

ANGUS COUNCIL

DEVELOPMENT MANAGEMENT REVIEW COMMITTEE – 23 OCTOBER 2018

FIELD BETWEEN BERRYBRAE AND BERRYHILL, SMIDDYHILL, ARBROATH

REPORT BY THE SERVICE LEADER - LEGAL AND DEMOCRATIC

ABSTRACT:

The Committee is asked to consider an application for a review of the decision taken by the planning authority in respect of the refusal of planning permission in principle for erection of a dwellinghouse, application No 18/00251/PPPL, at Field between Berrybrae and Berryhill, Smiddyhill, Arbroath.

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.

Report Author: Sarah Forsyth
E-Mail: LEGDEM@angus.gov.uk

List of Appendices:

Appendix 1 – Submission by Planning Authority
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ANGUS COUNCIL'S SUBMISSION ON GROUNDS OF REFUSAL**APPLICATION NUMBER – 18/00251/PPPL****APPLICANT- MR FRASER BURNETT****PROPOSAL & ADDRESS – ERECTION OF A DWELLINGHOUSE AT FIELD BETWEEN
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Angus Council

Application Number:	18/00251/PPPL
Description of Development:	Erection of a Dwellinghouse
Site Address:	Field Between Berrybrae And Berryhill Smiddyhill Arbroath
Grid Ref:	360010 : 744201
Applicant Name:	Mr Fraser Burnett

Report of Handling**Proposal**

Planning Permission in Principle is sought for the erection of a single dwellinghouse at a 2000sqm area of land forming part of an agricultural field between Berrybrae and Berryhill, Smiddyhill, Arbroath. The site is bound by the U495 public road at the south, a private track serving residential dwellings at the east, and the remaining area of the larger field at the north and west. There is no physical boundary separating or enclosing the application site from the balance of the field at the north and west. The residential property Berrybrae, Smiddyhill Farmhouse and Boysackhill Cottage are over 100m north west of the application site and Berryhill is 22m to the south separated from the site by the road and an area of woodland. Across the access track to the east is a small area of woodland that formerly contained a shed building.

The application has not been subject of variation.

Publicity

The application was subject to normal neighbour notification procedures.

The application was advertised in the Dundee Courier on 18 May 2018 for the following reasons:

- Contrary to Development Plan

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

Planning History

None.

Applicant's Case

The Supporting Statement provides an overview of the site and proposal and indicates the proposed house would form an appropriate addition to the group of buildings around the Smiddyhill cluster and set against the surrounding woodland. An assessment of the proposal against policy considerations of the Angus Local Development Plan (ALDP) is provided and the statement indicates the proposed house would use an existing access track from the public road.

Consultations

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

Angus Council - Roads - This Service offered no objection to the proposal subject to the attachment of conditions requiring the provision and maintenance of visibility splays, the formation of a verge crossing to form a new bellmouth junction, the provision of car parking spaces and the provision of a scheme of

improvements to the existing access track between Boysackhill Road and the application site.

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

Representations

There were no letters of representation.

Development Plan Policies

Angus Local Development Plan 2016

Policy DS1 : Development Boundaries and Priorities

Policy DS3 : Design Quality and Placemaking

Policy DS4 : Amenity

Policy TC2 : Residential Development

Policy PV15 : Drainage Infrastructure

Policy PV20 : Soils and Geodiversity

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 application for planning permission in principle relates to the erection of a single house in a countryside location that is not specifically allocated for another use and is within a Category 1 Rural Settlement Unit (RSU1). Category 1 RSU's are areas that are not remote from towns and where the Council's policy towards new countryside housing is more restricted, as development should be directed towards existing settlements as defined by the ALDP.

Policy DS1 in the Angus Local Development Plan (ALDP) indicates that 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. 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.

Policy TC2 deals with all residential development proposals and provides criteria for assessing a proposal for a house in a countryside location. The proposal is also assessed against the Countryside Housing Supplementary Guidance (SG). A house on this application site does not comply with any of the applicable tests for countryside housing contained within the local development plan and the Countryside Housing Supplementary Guidance. The site is an undifferentiated part of a larger field. Despite assertions provided in the Planning Statement in support the application, the application site would not round off a building group and is physically separated from the 3 dwellings at Berrybrae to the north by more than 100m. It has a closer relationship to Berryhill to the south but that does not constitute a qualifying building group and the site is physically separated from it by an area of woodland and the public road. The site is not a gap site, is not a rural brownfield site and the house proposed is not for an essential farm worker. The proposal is therefore contrary to Policy TC2 of the ALDP and the Countryside Housing Supplementary Guidance.

I have concluded that the proposal is contrary to Policy TC2 above. For completeness, I will address the remaining policy tests below.

In assessing the proposal against the Countryside Housing SG Appendix 3 criteria, the redevelopment of the site would not create a gap or rounding off opportunity for additional greenfield development. The plot size is within acceptable levels and the development would not extend ribbon development or result in the coalescence of building groups. I have no reason to consider an appropriate design solution could not be accommodated on the site and there is adequate space for the provision of a satisfactory residential environment. The proposal is unlikely to raise any issues in relation to the cumulative effect of development on local infrastructure and affordable housing wouldn't be required for a development of a single house of this size. The site would not take access from or through a working farm court or adversely affect or be adversely affected by farming of rural business activities. Access to the site could be achieved without significant impacts on road safety.

The site is identified as Class 2 and 3.1 prime quality agricultural land based on the Macaulay Land Capability for Agriculture (LCA) maps. Policy PV20 of the ALDP seeks to safeguard prime agricultural land and only allows it to be developed in limited circumstances. The erection of a single house that is contrary to other policies of the ALDP is not one of those circumstances. Accordingly the proposal is contrary to Policy PV20.

The remaining provisions of Policy TC2 state that proposals for new residential development must be compatible with current and proposed land uses in the surrounding area, provide a satisfactory residential environment for the proposed dwelling and must not result in unacceptable impact on the built and natural environment or surrounding amenity. Policy DS3 promotes design quality and Policy DS4 seeks to protect amenity. I have no reason to consider an appropriately designed house could not meet these requirements.

Policy PV15 indicates that outwith areas served by public sewers or where there is no viable connection for economic or technical reasons private provision of waste water treatment must meet the requirements of SEPA and/or The Building Standards (Scotland) Regulations. All new development (except single dwelling and developments that discharge directly to coastal waters) will be required to provide Sustainable Drainage Systems (SUDs) to accommodate surface water drainage. The application proposes a septic tank and soakaway discharging to land for foul drainage and the use of SUDs for surface water, which is compatible with Policy PV15.

In conclusion, the proposal does not fall into any of the categories where the local development plan supports proposals for the development of houses in countryside locations and is contrary to the Council's policy for new housing in the countryside. The proposal would involve the loss of 2000sqm of prime quality agricultural land in circumstances that are contrary to other policies of the ALDP. The proposal is contrary to development plan policy. There are no material considerations that justify approval of planning permission contrary to the development plan.

Human Rights Implications

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

Equalities Implications

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

Decision

The application is refused

Reason(s) for Decision:

1. The application is contrary to Policy TC2 of the Angus Local Development Plan 2016 and Angus Council Countryside Housing Supplementary Guidance because it does not comply with any of the circumstances that would allow for the construction of a new house in a countryside location.
2. The application is contrary to Policy PV20 of the Angus Local Development Plan (2016) because the proposal involves the loss of 2000sqm of prime quality agricultural land in circumstances that are contrary to other policies of the Angus Local Development Plan.
3. The application is contrary to Policy DS1 of the Angus Local Development Plan 2016 as the proposal is not in accordance with relevant policies of the ALDP, namely Policy TC2 and its associated statutory supplementary guidance, and Policy PV20.

Notes:

Case Officer: Fraser MacKenzie
Date: 21 June 2018

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 PV15 : Drainage Infrastructure

Development proposals within Development Boundaries will be required to connect to the public sewer where available.

Where there is limited capacity at the treatment works Scottish Water will provide additional wastewater capacity to accommodate development if the Developer can meet the 5 Criteria*. Scottish Water will instigate a growth project upon receipt of the 5 Criteria and will work with the developer, SEPA and Angus Council to identify solutions for the development to proceed.

Outwith areas served by public sewers or where there is no viable connection for economic or technical reasons private provision of waste water treatment must meet the requirements of SEPA and/or The Building Standards (Scotland) Regulations. A private drainage system will only be considered as a means towards achieving connection to the public sewer system, and when it forms part of a specific development proposal which meets the necessary criteria to trigger a Scottish Water growth project.

All new development (except single dwelling and developments that discharge directly to coastal waters) will be required to provide Sustainable Drainage Systems (SUDs) to accommodate surface water drainage and long term maintenance must be agreed with the local authority. SUDs schemes can contribute to local green networks, biodiversity and provision of amenity open space and should form an integral part of the design process.

Drainage Impact Assessment (DIA) will be required for new development where appropriate to identify potential network issues and minimise any reduction in existing levels of service.

*Enabling Development and our 5 Criteria (<http://scotland.gov.uk/Resource/0040/00409361.pdf>)

Policy PV20 : Soils and Geodiversity

Development proposals on prime agricultural land will only be supported where they:

- o support delivery of the development strategy and policies in this local plan;
- o are small scale and directly related to a rural business or mineral extraction; or
- o constitute renewable energy development and are supported by a commitment to a bond commensurate with site restoration requirements.

Design and layout should minimise land required for development proposals on agricultural land and should not render any farm unit unviable.

Development proposals affecting deep peat or carbon rich soils will not be allowed unless there is an overwhelming social or economic need that cannot be met elsewhere. Where peat and carbon rich soils are present, applicants should assess the likely effects of development proposals on carbon dioxide emissions.

All development proposals will incorporate measures to manage, protect and reinstate valuable soils, groundwater and soil biodiversity during construction.

ANGUS COUNCIL

PLACE PLANNING

CONSULTATION SHEET

PLANNING APPLICATION NO

18/00251/PPPL

Tick boxes as appropriate

ROADS

No Objection

Interest

(Comments to follow within 14 days)

Date

25	05	18
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**PLEASE DO NOT TAKE AWAY THE LAST SET OF PLANS WHERE POSSIBLE COPIES
WILL BE PROVIDED ON REQUEST**

ELECTRONIC SUBMISSION DRAWINGS TO BE VIEWED VIA IDOX



Memorandum

Place Directorate – Infrastructure
Roads & Transportation

TO: DEVELOPMENT STANDARDS MANAGER, PLANNING

FROM: TRAFFIC MANAGER, ROADS

YOUR REF:

OUR REF: CH/AG/ TD1.3

DATE: 14 JUNE 2018

SUBJECT: **PLANNING APPLICATION REF. NO. 18/00251/PPPL – PROPOSED ERECTION OF A DWELLING HOUSE ON LAND BETWEEN BERRYHILL AND SMIDDYHILL, FIRTH MUIR, ARBROATH FOR MR F BURNETT**

I refer to the above planning application.

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

The site is accessed from the unclassified Boysackhill Road which heads south-west from the A933 Forfar Road at Muirheads. Colliston lies a short distance to the north-east and Woodville to the south-east. The site is accessed from a track leading from the public road in a north-westerly direction to Smiddyhill Farmhouse. The access track is narrow and should be upgraded to accommodate the additional development.

In order to provide a safe and satisfactory access, minimum visibility sightlines of 2.4 x 90 metres should be provided on both sides of the access track at its junction with the public road.

Car parking should be provided within the site curtilage in accordance with the council's parking standards.

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

- 1 That, prior to the commencement of development, visibility splays shall be provided at the junction of the existing access track to Smiddyhill with Boysackhill

Road giving a minimum sight distance of 90 metres in each direction at a point 2.4 metres from the nearside channel line of Boysackhill Road.

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

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

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

- 3 That, prior to the commencement of development, the verge crossing at the existing access to Smiddyhill shall be improved to form a new bellmouth junction with a minimum throat width of 5 metres. The verge crossing shall be reconstructed in accordance with the standards of Angus Council.

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

- 4 That, prior to the occupation or use of the dwelling house, car parking spaces shall be provided within the site curtilage in accordance with the standards of Angus Council.

Reason: to ensure that suitable parking arrangements are provided in a timely manner.

- 5 That, prior to the commencement of development, a scheme of improvements to the existing access track between Boysackhill Road and the application site shall be submitted for the consideration of the planning authority. The scheme of improvement shall include widening of the track to a minimum width of 5 metres with a construction specification in accordance with the council's planning advice note; PAN 17 – Miscellaneous Planning Policies. The development shall not commence until the planning authority has agreed the scheme of improvements in writing. The scheme of improvements to the access track shall thereafter be completed prior to the occupation of any dwelling house hereby approved.

Reason: to provide a safe and suitable access and an adequate level of residential amenity.

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



Land at Firthmuir, Angus DD11 3SQ



Site Plan shows area bounded by: 359875.39, 744147.66 360075.39, 744347.66 (at a scale of 1:1250), OSGridRef: NO59974424. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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Land at Firthmuir, Angus DD11 3SQ



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AC4

Refused

Refused



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Location Plan

250 feet 100 m

Image courtesy of Ordnance Survey



AC5







AC5





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



PLANNING PERMISSION IN PRINCIPLE REFUSAL
REFERENCE : 18/00251/PPPL

To **Mr Fraser Burnett**
c/o Arthur Stone Planning & Architectural Design Limited
Alison Arthur
85 High Street
Newburgh
KY14 6DA

With reference to your application dated 9 May 2018 for Planning Permission in Principle under the above mentioned Acts and Regulations for the following development, viz:-

Erection of a Dwellinghouse at Field Between Berrybrae And Berryhill Smiddyhill Arbroath for Mr Fraser Burnett

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

The reasons for the Council's decision are:-

1. The application is contrary to Policy TC2 of the Angus Local Development Plan 2016 and Angus Council Countryside Housing Supplementary Guidance because it does not comply with any of the circumstances that would allow for the construction of a new house in a countryside location.
2. The application is contrary to Policy PV20 of the Angus Local Development Plan (2016) because the proposal involves the loss of 2000sqm of prime quality agricultural land in circumstances that are contrary to other policies of the Angus Local Development Plan.
3. The application is contrary to Policy DS1 of the Angus Local Development Plan 2016 as the proposal is not in accordance with relevant policies of the ALDP, namely Policy TC2 and its associated statutory supplementary guidance, and Policy PV20.

Amendments:

The application has not been subject of variation.

Dated this **22 June 2018**

Kate Cowey
Service Manager
Angus Council
Place
Angus House
Orchardbank Business Park
Forfar
DD8 1AN

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 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
Place
Angus House
Orchardbank Business Centre
Forfar
DD8 1AN

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.

PLANNING

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.



Jamesfield Business Centre
Abernethy KY14 6EW

Tel: 01738 850873

www.arthurstoneplanning.co.uk
info@arthurstoneplanning.co.uk

Erection of single dwelling house Planning Permission in Principle



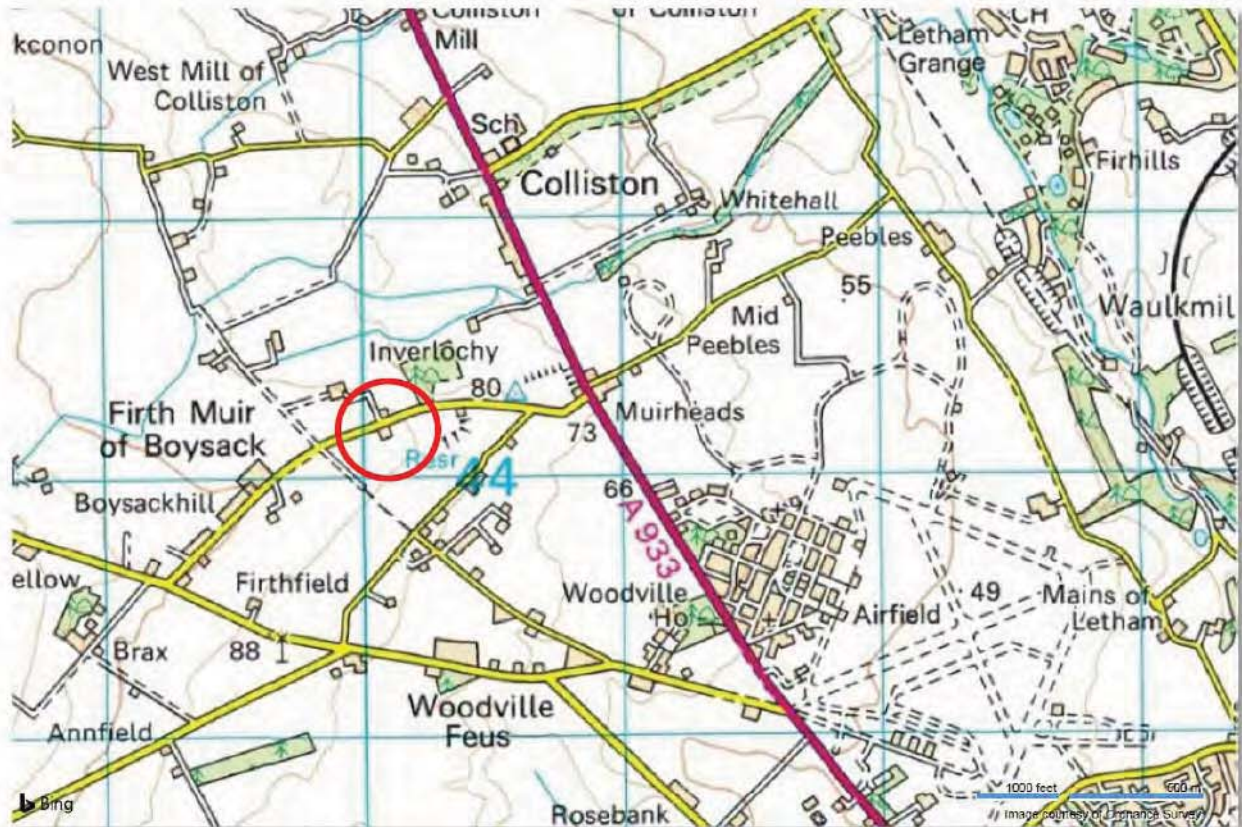
Land to the north of Berryhill, Arbroath DD11 3SQ
Mr Fraser Burnett

March 2018

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1.0 Introduction

1.1 This statement has been prepared by Arthur Stone Planning and Architectural Design on behalf of Mr Fraser Burnett. It is submitted in support of an application for planning permission in principle for the erection of a single dwelling house on land to the north of Berryhill, Arbroath, DD11 3SP.



Location of Site

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2.0 Site Description and Context

2.1 The site lies to the north west of Arbroath accessed from the minor public road (ZU495) running west from the A933 Forfar Road at Muirhead to west of Berryhill. Colliston lies to the north east and Woodville to the south. The site is accessed from a track leading north from the public road. Adjacent to the site, to the south, is the building group formed around Berryhill and sitting within a wooded setting. To the east of the site is a wooded copse on the east side of the access track. Until recently there was a building within this area, as evidenced by map information and photograph. There is a group of three houses located to the north of the site of the former steading at Smiddyhill, including the former farmhouse.

2.2 The site area is approximately 0.20 ha and lies alongside the access track with a frontage on to the public road. It forms part of a paddock which is in separate ownership and not associated with the large scale farming operation of the surrounding area.



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2.3 The site is defined on its eastern and southern sides by the 'farm' track and public road. The undefined western and northern boundaries adjoin the remainder of the paddock.

2.4 The application site lies within the extensive area which stretches across the south east Angus lowlands characterised by its gently sloping landform and large scale agricultural landscape with generally rectilinear medium to large size fields. Settlements range from small towns to scattered villages and hamlets. The site is approximately 5km road distance from Arbroath, 1.5km from Colliston to the north east and the dispersed settlement of Woodville to the south and 5km from Redford to the west. This agricultural landscape is characterised by many small housing groups.

2.5 The application site lies at around 90m elevation with open views across the surrounding farmland and to the coast and with a distant backdrop of the northern hills. The wider landscape is punctuated with intermittent trees and hedging, small plantation woodland and shelterbelts. A small plantation woodland lies to the north east of the site. There are remnants of field boundary trees and hedging in the wider surrounding area and extensive recent hedge planting on the roadsides on the western approach to the site.

2.6 The aerial photograph below illustrates the medium to large field sizes of the farming operations in the area surrounding the site in relation to the small paddock which includes the application site.



Aerial photo of field sizes in area surrounding site



Indicative site area

3.0 Planning History

3.1 The site has no recorded planning history on Angus Council's planning portal. However, the adjacent Berryhill farmhouse and its several related buildings has had a recent application approved (2014) for redevelopment including new build. To the north Smiddyhill has had fairly recent redevelopment (with applications in 2008 and 2011) with the erection of two new houses, Boysackhill Cottage and Berrybrae, creating a group with the existing Smiddyhill Farmhouse. A further site for a single dwellinghouse remains undeveloped. Geddes Farms (part of the Geddes Group), based at Swirlburn to the west of the site farms the surrounding land as part of its extensive operation as one of the largest farming operations in the area. The small paddocks surrounding the former steading are no longer associated with the farming operations with the remaining land incorporated into the Geddes Farms. There is further new housing development at Swirlburn, a further field distance away to the north west.



Proposed site and gap site/housing group

4.0 Proposal

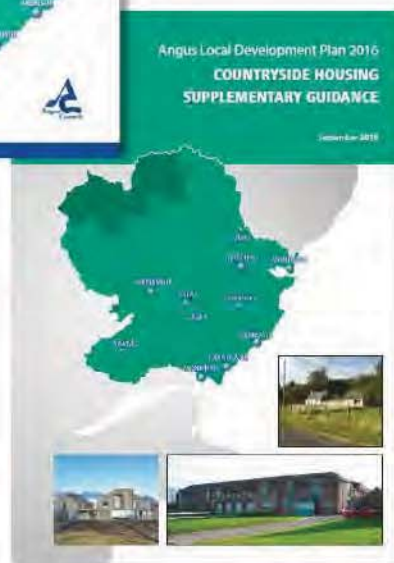
4.1 This application proposes the erection of a dwelling house on the site as shown above. It is proposed that access to the properties would be taken from the ZU495 using the existing access track to Smiddyhill.

4.2 It is proposed that all requirements necessary to achieve a high-quality development, addressing the site layout, appropriate traditional design, natural rustic boundary treatment and an appropriate landscape strategy would be submitted at the time of any further detailed application.

5.0 Principle of Development



5.1 The following consideration has been given to the Angus Local Development Plan 2016, its strategy and policies in support of the proposal. Reference has also been made to Angus Council's Housing in the Countryside Supplementary Guidance 2016. It is not considered that the proposal has any strategic significance and therefore no reference is made to the TAYplan Strategic Development Plan.



Policy DS1 Development Boundaries and Priorities

5.2 The application site lies in the countryside, out with any development boundary in the Angus Local Development Plan. This policy supports countryside development proposals where they are of a scale and nature appropriate to their location and are in accordance with the other relevant policies of the Angus Local Development Plan. It is proposed that this application can be supported, as outlined in terms of the other relevant policies below.

Policy TC2 Residential Development

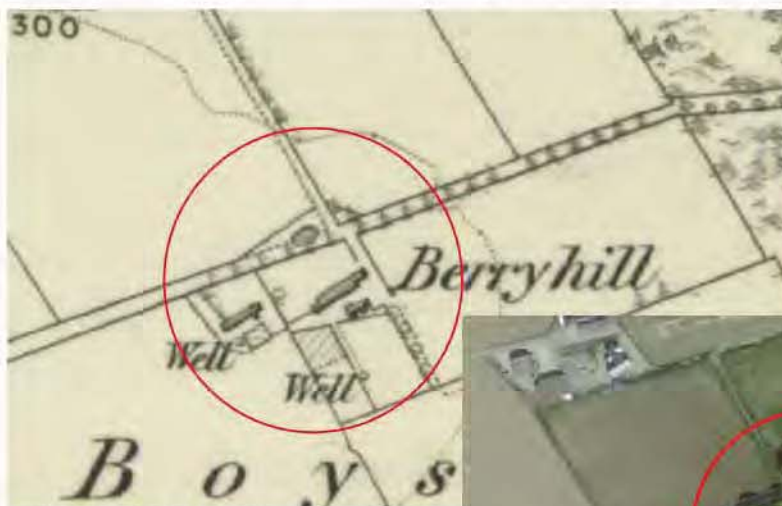
5.3 This policy sets out general requirements for all residential development and we believe that this proposal meets with the relevant criteria and will:

- *Be compatible with current and proposed land uses in the surrounding area*

- *Provide a satisfactory residential environment for the proposed dwelling*
- *Not result in unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure;*

5.4 We advocate that this proposal for a single dwellinghouse will be well located in terms of individual residential environment and will not have any consequential detrimental impact on neighbouring amenity. The site will allow for development to be sensitively designed and sited with an opportunity to achieve interesting rural architecture. It is not considered that there will be any unacceptable infrastructural impacts created by the proposal and any relevant details could be addressed within the details of a future application.

5.5 This policy supports proposals for the development of houses in countryside locations which fall into at least one of several specified categories. We suggest that this proposal gains support from the category, 'Building Groups'. The Council's Countryside Housing Supplementary Guidance (2016) indicates that 'a single new house may be permitted where development would round off an established group of 3 or more closely related residential buildings or buildings capable of conversion for residential use'. The guidance also requires a site to have a sense of containment. In this case, the site's sense of containment is contributed to by the existing 'farm' track, the public road, the surrounding woodland and the buildings at Berryhill. We contend that there is a context for an enlarged group of dwellings in this location, in terms of the existing buildings at Berryhill, the fact that the adjacent site contained a former building and the wooded nature of the area. This is highlighted in the historic mapping below.



Cluster - Historic mapping - 1859



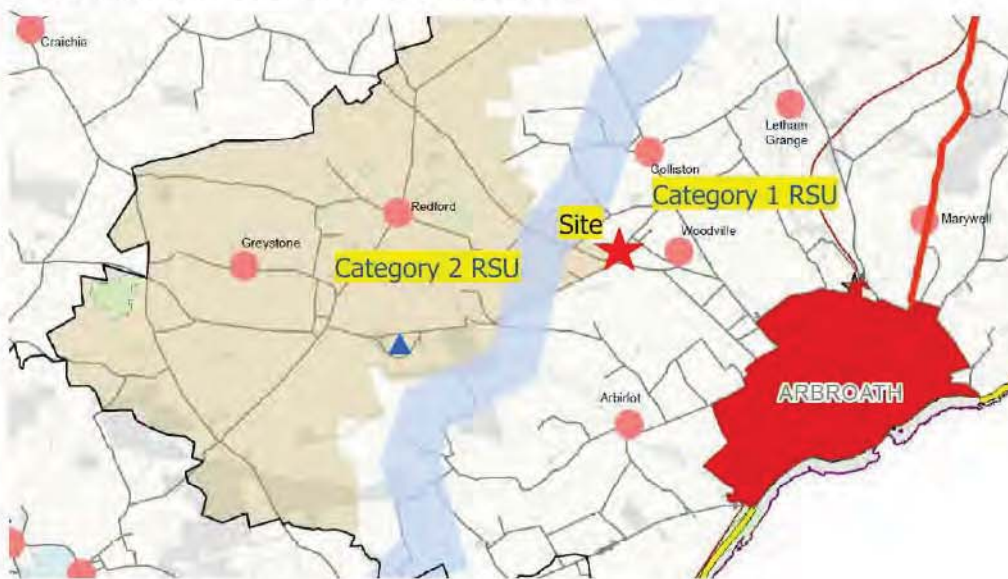
Aerial photo of cluster

5.6 The site lies on the boundary between a category 1 RSU and the category 2 RSU to the west centred on Redford and Greystone, as indicated below. We understand that this rural typology developed in Angus aims to allow for development in areas where there is a need to support rural communities and services, with category 2 units requiring additional support to sustain their communities in terms of population and access to services. This proposal will provide an opportunity for development to support the community and services in this specific rural area.

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Extract from Angus Local Development Plan 2016 Proposals Map

5.7 We believe that this proposal meets with the policy in proposing housing development on a site where there is an opportunity to contribute to an existing cluster around Berryhill. The site is not part of the surrounding extensive operation of agricultural land. The existing building group and its associated woodland at Berryhill and the wooded copse at the Smiddyhill track access provide containment for this proposed site and an appropriate landscape setting.

5.8 In addition to the terms of policy TC2 Residential Development, we believe that the proposal meets the detailed criteria as indicated below.

- a) The proposal will not *'create a gap or rounding off opportunity'*
- b) The proposal, with a plot size of approximately 0.20 ha meets the requirements for a Category 1 RSU (between 0.08ha and 0.2ha)
- c) The proposal will not extend ribbon development.

- d) The proposal will not result in the coalescence of building groups or a building group with a nearby settlement.
- e) The proposal for a house in this location will not have a detrimental impact on the rural nature of the surrounding area. As an application in principle no details are submitted but it is proposed that future design and materials would reflect the best attributes of the character of the surrounding rural area. The surrounding area is characterised by scattered and small groups of buildings and this small grouping formed with the existing housing would not interrupt the nature of the surrounding area.
- f) The proposal can provide an adequate residential environment with appropriate garden ground and plot ratio and can be designed and located to ensure that no privacy issues arise.
- g) There is no requirement to contribute to affordable housing for this proposal for a single dwelling house (re policy TC3 Affordable Housing)
- h) It is not considered that the proposal for a single dwelling house will make any significant cumulative impact on infrastructure and community facilities which will require a developer contribution as set out in the related supplementary guidance.
- i) The proposal will not adversely affect farming or be affected by farming operations.
- j) The proposal does not take access through a farm court.
- k) The proposal will not require an access road of urban scale or character.

Policy DS3 Design Quality and Placemaking

This policy aims to ensure that development is of high quality, reflecting the 'six qualities of successful place' as promoted by the Scottish Government. It is suggested that there is an appropriate context for development of the scale and nature proposed on this site and that an appropriate design solution could be readily accommodated on the site that reflects the evaluation criteria for creating a successful place. It is anticipated that future detailed requirements relating to siting and design, external appearance, access, drainage, boundaries, ground levels and car parking, turning space and landscaping can all be secured.

Policy PV1 Green Networks and Green Infrastructure Policy PV6 Development in the Landscape Policy PV7 Woodland, Trees and Hedges

In terms of these policies it is suggested that this proposal will maintain the Council's objectives to:

- protect, enhance and extend the wildlife, recreational, amenity, landscape, access and flood management value of the Green Network;
- protect and enhance woodland, trees and hedges that contribute to the nature conservation, heritage, amenity, townscape or landscape value of Angus;
- protect and enhance the quality of the landscape in Angus, its diversity, its distinctive local characteristic and its important views and landmarks.

This intensively farmed landscape is broken up by hedges, trees, drystone dykes, wooded clumps, dens and burns/rivers and associated farm and building groups. Key views are across the extensive farmland towards the coastal edge and northwards towards the hills.

The proposed house will be set in the context and landscape framework of the existing housing group around Smiddyhill, Berryhill and its surrounding woodland areas, the woodland area at the junction of the public road and access track and the roadside hedging in the surrounding area. These attributes will all assist in providing a setting for the proposed development. The site, and further ground in the ownership of the applicant, will provide an opportunity for new planting, both enhancing the setting of the proposed houses, promoting biodiversity and enhancing green links in this intensively agricultural area. There are opportunities to introduce boundary treatment which has been lost to the larger agricultural landscape including hedging, fencing and dry-stone walling, all helping to integrate with surrounding landscape.

Farm and housing groups are distinctive elements of this landscape and it is not considered that this proposal will have any detrimental impact on its characteristics and qualities.

6.0 Conclusion

In conclusion, we would make the following points in support of the proposal:

- The proposed house will form an appropriate addition to the group of buildings around the Smiddyhill cluster and set against the surrounding woodland.
- The proposed house will use an existing access track from the public road.

- We would advocate that the proposal is supported by Angus Local Development Plan 2016 policies:
 - **Policy DS1 Development Boundaries and Priorities** – proposal would be of a scale and nature appropriate to its countryside location.
 - **Policy TC2 Residential Development** – the proposal is promoted as adding to an existing cluster of buildings within the countryside.
 - The proposal would meet with the related detailed Countryside Housing Criteria.
 - **Policy DS3 Design Quality and Placemaking** – the site provides an appropriate context for a single dwellinghouse and an appropriate design solution could be readily accommodated.
 - **Policy PV1 Green Networks and Green Infrastructure, Policy PV6 Development in the Landscape, Policy PV7 Woodland, Trees and Hedges** - the proposal has an appropriate landscape context and will provide an opportunity to enhance the quality of the landscape, improve biodiversity and green links within this intensively farmed area.

We hope that this statement will clarify any issues raised as part of the determination of this application and will act as a spring board for discussion between ourselves and the case officer. The applicant will be happy to discuss any further submissions required and conditions proposed to be attached to any consent. We would ask that the case officer discuss the proposed recommendation with ourselves prior to any decision being made on the proposal.

DEVELOPMENT MANAGEMENT REVIEW COMMITTEE

APPLICATION FOR REVIEW

**ERECTION OF DWELLINGHOUSE AT FIELD BETWEEN BERRYBRAE
AND BERRYHILL, SMIDDYHILL, ARBROATH**

APPLICATION NO 18/00251/PPPL

APPLICANT'S SUBMISSION

Page No

ITEM 1	Notice of Review
ITEM 2	Statement of Appeal
ITEM 3	Location Plan



Angus House Orchardbank Business Park Forfar DD8 1AN Tel: 01307 473360 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 100089471-003

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

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:

Ref. Number:

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

First Name: *

Building Name:

Last Name: *

Building Number:

Telephone Number: *

Address 1 (Street): *

Extension Number:

Address 2:

Mobile Number:

Town/City: *

Fax Number:

Country: *

Postcode: *

Email Address: *

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Berryhill"/>
First Name: *	<input type="text" value="Fraser"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Burnett"/>	Address 1 (Street): *	<input type="text" value="colliston"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Angus"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="DD11 3SQ"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

Site Address Details

Planning Authority:

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

Address 1:	<input type="text"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

Northing

Easting

Description of Proposal

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

Proposed new dwelling house

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

Please see statement

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

Yes No

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

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

2030 Burnett letter to LRB, Burnett Location plan

Application Details

Please provide details of the application and decision.

What is the application reference number? *

18/00251/PPPL

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

09/05/2018

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

22/06/2018

Review Procedure

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

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

Yes No

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

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

Yes No

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

Yes No

Checklist – Application for Notice of Review

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

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

Yes No

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

Yes No

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

Yes No N/A

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

Yes No

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

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

Yes No

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

Declare – Notice of Review

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

Declaration Name: Mrs Alison Arthur

Declaration Date: 22/08/2018



Arthur Stone Planning
& Architectural Design



85 High Street
Newburgh. KY14 6DA

Tel: 01337 840088

www.arthurstoneplanning.co.uk
info@arthurstoneplanning.co.uk

16th July 2018

Angus Council Corporate Services

Forfar

Dear Sir/Madam,

NOTICE OF REVIEW: 18/00251/PPL - Erection of Dwellinghouse

This letter is to inform you of my client's intention to appeal the refusal decision made on Planning Application 18/00251/PFL for the erection of a dwellinghouse at a field between Berrybrae and Berryhill Smiddyhill, Arbroath for Mr Fraser Burnett. The reason for refusal reads as follows:

- 1. The application is contrary to Policy TC2 of the Angus Local Development Plan 2016 and Angus Council Countryside Housing Supplementary Guidance because it does not comply with any of the circumstances that would allow for the construction of a new house in a countryside location.*
- 2. The application is contrary to Policy PV20 of the Angus Local Development Plan (2016) because the proposal involves the loss of 2000sqm of prime quality agricultural land in circumstances that are contrary to other policies of the Angus Local Development Plan.*
- 3. The application is contrary to Policy DS1 of the Angus Local Development Plan 2016 as the proposal is not in accordance with relevant policies of the ALDP, namely Policy TC2 and its associated statutory supplementary guidance and Policy PV20.*

The background to the application to form a new dwellinghouse on this area of land is to assist in the financing of the existing agricultural business from the resale of the property. Mr Burnett previously rented Berryhill fields from his Aunt for many years and bought the land from her nearly 3 years ago farming cereals, potatoes and turnips. However, as a result of the more recent pressures placed upon the farming sector, diversification of traditional farming practices and additional means of finance is considered to be necessary to maintain and expand the agricultural business.

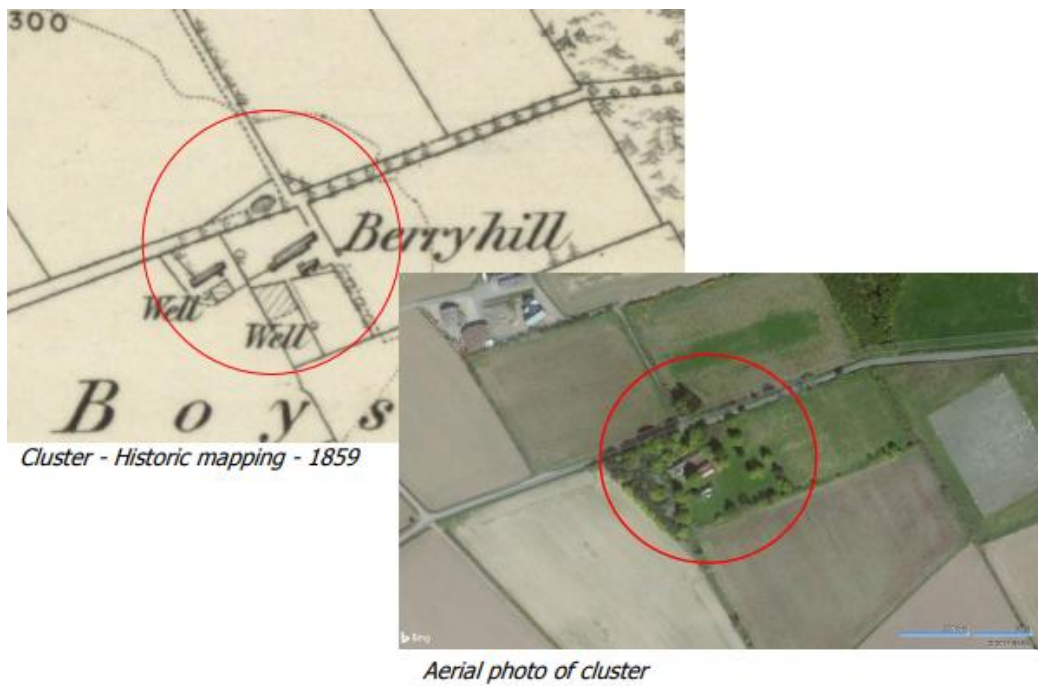
The following arguments are considered to be relevant against the reasons for refusal provided by Angus Council in this case.

Reason 1 - *Proposal Contrary to Policy TC2 and Housing in the Countryside SPG*

In this case it is considered that the proposed location of the new dwelling would comply with Policy TC2 and the Angus SPG on Housing in the Countryside. The site is considered to be well contained in terms of its landscape framework, which is formed by the main public road, an existing farm track, surrounding buildings at Berryhill and surrounding woodland. (Please see aerial view below). Therefore, the proposed house if approved would not appear as an isolated residential element. The site is located in the most visually discrete corner of an existing small paddock and would therefore be well positioned in terms of existing built and natural landscape features.



It is considered that the site also forms part of an existing 'Building Group', as advocated by Policy TC2 and the SPG. The application site is directly adjacent to the group of buildings at Berryhill to the south (see above) and a former building in the wooded area directly to the east. This is also highlighted by the historic mapping below. The erection of a dwelling in this corner would 'round off this group and would not allow for any ribbon development for example, as advised by the Planner in his Report of Handling.



It is also important to note that the local area has been subject to several recent developments including 2 new dwellings at Smiddyhill directly to the north (2008/2011) of the site and planning consent for a further dwelling within the group. Berryhill Farmhouse, directly to the south of the site, has a recent planning consent in 2014 for the redevelopment of its related buildings including new build development. Further development on farmland has also occurred in recent years at land at Swirlburn to the west and north west of the application site.

Reason 2 - *Proposal Contrary to Policy PV20 Loss of Prime Agricultural Land*

In this case we would argue that whilst the site is located on prime quality agricultural land, the proposal itself would not result in a loss of a significant area in farming terms and would not render the field itself unviable for future farming purposes. As noted previously, the site is located in the far south eastern corner of the existing paddock directly adjacent to the road. Its positioning in this area would continue to allow the field to be used for arable use as it currently is. In addition, the proposal is directly related to the applicant's farming business and is of a small scale, with just a single unit being proposed.



Planning Application Site

This is considered to be consistent with Policy PV20 of the current Angus Local Plan, which requires that proposals are “small scale and directly related to a rural business” and that the “*Design and layout should minimise land required for development proposals on agricultural land and should not render any farm unit unviable*”.

Reason 3 - *Proposal Does not Comply with Policies TC2, the SPG on Housing in the Countryside and Policy PV20 of the Angus Local Plan*

There are considered to be no further comments to make on this matter given the arguments provided in respect of Reason 1 and Reason 2 above.

In conclusion we would make the following comments on the planning application:

- The proposal is well sited physically in respect of other buildings
- The proposed location of the dwelling would form part of a small cluster of buildings
- The site is well contained by existing landscape features including woodland, dwellings and outbuildings and existing roads/access tracks
- The siting of the dwelling would be visually discrete in the corner of the field
- The site takes up a very small proportion of the field
- The proposed site does not render the farming of the field unviable
- The surrounding land can continue to be farmed as it is currently ie arable production
- There is no objection to the proposed means of vehicular access
- The proposal is therefore considered to meet the terms of the Angus Local Plan 2016 and Angus Countryside Housing Supplementary Guidance.

Given the above, we would respectfully request the Local Review Body to approve this Notice of Review for Planning Application 18/00251/PPL.

We look forward to hearing from you.

Kind regards,

Sam Stone

MA (Hons) MRTPI

Director

Arthur Stone Planning & Architectural Design Ltd.

Land at Firthmuir, Angus DD11 3SQ



Site Plan shows area bounded by: 359875.39, 744147.66 360075.39, 744347.66 (at a scale of 1:1250), OSGridRef: NO59974424. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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