

ANGUS COUNCIL

DEVELOPMENT MANAGEMENT REVIEW COMMITTEE – 22 JUNE 2020

FIELD ADJACENT TO THE LODGE, COLLISTON CASTLE, COLLISTON, ARBROATH

REPORT BY THE DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES

ABSTRACT:

The Committee is asked to consider an application for a review of the decision taken by the planning authority in respect of the refusal of planning permission for proposed new Manager's House, application No 19/00909/FULL, at Field Adjacent to the Lodge, Colliston Castle, Colliston, Arbroath.

1. RECOMMENDATIONS

It is recommended that the Committee:-

- (i) review the case submitted by the Planning Authority (**Appendix 1**);
- (ii) review the case submitted by the Applicant (**Appendix 2**);
- (iii) consider whether the new information submitted meets the statutory requirements in terms of Section 4 below and if it is considered that the requirements have been met, then to review the information submitted by the Applicant (**Appendix 3**).
- (iv) consider the further lodged representations (**Appendix 4**); and
- (v) consider the applicant's response to the further representations (**Appendix 5**).

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 to determine the Review without further procedure. If members do not determine the review without further procedure, the Review Committee must determine the manner in which the review is to be conducted. The procedures available in terms of the regulations are: written submissions, hearing sessions or inspection of the land to which the review relates.

4. NEW INFORMATION

The applicant's agent has submitted information which was not raised in the first instance to the planning authority when the application was determined, or in the application for review. The applicant's agent states that 'COVID-19 has and will have an impact on their business operation and it is considered that this is new material information, which was not foreseen in the Planning Application or Application for Review.'

The Town & Country Planning (Scotland) Act 1997 clearly states as follows:-

43B Matters which may be raised in a review under section 43A

- (1) In a review under section 43A(8), a party to the proceedings is not to raise any matter which was not before the appointed person at the time the determination reviewed was made unless that party can demonstrate –
 - (a) that the matter could not have been raised before that time, or
 - (b) that its not being raised before that time was a consequence of exceptional circumstances.

Accordingly, the applicants must not raise new matters unless those matters could not have been raised before or exceptional circumstances explain which matters were not raised before.

The Committee requires to determine if the foregoing statutory requirements have been met. Should the Committee decide that the requirements have not been met, then the Committee must not take those new matters into account when determining the Review.

5. FINANCIAL IMPLICATIONS

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

6. CONSULTATION

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

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

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List of Appendices:

- Appendix 1 – Submission by Planning Authority
- Appendix 2 – Submission by Applicant
- Appendix 3 – New Information Submission
- Appendix 4 – Further Lodged Representations
- Appendix 5 – Applicant's Response to Further Representations

ANGUS COUNCIL'S SUBMISSION ON GROUNDS OF REFUSAL

APPLICATION NUMBER – 19/00909/FULL

APPLICANT- MR JOHN LANSLEY

**PROPOSAL & ADDRESS – PROPOSED NEW MANAGERS HOUSE AT FIELD
ADJACENT TO THE LODGE COLLISTON CASTLE COLLISTON ARBROATH**

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Angus Council

Application Number:	19/00909/FULL
Description of Development:	Proposed New Managers House
Site Address:	Field Adjacent To The Lodge Colliston Castle Colliston Arbroath
Grid Ref:	361328 : 746307
Applicant Name:	Mr John Lansley

Report of Handling**Proposal**

Planning Permissions is sought for the erection of a single dwelling house on land adjacent to The Lodge, Colliston Castle, Colliston, Arbroath. The site is an 1872sqm area of land located around 70m south of category B listed Colliston Castle.

The site is an area of grassland in the grounds of Colliston Castle and north west of the south entrance gates. The site is enclosed by trees and vegetation on all sides, with a timber fence delineating the Castle Lodge residential property at the south. Mature trees form the east boundary with the adjacent access track serving the Castle. The site is bound by Castle Lodge residential dwelling at the south, fields at the west and castle grounds at the north and east. There is an opening at the south west corner of the site.

The dwelling house would be a single storey, pitched roof, rectilinear form building around 170sqm footprint. The building would be finished with grey timber cladding walls and slate roof and would be located towards the north west of the site. An access driveway would be formed through the opening at the south east of the site. Submitted information indicates the house would connect to the public water supply and would make private drainage arrangements using a treatment plant to soakaway system. Sustainable drainage systems would be used for surface water and waste and recycling bins would be located on the proposed hardstanding areas.

Trees would retained along the east, south and south west boundaries and the Laurel hedge (which runs along the northwest and northern boundary) would be replaced by a native hedge along its length.

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 6 December 2019 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

18/00054/FULL for Erection of a single dwelling house for site manager was determined as "Application Withdrawn" on 30 March 2018.

18/00940/FULL for "Change of Use to a mixed use comprising Residential Dwelling, Guest/Holiday Accommodation & Exclusive Use Venue, External Alterations to Castle and Erection of Walled Garden and

Tank Enclosure (Retrospective)" at Colliston Castle, Colliston, Arbroath, DD11 3RS, was determined as "approved subject to conditions" on 26 July 2019.

Applicant's Case

The Design and Access Statement provides an overview of the site location and history. The statement indicates the design concept is to create a traditional referenced single storey house of a contemporary style which respects the rural setting and with the form and massing which reflects a traditional property.

The Planning Supporting Statement indicates the proposed house would be occupied by the applicants, as part of essential accommodation to manage Colliston Castle and its associated business. An assessment against Policy TC2 and indicates that there is a functional requirement to live on the estate, in order to allow the effective management the tourism use of Colliston Castle. The statement indicates that it is no longer viable or possible for the applicants to reside permanently in the castle. The proposal for a new essential workers house would make a positive contribution to the rural economy and allow an existing business to be sustained and managed.

In relation to the need for the Manager's House, it is indicated that it is not viable or practical for the applicants to remain in the Castle whilst it is rented to visitors. The Castle was rented out to visitors for holiday accommodation between 110 - 112 days in 2018 and for 141 days in 2019. The applicants have previously investigated sub-dividing a part of the Castle, to provide a self-contained apartment, and have also explored the segregation of the top floor of the house with the incorporation of a new staircase access. However, due to the sensitivities of the listed fabric of the Castle, together with its plan form and arrangement, it has not been possible to achieve a satisfactory solution. There are no outbuildings capable of conversion and the walled garden, coach house and lodge were sold off before the applicants purchased the Castle. The Applicants have considered buying a property locally, however, there has been no land or house sales within the last five years or so. They have also investigated renting however, long-term rental is inevitably expensive and combined with the issues relating to distance would not allow the applicants to continue to meet the needs of the property or allow it to be suitably managed and maintained. The applicants have secured a short-term rental locally, on a temporary basis however the availability of this house has now come to an end. The economic and tourism benefits of the associated Castle holiday let use are discussed and it is indicated the proposed new house would enable the effective management of this important tourism resource. The Castle is large complex historic building with sizable gardens that require ongoing and frequent interventions to ensure they do not deteriorate. Ongoing high maintenance costs of the castle and inflation dictate that it is essential for the applicants to be able to continue to maximise on the holiday lets to continue to maintain the castle appropriately and the new house is essential to allow this to continue to thrive and remain viable. The statement concludes there are no suitable or available brownfield sites within the applicants' ownership which are capable of accommodating the proposed development. This site offers the advantage of being in sufficient proximity to Colliston Castle to effectively secure its ongoing management, without detriment to its setting.

The Further Supporting Information expands on the information contained in the Planning Supporting Statement and includes a personal statement by the applicants in support of their requirement for a manager's house and supporting information from the associated Castle business letting agent. The contribution to the local tourism economy is discussed and an independent report by the Director of the Moffat Centre for Travel and Tourism Business Development is provided in support of the proposal.

A response to third party representations is provided and the report concludes the reasons provided in the Planning Supporting Statement are substantiated further by the additional supporting information provided demonstrate that the proposal complies with the Angus Local Development Plan and associated Supplementary Guidance.

Consultations

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

Angus Council - Roads - Offered no objection to the proposal.

Scottish Water - Advised there is no public Scottish Water infrastructure within the vicinity of this

proposed development and offered no objection.

Aberdeenshire Council Archaeology Service - Indicated no archaeological mitigation is required and offered no objection to the proposal.

Representations

2 letters of representation were received, of which 0 offered comments which neither supported nor objected to the proposal, 2 objected to the proposal and 0 supported the proposal.

The main points of concern were as follows:

- There is no requirement for essential worker accommodation;
- The applicants have alternative accommodation/sites/brownfield land available for a house;
- Other accommodation is available in the local area;
- Impacts on amenity of neighbouring residential property;
- Impacts on the landscape/ trees and wildlife;
- Impact on character and setting of Colliston Castle;
- Insufficient drainage information is provided;
- The applicants are often absent from the Castle/site for extended periods;
- The listed castle has recently been altered/subdivided and a Manager's Apartment could be provided;
- If successful, occupancy of the proposed house should be restricted.
- Impact on the listed building.

These matters are discussed in the Assessment section below.

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 PV6 : Development in the Landscape
Policy PV7 : Woodland, Trees and Hedges
Policy PV8 : Built and Cultural Heritage
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.

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.

The site is located within a Category 1 Rural Settlement Unit (RSU1). Category 1 RSU's are areas that are not remote from towns and where the opportunity for new development outwith settlements is more restricted, as development should be directed towards existing settlements.

Policy TC2 indicates that in countryside locations Angus Council will support proposals for new dwelling houses which fall into at least one of a number of categories. That policy is supported by the adopted Countryside Housing Supplementary Guidance. In terms of possible acceptable situations, the proposed dwelling would not involve the replacement of an existing dwelling; it would not involve the conversion of a non-residential building; it would not involve the regeneration or redevelopment of a brownfield site that delivers significant visual or environmental improvement through the removal of derelict buildings, contamination or the removal of an incompatible land use; it would not involve the rounding off of an established building group of 3 or more existing dwellings; it would not fill a gap between the curtilages of two houses or the curtilage of one house and a metalled road, or the curtilage of one house and an existing substantial building..

Policy TC2 and the associated supplementary guidance is also supportive of proposals for new essential worker housing where the proposal is supported by evidence that there is a functional requirement for the person to live at their place of work (e.g. an essential worker report, which includes some explanation as to why the worker needs to live on the landholding). The supplementary guidance indicates that new essential worker housing requires occupancy controls through the use of conditions or other legal agreement.

The applicant has suggested that the house is for the manager of the adjacent Coliston Castle (which is rented out as a short term holiday let/exclusive use venue) to reside on site to effectively manage the tourism use of the castle. The information suggests that accommodation on site (but outwith the Castle) would facilitate the maintenance of the listed building, gardens and supervision of guests using the site.

No compelling evidence has been submitted to demonstrate that there is an essential need to reside within the castle grounds or indeed why a dwelling in a nearby settlement would not be adequate for the purposes of managing the castle and its ongoing maintenance. Colliston Castle is less than 1k from Letham Grange, around 2km from Colliston village and around 5km north of Arbroath and 5km south of Friockheim - all of which afford easy access to the castle. Available information suggests that there are multiple properties or land with planning permission for a house on the market in the area surrounding the site which could accommodate the manager.

There is no evidence that there is a functional requirement for the manager to live at their place of work. The proposal does not comply with any of the circumstances which justify a new house in the countryside and is contrary to Policy TC2 and the associated Countryside Housing Supplementary Guidance.

For completeness, the remaining policy tests are addressed below.

The proposal does not raise any significant issues against the Countryside Housing Appendix 3 criteria. The development 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.

The proposed house is an acceptable design solution for a countryside location and there is adequate space for the provision of a satisfactory residential environment while respecting the amenity of existing residential property.

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 this scale.

The proposal would not be affected by farming or other rural business activities and access would not be taken through a farm court. Access to the site could be achieved without significant impacts on road safety and the Roads Service has offered no objection to the proposal.

The site is within the policies of the Category B listed Colliston Castle. The site is enclosed by vegetation and trees on all sides and is around 70m south of the Castle. There is no direct visual relationship between the listed castle and the site of the proposed dwelling house and the proposal would not impact on the setting of the listed building. The Archaeology Service indicated no archaeological mitigation is required and offered no objection to the proposal. The proposal does not give rise to any unacceptable impacts on the natural or built environment.

The site is not subject of any designated for natural heritage and there is no reasons to consider that the proposal would result in unacceptable impacts on the natural environment. The plans submitted suggest that the mature trees in the site would be retained and a new native hedge planted.

Limited information has been submitted in relation to waste water arrangements however, were the proposal otherwise acceptable, this matter could be regulated by planning condition requiring a suitable scheme for foul drainage and surface water management. Submitted information indicates the proposal would connect to the public water supply, however, Scottish Water has indicated there is no public infrastructure within the site. Were the proposal otherwise acceptable, a planning condition could be used to secure full details of water supply arrangements prior to any development commencing.

The site is identified as prime quality agricultural land (grade 2) based on the Macaulay Land Capability for Agriculture maps. Policy PV20 indicates that development proposals on prime quality agricultural land will only be supported in limited circumstances. However, the area of land that would be required to accommodate a house is not significant and not in agricultural use.

In relation to material considerations it is relevant to note that objections have been submitted to the proposal. The representations are material, in so far as they relate to relevant planning matters and have been taken into account in the preparation of this report. The representations suggest that the proposal does not comply with policies of the local development plan which is the conclusion reached in this assessment.

In relation to impacts on the landscape, trees and protected species, the proposed house has been sited such that it would not result in the loss of mature trees or woodland. The Laurel hedge would be replaced by a new native hedge which would offset any habitat impact over time. The house would sit adjacent to mature trees providing a reasonable landscape framework. There is no direct visual relationship between the site of the proposed house and the listed castle and it is considered the proposal would not adversely impact on built or cultural heritage assets. Concerns are raised regarding impacts on neighbouring residential amenity, however, the proposed house would be at reasonable separation distances to neighbouring property having regard to Council guidance.

In conclusion, the site proposed for development is in a Category 1 area where the local development plan is more restrictive in its approach to new development in the countryside. The proposal does not comply with any of the circumstances which allow a new house in the countryside and the information submitted does not demonstrate that there is a functional requirement to reside on site. The proposal is contrary to Policy TC2 and the Countryside Housing Supplementary Guidance (2016). Failure to comply with Policy TC2 also means the proposal is contrary to Policy DS1. There are no material planning considerations which would justify the approval of the application 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 the associated 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 DS1 of the Angus Local Development Plan 2016 as the proposal is not in accordance with relevant policies of the ALDP, namely Policy TC2.

Notes:

Case Officer: Fraser MacKenzie
Date: 5 February 2020

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 PV6 : Development in the Landscape

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

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

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

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

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

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

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 PV8 : Built and Cultural Heritage

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

National Sites

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

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

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

Regional and Local Sites

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

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

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

Policy 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

19/00909/FULL

Tick boxes as appropriate

ROADS

No Objection

Interest

(Comments to follow within 14 days)

Date

10	12	19
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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



11th December 2019

Angus Council
 Angus House, Planning Service Orchardbank Business Park
 Forfar
 DD8 1AN

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

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

Dear Local Planner

DD11 Arbroath Colliston Castle Adj To The Lodge
PLANNING APPLICATION NUMBER: 19/00909/FULL
OUR REFERENCE: 786218
PROPOSAL: Proposed New Managers House

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

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

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.

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will **not** 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 taking account of various factors including legal, physical, and technical challenges. However it may still be deemed that a combined connection will not be accepted. Greenfield sites will not be considered and a connection to the combined network will be refused.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is proposed, 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 laundrettes. 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

Pamela Strachan
Planning Consultations Administrator

From:Claire Herbert
Sent:Thu, 12 Dec 2019 15:49:43 +0000
To:PLNProcessing
Cc:MacKenzieF
Subject:Planning consultation 19/00909/FULL - archaeology response

Planning Reference: 19/00909/FULL

Case Officer Name: Fraser MacKenzie

Proposal: Proposed New Managers House

Site Address: Field Adjacent To The Lodge Colliston Castle Colliston Arbroath

Site Post Code:

Grid Reference: NO 6132 4630

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

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

Kind regards,

Claire

Claire Herbert MA(Hons) MA MCIfA

Archaeologist

Archaeology Service
Infrastructure Services
Aberdeenshire Council
Woodhill House
Westburn Road
Aberdeen
AB16 5GB

01467 537717

07825356913

claire.herbert@aberdeenshire.gov.uk

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

<https://www.aberdeenshire.gov.uk/leisure-sport-and-culture/archaeology/>

<https://online.aberdeenshire.gov.uk/smrpub/>

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Dh□ fhaodadh fiosrachadh sochaire, a tha a-mhàin airson an neach gu bheil am post-dealain air a chur, a bhith an seo. Ma tha thu air am post-dealain fhaighinn mar mhearachd, gabh ar leisgeul agus cuir fios chun an neach a chuir am post-dealain agus dubh às am post-dealain an dèidh sin.

□ S e beachdan an neach a chuir am post-dealain a tha ann an gin sam bith a thèid a chur an cèill agus chan eil e a □ ciallachadh gu bheil iad a □ riochdachadh beachdan Chomhairle Shiorrachd Obar Dheathain.

www.aberdeenshire.gov.uk

Application ref 19/00909 ful is made on the basis of being an application for Essential Worker's Accommodation. In the following paragraphs it will be demonstrated that the proposed development fails to satisfy the requirements of Essential Workers Accommodation and I will ask that the application is duly refused by the planning department.

The Angus Local Development Plan – Supplementary Guidance for Countryside Housing defines the requirements for essential workers accommodation,

The guidance specifies that other accommodation should not be available in close proximity. For an extended period that spans the change of use application and the date of this application the applicants have been renting a cottage on site in the old stable block. Given the length of their tenure there and even in the absence of a formal lease they would normally have accrued rights as tenants. In the absence of having been served a formal written notice to quit by their landlord. If indeed they have given up that tenancy they will have deprived themselves of a valid home on site which they could have continued to enjoy and they will have done so with the primary motive of furthering their claim to have grounds to build a new house in the grounds on the castle. Additionally a cursory search proves there are many houses for sale and rent in many of the local communities within 5-10 minutes of the castle. Rental costs are low in the area compared to those in larger towns, and the cost of many of the houses for sale locally would be comparable to the cost of using reputable professional tradespeople to build the proposed development. The consultant argues that the applicants have exhaustively tried to find ways to subdivide the castle to create managers accommodation. Perhaps the consultant is ignorant of the fact that in the rooms surrounding the back courtyard there is ample space for this to be one, and there is separate external access to the rear of the castle, and is unaware that this has been highlighted in the planning history. However, like continuing to rent their current accommodation, or renting, or buying another house locally this has been ignored by the applicants in their determination to build another house at any cost. As there are alternatives for local accommodation which the applicants have ignored rather than explored and used, the application cannot meet the requirements for essential workers accommodation and therefore must be refused.

The guidance states that the requirement should be for a full time worker, and defines this as 35 hours per week. Most of the castle's rentals are for weekends, and in any event for the greater proportion of the castle's rentals the applicants are away from the area, and they regularly leave the castle unsupervised over rental periods.

It also shows that contrary to their claims that here is a need for essential workers to be present to maintain the castle and its grounds and be on hand for guests, they see the castle as a low maintenance property they can rent out in the same way they use other property they operate. The planning consultant claims there are extensive grounds that require maintenance, the castle's grounds comprise the curtilage including the main drive and the proposed site, the back drive, a small walled garden they have just built, and modest grazing land in a field behind the castle and a paddock in front of it. Bearing in mind that the applicants do not claim to be professional electricians, plumbers, heating engineers, or building maintenance engineers they will have to have local trades people coming in to carry out relevant maintenance just as they would for maintaining their own home, and it is clear that they can do this while they are away from the castle for extended periods. Thus their operation of the castle as a holiday rental property clearly does not create any need for a full time employee to be on site and on this count the application fails to meet the conditions or essential workers accommodation and must be rejected.

It is also noted that for a proposed new business, a business plan is to be submitted (as the applicant's planning consultant links this application to the change of use application it is relevant to note that no business plan has been submitted other than confirmation that the castle has been rented for 20 weeks (141 nights) in 2019. Given the absence of business plan from both this application, and the linked change of use application it appears that on another count the requirements for essential workers accommodation are not met.

In addition to its failure to meet the requirements for Essential Worker's Accommodation the following points give grounds for the application to be rejected.

1. Its location of the in the curtilage, and correspondingly listed grounds of a listed building. The planning consultant employed by the applicant should aware that listed building legislation came into force in 1948 and defines property in its form at that point. This consideration is relevant as the site for the proposed development formed part of the policies of the castle at that date. The planning consultant has also sought to perpetuate the myth that the site is in a field by including a map from 1901 which does not reflect the status of the site as part of the curtilage of a listed building. The application and the consultant's supporting statement continue to incorrectly describe the site as being in a field. It is also noted that the consultant also misrepresents the castle's main drive which borders the policies that are included in the site as a 'track', and that they that the site does not form part of the curtilage of the castle. It should also be noted that while it is claimed that the site is in a field, the application confirms that it does not cover any agricultural land. It is clear that notwithstanding the failure to meet the requirements for essential workers accommodation, the application, and its associated statements, would have to be examined on the basis of requiring consent for changes to the curtilage of a listed building.
2. Its connection to, and based on the supporting statement made by the agent of the applicant, reliance on the applicant's previous application for change of use (ref 18/00940) in which the applicant warranted that the proposal included no new houses or flats. For clarity the supporting statement notes at para 4.5 that a previous application to build a house on the site was withdrawn so the applicants could apply for a change of use for the castle 'prior to consideration by the planning authority for the need for a new dwelling house'. Thus the applicants clearly intended to apply to build a new house if their change of use application was approved and the current application should not be allowed as it relies on and conflicts with the basis on which their (according to their own agent) change of use application was made and accepted.
3. The site, on which there are mature beech trees, is used by bats and badgers, and they will be disturbed by the proposed development
4. The application is headed 'Application for New Manager's House' this seeks to imply it replaces a previous manager's house on the estate. It does not. For clarity there has never been a manager's house on the estate. Staff servicing the castle itself had always been housed in the castle itself and while the gatehouse and stables had been sold out from the estate there has been no need for stables since motorised transport took over from horses and carriages, and no need for a groundsman since motorised lawnmowers and maintenance tools took over from hand and horse powered machinery.

As the application does not, and the applicant's business at Colliston Castle cannot, satisfy the requirements for a property to be built as essential worker's accommodation I ask that the planning authority observe the wording, and the spirit, of the Countryside housing supplementary guidance to the Angus Local Development Plan and duly reject this application to protect the integrity and curtilage of what is recognised to be an important and listed building

Jade Stuart

39 Station Road

Lochgelly

KY5 9QX

29/12/2019

**Planning Application Ref: 19/00909/FULL
Proposed New Managers House Field Adjacent to the Lodge Colliston Castle, Colliston, Arbroath**

We write to object to the above planning application.

Firstly, to counteract the rather deceptive photograph accompanying Mr and Mrs Lansley's application, I have taken one myself from approx the same position which clearly shows the proximity of The Lodge and the resultant impact any development would have.

Para 4.10

"The applicants have, however, secured a short term rental locally, on a temporary basis, from friends, however the availability of this house has now come to an end".

This is blatantly false from start to finish and is exactly the same type of questionable statement that was employed by the applicants in their previously withdrawn application for a "site manager's house". At that time, it was stated that the rental accommodation would no longer be available from 2018 onwards. And yet, Mr and Mrs Lansley are now residing there again and have done so throughout 2019. Moreover the property will still be available next year (2020).

Loss of Amenity.

It is interesting that Mr and Mrs Lansley's application makes no mention of the fact that the Lodge is inhabited or even an acknowledgement that the site they have chosen is bounded on it's eastern side by our fence line. No mention also, of the entrance/exit to the proposed site being a matter of feet from our fence line once again (see attached photograph 2).

I feel duty bound to point out that my wife and I have lived in splendid semi-isolation at our current address for the last thirteen years (and nineteen before that in a very similar rural location; a lodge house again with no near neighbours). It should be apparent that we guard our privacy jealously and this has only become even more important to us since suffering a family tragedy six years ago and, more recently, my wife's deteriorating health. Mr and Mrs Lansley are only too aware of our feeling on this subject and should this proposal be allowed to go ahead, it will have a massive impact on our privacy and choice of lifestyle.

While the distances of 50m and 70m from the proposed dwelling house to our property are indeed mentioned, to go on and glibly state that, "this distance....will ensure that there is no adverse impact in terms of amenity" is bitterly disappointing.

While mention is certainly made of drainage infrastructure and provision, no mention is made of where any septic tank might be situated (in the unlikely event that this proposal goes ahead). We would very much like to be reassured that it will be located nowhere near our property.

I would take issue with the repeated mentions of a self contained, discrete site surrounded by mature landscaping. I would suggest that it is anything but and any development within this area will be highly visible, not only to ourselves but also to anyone staying at the castle.

I would also take issue with the contention that there are no other suitable or available sites within the applicants' ownership.

Using the applicants' own figures, the castle has been occupied for 141 days this year (2019). That's approx 5/12 of the year, ie less than half. How does this constitute an urgent requirement for essential worker accommodation??

It is interesting to note that, despite the need for the applicants to remain on site being referenced several times in support of their application,

Finally, for the sake of clarity - and accuracy - Mr and Mrs Lansley's previous application for a "site manager's house" was about to be rejected, at which point they decided to withdraw their application. In other words, they failed to make the case for such a requirement. In terms of this supposed

requirement, which of course is the basis of this current application, it is difficult to see what, if anything, has changed in the intervening two years and we would, therefore, respectfully request that, for this reason, and the reasons outlined above, this application is, once again, rejected.

Regards

Iain and Philippa Common





Planning Application Ref: 19/00909/FULL

Proposed New Managers House Field Adjacent to the Lodge Colliston Castle, Colliston, Arbroath

We write to object to the above planning application. First and foremost it should be noted that the proposal has not changed since it was last submitted under planning application ref: 18/00054/FULL when it was withdrawn.

The proposed development will adversely impact on the historic character and setting of the Category B Listed Colliston Castle. This is because the proposed house will be set immediately behind the existing lodge and within the original setting of the Category B Listed Castle. The contemporary design of the house and its associated finish will appear as an obvious and unsympathetic addition to the historic landscape. Furthermore, the new house will adversely impact on the historic setting of the Category B Listed building at Colliston Castle through the location of the new house in front of the principal elevation of the Castle building and will be visible from the main driveway leading to the Castle. In this regard the proposals are contrary to Policy PV8 Built and Cultural Heritage of the adopted Angus Local Development Plan (ALDP).

We recognise that Policy TC2 Residential Development of the ALDP makes provision for the erection of single houses in the countryside where it shall meet an essential worker requirement for the management of land or other rural business. The Supporting Statement draws attention to guests staying at the castle having issue with the owners being on-site and this is the principle reason why a new house in the gardens of the Castle is required. The Supporting Statement further states that the owners would be happy to live off-site but there are no houses available to buy in the local area. However, at present there are several houses located in Colliston and St Vigeans that are being advertised on TSPC for sale and 5 new houses have recently been granted planning permission at Carmyllie. Therefore, to state that there are no houses available in the surrounding area is clearly misleading and false.

The owners' have historically chosen to let their accommodation within the Castle making themselves "homeless" during periods where there is demand for the visitor accommodation provided by the castle. This brings us directly to the wording of the policy- shall the proposed house meet an essential worker requirement? There is no detail within the supporting documentation accompany planning application ref: 19/00909/FULL of the number of letting rooms/ suites within the Castle or evidence that all of the rooms/ suites have been occupied at any time rendering the owners voluntarily homeless. Therefore, there is no evidence that the proposed house shall meet an essential worker requirement. In this regard the proposal is contrary to Policy TC2.

In regard to Policy DS1 the Supporting Statement further misleads the reader as this Policy only supports Greenfield land release where there is no suitable or available brownfield land to accommodate the development. The Supporting Statement for planning application ref: 19/00909/FULL incorrectly concludes that the proposal satisfies Policy DS1 as there are no suitable or available brownfield sites in the applicants ownership. In using the term "suitable" this would suggest that the applicant or their planning consultant has assessed the available land within their ownership for suitability. However, this information has not been provided in support of planning application ref: 19/00909/FULL. Similarly the available brownfield land that is for sale in Colliston, St Vegeans and the surrounding local area has not been assessed. The wording of Policy DS1 relates to the availability of brownfield land and does not specify that the land has to be in the applicants ownership.

In terms of Policies PV6 and PV7, a detailed tree impact assessment has not been provided. In this regard we have significant concern that the construction process (storage of materials, route of construction traffic and machinery) and the footprint of the proposed house and associated hard surfacing will impact on the health of trees to be retained consequently leading to a greater level of tree loss than detailed on the proposed plans. As such the visual impact of the proposed development shall be far greater than alluded to in the Supporting Statement. Until the required tree impact assessment is provided the proposed development cannot be considered to satisfy the criteria of Policies PV6 and PV7.

The Supporting Statement provides a commentary on the recent planning history of Colliston Castle. The commentary appears to signify that the submission of planning application ref: 18/00940/FULL was to coerce the Council into supporting a new house in the grounds of Colliston Castle. This is reflected in the wording of the statement:

"A supporting statement was submitted with this Planning Application in justification for the need for a new house, however, the application was withdrawn, in order to submit the above Planning Application for the change of use of the Castle, in order to provide clarity on the use of the Castle, prior to consideration by the Planning Authority for the need for a new dwelling house for the management of the holiday home.

The referred to planning history identifies that the Planning Authority considered that the holiday/visitor accommodation of the Castle is supported by planning policy. The Applicants withdrew the original Planning Application for the proposed managers house, allowing consideration of the use of the Castle as a priority pending applying for this essential worker's accommodation. It is considered that the use of the Castle, as approved by Angus Council, supports the need for a new manager's house, subject to this Planning Application."

Under Material Considerations the Supporting Statement also refers to the possibility of subdividing part of the holiday accommodation to provide a dedicated managers apartment.

"The applicants have previously investigated sub-dividing a part of the Castle, to provide a self-contained apartment, and have also explored the segregation of the top floor of the house with the incorporation of a new staircase access. However, due to the sensitivities of the listed fabric of the Castle, together with its plan form and arrangement, it has not been possible to achieve a satisfactory solution. All such interventions have proved to be highly intrusive and wholly unsympathetic to this important listed building. "

The original listed building, Colliston Castle, has consent to be substantially altered through the removal of its original fabric and the erection of extensions (applications [17/00102/FULL](#) and [17/00103/LBC](#) refer). These developments have all been in support of the visitor/ holiday accommodation businesses that have operated out of the Category B Listed castle building. The reasoning for not sub-dividing part of the Castle is at odds with the detail contained on the planning drawings for applications [17/00102/FULL](#) and [17/00103/LBC](#) which appear to show what remained of the historic fabric of the listed building being removed or altered. It is therefore unclear how the subdivision of the Castle to form a dedicated Managers Apartment is unviable.

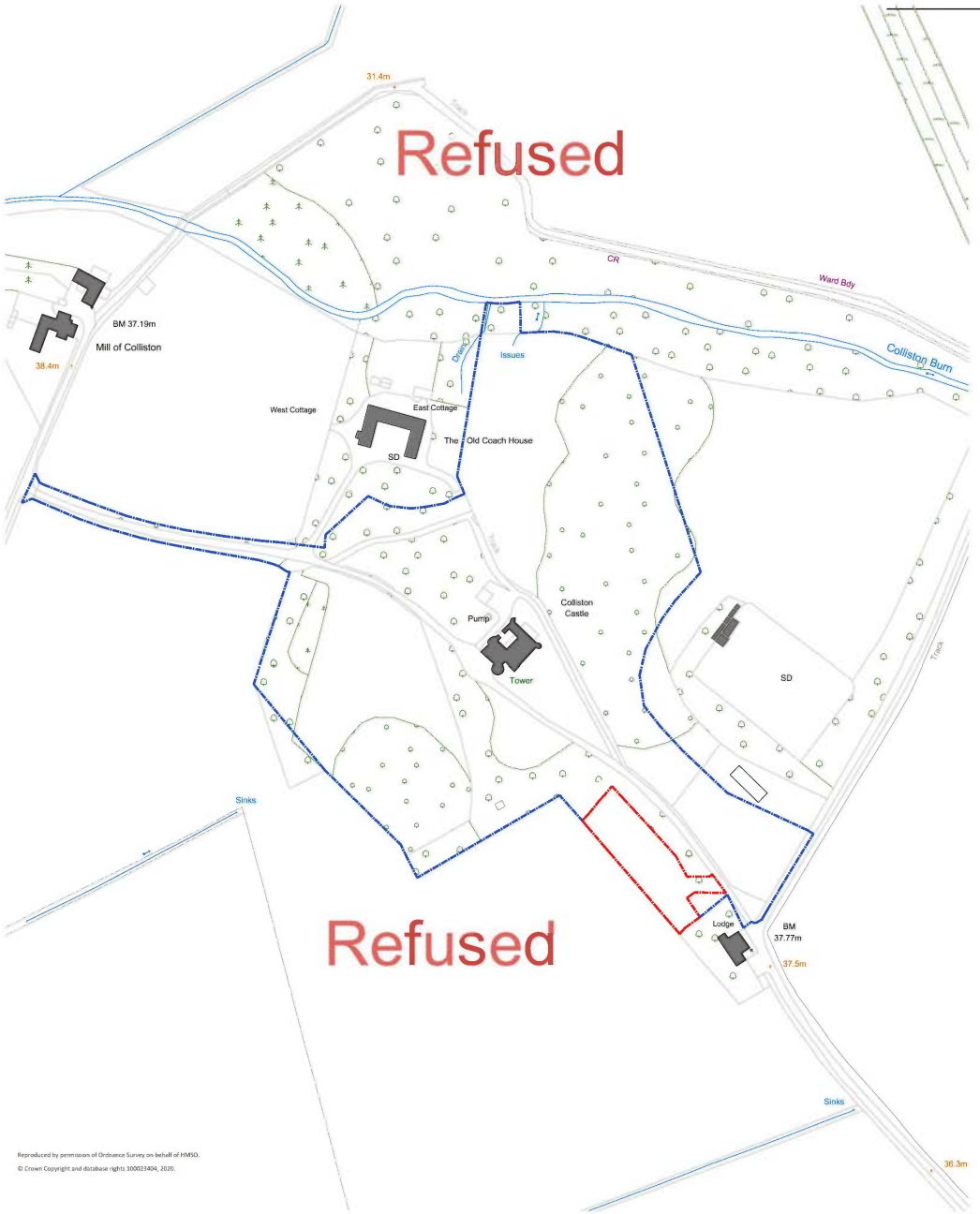
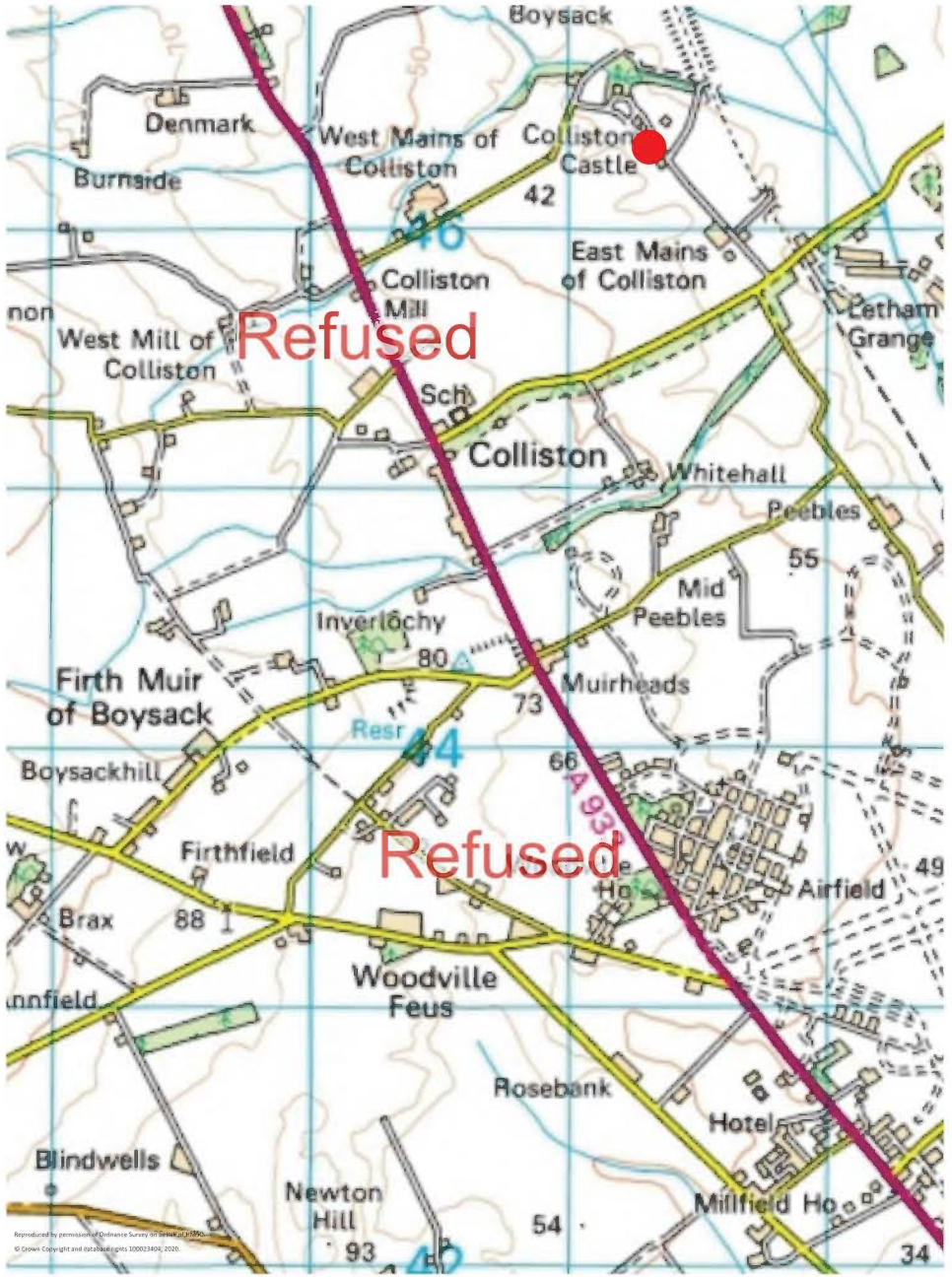
It should be noted that the applicant has not volunteered to restrict the occupancy of the proposed house to the business operating out of Colliston Castle which further raises concern that the proposed development is not to be used as a managers house but rather that it will be built and sold as a private commercial venture. In this regard should planning permission be granted the occupancy of the house should be restricted by S75 Legal Agreement.

Taking cognisance of the above reasoning there is clear and irrefutable evidence that insufficient information has been provided to demonstrate that the proposed development complies with the requirements of Policies DS1 , TC2, PV6, PV7 and PV8 of the adopted Angus Local Development Plan. The material considerations outlined within the Support Statement do not provide any empirical evidence to demonstrate compliance with the Local Development Plan but rather offer an anecdotal commentary that does not justify support for the proposed development contrary to the requirements of the Development Plan.

In this regard we respectfully request that planning permission is refused.

Regards

Iain and Philippa Common



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CLIENT
 Mr & Mrs J. Lansley
 Colliston Castle
 Colliston
 Arbroath, Angus
 DD11 3RS

PROJECT
 Proposed New House

DRAWING TITLE
 Location Plan

SCALE
 1:10000 & 1:1250
 DATE
 Dec 2017
 CAD FILE
 1205
 DRAWN BY
 PF

DRAWING TITLE

architects

15 West High Street
 Forfar, Angus
 DD8 1JL

Tel: 01307 466480
 Email: paul@architects.org.uk

DWG NO.

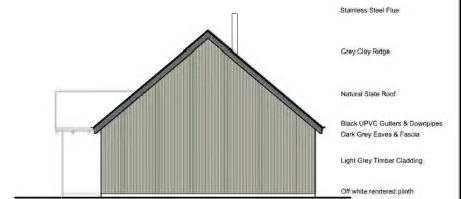
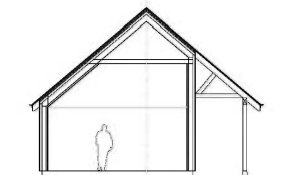
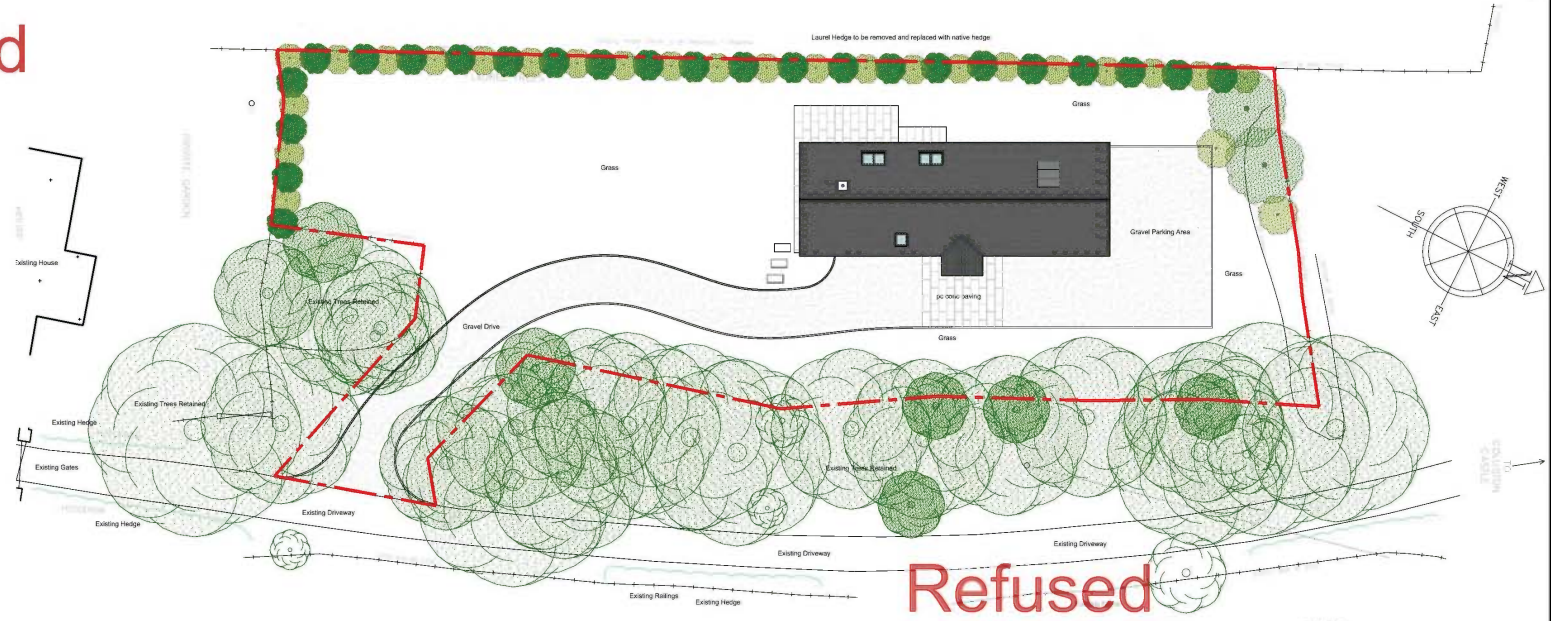
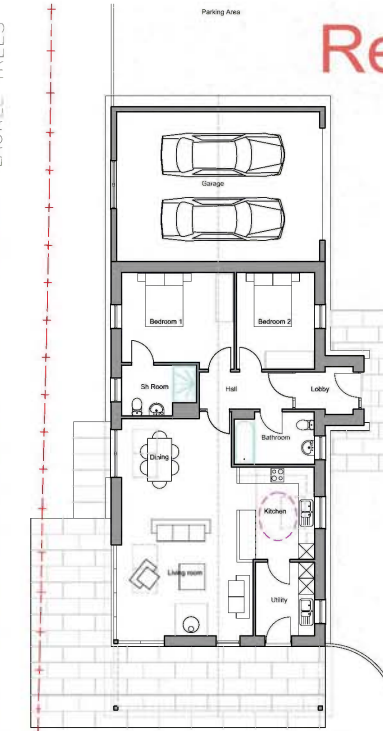
1205 / LP / 01 Rev A

Refused

Refused

Refused

Refused



Refused

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CLIENT
 Mr & Mrs J. Lansley
 Colliston Castle
 Colliston
 Arbroath, Angus
 DD11 3RS

PROJECT
Proposed New House

SCALE
 1:100 & 1:200
 CAD FILE
 1205

DATE
 Dec 2017
 DRAWN BY
 PF

DRAWING TITLE

Proposed Site Plan, Floor Plan Elevations & Sections

architects

15 West High Street
 Forth, Angus
 DD8 1JG

Tel: 01307 466480
 Email: paul@architects.org.uk

DWG NO:

1205 / PD / 01 Rev E









































LAND ROVER

S393 RKW





















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

PLANNING PERMISSION REFUSAL
REFERENCE : 19/00909/FULL

To **Mr John Lansley**
c/o @rchitects Scotland Ltd
15 West High Street
Forfar
Angus
DD8 1BE

With reference to your application dated 2 December 2019 for planning permission under the above mentioned Acts and Regulations for the following development, viz.:-

Proposed New Managers House at Field Adjacent To The Lodge Colliston Castle Colliston Arbroath for Mr John Lansley

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 docqueted 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 the associated 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 DS1 of the Angus Local Development Plan 2016 as the proposal is not in accordance with relevant policies of the ALDP, namely Policy TC2.

Amendments:

The application has not been subject of variation.

Dated this **12 February 2020**

Kate Cowey - Service Leader
Planning & Communities
Angus Council
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 the Service Manager through delegated powers under the statutory scheme of delegation. These applications may have been subject to less than five representations, minor breaches of policy or may be refusals.	Local Review Body – See details on attached Form 2
Other Decision	All decisions other than planning permission or approval of matters specified in condition. These include decisions relating to Listed Building Consent, Advertisement Consent, Conservation Area Consent and Hazardous Substances Consent.	DPEA (appeal to Scottish Ministers) – See details on attached Form 1

Notification of initiation of development (NID)

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

Notification of completion of development (NCD)

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

Display of Notice while development is carried out

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

The notice must be in the prescribed form and:-

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

A display notice is included with this guidance note.

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

Angus Council
Place
Angus House
Orchardbank Business Park
Forfar
DD8 1AN

Telephone 01307 492076 / 492533
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.

COLLISTON CASTLE, COLLISTON, ARBROATH
PROPOSED MANAGERS DWELLING

NOVEMBER 2019

DESIGN & ACCESS STATEMENT

LOCATION

Colliston Castle is situated to the North West of Arbroath, East of the A933.



SITE

The aerial photo opposite shows the site viewed from the South, with the existing castle in the centre. The walled garden to the top left and stables / steading to the bottom left are out with the ownership of the applicant.





DESIGN STATEMENT

This application relates to the erecting of a detached dwelling house on an area of the grounds of Colliston Castle to provide essential accommodation for the owners to manage the property.

The design concept is to create a traditional referenced single storey house of a contemporary style which respects the rural setting and with the form and massing which reflects a traditional property. The arrangement of the plan relates to the aspects of the site and surrounding landscape,

This discrete site sits well within the pattern of development and landscape of the area; without opening up the potential for further development. It is contained on all sides by the existing trees and hedges, track and the adjacent gate house. The site is therefore already strongly defined and has a sense of self containment, integrating the site with its setting. While located in the proximity to the Category B listed Colliston Castle it is out with its original setting and it is deemed the proposal would not have an impact upon the character of the listed building or its setting. The proposals do not result in the coalescence of building groups or extend ribbon development. A good residential environment can be provided at the site as the layout plan shows and sufficient amenity ground can be provided. This would be limited development within a well-related, well-established and well-appointed site. Additionally, the scale and nature of the development is in keeping with the character of the local landscape and pattern of development and there is no unacceptable impact on the built and natural environment, surrounding amenity, traffic levels, access or infrastructure.



Ordnance Survey 1901

The design of the house meets the principles as set out in Policies DS3 Design Quality and Placemaking and PV6 Development in the Landscape and reflects the traditional pattern of development in the area. The proposed house integrates with the local landscape context and existing features. It fits very well into the setting of the castle and the wider landscape setting. It is of a contemporary design incorporating traditional characteristics and traditional materials. The buildings form, scale and massing complement other traditional properties in the area.



Planning Supporting Statement

Town & Country Planning (Scotland) Act 1997
The Planning etc (Scotland) Act 2006

Application for Dwellinghouse (Manager's Accommodation) on
Field adjacent to the Lodge, Colliston Castle, Colliston, Arbroath



CONTENTS

1. SITE CONTEXT & LOCATION
2. THE PLANNING APPLICATION
3. PLANNING POLICY CONTEXT
4. MATERIAL PLANNING CONSIDERATIONS
5. CONCLUSION

1.0 SITE CONTEXT AND LOCATION

- 1.1 The site is located approximately 3.5 km to the northwest of Arbroath. Figure 1: Site

location illustrates that the site is located to the northwest of Letham Grange and to the north of East Mains of Colliston. Access to the site from the north is from a track, leading from the U496 road or from the south by a track through East Mains of Colliston Farm, which leads off the C49 public road.

Figure 1: Site location



- 1.2 Colliston Castle is a Category B listed building, dating from the 1540's, with subsequent alterations in 1621 and 1893. There have also been some further recent alterations, which have been approved by Angus Council and which are referred to below under the site's planning history.
- 1.3 The location of the site, within its more immediate context is illustrated in Figure 2: Site Location (Aerial). The aerial photograph illustrates that the Castle and surrounding buildings are enclosed by a mature landscape setting.
- 1.4 The site extends to an area of approximately 0.19 ha and is located approximately 100 metres to the south of Colliston Castle. Castle Lodge is located to the south of the site. The precise boundary of the site is defined through the submitted Planning Application.

Figure 2: Site Location



1.5 Figure 3: Site Ownership illustrates the applicant's land ownership edged blue, within the context of the planning application site, edged red.

Figure 3: Site Ownership



2.0 THE PLANNING APPLICATION

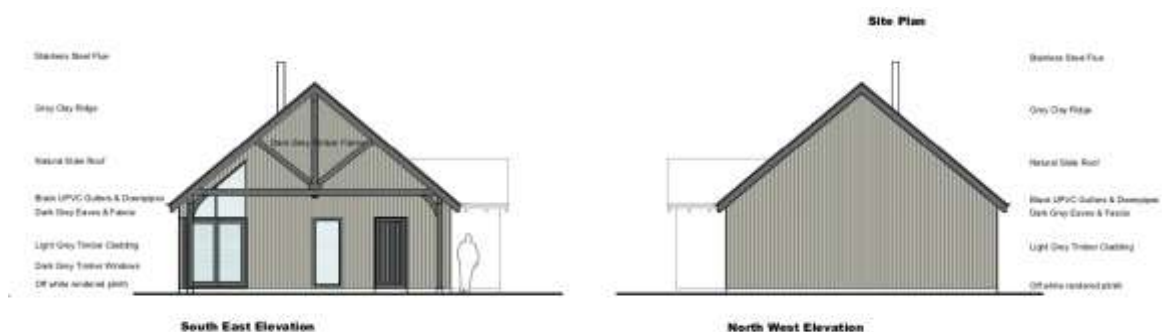
- 2.1 The Planning Application is for the erection of a single dwellinghouse falling under Class 9. Houses of The Town and Country Planning (Use Classes) (Scotland) Order 1997 on field adjacent to the Lodge, Colliston Castle, Colliston. The Planning Application is being made by Mr and Mrs Lansley (the "Applicants").
- 2.2 The Application relates to the erection of a detached dwellinghouse, which would be occupied by the Applicants, as part of essential accommodation, to manage Colliston Castle and its associated business. The proposed house is single storey in construction, with an integral double garage, and would accommodate two bedrooms.
- 2.3 Figure 4: Block Plan illustrates that the proposed dwellinghouse is sited to the north of the application site, with existing trees being retained along the eastern, southern and south west boundaries and with the laurel hedge, which runs along the northwest and northern boundary, being replaced by a native hedge along its length.

Figure 4: Block Plan



- 2.4 Figure 5: Elevations illustrates that the house would be finished in grey timber cladding with a natural slate roof.

Figure 5: Elevations





2.5 The design of the proposed house has had regard to the context of the site, enclosed by established and mature landscaping and to its rural location. The proposed house sits comfortably within the site, with its massing and design respecting its rural location and the setting of Colliston Castle.

2.6 Section 25 of The Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006 affords the following status to development plans:

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

2.7 Section 59 of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997 requires that in considering whether to grant planning permission for development which affects a listed building or its setting special regard shall be paid to the desirability of preserving the building or its setting.

2.8 The following assessment identifies compliance of the proposal with the Development Plan, having regard to relevant material considerations.

3.0 PLANNING POLICY CONTEXT

3.1 The statutory Development Plan for the area of the site is provided by:

- o TAYplan, approved 2017;
- o Angus Local Development Plan (ALDP), adopted 2016.

3.2 The TAYplan was approved in 2017, however, there are not considered to be any relevant policies pertinent to the consideration of this proposal.

- 3.3 The Angus Local Plan Development Plan (ALDP), adopted 2016 identifies that the site is located in the countryside in a Countryside Housing Policy – Category 1 area. The site does not benefit from any other known statutory designations, other than being located to the south of Colliston Castle, which is a Category B Listed Building.
- 3.4 Table 1: ALDP, adopted 2016 identifies the policies contained in the ALDP, which are considered to be relevant to the proposal, together with the Proposal's compliance.

Table 1: ALDP, adopted 2016

Policy Description	Proposal Compliance
<p>Policy DS1 Development Boundaries and Priorities: 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 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.</p>	<p>The proposal relates to the development of a greenfield site outwith a development boundary. There are no suitable or available brownfield sites within the applicants' ownership which are capable of accommodating the proposed development. This site offers the advantage of being in sufficient proximity to Colliston Castle to effectively secure its ongoing management, without detriment to its setting.</p> <p>The proposal complies with Policy DS1.</p>
<p>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:</p> <ul style="list-style-type: none"> ○ Distinct in Character and Identity ○ Safe and Pleasant ○ Well Connected ○ Adaptable ○ Resource Efficient 	<p>The design concept relates to the creation of a single storey house, the form and massing of which reflect a traditional property, whilst injecting a contemporary architectural style which sits comfortably within this rural location, whilst respecting the setting of the listed Colliston Castle.</p> <p>The arrangement of the plan relates to the site's landscape context. The site is already discretely enclosed by established and mature landscaping, with further containment provided by the track to the east and the adjacent gate house to the south.</p> <p>The scale and nature of the development is in keeping with the character of the local landscape and pattern of development and there is no known impact on the built or natural environment. It is further proposed to improve the landscape setting and local</p>

Policy Description	Proposal Compliance
	<p>biodiversity through the introduction of native planting.</p> <p>The site is easily accessible from both the north and the south, with no discernable impact on surrounding amenity, traffic or infrastructure.</p> <p>The proposal complies with Policy DS3.</p>
<p>Policy DS4 Amenity: 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...</p>	<p>The proposed dwellinghouse is located approximately 50 metres to the fence boundary and 70 metres to the actual house and this distance, together with its enclosed landscape setting will ensure that there is no adverse impact in terms of amenity.</p> <p>The proposal complies with Policy DS4.</p>
<p>Policy TC2 Residential Development: All proposals for new residential development, including the conversion of non-residential buildings must:</p> <ul style="list-style-type: none"> 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; ... <p>In countryside locations Angus Council will support proposals for the development of houses which fall into at least one of the following categories:...</p> <ul style="list-style-type: none"> o Meet an essential worker requirement for the management of land or other rural business.... <p>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 ...</p>	<p>For the reasons stated above, it is considered that the proposal complies the design criteria required by Policy TC2.</p> <p>The proposal is for an essential worker's house, which is required for the management of Colliston Castle, a rural business and therefore the principle of the proposal is considered to comply with the requirements of Policy TC2.</p> <p>The Applicants have demonstrated a functional requirement for their requirement to live on the estate, in order to allow them to effectively manage the tourism use of Colliston Castle. This evidence is provided below under Section 4.0 Material Considerations: the need for the proposal. It is no longer viable or possible for them to reside permanently in the castle. The proposal for a new essential workers house will make a positive contribution to the rural economy and allow an existing business to be sustained and managed.</p> <p>The principle of the proposal complies with Policy TC2.</p>
<p>Policy PV6 Development in the Landscape:</p>	<p>As referred to above, the</p>

Policy Description	Proposal Compliance
<p>Development which has an adverse effect on landscape will only be permitted where:</p> <ul style="list-style-type: none"> o The site selected is capable of accommodating the proposed development; o The siting and design integrate with the landscape context and minimise adverse impacts on the local landscape; o Potential cumulative effects with any other relevant proposal are considered to be acceptable; and o Mitigation measures and/or reinstatement are proposed where appropriate. 	<p>arrangement of the plan relates to the site's landscape context. The site is already discretely enclosed by established and mature landscaping, with further containment provided by the track to the east and the boundary gate to the south.</p> <p>The scale and nature of the development is in keeping with the character of the local landscape and pattern of development and there is no impact the built or natural environment, the later of which will be improved through the introduction of native planting. Additional planting has already taken place of native trees to the southeast of the area.</p> <p>The proposal complies with Policy PV6.</p>
<p>Policy PV7 Woodland, Trees and Hedges: ... Woodland, trees and hedges that contribute to the nature conservation, heritage, amenity, townscape or landscape value of Angus will be protected and enhanced.</p>	<p>The existing trees are proposed to be retained along the eastern, southern and south west boundaries. It is also proposed that the laurel hedge, which runs along the northwest and northern boundary, is replaced by a native hedge along its length, thereby improving biodiversity and landscape value.</p> <p>The proposal complies with Policy PV7.</p>
<p>Policy PV8 Built and Cultural Heritage: Development proposals which are likely to affect protected sites, their setting or the integrity of their designation will be assessed within the context of the appropriate regulatory regime.</p> <p><u>National Sites</u> Development proposals which affect Scheduled Monuments, Listed Buildings and Inventory Gardens and Designed Landscapes will only be supported where:</p> <ul style="list-style-type: none"> o The proposed development will not adversely affect the integrity of the site or the reasons for which it was designated; o Any significant adverse effects on the site or its setting are significantly outweighed by social, environmental and/or economic benefits; and o Appropriate measures are provided to 	<p>While the site is located approximately 100 metres to the south of Colliston Castle and is considered to be outwith its original setting and curtilage. Due to the contained nature of the site, it is considered that the proposal will not adversely affect the integrity of the site or the reasons for which it was designated. The proposal is not considered to result in any significant adverse effects on Colliston Castle or its setting, and the proposal, but rather bring about environmental and economic benefits, with measures also proposed to improve the landscape enclosure to the west and introduce new native species.</p>

Policy Description	Proposal Compliance
mitigate any identified adverse impacts.	The proposal complies with Policy PV8.
Policy PV15 Drainage Infrastructure: ... 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.	Drainage provision will be provided which accords with this policy requirement. The proposal complies with Policy PV15.

3.5 This application is for the erection of a single dwellinghouse which would be occupied by the Applicants, as part of essential accommodation, to manage Colliston Castle and its associated business. The principle of the proposal accords with **Policy TC2 Residential Development of the ALDP, adopted 2016**. The proposal also complies with the detailed policy requirements of the ALDP, relating to the siting and design of the proposal as referred to above.

3.6 It is considered that the proposed development complies with the requirements of the ALDP 2016 and that the following material considerations support the proposal.

4.0 MATERIAL PLANNING CONSIDERATIONS

4.1 It is considered that the following material planning considerations support the proposal:

- Planning History;
- Need for the Managers house;
- Angus LDP: Countryside Housing Supplementary Guidance.

Planning History

4.2 It is considered that the following planning application history, for Colliston Castle, is relevant:

- Planning Application Ref: 18/00940/FUL was granted for the "Change of Use to a mixed use comprising Residential Dwelling, Guest/Holiday Accommodation and Exclusive Use Venue, External Alterations to Castle and Erection of Walled Garden and Tank Enclosure (Retrospective)";
- Planning Application Ref: 18/00054/FUL for the "Erection of a Single Dwelling House for Site Manager" was withdrawn.

Planning Application Ref: 18/00940/FULL: Change of Use to a mixed use comprising Residential Dwelling, Guest/Holiday Accommodation & Exclusive Use Venue

4.3 In granting consent for the above use of the Castle, the Planning Authority had regard to the Applicants' existing use of the property and their Statement on the Proposed Use. The Report of Handling prepared by the Planning Officer summarised the Applicant's case as follows:

"The Statement on the Proposed Use indicates that clients would rent the whole property as a holiday home. The owners have been staying locally to supervise and continually carry out essential maintenance to the extensive grounds as well as providing a point of contact for issues of the clients. As the property is rented out completely, as with any

holiday home, it is up to the tenant if they wish to have family to stay or a party. Catering, food and live entertainment is not provided by the owner of the property. The proposed use primarily extends to the parking areas and access roads.

The Statement on Proposed Occupancy and Marquee/Outdoor Function use indicates bookings for 2018 were between 110 - 112 days and it is anticipated current bookings for 2019 would be in the area of 140 days. The client does not want to currently revisit the previous marquee use planning permissions and this is not included in the current application....

... the castle provides sleeping accommodation for up to 14 adults and 2 children. It is rented out as a whole residential property. As with any residential property, it is up to the tenant if they want to play music in a domestic setting. ... the owners endeavour to stay locally for several reasons, one of which is to manage the property as well as ensuring disturbance issues do not arise or can be dealt with appropriately."

- 4.4 The Planning Authority concluded that the proposal complied with the relevant development plan policy and there are no material considerations that justified refusal. The application was therefore granted. Listed Building Consent was also accordingly granted.

Planning Application Ref: 18/00054/FUL - Erection of a Single Dwelling House for Site Manager

- 4.5 A supporting statement was submitted with this Planning Application in justification for the need for a new house, however, the application was withdrawn, in order to submit the above Planning Application for the change of use of the Castle, in order to provide clarity on the use of the Castle, prior to consideration by the Planning Authority for the need for a new dwelling house for the management of the holiday home.
- 4.6 The referred to planning history identifies that the Planning Authority considered that the holiday/visitor accommodation of the Castle is supported by planning policy. The Applicants withdrew the original Planning Application for the proposed managers house, allowing consideration of the use of the Castle as a priority pending applying for this essential worker's accommodation. It is considered that the use of the Castle, as approved by Angus Council, supports the need for a new manager's house, subject to this Planning Application.

Need for the Managers house

- 4.7 As stated above, the castle provides sleeping accommodation for up to 14 adults and 2 children. The applicant confirmed in 2018 that the Castle was occupied for holiday accommodation, in 2018 for between 110 - 112 days and it was also anticipated, at this time that bookings for 2019 would be in the area of 140 days. In reality, the Castle was subsequently rented out for 141 days in 2019.
- 4.8 It is not viable or practical for the Applicants to remain in the Castle whilst it is rented to visitors. The presence of the owners is not attractive to visitors who do not wish to rent the Castle if they are in residence. The applicants have previously investigated sub-dividing a part of the Castle, to provide a self-contained apartment, and have also explored the segregation of the top floor of the house with the incorporation of a new staircase access. However, due to the sensitivities of the listed fabric of the Castle, together with its plan form and arrangement, it has not been possible to achieve a satisfactory solution. All such interventions have proved to be highly intrusive and wholly unsympathetic to this important listed building.

- 4.9 There are no outbuildings capable of conversion and the walled garden, coach house and lodge were sold off well before the applicants purchased the Castle. Noting that the later buildings were historically linked to the Castle, and would have been occupied by those assisting in the maintenance and upkeep of the Castle.
- 4.10 The Applicants have considered buying a property locally, however, there has been no land or house sales within the last five years or so. They have also investigated renting however, long-term rental is inevitably expensive and combined with the issues relating to distance would not allow the applicants to continue to meet the needs of the property or allow it to be suitably managed and maintained. The applicants have however, secured a short-term rental locally, on a temporary basis, from friends, however the availability of this house has now come to an end.
- 4.11 Following on from exploring the options above, the Applicant's then carried out an extensive exercise assessing the appropriateness of the location for a new dwellinghouse ruling out possible locations near the castle due to the negative impact on the setting of the listed building. This resulted in the identification of the site subject to this Planning Application, which is self-contained by existing and mature landscaping and is out with the original castle policies and landscape. The site is, however, located in sufficient proximity to the Castle to enable its effective management whilst still protecting the privacy of visitors.
- 4.12 In further support of the need for a new dwellinghouse, it is relevant that the visitor rental of the Castle is important not only in terms of contributing to policy objectives for encouraging tourism, but also its rental has potential value to the local economy at a level of approximately £1,698.34 per day. The Economic Development Unit at Angus Council offered support for Planning Application Ref: 18/00940/FUL in terms of the opportunity to provide additional accommodation facilities in Angus which would benefit to the local area and support the wider economy.
- 4.13 The Applicants consider the need for the new house accords with the aims and target set out in Scotland's Tourism 2020 Strategy. In terms of economic development, the local tourist industry and other businesses benefits significantly on a regular basis, with the use of local restaurants, cleaning companies, launderettes, decorators, builders, plumbers, electricians, catering businesses, shops, golf courses, including Letham Grange with whom the applicants have an arrangement.
- 4.14 The proposed new dwellinghouse will enable the effective management of this important tourism resource. The Castle is large complex historic building with sizable gardens that require ongoing and frequent interventions to ensure they do not deteriorate and the Applicants take pride in their guardianship of the Castle responsibly. Ongoing high maintenance costs of the castle and inflation dictate that it is essential for the Applicants to be able to continue to maximise on the holiday lets to continue to maintain the castle appropriately and the new house is essential to allow this to continue to thrive and remain viable.
- 4.15 It is considered that the Applicant's have demonstrated a clear need for this new house, based on the economic and business credentials of Colliston Castle supporting the local economy and tourism objectives and the lack of any other viable accommodation alternatives.

Angus LDP: Countryside Housing Supplementary Guidance

- 4.14 The main objectives of the Supplementary Guidance (SG) are to:
- o Provide advice on the interpretation of relevant aspects of ALDP Policies TC2 and DS1, and provide a consistent approach to decision making;

- o Guide new development to appropriate and sustainable locations, where impact on landscape quality is minimised;
- o Ensure new development reflects traditional patterns of development in the locality;
- o Promote high quality development in the countryside that respects local character and rural heritage.

4.15 Policy TC2: Residential Development of the Angus LDP supports the principle of this proposal, in that, it is for a single new house to meet an essential worker requirement. Paragraph 3.4 of the SG provides advice on the policy relating to essential workers. The SG states:

“Planning applications for essential worker housing should be supported by evidence that there is/will be a functional requirement for the person to live at their place of work (e.g. an essential worker report, which includes some explanation as to why the worker needs to live on the landholding)....

The following supporting information may be requested under the terms of Policy TC2:

- o A supporting statement that details the options considered and why the alternatives to the preferred option have been dismissed.
- o A record of house and land sales from the land holding that covers a five year period and a location plan showing the land holding and these houses/plots on an Ordnance Survey map base. If no houses or plots of land have been sold off over the past five years, this should be noted in the supporting statement.
- o If the application is made in relation to an existing farm/rural business, a report that confirms there is a justified requirement for a worker and explains why they need to live in close proximity to their place of work. ... Details shall be provided to justify the proposed location of the house which should normally be situated adjacent to the existing building group.”

4.16 The relevant information on the need for the proposed house, together with the alternative options considered, the lack of available properties to purchase, the need to live in close proximity to the site, and the siting of the house in a location which would not have a detrimental impact on the setting of the listed Castle have been provided in paragraphs 4.6 – 4.13 above.

4.17 It is considered that the proposal complies with the requirements of this SG.

5.0 CONCLUSION

5.1 The Application relates to the erection of a detached dwellinghouse, which would be occupied by the Applicants, as part of essential accommodation, to manage Colliston Castle and its associated business.

5.2 The design of the proposed house has had regard to the context of the site, enclosed by established and mature landscaping, and to its rural location. The proposed house sits comfortably within the site, with its massing and design respecting its rural location and the setting of Colliston Castle.

5.3 There are no suitable or available brownfield sites within the applicants' ownership which are capable of accommodating the proposed development. This site offers the advantage of being in sufficient proximity to Colliston Castle to effectively secure its ongoing management, without detriment to its setting.

5.4 The Applicants have demonstrated a functional requirement to live on the estate, in order to allow them to effectively manage the tourism use of Colliston Castle. The

proposal for a new essential workers house will make a positive contribution to the rural economy and allow an existing business to be sustained and managed, facilitating also the on-going maintenance of Colliston Castle, a Category B Listed Building.

5.5 It is considered that the proposal accords with the provisions of the Development Plan and that there are material considerations in support of the proposal.

5.6 It is, therefore, respectfully requested that this Planning Application is granted, having regard to the requirements of Section 25 of The Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006 and Section 59 of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997.

My Ref: 19/0033
19th December 2019



Fraser MacKenzie
Planning Officer
Development Standards
Angus Council
Place Directorate
Angus House
Orchardbank Business Park
Forfar
DD8 1AN

Dear Mr MacKenzie,

Planning Application Ref: 19/00909/FULL - Proposed New Managers House, Field Adjacent To The Lodge, Colliston Castle, Colliston, Arbroath

I refer to the above Planning Application and would be grateful if you could take into account the following further clarification on the justification for the proposed essential workers house for the Manager's of Colliston Castle, together with the response, on behalf of the Applicant, to the comments made by third parties on the proposal.

Justification for the Proposed Manager's House

Need for a Manager's House

Paragraphs 4.7 to 4.11 (inclusive) of the Planning Supporting Statement submitted with the Planning Application set out the justification for the Manager's House, summarised as follows:

- The Castle was rented out for 141 days in 2019. It is not viable or practical for the Applicants to remain in the Castle whilst it is rented to visitors. The presence of the owners is not attractive to visitors who do not wish to rent the Castle if they are in residence.
- The applicants have previously investigated alterations to provide manager's accommodation within the Castle, however, such alterations have proved to be highly intrusive and wholly unsympathetic to its listed status.
- There are no available outbuildings capable of conversion.
- Investigations by the Applicants to buy a property locally, have proved abortive.
- The applicants recently secured a short-term rental locally, however, this was on a temporary basis, from friends, and the availability of this house has now come to an end.
- The proposed site is considered to provide the best location both in terms of environmental sensitivity and location, being in sufficient proximity to the Castle to enable its effective management whilst still protecting the privacy of visitors and without detrimental effect on the castle or its landscape setting.

By way of further clarification, the Applicant has attached, as Appendix 1, a further personal statement in support of their requirement for a manager's house. In addition, supporting information is also provided by

Scotts Castle, the Applicant's letting agent, in Appendix 2, identifying "given the size and nature of the holiday let it's always a good idea to have someone on hand within reasonable distance of the property. Ideally you (or a caretaker couple) would live on the estate itself to keep an eye on the castle and guests as well as being able to respond quickly to issues, especially those of a serious nature including plumbing emergencies, heating breakdown or electrical problems." Scotts Castle also advise "people buying a 'self-catered experience' want sole occupancy of the property on an exclusive use basis."

In summary, Colliston Castle is rented out to tourists as a means to fund the continual maintenance and repair this type of listed property demands. The applicant requires to stay adjacent to the Castle while occupied and requires accommodation on site in order to continue to manage the property and sustain this vital income stream and the associated benefit to the local economy. Without this the property would lack this essential maintenance and its condition would therefore start to decline with the potential that the applicant may be forced to sell on the property. This would be a great loss as when the client purchased the property it was in a relatively poor condition and in the years since has invested a large amount of time and money in the property restoring its condition and building up the successful tourism business; with much of the money required generated by the rental income.

Contribution to Tourism and the Local Economy

Paragraphs 4.12 to 4.13 of the Planning Supporting Statement submitted with the Planning Application identify how the rental of the Castle contributes to local tourism and economic objectives, summarised as follows:

- The visitor rental of the Castle has the potential value to the local economy at a level of approximately £1,698.34 per day. The Economic Development Unit at Angus Council offered support for Planning Application Ref: 18/00940/FUL in terms of the opportunity to provide additional accommodation facilities in Angus which would benefit to the local area and support the wider economy.
- The above tourism and economic benefits support the aims and target set out in Scotland's Tourism 2020 Strategy.
- The use of the Castle for holiday accommodation provides significant benefits to the local tourist industry and other businesses on a regular basis, with the use of local restaurants, cleaning companies, launderettes, decorators, builders, plumbers, electricians, catering businesses, shops, golf courses, including Letham Grange with whom the applicants have an arrangement.
- Ongoing high maintenance costs of the castle and inflation dictate that it is essential for the Applicants to be able to continue to maximise on the holiday lets to continue to maintain the castle appropriately and the new house is essential to allow this to continue to thrive and remain viable.

In addition, the Applicant's Personal Statement attached in Appendix 1 confirms the following:

"Each year expenditure exceeds income for example for the year ending April 2019 the income was reported as £55,212.18 against outgoings of £55,450.28. This represents a loss of £240.08 which has to be made up from our pensions."

"It is necessary to plan and budget for the future and although we cannot foresee every expenditure we know that in time the roof of the castle will need significant work. We already pay for a biannual maintenance programme on the roof and gutters. The financial outlay for any significant roofing work would be in excess of £100,000. In addition it has been revealed that the cladding to both the outside and the inside of the medieval castle will at some point need to be removed and the stonework either replastered or repointed. We do not have an estimate for how much this work would cost."

It is clear that, the Applicant's have already spent a significant amount of money on the sensitive repair and on-going upkeep of the listed Castle. The rental of the Castle has facilitated the work required to ensure the

restoration of this Listed Building and it is clear that its rental, at the current rate, still represents a financial loss to the Applicant. A new manager's house, will allow the increase in demand for the rental of the Castle, and reverse the financial loss currently being experienced, not only to the future benefit of maintaining and carrying out future repairs to the Castle but also to the benefit of the local economy and tourism industry.

In support of the above, the Applicant has commissioned an independent report by Professor J John Lennon PhD MPhil BSc (Hons), Director of the Moffat Centre for Travel and Tourism Business Development, which is attached in Appendix 3. One of the many conclusions of the report is that *“Colliston offers an unusual opportunity to hire a significant heritage building. This must be seen against a rural destination that has struggled to generate visitation and has seen significant decline in demand for many of the tradition and dated products on offer.”*

Significantly the report provides statistical evidence supporting the long term decline in tourism in Angus, with increasingly consumers being attracted away from the area. In effect statistics substantiate an over supply of self-catering small mid-market properties, which are increasingly facing competition from on-line supply and Bed and Breakfast accommodation being increasingly challenged by private stock made available through on-line consolidators such as Airbnb. The report identifies a significant decline in visitors, visitor spending and nights stayed in the Angus and Dundee area as follows:

Indicators	Scotland 2018	Scotland % Change 2017-18	Angus and Dundee 2018	Angus and Dundee % Change 2017-18
Visits (000s)	3,358	+10%	52	-45%
Spend (£m)	2,206	-3%	29	-21%
Nights (000s)	24,237	-1%	398	-29%

The report identifies that *“the most recent data on trends in tourism (VisitScotland, 2020; United Nations World Tourism Organisation, 2020) suggest that the potential for individual / experiential properties such as Colliston is considerable”* and concludes that *“The region should seek to encourage growth and diversity as offered by the provision of unusual properties such as Colliston.”*

It is further considered relevant that Visit Scotland has joined Angus Tourism Co-operative in urging businesses across Angus “to get behind and capitalise on a forthcoming calendar of events marking the 700th anniversary of Scotland's most historically significant document”, which featured as an article in the Forfar Dispatch on 30th January 2020 (Appendix 4). The heading identifies “Declaration Celebrations Promise County-Wide Benefits – Bumper Year for Tourism”. VisitScotland's Regional Director has also stated her hope that the organization will help to turn “national and global attention on Angus” in the run-up to and during the celebrations. The rental Colliston Castle for holiday accommodation supports and complements local tourism objectives and it is considered that its continued viability through this proposal should be supported.

Response to Third Party Representations

Material Neighbour Comments

The Applicant would be grateful if the following response/clarification to material comments raised by neighbours is taken into consideration in support of their proposal:

- The Applicant would re-confirm that the availability of the adjacent house they have been renting has now come to an end. The Applicant's do not consider that a continued rental of a property is suitable, again requiring on-site accommodation, to ensure the effective management and continued viability of the Castle's for holiday accommodation.
- In terms of other available properties to purchase, there is only one property in Colliston that is on the TSPC website. This house is located too far from the Castle, to provide active on-site surveillance and site management. This property is in any case under offer.
- The Applicant is content to comply with a planning condition securing the management of existing trees and proposed new tree planting.
- The proposed dwellinghouse is located approximately 50 metres to the fence boundary and 70 metres to the actual house and this distance, together with its enclosed landscape setting, will ensure that there is no adverse impact in terms of privacy or amenity. The proposal complies with Policy DS4: Amenity.
- The septic tank will be located in a position to also secure the optimum amenity for the application site and adjoining properties and provision of waste water treatment will meet the requirements of SEPA and/or The Building Standards (Scotland) Regulations in accordance with Policy PV15: Drainage Infrastructure.
- Due to the enclosed nature of the site, the proposal is not considered to result in any significant adverse effects on Colliston Castle or its setting and this is further substantiated in the Design Statement submitted with the application. The proposal complies with Policy PV8: Built and Cultural Heritage.
- The Applicant is content to accept a condition or S75 Obligation restricting occupancy, subject to such a restriction complying with Government policy.

Responses by Consultees

The Applicant notes that, having regard to the following responses, there are no objections to the proposal from statutory or non statutory consultees:

- Angus Council's Archaeology Service has confirmed that no archaeology mitigation is required.
- Angus Council's Roads Service has no objection to the proposal.
- Scottish Water has no objection to the proposal.

Policy Compliance

For the reasons provided in the Planning Supporting Statement and substantiated further by the additional supporting information provided it is considered that the proposal complies with the Angus LDP and associated Supplementary Guidance. The continued support for the tourism and economic benefits associated with the continued holiday rental and management of the Castle, secured by this proposal, further substantiates the need for a Managers House on the site proposed.

This proposal seeks to improve the rental capacity of the Castle and given the decline in suitable visitor accommodation in Angus, it is respectfully requested that the proposal is supported having regard to the positive contribution the Castle makes to the economic and tourism objectives of Angus Council.

Yours sincerely,



EMELDA MACLEAN MRTPI
EMAC PLANNING LLP

APPENDIX 1

Colliston castle what an amazing building, it has been here since the 16th century. It has seen more change in its existence than we could possibly imagine, but still it stands. It has seen change in itself and in its surroundings. The castle has morphed and changed, expanded and contracted as its needs and uses have changed, what it has not done is, stood still.

Castles are almost living breathing structures, they have stories to tell stretching far back into history. They hold fascination for us today as we can imagine ourselves as part of that history. We are lucky that Colliston castle has never been ruined or been damaged in conflict. From walking the corridors and rooms of the castle, the stories from the past jump out at you.

The castle was built by a cardinal for his daughter, one of many children born to Cardinal Beaton by his mistress Marion Ogilvy. However he did not live to see its completion, having been murdered at St Andrews castle. The castle was originally a catholic castle and the subsequent conflict between the Protestants and the catholic's is evident, with a priest hole, one of only two in Angus. Visitors to the castle are captivated by the history.

The structure of the castle has changed and changed again. The biggest change to the castle came in Victorian times with the building of a complete new wing, changing of the turrets and putting another floor on top of the original castle. The stairwell was changed and the front door moved to the centre of the castle. At a later date this was then moved back to its original position.

As we walk the castle you can see the changes and how they meld into what we have today. It is layer upon layer of history, history of how a castle changed to meet the needs of its owners.

The castle used to have hundreds if not thousands of acres and many out building to serve, service and provide income for the castle. These have long since been sold off, the family silver once sold cannot be sold again. However a medieval castle needs much maintenance, when we purchased the castle in 2012 it was much neglected, the heating had broken, the rooms were all in a state of disrepair, the plumbing and electrics needed urgent attention. The grounds themselves had had little done to them in a long time.

Since we have had possession of the castle we have sought to bring it back to its former glory. Not back to its medieval state or even to its Victorian state, but back to a state where the castle can be lived in, enjoyed and have a future. However this all requires money and once we started on this project we realised that the castle would need to provide an income to pay for its renovation, repairs and upgrades.

We had originally hoped that we could provide for ourselves an apartment on the top floor, which we could stay in whilst self catering guests hired the remainder of the castle for themselves. However it soon became apparent that guests do not like the idea of sharing their self catering let with the owners, especially if they are forever bumping into them. We looked at many ways to gain access to the top floor without inconveniencing the guests and could not achieve this.

We have managed the castle by moving out each time guests move in. We have camped, gone to other people's bed and breakfasts, self catering let's, stayed with friends and family. However this is not sustainable, what we require is a more permanent solution. We have the land but no previous out buildings that can be rebuilt to provide accommodation for ourselves. As previously stated these building were sold off long ago.

The castle is of an age that it needs constant maintenance and attention. It is old and quirky nothing is a quick fix and the next thing to go wrong is not foreseeable. We need to be able to respond

quickly and effectively, to minimise the disruption to our guests. In addition the castle still has ten acres of land that need to be maintained. This equates to two full days of mowing a week, flower beds and the wall garden to keep tidy and to replant depending on the time of year. Seedlings and young plants to be tended and encouraged.

We have tried to keep the cost of staying at the castle to a realistic amount, to encourage people who thought they would never be able to afford to stay in a castle. We could put our prices up, make the castle a destination for the few who could afford to stay here, but that is not our ethos.

The castle needs to pay its way, pay for its repairs. To keep costs down we need to be available to monitor it. We need to monitor the guests to make sure they respect the castle, don't do anything stupid to endanger it, we need to make sure that noise is kept to a reasonable level, so as not to upset our neighbours.

With this in mind we feel there is a requirement for an essential worker to be on site.

We have made a decision to give guests a self catering experience different from other self catering let's in the region. Guests expect a certain level of amenities and quality, this in itself needs constant review and upgrading. This in turn has significant financial implications.

Each year expenditure exceeds income for example for the year ending April 2019 the income was reported as £55,212.18 against outgoings of £55,450.28. This represents a loss of £240.08 which has to be made up from our pensions.

The improvements made to the ground floor of the castle were made in consultation with the guests and what they required. These alterations were given planning consent and have made a significant improvement to the ground floor area of the castle.

It is necessary to plan and budget for the future and although we cannot foresee every expenditure we know that in time the roof of the castle will need significant work. We already pay for a biannual maintenance programme on the roof and gutters. The financial outlay for any significant roofing work would be in excess of £100,000. In addition it has been revealed that the cladding to both the outside and the inside of the medieval castle will at some point need to be removed and the stonework either replastered or repointed. We do not have an estimate for how much this work would cost.

The prospect of no accommodation for ourselves leaves us with the thought of how sustainable continuing to market the castle as a tourist destination would be.

The castle is enjoyed by our guests, they come from overseas, America, Canada, Norway, France, and more locally UK, more locally still from Scotland and nearer again from Arbroath itself.

These are just some of our Reviews:

A fantastic property with an amazing history and grounds to explore. Our party of 9 adults and 6 kids had an amazing break that will live long in our memories. Hopefully we will return soon.

Once in a Lifetime Experience

Colliston Castle was everything it was advertised to be. Amazing property made even better by hosts John and Sue! They are wonderful people who made our memorable vacation even better than we could have expected. Would love an opportunity to become a repeat guest!!!

Magic holiday

Much anticipated holiday in a castle did not disappoint. Fourteen of us - three generations- loved the romanticism, the space and the comfort. It was always warm, the beds were exceptionally comfortable, and with multiple cookers, dishwashers and fridges, plus oodles of cutlery and crockery, catering was a breeze. We also loved the garden and grounds, with its huge drifts of daffodils and stately trees.

Another fabulous family weekend at the Castle.

This is the third time we have been to the Castle - it's becoming an annual event in our family. The property is spacious, comfortable and perfect for a family gathering. Plenty of large rooms for everyone to gather in but also lots of places to retreat to if someone wants a bit of peace and quiet. Sue and John are lovely hosts and couldn't be more welcoming and helpful. We are already planning our next visit!

Fantastic property and beautiful grounds.

The castle was amazing and the whole family had a magnificent time.

Perfect

Set in a lovely location this castle was perfect in every way

Amazing

Colliston Castle was everything you would expect in a Scottish castle. We just loved our stay. We had the perfect family holiday with adults and children enjoying all that was on offer. Facilities were great I had the perfect bath in my room and the showers were amazing. I just loved the family kitchen and massive dining room.

Un séjour exceptionnel

Accueil parfait, lieu unique, et région magnifique font de notre séjour un excellent souvenir, pour un groupe nombreux. Merci.

One of the best weekend getaways!

My stay at the castle was amazing. From the moment I entered the gates of the property I fell in love with it. The grounds of the castle are tranquil and vast. The history of the castle makes it even more of an amazing stay. The inside of the castle was impressive as it was welcoming. John and Sue made us feel at home straight away and made the stay even more enjoyable. We stayed in one of the master suites with an en suite. The room was stunning with its antique furniture and soft furnishings. The bathroom was perfect with a free standing bath facing out onto the grounds. I would highly recommend anyone to stay there.

Great venue for family celebration

This was the perfect place for our family gathering with grandparents, children and grandchildren. There was room for every family to have its own space, the children loved exploring the castle and grounds and the public rooms provided space for everyone to be together or seek some peace. The beds are very comfortable, nice bedlinen and fluffy towels provided. The kitchen had everything we needed and we could all sit down together in the dining room to eat - loved the serving hatch from the kitchen which saved lots of walking. We had trips to Lunan Bay and Arbroath Abbey, played football in the grounds and just had a fantastic time. Thank you!

APPENDIX 2

From: sueandjohnrentals@aol.co.uk
Subject: Fwd: Colliston castle - plans for 2020
Date: 16 January 2020 at 23:49
To: paul@rchitects.org.uk, emelda@emacplanning.co.uk



Paul and Emelda

Please see the email from Scotts Castles in support of our planning proposal.

John and Sue

-----Original Message-----

From: Sales (SCH) <Sales@scottscastles.com>
To: 'sueandjohnrentals@aol.co.uk' <sueandjohnrentals@aol.co.uk>
Sent: Thu, 16 Jan 2020 13:16
Subject: Colliston castle - plans for 2020

Dear Sue and John

Further to our recent correspondence regarding the future for Colliston, as previously intimated given the size and nature of the holiday let it's always a good idea to have someone on hand within reasonable distance of the property. Ideally you (or a caretaker couple) would live on the estate itself to keep an eye on the castle and guests as well as being able to respond quickly to issues, especially those of a serious nature including plumbing emergencies, heating breakdown or electrical problems. Large groups constitute a greater risk of things going wrong so it's imperative issues can be resolved as quickly as possible.

It goes without saying unless groups are buying into a 'serviced experience' where all their needs are met by on-site staff, people buying a 'self-catered experience' want sole occupancy of the property on an exclusive use basis. In our experience they're not keen on owners living in the same property due to a perceived lack of privacy. Whilst we market a few large houses/castles where owners reside in one wing for example, they're do not book as well as those where owners/caretakers live a discreet distance from the main house. If this is your main business interest and source of income I would strongly recommend you offer the castle on an exclusive use basis to ensure you're not limiting your market.

As you're aware we're not a property management agent and therefore will only be able to assist with issues during office hours Monday to Friday. As the principal owner you're responsible for ensuring guest needs and safety are met at all times. I attach some literature we provide owners with which might be of some use.

If you're planning on making any material change to Colliston over the course of the year you must let us know as soon as possible to allow us to a) notify existing bookings and b) update the website to reflect the changes.

I hope the above helps give you some understanding of things from our perspective and if you need any more advice/guidance as you know I'm only a call away.

With very best wishes

Harriet Filewood
Scotts Castle Holidays | +44(0)1208 821 341



Scotts_Regulatory
Guide.pdf



Scotts_YOUR
GUESTS.PDF



Scotts_PREPARING
YO...E.PDF

APPENDIX 3

Colliston Castle, Arbroath, Angus, DD11 3RS

1.0 Introduction and Context

The development of Colliston Castle, (Near Arbroath), as a quality, commercial residential tourism property has provided a realistic future trading option for this important built heritage site. It is a 16th century tower house located 3.7 miles north of Arbroath, Angus.

The provision of tastefully converted rooms enables the property to accommodate some 16 guests. There are a range of significant public areas which offers leisure and business consumers a unique luxury heritage experience. The management have achieved 5.0 maximum rating on TripAdvisor and 4.9 in the Google review summary of quality.

This is clearly an unusual and experience focused accommodation product which is targeted at the value / quality market and represents a highly appropriate direction for tourism growth at a regional level.

2.0 National and Regional Context

Angus and Dundee has recently enjoyed some revival in tourism fortunes as a direct result of the development of the V & A in the city of Dundee. This has impacted positively on city and regional occupancy and rates achieved. However, the region of Angus has seen long term decline in tourism as increasingly consumers are attracted away from the area.

The most recent performance data for analogous accommodation in Angus and Dundee is shown below;

Accommodation	Occupancy	Trend
Self-Catering	59%	Over supply of small mid-market properties – increasingly facing competition from on-line supply
Bed and Breakfast	38%	Increasingly dated product being challenged by private stock made available through on-line consolidators such as Airbnb

Accommodation Performance Angus and Dundee (2019)

The issue for the region is that beyond Dundee there are few iconic / must see attractions and the rural area does not enjoy a high profile. This means that tourism performance is weaker leading to lower investment and less evidence of product upgrades. As a consequence, properties are dating and the presence of branded hotels and resorts is limited. This is reflected in the most recent; visit, spend and overnight data (illustrated below).

Indicators	Scotland 2018	Scotland % Change 2017-18	Angus and Dundee 2018	Angus and Dundee % Change 2017-18
Visits (000s)	3,358	+10%	52	-45%
Spend (£m)	2,206	-3%	29	-21%
Nights (000s)	24,237	-1%	398	-29%

International Tourism Performance 2017-2018

The performance of the region was significantly buoyed by the Dundee revival following the opening of the V&A. However, these effects have not endured and in comparison with major urban destinations such as Edinburgh and Glasgow, performance is weak. Indeed, if one considers the critical domestic market (accounting for the majority of tourism to Scotland) the decline is even more of a concern (see below).

Indicators	Scotland 2018	Scotland % Change 2017-18	Angus and Dundee 2018	Angus and Dundee % Change 2017-18
Visits (000s)	11,803	+1%	278	-15%
Spend (£m)	2,762	-8%	51	-20%
Nights (000s)	40,331	-3%	768	-31%
Average Length of Stay	3.4 nights	+2%	2.8 nights	-19%

Domestic Overnight Tourism 2017-2018

The overnight and expenditure trends are similar for the period 2016-2018 and data from the Moffat Centre's Scottish Occupancy and Accommodation survey (undertaken in behalf of VisitScotland) suggests that the rural performance is actually worse than the regional data reported below.

	2016	2017	2018
Domestic (000s)	402	326	278
International (000s)	88	95	52
Total Overnight (000s)	490	421	330

Domestic and International Overnight Visits 2016-2018

	2016	2017	2018
Domestic (£m)	74	64	51
International (£m)	32	37	29
Total Overnight (£m)	106	101	80

Domestic and International Overnight Spend 2016-2018

As a consequence, the quality of much of the accommodation has declined and the food and beverage offered remains challenging. All of this makes the area more problematic as a destination to promote. Any business which is differentiated on the basis of quality and experience, such as Colliston Castle, should be encouraged to grow and build valued consumers who can bring significantly more economic impacts to the region.

3.0 Colliston Castle – context and potential

The Colliston offer is already proven and has generated appeal and catalyzed economic impacts of circa £0.25 m per annum (STEAM 2018). It is a heritage accommodation product that has seen investment and renovation by the current owners. This investment has ensured a sustainable future for the building and offers an unusual and differentiated accommodation offer.

It is, like any heritage building, complex to operate and expensive to maintain, heat and light. It requires management and operational guidance for guests and the role of the manager is critical. The importance of a closely located member of senior staff is critical for this type of property given the potential for problems in many aspects of operation. Despite these operational challenges the most recent data on trends in tourism (VisitScotland, 2020; United Nations World Tourism Organisation, 2020) suggest that the potential for individual / experiential properties such as Colliston is considerable.

Scotland is also likely to see increased domestic tourism as the value of Sterling against major currencies; such as the Euro and the US Dollar, declines, and the relative cost of holidaying overseas for English and Scots will increase. Furthermore, there would appear to be increasing concern about the environmental impacts of tourism, particularly air transport, which will also serve to encourage increased domestic tourism making many review critically destinations that may impact on the climate emergency.

In addition, this rural location offers the counterpoint to those parts of Scotland, now associated with 'over tourism' and significant and high levels of demand. The Castle product offer provides an unusual accommodation provision which is the type of venue research data suggests will have appeal.

There is also evidence of increasing demand for multi-person accommodation to suit groups of friends or family members wishing to spend leisure time together. This trend has been increasing over the last two decades and is unlikely to diminish.

Accordingly, the proposed development of management accommodation, in a low visibility and unobtrusive destination should be permitted. Accommodation such as the Castle is rare in this part of Scotland. The product that has already catalyzed visitation and proven that it is viable. Colliston offers an unusual opportunity to hire a significant heritage building. This must be seen against a rural destination that has struggled to generate visitation and has seen significant decline in demand for many of the tradition and dated products on offer.

The coastal and local urban product (the town of Arbroath) have both experienced reductions in demand. Arbroath, is currently facing the high street challenges common to many locations dominated by a traditional model of retail. The decline of the high street is likely to continue and employment impacts will be significant. The region should seek to encourage growth and diversity as offered by the provision of unusual properties such as Colliston.

Professor J John Lennon PhD MPhil BSc (Hons) 23 1 2020

Director of the Moffat Centre for Travel and Tourism Business Development www.moffatcentre.com
Glasgow Caledonian University www.gcu.ac.uk

A brief biography of Professor Lennon is provided as Appendix 1

Appendix 1 : Professor J John Lennon PhD MPhil BSc (Hons)

Director of the Moffat Centre for Travel and Tourism Business Development
www.moffatcentre.com **Glasgow Caledonian University** www.gcu.ac.uk

Professor Lennon was the founder and has directed the Moffat Centre since 1999. The Moffat Centre is Europe's largest University based Tourism, Travel and Hospitality consultancy and research centre which has undertaken on more than **750 projects** in over **50 countries** since 1999. This business development and contract research centre competes with commercial agencies at a national and international level. It has helped fund student scholarships since 2000 and to date **scholarships worth over £1,000,000 have been awarded to over 350 GCU students** creating one of the most enduring student legacies generating access to higher education for students with significant need (1999-Current).

Significant Achievements (To 2018)

- Successfully tendering for the **Scottish Tourism Occupancy Research Survey** 2014-2019 and 2019 -2024 which provides industry and government with occupancy and rate data across the nation via sector, quality, type and price banding. It is the most cited national tourism statistic and is used in compilation of national accounts for the value of tourism in Scotland
- Providing a monitoring and advisory role for **Scottish Government Economists** in calculation of the volume and value of tourism and understanding the full direct, indirect and induced impacts from tourism at a regional and national level.
- Successfully providing definitive performance of **Research on Scottish Visitor Attractions** including; admission, expenditure, dwell time and investment by sector and type. This is the largest and most representative analysis in Europe and achieves a participation rate of in excess of 83%. It generates significant press for GCU and is used in compilation of national accounts for tourism in Scotland. Data from this survey is sold commercially to the private and public sector supporting Moffat Centre staff employment and contributions to scholarships
- **Canal Leisure and Tourism Development (since 2007)** – undertaken business planning feasibility and market research for Scottish Canals including **Falkirk Wheel** Business Planning, **Kelpie** Feasibility and business development. Following successful delivery of a KTP with Scottish Canals I have recently been invited to join the organising committee and Chair the academic submission panel for the 2020 World Canals Conference in Leipzig, Germany
- Provision of a major **KTP** related to **Scottish Government Year of Young People 2018** and leisure motivations related to visiting built heritage. This is in partnership with **Historic Environment Scotland** and has provided two major heritage workshops (hosted at GCU and attracting in excess of 200 delegates on each occasion), research outputs and an KTP project value of £154,000.

- On-going retained working with leading **International Engineering Company Jacobs Engineering** to provide route development and economic impact strategies on the following projects:
 - **A9 Dualling,**
 - **A96 Dualling**
 - **Horizon Nuclear Development, Anglesey**
 - **Manchester North West Quadrant**
 - **Oxford and Cambridge Expressway**
 - **UK National Grid and Areas of Outstanding Natural Beauty**
- **Development, authorship and provision of all commercial service quality training** for UK City of Culture 2017 incorporating the development and **training of 4,000 volunteers and over 10,000 service personnel** in Hull and East Yorkshire in anticipation of 2017.
- Providing the **most detailed analysis of the Night Time Economy in the UK** for Glasgow for the City Development Plan in consultation with leading private sector stakeholders, Police, Health service and licensing authorities
- Developing the **definitive methodology for the economic impacts of wind farms on area tourism** following authorship of the most cited report in Scottish Government planning decisions in this sector.

At a European level the Moffat Centre successfully manages three EU major tourism research projects: the Cool Routes; Cruising Oceans on Latitudes North of 51 degrees latitude; Big Data for Heritage and Tourism and Route Development Programmes. These projects have practical applications in a wide range of Tourism locations internationally.

APPENDIX 4

TRUSTED NEWS SERVICE



Gold award for five year of franchise

Declaration celebrations promise county-wide benefits

Bumper year for tourism

By **MARK DOWIE**
Reporter
news@forfarandspatch.com

Businesses across Angus are being urged to get behind and capitalise on a forthcoming calendar of events marking the 700th anniversary of Scotland's most historically significant document.

The celebrations will centre on the signing of the Declaration of Arbroath and although they will be held in the town itself, Scotland's national tourism agency has said that they will have a positive spin-off for the wider county.

And VisitScotland has joined Angus Tourism Co-operative to host a free networking event at Hospitalfield House in Arbroath next to help businesses from across

the area find out how they can support and get involved in this landmark anniversary.

There will be presentations from VisitScotland and the Arbroath 2020 organising group will provide an overview of the programme, how businesses can get involved and help support the occasion, highlighting the importance of their online presence, how to inspire visitors looking to come to the region and about all the things to see and do across Angus and beyond.

The Arbroath 2020 programme, which will run from April to September this year, will include a horse-led procession from Arbroath Abbey to the harbour and an atmospheric re-enactment of the Declaration sailing to France in 1320.

A newly-commissioned choral work by Paul Mealor

and poet Graham Davies will be performed by over 300 voices, drawn from many Angus choirs, in the grounds of the Abbey. Historic Environment Scotland will also be running a programme of festivities within the Abbey which will be announced soon.

Caroline Warburton, VisitScotland's regional leadership director, said: "VisitScotland is committed to promoting Scotland's diverse history and culture, and the sealing of the Declaration of Arbroath in 1320 marks one of the most significant periods in our country's rich tapestry."

She also said that the organisation hopes to help turn national and global attention on Angus in the run-up to and during the celebrations.

Turn to page 7



0135

DEVELOPMENT MANAGEMENT REVIEW COMMITTEE

APPLICATION FOR REVIEW

FIELD ADJACENT TO THE LODGE, COLLISTON CASTLE, ARBROATH

APPLICATION NO 19/00909/FULL

APPLICANT'S SUBMISSION

Page No

ITEM 1	Notice of Review	
ITEM 2	Statement of Review	
ITEM 3	Decision Notice	
ITEM 4	Application for Planning Permission including Design and Access Statement Location Plan Planning Supporting Statement Proposed Site Plan, Floor Plan, Elevations & Sections	
ITEM 5	Report of Handling	
ITEM 6	Further Supporting Information	



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 100245023-001

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:	<input type="text" value="Emac Planning LLP"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Emelda"/>	Building Name:	<input type="text"/>
Last Name: *	<input type="text" value="Maclean"/>	Building Number:	<input type="text" value="38"/>
Telephone Number: *	<input type="text" value="07841658360"/>	Address 1 (Street): *	<input type="text" value="Cortachy Crescent"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text" value="Broughty Ferry"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Dundee"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
		Postcode: *	<input type="text" value="DD5 3BF"/>
Email Address: *	<input type="text" value="emelda@emacplanning.co.uk"/>		

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="Colliston Castle"/>
First Name: *	<input type="text" value="John"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Lansley"/>	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="Arbroath"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="DD11 3RS"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="emelda@emacplanning.co.uk"/>		

Site Address Details

Planning Authority:	<input type="text" value="Angus Council"/>
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

<input type="text" value="Land to South of Colliston Castle, Angus"/>

Northing	<input type="text" value="746306"/>	Easting	<input type="text" value="361315"/>
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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)

PLANNING PERMISSION REFUSAL REFERENCE : 19/00909/FULL Proposed New Managers House at Field Adjacent To The Lodge Colliston Castle Colliston Arbroath for Mr John Lansley. The Application was refused on 12th February 2020

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 attached

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)

Planning Application Submission, Report of Handling, Decision Notice and Notice of Review Statement

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

19/00909/FULL

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

02/12/2019

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

12/02/2020

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: Ms Emelda Maclean

Declaration Date: 17/04/2020

Proposed New Managers House at Field Adjacent to the Lodge, Colliston Caste, Colliston, Arbroath

Application for Local Review: Planning Supporting Statement

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
THE PLANNING ETC (SCOTLAND) ACT 2006

Angus Council Ref: 19/00909/FULL

Application Description: Planning Permission for Proposed New Managers House

Address: Field Adjacent to the Lodge, Colliston Castle, Colliston, Arbroath

Appellant: Mr John Lansley

Date: March 2020

Emac Planning LLP, 38 Cortachy Crescent, Broughty Ferry, Dundee DD5 3BF



CONTENTS

- 1.0 INTRODUCTION
- 2.0 THE PROPOSAL AND APPLICATION CONTEXT
- 3.0 NEED FOR A MANAGERS HOUSE
- 4.0 DECISION MAKING REQUIREMENTS
- 5.0 THE DEVELOPMENT PLAN AND MATERIAL CONSIDERATIONS
- 6.0 REASONS FOR REFUSAL
- 7.0 CONCLUSION

DOCUMENTS

- DOCUMENT 1 Decision Notice Ref: 19/00909/FULL
- DOCUMENT 2 Planning Application Submission Ref: 19/00909/FULL
- DOCUMENT 3 Report of Handling
- DOCUMENT 4 Applicant's Further Supporting Information

Summary Submission on Behalf of the Appellant

Scottish Planning Policy (2014) underpins the national planning requirement to balance social, economic and environmental considerations, when determining a planning application. In accordance with this requirement, Angus Council has adopted, local policies relevant to the consideration of this proposal.

Section 25 of The Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006 affords the following status to development plans:

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

The appellant supports the Planning Officer’s assessment that the principle of the location of the site and the details of the proposal are acceptable in planning terms.

The only reason provided by the Planning Authority for refusing the proposal was that they did not consider there was a **need for a manager’s house** to operate the holiday accommodation at Colliston Castle.

The Appellant strongly disagrees with the opinion of the Planning Authority on this issue. The Appellant urgently requires a separate house in close proximity to the Castle to manage the Castle’s holiday lets and would be grateful for the Council’s reconsideration of this issue.

The Appellant has significantly invested in the refurbishment of Colliston Castle, which is a Category B Listed Building and a national asset. The Castle has proven to be a popular tourist attraction and contribute to Angus Council’s objective to improve the local tourism economy.

The Planning Officer, decided under delegated powers, that the applicant had not adequately proved that a manager’s house was required on site to successfully run Colliston Castle for holiday accommodation. Concluding, as a result that the proposal is contrary to Policy TC2 and the Countryside Housing Supplementary Guidance (2016). Failure to comply with Policy TC2 also means the proposal is contrary to Policy DS1.

The applicant disputes this view and considers that significant supporting information was provided in their planning application submission in justification for the need for a manager’s house.

Conversely, the Planning Authority has not provided a planning justification for disagreeing or disputing the Appellant’s evidence. It is noted that the Planning Authority had asserted that the Applicant/Appellant could have bought a house elsewhere locally, but without providing supporting information to support their case. The Appellant has continued to look for a house in very close proximity to the Castle, but none of the houses on market, to date, offer the clear economic, social and environmental benefits of the current proposal.

The Appellant would appreciate the Local Authority’s review of their evidence in support for their proposal. The granting of consent would allow the opportunity for the Castle to flourish as a holiday destination and contribute significantly to the local economy and the tourism objectives of Angus Council, in accordance with the Development Plan.

1.0 INTRODUCTION

1.1 This statement has been prepared by Emac Planning LLP on behalf of Mr John Lansley (the “appellant”) and supports an Application for a Local Review (ALR) against the refusal by Angus Council (AC) of Planning Application Ref: 19/00909/FULL (the “application”). The application was submitted under the Town and Country Planning (Scotland) Act 1997 and was validated by FC on 2nd December 2019 and given the following description:

“Proposed New Managers House at Field Adjacent to the Lodge, Colliston Castle, Colliston, Arbroath”.

1.2 The application was determined by Officers of the Council under delegated powers and Planning Permission refused on 12th February 2020. The decision notice is attached in Document 1 and states that the application has been refused for the following reasons:

1. The application is contrary to Policy TC2 of the Angus Local Development Plan 2016 and the associated 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 DS1 of the Angus Local Development Plan 2016 as the proposal is not in accordance with relevant policies of the ALDP, namely Policy TC2.

1.3 Having regard to the requirements of Section 25 of the Act, the Appellant disagrees that the proposal conflicts with the Development Plan or with other material considerations. It is therefore respectfully requested that this ALR is supported and Planning Permission granted for the reasons provided in this statement, having regard also to the site context and need for the proposal.

2.0 THE PROPOSAL AND APPLICATION CONTEXT

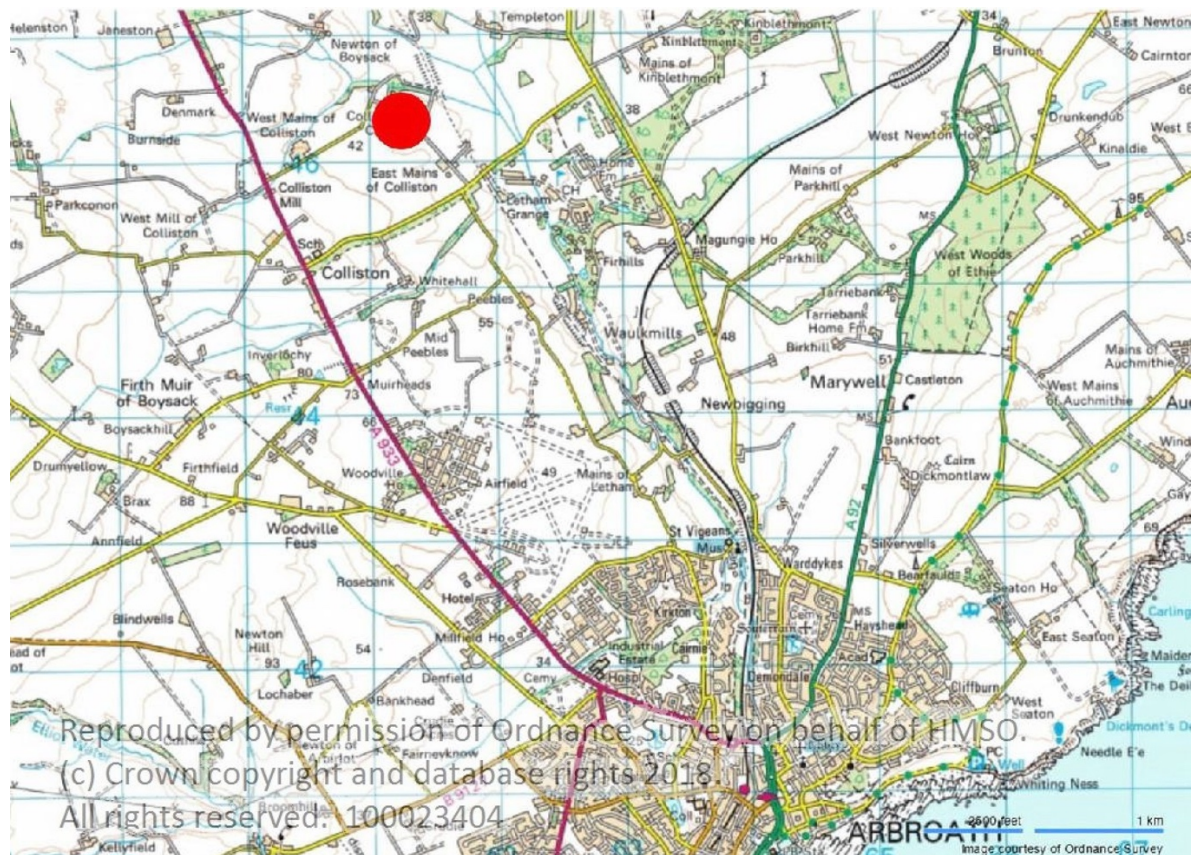
The Proposal

- 2.1 The Planning Application is for the erection of a manager's house which falls under Class 9. Houses of The Town and Country Planning (Use Classes) (Scotland) Order 1997 on the field adjacent to the Lodge, Colliston Castle, Colliston. The Appellant currently manages Colliston Castle as holiday accommodation. The Castle provides sleeping accommodation for up to 14 adults and 2 children. The Planning Application submission is attached as Document 2.
- 2.2 Since refurbishment by the Appellant, Colliston Castle has proven to be a popular tourist attraction for holiday accommodation. In 2018, Colliston Castle was occupied by family groups and friends for 112 days and increased to 141 days in 2019. These occupation figures illustrate the attraction of Colliston Castle, within Angus, as a tourist destination.
- 2.3 The Appellant does not reside at Colliston Castle during the periods that it is rented to visitors. Visitors are simply detracted from renting the Castle whilst the owners are also in occupation. The Appellant therefore requires alternative accommodation during rental periods. This has necessitated staying with friends or renting accommodation elsewhere, which can vary in price, location and availability. More recently, a temporary rental arrangement with a friend provided a stop-gap, however this has now come to an end.
- 2.4 In addition, the Appellant experiences managerial problems during rental periods, if residing too far from the Castle, as they are not on-hand to address any issues which may arise. Off-site accommodation is not ideal or conducive to the best management of the Castle and meeting the needs of visitors.
- 2.5 In essence, on-site presence of the Appellant would allow for the successful management of Colliston Castle and enhance its attraction as a tourist destination, in alignment also, with Angus Council's objectives of improving and supporting the local tourism economy.
- 2.6 The appellant urgently requires accommodation near to the Castle for the reasons set out in **Section 3.0 Need for the Proposal.**

The Site

- 2.8 The site is located approximately 3.5 km to the northwest of Arbroath. Figure 1: Site location illustrates that the site is located to the northwest of Letham Grange and to the north of East Mains of Colliston. Access to the site from the north is from a track, leading from the U496 road or from the south by a track through East Mains of Colliston Farm, which leads off the C49 public road.

Figure 1: Site location



- 2.9 Colliston Castle is a Category B Listed Building, dating from the 1540's, with subsequent alterations in 1621 and 1893. Following disrepair and a lack of maintenance over many years, the Appellant has secured further recent upgrades to the Castle to facilitate its personal and holiday use, which have been approved by Angus Council. The use of the Castle for holiday accommodation and the subsequent maintenance of the building, from revenue returns from this operation, ensure the continuation of the upkeep of this regional important Listed Building. **Approval of this ALR will ensure the sustainability of both the tourism rental of Colliston Castle and the maintenance of the Listed Building.**

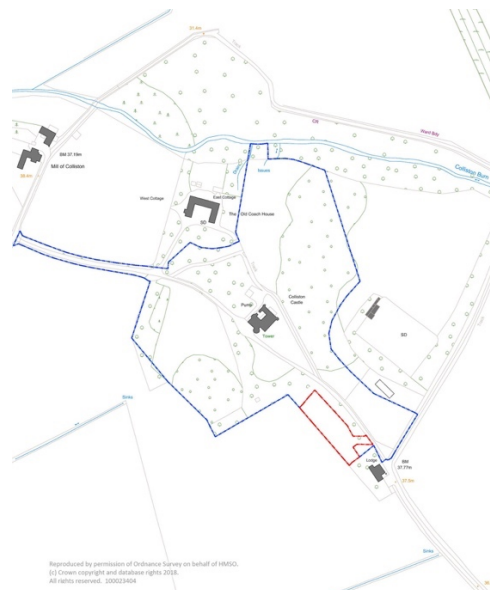
2.10 The location of the site, within its more immediate context is illustrated in Figure 2: Site Location (Aerial). The aerial photograph illustrates that the Castle and surrounding buildings are enclosed by a mature landscape setting. The site extends to an area of approximately 0.19 ha and is located approximately 70 metres to the south of Colliston Castle. Castle Lodge is located to the south of the site.

Figure 2: Site Location (aerial)



2.11 Figure 3: Site Ownership illustrates the applicant's land ownership edged blue, within the context of the planning application site, edged red.

Figure 3: Site Ownership

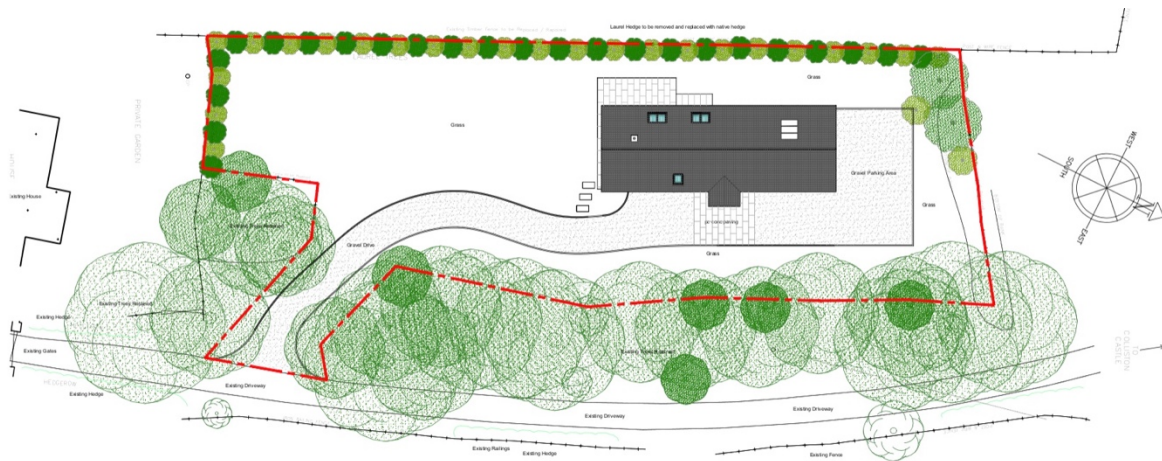


Details of the Proposed Manager's House

2.12 The Application relates to the erection of a detached dwellinghouse, which would be occupied by the Appellant, as part of essential accommodation, to manage Colliston Castle and its associated business.

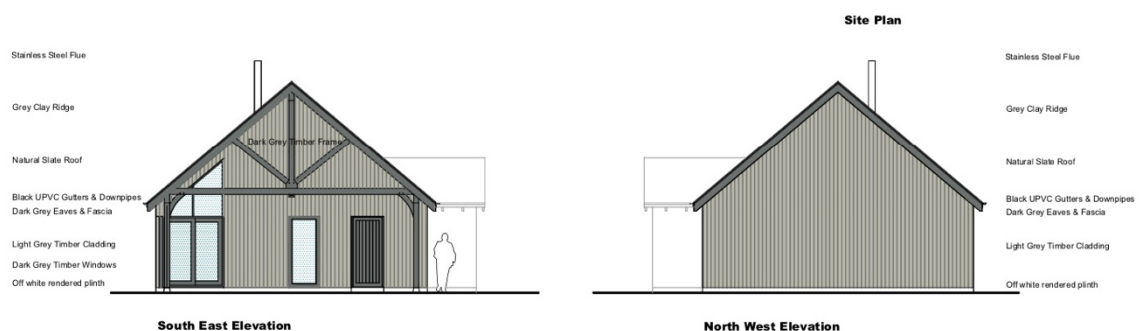
2.13 The proposed house is single storey in construction, with an integral double garage, and would accommodate two bedrooms. Figure 4: Block Plan illustrates that the proposed dwellinghouse is sited to the north of the application site, with existing trees being retained along the eastern, southern and south west boundaries and with the laurel hedge, which runs along the northwest and northern boundary, being replaced by a native hedge along its length.

Figure 4: Block Plan



2.14 Figure 5: Elevations illustrates that the house would be finished in grey timber cladding with a natural slate roof.

Figure 5: Elevations





2.15 The design of the proposed house has had regard to the context of the site, enclosed by established and mature landscaping and to its rural location. The proposed house sits comfortably within the site, with its massing and design respecting its rural location and the setting of Colliston Castle.

The Planning Officer's Report of Handling Supports the Design and Detail of this Proposal

2.16 The Planning Officer's Report of Handling contained in Document 3 confirms that there was no objection to the principle of the location of the site or the details of the proposal, stating:

"The proposal does not raise any significant issues against the Countryside Housing Appendix 3 criteria. The development 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.

The proposed house is an acceptable design solution for a countryside location and there is adequate space for the provision of a satisfactory residential environment while respecting the amenity of existing residential property.

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 this scale.

The proposal would not be affected by farming or other rural business activities and access would not be taken through a farm court. Access to the site could be achieved without significant impacts on road safety and the Roads Service has offered no objection to the proposal.

The site is within the policies of the Category B listed Colliston Castle. The site is enclosed by vegetation and trees on all sides and is around 70m south of the Castle. There is no direct visual relationship between the listed castle and the site of the proposed dwelling house and the proposal would not impact on the setting of the listed building. The Archaeology Service indicated no archaeological mitigation is required and offered no objection to the proposal. The proposal does not give rise to any unacceptable impacts on the natural or built environment.

The site is not subject of any designated for natural heritage and there is no reasons to consider that the proposal would result in unacceptable impacts on the natural environment. The plans submitted suggest that the mature trees in the site would be retained and a new native hedge planted.

Limited information has been submitted in relation to waste water arrangements however, were the proposal otherwise acceptable, this matter could be regulated by planning condition requiring a suitable scheme for foul drainage and surface water management. Submitted information indicates the proposal would connect to the public water supply, however, Scottish Water has indicated there is no public infrastructure within the site. Were the proposal otherwise acceptable, a planning condition could be used to secure full details of water supply arrangements prior to any development commencing.

The site is identified as prime quality agricultural land (grade 2) based on the Macaulay Land Capability for Agriculture maps. Policy PV20 indicates that development proposals on prime quality agricultural land will only be supported in limited circumstances. However, the area of land that would be required to accommodate a house is not significant and not in agricultural use....

In relation to impacts on the landscape, trees and protected species, the proposed house has been sited such that it would not result in the loss of mature trees or woodland. The Laurel hedge would be replaced by a new native hedge which would offset any habitat impact over time. The house would sit adjacent to mature trees providing a reasonable landscape framework. There is no direct visual relationship between the site of the proposed house and the listed castle and it is considered the proposal would not adversely impact on built or cultural heritage assets. Concerns are raised regarding impacts on neighbouring residential amenity, however, the proposed house would be at reasonable separation distances to neighbouring property having regard to Council guidance.”

2.17 The appellant supports the Planning Officer’s above assessment that the principle of the location of the site and the details of the proposal are acceptable in planning terms.

2.18 The only reason provided by the Planning Authority for refusing the proposal was that they did not consider there was “a need” for a manager’s house to operate the holiday accommodation at Colliston Castle. The Appellant strongly disagrees with the assessment of the Planning Authority on this issue. The Appellant has provided substantive information in support of their need for a manager’s house (on site), together with the subsequent support of their proposal to the Angus tourism economy.

2.19 The Appellant urgently requires a separate house in close proximity to the Castle to manage the holiday lets and would be grateful for the Council’s reconsideration of this issue.

3.0 NEED FOR A MANAGERS HOUSE

- 3.1 The Castle provides sleeping accommodation for up to 14 adults and 2 children. In 2018 the Castle was occupied for holiday accommodation, for between 110 - 112 days and in 2019 the Castle was rented out for 141 days. Prior to 2018, rentals were lower, than described above. Until recently, the Appellant rented a house from a friend living locally, occupying it when guests were in the Castle pending trying to secure planning permission for the manager's house. As stated, this rental agreement has now ceased and is unlikely to be possible in the future. The Appellant urgently requires accommodation adjacent to the Castle to viably run the holiday-let business.
- 3.2 The Appellant submitted substantive evidence to the Planning Authority justifying a need for the manager's house, which is summarised below and contained in full in Document 2: The Planning Application submission.

Planning Supporting Statement (PSS)

- 3.3 The PSS identified the reasons why a new manager's house was urgently required, in summary, confirming the following:
- It is not viable or practical for the Applicants to remain in the Castle whilst it is rented to visitors. The presence of the owners is not attractive to visitors who do not wish to rent the Castle if they are in residence.
 - The Applicants have previously investigated sub-dividing a part of the Castle, to provide a self-contained apartment, and have also explored the segregation of the top floor of the house with the incorporation of a new staircase access. However, due to the sensitivities of the listed fabric of the Castle, together with its plan form and arrangement, it has not been possible to achieve a satisfactory solution. All such interventions have proved to be highly intrusive and wholly unsympathetic to this important listed building.
 - There are no outbuildings capable of conversion and the walled garden, coach house and lodge were sold off well before the applicants purchased the Castle.
 - The Applicants have considered buying a property locally, however, there has been no land or house sales within the last five years or so.
 - The Applicants have also investigated renting however, long-term rental is inevitably expensive and combined with the issues relating to distance would not allow the applicants to continue to meet the needs of the property or allow it to be suitably managed and maintained.

- In the end, the Applicants secured a short-term rental locally, on a temporary basis, from friends, however the availability of this house has now come to an end.
- With the options above exhausted, the Applicants then carried out an extensive exercise assessing the appropriateness of the location for a new dwellinghouse within the grounds of Colliston Castle in land in their ownership.
- The Applicants ruled out possible locations near the castle due to the negative impact on the setting of the listed building. This resulted in the identification of the site subject to this Planning Application, which is self-contained by existing and mature landscaping and is out with the original castle policies and landscape. The site is, however, located in sufficient proximity to the Castle to enable its effective management whilst still protecting the privacy of visitors.
- In further support of the need for a new dwellinghouse, the PSS identified that the visitor rental of the Castle is important not only in terms of contributing to policy objectives for encouraging tourism, but also its rental has potential value to the local economy at a level of approximately £1,698.34 per day. The Economic Development Unit at Angus Council offered support for Planning Application Ref: 18/00940/FUL in terms of the opportunity to provide additional accommodation facilities in Angus which would benefit to the local area and support the wider economy.
- The Applicants consider that the need for the new house accords with the aims and target set out in Scotland's Tourism 2020 Strategy. In terms of economic development, the local tourist industry and other businesses benefits significantly on a regular basis, with the use of local restaurants, cleaning companies, laundrettes, decorators, builders, plumbers, electricians, catering businesses, shops, golf courses, including Letham Grange with whom the applicants have an arrangement.
- The proposed new dwellinghouse will enable the effective management of this important tourism resource. The Castle is large complex historic building with sizable gardens that require ongoing and frequent interventions to ensure they do not deteriorate and the Applicants take pride in their guardianship of the Castle responsibly. Ongoing high maintenance costs of the castle and inflation dictate that it is essential for the Applicants to be able to continue to maximise on the holiday lets to continue to maintain the castle appropriately and the new house is essential to allow this to continue to thrive and remain viable.

Further Planning Statement Provided by the Applicant/Appellant

- 3.4 The Applicant submitted further information in justification to the Planning Authority (attached in Document 4), which comprised:

- Emac Planning LLP letter providing further material planning considerations in support of the proposal;
- A personal statement from the Applicant in support of their requirement for a manager's house;
- Supporting information also provided by Scotts Castle, the Applicant's letting agent;
- An independent report by Professor J John Lennon PhD MPhil BSc (Hons), Director of the Moffat Centre for Travel and Tourism Business Development;
- A press article identifying the benefits of tourism to the Angus economy.

3.5 The following summarises the key material planning considerations provided to the Planning Authority in support of the need for the new managers house.

Emac Planning LLP letter

3.6 Paragraphs 4.12 to 4.13 of the Planning Supporting Statement submitted with the Planning Application identify how the rental of the Castle contributes to local tourism and economic objectives, summarised as follows:

- Re-iterating that the visitor rental of the Castle has the potential value to the local economy at a level of approximately £1,698.34 per day and highlighting support for the proposal from the Economic Development Unit at Angus Council /
- Highlighting, that nationally, the tourism and economic benefits support the aims and target set out in Scotland's Tourism 2020 Strategy.
- Highlighting that regionally and locally, the use of the Castle for holiday accommodation provides significant benefits to the local tourist industry and other businesses on a regular basis, with the use of local restaurants, cleaning companies, launderettes, decorators, builders, plumbers, electricians, catering businesses, shops, golf courses, including Letham Grange with whom the applicants have an arrangement.
- Re-iterating that ongoing high maintenance costs of the castle and inflation dictate that it is essential for the Applicants to be able to continue to maximise on the holiday lets to continue to maintain the castle appropriately and the new house is essential to allow this to continue to thrive and remain viable.

Applicant's Personal Statement

3.7 The Applicant's Personal Statement attached in Document 4 provides the following personal

clarification and confirmation on the importance of this proposal, personally, financially and in terms of how the Castle is a personal investment, but also orientated towards tourism objectives and enjoyment. The appellant would gratefully appreciate Angus Council's support for their proposal and the consequential benefits within Angus.

Appellant's Personal Statement

"Colliston castle what an amazing building, it has been here since the 16th century. It has seen more change in its existence than we could possibly imagine, but still it stands. It has seen change in itself and in its surroundings. The castle has morphed and changed, expanded and contracted as its needs and uses have changed, what it has not done is, stood still.

Castles are almost living breathing structures, they have stories to tell stretching far back into history. They hold fascination for us today as we can imagine ourselves as part of that history. We are lucky that Colliston castle has never been ruined or been damaged in conflict. From walking the corridors and rooms of the castle, the stories from the past jump out at you.

The castle was built by a cardinal for his daughter, one of many children born to Cardinal Beaton by his mistress Marion Ogilvy. However he did not live to see its completion, having been murdered at St Andrews castle. The castle was originally a catholic castle and the subsequent conflict between the Protestants and the catholic's is evident, with a priest hole, one of only two in Angus. Visitors to the castle are captivated by the history.

The structure of the castle has changed and changed again. The biggest change to the castle came in Victorian times with the building of a complete new wing, changing of the turrets and putting another floor on top of the original castle. The stairwell was changed and the front door moved to the centre of the castle. At a later date this was then moved back to its original position.

As we walk the castle you can see the changes and how they meld into what we have today. It is layer upon layer of history, history of how a castle changed to meet the needs of its owners.

The castle used to have hundreds if not thousands of acres and many out building to serve, service and provide income for the castle. These have long since been sold off, the family silver once sold cannot be sold again. However a medieval castle needs much maintenance, when we purchased the castle in 2012 it was much neglected, the heating had broken, the rooms were all in a state of disrepair, the plumbing and electricians needed urgent attention. The grounds themselves had had little done to them in a long time.

Since we have had possession of the castle we have sought to bring it back to its former glory. Not back to its medieval state or even to its Victorian state, but back to a state where the castle can be lived in, enjoyed and have a future. However this all requires money and once we started on this project we realised that the castle would need to provide an income to pay for its renovation, repairs and upgrades.

We had originally hoped that we could provide for ourselves an apartment on the top floor, which we could stay in whilst self catering guests hired the remainder of the castle for themselves. However it soon became apparent that guests do not like the idea of sharing their self catering let with the owners, especially if they are forever bumping into them. We looked at many ways to gain access to the top floor without inconveniencing the guests and could not achieve this.

We have managed the castle by moving out each time guests move in. We have camped, gone to other people's bed and breakfasts, self catering let's, stayed with friends and family. However this is not sustainable, what we require is a more permanent solution. We have the land but no previous out buildings that can be rebuilt to provide accommodation for ourselves. As previously stated these building were sold off long ago.

The castle is of an age that it needs constant maintenance and attention. It is old and quirky nothing is a quick fix and the next thing to go wrong is not foreseeable. We need to be able to respond quickly and effectively, to minimise the disruption

to our guests. In addition the castle still has ten acres of land that need to be maintained. This equates to two full days of mowing a week, flower beds and the wall garden to keep tidy and to replant depending on the time of year. Seedlings and young plants to be tended and encouraged.

We have tried to keep the cost of staying at the castle to a realistic amount, to encourage people who thought they would never be able to afford to stay in a castle. We could put our prices up, make the castle a destination for the few who could afford to stay here, but that is not our ethos.

The castle needs to pay its way, pay for its repairs. To keep costs down we need to be available to monitor it. We need to monitor the guests to make sure they respect the castle, don't do anything stupid to endanger it, we need to make sure that noise is kept to a reasonable level, so as not to upset our neighbours.

With this in mind we feel there is a requirement for an essential worker to be on site.

We have made a decision to give guests a self catering experience different from other self catering let's in the region. Guests expect a certain level of amenities and quality, this in itself needs constant review and upgrading. This in turn has significant financial implications.

Each year expenditure exceeds income for example for the year ending April 2019 the income was reported as £55,212.18 against outgoings of £55,450.28. This represents a loss of £240.08 which has to be made up from our pensions.

The improvements made to the ground floor of the castle were made in consultation with the guests and what they required. These alterations were given planning consent and have made a significant improvement to the ground floor area of the castle.

It is necessary to plan and budget for the future and although we cannot foresee every expenditure we know that in time the roof of the castle will need significant work. We already pay for a biannual maintenance programme on the roof and

gutters. The financial outlay for any significant roofing work would be in excess of £100,000. In addition, it has been revealed that the cladding to both the outside and the inside of the medieval castle will at some point need to be removed and the stonework either replastered or repointed. We do not have an estimate for how much this work would cost.

The prospect of no accommodation for ourselves leaves us with the thought of how sustainable continuing to market the castle as a tourist destination would be.

The castle is enjoyed by our guests, they come from overseas, America, Canada, Norway, France, and more locally UK, more locally still from Scotland and nearer again from Arbroath itself..."

- 3.8 It is clear that, the Appellant has already spent a significant amount of money on the sensitive repair and on-going upkeep of the listed Castle. The rental of the Castle has facilitated the work required to ensure the restoration of this Listed Building and it is clear that its rental, at the current rate, still represents a financial loss to the Appellant. A new manager's house, will allow the increase in demand for the rental of the Castle, and reverse the financial loss currently being experienced, not only to the future benefit of maintaining and carrying out future repairs to the Castle but also to the benefit of the local economy and tourism industry.

Supporting information also provided by Scotts Castle

- 3.9 Scott Castle Holidays provide the Appellant with a letting service and have provided the Appellant with their advice on the importance of securing a manager's house in close proximity to the Castle and the benefits of this. Their full response is contained in Document 4 and includes the following information in support of the proposal:

"...given the size and nature of the holiday let it's always a good idea to have someone on hand within reasonable distance of the property. Ideally you (or a caretaker couple) would live on the estate itself to keep an eye on the castle and guests as well as being able to respond quickly to issues, especially those of a serious nature including plumbing emergencies, heating breakdown or electrical problems." Scotts Castle also advise "people buying a 'self-catered experience' want sole occupancy of the property on an exclusive use basis..."

Professor J John Lennon PhD MPhil BSc (Hons), Director of the Moffat Centre for Travel and Tourism Business Development: Contribution of Colliston Castle to Tourism Objectives

- 3.10 The Applicant has commissioned an independent report by Professor J John Lennon PhD MPhil BSc (Hons), Director of the Moffat Centre for Travel and Tourism Business, to provide evidence to the Planning Authority of the benefits of the tourist rental of Colliston Castle to

the tourism economy. The report, contained in Document 4, also confirms that the current proposal supports and potentially enhances the role of the Castle by ensuring the viability of the proposal.

- 3.11 One of the many conclusions of the report is that “*Colliston offers an unusual opportunity to hire a significant heritage building. This must be seen against a rural destination that has struggled to generate visitation and has seen significant decline in demand for many of the tradition and dated products on offer.*”
- 3.12 Significantly the report provides statistical evidence highlighting the current long-term declining trend in tourism in Angus, with increasingly consumers being attracted away from the area. In effect, statistics substantiate an over-supply of self-catering small mid-market properties, which are increasingly facing competition from on-line supply and Bed and Breakfast accommodation being increasingly challenged by private stock made available through on-line consolidators such as Airbnb. The report identifies a significant decline in visitors, visitor spending and nights stayed in the Angus and Dundee area as follows:

Indicators	Scotland 2018	Scotland % Change 2017-18	Angus and Dundee 2018	Angus and Dundee % Change 2017-18
Visits (000s)	3,358	+10%	52	-45%
Spend (£m)	2,206	-3%	29	-21%
Nights (000s)	24,237	-1%	398	-29%

- 3.13 The report identifies that “*the most recent data on trends in tourism (VisitScotland, 2020; United Nations World Tourism Organisation, 2020) suggest that the potential for individual / experiential properties such as Colliston is considerable*” and concludes that “*The region should seek to encourage growth and diversity as offered by the provision of unusual properties such as Colliston.*”
- 3.14 The report identifies the relevance of Visit Scotland joining Angus Tourism Co-operative in urging businesses across Angus. Document 4 (Forfar Dispatch on 30th January 2020) provides a recent press article urging Angus Residents “*to get behind and capitalise on a forthcoming calendar of events marking the 700th anniversary of Scotland’s most historically significant document. The heading identifies “Declaration Celebrations Promise County-Wide Benefits - Bumper Year for Tourism”*. VisitScotland’s Regional Director also stated that

her hope that the organisation will help to turn “*national and global attention on Angus*” in the *run-up to and during the celebrations.*” The rental Colliston Castle for holiday accommodation supports and complements local tourism objectives and it is considered that its continued viability through this proposal should be supported.

Summary

- 3.15 Colliston Castle is rented out to tourists as a means to not only fund the continual maintenance and repair this the Listed Castle, but also to support the owners in their business and thereby contribute to the local tourism economy. The Appellant requires to stay adjacent to the Castle while occupied and requires accommodation on site in order to continue to manage the property and sustain this vital income stream and the associated benefit to the local economy.
- 3.16 In the event that the ALR is refused, Colliston Castle would potentially be at risk from a lack of maintenance and start to decline, due to a potential lack of funding from the business revenue associated with its rental. In addition, its loss of rental for holiday accommodation would have a detrimental impact on the Angus tourism economy. In effect, refusal of this ALR could result in the Appellant selling this property, which they have to date secured custodianship over, with many resulting advantages.

4.0 DECISION-MAKING REQUIREMENTS

- 4.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 identifies that the following status should be afforded to development plans "where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise."
- 4.2 Section 37(2) on the determination of applications states that "In dealing with such an application the authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations".
- 4.3 Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that in considering whether to grant planning permission for development which affects a listed building or its setting special regard shall be paid to the desirability of preserving the building or its setting.
- 4.4 The applicant disagrees with the two reasons provided in the Planning Officer's delegated refusal and considers that having regard to the requirements of the Act the proposal should be granted, having regard to the Development Plan and other material considerations addressed below.

5.0 THE DEVELOPMENT PLAN AND MATERIAL CONSIDERATIONS

The Development Plan

- 5.1 The statutory Development Plan for the area of the site is provided by:
- TAYplan, approved 2017;
 - Angus Local Development Plan (ALDP), adopted 2016.
- 5.2 The TAYplan was approved in 2017, however, there are not considered to be any relevant policies considered relevant to the assessment of this proposal. The Planning Officer’s Report of Handling, contained in Document 3 supports this view.
- 5.3 The ALDP, adopted 2016 identifies that the site is located in the countryside in a Countryside Housing Policy - Category 1 area. The site does not benefit from any other known statutory designations, other than being located to the south of Colliston Castle, which is a Category B Listed Building.
- 5.4 Table 1: ALDP, adopted 2016 identifies the relevant policies contained in the ALDP, together with an assessment of the Proposal’s compliance.

Table 1: ALDP, adopted 2016

Policy Description	Proposal Compliance
<p>Policy DS1 Development Boundaries and Priorities: 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...</p> <p>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.</p>	<p>The proposal relates to the development of a greenfield site outwith a development boundary. There are no suitable or available brownfield sites within the applicants’ ownership which are capable of accommodating the proposed development. This site offers the advantage of being in sufficient proximity to Colliston Castle to effectively secure its ongoing management, without detriment to its setting.</p> <p>The proposal complies with Policy DS1.</p>
<p>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.</p>	<p>The design concept relates to the creation of a single storey house, the form and massing of which reflect a traditional property, whilst injecting a contemporary architectural style which sits comfortably within this rural location, whilst respecting the setting of the listed Colliston</p>

Policy Description	Proposal Compliance
<p>Development proposals should create buildings and places which are:</p> <ul style="list-style-type: none"> ○ Distinct in Character and Identity ○ Safe and Pleasant ○ Well Connected ○ Adaptable ○ Resource Efficient 	<p>Castle.</p> <p>The arrangement of the plan relates to the site's landscape context. The site is already discretely enclosed by established and mature landscaping, with further containment provided by the track to the east and the adjacent gate house to the south.</p> <p>The scale and nature of the development is in keeping with the character of the local landscape and pattern of development and there is no known impact on the built or natural environment. It is further proposed to improve the landscape setting and local biodiversity through the introduction of native planting.</p> <p>The site is easily accessible from both the north and the south, with no discernable impact on surrounding amenity, traffic or infrastructure.</p> <p>The proposal complies with Policy DS3.</p>
<p>Policy DS4 Amenity: 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...</p>	<p>The proposed dwellinghouse is located approximately 50 metres to the fence boundary and 70 metres to the actual house and this distance, together with its enclosed landscape setting will ensure that there is no adverse impact in terms of amenity.</p> <p>The proposal complies with Policy DS4.</p>
<p>Policy TC2 Residential Development: All proposals for new residential development, including the conversion of non-residential buildings must:</p> <ul style="list-style-type: none"> ○ Be compatible with current and proposed land uses in the surrounding area; ○ Provide a satisfactory residential environment for the proposed dwelling(s); ○ Not result in unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure; ... <p>In countryside locations Angus Council will support proposals for the development of houses which fall into at least one of the following categories:...</p> <ul style="list-style-type: none"> ○ Meet an essential worker requirement for the management of land or other rural business.... <p>Further information and guidance on the detailed application of the policy on new</p>	<p>For the reasons stated above, it is considered that the proposal complies the design criteria required by Policy TC2.</p> <p>The proposal is for an essential worker's house, which is required for the management of Colliston Castle, a rural business and therefore the principle of the proposal is considered to comply with the requirements of Policy TC2.</p> <p>The Applicants have demonstrated a functional requirement for their requirement to live on the estate, in order to allow them to effectively manage the tourism use of Colliston Castle. This evidence is provided below under Section 4.0 Material Considerations: the need for the proposal. It is no longer viable or possible for them to reside permanently in the castle. The proposal for a new essential workers house will make a positive contribution to the rural economy</p>

Policy Description	Proposal Compliance
<p>residential development in countryside locations will be provided in supplementary planning guidance ...</p>	<p>and allow an existing business to be sustained and managed.</p> <p>The principle of the proposal complies with Policy TC2.</p>
<p>Policy TC16 Tourism Development Outwith development boundaries, proposals for new or improved tourism related facilities and accommodation will be supported where:</p> <ul style="list-style-type: none"> ○ It has been demonstrated that the proposals cannot be located within a development boundary; or ○ There is a justifiable locational requirement for the development; and ○ The scale and nature of the development is in keeping with the character of the local landscape and pattern of development; and ○ There is no unacceptable impact on the built and natural environment, surrounding amenity, traffic levels, access or infrastructure. <p>Angus Council will attach occupancy conditions to prevent tourist accommodation being occupied as permanent residential accommodation. Applications to remove such occupancy conditions will not be supported.</p>	<p>This policy was not referred to in the Officer's Report of Handling, or in the original submission by the Appellant. From an initial read the Policy appeared to have applied to 'directly' related tourism facilities, for example, the use of the Castle itself for holiday accommodation.</p> <p>However, upon reviewing the Policy, it also applies to 'tourism related facilities'. The manager's house is related to an existing tourism facility, that is, the use of Colliston Castle as a tourist destination. The approval of the manager's house would have the consequently benefit of improving the attraction of Colliston Castle as a tourist destination by ensuring that the Appellant does not need to reside in the Castle, which precludes paying visitors, at the same time as visitors and by also ensuring that they are also 'on-hand' to maintain the Castle and its grounds. In support of the applicability of the Policy, it is relevant that the supporting text to Policy TC16 Tourism Development seeks to support tourist related uses and the benefits of tourism to the economy. This is referred to in more detail in paragraphs 5.5 and 5.6 below.</p> <p>The proposal complies with the purpose and intentions of Policy TC16</p>
<p>Policy PV6 Development in the Landscape: Development which has an adverse effect on landscape will only be permitted where:</p> <ul style="list-style-type: none"> ○ The site selected is capable of accommodating the proposed development; ○ The siting and design integrate with the landscape context and minimise adverse impacts on the local landscape; ○ Potential cumulative effects with any other relevant proposal are considered to be acceptable; and ○ Mitigation measures and/or reinstatement are proposed where appropriate. 	<p>As referred to above, the arrangement of the plan relates to the site's landscape context. The site is already discretely enclosed by established and mature landscaping, with further containment provided by the track to the east and the boundary gate to the south.</p> <p>The scale and nature of the development is in keeping with the character of the local landscape and pattern of development and there is no impact the built or natural environment, the later of which will be improved through the introduction of native planting. Additional planting has already taken place of native trees to the southeast of the area.</p> <p>The proposal complies with Policy PV6.</p>

Policy Description	Proposal Compliance
<p>Policy PV7 Woodland, Trees and Hedges: ... Woodland, trees and hedges that contribute to the nature conservation, heritage, amenity, townscape or landscape value of Angus will be protected and enhanced.</p>	<p>The existing trees are proposed to be retained along the eastern, southern and south west boundaries. It is also proposed that the laurel hedge, which runs along the northwest and northern boundary, is replaced by a native hedge along its length, thereby improving biodiversity and landscape value.</p> <p>The proposal complies with Policy PV7.</p>
<p>Policy PV8 Built and Cultural Heritage: Development proposals which are likely to affect protected sites, their setting or the integrity of their designation will be assessed within the context of the appropriate regulatory regime.</p> <p><u>National Sites</u> Development proposals which affect Scheduled Monuments, Listed Buildings and Inventory Gardens and Designed Landscapes will only be supported where:</p> <ul style="list-style-type: none"> ○ The proposed development will not adversely affect the integrity of the site or the reasons for which it was designated; ○ Any significant adverse effects on the site or its setting are significantly outweighed by social, environmental and/or economic benefits; and ○ Appropriate measures are provided to mitigate any identified adverse impacts. 	<p>While the site is located approximately 100 metres to the south of Colliston Castle and is considered to be outwith its original setting and curtilage. Due to the contained nature of the site, it is considered that the proposal will not adversely affect the integrity of the site or the reasons for which it was designated. The proposal is not considered to result in any significant adverse effects on Colliston Castle or its setting, and the proposal, but rather bring about environmental and economic benefits, with measures also proposed to improve the landscape enclosure to the west and introduce new native species.</p> <p>The proposal complies with Policy PV8.</p>
<p>Policy PV15 Drainage Infrastructure: ... 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.</p>	<p>Drainage provision will be provided which accords with this policy requirement.</p> <p>The proposal complies with Policy PV15.</p>

5.5 As referred to under Policy TC16: Tourism Development above, the ADLP strategy seeks to recognise the importance of tourism to the rural economy and developed Policy TC16 in response to this planning objective. Page 36 of the LDP, under the theme of “Thriving and Connected” recognises that “The rural economy remains important as a source of wealth and employment, increasingly supplemented by tourism, recreation and energy generation.”

5.6 The justification to Policy TC16: Tourism Development states:

“Angus is an exciting and vibrant region, offering a highly varied tourism sector which includes

its scenery and natural environment, its culture and heritage, and its opportunities for a range of sports and leisure activities. The tourism sector constitutes an important part of the Angus economy as it provides a major source of income, employment and in particular supports rural areas.

The aim of this Policy is to encourage and support opportunities for new or improved tourist related facilities and accommodation within Angus in order to satisfy visitor aspirations. In particular, it is important that Angus provides a range and quality of tourist accommodation to maintain and extend the length of the tourist season. However, whilst encouraging and supporting new tourism related development, it is essential that they are sensitively located and designed to ensure that the environmental qualities which attracted people to Angus in the first instance are not undermined.

Tourism developments can generate large amounts of visitors and should be located in areas and locations which are accessible by public transport and, where available, other modes such as cycling and walking.”

- 5.7 As stated, Policy TC16: Tourism Development, it also applies to ‘tourism related facilities. The manager’s house is related to an existing tourism facility, that is, the use of Colliston Castle as a tourist destination. The proposed manager’s house will support an existing tourist destination and assist in improving its desirability and thereby extend its occupation and the length of the tourist season in accordance with the objectives of Policy TC16.
- 5.8 The tourism sector constitutes an important part of the Angus economy as it provides a major source of income, employment and in particular supports rural areas. The aim of this Policy is to encourage and support opportunities for new or improved tourist related facilities and accommodation within Angus in order to satisfy visitor aspirations. In particular, it is important that Angus provides a range and quality of tourist accommodation to maintain and extend the length of the tourist season. **The proposal complies with the purpose and intentions of Policy TC16.**
- 5.9 The Planning Officer’s assessment of the proposal is set out in their Report of Handling (Document 3) agrees that the proposal complies with all of the above Policies, with the exception of Policy TC2: Residential Development and therefore the Countryside Housing Supplementary Guidance (2016). The Planning Officer considers that failure to comply with Policy TC2 also means the proposal is contrary to Policy DS1. The reason provided for this is that the Officer considers that the “...proposal does not comply with any of the circumstances

which allow a new house in the countryside and the information submitted does not demonstrate that there is a functional requirement to reside on site.”

5.10 The Appellant disagrees with the conclusion reached by the Planning Officer. The Appellant has provided substantive information justifying the need for a manager’s house in close proximity to the Castle. The Appellant therefore considers, conversely, that the proposed development complies with the requirements of the ALDP 2016 and that the following material considerations also support the proposal.

Material Planning Considerations

5.11 It is considered that the following material planning considerations support the proposal:

- Planning History;
- Need for the Managers house (see Section 3.0);
- Angus LDP: Countryside Housing Supplementary Guidance;
- Consultees and Third Party Representations.

Planning History

5.12 It is considered that the following planning application history, for Colliston Castle, is relevant:

Planning Application Ref: 18/00940/FULL: Change of Use to a mixed use comprising Residential Dwelling, Guest/Holiday Accommodation & Exclusive Use Venue

5.13 In granting consent for the above use of the Castle, the Planning Authority had regard to the Applicants’ existing use of the property and their Statement on the Proposed Use. The Report of Handling prepared by the Planning Officer summarised the Applicant’s case as follows:

“The Statement on the Proposed Use indicates that clients would rent the whole property as a holiday home. The owners have been staying locally to supervise and continually carry out essential maintenance to the extensive grounds as well as providing a point of contact for issues of the clients. As the property is rented out completely, as with any holiday home, it is up to the tenant if they wish to have family to stay or a party. Catering, food and live entertainment is not provided by the owner of the property. The proposed use primarily extends to the parking areas and access roads...

... the castle provides sleeping accommodation for up to 14 adults and 2 children. It is rented

out as a whole residential property. As with any residential property, it is up to the tenant if they want to play music in a domestic setting. ... the owners endeavour to stay locally for several reasons, one of which is to manage the property as well as ensuring disturbance issues do not arise or can be dealt with appropriately.”

5.14 The application was granted, and the Planning Officer clearly recognised in granting this consent the entire use of Colliston Castle for holiday rental and the need for the owners i.e. the appellants to reside locally “... to supervise and continually carry out essential maintenance to the extensive grounds as well as providing a point of contact for issues of the clients.”

5.15 Whilst the appellants were renting and staying in a house locally, this was only on a temporary basis and this rental has now ceased, and the Appellant’s only current option has been to move back to the Castle.

Planning Application Ref: 18/00054/FUL - Erection of a Single Dwelling House for Site Manager

5.16 The Appellant withdrew the original Planning Application for the proposed managers house, allowing consideration of the use of the Castle as a priority pending applying for this essential worker’s accommodation.

Need for the Managers house

5.17 The need for the managers house is clarified in Section 3.0 above.

Angus LDP: Countryside Housing Supplementary Guidance

5.18 Paragraph 3.4 of the SG provides advice on Policy TC2: Residential Development of the Angus LDP relating to essential workers. The SG states:

“Planning applications for essential worker housing should be supported by evidence that there is/will be a functional requirement for the person to live at their place of work (e.g. an essential worker report, which includes some explanation as to why the worker needs to live on the landholding)....

The following supporting information may be requested under the terms of Policy TC2:

- A supporting statement that details the options considered and why the alternatives to the preferred option have been dismissed.
- A record of house and land sales from the land holding that covers a five year period and a location plan showing the land holding and these houses/plots on an Ordnance Survey map base. If no houses or plots of land have been sold off over the past five years, this should be noted in the supporting statement.
- If the application is made in relation to an existing farm/rural business, a report that confirms there is a justified requirement for a worker and explains why they need to live in close proximity to their place of work. ... Details shall be provided to justify the proposed location of the house which should normally be situated adjacent to the existing building group.”

5.19 The above information was submitted with the Application, that is, a statement on the need for the proposed house, confirmation that no houses or plots within the ownership of the Applicant had been sold in the past 5 years, alternative options were considered, there was a lack of suitable available properties to purchase locally, and the reasons by the Applicant required to live in close proximity to the Castle. The design statement identified that the siting of the house was in a location which would not have a detrimental impact on the setting of the listed Castle.

5.20 It is considered that the proposal complies with the requirements of this SG.

Consultees and Third Party Representations

5.21 The Planning Officer’s Report of Handling confirms that there were no objections to the proposal, confirming:

- Community Council - There was no response from this consultee at the time of report preparation.
- Angus Council - Roads - Offered no objection to the proposal.
- Scottish Water - Advised there is no public Scottish Water infrastructure within the vicinity of this proposed development and offered no objection.
- Aberdeenshire Council Archaeology Service - Indicated no archaeological mitigation is required and offered no objection to the proposal.

5.22 Two letters of representation were received objecting to the proposal. The Planning Officer’s Report of Handling confirms that relevant material considerations were taken into account and that “The representations suggest that the proposal does not comply with policies of the local

development plan which is the conclusion reached in this assessment.” In effect only, the objections relating to compliance with Policies TC2 and DS1 were considered relevant by the Planning Officer, however, as clearly stated the Appellant disagrees with the Officer’s assessment and considers their proposal complies with both policies concerned.

5.23 Having regard to the above planning context it is considered that the reasons for refusal are unsubstantiated which is clarified further, by way of summary, in the following section of this statement.

6.0 REASONS FOR REFUSAL (STATEMENT SUMMARY)

6.1 The applicant disagrees with the decision to refuse the application for the following reasons:

Reason 1.

The application is contrary to Policy TC2 of the Angus Local Development Plan 2016 and the associated 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.

6.2 Policy TC2: Residential Development of the ALDP identifies that:

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

- Be compatible with current and proposed land uses in the surrounding area;
- Provide a satisfactory residential environment for the proposed dwelling(s);
- Not result in unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure; ...”

6.3 The Planning Officer’s Report of Handling contained in Document 3 confirms that there was no objection to the principle of the location of the site or the details of the proposal, and it is clear from paragraph 2.16 above, which clarifies the Planning Officer’s consideration of the above issues, that in relation to this part of Policy TC2, the Officer considers that the proposal complies. The Appellant agrees with this assessment.

6.4 Policy TC2: Residential Development also confirms that in countryside locations Angus Council will support proposals for the development of houses which fall into at least one of the stated categories, including “Meet an essential worker requirement for the management of land or other rural business.... 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 ...”

6.5 The proposal is for an essential worker’s house, which is required for the management of Colliston Castle, which is a rural business which contributes to the tourism economy. Section 3.0 of this statement identifies the need for the proposal as required by this Policy. In addition, the Appellant has submitted the information required by the Supplementary Guidance, referred to in paragraphs 5.15 and 5.15 above. The Appellant has demonstrated the need for the proposed manager’s house and the principle of the proposal is therefore considered to

comply with the requirements of Policy TC2 and the requirements of the Supplementary Guidance.

The principle of the proposal complies with Policy TC2 and the Supplementary Guidance.

Reason 2.

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.

- 6.6 Policy DS1 Development Boundaries and Priorities identifies 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 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.
- 6.7 The proposal relates to the development of a greenfield site outwith a development boundary. There are no suitable or available brownfield sites within the applicant’s ownership which are capable of accommodating the proposed development. The proposal is of a scale and nature of appropriate to the location, as agreed by the Planning Officer. This site offers the advantage of being in sufficient proximity to Colliston Castle to effectively secure its ongoing management, without detriment to its setting.

The proposal is considered to be in accordance with the relevant policies of the ADLP, including Policy TC2 and therefore complies with Policy DS1.

7.0 CONCLUSIONS

- 7.1 The application was refused on the grounds that the principle of the proposal does not comply with the Council's Housing in the Countryside Policies or with Scottish Planning Policy and also because the access is allegedly unacceptable on transport grounds. We disagree with the 2 reasons for refusing the application. **The proposal is considered to be in accordance with the relevant policies of the ADLP, including Policy TC2 and therefore complies with Policy DS1.**
- 7.2 On the basis of the above, it considered that the two reasons for refusing the application, under delegated powers are not justified and the proposal is in accordance with both Policies TC2 and DS1 of the ADLP and also accords with the requirements of the Supplementary Guidance.
- 7.3 Policy TC16: Tourism Development, applies to 'tourism related facilities. The manager's house is related to an existing tourism facility, that is, the use of Colliston Castle as a tourist destination. The proposed manager's house will support an existing tourist destination and assist in improving its desirability and thereby extend its occupation and the length of the tourist season in accordance with the objectives of Policy TC16. As supported by Professor Lennon's report on the tourism benefits of this proposal, which was submitted with Planning Application submission.
- 7.4 The tourism sector constitutes an important part of the Angus economy as it provides a major source of income, employment and in particular supports rural areas. The aim of this Policy is to encourage and support opportunities for new or improved tourist related facilities and accommodation within Angus in order to satisfy visitor aspirations. In particular, it is important that Angus provides a range and quality of tourist accommodation to maintain and extend the length of the tourist season. **The proposal complies with the purpose and intentions of Policy TC16.**
- 7.5 Enshrined in Scottish Planning Policy and the ALDP is a presumption in favour of sustainable development. This means that Angus Council should take a positive approach when considering development proposals and will work proactively with applicants to find solutions which mean that proposals that will, on balance, improve the economic, social and environmental conditions in the area can be supported.
- 7.6 The Applicants have demonstrated a functional requirement for their requirement to live on the estate, in order to allow them to effectively manage the tourism use of Colliston Castle.

This evidence is provided in Section 3.0 Need for the Proposal. It is no longer viable or possible for the Appellant to reside permanently in the castle. The proposal for a new essential workers house will make a positive contribution to the rural economy by sustaining and securing the existing tourism attraction of Colliston Castle.

- 7.7 The proposal accords with the Development Plan and is supported by other material considerations. Having regard to S25 of the Town and Country Planning (Scotland) Act 1997 we respectfully request that the application for this Local Review is supported and Planning Permission granted.



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

PLANNING PERMISSION REFUSAL
REFERENCE : 19/00909/FULL

To **Mr John Lansley**
c/o @rchitects Scotland Ltd
15 West High Street
Forfar
Angus
DD8 1BE

With reference to your application dated 2 December 2019 for planning permission under the above mentioned Acts and Regulations for the following development, viz.:-

Proposed New Managers House at Field Adjacent To The Lodge Colliston Castle Colliston Arbroath for Mr John Lansley

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 docqueted 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 the associated 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 DS1 of the Angus Local Development Plan 2016 as the proposal is not in accordance with relevant policies of the ALDP, namely Policy TC2.

Amendments:

The application has not been subject of variation.

Dated this **12 February 2020**

Kate Cowey - Service Leader
Planning & Communities
Angus Council
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 the Service Manager through delegated powers under the statutory scheme of delegation. These applications may have been subject to less than five representations, minor breaches of policy or may be refusals.	Local Review Body – See details on attached Form 2
Other Decision	All decisions other than planning permission or approval of matters specified in condition. These include decisions relating to Listed Building Consent, Advertisement Consent, Conservation Area Consent and Hazardous Substances Consent.	DPEA (appeal to Scottish Ministers) – See details on attached Form 1

NOTICES

Notification of initiation of development (NID)

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

Notification of completion of development (NCD)

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

Display of Notice while development is carried out

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

The notice must be in the prescribed form and:-

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

A display notice is included with this guidance note.

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

Angus Council
Place
Angus House
Orchardbank Business Park
Forfar
DD8 1AN

Telephone 01307 492076 / 492533
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.



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 100082232-002

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

Type of Application

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

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

Description of Proposal

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

Proposed New Managers House

Is this a temporary permission? * Yes No

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

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

No Yes – Started Yes - Completed

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Architects Scotland Ltd		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	@rchitects	Building Name:	
Last Name: *	Scotland Ltd	Building Number:	15
Telephone Number: *	01307 466480	Address 1 (Street): *	West High Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Forfar
Fax Number:		Country: *	Angus
		Postcode: *	DD8 1BE
Email Address: *	admin@rchitects.org.uk		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	Colliston Castle
First Name: *	John	Building Number:	
Last Name: *	Lansley	Address 1 (Street): *	Colliston
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Arbroath
Extension Number:		Country: *	Angus
Mobile Number:		Postcode: *	DD11 3RS
Fax Number:			
Email Address: *	admin@rchitects.org.uk		

Site Address Details

Planning Authority:

Angus Council

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing

746306

Easting

361315

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

1872.50

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

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

unkept grass

Access and Parking

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

Yes No

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

Are you proposing any change to public paths, public rights of way or affecting any public right of access? * Yes No

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

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

0

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

4

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

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? * Yes No

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

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

As you have indicated that you are proposing to make private drainage arrangements, please provide further details.

What private arrangements are you proposing? *

- New/Altered septic tank.
 Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed).
 Other private drainage arrangement (such as chemical toilets or composting toilets).

Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: *

treatment plan to soakaway

Do your proposals make provision for sustainable drainage of surface water?? * Yes No
(e.g. SUDS arrangements) *

Note:-

Please include details of SUDS arrangements on your plans

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

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

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

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

Assessment of Flood Risk

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

Yes No Don't Know

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

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

Yes No Don't Know

Trees

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

Yes No

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

Waste Storage and Collection

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

Yes No

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

Internally space within the kitchen for general storage of waste. Externally bins for recycling and general waste located on hardstanding.

Residential Units Including Conversion

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

Yes No

How many units do you propose in total? *

1

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

All Types of Non Housing Development – Proposed New Floorspace

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

Yes No

Schedule 3 Development

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

Yes No Don't Know

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

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

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

Yes No

Certificates and Notices

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

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

Are you/the applicant the sole owner of ALL the land? *

Yes No

Is any of the land part of an agricultural holding? *

Yes No

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: @rchitects Scotland Ltd

On behalf of: Mr John Lansley

Date: 28/11/2019

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Site Layout Plan or Block plan.

Elevations.

Floor plans.

Cross sections.

Roof plan.

Master Plan/Framework Plan.

Landscape plan.

Photographs and/or photomontages.

Other.

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

Provide copies of the following documents if applicable:

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

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

Declare – For Application to Planning Authority

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

Declaration Name: Mr Paul Fretwell

Declaration Date: 26/01/2018

Payment Details

Cheque: JM Lansley & Mrs SJ Lansley, 102505

Created: 02/12/2019 11:45

COLLISTON CASTLE, COLLISTON, ARBROATH

PROPOSED MANAGERS DWELLING

NOVEMBER 2019

DESIGN & ACCESS STATEMENT

LOCATION

Colliston Castle is situated to the North West of Arbroath, East of the A933.



SITE

The aerial photo opposite shows the site viewed from the South, with the existing castle in the centre. The walled garden to the top left and stables / steading to the bottom left are out with the ownership of the applicant.





Site

DESIGN STATEMENT

This application relates to the erecting of a detached dwelling house on an area of the grounds of Colliston Castle to provide essential accommodation for the owners to manage the property.

The design concept is to create a traditional referenced single storey house of a contemporary style which respects the rural setting and with the form and massing which reflects a traditional property. The arrangement of the plan relates to the aspects of the site and surrounding landscape,

This discrete site sits well within the pattern of development and landscape of the area; without opening up the potential for further development. It is contained on all sides by the existing trees and hedges, track and the adjacent gate house. The site is therefore already strongly defined and has a sense of self containment, integrating the site with its setting. While located in the proximity to the Category B listed Colliston Castle it is out with its original setting and it is deemed the proposal would not have an impact upon the character of the listed building or its setting. The proposals do not result in the coalescence of building groups or extend ribbon development. A good residential environment can be provided at the site as the layout plan shows and sufficient amenity ground can be provided. This would be limited development within a well-related, well-established and well-appointed site. Additionally, the scale and nature of the development is in keeping with the character of the local landscape and pattern of development and there is no unacceptable impact on the built and natural environment, surrounding amenity, traffic levels, access or infrastructure.



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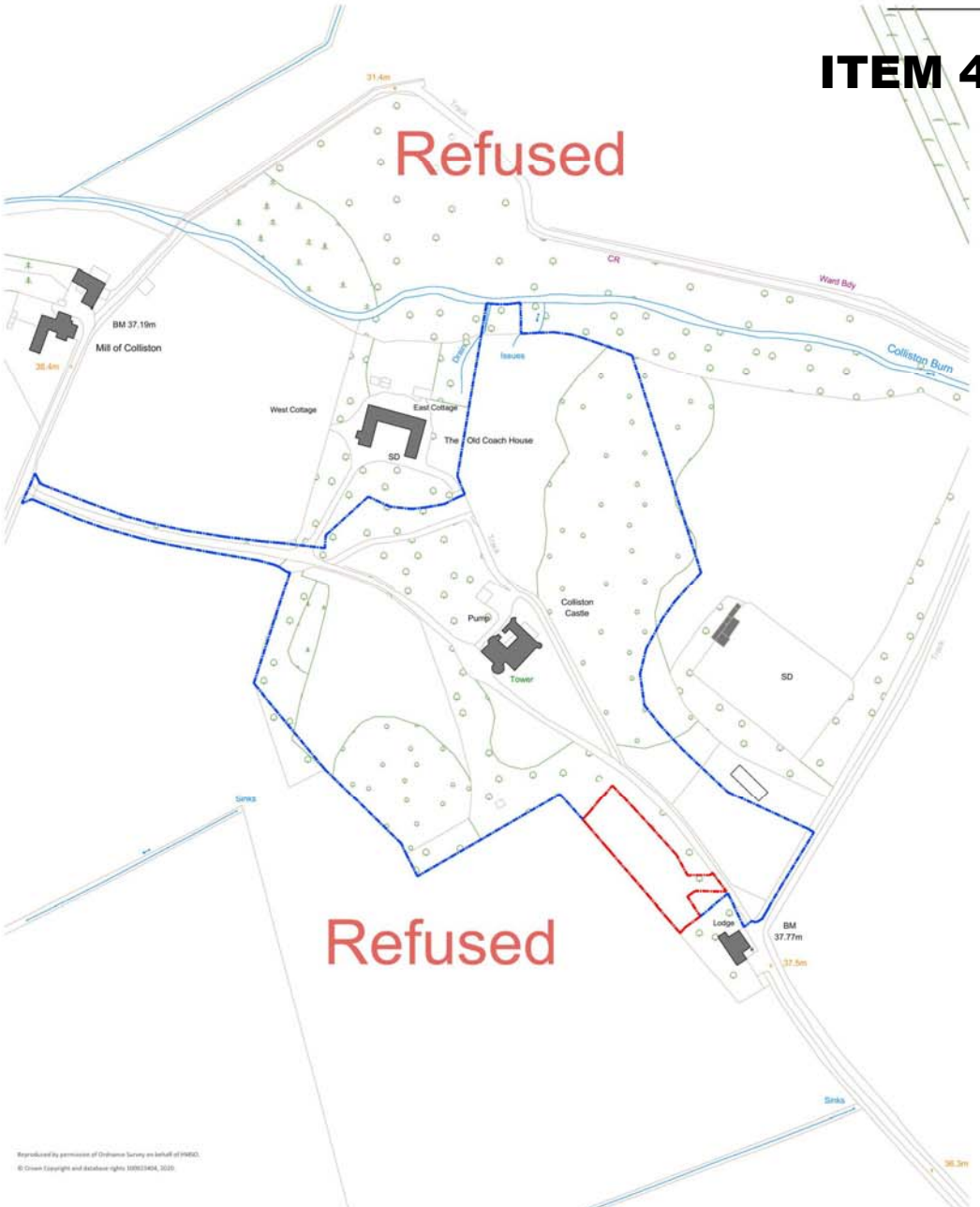
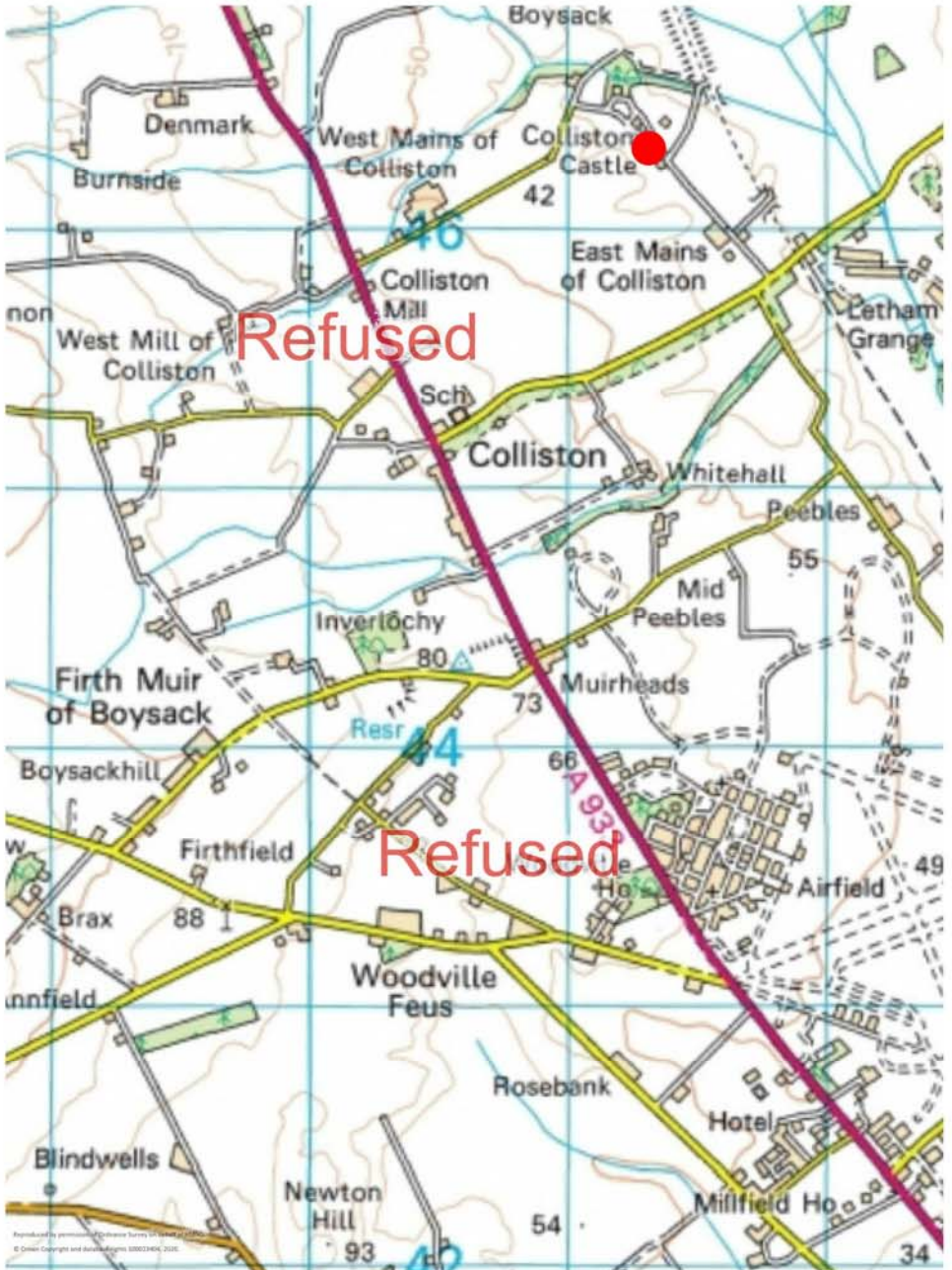
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Ordnance Survey 1901

The design of the house meets the principles as set out in Policies DS3 Design Quality and Placemaking and PV6 Development in the Landscape and reflects the traditional pattern of development in the area. The proposed house integrates with the local landscape context and existing features. It fits very well into the setting of the castle and the wider landscape setting. It is of a contemporary design incorporating traditional characteristics and traditional materials. The buildings form, scale and massing complement other traditional properties in the area.



ITEM 4 (2b)



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CLIENT
Mr & Mrs J. Lansley
Colliston Castle
Colliston
Arbroath, Angus
DD11 3RS

PROJECT
Proposed New House

SCALE
1:10000 & 1:1250
DATE
Dec 2017
DAD FILE
1205
DRAWN BY
PF

LOCATION PLAN

DRAWING TITLE

architects

15 West High Street
Forfar, Angus
BB9 1JG

Tel: 01307 466480
Email: paul@architects.org.uk

DWG NO.

1205 / LP / 01 Rev A

Planning Supporting Statement

Town & Country Planning (Scotland) Act 1997
The Planning etc (Scotland) Act 2006

Application for Dwellinghouse (Manager's Accommodation) on
Field adjacent to the Lodge, Colliston Castle, Colliston, Arbroath



CONTENTS

1. SITE CONTEXT & LOCATION
2. THE PLANNING APPLICATION
3. PLANNING POLICY CONTEXT
4. MATERIAL PLANNING CONSIDERATIONS
5. CONCLUSION

1.0 SITE CONTEXT AND LOCATION

- 1.1 The site is located approximately 3.5 km to the northwest of Arbroath. Figure 1: Site

location illustrates that the site is located to the northwest of Letham Grange and to the north of East Mains of Colliston. Access to the site from the north is from a track, leading from the U496 road or from the south by a track through East Mains of Colliston Farm, which leads off the C49 public road.

Figure 1: Site location



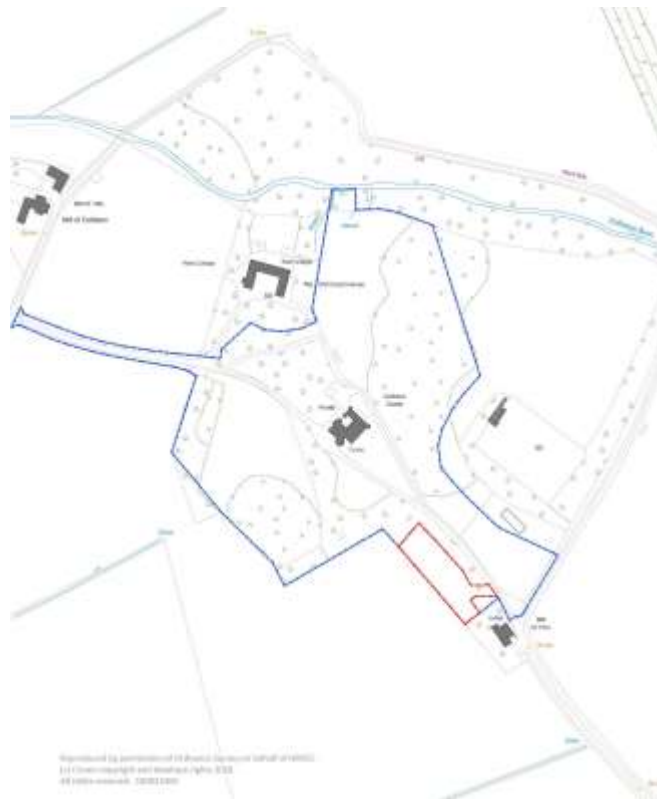
- 1.2 Colliston Castle is a Category B listed building, dating from the 1540's, with subsequent alterations in 1621 and 1893. There have also been some further recent alterations, which have been approved by Angus Council and which are referred to below under the site's planning history.
- 1.3 The location of the site, within its more immediate context is illustrated in Figure 2: Site Location (Aerial). The aerial photograph illustrates that the Castle and surrounding buildings are enclosed by a mature landscape setting.
- 1.4 The site extends to an area of approximately 0.19 ha and is located approximately 100 metres to the south of Colliston Castle. Castle Lodge is located to the south of the site. The precise boundary of the site is defined through the submitted Planning Application.

Figure 2: Site Location



1.5 Figure 3: Site Ownership illustrates the applicant's land ownership edged blue, within the context of the planning application site, edged red.

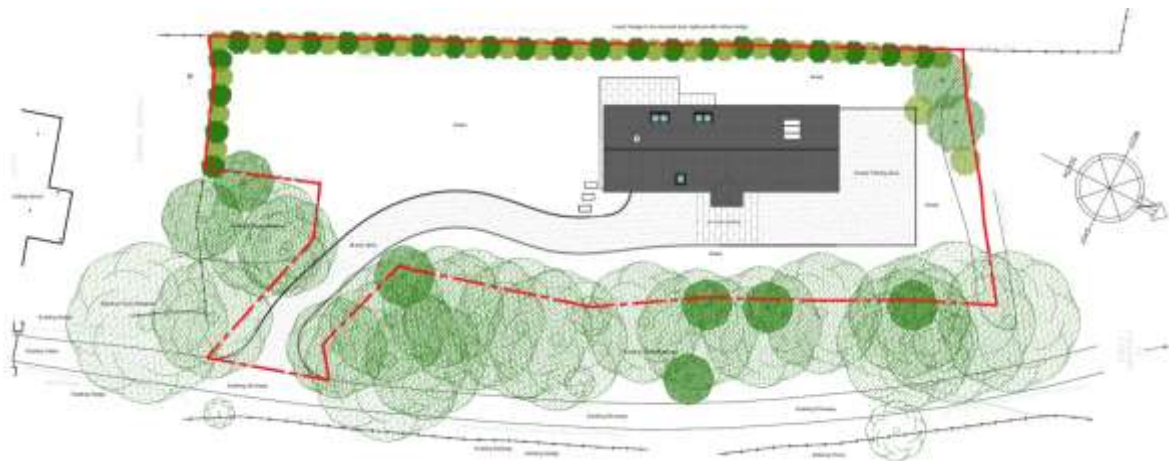
Figure 3: Site Ownership



2.0 THE PLANNING APPLICATION

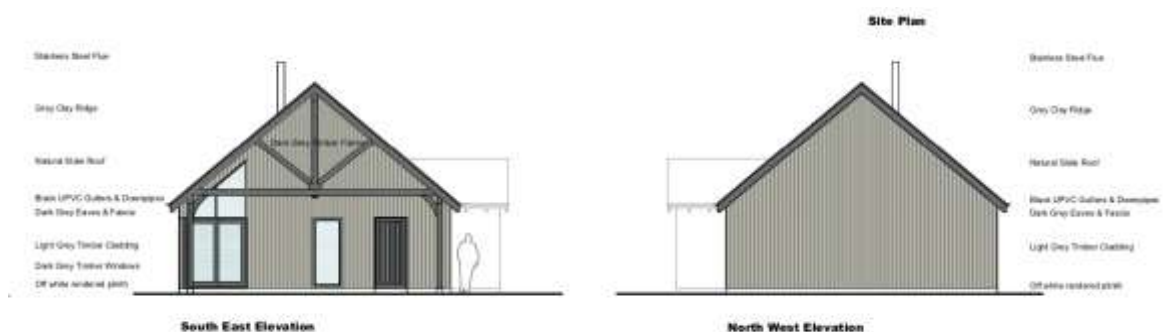
- 2.1 The Planning Application is for the erection of a single dwellinghouse falling under Class 9. Houses of The Town and Country Planning (Use Classes) (Scotland) Order 1997 on field adjacent to the Lodge, Colliston Castle, Colliston. The Planning Application is being made by Mr and Mrs Lansley (the "Applicants").
- 2.2 The Application relates to the erection of a detached dwellinghouse, which would be occupied by the Applicants, as part of essential accommodation, to manage Colliston Castle and its associated business. The proposed house is single storey in construction, with an integral double garage, and would accommodate two bedrooms.
- 2.3 Figure 4: Block Plan illustrates that the proposed dwellinghouse is sited to the north of the application site, with existing trees being retained along the eastern, southern and south west boundaries and with the laurel hedge, which runs along the northwest and northern boundary, being replaced by a native hedge along its length.

Figure 4: Block Plan



- 2.4 Figure 5: Elevations illustrates that the house would be finished in grey timber cladding with a natural slate roof.

Figure 5: Elevations





2.5 The design of the proposed house has had regard to the context of the site, enclosed by established and mature landscaping and to its rural location. The proposed house sits comfortably within the site, with its massing and design respecting its rural location and the setting of Colliston Castle.

2.6 Section 25 of The Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006 affords the following status to development plans:

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

2.7 Section 59 of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997 requires that in considering whether to grant planning permission for development which affects a listed building or its setting special regard shall be paid to the desirability of preserving the building or its setting.

2.8 The following assessment identifies compliance of the proposal with the Development Plan, having regard to relevant material considerations.

3.0 PLANNING POLICY CONTEXT

3.1 The statutory Development Plan for the area of the site is provided by:

- o TAYplan, approved 2017;
- o Angus Local Development Plan (ALDP), adopted 2016.

3.2 The TAYplan was approved in 2017, however, there are not considered to be any relevant policies pertinent to the consideration of this proposal.

- 3.3 The Angus Local Plan Development Plan (ALDP), adopted 2016 identifies that the site is located in the countryside in a Countryside Housing Policy – Category 1 area. The site does not benefit from any other known statutory designations, other than being located to the south of Colliston Castle, which is a Category B Listed Building.
- 3.4 Table 1: ALDP, adopted 2016 identifies the policies contained in the ALDP, which are considered to be relevant to the proposal, together with the Proposal's compliance.

Table 1: ALDP, adopted 2016

Policy Description	Proposal Compliance
<p>Policy DS1 Development Boundaries and Priorities: 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 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.</p>	<p>The proposal relates to the development of a greenfield site outwith a development boundary. There are no suitable or available brownfield sites within the applicants' ownership which are capable of accommodating the proposed development. This site offers the advantage of being in sufficient proximity to Colliston Castle to effectively secure its ongoing management, without detriment to its setting.</p> <p>The proposal complies with Policy DS1.</p>
<p>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:</p> <ul style="list-style-type: none"> o Distinct in Character and Identity o Safe and Pleasant o Well Connected o Adaptable o Resource Efficient 	<p>The design concept relates to the creation of a single storey house, the form and massing of which reflect a traditional property, whilst injecting a contemporary architectural style which sits comfortably within this rural location, whilst respecting the setting of the listed Colliston Castle.</p> <p>The arrangement of the plan relates to the site's landscape context. The site is already discretely enclosed by established and mature landscaping, with further containment provided by the track to the east and the adjacent gate house to the south.</p> <p>The scale and nature of the development is in keeping with the character of the local landscape and pattern of development and there is no known impact on the built or natural environment. It is further proposed to improve the landscape setting and local</p>

Policy Description	Proposal Compliance
	<p>biodiversity through the introduction of native planting.</p> <p>The site is easily accessible from both the north and the south, with no discernable impact on surrounding amenity, traffic or infrastructure.</p> <p>The proposal complies with Policy DS3.</p>
<p>Policy DS4 Amenity: 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...</p>	<p>The proposed dwellinghouse is located approximately 50 metres to the fence boundary and 70 metres to the actual house and this distance, together with its enclosed landscape setting will ensure that there is no adverse impact in terms of amenity.</p> <p>The proposal complies with Policy DS4.</p>
<p>Policy TC2 Residential Development: All proposals for new residential development, including the conversion of non-residential buildings must:</p> <ul style="list-style-type: none"> 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; ... <p>In countryside locations Angus Council will support proposals for the development of houses which fall into at least one of the following categories:...</p> <ul style="list-style-type: none"> o Meet an essential worker requirement for the management of land or other rural business.... <p>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 ...</p>	<p>For the reasons stated above, it is considered that the proposal complies the design criteria required by Policy TC2.</p> <p>The proposal is for an essential worker's house, which is required for the management of Colliston Castle, a rural business and therefore the principle of the proposal is considered to comply with the requirements of Policy TC2.</p> <p>The Applicants have demonstrated a functional requirement for their requirement to live on the estate, in order to allow them to effectively manage the tourism use of Colliston Castle. This evidence is provided below under Section 4.0 Material Considerations: the need for the proposal. It is no longer viable or possible for them to reside permanently in the castle. The proposal for a new essential workers house will make a positive contribution to the rural economy and allow an existing business to be sustained and managed.</p> <p>The principle of the proposal complies with Policy TC2.</p>
<p>Policy PV6 Development in the Landscape:</p>	<p>As referred to above, the</p>

Policy Description	Proposal Compliance
<p>Development which has an adverse effect on landscape will only be permitted where:</p> <ul style="list-style-type: none"> o The site selected is capable of accommodating the proposed development; o The siting and design integrate with the landscape context and minimise adverse impacts on the local landscape; o Potential cumulative effects with any other relevant proposal are considered to be acceptable; and o Mitigation measures and/or reinstatement are proposed where appropriate. 	<p>arrangement of the plan relates to the site's landscape context. The site is already discretely enclosed by established and mature landscaping, with further containment provided by the track to the east and the boundary gate to the south.</p> <p>The scale and nature of the development is in keeping with the character of the local landscape and pattern of development and there is no impact the built or natural environment, the later of which will be improved through the introduction of native planting. Additional planting has already taken place of native trees to the southeast of the area.</p> <p>The proposal complies with Policy PV6.</p>
<p>Policy PV7 Woodland, Trees and Hedges: ... Woodland, trees and hedges that contribute to the nature conservation, heritage, amenity, townscape or landscape value of Angus will be protected and enhanced.</p>	<p>The existing trees are proposed to be retained along the eastern, southern and south west boundaries. It is also proposed that the laurel hedge, which runs along the northwest and northern boundary, is replaced by a native hedge along its length, thereby improving biodiversity and landscape value.</p> <p>The proposal complies with Policy PV7.</p>
<p>Policy PV8 Built and Cultural Heritage: Development proposals which are likely to affect protected sites, their setting or the integrity of their designation will be assessed within the context of the appropriate regulatory regime.</p> <p><u>National Sites</u> Development proposals which affect Scheduled Monuments, Listed Buildings and Inventory Gardens and Designed Landscapes will only be supported where:</p> <ul style="list-style-type: none"> o The proposed development will not adversely affect the integrity of the site or the reasons for which it was designated; o Any significant adverse effects on the site or its setting are significantly outweighed by social, environmental and/or economic benefits; and o Appropriate measures are provided to 	<p>While the site is located approximately 100 metres to the south of Colliston Castle and is considered to be outwith its original setting and curtilage. Due to the contained nature of the site, it is considered that the proposal will not adversely affect the integrity of the site or the reasons for which it was designated. The proposal is not considered to result in any significant adverse effects on Colliston Castle or its setting, and the proposal, but rather bring about environmental and economic benefits, with measures also proposed to improve the landscape enclosure to the west and introduce new native species.</p>

Policy Description	Proposal Compliance
mitigate any identified adverse impacts.	The proposal complies with Policy PV8.
<p>Policy PV15 Drainage Infrastructure: ... 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.</p>	<p>Drainage provision will be provided which accords with this policy requirement.</p> <p>The proposal complies with Policy PV15.</p>

3.5 This application is for the erection of a single dwellinghouse which would be occupied by the Applicants, as part of essential accommodation, to manage Colliston Castle and its associated business. The principle of the proposal accords with **Policy TC2 Residential Development of the ALDP, adopted 2016**. The proposal also complies with the detailed policy requirements of the ALDP, relating to the siting and design of the proposal as referred to above.

3.6 It is considered that the proposed development complies with the requirements of the ALDP 2016 and that the following material considerations support the proposal.

4.0 MATERIAL PLANNING CONSIDERATIONS

4.1 It is considered that the following material planning considerations support the proposal:

- o Planning History;
- o Need for the Managers house;
- o Angus LDP: Countryside Housing Supplementary Guidance.

Planning History

4.2 It is considered that the following planning application history, for Colliston Castle, is relevant:

- o Planning Application Ref: 18/00940/FUL was granted for the “Change of Use to a mixed use comprising Residential Dwelling, Guest/Holiday Accommodation and Exclusive Use Venue, External Alterations to Castle and Erection of Walled Garden and Tank Enclosure (Retrospective)”;
- o Planning Application Ref: 18/00054/FUL for the “Erection of a Single Dwelling House for Site Manager” was withdrawn.

Planning Application Ref: 18/00940/FULL: Change of Use to a mixed use comprising Residential Dwelling, Guest/Holiday Accommodation & Exclusive Use Venue

4.3 In granting consent for the above use of the Castle, the Planning Authority had regard to the Applicants' existing use of the property and their Statement on the Proposed Use. The Report of Handling prepared by the Planning Officer summarised the Applicant's case as follows:

“The Statement on the Proposed Use indicates that clients would rent the whole property as a holiday home. The owners have been staying locally to supervise and continually carry out essential maintenance to the extensive grounds as well as providing a point of contact for issues of the clients. As the property is rented out completely, as with any

holiday home, it is up to the tenant if they wish to have family to stay or a party. Catering, food and live entertainment is not provided by the owner of the property. The proposed use primarily extends to the parking areas and access roads.

The Statement on Proposed Occupancy and Marquee/Outdoor Function use indicates bookings for 2018 were between 110 - 112 days and it is anticipated current bookings for 2019 would be in the area of 140 days. The client does not want to currently revisit the previous marquee use planning permissions and this is not included in the current application....

... the castle provides sleeping accommodation for up to 14 adults and 2 children. It is rented out as a whole residential property. As with any residential property, it is up to the tenant if they want to play music in a domestic setting. ... the owners endeavour to stay locally for several reasons, one of which is to manage the property as well as ensuring disturbance issues do not arise or can be dealt with appropriately."

- 4.4 The Planning Authority concluded that the proposal complied with the relevant development plan policy and there are no material considerations that justified refusal. The application was therefore granted. Listed Building Consent was also accordingly granted.

Planning Application Ref: 18/00054/FUL - Erection of a Single Dwelling House for Site Manager

- 4.5 A supporting statement was submitted with this Planning Application in justification for the need for a new house, however, the application was withdrawn, in order to submit the above Planning Application for the change of use of the Castle, in order to provide clarity on the use of the Castle, prior to consideration by the Planning Authority for the need for a new dwelling house for the management of the holiday home.
- 4.6 The referred to planning history identifies that the Planning Authority considered that the holiday/visitor accommodation of the Castle is supported by planning policy. The Applicants withdrew the original Planning Application for the proposed managers house, allowing consideration of the use of the Castle as a priority pending applying for this essential worker's accommodation. It is considered that the use of the Castle, as approved by Angus Council, supports the need for a new manager's house, subject to this Planning Application.

Need for the Managers house

- 4.7 As stated above, the castle provides sleeping accommodation for up to 14 adults and 2 children. The applicant confirmed in 2018 that the Castle was occupied for holiday accommodation, in 2018 for between 110 - 112 days and it was also anticipated, at this time that bookings for 2019 would be in the area of 140 days. In reality, the Castle was subsequently rented out for 141 days in 2019.
- 4.8 It is not viable or practical for the Applicants to remain in the Castle whilst it is rented to visitors. The presence of the owners is not attractive to visitors who do not wish to rent the Castle if they are in residence. The applicants have previously investigated sub-dividing a part of the Castle, to provide a self-contained apartment, and have also explored the segregation of the top floor of the house with the incorporation of a new staircase access. However, due to the sensitivities of the listed fabric of the Castle, together with its plan form and arrangement, it has not been possible to achieve a satisfactory solution. All such interventions have proved to be highly intrusive and wholly unsympathetic to this important listed building.

- 4.9 There are no outbuildings capable of conversion and the walled garden, coach house and lodge were sold off well before the applicants purchased the Castle. Noting that the later buildings were historically linked to the Castle, and would have been occupied by those assisting in the maintenance and upkeep of the Castle.
- 4.10 The Applicants have considered buying a property locally, however, there has been no land or house sales within the last five years or so. They have also investigated renting however, long-term rental is inevitably expensive and combined with the issues relating to distance would not allow the applicants to continue to meet the needs of the property or allow it to be suitably managed and maintained. The applicants have however, secured a short-term rental locally, on a temporary basis, from friends, however the availability of this house has now come to an end.
- 4.11 Following on from exploring the options above, the Applicant's then carried out an extensive exercise assessing the appropriateness of the location for a new dwellinghouse ruling out possible locations near the castle due to the negative impact on the setting of the listed building. This resulted in the identification of the site subject to this Planning Application, which is self-contained by existing and mature landscaping and is out with the original castle policies and landscape. The site is, however, located in sufficient proximity to the Castle to enable its effective management whilst still protecting the privacy of visitors.
- 4.12 In further support of the need for a new dwellinghouse, it is relevant that the visitor rental of the Castle is important not only in terms of contributing to policy objectives for encouraging tourism, but also its rental has potential value to the local economy at a level of approximately £1,698.34 per day. The Economic Development Unit at Angus Council offered support for Planning Application Ref: 18/00940/FUL in terms of the opportunity to provide additional accommodation facilities in Angus which would benefit to the local area and support the wider economy.
- 4.13 The Applicants consider the need for the new house accords with the aims and target set out in Scotland's Tourism 2020 Strategy. In terms of economic development, the local tourist industry and other businesses benefits significantly on a regular basis, with the use of local restaurants, cleaning companies, launderettes, decorators, builders, plumbers, electricians, catering businesses, shops, golf courses, including Letham Grange with whom the applicants have an arrangement.
- 4.14 The proposed new dwellinghouse will enable the effective management of this important tourism resource. The Castle is large complex historic building with sizable gardens that require ongoing and frequent interventions to ensure they do not deteriorate and the Applicants take pride in their guardianship of the Castle responsibly. Ongoing high maintenance costs of the castle and inflation dictate that it is essential for the Applicants to be able to continue to maximise on the holiday lets to continue to maintain the castle appropriately and the new house is essential to allow this to continue to thrive and remain viable.
- 4.15 It is considered that the Applicant's have demonstrated a clear need for this new house, based on the economic and business credentials of Colliston Castle supporting the local economy and tourism objectives and the lack of any other viable accommodation alternatives.

Angus LDP: Countryside Housing Supplementary Guidance

- 4.14 The main objectives of the Supplementary Guidance (SG) are to:
- o Provide advice on the interpretation of relevant aspects of ALDP Policies TC2 and DS1, and provide a consistent approach to decision making;

- Guide new development to appropriate and sustainable locations, where impact on landscape quality is minimised;
- Ensure new development reflects traditional patterns of development in the locality;
- Promote high quality development in the countryside that respects local character and rural heritage.

4.15 Policy TC2: Residential Development of the Angus LDP supports the principle of this proposal, in that, it is for a single new house to meet an essential worker requirement. Paragraph 3.4 of the SG provides advice on the policy relating to essential workers. The SG states:

“Planning applications for essential worker housing should be supported by evidence that there is/will be a functional requirement for the person to live at their place of work (e.g. an essential worker report, which includes some explanation as to why the worker needs to live on the landholding)....

The following supporting information may be requested under the terms of Policy TC2:

- A supporting statement that details the options considered and why the alternatives to the preferred option have been dismissed.
- A record of house and land sales from the land holding that covers a five year period and a location plan showing the land holding and these houses/plots on an Ordnance Survey map base. If no houses or plots of land have been sold off over the past five years, this should be noted in the supporting statement.
- If the application is made in relation to an existing farm/rural business, a report that confirms there is a justified requirement for a worker and explains why they need to live in close proximity to their place of work. ... Details shall be provided to justify the proposed location of the house which should normally be situated adjacent to the existing building group.”

4.16 The relevant information on the need for the proposed house, together with the alternative options considered, the lack of available properties to purchase, the need to live in close proximity to the site, and the siting of the house in a location which would not have a detrimental impact on the setting of the listed Castle have been provided in paragraphs 4.6 – 4.13 above.

4.17 It is considered that the proposal complies with the requirements of this SG.

5.0 CONCLUSION

5.1 The Application relates to the erection of a detached dwellinghouse, which would be occupied by the Applicants, as part of essential accommodation, to manage Colliston Castle and its associated business.

5.2 The design of the proposed house has had regard to the context of the site, enclosed by established and mature landscaping, and to its rural location. The proposed house sits comfortably within the site, with its massing and design respecting its rural location and the setting of Colliston Castle.

5.3 There are no suitable or available brownfield sites within the applicants' ownership which are capable of accommodating the proposed development. This site offers the advantage of being in sufficient proximity to Colliston Castle to effectively secure its ongoing management, without detriment to its setting.

5.4 The Applicants have demonstrated a functional requirement to live on the estate, in order to allow them to effectively manage the tourism use of Colliston Castle. The

proposal for a new essential workers house will make a positive contribution to the rural economy and allow an existing business to be sustained and managed, facilitating also the on-going maintenance of Colliston Castle, a Category B Listed Building.

- 5.5 It is considered that the proposal accords with the provisions of the Development Plan and that there are material considerations in support of the proposal.
- 5.6 It is, therefore, respectfully requested that this Planning Application is granted, having regard to the requirements of Section 25 of The Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006 and Section 59 of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997.

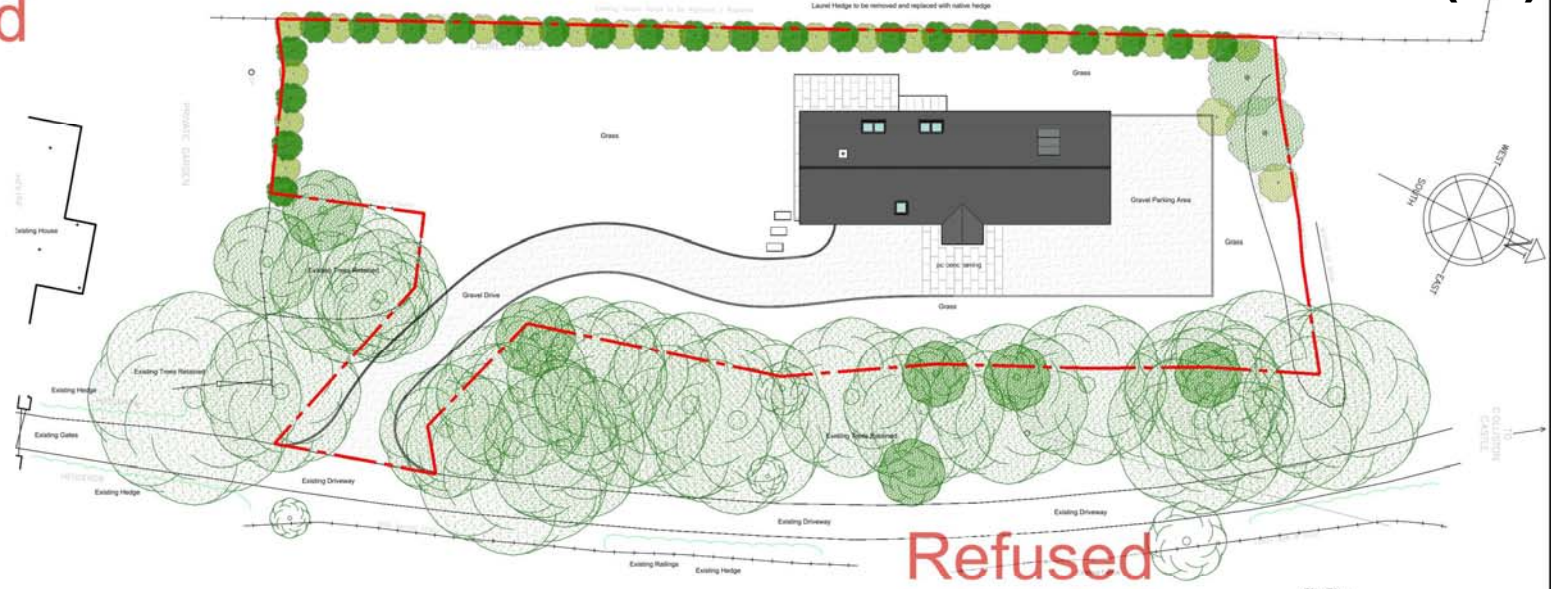
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Refused

Refused

Refused

Refused



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CLIENT
Mr & Mrs J. Lansley
Colliston Castle
Arbroath, Angus
DD11 3RS

PROJECT
Proposed New House

SCALE
1:100 & 1:200
CAD FILE
1205

DATE
Dec 2017
DRAWN BY
PF

DRAWING TITLE
Proposed Site Plan, Floor Plan
Elevations & Sections

DRAWING TITLE

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DWG NO.

1205 / PD / 01 Rev E

Angus Council

Application Number:	19/00909/FULL
Description of Development:	Proposed New Managers House
Site Address:	Field Adjacent To The Lodge Colliston Castle Colliston Arbroath
Grid Ref:	361328 : 746307
Applicant Name:	Mr John Lansley

Report of Handling**Proposal**

Planning Permissions is sought for the erection of a single dwelling house on land adjacent to The Lodge, Colliston Castle, Colliston, Arbroath. The site is an 1872sqm area of land located around 70m south of category B listed Colliston Castle.

The site is an area of grassland in the grounds of Colliston Castle and north west of the south entrance gates. The site is enclosed by trees and vegetation on all sides, with a timber fence delineating the Castle Lodge residential property at the south. Mature trees form the east boundary with the adjacent access track serving the Castle. The site is bound by Castle Lodge residential dwelling at the south, fields at the west and castle grounds at the north and east. There is an opening at the south west corner of the site.

The dwelling house would be a single storey, pitched roof, rectilinear form building around 170sqm footprint. The building would be finished with grey timber cladding walls and slate roof and would be located towards the north west of the site. An access driveway would be formed through the opening at the south east of the site. Submitted information indicates the house would connect to the public water supply and would make private drainage arrangements using a treatment plant to soakaway system. Sustainable drainage systems would be used for surface water and waste and recycling bins would be located on the proposed hardstanding areas.

Trees would retained along the east, south and south west boundaries and the Laurel hedge (which runs along the northwest and northern boundary) would be replaced by a native hedge along its length.

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 6 December 2019 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

18/00054/FULL for Erection of a single dwelling house for site manager was determined as "Application Withdrawn" on 30 March 2018.

18/00940/FULL for "Change of Use to a mixed use comprising Residential Dwelling, Guest/Holiday Accommodation & Exclusive Use Venue, External Alterations to Castle and Erection of Walled Garden and

Tank Enclosure (Retrospective)" at Colliston Castle, Colliston, Arbroath, DD11 3RS, was determined as "approved subject to conditions" on 26 July 2019.

Applicant's Case

The Design and Access Statement provides an overview of the site location and history. The statement indicates the design concept is to create a traditional referenced single storey house of a contemporary style which respects the rural setting and with the form and massing which reflects a traditional property.

The Planning Supporting Statement indicates the proposed house would be occupied by the applicants, as part of essential accommodation to manage Colliston Castle and its associated business. An assessment against Policy TC2 and indicates that there is a functional requirement to live on the estate, in order to allow the effective management the tourism use of Colliston Castle. The statement indicates that it is no longer viable or possible for the applicants to reside permanently in the castle. The proposal for a new essential workers house would make a positive contribution to the rural economy and allow an existing business to be sustained and managed.

In relation to the need for the Manager's House, it is indicated that it is not viable or practical for the applicants to remain in the Castle whilst it is rented to visitors. The Castle was rented out to visitors for holiday accommodation between 110 - 112 days in 2018 and for 141 days in 2019. The applicants have previously investigated sub-dividing a part of the Castle, to provide a self-contained apartment, and have also explored the segregation of the top floor of the house with the incorporation of a new staircase access. However, due to the sensitivities of the listed fabric of the Castle, together with its plan form and arrangement, it has not been possible to achieve a satisfactory solution. There are no outbuildings capable of conversion and the walled garden, coach house and lodge were sold off before the applicants purchased the Castle. The Applicants have considered buying a property locally, however, there has been no land or house sales within the last five years or so. They have also investigated renting however, long-term rental is inevitably expensive and combined with the issues relating to distance would not allow the applicants to continue to meet the needs of the property or allow it to be suitably managed and maintained. The applicants have secured a short-term rental locally, on a temporary basis however the availability of this house has now come to an end. The economic and tourism benefits of the associated Castle holiday let use are discussed and it is indicated the proposed new house would enable the effective management of this important tourism resource. The Castle is large complex historic building with sizable gardens that require ongoing and frequent interventions to ensure they do not deteriorate. Ongoing high maintenance costs of the castle and inflation dictate that it is essential for the applicants to be able to continue to maximise on the holiday lets to continue to maintain the castle appropriately and the new house is essential to allow this to continue to thrive and remain viable. The statement concludes there are no suitable or available brownfield sites within the applicants' ownership which are capable of accommodating the proposed development. This site offers the advantage of being in sufficient proximity to Colliston Castle to effectively secure its ongoing management, without detriment to its setting.

The Further Supporting Information expands on the information contained in the Planning Supporting Statement and includes a personal statement by the applicants in support of their requirement for a manager's house and supporting information from the associated Castle business letting agent. The contribution to the local tourism economy is discussed and an independent report by the Director of the Moffat Centre for Travel and Tourism Business Development is provided in support of the proposal.

A response to third party representations is provided and the report concludes the reasons provided in the Planning Supporting Statement are substantiated further by the additional supporting information provided demonstrate that the proposal complies with the Angus Local Development Plan and associated Supplementary Guidance.

Consultations

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

Angus Council - Roads - Offered no objection to the proposal.

Scottish Water - Advised there is no public Scottish Water infrastructure within the vicinity of this

proposed development and offered no objection.

Aberdeenshire Council Archaeology Service - Indicated no archaeological mitigation is required and offered no objection to the proposal.

Representations

2 letters of representation were received, of which 0 offered comments which neither supported nor objected to the proposal, 2 objected to the proposal and 0 supported the proposal.

The main points of concern were as follows:

- There is no requirement for essential worker accommodation;
- The applicants have alternative accommodation/sites/brownfield land available for a house;
- Other accommodation is available in the local area;
- Impacts on amenity of neighbouring residential property;
- Impacts on the landscape/ trees and wildlife;
- Impact on character and setting of Colliston Castle;
- Insufficient drainage information is provided;
- The applicants are often absent from the Castle/site for extended periods;
- The listed castle has recently been altered/subdivided and a Manager's Apartment could be provided;
- If successful, occupancy of the proposed house should be restricted.
- Impact on the listed building.

These matters are discussed in the Assessment section below.

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 PV6 : Development in the Landscape
Policy PV7 : Woodland, Trees and Hedges
Policy PV8 : Built and Cultural Heritage
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.

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.

The site is located within a Category 1 Rural Settlement Unit (RSU1). Category 1 RSU's are areas that are not remote from towns and where the opportunity for new development outwith settlements is more restricted, as development should be directed towards existing settlements.

Policy TC2 indicates that in countryside locations Angus Council will support proposals for new dwelling houses which fall into at least one of a number of categories. That policy is supported by the adopted Countryside Housing Supplementary Guidance. In terms of possible acceptable situations, the proposed dwelling would not involve the replacement of an existing dwelling; it would not involve the conversion of a non-residential building; it would not involve the regeneration or redevelopment of a brownfield site that delivers significant visual or environmental improvement through the removal of derelict buildings, contamination or the removal of an incompatible land use; it would not involve the rounding off of an established building group of 3 or more existing dwellings; it would not fill a gap between the curtilages of two houses or the curtilage of one house and a metalled road, or the curtilage of one house and an existing substantial building..

Policy TC2 and the associated supplementary guidance is also supportive of proposals for new essential worker housing where the proposal is supported by evidence that there is a functional requirement for the person to live at their place of work (e.g. an essential worker report, which includes some explanation as to why the worker needs to live on the landholding). The supplementary guidance indicates that new essential worker housing requires occupancy controls through the use of conditions or other legal agreement.

The applicant has suggested that the house is for the manager of the adjacent Coliston Castle (which is rented out as a short term holiday let/exclusive use venue) to reside on site to effectively manage the tourism use of the castle. The information suggests that accommodation on site (but outwith the Castle) would facilitate the maintenance of the listed building, gardens and supervision of guests using the site.

No compelling evidence has been submitted to demonstrate that there is an essential need to reside within the castle grounds or indeed why a dwelling in a nearby settlement would not be adequate for the purposes of managing the castle and its ongoing maintenance. Colliston Castle is less than 1k from Letham Grange, around 2km from Colliston village and around 5km north of Arbroath and 5km south of Friockheim - all of which afford easy access to the castle. Available information suggests that there are multiple properties or land with planning permission for a house on the market in the area surrounding the site which could accommodate the manager.

There is no evidence that there is a functional requirement for the manager to live at their place of work. The proposal does not comply with any of the circumstances which justify a new house in the countryside and is contrary to Policy TC2 and the associated Countryside Housing Supplementary Guidance.

For completeness, the remaining policy tests are addressed below.

The proposal does not raise any significant issues against the Countryside Housing Appendix 3 criteria. The development 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.

The proposed house is an acceptable design solution for a countryside location and there is adequate space for the provision of a satisfactory residential environment while respecting the amenity of existing residential property.

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 this scale.

The proposal would not be affected by farming or other rural business activities and access would not be taken through a farm court. Access to the site could be achieved without significant impacts on road safety and the Roads Service has offered no objection to the proposal.

The site is within the policies of the Category B listed Colliston Castle. The site is enclosed by vegetation and trees on all sides and is around 70m south of the Castle. There is no direct visual relationship between the listed castle and the site of the proposed dwelling house and the proposal would not impact on the setting of the listed building. The Archaeology Service indicated no archaeological mitigation is required and offered no objection to the proposal. The proposal does not give rise to any unacceptable impacts on the natural or built environment.

The site is not subject of any designated for natural heritage and there is no reasons to consider that the proposal would result in unacceptable impacts on the natural environment. The plans submitted suggest that the mature trees in the site would be retained and a new native hedge planted.

Limited information has been submitted in relation to waste water arrangements however, were the proposal otherwise acceptable, this matter could be regulated by planning condition requiring a suitable scheme for foul drainage and surface water management. Submitted information indicates the proposal would connect to the public water supply, however, Scottish Water has indicated there is no public infrastructure within the site. Were the proposal otherwise acceptable, a planning condition could be used to secure full details of water supply arrangements prior to any development commencing.

The site is identified as prime quality agricultural land (grade 2) based on the Macaulay Land Capability for Agriculture maps. Policy PV20 indicates that development proposals on prime quality agricultural land will only be supported in limited circumstances. However, the area of land that would be required to accommodate a house is not significant and not in agricultural use.

In relation to material considerations it is relevant to note that objections have been submitted to the proposal. The representations are material, in so far as they relate to relevant planning matters and have been taken into account in the preparation of this report. The representations suggest that the proposal does not comply with policies of the local development plan which is the conclusion reached in this assessment.

In relation to impacts on the landscape, trees and protected species, the proposed house has been sited such that it would not result in the loss of mature trees or woodland. The Laurel hedge would be replaced by a new native hedge which would offset any habitat impact over time. The house would sit adjacent to mature trees providing a reasonable landscape framework. There is no direct visual relationship between the site of the proposed house and the listed castle and it is considered the proposal would not adversely impact on built or cultural heritage assets. Concerns are raised regarding impacts on neighbouring residential amenity, however, the proposed house would be at reasonable separation distances to neighbouring property having regard to Council guidance.

In conclusion, the site proposed for development is in a Category 1 area where the local development plan is more restrictive in its approach to new development in the countryside. The proposal does not comply with any of the circumstances which allow a new house in the countryside and the information submitted does not demonstrate that there is a functional requirement to reside on site. The proposal is contrary to Policy TC2 and the Countryside Housing Supplementary Guidance (2016). Failure to comply with Policy TC2 also means the proposal is contrary to Policy DS1. There are no material planning considerations which would justify the approval of the application 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 the associated 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 DS1 of the Angus Local Development Plan 2016 as the proposal is not in accordance with relevant policies of the ALDP, namely Policy TC2.

Notes:

Case Officer: Fraser MacKenzie
Date: 5 February 2020

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 PV6 : Development in the Landscape

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

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

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

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

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

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

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 PV8 : Built and Cultural Heritage

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

National Sites

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

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

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

Regional and Local Sites

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

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

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

Policy 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.

My Ref: 19/0033
19th December 2019



Fraser MacKenzie
Planning Officer
Development Standards
Angus Council
Place Directorate
Angus House
Orchardbank Business Park
Forfar
DD8 1AN

Dear Mr MacKenzie,

Planning Application Ref: 19/00909/FULL - Proposed New Managers House, Field Adjacent To The Lodge, Colliston Castle, Colliston, Arbroath

I refer to the above Planning Application and would be grateful if you could take into account the following further clarification on the justification for the proposed essential workers house for the Manager's of Colliston Castle, together with the response, on behalf of the Applicant, to the comments made by third parties on the proposal.

Justification for the Proposed Manager's House

Need for a Manager's House

Paragraphs 4.7 to 4.11 (inclusive) of the Planning Supporting Statement submitted with the Planning Application set out the justification for the Manager's House, summarised as follows:

- The Castle was rented out for 141 days in 2019. It is not viable or practical for the Applicants to remain in the Castle whilst it is rented to visitors. The presence of the owners is not attractive to visitors who do not wish to rent the Castle if they are in residence.
- The applicants have previously investigated alterations to provide manager's accommodation within the Castle, however, such alterations have proved to be highly intrusive and wholly unsympathetic to its listed status.
- There are no available outbuildings capable of conversion.
- Investigations by the Applicants to buy a property locally, have proved abortive.
- The applicants recently secured a short-term rental locally, however, this was on a temporary basis, from friends, and the availability of this house has now come to an end.
- The proposed site is considered to provide the best location both in terms of environmental sensitivity and location, being in sufficient proximity to the Castle to enable its effective management whilst still protecting the privacy of visitors and without detrimental effect on the castle or its landscape setting.

By way of further clarification, the Applicant has attached, as Appendix 1, a further personal statement in support of their requirement for a manager's house. In addition, supporting information is also provided by

Scotts Castle, the Applicant's letting agent, in Appendix 2, identifying "given the size and nature of the holiday let it's always a good idea to have someone on hand within reasonable distance of the property. Ideally you (or a caretaker couple) would live on the estate itself to keep an eye on the castle and guests as well as being able to respond quickly to issues, especially those of a serious nature including plumbing emergencies, heating breakdown or electrical problems." Scotts Castle also advise "people buying a 'self-catered experience' want sole occupancy of the property on an exclusive use basis."

In summary, Colliston Castle is rented out to tourists as a means to fund the continual maintenance and repair this type of listed property demands. The applicant requires to stay adjacent to the Castle while occupied and requires accommodation on site in order to continue to manage the property and sustain this vital income stream and the associated benefit to the local economy. Without this the property would lack this essential maintenance and its condition would therefore start to decline with the potential that the applicant may be forced to sell on the property. This would be a great loss as when the client purchased the property it was in a relatively poor condition and in the years since has invested a large amount of time and money in the property restoring its condition and building up the successful tourism business; with much of the money required generated by the rental income.

Contribution to Tourism and the Local Economy

Paragraphs 4.12 to 4.13 of the Planning Supporting Statement submitted with the Planning Application identify how the rental of the Castle contributes to local tourism and economic objectives, summarised as follows:

- The visitor rental of the Castle has the potential value to the local economy at a level of approximately £1,698.34 per day. The Economic Development Unit at Angus Council offered support for Planning Application Ref: 18/00940/FUL in terms of the opportunity to provide additional accommodation facilities in Angus which would benefit to the local area and support the wider economy.
- The above tourism and economic benefits support the aims and target set out in Scotland's Tourism 2020 Strategy.
- The use of the Castle for holiday accommodation provides significant benefits to the local tourist industry and other businesses on a regular basis, with the use of local restaurants, cleaning companies, launderettes, decorators, builders, plumbers, electricians, catering businesses, shops, golf courses, including Letham Grange with whom the applicants have an arrangement.
- Ongoing high maintenance costs of the castle and inflation dictate that it is essential for the Applicants to be able to continue to maximise on the holiday lets to continue to maintain the castle appropriately and the new house is essential to allow this to continue to thrive and remain viable.

In addition, the Applicant's Personal Statement attached in Appendix 1 confirms the following:

"Each year expenditure exceeds income for example for the year ending April 2019 the income was reported as £55,212.18 against outgoings of £55,450.28. This represents a loss of £240.08 which has to be made up from our pensions."

"It is necessary to plan and budget for the future and although we cannot foresee every expenditure we know that in time the roof of the castle will need significant work. We already pay for a biannual maintenance programme on the roof and gutters. The financial outlay for any significant roofing work would be in excess of £100,000. In addition it has been revealed that the cladding to both the outside and the inside of the medieval castle will at some point need to be removed and the stonework either replastered or repointed. We do not have an estimate for how much this work would cost."

It is clear that, the Applicant's have already spent a significant amount of money on the sensitive repair and on-going upkeep of the listed Castle. The rental of the Castle has facilitated the work required to ensure the

restoration of this Listed Building and it is clear that its rental, at the current rate, still represents a financial loss to the Applicant. A new manager's house, will allow the increase in demand for the rental of the Castle, and reverse the financial loss currently being experienced, not only to the future benefit of maintaining and carrying out future repairs to the Castle but also to the benefit of the local economy and tourism industry.

In support of the above, the Applicant has commissioned an independent report by Professor J John Lennon PhD MPhil BSc (Hons), Director of the Moffat Centre for Travel and Tourism Business Development, which is attached in Appendix 3. One of the many conclusions of the report is that *“Colliston offers an unusual opportunity to hire a significant heritage building. This must be seen against a rural destination that has struggled to generate visitation and has seen significant decline in demand for many of the tradition and dated products on offer.”*

Significantly the report provides statistical evidence supporting the long term decline in tourism in Angus, with increasingly consumers being attracted away from the area. In effect statistics substantiate an over supply of self-catering small mid-market properties, which are increasingly facing competition from on-line supply and Bed and Breakfast accommodation being increasingly challenged by private stock made available through on-line consolidators such as Airbnb. The report identifies a significant decline in visitors, visitor spending and nights stayed in the Angus and Dundee area as follows:

Indicators	Scotland 2018	Scotland % Change 2017-18	Angus and Dundee 2018	Angus and Dundee % Change 2017-18
Visits (000s)	3,358	+10%	52	-45%
Spend (£m)	2,206	-3%	29	-21%
Nights (000s)	24,237	-1%	398	-29%

The report identifies that *“the most recent data on trends in tourism (VisitScotland, 2020; United Nations World Tourism Organisation, 2020) suggest that the potential for individual / experiential properties such as Colliston is considerable”* and concludes that *“The region should seek to encourage growth and diversity as offered by the provision of unusual properties such as Colliston.”*

It is further considered relevant that Visit Scotland has joined Angus Tourism Co-operative in urging businesses across Angus “to get behind and capitalise on a forthcoming calendar of events marking the 700th anniversary of Scotland’s most historically significant document”, which featured as an article in the Forfar Dispatch on 30th January 2020 (Appendix 4). The heading identifies “Declaration Celebrations Promise County-Wide Benefits – Bumper Year for Tourism”. VisitScotland’s Regional Director has also stated her hope that the organization will help to turn “national and global attention on Angus” in the run-up to and during the celebrations. The rental Colliston Castle for holiday accommodation supports and complements local tourism objectives and it is considered that its continued viability through this proposal should be supported.

Response to Third Party Representations

Material Neighbour Comments

The Applicant would be grateful if the following response/clarification to material comments raised by neighbours is taken into consideration in support of their proposal:

- The Applicant would re-confirm that the availability of the adjacent house they have been renting has now come to an end. The Applicant's do not consider that a continued rental of a property is suitable, again requiring on-site accommodation, to ensure the effective management and continued viability of the Castle's for holiday accommodation.
- In terms of other available properties to purchase, there is only one property in Colliston that is on the TSPC website. This house is located too far from the Castle, to provide active on-site surveillance and site management. This property is in any case under offer.
- The Applicant is content to comply with a planning condition securing the management of existing trees and proposed new tree planting.
- The proposed dwellinghouse is located approximately 50 metres to the fence boundary and 70 metres to the actual house and this distance, together with its enclosed landscape setting, will ensure that there is no adverse impact in terms of privacy or amenity. The proposal complies with Policy DS4: Amenity.
- The septic tank will be located in a position to also secure the optimum amenity for the application site and adjoining properties and provision of waste water treatment will meet the requirements of SEPA and/or The Building Standards (Scotland) Regulations in accordance with Policy PV15: Drainage Infrastructure.
- Due to the enclosed nature of the site, the proposal is not considered to result in any significant adverse effects on Colliston Castle or its setting and this is further substantiated in the Design Statement submitted with the application. The proposal complies with Policy PV8: Built and Cultural Heritage.
- The Applicant is content to accept a condition or S75 Obligation restricting occupancy, subject to such a restriction complying with Government policy.

Responses by Consultees

The Applicant notes that, having regard to the following responses, there are no objections to the proposal from statutory or non statutory consultees:

- Angus Council's Archaeology Service has confirmed that no archaeology mitigation is required.
- Angus Council's Roads Service has no objection to the proposal.
- Scottish Water has no objection to the proposal.

Policy Compliance

For the reasons provided in the Planning Supporting Statement and substantiated further by the additional supporting information provided it is considered that the proposal complies with the Angus LDP and associated Supplementary Guidance. The continued support for the tourism and economic benefits associated with the continued holiday rental and management of the Castle, secured by this proposal, further substantiates the need for a Managers House on the site proposed.

This proposal seeks to improve the rental capacity of the Castle and given the decline in suitable visitor accommodation in Angus, it is respectfully requested that the proposal is supported having regard to the positive contribution the Castle makes to the economic and tourism objectives of Angus Council.

Yours sincerely,



EMELDA MACLEAN MRTPI
EMAC PLANNING LLP

APPENDIX 1

Colliston castle what an amazing building, it has been here since the 16th century. It has seen more change in its existence than we could possibly imagine, but still it stands. It has seen change in itself and in its surroundings. The castle has morphed and changed, expanded and contracted as its needs and uses have changed, what it has not done is, stood still.

Castles are almost living breathing structures, they have stories to tell stretching far back into history. They hold fascination for us today as we can imagine ourselves as part of that history. We are lucky that Colliston castle has never been ruined or been damaged in conflict. From walking the corridors and rooms of the castle, the stories from the past jump out at you.

The castle was built by a cardinal for his daughter, one of many children born to Cardinal Beaton by his mistress Marion Ogilvy. However he did not live to see its completion, having been murdered at St Andrews castle. The castle was originally a catholic castle and the subsequent conflict between the Protestants and the catholic's is evident, with a priest hole, one of only two in Angus. Visitors to the castle are captivated by the history.

The structure of the castle has changed and changed again. The biggest change to the castle came in Victorian times with the building of a complete new wing, changing of the turrets and putting another floor on top of the original castle. The stairwell was changed and the front door moved to the centre of the castle. At a later date this was then moved back to its original position.

As we walk the castle you can see the changes and how they meld into what we have today. It is layer upon layer of history, history of how a castle changed to meet the needs of its owners.

The castle used to have hundreds if not thousands of acres and many out building to serve, service and provide income for the castle. These have long since been sold off, the family silver once sold cannot be sold again. However a medieval castle needs much maintenance, when we purchased the castle in 2012 it was much neglected, the heating had broken, the rooms were all in a state of disrepair, the plumbing and electrics needed urgent attention. The grounds themselves had had little done to them in a long time.

Since we have had possession of the castle we have sought to bring it back to its former glory. Not back to its medieval state or even to its Victorian state, but back to a state where the castle can be lived in, enjoyed and have a future. However this all requires money and once we started on this project we realised that the castle would need to provide an income to pay for its renovation, repairs and upgrades.

We had originally hoped that we could provide for ourselves an apartment on the top floor, which we could stay in whilst self catering guests hired the remainder of the castle for themselves. However it soon became apparent that guests do not like the idea of sharing their self catering let with the owners, especially if they are forever bumping into them. We looked at many ways to gain access to the top floor without inconveniencing the guests and could not achieve this.

We have managed the castle by moving out each time guests move in. We have camped, gone to other people's bed and breakfasts, self catering let's, stayed with friends and family. However this is not sustainable, what we require is a more permanent solution. We have the land but no previous out buildings that can be rebuilt to provide accommodation for ourselves. As previously stated these building were sold off long ago.

The castle is of an age that it needs constant maintenance and attention. It is old and quirky nothing is a quick fix and the next thing to go wrong is not foreseeable. We need to be able to respond

quickly and effectively, to minimise the disruption to our guests. In addition the castle still has ten acres of land that need to be maintained. This equates to two full days of mowing a week, flower beds and the wall garden to keep tidy and to replant depending on the time of year. Seedlings and young plants to be tended and encouraged.

We have tried to keep the cost of staying at the castle to a realistic amount, to encourage people who thought they would never be able to afford to stay in a castle. We could put our prices up, make the castle a destination for the few who could afford to stay here, but that is not our ethos.

The castle needs to pay its way, pay for its repairs. To keep costs down we need to be available to monitor it. We need to monitor the guests to make sure they respect the castle, don't do anything stupid to endanger it, we need to make sure that noise is kept to a reasonable level, so as not to upset our neighbours.

With this in mind we feel there is a requirement for an essential worker to be on site.

We have made a decision to give guests a self catering experience different from other self catering let's in the region. Guests expect a certain level of amenities and quality, this in itself needs constant review and upgrading. This in turn has significant financial implications.

Each year expenditure exceeds income for example for the year ending April 2019 the income was reported as £55,212.18 against outgoings of £55,450.28. This represents a loss of £240.08 which has to be made up from our pensions.

The improvements made to the ground floor of the castle were made in consultation with the guests and what they required. These alterations were given planning consent and have made a significant improvement to the ground floor area of the castle.

It is necessary to plan and budget for the future and although we cannot foresee every expenditure we know that in time the roof of the castle will need significant work. We already pay for a biannual maintenance programme on the roof and gutters. The financial outlay for any significant roofing work would be in excess of £100,000. In addition it has been revealed that the cladding to both the outside and the inside of the medieval castle will at some point need to be removed and the stonework either replastered or repointed. We do not have an estimate for how much this work would cost.

The prospect of no accommodation for ourselves leaves us with the thought of how sustainable continuing to market the castle as a tourist destination would be.

The castle is enjoyed by our guests, they come from overseas, America, Canada, Norway, France, and more locally UK, more locally still from Scotland and nearer again from Arbroath itself.

These are just some of our Reviews:

A fantastic property with an amazing history and grounds to explore. Our party of 9 adults and 6 kids had an amazing break that will live long in our memories. Hopefully we will return soon.

Once in a Lifetime Experience

Colliston Castle was everything it was advertised to be. Amazing property made even better by hosts John and Sue! They are wonderful people who made our memorable vacation even better than we could have expected. Would love an opportunity to become a repeat guest!!!

Magic holiday

Much anticipated holiday in a castle did not disappoint. Fourteen of us - three generations- loved the romanticism, the space and the comfort. It was always warm, the beds were exceptionally comfortable, and with multiple cookers, dishwashers and fridges, plus oodles of cutlery and crockery, catering was a breeze. We also loved the garden and grounds, with its huge drifts of daffodils and stately trees.

Another fabulous family weekend at the Castle.

This is the third time we have been to the Castle - it's becoming an annual event in our family. The property is spacious, comfortable and perfect for a family gathering. Plenty of large rooms for everyone to gather in but also lots of places to retreat to if someone wants a bit of peace and quiet. Sue and John are lovely hosts and couldn't be more welcoming and helpful. We are already planning our next visit!

Fantastic property and beautiful grounds.

The castle was amazing and the whole family had a magnificent time.

Perfect

Set in a lovely location this castle was perfect in every way

Amazing

Colliston Castle was everything you would expect in a Scottish castle. We just loved our stay. We had the perfect family holiday with adults and children enjoying all that was on offer. Facilities were great I had the perfect bath in my room and the showers were amazing. I just loved the family kitchen and massive dining room.

Un séjour exceptionnel

Accueil parfait, lieu unique, et région magnifique font de notre séjour un excellent souvenir, pour un groupe nombreux. Merci.

One of the best weekend getaways!

My stay at the castle was amazing. From the moment I entered the gates of the property I fell in love with it. The grounds of the castle are tranquil and vast. The history of the castle makes it even more of an amazing stay. The inside of the castle was impressive as it was welcoming. John and Sue made us feel at home straight away and made the stay even more enjoyable. We stayed in one of the master suites with an en suite. The room was stunning with its antique furniture and soft furnishings. The bathroom was perfect with a free standing bath facing out onto the grounds. I would highly recommend anyone to stay there.

Great venue for family celebration

This was the perfect place for our family gathering with grandparents, children and grandchildren. There was room for every family to have its own space, the children loved exploring the castle and grounds and the public rooms provided space for everyone to be together or seek some peace. The beds are very comfortable, nice bedlinen and fluffy towels provided. The kitchen had everything we needed and we could all sit down together in the dining room to eat - loved the serving hatch from the kitchen which saved lots of walking. We had trips to Lunan Bay and Arbroath Abbey, played football in the grounds and just had a fantastic time. Thank you!

APPENDIX 2

From: sueandjohnrentals@aol.co.uk
Subject: Fwd: Colliston castle - plans for 2020
Date: 16 January 2020 at 23:49
To: paul@rchitects.org.uk, emelda@emacplanning.co.uk



Paul and Emelda

Please see the email from Scotts Castles in support of our planning proposal.

John and Sue

-----Original Message-----

From: Sales (SCH) <Sales@scottscastles.com>
To: 'sueandjohnrentals@aol.co.uk' <sueandjohnrentals@aol.co.uk>
Sent: Thu, 16 Jan 2020 13:16
Subject: Colliston castle - plans for 2020

Dear Sue and John

Further to our recent correspondence regarding the future for Colliston, as previously intimated given the size and nature of the holiday let it's always a good idea to have someone on hand within reasonable distance of the property. Ideally you (or a caretaker couple) would live on the estate itself to keep an eye on the castle and guests as well as being able to respond quickly to issues, especially those of a serious nature including plumbing emergencies, heating breakdown or electrical problems. Large groups constitute a greater risk of things going wrong so it's imperative issues can be resolved as quickly as possible.

It goes without saying unless groups are buying into a 'serviced experience' where all their needs are met by on-site staff, people buying a 'self-catered experience' want sole occupancy of the property on an exclusive use basis. In our experience they're not keen on owners living in the same property due to a perceived lack of privacy. Whilst we market a few large houses/castles where owners reside in one wing for example, they're do not book as well as those where owners/caretakers live a discreet distance from the main house. If this is your main business interest and source of income I would strongly recommend you offer the castle on an exclusive use basis to ensure you're not limiting your market.

As you're aware we're not a property management agent and therefore will only be able to assist with issues during office hours Monday to Friday. As the principal owner you're responsible for ensuring guest needs and safety are met at all times. I attach some literature we provide owners with which might be of some use.

If you're planning on making any material change to Colliston over the course of the year you must let us know as soon as possible to allow us to a) notify existing bookings and b) update the website to reflect the changes.

I hope the above helps give you some understanding of things from our perspective and if you need any more advice/guidance as you know I'm only a call away.

With very best wishes

Harriet Filewood
Scotts Castle Holidays | +44(0)1208 821 341



Scotts_Regulatory Guide.pdf



Scotts_YOUR GUESTS.PDF



Scotts_PREPARING YO...E.PDF

APPENDIX 3

Colliston Castle, Arbroath, Angus, DD11 3RS

1.0 Introduction and Context

The development of Colliston Castle, (Near Arbroath), as a quality, commercial residential tourism property has provided a realistic future trading option for this important built heritage site. It is a 16th century tower house located 3.7 miles north of Arbroath, Angus.

The provision of tastefully converted rooms enables the property to accommodate some 16 guests. There are a range of significant public areas which offers leisure and business consumers a unique luxury heritage experience. The management have achieved 5.0 maximum rating on TripAdvisor and 4.9 in the Google review summary of quality.

This is clearly an unusual and experience focused accommodation product which is targeted at the value / quality market and represents a highly appropriate direction for tourism growth at a regional level.

2.0 National and Regional Context

Angus and Dundee has recently enjoyed some revival in tourism fortunes as a direct result of the development of the V & A in the city of Dundee. This has impacted positively on city and regional occupancy and rates achieved. However, the region of Angus has seen long term decline in tourism as increasingly consumers are attracted away from the area.

The most recent performance data for analogous accommodation in Angus and Dundee is shown below;

Accommodation	Occupancy	Trend
Self-Catering	59%	Over supply of small mid-market properties – increasingly facing competition from on-line supply
Bed and Breakfast	38%	Increasingly dated product being challenged by private stock made available through on-line consolidators such as Airbnb

Accommodation Performance Angus and Dundee (2019)

The issue for the region is that beyond Dundee there are few iconic / must see attractions and the rural area does not enjoy a high profile. This means that tourism performance is weaker leading to lower investment and less evidence of product upgrades. As a consequence, properties are dating and the presence of branded hotels and resorts is limited. This is reflected in the most recent; visit, spend and overnight data (illustrated below).

Indicators	Scotland 2018	Scotland % Change 2017-18	Angus and Dundee 2018	Angus and Dundee % Change 2017-18
Visits (000s)	3,358	+10%	52	-45%
Spend (£m)	2,206	-3%	29	-21%
Nights (000s)	24,237	-1%	398	-29%

International Tourism Performance 2017-2018

The performance of the region was significantly buoyed by the Dundee revival following the opening of the V&A. However, these effects have not endured and in comparison with major urban destinations such as Edinburgh and Glasgow, performance is weak. Indeed, if one considers the critical domestic market (accounting for the majority of tourism to Scotland) the decline is even more of a concern (see below).

Indicators	Scotland 2018	Scotland % Change 2017-18	Angus and Dundee 2018	Angus and Dundee % Change 2017-18
Visits (000s)	11,803	+1%	278	-15%
Spend (£m)	2,762	-8%	51	-20%
Nights (000s)	40,331	-3%	768	-31%
Average Length of Stay	3.4 nights	+2%	2.8 nights	-19%

Domestic Overnight Tourism 2017-2018

The overnight and expenditure trends are similar for the period 2016-2018 and data from the Moffat Centre's Scottish Occupancy and Accommodation survey (undertaken in behalf of VisitScotland) suggests that the rural performance is actually worse than the regional data reported below.

	2016	2017	2018
Domestic (000s)	402	326	278
International (000s)	88	95	52
Total Overnight (000s)	490	421	330

Domestic and International Overnight Visits 2016-2018

	2016	2017	2018
Domestic (£m)	74	64	51
International (£m)	32	37	29
Total Overnight (£m)	106	101	80

Domestic and International Overnight Spend 2016-2018

As a consequence, the quality of much of the accommodation has declined and the food and beverage offered remains challenging. All of this makes the area more problematic as a destination to promote. Any business which is differentiated on the basis of quality and experience, such as Colliston Castle, should be encouraged to grow and build valued consumers who can bring significantly more economic impacts to the region.

3.0 Colliston Castle – context and potential

The Colliston offer is already proven and has generated appeal and catalyzed economic impacts of circa £0.25 m per annum (STEAM 2018). It is a heritage accommodation product that has seen investment and renovation by the current owners. This investment has ensured a sustainable future for the building and offers an unusual and differentiated accommodation offer.

It is, like any heritage building, complex to operate and expensive to maintain, heat and light. It requires management and operational guidance for guests and the role of the manager is critical. The importance of a closely located member of senior staff is critical for this type of property given the potential for problems in many aspects of operation. Despite these operational challenges the most recent data on trends in tourism (VisitScotland, 2020; United Nations World Tourism Organisation, 2020) suggest that the potential for individual / experiential properties such as Colliston is considerable.

Scotland is also likely to see increased domestic tourism as the value of Sterling against major currencies; such as the Euro and the US Dollar, declines, and the relative cost of holidaying overseas for English and Scots will increase. Furthermore, there would appear to be increasing concern about the environmental impacts of tourism, particularly air transport, which will also serve to encourage increased domestic tourism making many review critically destinations that may impact on the climate emergency.

In addition, this rural location offers the counterpoint to those parts of Scotland, now associated with 'over tourism' and significant and high levels of demand. The Castle product offer provides an unusual accommodation provision which is the type of venue research data suggests will have appeal.

There is also evidence of increasing demand for multi-person accommodation to suit groups of friends or family members wishing to spend leisure time together. This trend has been increasing over the last two decades and is unlikely to diminish.

Accordingly, the proposed development of management accommodation, in a low visibility and unobtrusive destination should be permitted. Accommodation such as the Castle is rare in this part of Scotland. The product that has already catalyzed visitation and proven that it is viable. Colliston offers an unusual opportunity to hire a significant heritage building. This must be seen against a rural destination that has struggled to generate visitation and has seen significant decline in demand for many of the tradition and dated products on offer.

The coastal and local urban product (the town of Arbroath) have both experienced reductions in demand. Arbroath, is currently facing the high street challenges common to many locations dominated by a traditional model of retail. The decline of the high street is likely to continue and employment impacts will be significant. The region should seek to encourage growth and diversity as offered by the provision of unusual properties such as Colliston.

Professor J John Lennon PhD MPhil BSc (Hons) 23 1 2020

Director of the Moffat Centre for Travel and Tourism Business Development www.moffatcentre.com
Glasgow Caledonian University www.gcu.ac.uk

A brief biography of Professor Lennon is provided as Appendix 1

Appendix 1 : Professor J John Lennon PhD MPhil BSc (Hons)

Director of the Moffat Centre for Travel and Tourism Business Development
www.moffatcentre.com Glasgow Caledonian University www.gcu.ac.uk

Professor Lennon was the founder and has directed the Moffat Centre since 1999. The Moffat Centre is Europe's largest University based Tourism, Travel and Hospitality consultancy and research centre which has undertaken on more than **750 projects** in over **50 countries** since 1999. This business development and contract research centre competes with commercial agencies at a national and international level. It has helped fund student scholarships since 2000 and to date **scholarships worth over £1,000,000 have been awarded to over 350 GCU students** creating one of the most enduring student legacies generating access to higher education for students with significant need (1999-Current).

Significant Achievements (To 2018)

- Successfully tendering for the **Scottish Tourism Occupancy Research Survey 2014-2019** and 2019 -2024 which provides industry and government with occupancy and rate data across the nation via sector, quality, type and price banding. It is the most cited national tourism statistic and is used in compilation of national accounts for the value of tourism in Scotland
- Providing a monitoring and advisory role for **Scottish Government Economists** in calculation of the volume and value of tourism and understanding the full direct, indirect and induced impacts from tourism at a regional and national level.
- Successfully providing definitive performance of **Research on Scottish Visitor Attractions** including; admission, expenditure, dwell time and investment by sector and type. This is the largest and most representative analysis in Europe and achieves a participation rate of in excess of 83%. It generates significant press for GCU and is used in compilation of national accounts for tourism in Scotland. Data from this survey is sold commercially to the private and public sector supporting Moffat Centre staff employment and contributions to scholarships
- **Canal Leisure and Tourism Development (since 2007)** – undertaken business planning feasibility and market research for Scottish Canals including **Falkirk Wheel** Business Planning, **Kelpie** Feasibility and business development. Following successful delivery of a KTP with Scottish Canals I have recently been invited to join the organising committee and Chair the academic submission panel for the 2020 World Canals Conference in Leipzig, Germany
- Provision of a major **KTP** related to **Scottish Government Year of Young People 2018** and leisure motivations related to visiting built heritage. This is in partnership with **Historic Environment Scotland** and has provided two major heritage workshops (hosted at GCU and attracting in excess of 200 delegates on each occasion), research outputs and an KTP project value of £154,000.

- On-going retained working with leading **International Engineering Company Jacobs Engineering** to provide route development and economic impact strategies on the following projects:
 - **A9 Dualling,**
 - **A96 Dualling**
 - **Horizon Nuclear Development, Anglesey**
 - **Manchester North West Quadrant**
 - **Oxford and Cambridge Expressway**
 - **UK National Grid and Areas of Outstanding Natural Beauty**

- **Development, authorship and provision of all commercial service quality training** for UK City of Culture 2017 incorporating the development and **training of 4,000 volunteers and over 10,000 service personnel** in Hull and East Yorkshire in anticipation of 2017.

- Providing the **most detailed analysis of the Night Time Economy in the UK** for Glasgow for the City Development Plan in consultation with leading private sector stakeholders, Police, Health service and licensing authorities

- Developing the **definitive methodology for the economic impacts of wind farms on area tourism** following authorship of the most cited report in Scottish Government planning decisions in this sector.

At a European level the Moffat Centre successfully manages three EU major tourism research projects: the Cool Routes; Cruising Oceans on Latitudes North of 51 degrees latitude; Big Data for Heritage and Tourism and Route Development Programmes. These projects have practical applications in a wide range of Tourism locations internationally.

APPENDIX 4



Gold award for five year of franchise

Declaration celebrations promise county-wide benefits

Bumper year for tourism

By **MARK DOWIE**
Reporter
news@forfarandspatch.com

Businesses across Angus are being urged to get behind and capitalise on a forthcoming calendar of events marking the 700th anniversary of Scotland's most historically significant document.

The celebrations will centre on the signing of the Declaration of Arbroath and although they will be held in the town itself, Scotland's national tourism agency has said that they will have a positive spin-off for the wider county.

And VisitScotland has joined Angus Tourism Co-operative to host a free networking event at Hospitalfield House in Arbroath next to help businesses from across

the area find out how they can support and get involved in this landmark anniversary.

There will be presentations from VisitScotland and the Arbroath 2020 organising group will provide an overview of the programme, how businesses can get involved and help support the occasion, highlighting the importance of their online presence, how to inspire visitors looking to come to the region and about all the things to see and do across Angus and beyond.

The Arbroath 2020 programme, which will run from April to September this year, will include a horse-led procession from Arbroath Abbey to the harbour and an atmospheric re-enactment of the Declaration sailing to France in 1320.

A newly-commissioned choral work by Paul Mealor

and poet Graham Davies will be performed by over 300 voices, drawn from many Angus choirs, in the grounds of the Abbey. Historic Environment Scotland will also be running a programme of festivities within the Abbey which will be announced soon.

Caroline Warburton, VisitScotland's regional leadership director, said: "VisitScotland is committed to promoting Scotland's diverse history and culture, and the sealing of the Declaration of Arbroath in 1320 marks one of the most significant periods in our country's rich tapestry."

She also said that the organisation hopes to help turn national and global attention on Angus in the run-up to and during the celebrations.

Turn to page 7



APPENDIX 3

NEW INFORMATION

From: [emelda MacLean](#)
To: [ForsythSL](#)
Subject: Re: Application for Review - Field Adjacent to the Lodge, Colliston Castle, Arbroath
Date: 14 May 2020 12:15:42
Attachments: [AC Letter Update LRB Collinson 110520.pdf](#)

Dear Sarah,

The Appellant would be grateful if you could forward the attached letter to the Review Body with the Application submission.

The COVID-19 situation has and will have an impact on their business operation and it is considered that this is new material information, which was not foreseen in the Planning Application or Application for Review.

Also, do you happen to know when the Review Body will meet to consider this Application?

Thank you Sarah and I look forward to confirmation it has been accepted as part of the submission.

Kind Regards

Emelda

Emelda Maclean MRTPI
Emac Planning LLP
Town Planning Consultants
38 Cortachy Crescent
Broughty Ferry
Dundee
DD5 3BF

[Email: emelda@emacplanning.co.uk](mailto:emelda@emacplanning.co.uk)

Tel: 01382 738822

Mobile: 0784 1658360

On 27 Apr 2020, at 09:47, ForsythSL <ForsythSL@angus.gov.uk> wrote:

Good Morning Emelda

Thank you for your email last week.

I have replaced the appeal statement as requested.

In terms of the meeting date, a recent special meeting of Angus Council cancelled all timetabled meetings up to 1 June and set new procedures in place to allow consideration of time critical Council business only. This will be reviewed as further information in terms of the COVID-19 pandemic becomes clearer. So at this time there are no meetings of the Review Committee set. Any meetings of the review Committee required to be held will be done so virtually. However, I have been advised that there were some representations made in relation to this application and I will today advise them of the application for review. Given that they have 14 days to

response, this would not have allowed me to submit this application on 12 May.

I will keep in contact with you to advise of any potential date for consideration of this review.

Hope this helps.

Kind regards

Sarah

Sarah Forsyth | Committee Officer | Angus Council |
T: 01307 491985 | ForsythSL@angus.gov.uk | www.angus.gov.uk

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Think green – please do not print this email

From: emelda MacLean [<mailto:emelda@emacplanning.co.uk>]

Sent: 23 April 2020 14:52

To: ForsythSL

Subject: Re: Application for Review - Field Adjacent to the Lodge, Colliston Castle, Arbroath

Importance: High

Dear Sarah,

Thank you for your acknowledgement below.

In relation to the appeal statement, we spotted a couple of minor paragraphs that we wished to correct.

I would be grateful, therefore, if you could replace the submitted version with the statement attached below.

Also, if you could let me know if this can now be reported to the meeting on the 12th May that would be great.

Thank you Sarah & I look forward to hearing.

Kind Regards

Emelda

Emelda Maclean MRTPI
Emac Planning LLP
Town Planning Consultants
38 Cortachy Crescent
Broughty Ferry
Dundee

DD5 3BF

Email: emelda@emacplanning.co.uk

Tel: 01382 738822

Mobile: 0784 1658360

On 23 Apr 2020, at 12:12, ForsythSL
<ForsythSL@angus.gov.uk> wrote:

Dear Madam

**Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013
Application for Review – Refusal of Planning Permission for Proposed New Managers House at Field Adjacent to the Lodge, Colliston Castle, Colliston, Arbroath – Mr J Lansley
Application No 19/00909/FULL - DMRC-1-20**

I refer to your application for review which was received by my Planning colleague on 20 April 2020.

I can confirm that the review will be processed and any interested parties, who have previously made representations in relation to the planning application, will be notified of your application for review. These parties will have a period of 14 days to submit any further representations. If we do receive any additional representations, these will be notified to you, and you will have a further 14 days to submit a response.

Your application for review will then be submitted to a meeting of Angus Council's Development Management Review Committee. I will write to you separately to confirm the date and time of this meeting as soon as possible.

I can also advise that a copy of the documents related to the review can be viewed by contacting me direct.

In the meantime if you have any queries in relation to the progress of the review, please do not hesitate to contact me.

Kind regards

Sarah

Sarah Forsyth | Committee Officer | Angus Council |
T: 01307 491985 | ForsythSL@angus.gov.uk | www.angus.gov.uk

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My Ref: 19/0033
11th May 2020



Sarah Forsyth
Committee Officer
Angus Council
Angus House
Orchardbank Business Park
Forfar
DD8 1AN

Sent by email: ForsythSL@angus.gov.uk

Dear Ms Forsyth,

**Application for Review - Proposed New Managers House, Field Adjacent To The Lodge, Colliston Castle, Colliston, Arbroath (Planning Application Ref: 19/00909/FULL)
COVID-19 (Coronavirus) Implications**

I refer to the above Application for Review and write on behalf of the Appellant to highlight some current issues which their business is currently facing, and which it will continue to face, as a result of COVID-19.

The issues arising as result of COVID-19 are considered material to the Appellant's submission. The challenges faced by the Tourism Industry in responding to the lockdown and the implications of the pandemic have resulted in a material change of circumstances in relation to the Planning Application and this Application for Review which could not have been foreseen either when the Planning Application was initially submitted or when the appeal was compiled.

The additional requirements placed on the industry further re-enforces the need for an on-site manager's house to successfully ensure the continued viability of Colliston Castle as a tourist attraction for holiday accommodation.

The Appellant has been informed by the agencies that they are dealing with, there is a likelihood that self-catering premises will probably be the first to be able to resume some form of activity. This makes the availability of Colliston Castle even more important in attracting people to Angus and in helping to kick start the tourism industry and associated businesses. The business attracts family groups which within their "bubble" could be able to meet together in premises such as Colliston Castle. Such opportunity would support the drive to assist in renewing family ties and aiding the mental health of people. The availability of Colliston Castle is currently significantly reduced and its future viability is in doubt without the Manager's House.

There are also a number of areas where the Appellant's agents are suggesting there could be new ways of working which make the provision of a manager's house even more vital to support the self-catering business.

1. There may have to be longer periods of time between guests leaving and entering the Castle to ensure that any possibility that there could be a risk of exposure to the virus is minimised.
- 2 The above would result in the house having to be left unoccupied for longer periods, and also allow for an enhanced regime of cleaning to be in place.

3. This emphasises even more the need to have the owners onsite to ensure security and to supervise and support the cleaning of the Castle. The management of the grounds would also be further compromised if the owners are not on site as managers.

The need to transform the method of operating in the hospitality sector is a by-product of the pandemic with support needed for small businesses that are in danger of having to permanently close. The Appellant is seeking support through this Application for Review for assistance in securing the necessary operating conditions to help the sector back to work. The support through approval of a Manger's house would provide the stability required to aid their business to recover and survive.

COVID-19 presents new unprecedented challenges to the tourism industry and necessitates a new way of working for all the industry, which could radically affect the Appellant's self-catering business.

We respectfully request that the above issues are brought to the attention of the Local Review Committee, as a further material consideration in support of the proposed manager's house.

Yours sincerely,

A solid black rectangular box used to redact the signature of the sender.

EMELDA MACLEAN MRTPI
EMAC PLANNING LLP

APPENDIX 4

FURTHER LODGED REPRESENTATIONS

From: [Iain Common](#)
To: [ForsythSL](#)
Subject: Re: Application for Review - Field Adjacent to the Lodge, Colliston Castle, Arbroath
Date: 13 May 2020 22:06:48

Dear Sarah,

Thanks for contacting me. See below for our response and consideration by the review board in the undernoted appeal,

Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013
Application for Review – Refusal of Planning Permission for Proposed New Managers House at Field Adjacent to the Lodge, Colliston Castle, Colliston, Arbroath – Mr J Lansley
Application No 19/00909/FULL - DMRC-1-20

Despite the pages and pages of submission by the applicants regarding this appeal, their case rests (almost) solely on continually conflating two quite separate matters; viz. the owning and running of Colliston Castle as a holiday let business is not linked to, or dependent on, the building of a new house situated a mere 100 metres from the castle itself. We will highlight countless examples of this mistaken thinking. Tellingly, despite the many references to the urgent need for for a new manager's house to, among other things, monitor guests, respond to their needs as well as providing on site surveillance, no evidence has been forthcoming that such proximity would have averted a major (or minor) catastrophe at any time over the last five or six years. Indeed, the only event, of any significance, that we are aware of (an overflowing septic tank) was dealt with perfectly adequately while the applicants were elsewhere.

The other ever present theme is the applicants casual relationship with the truth, as detailed in our previous objection, however two further examples in this appeal documentation deserve to be highlighted.

The following all relate to various points made by the applicants in their Local Review Statement. Para 2.3 "Prior to 2018, the appellant resided in Colliston Castle and it was clear that family groups and friends were reluctant to rent the Castle whilst the appellant also occupied the premises" Thus statement is directly contradicted by the following, taken from the Further Supporting Info Appendix 1, "we have camped, gone to other peoples bed and breakfasts, self catering let's (sic), stayed with friends and family".

It would appear, therefore, that perhaps, it was never the case that the appellant occupied the castle at the same time as paying guests.

Para 2.4 I would only say that questionable statements regarding the rental of a friends house have been highlighted by myself in our original objection.

Paras 2.5, 2.6 and 2.7 are, in effect, saying the same thing ie., permission to build is the only acceptable outcome for the applicants.

Para 3.1 The central point regarding visitors renting the castle whilst occupied by the owners has already been addressed. Once again, the last sentence makes reference to an urgent requirement for accommodation adjacent to the castle, mistakenly conflating this with the statement, "to viably run the holiday let business" when, in fact, there is no connection whatsoever as they are two quite separate issues.

Para 3.3

First point has been addressed several times.

Fourth point. No land or house sales locally within the last five years or so. No comment required in response to such a nonsensical statement other than to highlight the fact that a plot of land adjacent to East Mains of Colliston Farmhouse (situated approx 500mtrs from Colliston Castle) has recently been sold and work is currently underway in preparation for the construction of a new house.

The final point once again makes the mistaken assertion that, somehow, the continued owning and

running of Colliston Castle as a holiday let business is dependent on the building of this new manager's house. One is most certainly linked to, or dependent on, the other.

Para 3.8 A further claim that a new manager's house will, "allow the increase in demand for the rental of the Castle and reverse the financial loss....."

If, as the applicants claim, their business is currently making a loss (this while they have been living approx 100mtrs from the Castle in their "temporary" rental accommodation, at the Old Coach House, for the last two years, it is difficult to see how the not insignificant financial outlay of building a new house will solve that particular problem.

In the short period since this application has been refused, we understand (despite no official written confirmation to date) that Scottish Water have taken back control of the water supply to the castle and surrounding properties (the Old Coach House, Garden Cottage and ourselves) from what was previously a private supply. Because we are at the end of the supply line, our water pressure is regularly adversely affected when a number of guests are staying at the castle. So much so, that we commissioned an independent report which confirmed the potential for our water pressure to drop significantly when the number of users rose. I think I'm correct in saying Scottish Water have a statutory duty to maintain their supply a certain minimum pressure? I ask because if this development was allowed to go ahead then the new house would be situated between the castle and ourselves drawing water before the supply reaches us, thereby making, what is an already, unsatisfactory situation one that might very well become unmanageable for ourselves.

Finally, it is worth stressing that the purchase of Colliston Castle, the subsequent decision to let out the castle as a self catering business and the, not unexpected, quandry that the applicants now face is entirely of their own making. To now assert that they meet the requirements for classification as "essential workers" is disingenuous.

In conclusion, the points made in our original objection, particularly regarding ,loss of amenity are as relevant and heartfelt as ever.

For this reason, and the ones outlined above, we would request that this appeal is rejected.

Regards,

Iain and Philippa Common

j

----- Original Message -----

From: [ForsythSL](#)

To: [Undisclosed recipients:](#)

Sent: Thursday, April 30, 2020 2:12 PM

Subject: Application for Review - Field Adjacent to the Lodge, Colliston Castle, Arbroath

Dear Sir/Madam

Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013

Application for Review – Refusal of Planning Permission for Proposed New Managers House at Field Adjacent to the Lodge, Colliston Castle, Colliston, Arbroath – Mr J Lansley

Application No 19/00909/FULL - DMRC-1-20

I refer to the above planning application and your lodged representations to that application.

I write to advise you that the applicant has made an application for a review of the decision taken by the Service Leader – Planning and Communities. This is a process brought in by the above legislation to enable applicants dissatisfied with a decision of the Planning Authority to ask for it to be reviewed. This review will be made by Angus Council's Development Management Review Committee. A copy of the Council's Decision Notice is attached for your information.

In accordance with the above Regulations, I am required to ask you if you wish to make any further representations. The Review Committee will be given copies of your original representation. If you do wish to do so, you have 14 days from the date of receipt of this email to make such representations. These should be sent directly to me.

The applicant will then be sent a copy of these representations and the applicant will be entitled to make comments on them. These comments will also be placed before the Review Committee when it considers the review.

I can also advise that a copy of the Notice of Review and other documents related to the review can be viewed by contacting me directly.

In the meantime, should you have any queries please do not hesitate to contact me.

Kind regards

Sarah

Sarah Forsyth | Committee Officer | Angus Council | T: 01307 491985 | ForsythSL@angus.gov.uk
| www.angus.gov.uk

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39 Station Road
Lochgelly
KY5 9QX

Date 13/05/2020

Dear Sir/ Madam

**Comments to Review Committee on Appeal against decision to Refuse application ref
19/00909/Full – DMRC-1-20**

I refer to the above appeal which is to be reviewed by the committee and am aware that the committee are obliged to consider all of the extensive commentary that was made in the original application. I will be concise as possible in my comments as all of the grounds for the refusal of the application remain strong and valid, but I am compelled to address, in the paragraphs below, the various claims by the appellants and their planning agent in their extensive, and sometimes repetitive submissions.

I will demonstrate that there are no grounds for a new development as essential worker's accommodation at Colliston Castle, thus to allow the appeal would be to breach policy TC2 of the Angus Local Development Plan and I will ask the committee to uphold the original planning decision to refuse the application.

1. The appellant's agent claims that the 'only reason provided by the Planning Authority for refusing the proposal was that they did not consider there was a need for a manager's house'.

This conflicts with statements in the decision notice and report of handling where it is clearly stated, by the planning officer after consideration that:

1. The application is contrary to Policy TC2 of the Angus Local Development Plan 2016 and the associated 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 DS1 of the Angus Local Development Plan 2016 as the proposal is not in accordance with relevant policies of the ALDP, namely Policy TC2.

Thus the proposed development satisfies none of the required tests rather than as the appellant would have the panel believe satisfying in the view of the planner all but the important test for the need for accommodation for a manager. On this ground the appeal is flawed and I ask that the committee reject it.

2. The appellants attempt to claim that no accommodation is available close enough to Colliston Castle, either to rent or to buy, and that they have exhaustively tried to find properties, and

to find ways to develop self contained accommodation for themselves in the castle. Comments to their first application to develop a property (ref, 18/00054/FULL) and the current application show that the applicants have ignored option to develop any required accommodation within the self contained rooms around the outside of the rear courtyard of the castle, which benefit from independent external access.

Additionally it should be noted that based on a brief check there are currently at least 81 properties for sale a few minutes away from the castle in Arbroath, there are several properties for sale at Letham Grange, around 1km from the castle, and a brief online search shows there is at least one property for sale at the Cotton of Colliston, again within close proximity of the castle. Thus the applicants have no basis to claim that accommodation is not available within a convenient distance of the castle. Additionally a building plot has been available to buy at the walled garden of the East Mains of Colliston until comparatively recently. It should not fall to me to point out to the committee that the essential workers accommodation easement exists to assist essential workers in remote rural locations where distance and transport issues might hinder them from reaching their place of work rather than to allow developments to be built on the grounds of historic properties where there is a plentiful supply of accommodation locally.

The appellants also claim they have investigated renting property, but it is too expensive. Property is available to rent in the area, and the average calendar month rent in Arbroath is in the region of £500. This cannot be argued to be expensive, and based on a simple (not allowing for inflation) calculation at this rent the appellants could rent a property for 25 years for a total cost of £150000. If they were to follow that course of action they would be contributing to the local economy, and it should be noted that they would not have to meet the maintenance costs of the property they were renting which would further reduce the long costs of renting compared to buying or indeed developing a new property.

A final consideration is that the appellants had until recently rented, with accrued tenancy rights, a cottage in the former stables of the castle. Were it essential for them to be on site responsible business practice and simple common sense dictates that they would not have left that property until they had alternative appropriate accommodation secured. Should the appellant seek to argue that they were forced to leave their rental accommodation they should evidence this by providing to the committee an original or solicitor certified legal notice to quit served on them by their landlord. The committee will note that in their appeal submission the appellants do not claim that they were served notice to leave their tenancy.

For all of the above reasons the appellants demonstrate that in their determination to develop a new property on the policies of the castle they have failed to pursue other local opportunities for accommodation to be used as accommodation for a manager, so I ask the committee on this basis also to reject their appeal.

- 3 The appellants claim in their appeal it takes 2 full days a week to tend to the grass and imply a lot of time is needed to deal with planting and seedlings. It is important the committee understand the true nature and demands of the grounds at the castle. The lawns account for less than 0.6 of an acre, there are parklands and policies of around 0.7 of an acre, there is land used since 1948 for grazing of around 4.5 acres, the remainder of the castles grounds are made up of woodland and unmown boggy grass. Thus the grass could be maintained by a

competent person using appropriate equipment in around 1 day a week over the course of a season. Additionally it should be noted that the recently built walled garden comprises around .10 of an acre. Thus grounds maintenance cannot be argued to contribute significantly to any requirement for an essential worker to be on site.

The appellants claim that they need to be on site to help guests when there are problems. It has already been established that there is plenty of accommodation available within minutes of the castle, and it should be noted that while the appellants and their agents refer to a need to attend to deal with electrical problems and other problems, we understand the appellant is not a qualified electrician so I am sure that the committee will agree that they would have to call a suitably qualified tradesman from one of the many nearby communities to attend the castle to resolve any faults. Thus it is clear despite the claims made there is no practical need to the appellant or anyone on their behalf to be living on site to manage the castle and for that reason I ask the committee to reject the appeal.

- 4 The appellants make repetitious claims that they run the castle so that it is a significant tourist business in the area and generates significant revenues. They have also commissioned an 'independent report' on the role of the castle as a tourist business. In the current climate I am quite sure that the Committee, as well as the appellant will recognise the clear conflict of interest that exists with this for the author of the report, and it is at best disingenuous, although ultimately irrelevant, to include it with the appeal. The most accurate description of the scale of the appellant's business at the castle can be found in the appellants own true perception of it in their ongoing operations of the castle:

(A) Their change of use application (18/00940/FULL) which followed their first application to develop a property at the castle (18/00054/FULL) and which was referenced in the current application is only to change the castle to 'a mixed use comprising Residential Dwelling, Guest/Holiday Accommodation & Exclusive use venue' etc. Thus their intention in this application is not to operate a business full time from the castle so there can no need for sufficient employment for an essential worker, and correspondingly there can be no need for accommodation for an essential worker.

(B) The register of business properties does not show the castle to be registered as a business property, even one that would qualify for a business rates exemption. In the local area even many modest Guest/ B&B and Holiday Accommodation businesses have their properties registered as business properties. This demonstrates small scale of the operation by the applicants and that their operation of the castle cannot be viewed as giving such value to the local community that it might demand any exemption from the requirements of the Angus Local Development Plan.

Should the applicants seek to claim that having alternative accommodation outside the castle would allow them to grow their business to a point where the castle would be treated as a business property I would refer the committee to the points above demonstrating the availability of nearby accommodation that they could use to facilitate this. As it is proven that the appellant's operation at the castle is not significant I ask that the committee follow the terms of the Angus Local Development Plan and duly reject the appeal.

In the above paragraphs, and comments objecting to the original application, as well as to the previous application to develop a property as Essential Workers Accommodation in the grounds of the castle, the appellants case is disproved and claims comprehensively addressed to the point that I ask and trust that Committee will readily accept that there are no grounds to allow this appeal. I therefore respectfully ask that the appeal is rejected.

Jade Stuart

APPENDIX 5

APPLICANT'S REPOSE TO FURTHER REPRESENTATIONS

From: [Emelda Maclean](#)
To: [ForsythSL](#)
Subject: Re: Application for Review - Field Adjacent to the Lodge, Colliston Castle, Colliston, Arbroath
Date: 27 May 2020 15:02:31
Importance: High

Dear Ms Forsyth,

I refer to your email below attaching representations.

The Appellant is content that the planning matters raised, have been addressed in their original submission.

They would, however, wish to clarify the following:

- The Appellant has spent a considerable amount of time, since purchasing the Castle in 2012 on transforming the gardens and tending to them, and continues to do so. This all adds to the attraction of the Castle as a tourist destination, whilst also ensuring that the setting to the Castle is maintained. The transformation and restoration of the grounds, which were in a derelict state in 2012, requires consistent and daily work and time.
- The Appellant has explained that they have explored converting part of the Castle, but this would not be feasible. Self Catering rental agents emphasise the importance and guests' preference that owners are accessible on site but are not sharing the same property.
- The Castle has not been occupied whilst guests have been in residence.

We trust the above clarification is of assistance.

Regards

Emelda

Emelda Maclean MRTPI
Emac Planning LLP
Town Planning Consultants
38 Cortachy Crescent
Broughty Ferry
Dundee
DD5 3BF

[Email: emelda@emacplanning.co.uk](mailto:emelda@emacplanning.co.uk)

Tel: 01382 738822

Mobile: 0784 1658360

On 21 May 2020, at 12:08, ForsythSL <ForsythSL@angus.gov.uk> wrote:

Dear Madam

Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013
Application for Review – Refusal of Planning Permission for Proposed New Managers House at Field Adjacent to the Lodge, Colliston Castle, Colliston, Arbroath – Mr J Lansley
Application No 19/00909/FULL - DMRC-1-20

I refer to the above application for review and to previous correspondence, and write to advise you that I have received further

representation from two of the interested parties.

In accordance with the legislation, I am now forwarding a copy of these to you.

You have the right to make comment on the representations and, should you wish to do so, you have 14 days from the date of receipt of this correspondence to make any such representations which should be sent directly to me.

Kind regards

Sarah

Sarah Forsyth | Committee Officer | Angus Council | T: 01307 491985 |
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<Stage 3 - further comments JStuart.pdf><Stage 3 - further comments
ICommon.docx>