

ANGUS COUNCIL

DEVELOPMENT MANAGEMENT REVIEW COMMITTEE – 12 NOVEMBER 2019

LAND 125M WEST OF NORTH MAINS CROFT, LOGIE, KIRRIEMUIR - CONDITIONS

REPORT BY THE DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES

ABSTRACT:

This Report sets out proposed conditions for planning application No 19/00023/FULL following on from the decision of the Development Management Review Committee, at its meeting on 23 October 2019, to grant planning permission for change of use of vacant land to form a chalet/caravan pitch (principal chalet and one touring caravan), formation of hardstanding, erection of 1.8m high fences and amenity block (in part retrospect), at Land 125m West of North Mains Croft, Logie, Kirriemuir.

1. RECOMMENDATIONS

It is recommended that the Committee approves the proposed conditions as set out in the Appendix to this Report.

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

At its meeting on 26 September 2019, the Development Management Review Committee considered an application for a review of the decision taken by the planning authority in respect of the refusal of planning permission for change of use of vacant land to form a chalet/caravan pitch (principal chalet and one touring caravan), formation of hardstanding, erection of 1.8m high fences and amenity block (in part retrospect), application No 19/00023/FULL, at Land 125m West of North Mains Croft, Logie, Kirriemuir (Report 325/19 to the Development Management Review Committee refers). The Committee agreed to hold a site visit and to reconvene after the site visit to discuss the application further.

On 23 October 2019, the Committee visited the site and met to discuss the application further. Following consideration of the case, the decision of the Review Committee was to uphold the appeal and grant planning permission subject to conditions. Having consulted with the Service Leader - Planning and Communities, it is recommended that the Committee approve the conditions as detailed in the Appendix to this Report.

4. FINANCIAL IMPLICATIONS

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

5. HUMAN RIGHTS IMPLICATIONS

The recommendation in this report to approve the conditions for application No 19/00023/FULL, has potential implications for neighbours in terms of alleged interference with privacy, home or family life (Article 8) and peaceful enjoyment of their possessions (First Protocol, Article 1). For the reasons referred to elsewhere in relation to this appeal, it is considered that any actual or apprehended infringement of such Convention Rights, is justified. The conditions constitute a justified and proportional control of the use of the property in accordance with the general interest and have regard to the necessary balance of the applicant's freedom to enjoy his property against the public interest and the freedom of others to enjoy neighbouring property/home life/privacy without undue interference.

6. CONSULTATION

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

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

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List of Appendices:

Appendix – Proposed Conditions in respect of planning application No. 19/00023/FULL

PLANNING PERMISSION FOR CHANGE OF USE OF VACANT LAND TO FORM A CHALET/CARAVAN PITCH (PRINCIPAL CHALET AND ONE TOURING CARAVAN), FORMATION OF HARDSTANDING, ERECTION OF 1.8M HIGH FENCES AND AMENITY BLOCK (IN PART RETROSPECT), AT LAND 125M WEST OF NORTH MAINS CROFT, LOGIE, KIRRIEMUIR - CONDITIONS

PLANNING APPLICATION NO 19/00023/FULL

Conditions:

1. The site and associated caravans/chalets located upon it shall be occupied by Gypsy/Travellers only.

Reason: In order to ensure the site is occupied by Gypsy/Travellers.

2. The number of caravans on the site shall not exceed one static caravan and one touring caravan.

Reason: In order that the Planning Authority may regulate the number of caravans on the site, in the interest of the amenity of the area.

3. Foul drainage from the site shall discharge to the public sewer.

Reason: In order to ensure the site is served by suitable foul drainage arrangements.

Advisory – A Caravan Site Licence is required for the site.