

ANGUS COUNCIL

DEVELOPMENT MANAGEMENT REVIEW COMMITTEE – 5 MARCH 2019

BROOMHALL COTTAGE, KILRY

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 for erection of dwellinghouse and change of use of ground to garden ground (re-application), application No 18/00720/FULL, at Broomhall Cottage, Kilry.

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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E-Mail: LEGDEM@angus.gov.uk

List of Appendices:
Appendix 1 – Submission by Planning Authority
Appendix 2 – Submission by Applicant

ANGUS COUNCIL'S SUBMISSION ON GROUNDS OF REFUSAL**APPLICATION NUMBER – 18/00720/FULL****APPLICANT- MR & MRS P ALLEN****PROPOSAL & ADDRESS – ERECTION OF DWELLINGHOUSE AND CHANGE OF USE OF
GROUND TO GARDEN GROUND – RE-APPLICATION AT BROOMHILL COTTAGE KILRY
BLAIRGOWRIE PH11 8HU****CONTENTS**

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Angus Council

Application Number:	18/00720/FULL
Description of Development:	Erection of Dwellinghouse and Change of Use of ground to Garden Ground - Re-Application
Site Address:	Broomhall Cottage Kilry Blairgowrie PH11 8HU
Grid Ref:	323473 : 755003
Applicant Name:	Mr & Mrs P Allen

Report of Handling**Site Description**

The application site measures approximately 850sqm and is made up of two parcels of land either side of the U388 which connects Brewlands Bridge with Bridge of Craigisla. On the north side of the public road, the site incorporates approximately 570sqm of the garden ground of the existing dwelling (Broomhall Cottage) which currently accommodates a domestic outbuilding/garage and provides the vehicular access to Broomhall Cottage from the public road. The remainder of the site lies on the south side of the public road and comprises a 280sqm wooded area contained between the public road and the Burn of Kilry.

Proposal

The application proposes the erection of a single storey 2 bedroom dwellinghouse and the change of use of a wooded area to form garden ground. The proposed dwelling would have a 'U' shaped footprint of approximately 200sqm and would be finished in slate and render. The house would connect to the public water supply and a sustainable drainage system is proposed. Foul drainage would be connected to a biodisc septic tank which would discharge to land via a soakaway. The proposal also involves the change of use of a wooded area to the south of the public road to garden ground. Information submitted with the application indicates that the applicant owns the existing dwelling (Broomhall Cottage) to the immediate east of the site.

The Existing Site Plan and Proposed Site Plan, Floor Plan and Elevations drawings dated 17th of December amend and supersede the drawings named the same and submitted alongside the application. The amended Existing Site Plan drawing shows the correct red line and the Proposed Site Plan removes garages indicated within the southern red and blue line sites.

Publicity

The application was subject to normal neighbour notification procedures.

The application was advertised in the Dundee Courier on 9 November 2018 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

98/00553/FULL for Extension to Dwellinghouse was determined as "Approved subject to Conditions" on 05 February 2004. That application identified the site for which permission is currently sought falling in the garden ground of Broomhall Cottage and containing its garage, garden ground and access to/from the public road.

18/00280/FULL for Erection of Dwellinghouse was determined as "Application Withdrawn" on 26 June 2018.

Applicant's Case

Correspondence from the applicant, dated 15th of October, notes the proposal is for a single storey house to accommodate the elderly applicants who have health concerns. It indicates that the applicants have lived in Kilry for over 30 years and do not wish to move at this time of their lives.

Consultations

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

Angus Council - Roads - Offers no objection to the proposal subject to conditions to regulate visibility splays and parking provision.

Scottish Water - Advises there is currently sufficient capacity at the nearest water treatment works and there are no records of waste water infrastructure within the vicinity of the site.

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 PV7 : Woodland, Trees and Hedges

Policy PV15 : Drainage Infrastructure

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 site is not allocated or safeguarded for any particular use in the Angus Local Development Plan (ALDP). Policy DS1 in the ALDP states that outwith development boundaries, proposals will be supported where they are of a scale and nature appropriate to the location and where they accord with other relevant policies in the ALDP.

Policy TC2 deals with all residential development proposals and in countryside locations offers support to proposals for single new dwellings in a number of circumstances. All proposals require to comply with the Countryside Housing Supplementary Guidance, including the criteria provided in Appendix 3. Policy TC2 also requires all proposals for new residential development to be compatible in terms of land use; to provide a satisfactory residential environment; not to result in unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure; and to include provision for affordable housing in accordance with Policy TC3 Affordable Housing.

This application proposes a new dwelling within the garden ground of an existing house. The proposal does not involve the renovation or replacement of an existing house; the conversion of a non-residential building; the regeneration or redevelopment of a derelict brownfield site; and is not for an essential worker. A house on the site would not round off a group of 3 or more existing dwellings – there are only two dwellings (Broomhall Cottage and Parkfoot) in the immediate vicinity of the site.

The proposal would not involve the development of a house on a qualifying gap site because the site lies within the curtilage of Broomhall Cottage. The Countryside Housing Supplementary Guidance which forms part of Policy TC2 explicitly states *a site will not constitute a gap site if it lies within the curtilage of an existing house, or on land that is not clearly defined as being outwith the curtilage of a house or houses.*

Appendix 3 of the Supplementary Guidance indicates that *the sub-division of existing residential curtilages to artificially create new build plots will not be supported.*

The proposal is therefore contrary to Policy TC2 and the associated Countryside Housing Supplementary Guidance including the Appendix 3 criteria. Notwithstanding this, in order for completeness the proposal is considered against the remaining relevant local development plan policies below.

In terms of impacts on the amenity of existing property, the erection of a dwellinghouse within the garden ground of Broomhall Cottage would not only reduce the availability of garden ground for the existing house, it would also result in the loss of garaging and car parking for that property and the proposed house would utilise its access to/from the public road. The plans are not clear in identifying how parking and access would be achieved for the existing dwelling but were the proposal otherwise acceptable, this matter could be addressed by planning condition. The Roads Service has reviewed the proposal and offers no objection subject to conditions to regulate visibility splays and parking provision.

The application proposes to change the use of approximately 280sqm of a wooded area adjacent to the Burn of Kilry located on the south side of the public road. This split garden ground arrangement appears to have been designed because the area of land to the north of the public road where the house would be constructed would not (on its own) be large enough to meet the minimum plot size requirements for a house in the countryside (600sqm in a Category 2 area). The wooded area is adjacent to the Burn of Kilry and falls within the SEPA flood extent maps and the existing tree coverage provides a degree of landscape value. The proposed change of use of this area to garden ground would extend the sprawl of garden ground to the south side of the road which is not desirable and would contribute to the urbanisation of the countryside.

In terms of land use compatibility, the proposal would be compatible with existing land uses and would not adversely affect or be affected by farming or other rural business activities.

In relation to provision of refuse collection there would be adequate space within the proposed and retained plots to provide for this. There would be no information to suggest that the site has been subject to land contamination.

The design of the proposed house is generally acceptable. Planning conditions could be utilised to ensure suitable external finishes. The proposal does not give rise to any requirement for affordable housing or other developer contributions in terms of policies TC3 and DS5.

In terms of impacts on the natural environment, there are a number of trees within the southern area of garden ground. No information has been submitted to indicate if or how they would be affected by the proposal but suitable protection measures could be secured by planning condition or other powers available under the Planning Act were the proposal otherwise acceptable.

In terms of drainage, a biodisc septic tank which discharges to land via a soakaway is proposed for foul drainage and SUDS for surface water. Scottish Water has advised there is no public waste water infrastructure in this vicinity. The proposed drainage arrangements would be compliant with the relevant policy tests.

The proposal is contrary to the development plan. In terms of material considerations and the applicant's health concerns, it is noted the applicant owns the Broomhall Cottage to the east of the application site.

The matters raised identify no material planning considerations that would justify a departure from the development plan.

The proposal is a reapplication for a dwelling on the site. The applicant was advised that a dwelling on the site was contrary to the development plan during the assessment of the earlier withdrawn application (18/00280/FULL) and in subsequent pre application discussions.

In conclusion, the proposal is contrary to Policy TC2 of the Angus Local Development Plan (2016) and the associated Countryside Housing Supplementary Guidance for the reasons detailed above. There are no material considerations which would justify approval of planning permission contrary to the provisions of the development plan and planning permission is refused.

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 proposal is contrary to Policy TC2 of the Angus Local Development Plan (2016) and the Countryside Housing Supplementary Guidance because it proposes the erection of a new house in the garden ground of an existing house in the countryside and fails to comply with any of the circumstances which support a new house in the countryside.
2. That the application is contrary to Policy DS1 of the Angus Local Development Plan (2016) because the proposal is not in accordance with relevant policies of the local development plan, namely Policy TC2 and the associated Countryside Housing Supplementary Guidance.

Notes:

Case Officer: Stephanie Porter
Date: 9 January 2019

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 PV7 : Woodland, Trees and Hedges

Ancient semi-natural woodland is an irreplaceable resource and should be protected from removal and potential adverse impacts of development. The council will identify and seek to enhance woodlands of high nature conservation value. Individual trees, especially veteran trees or small groups of trees which contribute to landscape and townscape settings may be protected through the application of Tree Preservation Orders (TPO).

Woodland, trees and hedges that contribute to the nature conservation, heritage, amenity, townscape or landscape value of Angus will be protected and enhanced. Development and planting proposals should:

- o protect and retain woodland, trees and hedges to avoid fragmentation of existing provision;
- o be considered within the context of the Angus Woodland and Forestry Framework where woodland planting and management is planned;
- o ensure new planting enhances biodiversity and landscape value through integration with and contribution to improving connectivity with existing and proposed green infrastructure and use appropriate species;
- o ensure new woodland is established in advance of major developments;
- o undertake a Tree Survey where appropriate; and
- o identify and agree appropriate mitigation, implementation of an approved woodland management plan and re-instatement or alternative planting.

Angus Council will follow the Scottish Government Control of Woodland Removal Policy when considering proposals for the felling of woodland.

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>)

2nd November 2018

Angus Council
County Buildings Market Street
Forfar.
DD8 3LG



Development Operations
The Bridge
Buchanan Gate Business Park
Cumbernauld Road
Stepps
Glasgow
G33 6FB

Development Operations
Freephone Number - 0800 3890379
E-Mail - DevelopmentOperations@scottishwater.co.uk
www.scottishwater.co.uk

Dear Local Planner

**PH11 Blairgowrie Broomhall Cottage Site At
PLANNING APPLICATION NUMBER: 18/00720/FULL
OUR REFERENCE: 768825
PROPOSAL: Erection of Dwellinghouse and Change of Use of to Garden Ground -
Re-Application**

Please quote our reference in all future correspondence

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

Water

- There is currently sufficient capacity in the Lintrathen Water Treatment Works. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

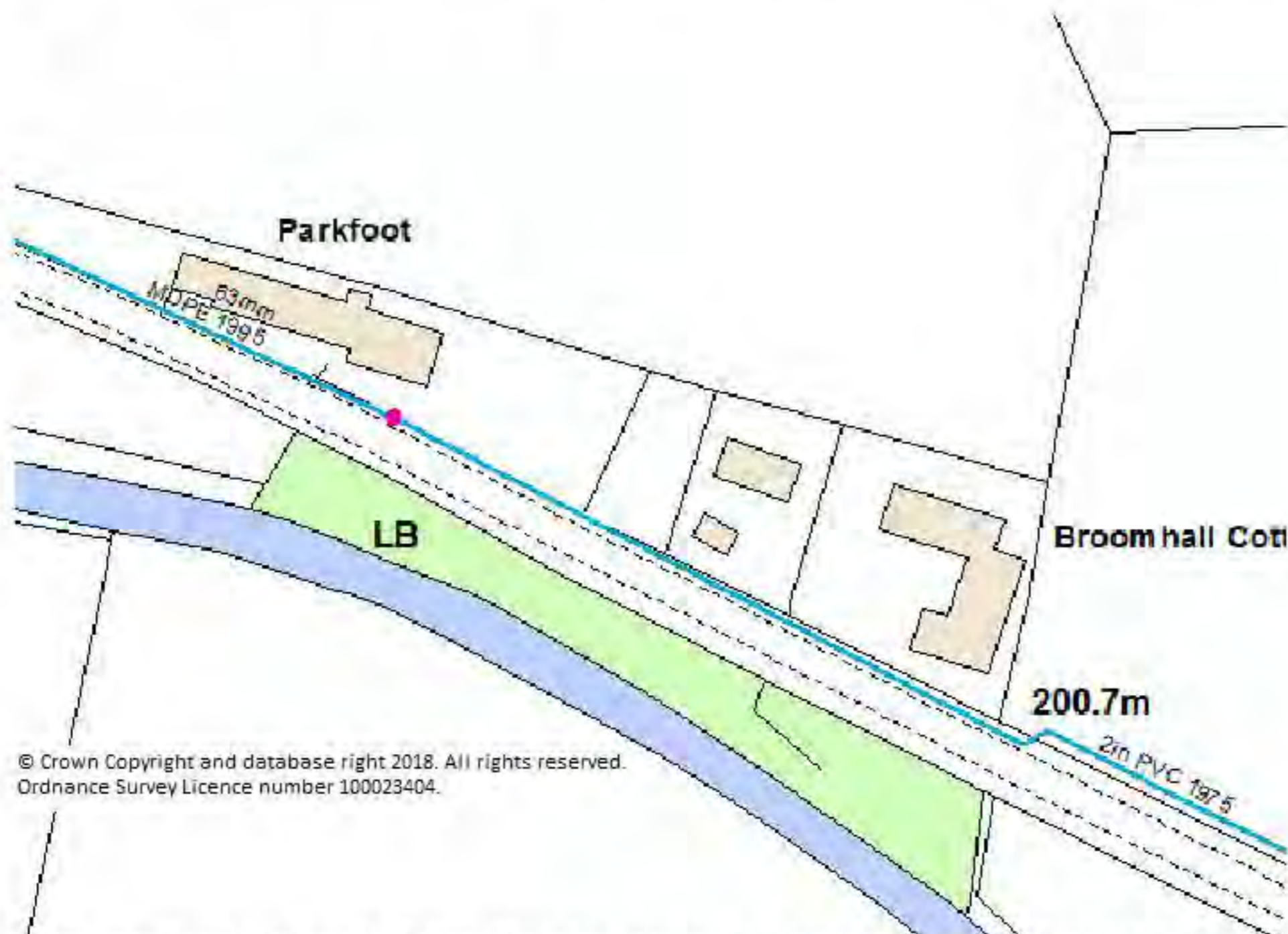
Foul

- Unfortunately, according to our records there is no public Scottish Water, Waste Water infrastructure within the vicinity of this proposed development therefore we would advise applicant to investigate private treatment options.

The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

Infrastructure close to boundary

According to our records, the development proposals may impact on existing Scottish Water assets.



The applicant should identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team directly at service.relocation@scottishwater.co.uk.

The applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction.

Scottish Water Disclaimer

"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not normally accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

General notes:

- **Scottish Water asset plans can be obtained from our appointed asset plan providers:**

Site Investigation Services (UK) Ltd

Tel: 0333 123 1223

Email: sw@sisplan.co.uk

www.sisplan.co.uk

- Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area then they should write to the Customer Connections department at the above address.
- If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
- The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
- **Please find all of our application forms on our website at the following link <https://www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms>**

Next Steps:

- **Single Property/Less than 10 dwellings**

For developments of less than 10 domestic dwellings (or non-domestic equivalent) we will require a formal technical application to be submitted directly to Scottish Water or via the chosen Licensed Provider if non domestic, once full planning permission has been granted. Please note in some instances we will require a Pre-Development Enquiry Form to be submitted (for example rural location which are deemed to have a significant impact on our infrastructure) however we will make you aware of this if required.

- **10 or more domestic dwellings:**

For developments of 10 or more domestic dwellings (or non-domestic equivalent) we require a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

- **Non Domestic/Commercial Property:**

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened up to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at www.scotlandontap.gov.uk

- **Trade Effluent Discharge from Non Dom Property:**

Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.

If you are in any doubt as to whether or not the discharge from your premises is likely to be considered to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found using the following link <https://www.scottishwater.co.uk/business/our-services/compliance/trade-effluent/trade-effluent-documents/trade-effluent-notice-form-h>

Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.

For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best

management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at www.resourceefficientscotland.com

If the applicant requires any further assistance or information, please contact our Development Operations Central Support Team on 0800 389 0379 or at planningconsultations@scottishwater.co.uk.

Yours sincerely

Angela Allison

Angela.Allison@scottishwater.co.uk

ANGUS COUNCIL

PLACE PLANNING

CONSULTATION SHEET

PLANNING APPLICATION NO

18/00720/FULL

Tick boxes as appropriate

ROADS

No Objection

Interest

(Comments to follow within 14 days)

Date

06	11	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: 16 NOVEMBER 2018

SUBJECT: **PLANNING APPLICATION REF. NO. 18/00720/FULL – PROPOSED ERECTION OF A DWELLING HOUSE AT BROOMHALL COTTAGE, KILRY, KIRRIEMUIR**

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 located on both sides of the unclassified Kilry Road at Broomhall Cottage. The proposal provides for access via the existing access to Broomhall Cottage which will become a shared access between the new and existing houses.

The existing access should be improved by widening of the verge crossing and minimum visibility sightlines of 2.4 x 90 metres should be provided on both sides of the access at its junction with the public road.

I have considered the application in terms of the traffic likely to be generated by it, and its impact on the public road network. As a result, I 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 proposed access with Kilry Road giving a minimum sight distance of 90 metres in each direction at a point 2.4 metres from the nearside channel line of Kilry Road.

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

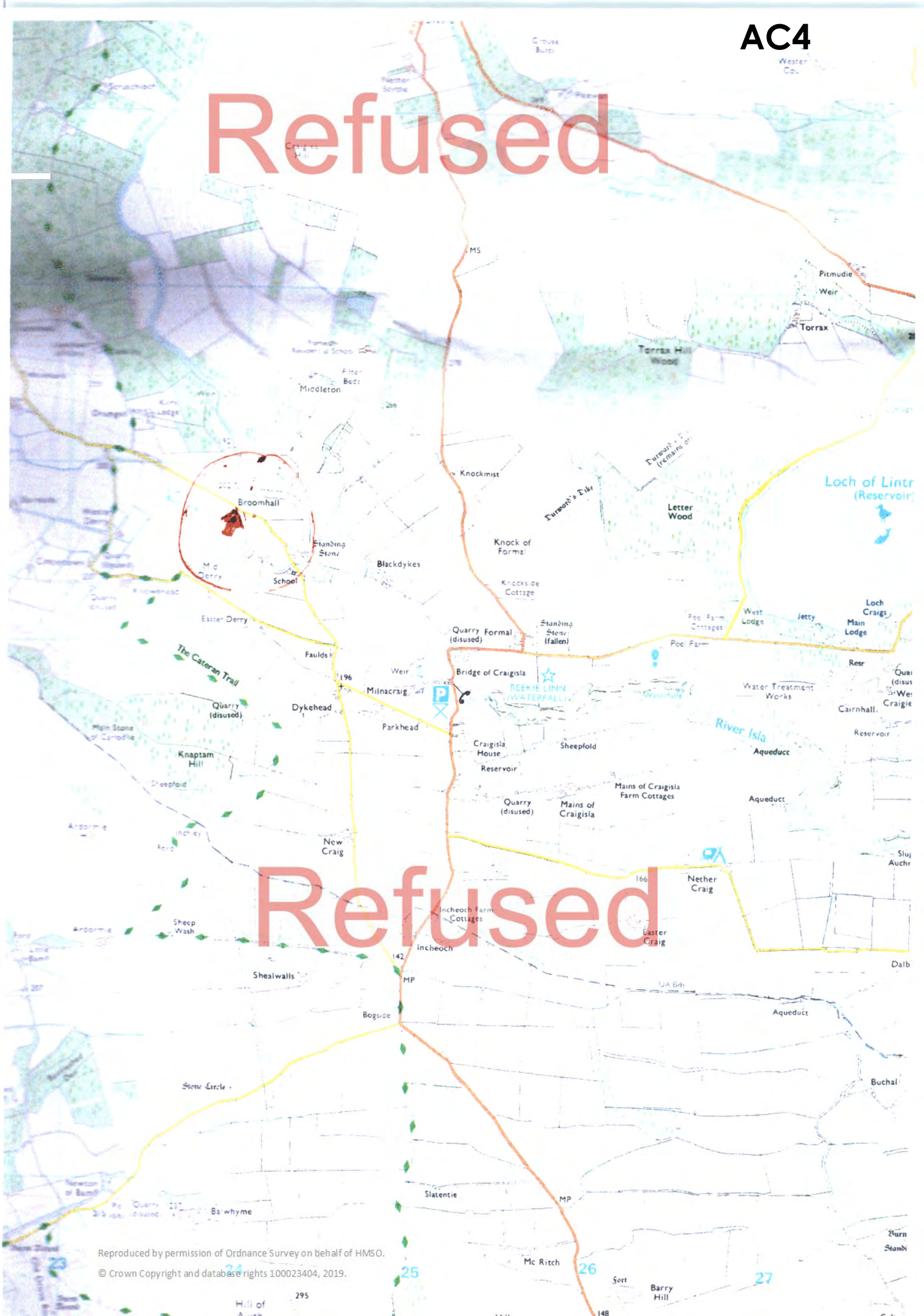
- 2 That, within the above visibility splays nothing shall be erected, or planting permitted to grow to a height in excess of 1050 millimetres above the adjacent road channel level.
Reason: to provide and maintain adequate sightlines in the interests of road safety.
- 3 That, an advisory, informative note be added to the decision notice to inform the applicant that the verge crossing at the proposed access must be improved in accordance with the standards of Angus Council.
An application form for the purpose can be downloaded from the council website.
- 4 That, prior to the occupation or use of the proposed dwelling house, a minimum of two car parking spaces shall be provided within the each plot curtilage (existing and proposed) in accordance with the National Roads Development Guide (SCOTS).
Reason: to ensure that suitable parking arrangements are provided in a timely manner.

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



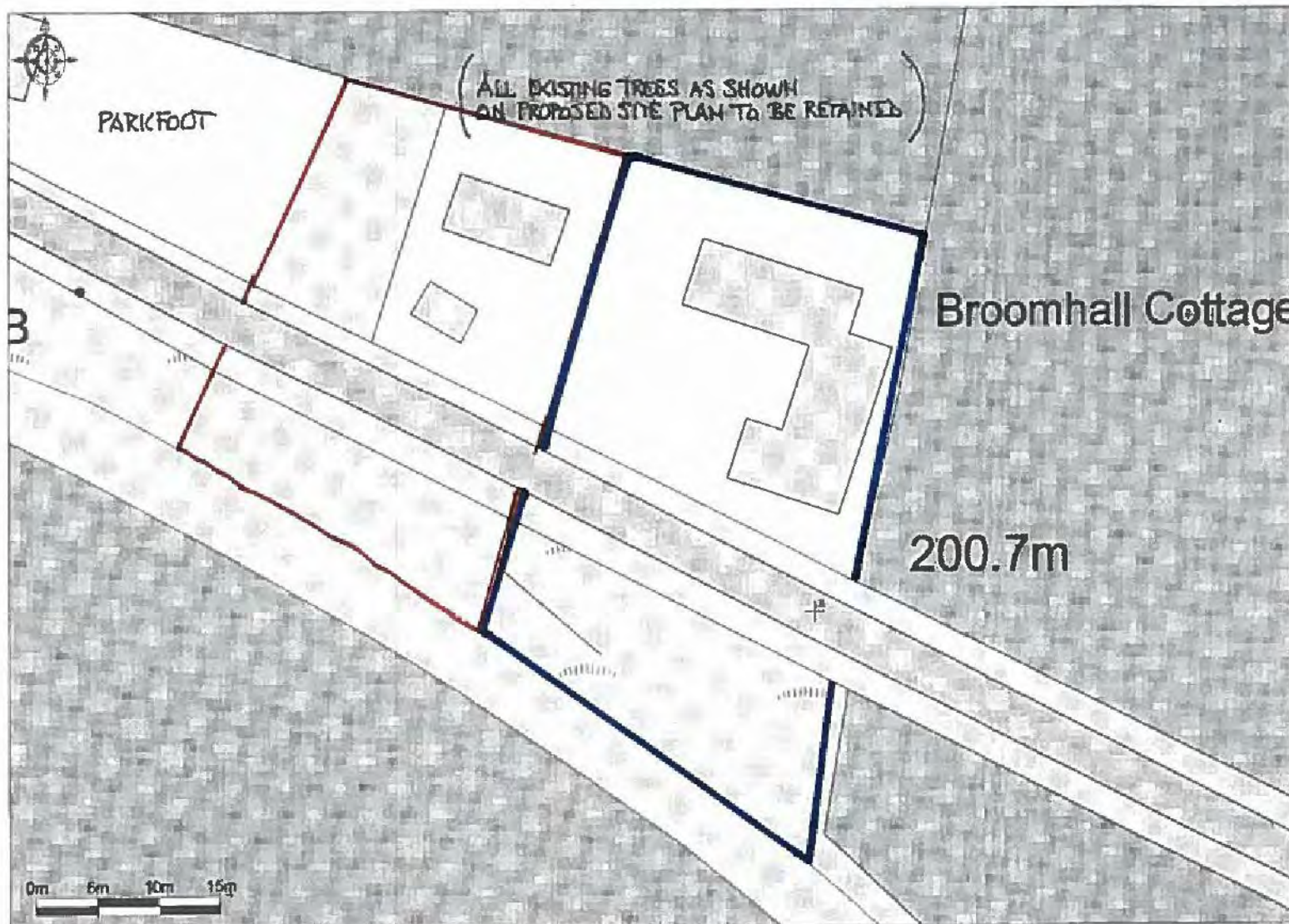
Refused

Refused



Refused

EXISTING SITE PLAN

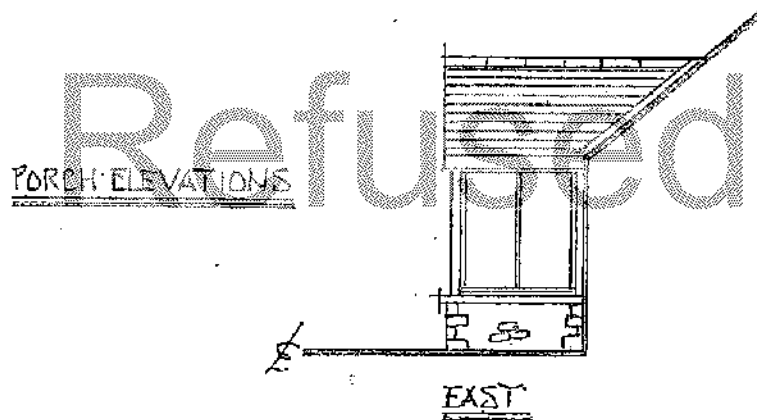
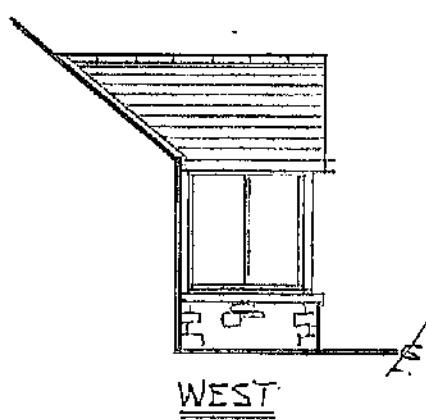
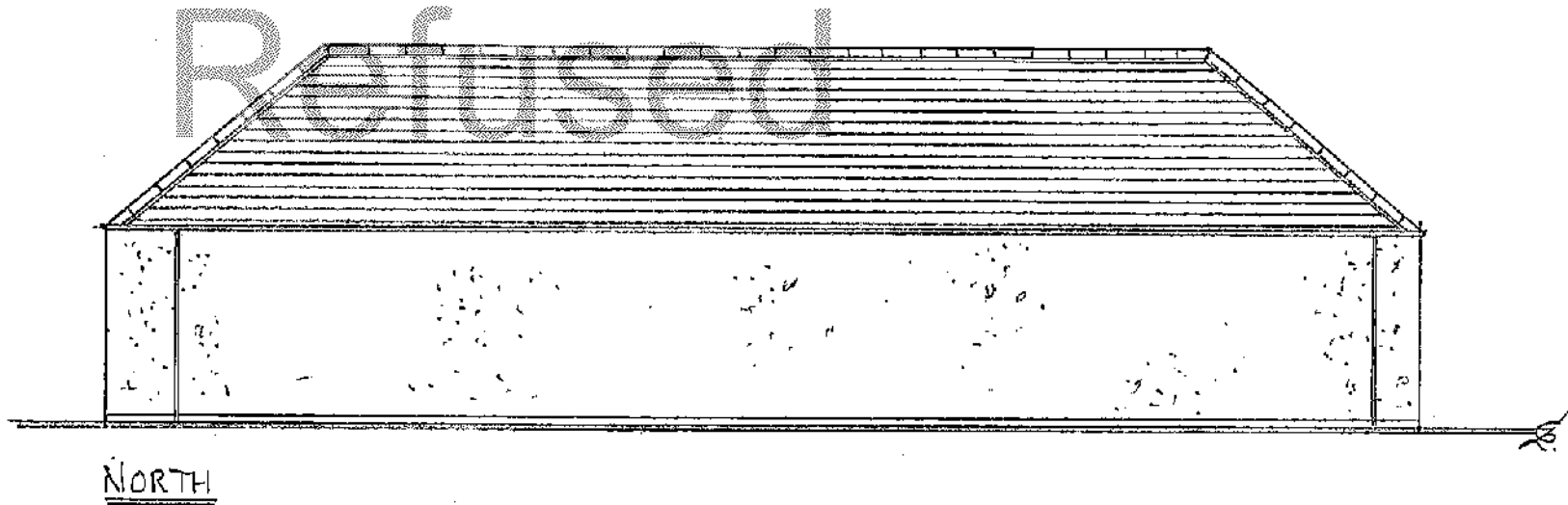


Ordnance Survey © Crown Copyright 2018. All rights reserved. Licence number 100022417. Printed Scale: 1:200

Promap

Refused

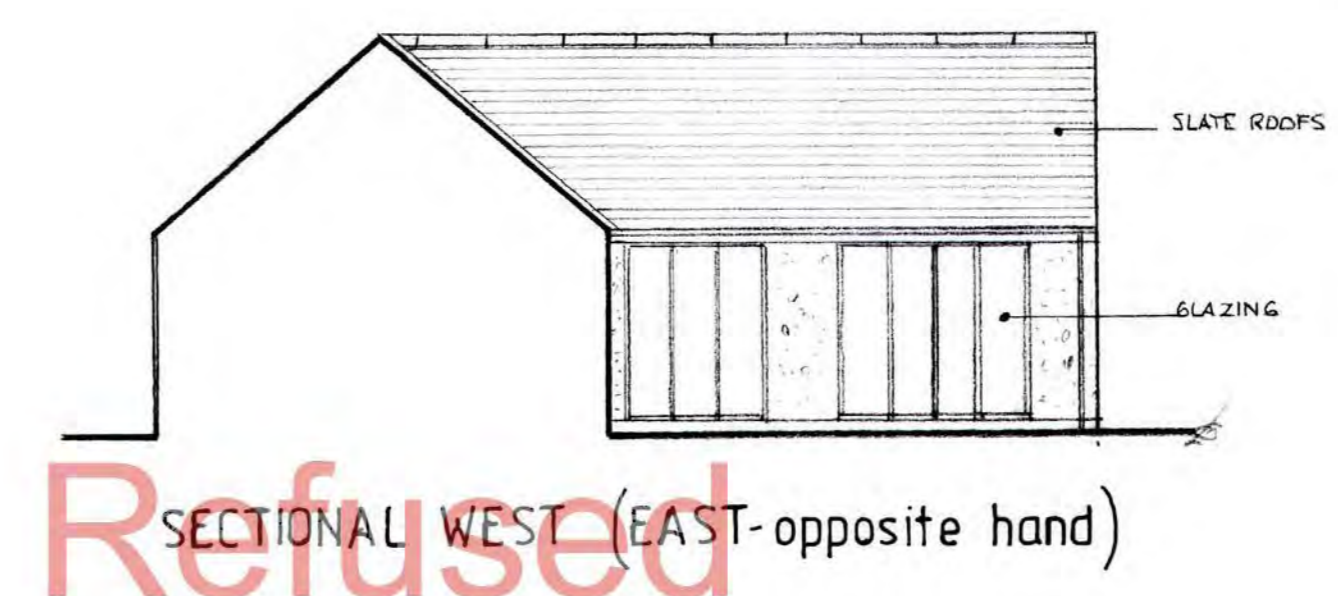
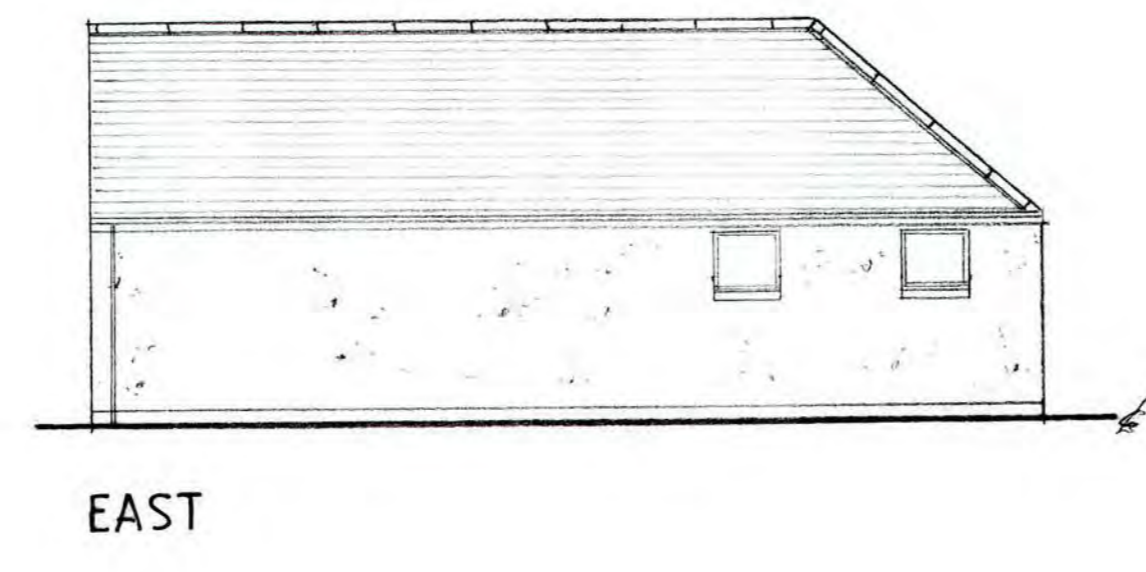
Produced by Angus Council
Planning and Transport Division
County Buildings, Forfar, Angus
DD8 3LG. Tel 01307 473342



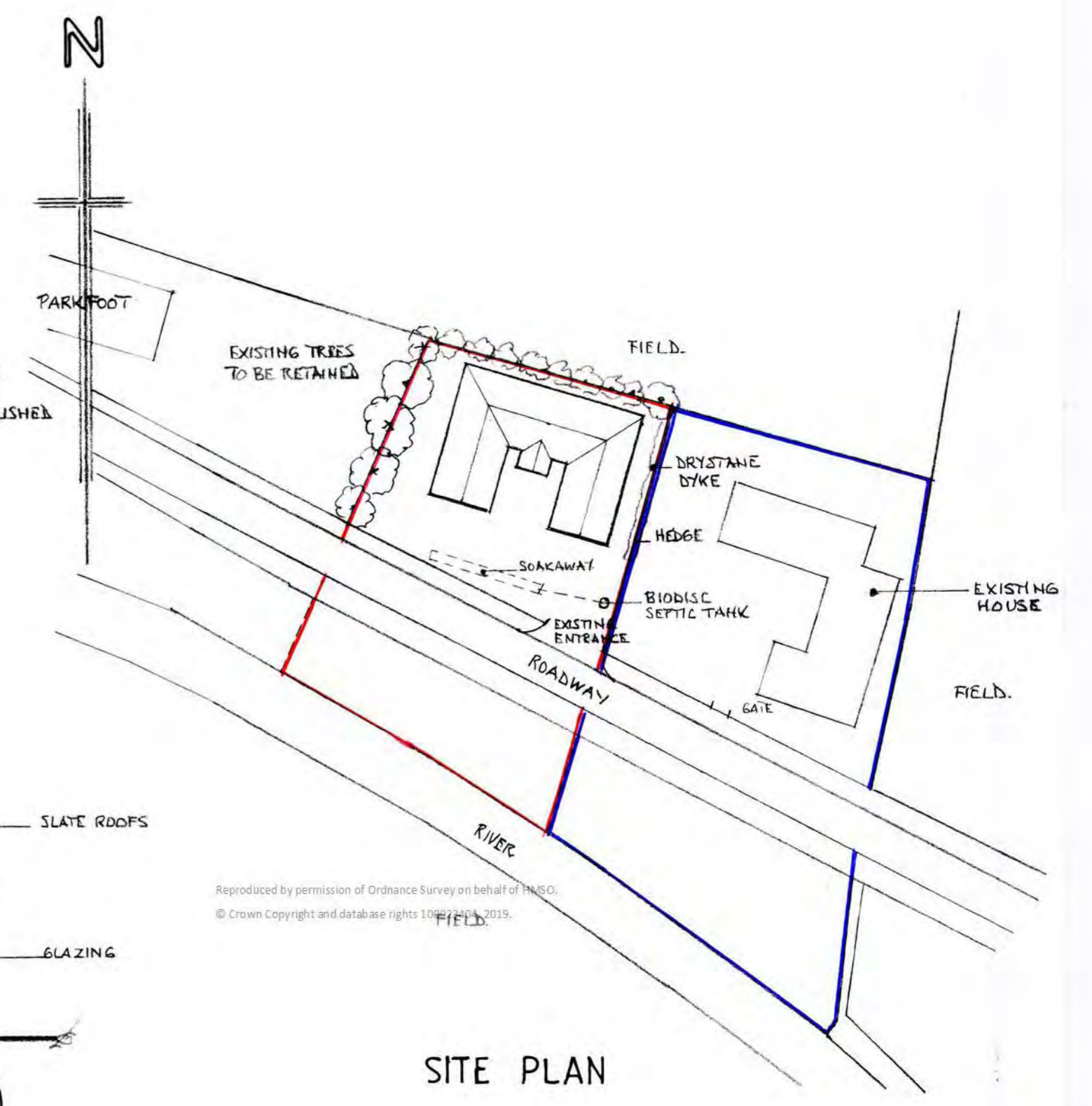
PORCH ELEVATIONS



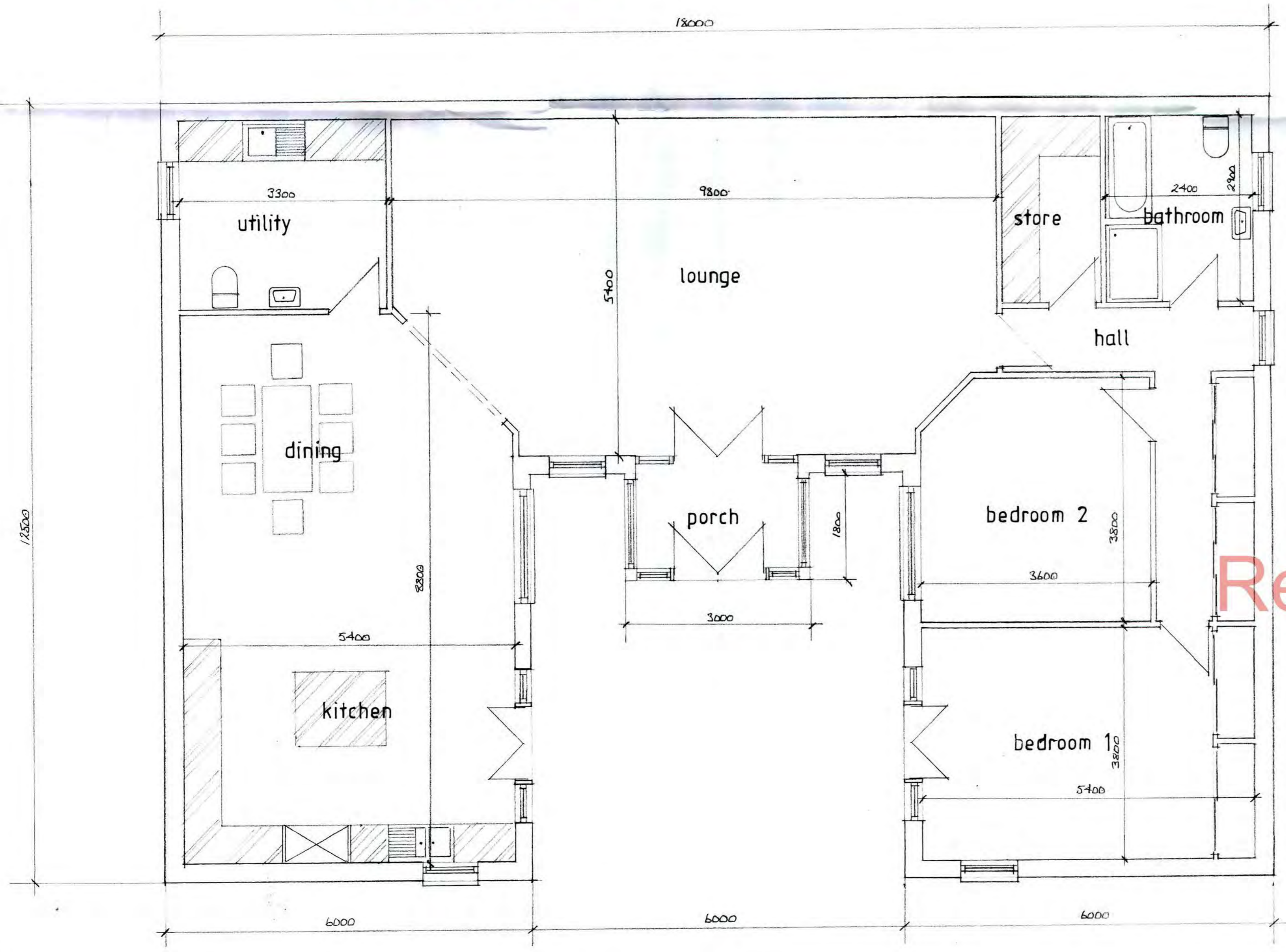
Refused



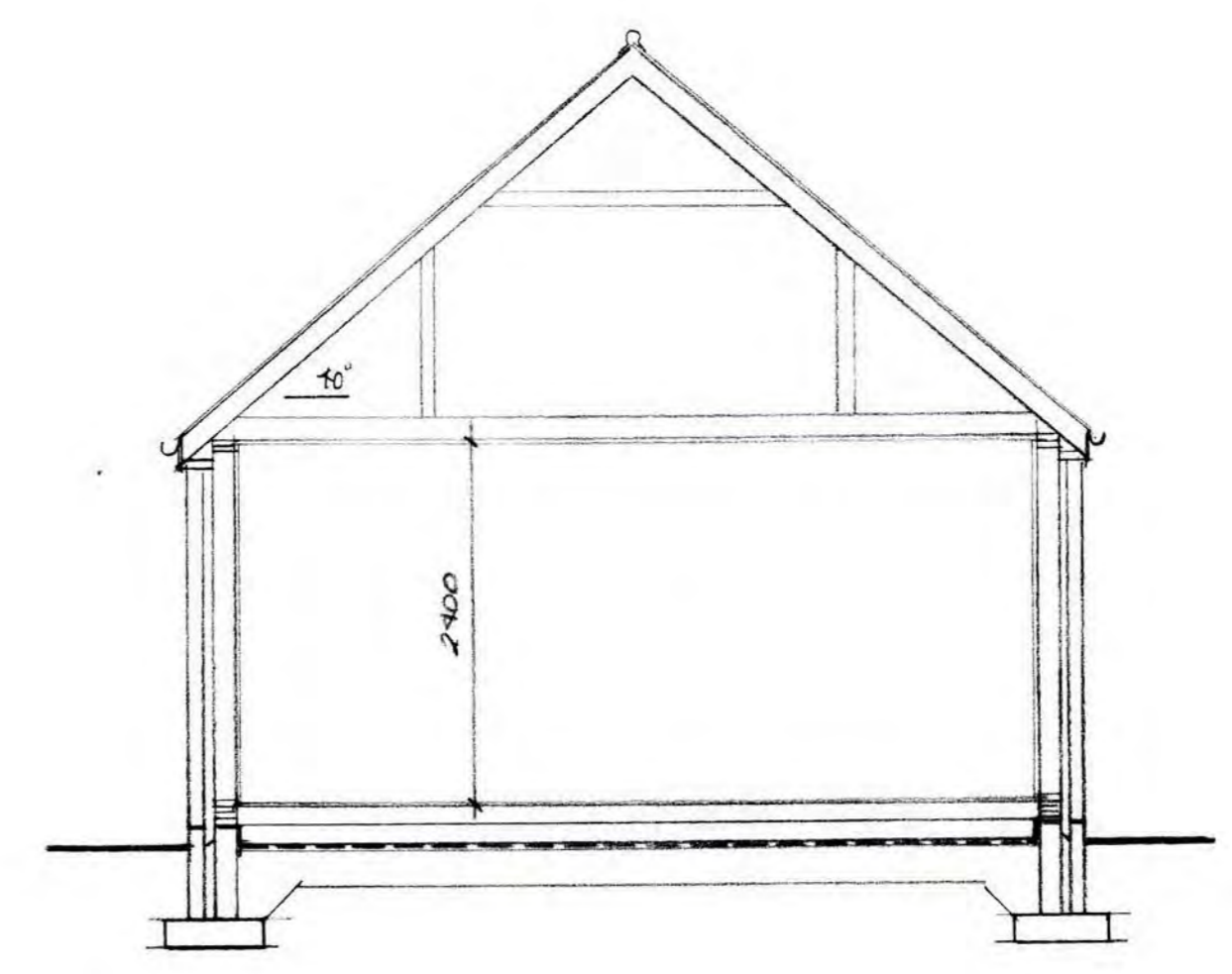
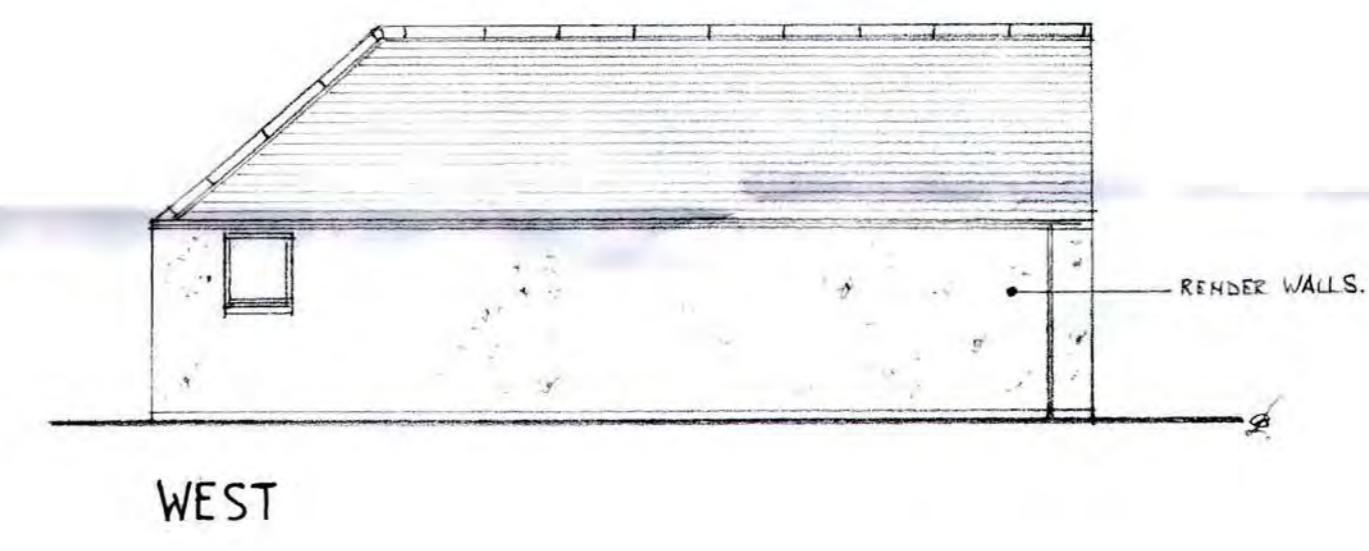
Refused



SITE PLAN



FLOOR PLAN



CROSS SECTION

Refused

PROPOSED AT	DWELLING HOUSE BROOMHALL COTTAGE KILRY, PHIL 8HU.
FOR	Mr & Mrs P. ALLEN.
SCALES	1:100 1:50 1:500
DATE	APRIL 2018



































AC6



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

PLANNING PERMISSION REFUSAL
REFERENCE : 18/00720/FULL

To **Mr & Mrs P Allen**
c/o L D Bertram
Garlowbank Farmhouse
Kirriemuir
Angus
DD8 4LH

With reference to your application dated 26 October 2018 for planning permission under the above mentioned Acts and Regulations for the following development, viz.:-

Erection of Dwellinghouse and Change of Use of ground to Garden Ground - Re-Application at Broomhall Cottage Kilry Blairgowrie PH11 8HU for Mr & Mrs P Allen

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

The reasons for the Council's decision are:-

1. The proposal is contrary to Policy TC2 of the Angus Local Development Plan (2016) and the Countryside Housing Supplementary Guidance because it proposes the erection of a new house in the garden ground of an existing house in the countryside and fails to comply with any of the circumstances which support a new house in the countryside.
2. That the application is contrary to Policy DS1 of the Angus Local Development Plan (2016) because the proposal is not in accordance with relevant policies of the local development plan, namely Policy TC2 and the associated Countryside Housing Supplementary Guidance.

Amendments:

1. The Existing Site Plan and Proposed Site Plan, Floor Plan and Elevations drawings dated 17th of December amend and supersede the drawings named the same and submitted alongside the application. The amended Existing Site Plan drawing shows the correct red line and the Proposed Site Plan removes garages indicated within the southern red and blue line sites.

Dated this **10 January 2019**

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
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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 Park
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.

From: PorterSG
To: ["sandra.allen"](#)
Subject: RE: Planning Application
Date: 15 October 2018 14:40:00

Dear Mrs Allen

I write in regards to your comments below.

I note you make reference to application ref: 18/00290/Full in your email. However that application relates to an extension to a house in Friockheim. I believe the application you intend to comment on is application ref: 18/00720/FULL for the erection of Dwellinghouse at Broomhall Cottage, Kilry.

This application is current invalid on the basis that the description of development has not been agreed and additional drawings are still required. I suggest you discuss this matter with your agent if you still wish for the application to be made valid.

Until the application is validated the proposal will not be considered. I will however add your comments below to the file in the meantime.

I trust this clarifies the situation for you and proves helpful.

Kind Regards

Stephanie Porter | Planning Officer | Place | Planning | Angus Council | Angus House |
Orchardbank Business Park | Forfar, DD8 1AN | (01307 473365)

From: sandra.allen [mailto:]
Sent: 15 October 2018 12:34
To: PorterSG
Subject:

Dear Miss Porter,

Ref. Planning application 18/000290/Full Build house in garden ground.

I believe you are to recommend our application for refusal, as the local plan does not allow houses to be built on garden ground anymore. I believe applications would be considered if applicants were elderly people with health problems which both my husband and myself have. (A doctors letter can be supplied if required) hence the reason for a single storey house. Also as we have lived in Kilry for over 30 years we do not wish to move at our time of life.

It seems planning is more in favour with holiday homes in our area ! as they are being built all over the place in Kilry.

The latest one is a wood cabin at Wester Derry, which I have been told is to have eventually wooden pods placed on the site for holiday outlets, on the ground termed as vacant land!!.

Has anyone ever thought about the impact on the country roads this will have.

Yours faithfully,
Sandra Allen

DEVELOPMENT MANAGEMENT REVIEW COMMITTEE

APPLICATION FOR REVIEW

**ERECTION OF DWELLINGHOUSE AND CHANGE OF USE OF GROUND
TO GARDEN GROUND (RE-APPLICATION) AT BROOMHALL
COTTAGE, KILRY**

APPLICATION NO 18/00720/FULL

APPLICANT'S SUBMISSION

Page No

- | | |
|---------------|------------------|
| ITEM 1 | Notice of Review |
| ITEM 2 | Decision Notice |

NOTICE OF REVIEW

Under Section 43A(8) Of the Town and Country Planning (SCOTLAND) ACT 1997 (As amended) In Respect
of Decisions on Local Developments
The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (SCOTLAND)
Regulations 2013
The Town and Country Planning (Appeals) (SCOTLAND) Regulations 2013

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

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

1. Applicant's Details		2. Agent's Details (if any)	
Title	MRS	Ref No.	18/00720/FULL
Forename	SANDRA	Forename	LAWRENCE
Surname	ALLEN	Surname	BERTRUM
Company Name	NO COMPANY	Company Name	
Building No./Name	BROOMHALL COTTAGE	Building No./Name	
Address Line 1	KILRY	Address Line 1	GARLOWBANK FARMHOUSE
Address Line 2	BY ALYTH	Address Line 2	KIRRIEMUIR
Town/City	BLAIRGOWRIE	Town/City	
Postcode	PH118HU	Postcode	DD8 4LH
Telephone		Telephone	01575575900
Mobile		Mobile	07516409024
Fax		Fax	
Email		Email	lar@garlowbank.plus.com
3. Application Details			
Planning authority	ANGUS COUNCIL		
Planning authority's application reference number	18/00720/FULL		
Site address	BROOMHALL COTTAGE, KILRY, BY ALYTH, BLAIRGOWRIE. PH118HU		
Description of proposed development	ERECTION OF A SINGLE STOREY 2 BEDROOM DEWELLING HOUSE		

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:

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.

FIRST OF ALL MAY I SAY WE LOVE LIVING IN KILRY AND THE HOUSE WE HAVE OCCUPIED FOR OVER 30 YEARS, HENCE THE REASON FOR OUR APPLICATION TO DOWN SIZE TO A SINGLE STOREY HOUSE WHICH IS DESIGNED TO ACCOMODATE OUR CHANGING HEALTH NEEDS, AND ALSO WE WOULD FIND IT EXTREMELY DIFFICULT MOVING TO ANOTHER AREA AT OUR TIME OF LIFE. WE APPRECIATE THE COUNCILS LOCAL PLAN THAT NO HOUSES TO BE BUILT IN GARDEN GROUND. MR BERTRUM POINTED OUT TO THE PLANNING OFFICER THAT THE PLOT WAS A GAP SITE BETWEEN US AND OUR NEIGHBOUR WHICH HAD A WALL ON ONE SIDE AND TREES ON THE OTHER, ALTHOUGH THERE IS A GARAGE ON THE SITE, THE REST IS ROUGH GROUND WHICH IS ONE OF THE REASONS MY HUSBAND FINDS DIFFICULTY MAINTAINING. THE PLANNING HAS ON THEIR DISCRPTION OF OUR APPLICATION. ERECTION OF DWELLINGHOUSE AND CHANGE OF USE OF GROUND TO GARDEN GROUND!!! THIS I DO NOT UNDERSTAND AS THE REFUSAL WAS ON THE FACT THAT IT WAS ALREADY GARDEN GROUND!! IF REQUIRED WE CAN OBTAIN DOCTORS LETTERS STATING OUR HEALTH ISSUES.

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.

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

PLANNING PERMISSION REFUSAL

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 Data Protection Legislation.



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

PLANNING PERMISSION REFUSAL
REFERENCE : 18/00720/FULL

To **Mr & Mrs P Allen**
c/o L D Bertram
Garlowbank Farmhouse
Kirriemuir
Angus
DD8 4LH

With reference to your application dated 26 October 2018 for planning permission under the above mentioned Acts and Regulations for the following development, viz.:-

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The reasons for the Council's decision are:-

1. The proposal is contrary to Policy TC2 of the Angus Local Development Plan (2016) and the Countryside Housing Supplementary Guidance because it proposes the erection of a new house in the garden ground of an existing house in the countryside and fails to comply with any of the circumstances which support a new house in the countryside.
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Dated this **10 January 2019**

Kate Cowey - Service Manager
Angus Council
Place
Angus House
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Forfar DD8 1AN

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

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PLANNING DECISIONS

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NOTICES

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- 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 Park
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"/>
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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.