield site where that redevelopment would deliver significant visual or environmental improvement; round off a building group; meet the needs of an essential worker; and is not a gap site.
2. The application is contrary to Policy DS1 of the Angus Local Development Plan (2016) because the proposal does not comply with Policy TC2 and is not of a scale and nature appropriate to its location.

Notes:

Case Officer: Neil Duthie
Date: 19 September 2017

Appendix 1 - Development Plan Policies

Angus Local Development Plan 2016

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 DS3 : Design Quality and Placemaking

Development proposals should deliver a high design standard and draw upon those aspects of landscape or townscape that contribute positively to the character and sense of place of the area in which they are to be located. Development proposals should create buildings and places which are:

- o Distinct in Character and Identity: Where development fits with the character and pattern of development in the surrounding area, provides a coherent structure of streets, spaces and buildings and retains and sensitively integrates important townscape and landscape features.
- o Safe and Pleasant: Where all buildings, public spaces and routes are designed to be accessible, safe and attractive, where public and private spaces are clearly defined and appropriate new areas of landscaping and open space are incorporated and linked to existing green space wherever possible.
- o Well Connected: Where development connects pedestrians, cyclists and vehicles with the surrounding area and public transport, the access and parking requirements of the Roads Authority are met and the principles set out in 'Designing Streets' are addressed.
- o Adaptable: Where development is designed to support a mix of compatible uses and accommodate changing needs.
- o Resource Efficient: Where development makes good use of existing resources and is sited and designed to minimise environmental impacts and maximise the use of local climate and landform.

Supplementary guidance will set out the principles expected in all development, more detailed guidance on the design aspects of different proposals and how to achieve the qualities set out above. Further details on the type of developments requiring a design statement and the issues that should be addressed will also be set out in supplementary guidance.

Policy DS4 : Amenity

All proposed development must have full regard to opportunities for maintaining and improving environmental quality. Development will not be permitted where there is an unacceptable adverse impact on the surrounding area or the environment or amenity of existing or future occupiers of adjoining or nearby properties.

Angus Council will consider the impacts of development on:

- Air quality;
- Noise and vibration levels and times when such disturbances are likely to occur;
- Levels of light pollution;
- Levels of odours, fumes and dust;
- Suitable provision for refuse collection / storage and recycling;
- The effect and timing of traffic movement to, from and within the site, car parking and impacts on highway safety; and
- Residential amenity in relation to overlooking and loss of privacy, outlook, sunlight, daylight and overshadowing.

Angus Council may support development which is considered to have an impact on such considerations, if the use of conditions or planning obligations will ensure that appropriate mitigation and / or compensatory measures are secured.

Applicants may be required to submit detailed assessments in relation to any of the above criteria to the Council for consideration.

Where a site is known or suspected to be contaminated, applicants will be required to undertake investigation and, where appropriate, remediation measures relevant to the current or proposed use to prevent unacceptable risks to human health.

Policy TC2 : Residential Development

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

- o be compatible with current and proposed land uses in the surrounding area;
- o provide a satisfactory residential environment for the proposed dwelling(s);

- o not result in unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure; and
- o 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:

- o the site is not allocated or protected for another use; and
- o 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:

- o retention, renovation or acceptable replacement of existing houses;
- o conversion of non-residential buildings;
- o 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;
- o single new houses where development would:
 - o round off an established building group of 3 or more existing dwellings; or
 - o meet an essential worker requirement for the management of land or other rural business.
- o 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
- o 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:

- o 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.
- o the restoration or replacement of traditional buildings.
- o 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.

**Rural Settlement Units are defined in the Glossary and their role is further explained on Page 9.

Policy PV21 : Pipeline Consultation Zones

Decisions on whether to grant planning permission for development proposals within the pipeline consultation zones shown on the proposals map will be taken in light of the views and advice of the Health and Safety Executive.

ANGUS COUNCIL

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

PLANNING PERMISSION - CONDITIONAL APPROVAL

REFERENCE : 17/00457/FULL

To: **Mrs Mary McPherson**
c/o John D Crawford Ltd
72 New Wynd
Montrose
Angus
DD10 8RF

With reference to your application dated **31 May 2017** for planning permission under the above mentioned Acts and Regulations for the following development viz:-

Proposed Replacement Dwelling to Replace Existing Farmhouse - Re-Application at Windsor Cottage Fern Brechin DD9 6SB for Mrs Mary McPherson

The Angus Council in exercise of their powers under the above mentioned Acts and Regulations hereby **Grant Planning Permission (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 approved on the Public Access portal.

The permission is subject to the following conditions, namely:-

- 1 That, prior to the occupation of the dwelling hereby approved, the foul and surface water drainage arrangements and all boundary treatment as identified on the approved Proposed Site and Location Plan (Drawing JDC/715/003/Site Plot 1 and dated 14/04/17) shall be completed.
- 2 That all planting (including boundary hedging) comprised in the approved details of landscaping shall be carried out in the first planting season following the completion of the development or at earlier stages, and any plants or trees which within a period of five years from the commencement of the use die; are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species.
- 3 That no demolition or development shall take place prior to a photographic survey being undertaken by the developer and approved by the planning authority. All elevations, both external and internal (where it is safe to access the building), together with the setting of the building, and any unusual feature/s, shall be photographed and clearly annotated on a plan. Photographs, which should be digital files (jpeg, tiff, pdf) submitted by email, on CD or via online file sharing services, shall be clearly marked with place name for identification, national grid reference and planning reference and subsequently deposited with the Aberdeenshire Council Archaeology Service for addition into the local Sites and Monuments Record.

The foregoing conditions are imposed by the Council for the following reasons :-

- 1 In the interests of visual and residential amenity and in order to mitigate any possible flood risk from the application site.
- 2 In order to comply with the landscaping requirements of the planning authority and ensure subsequent maintenance.
- 3 In order to ensure a historic record of the building.

The reason(s) for the foregoing decision by the Council are as follows:-

1. The proposal provides for the erection of a replacement dwellinghouse in a manner that is of a scale and nature appropriate to its location and complies with relevant policies of the development plan. There are no material considerations that justify refusal of the application.

Dated this **3 November 2017**

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

NOTES

The decision was based on the following amendment(s):-

Amendments:

1. This application for planning permission has not been subject of variation.

It should be understood that this permission does not carry with it any necessary consent or approval to the proposed development under other statutory enactments e.g. the Building (Scotland) Act 2003 and the Building (Scotland) Regulations 2004 as amended.

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



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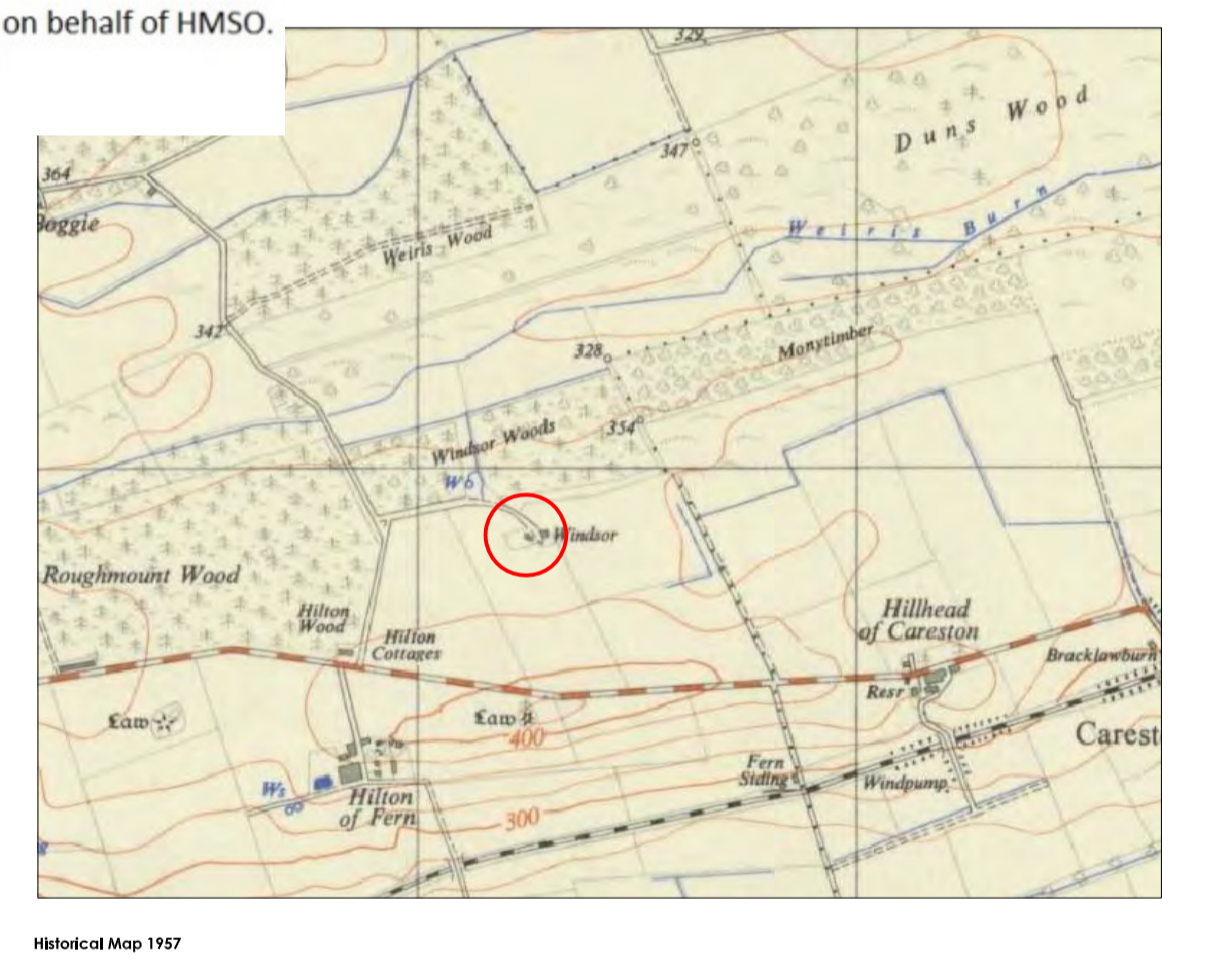
Location Plan (1:1250)



ITEM 5(b)



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REVISION	DATE	DESCRIPTION OF REVISION

CLIENT Mrs M McPherson

PROJECT Proposed Replacement Dwelling at Windsor Cottage, Fern, By Brechin, DD9 6SB

DRAWING TITLE Proposed Site & Location Plans Plot 1

SCALE	DATE	DRAWING No.	DRAWN BY
1:1250	14.04.17	JDC/1715/003/SitePlot 1	DP

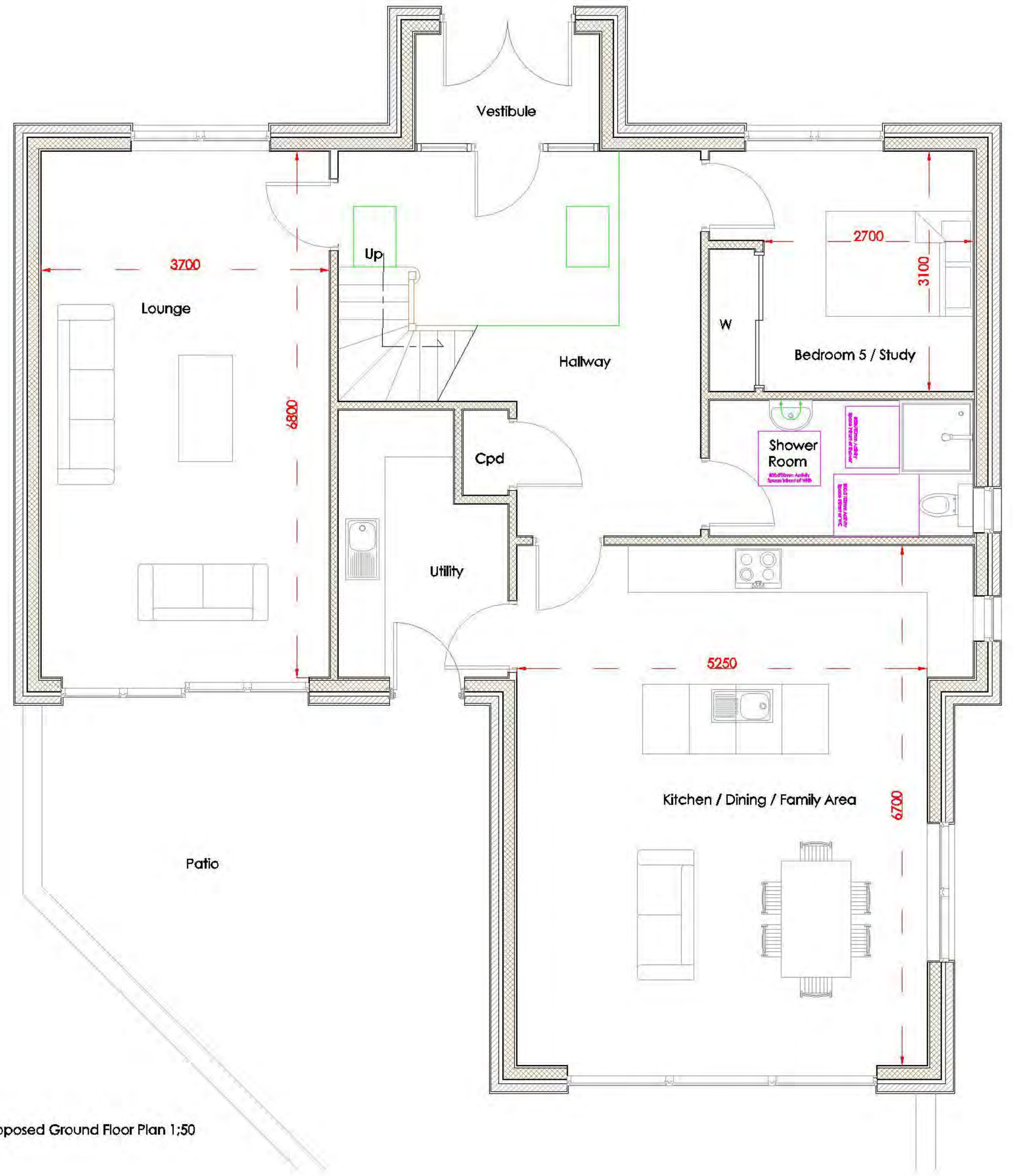
This drawing is issued for the purpose of the status indicated below

- Sketch Proposal
- Planning Application Submission
- Planning Application
- Building Warrant Application Submission
- Building Warrant Application
- Tender Issue
- Construction Drawings to be Adhered to on Site

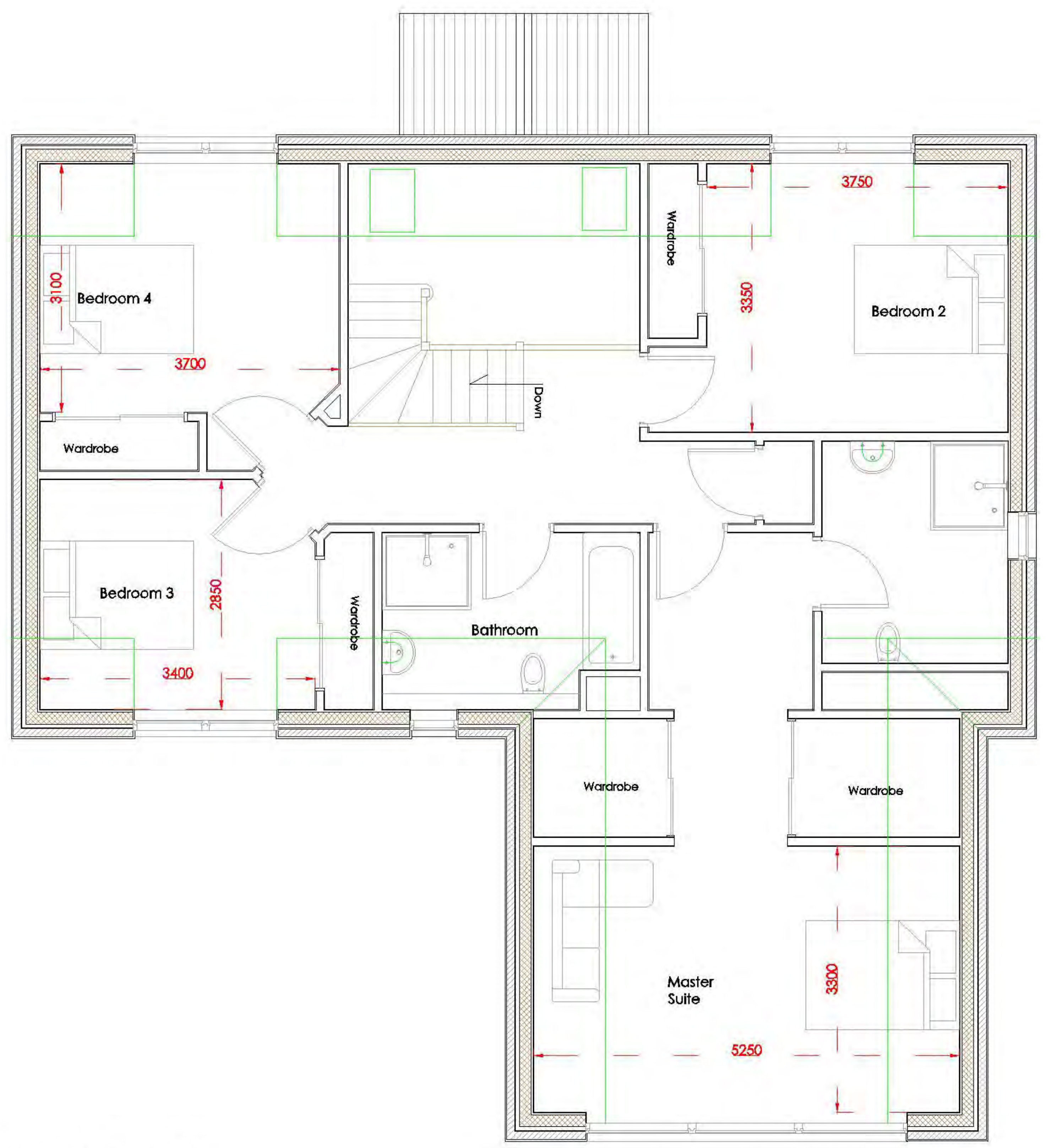
Do not scale this drawing

GENERAL LEGEND

- Areas shaded represents Existing Structure
- New External Walls



Proposed Ground Floor Plan 1:50



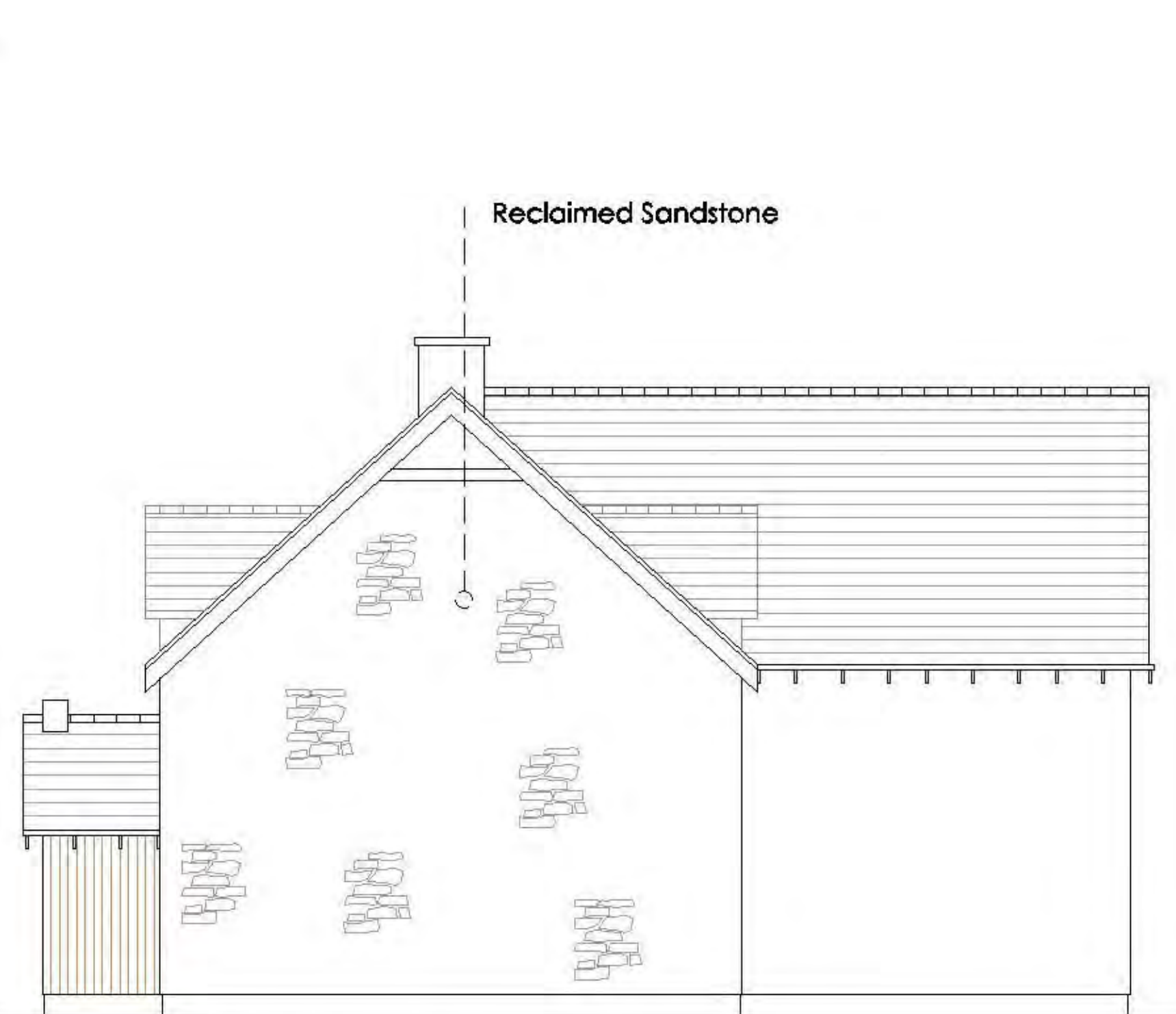
Proposed First Floor Plan 1:50

Town & Country Planning (Scotland) Act 1997 As Amended

APPROVED ON BEHALF OF THE ANGUS COUNCIL
SUBJECT TO THE CONDITIONS SET FORTH IN
INTIMATION OF PERMISSION



Proposed Front Elevation 1:100



Proposed Side Elevation 1:100



Proposed Side Elevation 1:100



Proposed Rear Elevation 1:100

REVISION	DATE	DESCRIPTION OF REVISION

CLIENT Mrs M McPherson

PROJECT Proposed Replacement Dwelling at Windsor Cottage, Fern, By Brechin, DD9 6SB

DRAWING TITLE Plans & Elevations PLOT 4

SCALE	DATE	DRAWING No.	DRAWN BY
1:1250	24.05.17	JDC/715/004Plot1	DP

This drawing is issued for the purpose of the status indicated below

- Sketch Proposal
- Planning Application Submission
- Planning Application
- Building Warrant Application Submission
- Building Warrant Application
- Tender Issue
- Construction Drawings to be Adhered to on Site

Angus Council

Application Number:	17/00457/FULL
Description of Development:	Proposed Replacement Dwelling to Replace Existing Farmhouse - Re-Application
Site Address:	Windsor Cottage Fern Brechin DD9 6SB
Grid Ref:	351274 : 760881
Applicant Name:	Mrs Mary McPherson

Report of Handling**Site Description**

The application site contains a derelict and partially roofed 1.5 storey rubble cottage which sits within the linear site, measuring approximately 4000sqm. The site is located at the north-eastern end of a long rough track which runs for approximately 630m from the C31 Kirriemuir-Coull Smithy-Brechin road. The site is surrounded to the east, west and south by open fields with a backdrop of woodland to the north. Any garden ground and driveway associated with the building is now overgrown. The site is bounded by a post and wire fence and there is a small cluster of mature trees close to the north-western boundary of the site.

Proposal

It is proposed to erect a new dwellinghouse to replace the existing derelict farmhouse on the site. The proposed dwelling will be very close to the footprint of the existing dwelling and will be of similar scale to the existing building. The new house will be 1.5 storey and of a design in the local vernacular with wallhead dormers to the front and rear. The design will however feature contemporary detailing by way of full-height glazing on the south elevation. This 5-bedroom dwelling will feature a slated roof with external walls of natural stone and a white wet-dash render. A timber sentry porch will feature on the north elevation facing the track. The applicant has stated on the submitted proposed layout that a hedge of native species will be planted around the site and access will be taken from the existing access track to the north-west.

This application for planning permission 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 9 June 2017 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

13/00025/PPPL for Planning Permission in Principle for Erection of Dwellinghouse & Garage was determined as "approved subject to conditions" on 29 April 2013.

The applicant also applied for planning permission for erection of a dwelling on land immediately to the west and this application has reference 17/00458/FULL. This was refused on 20 September 2017.

Applicant's Case

The applicant has submitted a Supporting Statement, Bat Roost Assessment and Structural Engineer's Report in support of the application, as follows;

Supporting Statement - This applies to this current application and the proposed erection of a dwelling on another plot to the west. This states the distance of the site from the public road and the costs associated with servicing it with the required infrastructure (water, electricity and access arrangements) renders the erection of a single dwelling house on the site economically unviable. Therefore, the applications now submitted seek detailed planning permission for the erection of two dwelling houses. One of the dwellings would occupy the site of the former house and the other dwelling the location of the former farm buildings. The additional dwelling proposed will allow the servicing costs associated with the site to be spread over two houses thus rendering the scheme more viable. The applicant has quoted development plan policy and countryside housing supplementary guidance and consider that the development will be in compliance with same;

Bat Roost Assessment - This is an update of the previous assessment carried out in November 2012. It was considered that a further site visit was not required and recent photographs were acceptable to make an updated assessment of the proposal. It is considered that the advanced dereliction of the building is unlikely to have increased the bat roost potential of the building above 'negligible'. Wet timbers and widespread weather ingress indicate that the building is unlikely to offer suitable locations for bats to roost. No further bat survey is deemed necessary and no negative impact from potential development is anticipated on bat roosts;

Structural Engineer's Report - The applicant has submitted the original report carried out in November 2012, and has concluded that the existing building is life expired and is unsuitable for reuse or refurbishment. The applicant also submitted an update for that report from August this year and has confirmed that the 2012 report still remains valid.

Consultations

Aberdeenshire Council Archaeology Service - This consultee has asked that a photographic survey is carried out prior to development.

National Grid Plant Protection - There was no response from this consultee at the time of report preparation.

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

Angus Council - Roads - This consultee has stated no objections.

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

Angus Council - Flood Prevention - This consultee has stated no objections.

Health & Safety Executive - This consultee has stated no objections.

Representations

There were no letters of representation.

Development Plan Policies

Angus Local Development Plan 2016

Policy DS1 : Development Boundaries and Priorities

Policy DS3 : Design Quality and Placemaking

Policy DS4 : Amenity

Policy TC2 : Residential Development

Policy PV5 : Protected Species
Policy PV8 : Built and Cultural Heritage
Policy PV21 : Pipeline Consultation Zones

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.

Policy DS1 'Development Boundaries and Priorities' indicates that all proposals will be expected to support delivery of the Development Strategy. In order to assess whether the proposal is of a scale and nature appropriate to its location, it is necessary to assess it against other relevant policy tests.

Policy TC2 'Residential Development' states that all new residential development must be compatible with current and proposed land uses in the area, must provide a satisfactory residential environment, and should not result in an unacceptable impact on the built and natural environment. It also states that in countryside locations, the retention, renovation or acceptable replacement of existing houses could be acceptable. The Council's Countryside Housing Supplementary Guidance (2016) allows for the replacement of houses that are of minimal visual, architectural or historic merit. It also states that where a structural engineer confirms that renovation of the building is not viable, reconstruction or replacement on a one-for-one basis will be acceptable to Angus Council.

In this case, the application site includes a substantial 1.5 storey dwellinghouse in a derelict state and planning permission in principle for erection of replacement house and garage was previously approved in April 2013 (this consent lapsed in 2016). The building has been subject of further deterioration since the last planning permission. The application site is surrounded by open fields to the east, south and west with woodland to the north and it is considered that the proposal would not have any adverse impacts on the built or natural environment. The applicant has submitted a Structural Engineer's Report carried out in November 2012, and this concluded that the existing building is life expired and is unsuitable for reuse or refurbishment, and has also submitted an update for that report from August this year which confirms that the 2012 report still remains valid. It is also noted that the application site is 4000sqm and, in this Category 2 RSU in the ALDP, this is the maximum size that is normally acceptable for a dwellinghouse curtilage. Taking these points into account, it is considered that a replacement house is acceptable for this site, subject to the agreement of a suitable design and layout for the development.

Policy DS3 'Design Quality and Placemaking' indicates that proposals should deliver a high design standard taking account of aspects of landscape and townscape that contribute positively to the character and sense of place of the area in which they are located. The Council's Countryside Housing Supplementary Guidance (2016) also states that new housing should reflect the traditional pattern of development in the area; be of materials, form, scale and massing to complement traditional buildings in the area; or be of contemporary design based on traditional characteristics. In this case, the applicant intends a 1.5 storey dwellinghouse of traditional form in the local vernacular, with contemporary features of full height glazing included. Traditional finishing materials of white wet-dash harl, natural sandstone and timber linings will be used for walls, with natural slate for the roof. The design, scale and finishing materials are considered acceptable for this site and the replacement dwelling is therefore considered in compliance with Policy DS3 and the supplementary guidance.

Policy DS4 'Amenity' indicates that all proposals must have full regard to opportunities for maintaining and improving environmental quality. It is noted there have been no objections raised against the development and no concerns raised by technical consultees. There are also no existing dwellinghouses in close proximity of the application site. In this respect, it is considered that there are no issues with possible overlooking from the site or window to window issues. With regards to traffic movements, the Roads

Service (Traffic) has stated no objections to the proposal and it is intended to use the existing long track from the public road to the south-west. There will also be adequate space for car parking, access and turning within the application site. With regards to drainage, the applicant intends a rainwater soakaway and septic tank and foul soakaway within the application site, and the Roads Service (Drainage) has stated no objections to the proposal. With regards to landscaping and boundary treatment, the applicant intends post and wire fencing around the site with a maximum height of 900mm, to be supplemented by native species hedging. Also towards the periphery of the site, the applicant intends the planting of native species trees and shrubs to supplement the hedging. These finer details of the proposal are considered acceptable and, therefore, the proposal is considered in accordance with Policy DS4.

Policy PV5 'Protected Species' states that Angus Council will work with partner agencies and developers to protect and enhance all wildlife including its habitats, important roost or nesting places. Development proposals which are likely to affect protected species will be assessed to ensure compatibility with the appropriate regime. In this case, the applicant has submitted a Bat Roost Assessment and this is an update of the previous assessment carried out in November 2012. It is considered that the advanced dereliction of the building is unlikely to have increased the bat roost potential of the building above 'negligible' and no further bat survey is deemed necessary and no negative impact from potential development is anticipated on bat roosts. Taking this into account, it is considered that the proposal is in accordance with Policy PV5.

Policy PV8 'Built and Cultural Heritage' states that development proposals which affect local historic environment sites, such as conservation areas and sites of archaeological interest, will only be permitted where supporting information commensurate with the site's status demonstrates that the integrity of the historic environment value of the site will not be compromised. In this case, the Council's Archaeologist has noted that the development will involve the loss of a cottage dating to the 19th Century. In this respect, the Archaeologist has asked that a photographic survey of the cottage and its setting shall be carried out prior to demolition and development, and this requirement will feature as a condition of the planning permission. In this respect, the proposal is considered in accordance with Policy PV8.

Policy PV21 'Pipeline Consultation Zones' indicates that decisions on whether to grant planning permission within pipeline consultation zones will be taken in light of the views and advice of the HSE. The application site lies within a pipeline consultation zone. The Health and Safety Executive was consulted on the proposal and has stated no objections but suggested additional consultations be undertaken. In this respect, the National Grid was consulted but no comments were received on the proposal. Taking these points into account, it is considered that the proposal could be carried out without the existing pipeline corridors being compromised and the proposal is considered to be in accordance with Policy PV21.

In conclusion, the proposal provides for the erection of a replacement dwellinghouse in a manner that is of a scale and nature appropriate to its location and complies with relevant policies of the development plan. There are no material considerations that justify refusal of the application.

Human Rights Implications

The decision to grant permission/consent, subject to conditions, has potential implications for neighbours in terms of alleged interference with privacy, home or family life (Article 8) and peaceful enjoyment of their possessions (First Protocol, Article 1). For the reasons referred to elsewhere in this report justifying this decision in planning terms, it is considered that any actual or apprehended infringement of such Convention Rights, is justified. The conditions constitute a justified and proportional control of the use of the property in accordance with the general interest and have regard to the necessary balance of the applicant's freedom to enjoy his property against the public interest and the freedom of others to enjoy neighbouring property/home life/privacy without undue interference.

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 approved subject to conditions

Reason(s) for Decision:

1. The proposal provides for the erection of a replacement dwellinghouse in a manner that is of a scale and nature appropriate to its location and complies with relevant policies of the development plan. There are no material considerations that justify refusal of the application.

Conditions:

1. That, prior to the occupation of the dwelling hereby approved, the foul and surface water drainage arrangements and all boundary treatment as identified on the approved Proposed Site and Location Plan (Drawing JDC/715/003/Site Plot 1 and dated 14/04/17) shall be completed.

Reason:

In the interests of visual and residential amenity and in order to mitigate any possible flood risk from the application site.

2. That all planting (including boundary hedging) comprised in the approved details of landscaping shall be carried out in the first planting season following the completion of the development or at earlier stages, and any plants or trees which within a period of five years from the commencement of the use die; are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species.

Reason:

In order to comply with the landscaping requirements of the planning authority and ensure subsequent maintenance.

3. That no demolition or development shall take place prior to a photographic survey being undertaken by the developer and approved by the planning authority. All elevations, both external and internal (where it is safe to access the building), together with the setting of the building, and any unusual feature/s, shall be photographed and clearly annotated on a plan. Photographs, which should be digital files (jpeg, tiff, pdf) submitted by email, on CD or via online file sharing services, shall be clearly marked with place name for identification, national grid reference and planning reference and subsequently deposited with the Aberdeenshire Council Archaeology Service for addition into the local Sites and Monuments Record.

Reason:

In order to ensure a historic record of the building.

Notes:

Case Officer: Neil Duthie

Date: 27 October 2017

Appendix 1 - Development Plan Policies

Angus Local Development Plan 2016

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 DS3 : Design Quality and Placemaking

Development proposals should deliver a high design standard and draw upon those aspects of landscape or townscape that contribute positively to the character and sense of place of the area in which they are to be located. Development proposals should create buildings and places which are:

- o Distinct in Character and Identity: Where development fits with the character and pattern of development in the surrounding area, provides a coherent structure of streets, spaces and buildings and retains and sensitively integrates important townscape and landscape features.
- o Safe and Pleasant: Where all buildings, public spaces and routes are designed to be accessible, safe and attractive, where public and private spaces are clearly defined and appropriate new areas of landscaping and open space are incorporated and linked to existing green space wherever possible.
- o Well Connected: Where development connects pedestrians, cyclists and vehicles with the surrounding area and public transport, the access and parking requirements of the Roads Authority are met and the principles set out in 'Designing Streets' are addressed.
- o Adaptable: Where development is designed to support a mix of compatible uses and accommodate changing needs.
- o Resource Efficient: Where development makes good use of existing resources and is sited and designed to minimise environmental impacts and maximise the use of local climate and landform.

Supplementary guidance will set out the principles expected in all development, more detailed guidance on the design aspects of different proposals and how to achieve the qualities set out above. Further details on the type of developments requiring a design statement and the issues that should be addressed will also be set out in supplementary guidance.

Policy DS4 : Amenity

All proposed development must have full regard to opportunities for maintaining and improving environmental quality. Development will not be permitted where there is an unacceptable adverse impact on the surrounding area or the environment or amenity of existing or future occupiers of adjoining or nearby properties.

Angus Council will consider the impacts of development on:

- Air quality;
- Noise and vibration levels and times when such disturbances are likely to occur;
- Levels of light pollution;
- Levels of odours, fumes and dust;
- Suitable provision for refuse collection / storage and recycling;

- The effect and timing of traffic movement to, from and within the site, car parking and impacts on highway safety; and
- Residential amenity in relation to overlooking and loss of privacy, outlook, sunlight, daylight and overshadowing.

Angus Council may support development which is considered to have an impact on such considerations, if the use of conditions or planning obligations will ensure that appropriate mitigation and / or compensatory measures are secured.

Applicants may be required to submit detailed assessments in relation to any of the above criteria to the Council for consideration.

Where a site is known or suspected to be contaminated, applicants will be required to undertake investigation and, where appropriate, remediation measures relevant to the current or proposed use to prevent unacceptable risks to human health.

Policy TC2 : Residential Development

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

- o be compatible with current and proposed land uses in the surrounding area;
- o provide a satisfactory residential environment for the proposed dwelling(s);
- o not result in unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure; and
- o 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:

- o the site is not allocated or protected for another use; and
- o 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:

- o retention, renovation or acceptable replacement of existing houses;
- o conversion of non-residential buildings;
- o 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;
- o single new houses where development would:
- o round off an established building group of 3 or more existing dwellings; or
- o meet an essential worker requirement for the management of land or other rural business.
- o 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
- o 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:

- o 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.
- o the restoration or replacement of traditional buildings.
- o 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.

**Rural Settlement Units are defined in the Glossary and their role is further explained on Page 9.

Policy PV5 : Protected Species

Angus Council will work with partner agencies and developers to protect and enhance all wildlife including its habitats, important roost or nesting places. Development proposals which are likely to affect protected species will be assessed to ensure compatibility with the appropriate regulatory regime.

European Protected Species

Development proposals that would, either individually or cumulatively, be likely to have an unacceptable adverse impact on European protected species as defined by Annex 1V of the Habitats Directive (Directive 92/24/EEC) will only be permitted where it can be demonstrated to the satisfaction of Angus Council as planning authority that:

- o there is no satisfactory alternative; and
- o there are imperative reasons of overriding public health and/or safety, nature, social or economic interest and beneficial consequences for the environment, and
- o the development would not be detrimental to the maintenance of the population of a European protected species at a favourable conservation status in its natural range

Other Protected Species

Development proposals that would be likely to have an unacceptable adverse effect on protected species unless justified in accordance with relevant species legislation (Wildlife and Countryside Act 1981 and the Protection of Badgers Act 1992) subject to any consequent amendment or replacement.

Further information on protected sites and species and their influence on proposed development will be set out in a Planning Advice Note.

Policy PV8 : Built and Cultural Heritage

Angus Council will work with partner agencies and developers to protect and enhance areas designated for their built and cultural heritage value. Development proposals which are likely to affect protected sites, their setting or the integrity of their designation will be assessed within the context of the appropriate regulatory regime.

National Sites

Development proposals which affect Scheduled Monuments, Listed Buildings and Inventory Gardens and Designed Landscapes will only be supported where:

- the proposed development will not adversely affect the integrity of the site or the reasons for which it was designated;
- any significant adverse effects on the site or its setting are significantly outweighed by social, environmental and/or economic benefits; and
- appropriate measures are provided to mitigate any identified adverse impacts.

Proposals for enabling development which is necessary to secure the preservation of a listed building may be acceptable where it can be clearly shown to be the only means of preventing its loss and securing its long term future. Any development should be the minimum necessary to achieve these aims. The resultant development should be designed and sited carefully in order to preserve or enhance the character and setting of the listed building.

Regional and Local Sites

Development proposals which affect local historic environment sites as identified by Angus Council (such as Conservation Areas, sites of archaeological interest) will only be permitted where:

- supporting information commensurate with the site's status demonstrates that the integrity of the historic environment value of the site will not be compromised; or
- the economic and social benefits significantly outweigh the historic environment value of the site.

Angus Council will continue to review Conservation Area boundaries and will include Conservation Area Appraisals and further information on planning and the built and cultural heritage in a Planning Advice Note.

Policy PV21 : Pipeline Consultation Zones

Decisions on whether to grant planning permission for development proposals within the pipeline consultation zones shown on the proposals map will be taken in light of the views and advice of the Health and Safety Executive.

REPORT OF HANDLING

Application Number:	13/00025/PPPL
Description of Development:	Planning Permission in Principle for Erection of Dwellinghouse & Garage
Postal Address:	Windsor Cottage Fern Brechin DD9 6SB
Name of Applicant:	Mrs Mary MacPherson

Details of any variation under Section 32A:

The application has not been subject of variation.

Representations:

None

Policies:

TAYplan 2012

The application has no bearing in strategic terms and policies of TAYplan are not referred to in this report.

Angus Local Plan Review (2009):

Policy S1: Development Boundaries

Policy S5: Safeguard Areas

Policy S6: Development Principles

Policy SC4: Countryside Housing - Retention of Existing Houses

Policy ER4: Wider Natural Heritage and Biodiversity

Policy ER19: Archaeological Sites of Local Importance

Officer Report:

Publicity:

The application was advertised as required by legislation.

Consultations:

Community Council - No comments received;

Roads (road safety and drainage/flooding) - No objection to proposal provided that (1) details of the proposals for the management of surface water within the site are submitted as part of a detailed application for development of the site; and (2) a scheme for the improvement of the site access track is submitted as part of a detailed application.

Health and Safety Executive - they have stated that as the proposed development is within the Consultation Distance of a major hazard pipeline, the Council should contact the appropriate pipeline operator for their comments before deciding the planning application;

National Grid - No objections, but they have included a list of criteria which should be followed for the development of this site, to avoid compromising their plant (this will be copied with the Planning Decision Notice);

Scotland Gas Networks - No objections;

Archaeologist - No objections provided that a planning condition is attached requiring a Photographic Survey of the existing building prior to any demolition or development at the site;

Scottish Natural Heritage - no objection in respect of protected sites or protected species/biodiversity. SNH commented that the proposal is unlikely to have an impact on the qualifying interests of the River South Esk SAC; and that they note that the species survey noted the probable existence of swallows. SNH acknowledge that the survey indicates that works should avoid the breeding season (late March to late August) unless further checks are provided in advance of any works in this period.

Scottish Water - No objections. The site is outwith public drainage network but the water supply network may be able to supply the proposed development.

Planning History:

12/00873/PPPL - Planning permission in principle for erection of 4/5 bedroom, 1.75 storey dwelling and detached garage. Application withdrawn (due to lack of information on structural stability of existing building and lack of Ecological Survey).

Supporting Statement:

Two reports have been submitted in support of the application. The findings of these reports are summarised as follows:-

Structural Survey (David Reid and Associates, 16/11/2012)

The Site Inspection Report concludes that the condition of the property is such that economical reuse of the existing walls is probably not possible. The report concludes that the existing building is life expired and is unsuitable for reuse or refurbishment.

Bat Inspection Survey and Swift, Swallow & Barn Owl Survey (Landcare NorthEast, November 2012)

Due to the derelict nature of the building and its lack of weather tight roof spaces, the building is deemed unlikely to offer potential roost sites for bats and, therefore, no negative impact on bats or bat roosts is anticipated from its demolition.

In respect of Barn Owl and Swift, there were no signs of these birds using the building. There were however signs of Swallows using the building for breeding. The report recommends that any demolition works at the site are carried out with the breeding season (late April to late March). If works are scheduled between March and August, the building should be thoroughly checked for the presence of nesting birds prior to any dismantling commencing.

Assessment:

The application seeks planning permission in principle for a replacement dwellinghouse and detached garage. No elevation details of the proposed replacement house are included but the plan shows the position of a building in the approximate position of the existing building. The site access does not form part of the site.

The site contains a derelict and partially roofed 1.5 storey rubble cottage which sits within the linear site, measuring approximately 1500sqm. The site is located at the north-eastern end of a long rough track which runs for approximately 630m from the C31 Kirriemuir-Coull Smithy-Brechin road. The site is surrounded to the east, west and south by open fields with a backdrop of woodland to the north. Any garden ground and driveway associated with the building is now overgrown. The site is bounded by a post and wire fence and there is a small cluster of mature trees close to the north-western boundary of the site.

The application site is located within the open countryside and as such S1(b) applies and indicates that proposals will be supported where they are of a nature and scale appropriate to their location and accord with other policies of the local plan. I will return to policy S1(b) later in this report having considered the proposal against other relevant policies.

Policy SC4 seeks to encourage the retention and repair of stone built countryside buildings in preference to their replacement, recognising the positive contribution they make to the rural vernacular. It allows a replacement house where the existing house is demonstrated to be structurally incapable of renovation or is of minimal visual, architectural or historic interest. The policy also requires that any replacement house should represent a substantial improvement on the original property. The property is a traditional one and a half storey dwellinghouse constructed in rubble. Its design is typical of housing in rural Angus and in design terms it represents the type of house the policy seeks to retain. The information submitted in support of the application indicates that the repair and reuse of the building is uneconomic and it is unsuitable for reuse. While the report does not indicate that the building is structurally incapable of retention, having considered the findings of the report and visually inspected the building I find this to be a reasonable conclusion as the building is seriously decayed. No details have been submitted of a would-be replacement house and as such I cannot positively conclude on the aspect of the policy requiring a substantial improvement. However, I do consider that a properly designed replacement dwelling could be an improvement over this derelict and significantly decayed building.

SC4 also requires that the Schedule 2: Countryside Housing Criteria are met (as applicable). In that regard the plot size is acceptable at 1500sqm; there would be no issues in terms of ribbon development or the coalescence of building groups; I have no reason to consider that the proposal would adversely impact local community infrastructure; or adversely affect or be affected by farm activities; it would not require an

access of an urban scale or trigger the Council's affordable housing requirement. The tests associated with design and the provision of a satisfactory residential environment cannot be assessed in the absence of detailed information on the replacement building but I consider that a satisfactory design and residential environment could be achieved. On balance, I consider the proposal to be broadly compatible with Policy SC4 with the exception of the requirement for a replacement house to represent a substantial improvement on the original house. However, given the significantly dilapidated condition of the existing house, a suitably designed replacement could achieve that aim of Policy SC4 and this can be controlled through the submission of a further application.

Policy S6 and the associated Schedule 1 Development Principles are also relevant to this application. This includes considerations relating to amenity; roads/parking/access; landscaping/open space/biodiversity; drainage and flood risk; waste management; and supporting information. Planning conditions are proposed to ensure improvements to the site access, appropriate landscaping and boundary treatments, no adverse effects on habitats and species (see below), and drainage arrangements.

The ecological survey submitted identified that the building may be used by nesting Swallows and recommends that any demolition works be undertaken outside of the late March to late August nesting season. Policy ER4 requires assessment and where appropriate mitigation to ensure no adverse effects. A planning condition is proposed to restrict the period that site clearance works can take place in to prevent possible impacts on nesting birds. The suspensive condition seeks additional survey information should the applicant wish to pursue clearance works within the nesting season.

The Archaeologist has identified that the development affects a cottage dating from the 19th Century and has requested a Photographic Survey of the building and its setting to be deposited in the Local Sites and Monuments Record. A condition is proposed to ensure that this information is submitted and as such the proposal is compatible with Policy ER19.

The HSE and utility companies have been consulted because of the proximity of the proposal to pipelines (Policy S5). National Grid has confirmed that a high pressure gas pipeline is sited in close proximity to the application site but they are satisfied that this raises no issue, subject to the applicant being made aware of development criteria which should be followed during works.

Returning to Policy S1(b), the proposed replacement house would allow for a similar scale of development to come forward on the site as exists at present and can therefore be considered to be of a nature and scale appropriate to its location. While design details are yet to be submitted, a house which is suitable for this site could be brought forward as part of a detailed application and as such the proposal raises no issues against S1(b).

Planning legislation indicates that decisions shall be made in accordance with the development plan unless material considerations indicate otherwise. The above assessment concludes that the proposal is consistent with the development plan subject to a number of matters which are reserved and detailed in the planning conditions below. There are no material considerations that justify refusal.

Legal Agreement: None

Decision: Conditional Approval

Reasons upon which decision is based:

The proposed replacement house has been justified by information from a suitably qualified professional, which suggests that the retention of the existing building is uneconomic. A replacement dwelling could represent a substantial improvement over the existing structure on site subject to details coming forward as part of a detailed application. The proposal is compatible with the development plan and there are no material considerations that justify refusal.

Conditions:

1. That plans and particulars of the matters listed below shall be submitted for consideration by the planning authority, in accordance with the timescales and other limitations in Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended). No work shall begin until the written approval of the authority has been given and the development shall be carried out in accordance with that approval. The matters are:
 - a) the layout of the site, including car parking and turning spaces;
 - b) the proposed ground levels and floor levels relative to a fixed ordnance datum;
 - c) design and external appearance of the building(s);
 - d) a scheme for the upgrading of the access track between the public road and the site;
 - e) means of foul and surface water drainage for the development; and
 - f) a scheme of hard and soft landscaping.
2. That the development hereby approved shall be carried out in accordance with the Bat Inspection Survey and Swift, Swallow and Barn Owl Survey, prepared by Landcare NorthEast and dated November 2012. No site clearance or demolition works shall take place from 15 March through to 31 August unless prior written authorisation is received from the planning authority. If site clearance or demolition works are proposed during this period, a survey for nesting birds shall be carried out and submitted to the planning authority for consideration.
3. No site clearance or demolition works shall take place until a Photographic Survey of the building (both internally and externally) and its setting has been submitted for the written approval of the planning authority. Photographs shall be submitted on a CD as jpeg or tiff files and shall be supported by a clearly annotated plan with place name for identification, national grid reference and planning reference. Thereafter, the approved Photographic Survey shall be deposited in the Local Sites and Monuments Record

Reasons:

1. To ensure that the matters referred to are given full consideration.
2. In order to ensure that the development has no unacceptable impact on nesting birds including Swallows.
3. In order to ensure a historic record of the building

STATEMENT OF FACT
BY
JAMES WILSON
HILTON OF FERN
DD9 6SB

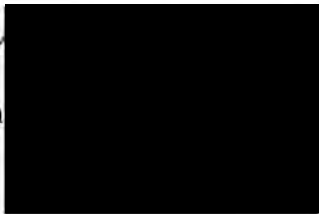
December 8, 2017

To whom it may concern
REFERENCE:- WINDSOR FARM HOUSE

I have resided at Hilton of Fern Farm (which incorporated 'Windsor' farm) since 1961. The approximately 2 acre site entitled 'Windsor' originally comprised of the farm house, byre and associated farm buildings. The area has never been cultivated as the farm buildings were demolished on site with the rubble stone spread across the site rendering it unusable for agriculture.

I farm the surrounding fields and had the ground of been suitable for cultivation I would have incorporated it.

James Wilson



8/12/17
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