AGENDA ITEM NO 5

REPORT NO 210/20

ANGUS COUNCIL

DEVELOPMENT MANAGEMENT REVIEW COMMITTEE – 3 SEPTEMBER 2020

LAND AT DUNTRUNE STEADINGS, DUNTRUNE

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 erection of single storey house, detached double garage and horse stabling building, application No 20/00210/FULL, at Land at Duntrune Steadings, Duntrune.

1. RECOMMENDATIONS

It is recommended that the Committee:-

(i) review the case submitted by the Planning Authority **(Appendix 1)**; and

(ii) review the case submitted by the Applicant **(Appendix 2)**.

2. ALIGNMENT TO THE ANGUS LOCAL OUTCOMES IMPROVEMENT PLAN

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

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

3. CURRENT POSITION

The Development Management Review Committee is required to determine if they have sufficient information 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. FINANCIAL IMPLICATIONS

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

5. CONSULTATION

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

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

Report Author: Sarah Forsyth
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Appendix 1 – Submission by Planning Authority
Appendix 2 – Submission by Applicant

APPENDIX 1

ANGUS COUNCIL'S SUMISSION ON GROUNDS OF REFUSAL

APPLICATION NUMBER – 20/00210/FULL

APPLICANT- MS IMOGEN JOHNSTON

PROPOSAL & ADDRESS –ERECTION OF SINGLE STOREY HOUSE, DETACHED DOUBLE GARAGE AND HORSE STABLE BUILDING AT LAND AT DUNTRUNE STEADINGS DUNTRUNE

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Angus Council

Application Number:	20/00210/FULL
Description of Development:	Erection of Single Storey House, Detached Double Garage and Horse Stable Building
Site Address:	Land At Duntrune Steadings Duntrune
Grid Ref:	344390 : 735085
Applicant Name:	Ms Imogen Johnston

Report of Handling

Proposal

Planning permission is sought for the erection of a house, garage and horse stable on at land at Duntrune Steadings, Duntrune.

The site measures around 4500sqm and slopes from south to north and currently accommodates an area of vegetation and woodland. The site sits between the public road to the north and a cluster of housing associated with Duntrune House and steading to the south.

Access to the site would be taken from track to the east and the proposed buildings would all be located towards the eastern portion of the site.

The proposed house would be a single storey ridged roof design with a 177sqm footprint. It would contain two bedrooms and would be finished in white smooth render and blockwork feature walls and a slate roof. The garage building would be a 38sqm ridged roof design 2 car bays and finished in the materials to match the proposed house.

The horse stables building would be a 60sqm building arranged in an L-shape plan. The building would provide 2 stables, a corner box and a hay store and would be finished in the same materials as the proposed house.

The development would connect to the mains water supply, would use a septic tank system for foul water and would use sustainable drainage for surface water.

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 10 April 2020 for the following reasons:

- Affecting Setting of Listed Building

A site notice was posted for Setting of Listed Building on 17 April 2020.

Planning History

There is no recent planning history relating to the site.

Applicant's Case

The Planning Statement provides an overview of the site location, history and proposal. It describes the

personal circumstances of the applicant and their need for a wheelchair accessible dwelling on one level. It describes that they would benefit in close to their mother who owns adjacent land.

The statement suggests that 2 no. two storey houses were granted at this site by Dundee City Council in 1993 (ref 91/16527/D) but were not constructed.

The Statement concludes the proposal is demonstrative of a pattern of development of a smaller settlement in this location, as noted in the Council's Countryside Housing Supplementary Guidance, and maintains ongoing growth and diversity of development in an appropriate location. It indicates a successful application for new house proposal would facilitate better land management and more productive usage.

Consultations

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

Angus Council - Roads - Offered no objection subject to the attachment of conditions regulating the reconstruction of the verge crossing and a scheme of improvements for the access track between the public road and site entrance.

Scottish Water - Offered no objection to the proposal.

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

Representations

1 letters of representation were received, of which 0 offered comments which neither supported nor objected to the proposal, 1 objected to the proposal and 0 supported the proposal.

The main points of concern were as follows:

Neighbours at Duntrune House were not notified of the application – Additional neighbour notification was carried out and neighbour notification has been carried out in accordance with the regulations.

Information submitted does not accurately show the position of the water supply and this should be established before planning permission is granted – the application form indicates that the proposed house would connect to the public water supply. Scottish Water has been consulted on the application and has offered no objection to the proposal, confirming that there is currently sufficient capacity in the Clatto Water Treatment Works to serve the proposed development. The applicant would need approval from Scottish Water to connect to the public water supply network and Scottish Water would decide the appropriate location for that connection to be made.

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.

Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires the planning authority, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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). The local development plan indicates that Category 1 RSU's are non-remote areas with stable or increasing populations or where there are no services or facilities in need of support. The local development plan indicates that in these areas new housing development outwith settlements should be restricted.

Policy TC2 supports housing in countryside locations where it falls within at one of a number of categories. Policy TC2 also requires proposals for housing in the countryside to be assessed against the Countryside Housing Supplementary Guidance.

The proposed dwelling does not comply with any of the circumstances where a new house in the countryside is permitted. The proposal 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 rounding off of an established building group of 3 or more existing dwellings; it is not for an essential worker supported by appropriate evidence of need; it would not fill a qualifying gap site 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; and 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.

The proposed house cannot be considered to round off the building group because it would extend the group to the north towards the road. It does not constitute a qualifying gap site because the road frontage of the site is around 77m which significantly exceeds the 50m road frontage limit allowed for in category 1 areas.

The principle of a house on the site is contrary to Policy TC2 because the site does comply with any of the circumstances where a new house in the countryside is permitted in a Category 1 Rural Settlement Unit.

Proposals for new housing in the countryside also need to meet the Detailed Countryside Housing Criteria contained in Appendix 3 of the Countryside Housing Supplementary Guidance and the proposal does not meet all of the relevant criteria.

The plot size of the proposed house measures around 4500sqm. The maximum permitted plot size in a category 1 area is 2000sqm and, at more than double the maximum permitted plot size, the proposal is contrary to criterion (b) of Appendix 3.

Criterion (e) requires new houses to contribute to the character of the surrounding area and not be urban in form or appearance. It indicates that materials and design should reflect and complement traditional properties in the locality. While the proposed house is rectilinear in form which is an acceptable characteristic for new housing in the countryside, some of the detail of the design is more suburban in form. The roof to wall ratio would result in a house with a top heavy appearance which is not characteristic of traditional properties in the locality. The mix of render and cladding and the unusual design of glazing on

the gable elevations of the building would result in a cluttered external finish. That is not a characteristic of rural property, which typically displays a simpler palette of external materials and rectilinear window openings. Had a house in this location been acceptable in principle, this matter could have been resolved with the applicant. However, as proposed the design solution does not satisfy the requirements of criterion (e) of the Countryside Housing Supplementary Guidance. The proposed house is also contrary Policy DS3 because it does not represent a high design standard which draws upon aspects of landscape or townscape that contribute positively to the character and sense of place of the area in which it is located.

The principle of a house on the site and the detailed design solution proposed does not comply with policies of the Angus Local Development Plan. For completeness, as assessment against other relevant policies is provided below.

The proposal would not raise any significant issues against the remaining tests of Policy TC2 and the associated Countryside Housing Supplementary Guidance. Residential and ancillary horse stabling would be a compatible land use having regard to neighbouring uses. The house would provide a satisfactory residential environment and would not result in unacceptable impact on the built and natural environment, surrounding amenity, access or infrastructure. The house would not have a significant impact on the setting of adjacent listed buildings. A development of this nature would not require a contribution towards affordable housing.

Policy PV20 indicates that development proposals on prime quality agricultural land will only be supported in limited circumstances. While available information suggests that the site contains prime quality agricultural land (grade 2), it represents a relatively small area that does not appear to have been actively used for agricultural purposes for a significant period of time. This is illustrated by the fact that the site currently contains a number of mature trees, particularly on its west side. The proposal does raise not any significant issues against what Policy PV20 is trying to achieve,

The house would connect to the mains water supply, use private treatment measures for foul water and sustainable drainage for surface water. This is compatible with Policy PV15 and, were the proposal otherwise acceptable, these matters would be regulated by Scottish Water and the Building Regulations respectively.

In relation to material considerations it is relevant to note a representation has been submitted against the proposal. That representation is material in so far as it relates to relevant planning matters and has been taken into account in the preparation of this report.

In terms of concerns relating to the precise position of a new connection to the public water supply. Scottish Water has been consulted on the application but has offered no objection. They confirm that capacity exists in the network to accommodate the development. The applicant would need approval from Scottish Water to connect to the public water supply network and Scottish Water would decide the appropriate location for that connection to be made.

The supporting statement indicates that the applicant requires wheelchair accessible accommodation on one level. While the applicant's desire for this type of accommodation is noted, it does not represent a material consideration which justifies approval of a dwelling in a location which is otherwise contrary to the development plan. Regard has been given to the other matters raised in the supporting information but there are no material considerations which justify the approval of the planning permission contrary to the development plan.

In conclusion, the proposed development is for the erection of a dwelling house and associated buildings in a Category 1 Rural Settlement Unit where the local development plan is more restrictive in its approach to new housing development in the countryside. While the proposal is compatible with some aspects of the development plan, the principle of a house on the site does not comply with Policy TC2 or the Countryside Housing Supplementary Guidance and there are issues with the proposed design, which is not appropriately detailed for a new house in the countryside. There are no material planning considerations which would justify the approval of planning permission contrary to the development plan.

Human Rights Implications

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

Equalities Implications

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

Decision

The application is refused

Reason(s) for Decision:

1. The application is contrary to Policy TC2 of the Angus Local Development Plan 2016 and the associated Countryside Housing Supplementary Guidance because the proposal does not comply with any of the circumstances that would allow for the construction of a new house in the countryside in this location and because the proposed plot size significantly exceeds the maximum plot size for a new house in a Category 1 Rural Settlement Unit.

2. The application is contrary to policies DS3 and TC2 of the Angus Local Development Plan 2016 and the associated Countryside Housing Supplementary Guidance (2016) because the design and detailing of the proposed house would be suburban in appearance and would not reflect and complement traditional properties in the locality.

3. The application is contrary to Policy DS1 of the Angus Local Development Plan 2016 as the proposal is not in accordance with relevant policies of the ALDP, namely policies TC2 and DS3 and the Countryside Housing Supplementary Guidance.

Notes:

Case Officer: Fraser MacKenzie
Date: 13 May 2020

Appendix 1 - Development Plan Policies

<u>Angus Local Development Plan 2016</u>

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:

- be compatible with current and proposed land uses in the surrounding area;
- provide a satisfactory residential environment for the proposed dwelling(s);
- not result in unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure; and
- include as appropriate a mix of house sizes, types and tenures and provision for affordable housing in accordance with Policy TC3 Affordable Housing.

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

- the site is not allocated or protected for another use; and
- the proposal is consistent with the character and pattern of development in the surrounding area.

In countryside locations Angus Council will support proposals for the development of houses which fall into at least one of the following categories:

- retention, renovation or acceptable replacement of existing houses;
- conversion of non-residential buildings;
- regeneration or redevelopment of a brownfield site that delivers significant visual or environmental improvement through the removal of derelict buildings, contamination or an incompatible land use;
- single new houses where development would:
- round off an established building group of 3 or more existing dwellings; or
- meet an essential worker requirement for the management of land or other rural business.
- in Rural Settlement Units (RSUs)**, fill a gap between the curtilages of two houses, or the curtilage of one house and a metalled road, or between the curtilage of one house and an existing substantial building such as a church, a shop or a community facility; and
- in Category 2 Rural Settlement Units (RSUs), as shown on the Proposals Map, gap sites (as defined in the Glossary) may be developed for up to two houses.

Further information and guidance on the detailed application of the policy on new residential development in countryside locations will be provided in supplementary planning guidance, and will address:

- the types of other buildings which could be considered suitable in identifying appropriate gap sites for the development of single houses in Category 1 Rural Settlement Units, or for the development of up to two houses in Category 2 Rural Settlement Units.
- the restoration or replacement of traditional buildings.
- the development of new large country houses.

*includes houses in multiple occupation, non-mainstream housing for people with particular needs, such as specialist housing for the elderly, people with disabilities, supported housing care and nursing homes.
**Rural Settlement Units are defined in the Glossary and their role is further explained on Page 9.

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:

- 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.

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:

- protect and retain woodland, trees and hedges to avoid fragmentation of existing provision;
- be considered within the context of the Angus Woodland and Forestry Framework where woodland planting and management is planned;
- 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;
- ensure new woodland is established in advance of major developments;
- undertake a Tree Survey where appropriate; and
- 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:

- support delivery of the development strategy and policies in this local plan;
- are small scale and directly related to a rural business or mineral extraction; or
- 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.

AC2

ANGUS COUNCIL

PLACE
PLANNING

CONSULTATION SHEET

PLANNING APPLICATION NO	**20/00210/FULL**

Tick boxes as appropriate

ROADS	No Objection		
	Interest	✓	(Comments to follow within 14 days)
	Date	10 / 04 / 20	

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

AC2

Memorandum

Infrastructure
Roads & Transportation

TO: DEVELOPMENT STANDARDS MANAGER, PLANNING

FROM: TRAFFIC MANAGER, ROADS

YOUR REF:

OUR REF: CH/AG/ TD1.3

DATE: 15 April 2020

SUBJECT: **PLANNING APPLICATION REF. NO. 20/00210/FULL – PROPOSED ERECTION OF SINGLE STOREY HOUSE, DETACHED DOUBLE GARAGE AND HORSE STABLE BUILDING AT DUNTRUNE STEADINGS, DUNTRUNE, DUNDEE**

I refer to the above planning application.

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

The site is located on the south side of the unnumbered classified, Dundee to Tealing to Auchterhouse road at Duntrune, north-west of Burnside of Duntrune. An existing shared track leads southwestwards from the public road to the application site.

The submitted application form indicates that a new access is required from the public road. However, the access track is not on the list of public roads and therefore permission for the new access is not required from the roads authority.

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

1 That, the verge crossing at the junction of the existing access track leading to Duntrune Steadings with the public road (Dundee to Tealing to Auchterhouse road) shall be fully reconstructed in accordance with the standards of Angus Council.
Reason: to provide a safe and satisfactory access in a timely manner.

2 That, prior to the commencement of development, a scheme of improvements to the access track between the public road (Dundee to Tealing to Auchterhouse

road) and the entrance to the application site shall be submitted for the consideration of the planning authority. The scheme of improvement shall include

(a) a construction specification in accordance with the council's planning advice note; PAN 17 – Miscellaneous Planning Policies; and

(b) the improvements to the access track shall extend in a south-westerly direction for a minimum distance of six metres from the junction of the access with the public road [Dundee to Tealing to Auchterhouse road].

The development shall not commence until the planning authority has agreed the scheme of improvements in writing. The scheme of improvements to the access track shall thereafter be completed prior to the occupation of the dwelling house hereby approved.
Reason: to maintain a safe and suitable access, to help prevent the transfer of access debris onto the public road and to provide an adequate level of residential amenity.

I trust the above comments are of assistance but should you have any queries, please contact Adrian Gwynne on extension 2036.

AC3

Monday, 13 April 2020

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

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

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

Dear Sir/Madam

SITE: Land At Duntrune Steadings, , Duntrune, DD4 0PJ
PLANNING REF: 20/00210/FULL
OUR REF: DSCAS-0008119-986
PROPOSAL: | Erection of Single Storey House, Detached Double Garage and Horse Stable Building

Please quote our reference in all future correspondence

Audit of Proposal

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 Capacity Assessment

Scottish Water has carried out a Capacity review and we can confirm the following:

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

Waste Water Capacity Assessment

- This proposed development will be serviced by BURNSIDE DUNTRUNE Waste Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity currently so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water via our Customer Portal or contact Development Operations.

Please Note

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

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 from the customer taking account of various factors including legal, physical, and technical challenges.

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

General notes:

- Scottish Water asset plans can be obtained from our appointed asset plan providers:
    - Site Investigation Services (UK) Ltd
    - Tel: 0333 123 1223
    - Email: sw@sisplan.co.uk
    - www.sisplan.co.uk
- Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.
- If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.

- The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.

- Please find information on how to submit application to Scottish Water at our Customer Portal.

Next Steps:

All Proposed Developments

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via our Customer Portal 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 to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at www.scotlandontap.gov.uk

Trade Effluent Discharge from Non Dom Property:

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

I trust the above is acceptable however if you require any further information regarding this matter please contact me on **0800 389 0379** or via the e-mail address below or at planningconsultations@scottishwater.co.uk.

Yours sincerely,

Planning Application Team
Development Operations Analyst
developmentoperations@scottishwater.co.uk

Scottish Water Disclaimer:

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

AC4

From: Claire Herbert
Sent:16 Apr 2020 15:36:42 +0100
To:PLNProcessing
Cc: MacKenzieF
Subject: Planning consultation 20/00210/FULL - Archaeology response

Planning Reference: 20/00210/FULL

Case Officer Name: Fraser Mackenzie

Proposal: Erection of Single Storey House, Detached Double Garage and Horse Stable Building

Site Address: Land At Duntrune Steadings Duntrune

Site Post Code:

Grid Reference: NO 4439 3508

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

Erection of Single Storey House, Detached Double Garage and Horse Stable Building

Dear Fraser

I have the 3 following comments to make on planning application number 20/00210/FULL

1) The premises at Duntrune House have been omitted from the list of neighbours notified despite such notification being required by Planning Circular 3/2013. I would therefore ask that all the neighbours at Duntrune House now receive notice of this latest application and that the planning section of the Angus Council website be updated accordingly to this effect so that all due process has been correctly followed.

2) re water supply to the proposed site - the Proposed Site Plan shows a broken blue line within the grounds of Duntrune House immediately east of the existing access and this line is labelled existing Scottish Water main supply. As I commented on planning application number 19/00882/FULL this information is significantly inaccurate and I am disappointed that the same information has been submitted again with the current application without any warning or disclaimer.

To avoid future potential problems I believe that it is essential to confirm and document now the exact position and arrangement of the water supply pipe(s) as my understanding is that the arrangement as shown on the drawing supplied to me in 1981 by the then Water Authority and which I have previously supplied to you, is accurate and this is supported by the physical presence of a 'Toby' in the indicated location further within my property. My own efforts to obtain revised information from Scottish Water's Development Operations Department have not yet borne fruit and I am still awaiting a response from them regarding my enquiry. If you or the applicant are able to expedite this enquiry on my behalf I would be most grateful as I do not wish this inaccuracy to be left uncorrected and in the public domain.

As well as having correct services supply documentation for the future, it is important to know the exact location and arrangement of the water service pipes as this may also determine the feasibility of the method of connection of the proposed new property. In the current application the development appears to be equi-distant between the true position of the supply pipe in the grounds of Duntrune House and of the Scottish Water distribution main in the field to the North of the main road. I would imagine that a direct connection to the distribution main would be preferable to a connection to older pipework already servicing 11 properties. The development will also have to receive the minimum level of water service whilst maintaining the same throughout the remainder of the local network should it be connected to this. I understand a formal technical application will be required to be submitted to Scottish Water once full planning permission has been granted, but I feel that clarification is required at this stage when errors or omissions have been pointed out, as this could help determine the best water supply connection point. I would therefore ask that either:

a) planning for both the steading development or the new build are not granted until Scottish Water have confirmed the location and arrangement of the existing supply pipe(s) and this data has been uploaded on the planning application portal

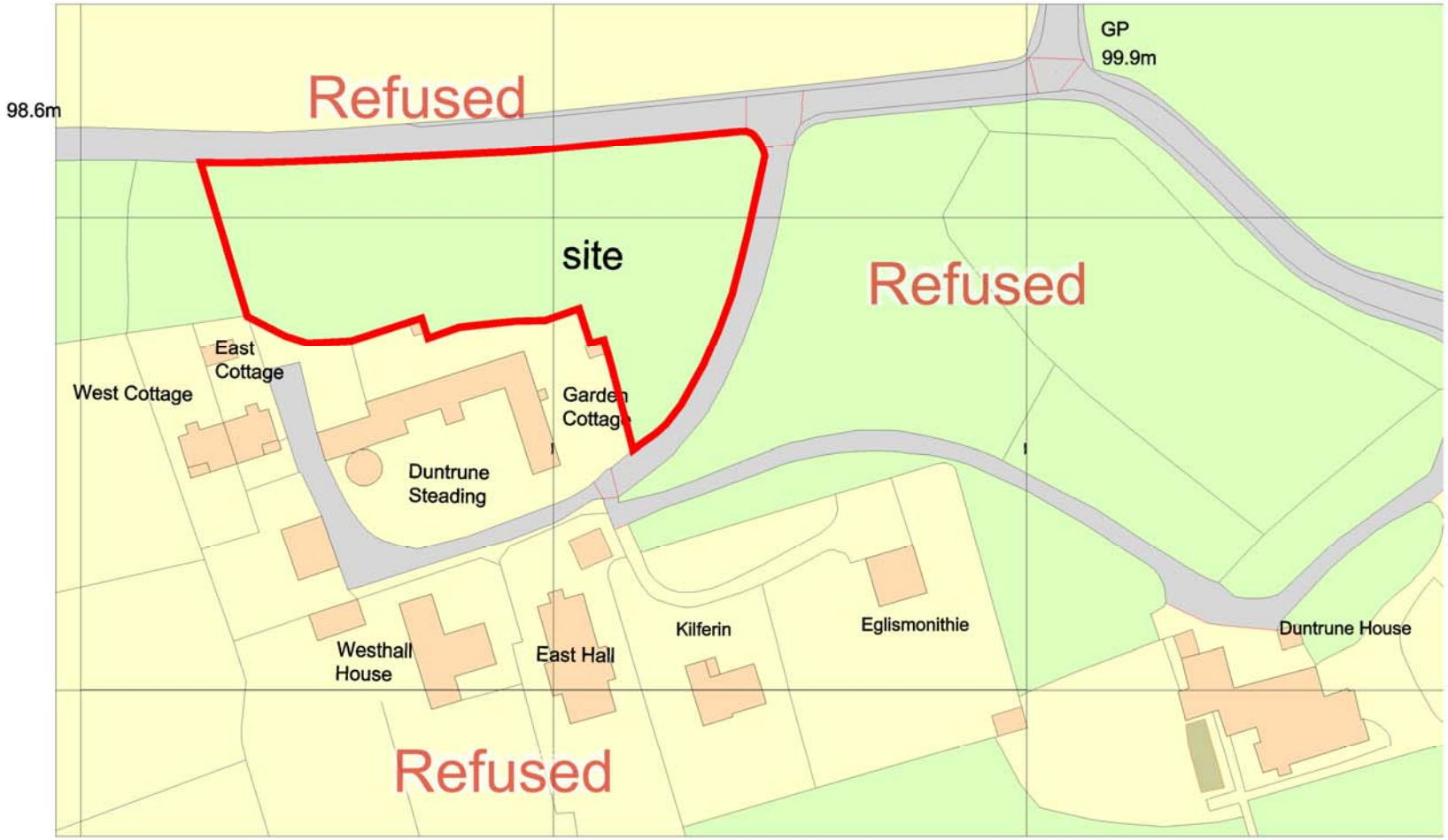
or

b) that a condition of planning being granted for both applications is that the formal technical application to Scottish Water should include a field study to identify and document the location and arrangement of the supply pipe(s) within the grounds of Duntrune House and this data has to be uploaded on the planning application portal.

3) In the Planning Statement under the description of Duntrune House there are two factual statements requiring correction. Duntrune House is listed category "B" not "C" and the B&B has 3 not 4 letting rooms

Kind regards
Barrie Jack

AC6



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north

SCALE 1:500

PLANNING

General Notes

No.	Revision/Issue	Date
A	Boundary line made thicker	
	Title amended	25.03.2020

OUTLINE
COMPUTER AIDED DESIGN
6 HAZEL DRIVE
DUNDEE
DD2 1QQ
TELEPHONE 01382 642 944
MOBILE 07802 345875

Erection of Single Storey House, Detached Double Garage, and Horse Stable Building at
Duntrune Farm Buildings
Duntrune, by Dundee
DD4 0PJ

Drawing	Drawing No.
OS Map	119-017 A
	Date: March 2020
	Scale: 1:500

Refused

north

98.6m

GP
99.9m

site

plot 3

plot 2

plot 1

East
Cottage

West
Cottage

Note: Application site shown outlined in solid red line.

Note:
Existing tarmac road shown with cross hatch is owned by the applicant.

Refused

Note: Steading Application site shown outlined with a blue line and cross hatched to indicate plot subdivisions is also owned by the applicant.

Refused

Westhall
House

Eastthall
House

Kilferin

Eglismonithie

Duntrune
House

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SCALE 1:500

0 2 4 6 8 10 20m

PLANNING

AC7

General Notes

No.	Revision/Issue	Date
A	Boundary line made thicker	
	Title amended	25.03.2020

OUTLINE
COMPUTER AIDED DESIGN
6 HAZEL DRIVE
DUNDEE
DD2 1QQ
TELEPHONE 01382 642 944
MOBILE 07802 345675

Erection of Single Storey House, Detached Double Garage, and Horse Stable Building at
Duntrune Farm Buildings
Duntrune, by Dundee
DD4 0PJ

Drawing	Drawing No.
Site Ownership Plan	**119-010 A**
	Date: **Dec. 2019**
	Scale: **1:500**

Refused

elevations from main road

retained breech in existing dry stone wall to give access for woodland maintenance

existing tree retained

LPG tank screened with harvested logs

refuse area with harvested log screening

existing Scottish Water main supply

existing access road

new apple orchard

existing trees retained

paddock

proposed single storey house

proposed stable block

hay barn

stable

stable

corner box

garden ground

soakaway

septic tank

LPG

entrance

new water supply

proposed double garage

Refused

assumed location of SEPA approved septic tank and soakaway from East and West Garden cottages. Final location still to be determined due to storm damaged tree.

Refused

north

SCALE 1:200

0 1 2 3 4 5 10m

PLANNING

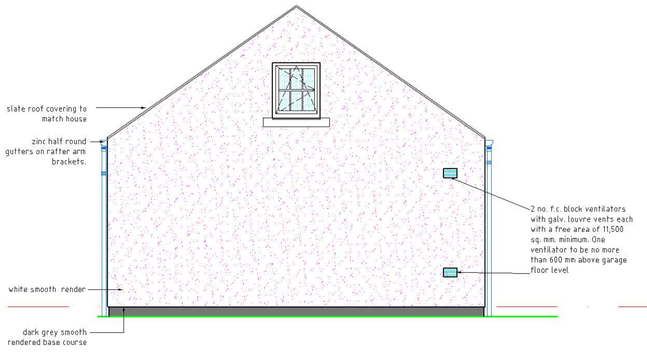
General Notes

No.	Revision/Issue	Date
A	Boundary line made thicker	
	Title amended	25.03.2020

OUTLINE
COMPUTER AIDED DESIGN
6 HAZEL DRIVE
DUNDEE
DD2 1QQ
TELEPHONE 01382 642 944
MOBILE 07802 345675

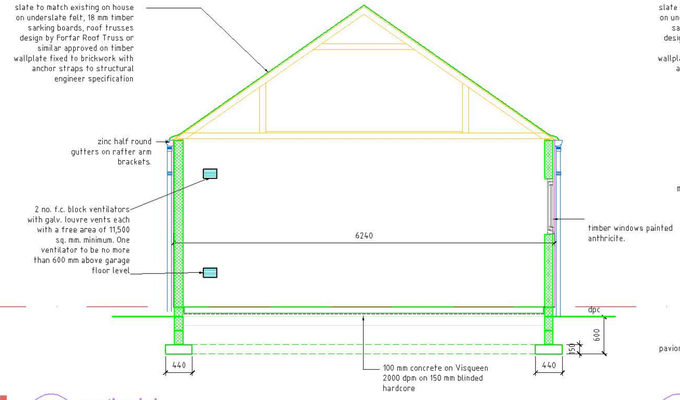
Erection of Single Storey House, Detached Double Garage, and Horse Stable Building at Duntrune Farm Buildings Duntrune, by Dundee DD4 0PJ

Drawing	Drawing No.
Site Layout Plan	**119-015 A**
	Date: **March 2020**
	Scale: **1:200**

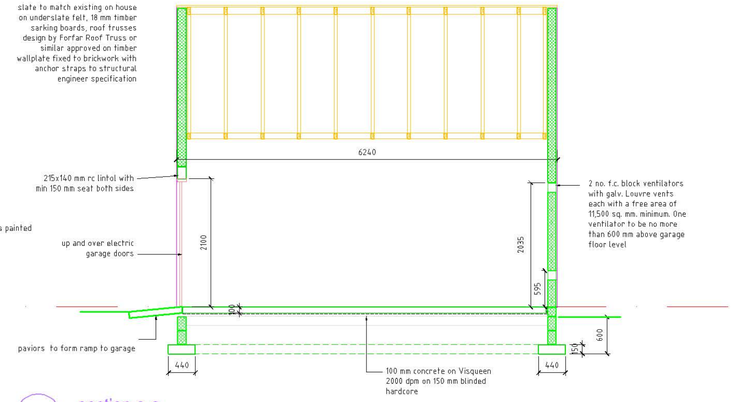


1 south elevation
1:50

Refused

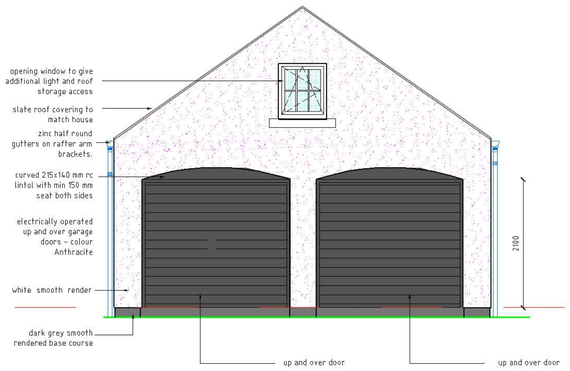


2 section b-b
1:50

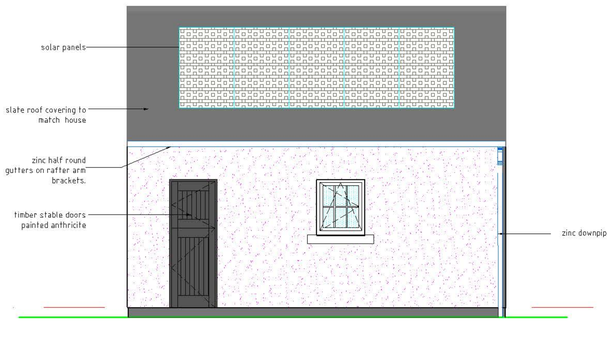


3 section a-a
1:50

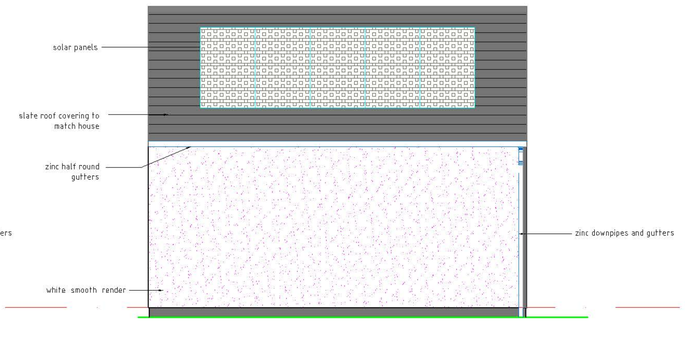
Refused



4 north elevation
1:50

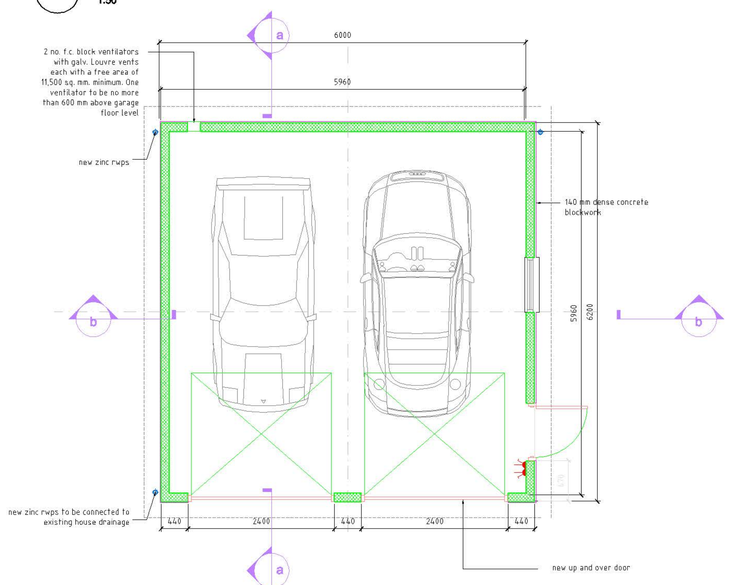


5 west elevation
1:50

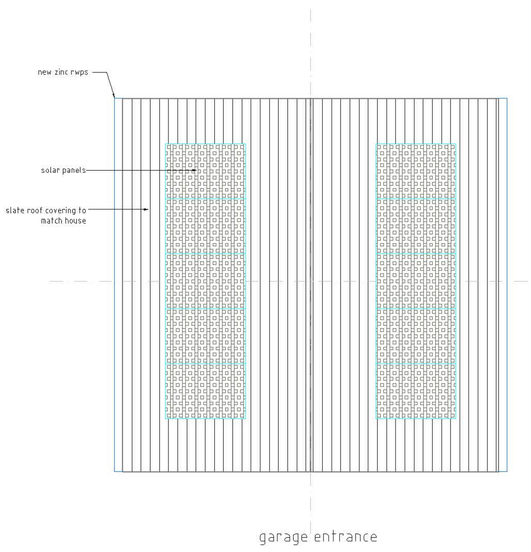


6 east elevation
1:50

Refused



7 plan
1:50



8 roof plan
1:50

SCALE 1:50

0.0 0.5 1.0 1.5 3.0m

PLANNING

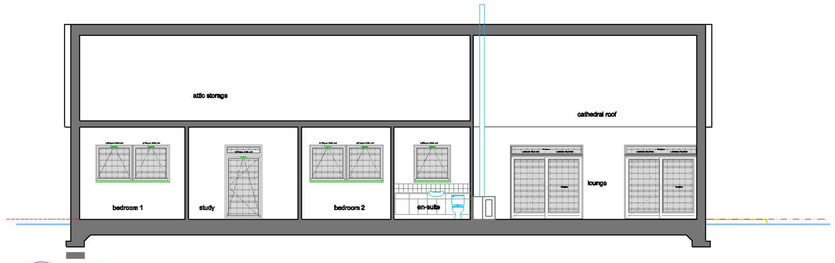
A	Title amended	25.03.2020
No.	Revision/Issue	Date

OUTLINE
COMPUTER AIDED DESIGN
6 HAZEL DRIVE
DUNDEE
DD2 1QQ
TELEPHONE 01382 642 944
MOBILE 07802 345675

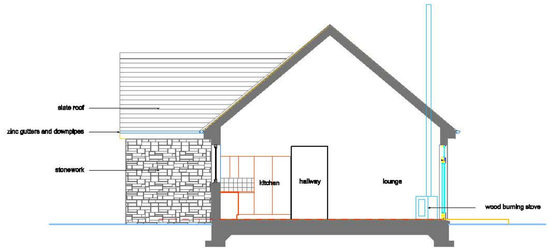
Erection of Single Storey House, Detached Double Garage, and Horse Stable Building at Duntrune Farm Buildings Duntrune, by Dundee DD4 0PJ

Drawing: **Double Garage** **Plans, Sections and Elevations**	Drawing No. **119-08 A**
	Date **March 2020**
	Scale **1:50**

Refused



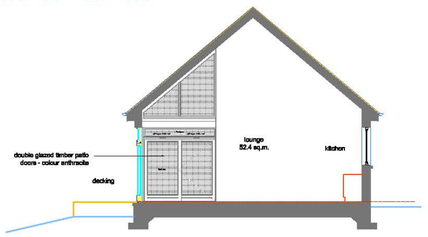
1 section c-c
1:100



1 section b-b
1:100

Refused

3 north elevation
1:100



1 section a-a
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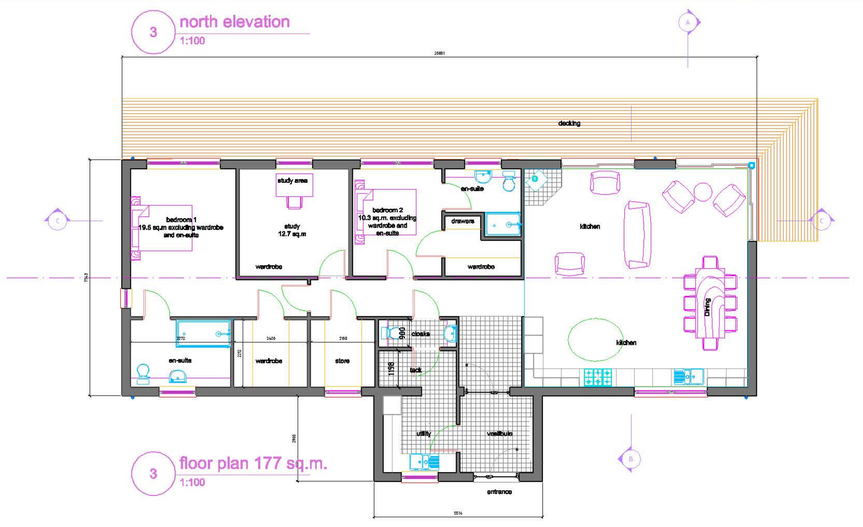
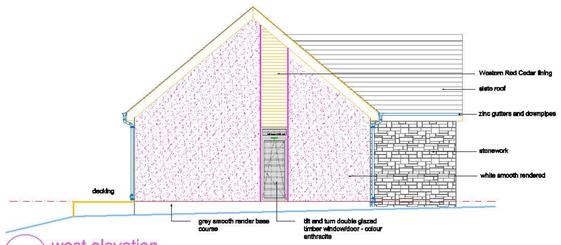
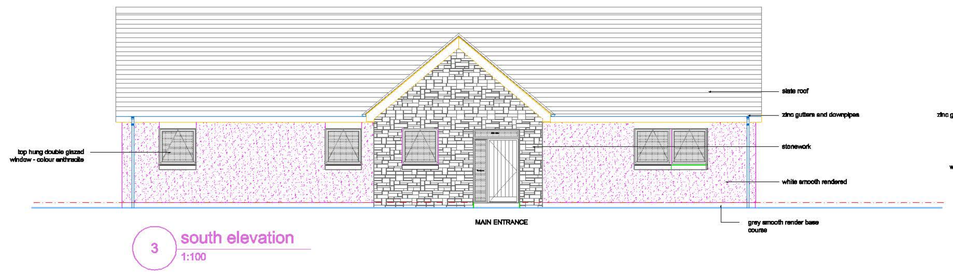


3 floor plan 177 sq.m.
1:100

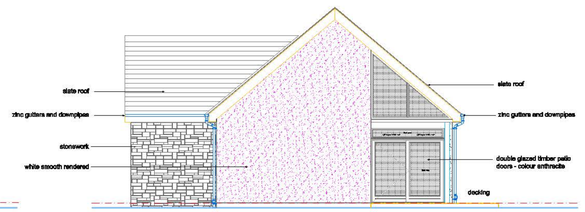
Refused



4 west elevation
1:100



3 south elevation
1:100



5 east elevation
1:100

SCALE 1:100

0 1 2 3 6m

PLANNING

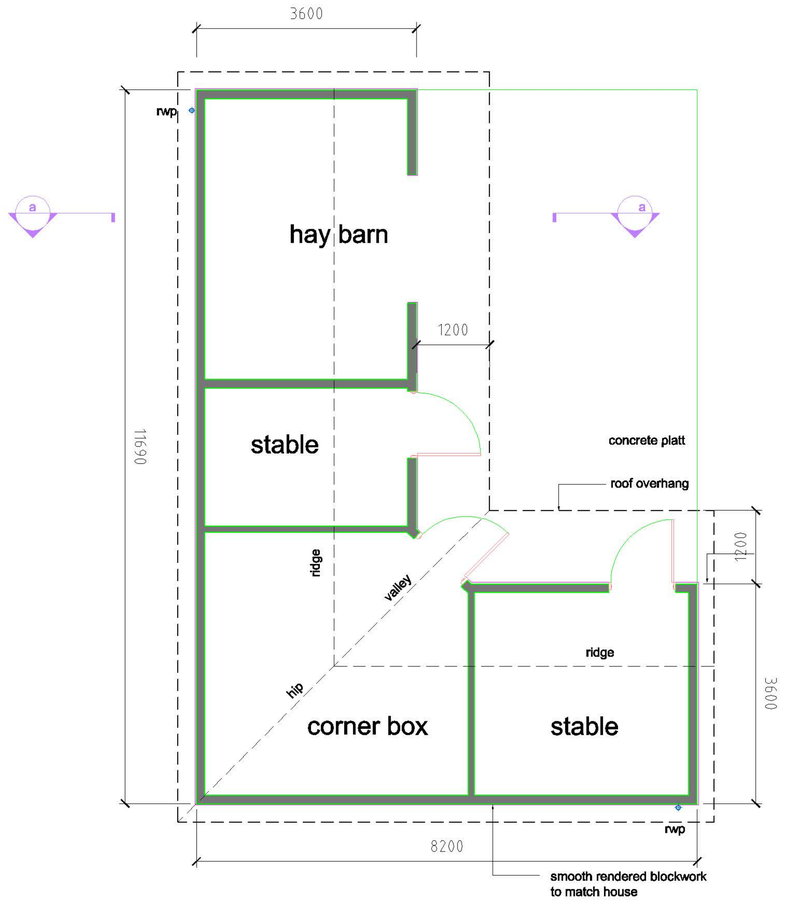
A	Title amended	25.03.2020
No.	Revision/Issue	Date

OUTLINE
COMPUTER AIDED DESIGN
6 HAZEL DRIVE
DUNDEE
DD2 1QQ
TELEPHONE 01382 642 944
MOBILE 07802 345675

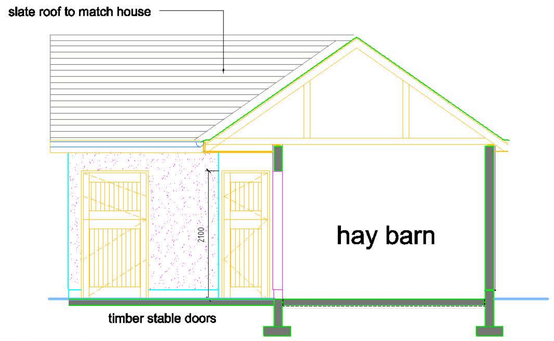
Erection of Single Storey House, Detached Double Garage, and Horse Stable Building at Duntrune Farm Buildings Duntrune, by Dundee DD4 0PJ

Drawing: New House Plans Sections and Elevations Location Plan and Site Plan	Drawing No.: 119-07 A
	Date: July 2019
	Scale: 1:100

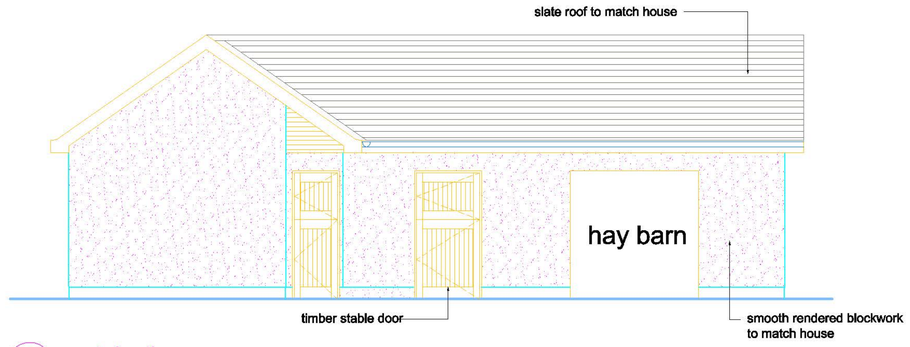
Refused



1 floor plan
1:50

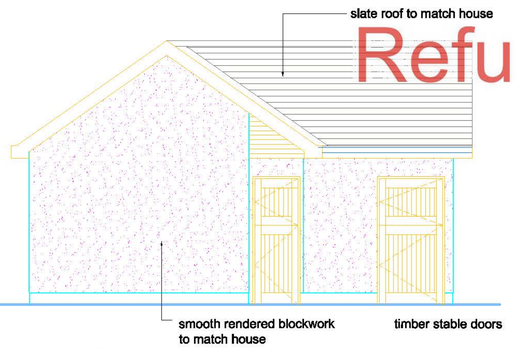


2 section a-a
1:50

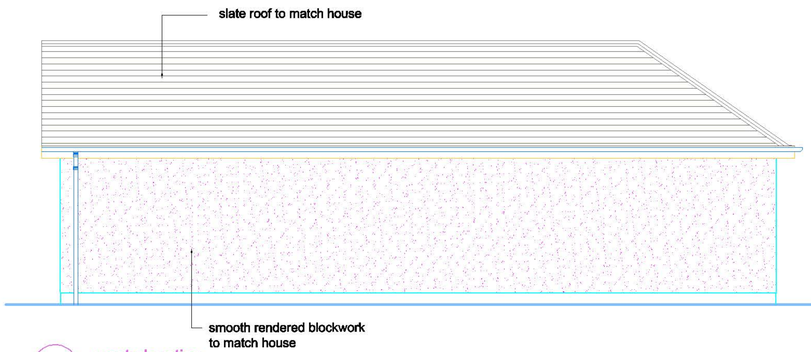


3 east elevation
1:50

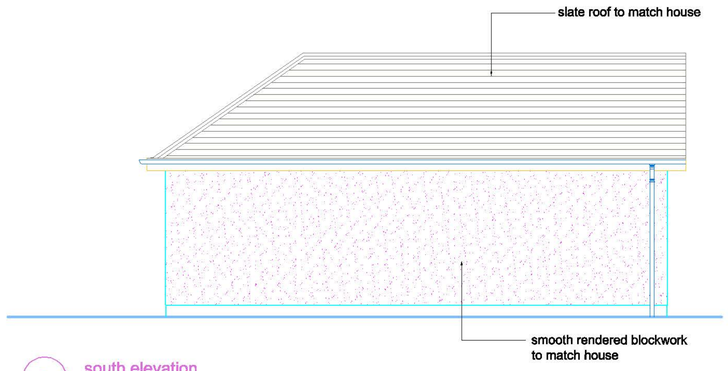
Refused



4 south elevation
1:50



5 west elevation
1:50



6 south elevation
1:50

SCALE 1:50

0.0 0.5 1.0 1.5 3.0m

PLANNING

No.	Revision/Issue	Date
A	Title amended	25.03.2020

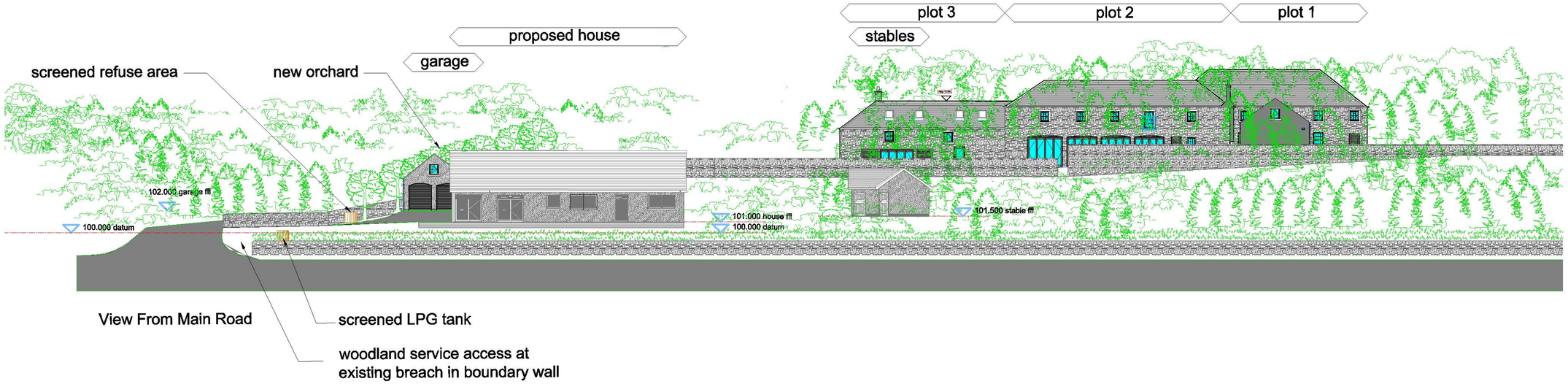
OUTLINE
COMPUTER AIDED DESIGN
6 HAZEL DRIVE
DUNDEE
DD2 1QQ
TELEPHONE 01382 642 944
MOBILE 07802 345675

Erection of Single Storey House, Detached Double Garage, and Horse Stable Building at Duntrune Farm Buildings Duntrune, by Dundee DD4 0PJ

Drawing	Drawing No.
Proposed Stable Block Plans, Sections and Elevations	**119-09 A**
	Date: **October 2019**
	Scale: **1:50**

Refused

Refused



Refused

Refused

Refused

Refused

AC7

General Notes

No.	Revision/Issue	Date
A	Title amended	25.03.2020

OUTLINE
COMPUTER AIDED DESIGN
6 HAZEL DRIVE
DUNDEE
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TELEPHONE 01382 642 944
MOBILE 07802 345675

Erection of Single Storey House, Detached Double Garage, and Horse Stable Building at Duntrune Farm Buildings Duntrune, by Dundee DD4 0PJ

Drawing	Drawing No.
Street View From Main Road	**119-016 A**
Cross Section Through House	Date: **March 2020**
	Scale: **1:200**

PLANNING

CaneyV

From: Jim Smyth [redacted]
Sent: 09 April 2020 12:07
To: MacKenzieF
Cc: Imogen Johnston
Subject: RE: Acknowledgement for Land At Duntrune Steadings Duntrune - 20/00210/FULL

Hi Fraser,
I'm assuming this is a catch-all statement as I know you have visited the site previously and indeed have your own photographs.
I have added some supplementary Photos from Google Earth Street View.
Warm Regards,
Jim

Sent from Mail for Windows 10

From: CaneyV
Sent: 08 April 2020 15:48
To: [redacted]
Subject: Acknowledgement for Land At Duntrune Steadings Duntrune - 20/00210/FULL

Dear Sir/Madam

Town and Country Planning (Scotland) Act 1997 (As Amended)
Planning Application Reference : 20/00210/FULL

I acknowledge receipt of your application for planning permission received on **17 March 2020** and registered on **1 April 2020** for **Erection of Single Storey House, Detached Double**

Garage and Horse Stable Building at **Land At Duntrune Steadings Duntrune.** I acknowledge receipt of your planning fee of **£401.**

The determination of your application is likely to involve a site visit however as part of a range of measures introduced to assist in slowing the spread of COVID-19 (coronavirus) Angus Council is limiting the number of site visits that it undertakes to those that are absolutely necessary.

In order to assist in determining your application it would be helpful if you can provide photographs of the site and its surroundings. It will also be helpful if you can indicate if:

1. The land to which the application relates can be observed from public land?
2. The officer can access the land without assistance and without being accompanied.

This information should be provided via e-mail to the officer email address given below.

It is requested that if an officer does visit the site; any contact be restricted to that which is absolutely necessary to enable the site visit to take place. The site visit is a means of the officer familiarising themselves with the environs of the site and officers will not engage with applicants/agents at the site in relation to the merits of the case.

If you require any assistance or information on the progress of your application, please contact **Fraser MacKenzie** on telephone number **01307 492198** approximately four weeks after the date of this letter. Your application will be assessed in relation to National and Council policies subject to any necessary consultations being carried out. Applications cannot be determined by the Authority until this process has been completed. Your application cannot be determined in less than 21 days of its registration in order to allow neighbours and other interested parties a period of time to comment. This time period may be extended in some cases e.g. if there is a requirement to advertise the application.

You may expect a determination on your application within two months of registration. The target date for this application is **31 May 2020.** It is intended that your application will be determined by delegated decision however in certain circumstances your application may require to be considered by the Development Standards Committee. If it does you will be advised of the date of the meeting at which it will be considered approximately one week in advance.

If you have not received formal notification of the decision on your application by **31 May 2020** you may ask for the application to be reviewed by the Council's Local Review Body. The local review should be made in accordance with Section 43A of the above Act by notice sent within three months of the target date specified above. Further information on the relevant means of an appeal in respect of applications will be provided when the application is decided and can also be made available on request.

You can apply for a review on the basis of non-determination by downloading the forms from www.angus.gov.uk. Alternatively please telephone Democratic Services on 01307 491985.

Before applying for a review on the basis of non-determination you are advised to contact the case officer to ensure that your application is of a category that can be considered by the Council's Local Review Body.

If contacting please ask for Fraser MacKenzie on 01307 492198 or e-mail mackenzief@angus.gov.uk

Yours faithfully,

Kate Cowey
Service Leader
Planning & Communities

Veronica Caney Clerical Officer Angus House : Planning Service, Orchardbank Business Park, Forfar, DD8 1AN
Tel : 01307 491847.

COVID-19
For the latest information on how our service has been affected
CLICK HERE

Think green- please do not print this email

This message is strictly confidential. If you have received this in error, please inform the sender and remove it from your system. If received in error you may not copy, print, forward or use it or any attachment in any way. This message is not capable of creating a legal contract or a binding representation and does not represent the views of Angus Council. Emails may be monitored for security and network management reasons. Messages containing inappropriate content may be intercepted. Angus Council does not accept any liability for any harm that may be caused to the recipient system or data on it by this message or any attachment.

ANGUS COUNCIL

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

PLANNING PERMISSION REFUSAL
REFERENCE : 20/00210/FULL

To **Ms Imogen Johnston**
c/o Outline CAD
James Smyth
Flat 8
6 Hazel Drive
Dundee
DD2 1QQ

With reference to your application dated 1 April 2020 for planning permission under the above mentioned Acts and Regulations for the following development, viz.:-

Erection of Single Storey House, Detached Double Garage and Horse Stable Building at **Land At Duntrune Steadings Duntrune** for **Ms Imogen Johnston**

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 the proposal does not comply with any of the circumstances that would allow for the construction of a new house in the countryside in this location and because the proposed plot size significantly exceeds the maximum plot size for a new house in a Category 1 Rural Settlement Unit.

2. The application is contrary to policies DS3 and TC2 of the Angus Local Development Plan 2016 and the associated Countryside Housing Supplementary Guidance (2016) because the design and detailing of the proposed house would be suburban in appearance and would not reflect and complement traditional properties in the locality.

3. The application is contrary to Policy DS1 of the Angus Local Development Plan 2016 as the proposal is not in accordance with relevant policies of the ALDP, namely policies TC2 and DS3 and the Countryside Housing Supplementary Guidance.

Amendments:

The application has not been subject of variation.

Dated this **15 May 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

AC9

FORM 1

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
☐	☐	☐	☐	☐	☐

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
☐	☐	☐	☐	☐	☐

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

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	It does not apply
☐	☐	☐	☐	☐	☐

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

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	It does not apply
☐	☐	☐	☐	☐	☐

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
☐	☐	☐	☐	☐	☐

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
☐	☐	☐	☐	☐	☐

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
☐	☐	☐	☐	☐

OUTCOME: Outcome of the application:

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

Granted Permission/Consent ☐ Refused Permission/Consent ☐ Withdrawn ☐

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.

New House Site information Support Document.

Site

The proposed new house is within the boundaries of Title Sheet ANG77663 as does Steadings and woodland. Steadings application . This area comprised part of Duntrune Estate, the history of which is well documented with many papers being held at University of Dundee archives.

The Proposal

The proposed development is for a single storey, 3 bedroom house with separate double garage and stables. The applications between the Category B Steadings and the New House proposal have been split as they are considered under different planning criteria. They are registered on the same Title Deed, including a section of the existing woodland. The New House proposal has been located on site sympathetically so as not to be obtrusive and doesn't project above the existing skyline as viewed from main road. The site is in an area historically documented as Horse Park.

Stables. The applicant already has horses and stables at her Mothers' House, Westhall, but see many advantages, both for her and her horses if they are located close to the proposed New House.

The total area of the proposed buildings is 275 sq.m

Health and Accessibility

Several years ago, the applicant suffered a quite severe stroke and although much recovered there is a chance of a recurrence of another episode. The New House proposal has been designed with this in mind and is wheelchair friendly. Plot 3 of the Steading was considered in lieu of this application but was precluded due to the changes in level from one end of the house to the other that may prove impractical.

Social

Although the applicant's mother is fit and well at the moment, we believe that as time goes on it will be advantageous and comforting to have both her daughters and granddaughter close by. Angus Council

supports Caring and Health and Community Plan Priorities and we believe this application makes a valuable traditional grass roots contribution to that. The present crisis throws this into sharp focus.

Landscaping

The plantation of an Apple Orchard within the site, in keeping with fruit trees within view over a metalled road at Duntrune House gardens is planned. The ground level would be cultivated with wild meadow to provide a natural habitat for wildlife and insects. We consider this will mature to a pleasant landscape to the cluster of existing and proposed dwellings in this locale. It is anticipated the harvest would be used for the production of cider and a suitable species would be planted to that end. Upon the advice of the consulted Arborist, the existing north hedgerow, at the public road boundary could be extended and maintained. The site is bounded by existing dry stone walls except where it is bounded by the wood. This is an existing physical boundary which we believe provides the site with a sense of containment.

Infrastructure

The New house proposal site has sufficient infrastructure nearby to support the application i.e. metalled access road (owned by the applicant), Water, Electricity and Telecoms. The site is spacious and can easily accommodate LPG tanks, soakaways and septic tanks. There are local bus services, a mobile library and a mobile fishmonger and extensive shopping facilities within 2 miles.

Adjacent Woodlands

The current Woodland area to the North-East of the Steadings also extends into a neighbouring Title Deed, owned by the applicant's Mother. Beech trees specimens were originally planted around 1912 to provide material for the looms of Dundee Textile Industry, however, the environment was not suitable to sustain the plantings and they died off. The current unmanaged woodland comprises mainly self-seeded trees. Several of these are overgrown and require lopping. A large tree fell in a storm of Winter 2014/15, luckily in the opposite direction to Steadings. Many of the trees are now very large and are outgrowing the land capacity to support them. An arborist recently undertook essential tree felling and maintenance. This is an ongoing process to protect and better present the best species of the Woodland.

An existing vehicular access to the area of Woodland is present at the North East boundary of the New House proposal site. This access to the applicant's and her Mother's Woodlands will be retained. This access would not be suitable for ingress/egress to the New House proposal due to its proximity to the

junction of metalled access track and public road. A proposed new access has been indicated further along the metalled access road.

Site Management

In recent years Gorse bushes have overtaken the area previously known as Horse Park, past clearances have resulted in re-seeding and a more vigorous growth. The Gorse is classed as an invasive species and is also considered a fire hazard as the plant holds onto its dead and dry branches and leaves.

The Title Deed ANG 77663 describes in detail the servitudes and burdens of this land. The Steading buildings have a historical, current and continued dependency on the adjacent sloped area, the site of New House proposal. We have carried out preliminary investigations into drainage, sewage, water and electrical services. In the wooded area of the site there is a current SEPA registered septic tank and soakaway which serves East and West cottages, and the past outside toilet for the cottage within the Steading building, titled "The Gardens" on Tayside Valuation Joint Board. There would also appear to be a drainage connection to this uninhabitable cottage dwelling kitchen. The rainwater from the Steading would also appear to discharge to the wood area of the site but this would also require further digging under the control of the appointed archaeologist.

There is an ongoing problem with fly-tipping and littering on this site and surrounding area. A successful application for this New House proposal would facilitate better management of this growing problem.

Neighbouring/Adjoining Properties

Duntrune Steadings

The adjacent Steading buildings, which are subject to an ongoing Planning and Listed Building applications, were built and extended over the centuries to fulfil the changing needs of Duntrune Estate. An extension of the Stables and Cottage is documented circa 1897. The sloping area to the east of the Steadings and the subject of this application, was named Horse Park at that time and was presumably used in conjunction with the stabling. We believe that the retaining wall, which we are utilising as a boundary for the proposed Steading Development, was constructed to level out the ground for the horses and carts and facilitate access from the North and East.

Westhall House

Westhall is to the south of the Steadings and is owned and occupied by the applicants mother and was the applicants home growing up. This is a substantial, single storey, modern building with facing brick walls and a traditional slate roof. Westhall was constructed about 1984.

Easthall House **received Planning Consent from Angus Council in 2002 (Ref No.02/ 00025/ Full)**

Easthall, is adjacent to Westhall and is at present being completed, after construction progress was stalled

for a few years due to the applicants father's illness and subsequent demise. This house (Easthall) is owned by the applicant's mother and will be occupied by the applicant's sister.

Kilferin Garden **received Planning Consent from Angus Council in 1999. (Ref No 99/00267/ Full)**

Adjacent to Easthall and south of our proposal, is Kilffern which is a fairly substantial modern single storey dwelling. A garage was built in recent years by the current owner/occupier.

Eglismonithie Gardens **received Planning Consent from Dundee City in 1984 (Ref No.84/10524/D)**

Eglismonithie is a modern one and a half storey house. A double garage was approved, 1996 and Stables approved, 1999. This is set within substantial mature gardens.

Duntrune House

To the East of the proposed house is the very substantial Category C listed Duntrune House and grounds, which we believe contains 4 no. flatted dwellings and a main wing that operates as a 4 **** B&B. The B&B has 4 letting bedrooms with en-suite facilities and a separate self-catering flat. There is owner's accommodation within the main wing.

East and West Cottages

East and West Cottage are the terminal dwellings serviced by the metalled access road. These properties have a septic tank and pipes which are wholly within the applicants Title Deed. As with the road, they have existing access right of servitude which are documented in the Title Sheet ANG77663 which accompanies the application. These have been highlighted and discussed within the Steadings planning application.

There has been ongoing new domestic developments, which were approved by Dundee City Council and Angus Council, served by the metalled access road for many years.

We consider the New House proposal is situated in a Gap site between an existing dwelling and two metalled roads and in conjunction with the Steading would round off this group of dwellings.

Affordable Housing

Although the provision of affordable housing is not a requirement of the duall Steading and New House proposal applications, it should be noted that if permissions are granted it would release the applicants current home, a small two bed bungalow in Newbigging to the market. Given the current situation in rural Angus, this would be a welcome addition to the housing stock for either a young family, a newly retired couple, or an incoming essential worker. The applicant's daughter is now at senior school so relocation would not be a problem.

Conclusion

The above is demonstrative of a pattern of development of a smaller settlement in this location as noted in the Council's Countryside Housing Supplementary Guidance and maintains ongoing growth and diversity of development in an appropriate location. A successful application for New House proposal would facilitate better land management and more productive usage.

Planning Permission

A planning application is recorded on Dundee Council Planning website for two two story houses at this site. 91/16527/D refers. A decision was granted in 1993. The planning is recorded as expired 31 Dec 1999. I was advised that all planning documents were transferred to Angus Council in 1996. Akin to the planning application of Duntrune Steadings, Angus Council cannot locate these records.

Summary

Although there are aspects of planning policy, where our interpretation may differ from the Planning Department, we feel, on balance, that this is a worthwhile application and makes a positive contribution to the Rural Angus Housing Stock.

We hope this information is helpful in progressing our applications.

Regards

Jim Smyth (Agent for I Johnston)

APPENDIX 2

DEVELOPMENT MANAGEMENT REVIEW COMMITTEE

APPLICATION FOR REVIEW

LAND AT DUNTRUNE STEADINGS, DUNTRUNE

APPLICATION NO 20/00210/FULL

APPLICANT'S SUBMISSION

Page No

ITEM 1 Notice of Review

ITEM 2 Statement of Review

ITEM 3 Original Planning Application

ITEM 4 New House Planning Statement

ITEM 5 Report of Handling

ITEM 6 Decision Notice

ITEM 7 Location Plan

ITEM 8 Site Plan

ITEM 9 Site Ownership Plan

ITEM 10 Floor Plans and Elevations

ITEM 11 Cross Section Through House

ITEM 12 Garage Plan Sections and Elevations

ITEM 13 Stable Block Plan Sections and Elevations

ITEM 14 Alternative Site Layout

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 100242010-005

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:	Outline CAD		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	James	Building Name:	8
Last Name: *	Smyth	Building Number:	8
Telephone Number: *	[redacted]	Address 1 (Street): *	Flat 8
Extension Number:		Address 2:	6 Hazel Drive
Mobile Number:		Town/City: *	Dundee
Fax Number:		Country: *	United Kingdom
		Postcode: *	DD2 1QQ
Email Address: *	[redacted]		

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

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Other	You must enter a Building Name or Number, or both: *	
Other Title:	Ms	Building Name:	
First Name: *	Imogen	Building Number:	3
Last Name: *	Joenston	Address 1 (Street): *	Pitairlie Road
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Newbigging by Dundee
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	DD53RH
Fax Number:			
Email Address: *	[redacted]		

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	735099	Easting	344422

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)

Erection of Single Storey House, Detached Double Garage and Horse Stable.

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 a 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.

1. Rounding Off of Existing Cluster. 2. Relocation of House 3. Reduction of site size 4. Housing Shortages in Angus

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)

We are in disagreement with the Planning Officer's interpretation of our proposals and wish for a review.

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)

07 New House 08 Garage 09 Stables 10 Land Ownership Plan 15 Site Layout Plan 16 Street Elevation 17 O.S. Map 19 Alternative Site Layout Plans New house Planning Statement Planning Appeal Statement

Application Details

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

20/00210/FULL

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

01/04/2020

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

15/05/2020

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

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be a combination of procedures.

Please select a further procedure *

Further written submissions on specific matters

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

We do not agree with the planning officer's interpretation and have alternatives we wish the committee to consider.

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: Mr James Smyth

Declaration Date: 10/07/2020

Local Review Body Statement
Angus Council Development Management Review Committee

We take this opportunity to address the comments with regards to refusal of planning 20/00210/FULL.

We are fully cooperative with the Planning Department to resolve any issues that are not harmonious with Angus Council's policies.

This planning application for new dwellinghouse, double garage and stables was refused planning permission as follows:

*'**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 the proposal does not comply with any of the circumstances that would allow for the construction of a new house in the countryside in this location and because the proposed plot size significantly exceeds the maximum plot size for a new house in a Category 1 Rural Settlement Unit.

2. The application is contrary to policies DS3 and TC2 of the Angus Local Development Plan 2016 and the associated Countryside Housing Supplementary Guidance (2016) because the design and detailing of the proposed house would be suburban in appearance and would not reflect and complement traditional properties in the locality.

3. The application is contrary to Policy DS1 of the Angus Local Development Plan 2016 as the proposal is not in accordance with relevant policies of the ALDP, namely policies TC2 and DS3 and the Countryside Housing Supplementary Guidance.'

A supporting statement was submitted with the planning application. The response to the refusal points are considered as follows,

As detailed in our design statement, we consider that our proposals round off an existing small settlement of more than 3 dwellings. The site is an area of unused land with sufficient capacity and infrastructure for a new dwelling house with private garden area, double garage, stables and paddock in a countryside location. The proposal reflects the traditional pattern of development in the area thereby meeting Council's criteria. The surrounding dwellings are '*not a cluster of housing associated with Duntrune House and steading to the south'* as stated on the Report of Handling. They are all bespoke houses, independently built with garages and some have stabling.

We respectfully suggest that our proposals sit between the curtilage of an existing dwelling, the uninhabitable Garden cottage within the Home Farm Steading, and a metalled Road. This area is historic and presently ancillary to the Home Farm Steadings. The former use was as Horse Park and more recently and onwards with Servitude burdens. We consider the proposed site is in essence and appearance a gap site in the surrounding housing group

and should be considered favourably in terms of the policy requirements for countryside development.

The Countryside Housing Supplementary Guidance refers to '*a single new house may be permitted where development would round off an established group of 3 or more closely related residential buildings ...'* and also *'fill a gap between … the curtilage of one house and a metalled road'*.

The location of the proposed house was based upon our topographic survey, the most economical area to build. We are however open to repositioning and have enclosed alternative site layouts for consideration. Moving the house further south and closer to the existing housing group makes for a more obvious rounding off as per Angus Councils own guidelines.

We perceive the design is in keeping with the varied designs of this existing modern house grouping, none of which are particularly "rural" in appearance. The glazing aspect of the proposal was based upon East and West Garden cottages frontage. We sought to enhance the natural light, being north facing and increase a connection with the outdoors. Our palette of local stone, render and slate does in fact pay homage to the local vernacular and is of a style widely featured in various building and lifestyle digital media and television which include rural Scotland.

Policy does state that development out with settlements should be restricted. We agree with this principle, but this is not a blanket ban and we feel there should be accommodation for people who are raised in the locale and wish to continue their rural lifestyle. Immediate family and long standing neighbours are nearby. These traditional family and community support networks have been deconstructed by rural displacement and should be encouraged in these environs.

The Local Development Plan's policy DS1 is supportive of proposals (outwith development boundaries) *'where they are of a scale and nature appropriate to their location'.*

We agree the plot size is in excess of current policy, but we seek the committee to consider that the permission sought is not for a single house but for a small house, stables and a double garage. Given the nature of this development, and the space requirement of horses, it would be difficult to squeeze everything into a plot size of 2,000sq.m.

Furthermore, a significant area of the site is woodland. This area has servitude burdens to the neighbouring East and West Garden Cottages. It houses a shared septic tank and associated soakaway and also serves as existing rainwater discharge from the Steadings. Additionally, the site is further encroached by being the sole vehicular access right to the continuous adjoining woodland in a separate Title Deed and ownership. The maintenance access strip is detailed in plans submitted with this application.

In recognition of the aforementioned, the site could be reduced in size to an area less than 2,000sq.m by means of a visible boundary, landscaping or

screening to an area restricting the road frontage to 50m or less thereby adhering to Policy TC2. We attach two preliminary drawings to this effect for consideration, one with stables and paddock area and one without. However, we regard the restriction of paddock area is detrimental to function.

The overall proposed development includes the “at risk” Steading, which, as a Grade B listed building, is subject to a separate planning. A 2,000sq.m single house plot could have been created from the site but we considered this wholly inappropriate and a more holistic approach taken.

Please note, that given the shortage of housing in the Angus Council area, the addition of four substantial houses is worthy of support.

The proposals, in our viewpoint are well located in terms of its own residential environment with sufficient access and infrastructure sit within the existing residential group and will not have any detrimental impact on them or the surrounding farmland.

A fundamental objective of the Angus Local Development Plan is to encourage appropriate rural development. We suggest our proposal is fitting with the essence of policy relating to housing in the countryside.

We would like to highlight that there were some positive observations in the Planning report and are hopeful that this statement for the Development Management Review Committee provides justification to overturn this decision and approve the application, with conditions if appropriate.

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 100242010-002

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 Erection of Single Storey House, Detached Double Garage and Horse Stable Building

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:	Outline CAD		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	James	Building Name:	8
Last Name: *	Smyth	Building Number:	8
Telephone Number: *	[redacted]	Address 1 (Street): *	Flat 8
Extension Number:		Address 2:	6 Hazel Drive
Mobile Number:		Town/City: *	Dundee
Fax Number:		Country: *	United Kingdom
		Postcode: *	DD2 1QQ
Email Address: *	[redacted]		

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

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Other	You must enter a Building Name or Number, or both: *	
Other Title:	Mrs	Building Name:	
First Name: *	Imogen	Building Number:	3
Last Name: *	Johnston	Address 1 (Street): *	Pitairlie Road
Company/Organisation		Address 2:	Flat 8
Telephone Number: *		Town/City: *	Dundee
Extension Number:		Country: *	United Kingdom
Mobile Number:	[redacted]	Postcode: *	DD2 1QQ
Fax Number:			
Email Address: *	[redacted]		

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 735099 Easting 344422

Pre-Application Discussion

Have you discussed your proposal with the planning authority? * ☒ Yes ☐ No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

☐ Meeting ☐ Telephone ☐ Letter ☒ Email

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

General Pre planning discussions.

Title: Mr Other title:

First Name: Fraser Last Name: MacKenzie

Correspondence Reference Number: Date (dd/mm/yyyy):

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

Site Area

Please state the site area: 4500.00

Please state the measurement type used: ☐ Hectares (ha) ☒ Square Metres (sq.m)

Existing Use

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

Woodland and non productive agriculture

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)? * 6

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

Water Supply and Drainage Arrangements

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

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

☐ Yes – connecting to public drainage network

☐ No – proposing to make private drainage arrangements

☒ Not Applicable – only arrangements for water supply required

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

Note:-

Please include details of SUDS arrangements on your plans

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

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

☒ Yes

☐ No, using a private water supply

☐ No connection required

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

Assessment of Flood Risk

Is the site within an area of known risk of flooding? * ☐ Yes ☒ No ☐ Don't Know

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

Do you think your proposal may increase the flood risk elsewhere? * ☐ Yes ☒ No ☐ Don't Know

Trees

Are there any trees on or adjacent to the application site? * ☒ Yes ☐ No

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

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? * ☒ Yes ☐ No

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

Screened area closed, to access road, has been indicated on plan.

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

Do you have any agricultural tenants? * ☐ Yes ☒ No

Certificate Required

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

Certificate E

Land Ownership Certificate

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

Certificate E

I hereby certify that –

(1) – No person other than myself/the applicant was the owner of any part of the land to which the application relates at the beginning of the period 21 days ending with the date of the application.

(2) - The land to which the application relates constitutes or forms part of an agricultural holding and there are no agricultural tenants

Or

(1) – No person other than myself/the applicant was the owner of any part of the land to which the application relates at the beginning of the period 21 days ending with the date of the application.

(2) - The land to which the application relates constitutes or forms part of an agricultural holding and there are agricultural tenants.

Name:

Address:

Date of Service of Notice: *

(4) – I have/The applicant has taken reasonable steps, as listed below, to ascertain the names and addresses of the other owners or agricultural tenants and *have/has been unable to do so –

Signed: James Smyth

On behalf of: Mrs Imogen Johnston

Date: 26/03/2020

☒ 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. *	☐ Yes	☒ N/A
A Design Statement or Design and Access Statement. *	☐ Yes	☒ N/A
A Flood Risk Assessment. *	☐ Yes	☒ N/A
A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *	☐ Yes	☒ N/A
Drainage/SUDS layout. *	☐ Yes	☒ N/A
A Transport Assessment or Travel Plan	☐ Yes	☒ N/A
Contaminated Land Assessment. *	☐ Yes	☒ N/A
Habitat Survey. *	☐ Yes	☒ N/A
A Processing Agreement. *	☐ Yes	☒ 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 James Smyth

Declaration Date: 26/03/2020

Payment Details

Cheque: Mr J Smyth, 300006

Created: 30/03/2020 14:13

New House Site information Support Document.

Site

The proposed new house is within the boundaries of Title Sheet ANG77663 as does Steadings and woodland. Steadings application . This area comprised part of Duntrune Estate, the history of which is well documented with many papers being held at University of Dundee archives.

The Proposal

The proposed development is for a single storey, 3 bedroom house with separate double garage and stables. The applications between the Category B Steadings and the New House proposal have been split as they are considered under different planning criteria. They are registered on the same Title Deed, including a section of the existing woodland. The New House proposal has been located on site sympathetically so as not to be obtrusive and doesn't project above the existing skyline as viewed from main road. The site is in an area historically documented as Horse Park.

Stables. The applicant already has horses and stables at her Mothers' House, Westhall, but see many advantages, both for her and her horses if they are located close to the proposed New House.

The total area of the proposed buildings is 275 sq.m

Health and Accessibility

Several years ago, the applicant suffered a quite severe stroke and although much recovered there is a chance of a recurrence of another episode. The New House proposal has been designed with this in mind and is wheelchair friendly. Plot 3 of the Steading was considered in lieu of this application but was precluded due to the changes in level from one end of the house to the other that may prove impractical.

Social

Although the applicant's mother is fit and well at the moment, we believe that as time goes on it will be advantageous and comforting to have both her daughters and granddaughter close by. Angus Council

supports Caring and Health and Community Plan Priorities and we believe this application makes a valuable traditional grass roots contribution to that. The present crisis throws this into sharp focus.

Landscaping

The plantation of an Apple Orchard within the site, in keeping with fruit trees within view over a metalled road at Duntrune House gardens is planned. The ground level would be cultivated with wild meadow to provide a natural habitat for wildlife and insects. We consider this will mature to a pleasant landscape to the cluster of existing and proposed dwellings in this locale. It is anticipated the harvest would be used for the production of cider and a suitable species would be planted to that end. Upon the advice of the consulted Arborist, the existing north hedgerow, at the public road boundary could be extended and maintained. The site is bounded by existing dry stone walls except where it is bounded by the wood. This is an existing physical boundary which we believe provides the site with a sense of containment.

Infrastructure

The New house proposal site has sufficient infrastructure nearby to support the application i.e. metalled access road (owned by the applicant), Water, Electricity and Telecoms. The site is spacious and can easily accommodate LPG tanks, soakaways and septic tanks. There are local bus services, a mobile library and a mobile fishmonger and extensive shopping facilities within 2 miles.

Adjacent Woodlands

The current Woodland area to the North-East of the Steadings also extends into a neighbouring Title Deed, owned by the applicant's Mother. Beech trees specimens were originally planted around 1912 to provide material for the looms of Dundee Textile Industry, however, the environment was not suitable to sustain the plantings and they died off. The current unmanaged woodland comprises mainly self-seeded trees. Several of these are overgrown and require lopping. A large tree fell in a storm of Winter 2014/15, luckily in the opposite direction to Steadings. Many of the trees are now very large and are outgrowing the land capacity to support them. An arborist recently undertook essential tree felling and maintenance. This is an ongoing process to protect and better present the best species of the Woodland.

An existing vehicular access to the area of Woodland is present at the North East boundary of the New House proposal site. This access to the applicant's and her Mother's Woodlands will be retained. This access would not be suitable for ingress/egress to the New House proposal due to its proximity to the

junction of metalled access track and public road. A proposed new access has been indicated further along the metalled access road.

Site Management

In recent years Gorse bushes have overtaken the area previously known as Horse Park, past clearances have resulted in re-seeding and a more vigorous growth. The Gorse is classed as an invasive species and is also considered a fire hazard as the plant holds onto its dead and dry branches and leaves.

The Title Deed ANG 77663 describes in detail the servitudes and burdens of this land. The Steading buildings have a historical, current and continued dependency on the adjacent sloped area, the site of New House proposal. We have carried out preliminary investigations into drainage, sewage, water and electrical services. In the wooded area of the site there is a current SEPA registered septic tank and soakaway which serves East and West cottages, and the past outside toilet for the cottage within the Steading building, titled "The Gardens" on Tayside Valuation Joint Board. There would also appear to be a drainage connection to this uninhabitable cottage dwelling kitchen. The rainwater from the Steading would also appear to discharge to the wood area of the site but this would also require further digging under the control of the appointed archaeologist.

There is an ongoing problem with fly-tipping and littering on this site and surrounding area. A successful application for this New House proposal would facilitate better management of this growing problem.

Neighbouring/Adjoining Properties

Duntrune Steadings

The adjacent Steading buildings, which are subject to an ongoing Planning and Listed Building applications, were built and extended over the centuries to fulfil the changing needs of Duntrune Estate. An extension of the Stables and Cottage is documented circa 1897. The sloping area to the east of the Steadings and the subject of this application, was named Horse Park at that time and was presumably used in conjunction with the stabling. We believe that the retaining wall, which we are utilising as a boundary for the proposed Steading Development, was constructed to level out the ground for the horses and carts and facilitate access from the North and East.

Westhall House

Westhall is to the south of the Steadings and is owned and occupied by the applicants mother and was the applicants home growing up. This is a substantial, single storey, modern building with facing brick walls and a traditional slate roof. Westhall was constructed about 1984.

Easthall House **received Planning Consent from Angus Council in 2002 (Ref No.02/ 00025/ Full)**

Easthall, is adjacent to Westhall and is at present being completed, after construction progress was stalled

for a few years due to the applicants father's illness and subsequent demise. This house (Easthall) is owned by the applicant's mother and will be occupied by the applicant's sister.

Kilferin Garden **received Planning Consent from Angus Council in 1999. (Ref No 99/00267/ Full)**

Adjacent to Easthall and south of our proposal, is Kilffern which is a fairly substantial modern single storey dwelling. A garage was built in recent years by the current owner/occupier.

Eglismonithie Gardens **received Planning Consent from Dundee City in 1984 (Ref No.84/10524/D)**

Eglismonithie is a modern one and a half storey house. A double garage was approved, 1996 and Stables approved, 1999. This is set within substantial mature gardens.

Duntrune House

To the East of the proposed house is the very substantial Category C listed Duntrune House and grounds, which we believe contains 4 no. flatted dwellings and a main wing that operates as a 4 **** B&B. The B&B has 4 letting bedrooms with en-suite facilities and a separate self-catering flat. There is owner's accommodation within the main wing.

East and West Cottages

East and West Cottage are the terminal dwellings serviced by the metalled access road. These properties have a septic tank and pipes which are wholly within the applicants Title Deed. As with the road, they have existing access right of servitude which are documented in the Title Sheet ANG77663 which accompanies the application. These have been highlighted and discussed within the Steadings planning application.

There has been ongoing new domestic developments, which were approved by Dundee City Council and Angus Council, served by the metalled access road for many years.

We consider the New House proposal is situated in a Gap site between an existing dwelling and two metalled roads and in conjunction with the Steading would round off this group of dwellings.

Affordable Housing

Although the provision of affordable housing is not a requirement of the duall Steading and New House proposal applications, it should be noted that if permissions are granted it would release the applicants current home, a small two bed bungalow in Newbigging to the market. Given the current situation in rural Angus, this would be a welcome addition to the housing stock for either a young family, a newly retired couple, or an incoming essential worker. The applicant's daughter is now at senior school so relocation would not be a problem.

Conclusion

The above is demonstrative of a pattern of development of a smaller settlement in this location as noted in the Council's Countryside Housing Supplementary Guidance and maintains ongoing growth and diversity of development in an appropriate location. A successful application for New House proposal would facilitate better land management and more productive usage.

Planning Permission

A planning application is recorded on Dundee Council Planning website for two two story houses at this site. 91/16527/D refers. A decision was granted in 1993. The planning is recorded as expired 31 Dec 1999. I was advised that all planning documents were transferred to Angus Council in 1996. Akin to the planning application of Duntrune Steadings, Angus Council cannot locate these records.

Summary

Although there are aspects of planning policy, where our interpretation may differ from the Planning Department, we feel, on balance, that this is a worthwhile application and makes a positive contribution to the Rural Angus Housing Stock.

We hope this information is helpful in progressing our applications.

Regards

Jim Smyth (Agent for I Johnston)

Angus Council

Application Number:	20/00210/FULL
Description of Development:	Erection of Single Storey House, Detached Double Garage and Horse Stable Building
Site Address:	Land At Duntrune Steadings Duntrune
Grid Ref:	344390 : 735085
Applicant Name:	Ms Imogen Johnston

Report of Handling

Proposal

Planning permission is sought for the erection of a house, garage and horse stable on at land at Duntrune Steadings, Duntrune.

The site measures around 4500sqm and slopes from south to north and currently accommodates an area of vegetation and woodland. The site sits between the public road to the north and a cluster of housing associated with Duntrune House and steading to the south.

Access to the site would be taken from track to the east and the proposed buildings would all be located towards the eastern portion of the site.

The proposed house would be a single storey ridged roof design with a 177sqm footprint. It would contain two bedrooms and would be finished in white smooth render and blockwork feature walls and a slate roof. The garage building would be a 38sqm ridged roof design 2 car bays and finished in the materials to match the proposed house.

The horse stables building would be a 60sqm building arranged in an L-shape plan. The building would provide 2 stables, a corner box and a hay store and would be finished in the same materials as the proposed house.

The development would connect to the mains water supply, would use a septic tank system for foul water and would use sustainable drainage for surface water.

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 10 April 2020 for the following reasons:

- Affecting Setting of Listed Building

A site notice was posted for Setting of Listed Building on 17 April 2020.

Planning History

There is no recent planning history relating to the site.

Applicant's Case

The Planning Statement provides an overview of the site location, history and proposal. It describes the

personal circumstances of the applicant and their need for a wheelchair accessible dwelling on one level. It describes that they would benefit in close to their mother who owns adjacent land.

The statement suggests that 2 no. two storey houses were granted at this site by Dundee City Council in 1993 (ref 91/16527/D) but were not constructed.

The Statement concludes the proposal is demonstrative of a pattern of development of a smaller settlement in this location, as noted in the Council's Countryside Housing Supplementary Guidance, and maintains ongoing growth and diversity of development in an appropriate location. It indicates a successful application for new house proposal would facilitate better land management and more productive usage.

Consultations

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

Angus Council - Roads - Offered no objection subject to the attachment of conditions regulating the reconstruction of the verge crossing and a scheme of improvements for the access track between the public road and site entrance.

Scottish Water - Offered no objection to the proposal.

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

Representations

1 letters of representation were received, of which 0 offered comments which neither supported nor objected to the proposal, 1 objected to the proposal and 0 supported the proposal.

The main points of concern were as follows:

Neighbours at Duntrune House were not notified of the application – Additional neighbour notification was carried out and neighbour notification has been carried out in accordance with the regulations.

Information submitted does not accurately show the position of the water supply and this should be established before planning permission is granted – the application form indicates that the proposed house would connect to the public water supply. Scottish Water has been consulted on the application and has offered no objection to the proposal, confirming that there is currently sufficient capacity in the Clatto Water Treatment Works to serve the proposed development. The applicant would need approval from Scottish Water to connect to the public water supply network and Scottish Water would decide the appropriate location for that connection to be made.

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.

Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires the planning authority, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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). The local development plan indicates that Category 1 RSU's are non-remote areas with stable or increasing populations or where there are no services or facilities in need of support. The local development plan indicates that in these areas new housing development outwith settlements should be restricted.

Policy TC2 supports housing in countryside locations where it falls within at one of a number of categories. Policy TC2 also requires proposals for housing in the countryside to be assessed against the Countryside Housing Supplementary Guidance.

The proposed dwelling does not comply with any of the circumstances where a new house in the countryside is permitted. The proposal 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 rounding off of an established building group of 3 or more existing dwellings; it is not for an essential worker supported by appropriate evidence of need; it would not fill a qualifying gap site 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; and 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.

The proposed house cannot be considered to round off the building group because it would extend the group to the north towards the road. It does not constitute a qualifying gap site because the road frontage of the site is around 77m which significantly exceeds the 50m road frontage limit allowed for in category 1 areas.

The principle of a house on the site is contrary to Policy TC2 because the site does comply with any of the circumstances where a new house in the countryside is permitted in a Category 1 Rural Settlement Unit.

Proposals for new housing in the countryside also need to meet the Detailed Countryside Housing Criteria contained in Appendix 3 of the Countryside Housing Supplementary Guidance and the proposal does not meet all of the relevant criteria.

The plot size of the proposed house measures around 4500sqm. The maximum permitted plot size in a category 1 area is 2000sqm and, at more than double the maximum permitted plot size, the proposal is contrary to criterion (b) of Appendix 3.

Criterion (e) requires new houses to contribute to the character of the surrounding area and not be urban in form or appearance. It indicates that materials and design should reflect and complement traditional properties in the locality. While the proposed house is rectilinear in form which is an acceptable characteristic for new housing in the countryside, some of the detail of the design is more suburban in form. The roof to wall ratio would result in a house with a top heavy appearance which is not characteristic of traditional properties in the locality. The mix of render and cladding and the unusual design of glazing on

the gable elevations of the building would result in a cluttered external finish. That is not a characteristic of rural property, which typically displays a simpler palette of external materials and rectilinear window openings. Had a house in this location been acceptable in principle, this matter could have been resolved with the applicant. However, as proposed the design solution does not satisfy the requirements of criterion (e) of the Countryside Housing Supplementary Guidance. The proposed house is also contrary Policy DS3 because it does not represent a high design standard which draws upon aspects of landscape or townscape that contribute positively to the character and sense of place of the area in which it is located.

The principle of a house on the site and the detailed design solution proposed does not comply with policies of the Angus Local Development Plan. For completeness, as assessment against other relevant policies is provided below.

The proposal would not raise any significant issues against the remaining tests of Policy TC2 and the associated Countryside Housing Supplementary Guidance. Residential and ancillary horse stabling would be a compatible land use having regard to neighbouring uses. The house would provide a satisfactory residential environment and would not result in unacceptable impact on the built and natural environment, surrounding amenity, access or infrastructure. The house would not have a significant impact on the setting of adjacent listed buildings. A development of this nature would not require a contribution towards affordable housing.

Policy PV20 indicates that development proposals on prime quality agricultural land will only be supported in limited circumstances. While available information suggests that the site contains prime quality agricultural land (grade 2), it represents a relatively small area that does not appear to have been actively used for agricultural purposes for a significant period of time. This is illustrated by the fact that the site currently contains a number of mature trees, particularly on its west side. The proposal does raise not any significant issues against what Policy PV20 is trying to achieve,

The house would connect to the mains water supply, use private treatment measures for foul water and sustainable drainage for surface water. This is compatible with Policy PV15 and, were the proposal otherwise acceptable, these matters would be regulated by Scottish Water and the Building Regulations respectively.

In relation to material considerations it is relevant to note a representation has been submitted against the proposal. That representation is material in so far as it relates to relevant planning matters and has been taken into account in the preparation of this report.

In terms of concerns relating to the precise position of a new connection to the public water supply. Scottish Water has been consulted on the application but has offered no objection. They confirm that capacity exists in the network to accommodate the development. The applicant would need approval from Scottish Water to connect to the public water supply network and Scottish Water would decide the appropriate location for that connection to be made.

The supporting statement indicates that the applicant requires wheelchair accessible accommodation on one level. While the applicant's desire for this type of accommodation is noted, it does not represent a material consideration which justifies approval of a dwelling in a location which is otherwise contrary to the development plan. Regard has been given to the other matters raised in the supporting information but there are no material considerations which justify the approval of the planning permission contrary to the development plan.

In conclusion, the proposed development is for the erection of a dwelling house and associated buildings in a Category 1 Rural Settlement Unit where the local development plan is more restrictive in its approach to new housing development in the countryside. While the proposal is compatible with some aspects of the development plan, the principle of a house on the site does not comply with Policy TC2 or the Countryside Housing Supplementary Guidance and there are issues with the proposed design, which is not appropriately detailed for a new house in the countryside. There are no material planning considerations which would justify the approval of planning permission contrary to the development plan.

Human Rights Implications

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

Equalities Implications

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

Decision

The application is refused

Reason(s) for Decision:

1. The application is contrary to Policy TC2 of the Angus Local Development Plan 2016 and the associated Countryside Housing Supplementary Guidance because the proposal does not comply with any of the circumstances that would allow for the construction of a new house in the countryside in this location and because the proposed plot size significantly exceeds the maximum plot size for a new house in a Category 1 Rural Settlement Unit.

2. The application is contrary to policies DS3 and TC2 of the Angus Local Development Plan 2016 and the associated Countryside Housing Supplementary Guidance (2016) because the design and detailing of the proposed house would be suburban in appearance and would not reflect and complement traditional properties in the locality.

3. The application is contrary to Policy DS1 of the Angus Local Development Plan 2016 as the proposal is not in accordance with relevant policies of the ALDP, namely policies TC2 and DS3 and the Countryside Housing Supplementary Guidance.

Notes:

Case Officer: Fraser MacKenzie
Date: 13 May 2020

Appendix 1 - Development Plan Policies

<u>Angus Local Development Plan 2016</u>

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:

- be compatible with current and proposed land uses in the surrounding area;
- provide a satisfactory residential environment for the proposed dwelling(s);
- not result in unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure; and
- include as appropriate a mix of house sizes, types and tenures and provision for affordable housing in accordance with Policy TC3 Affordable Housing.

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

- the site is not allocated or protected for another use; and
- the proposal is consistent with the character and pattern of development in the surrounding area.

In countryside locations Angus Council will support proposals for the development of houses which fall into at least one of the following categories:

- retention, renovation or acceptable replacement of existing houses;
- conversion of non-residential buildings;
- regeneration or redevelopment of a brownfield site that delivers significant visual or environmental improvement through the removal of derelict buildings, contamination or an incompatible land use;
- single new houses where development would:
- round off an established building group of 3 or more existing dwellings; or
- meet an essential worker requirement for the management of land or other rural business.
- in Rural Settlement Units (RSUs)**, fill a gap between the curtilages of two houses, or the curtilage of one house and a metalled road, or between the curtilage of one house and an existing substantial building such as a church, a shop or a community facility; and
- in Category 2 Rural Settlement Units (RSUs), as shown on the Proposals Map, gap sites (as defined in the Glossary) may be developed for up to two houses.

Further information and guidance on the detailed application of the policy on new residential development in countryside locations will be provided in supplementary planning guidance, and will address:

- the types of other buildings which could be considered suitable in identifying appropriate gap sites for the development of single houses in Category 1 Rural Settlement Units, or for the development of up to two houses in Category 2 Rural Settlement Units.
- the restoration or replacement of traditional buildings.
- the development of new large country houses.

*includes houses in multiple occupation, non-mainstream housing for people with particular needs, such as specialist housing for the elderly, people with disabilities, supported housing care and nursing homes.
**Rural Settlement Units are defined in the Glossary and their role is further explained on Page 9.

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:

- 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.

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:

- protect and retain woodland, trees and hedges to avoid fragmentation of existing provision;
- be considered within the context of the Angus Woodland and Forestry Framework where woodland planting and management is planned;
- 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;
- ensure new woodland is established in advance of major developments;
- undertake a Tree Survey where appropriate; and
- 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:

- support delivery of the development strategy and policies in this local plan;
- are small scale and directly related to a rural business or mineral extraction; or
- 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

ITEM 6

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

PLANNING PERMISSION REFUSAL
REFERENCE : 20/00210/FULL

To **Ms Imogen Johnston**
c/o Outline CAD
James Smyth
Flat 8
6 Hazel Drive
Dundee
DD2 1QQ

With reference to your application dated 1 April 2020 for planning permission under the above mentioned Acts and Regulations for the following development, viz.:-

Erection of Single Storey House, Detached Double Garage and Horse Stable Building at **Land At Duntrune Steadings Duntrune** for **Ms Imogen Johnston**

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 the proposal does not comply with any of the circumstances that would allow for the construction of a new house in the countryside in this location and because the proposed plot size significantly exceeds the maximum plot size for a new house in a Category 1 Rural Settlement Unit.

2. The application is contrary to policies DS3 and TC2 of the Angus Local Development Plan 2016 and the associated Countryside Housing Supplementary Guidance (2016) because the design and detailing of the proposed house would be suburban in appearance and would not reflect and complement traditional properties in the locality.

3. The application is contrary to Policy DS1 of the Angus Local Development Plan 2016 as the proposal is not in accordance with relevant policies of the ALDP, namely policies TC2 and DS3 and the Countryside Housing Supplementary Guidance.

Amendments:

The application has not been subject of variation.

Dated this **15 May 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

FORM 1

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
☐	☐	☐	☐	☐	☐

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
☐	☐	☐	☐	☐	☐

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

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	It does not apply
☐	☐	☐	☐	☐	☐

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

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	It does not apply
☐	☐	☐	☐	☐	☐

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
☐	☐	☐	☐	☐	☐

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
☐	☐	☐	☐	☐	☐

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
☐	☐	☐	☐	☐

OUTCOME: Outcome of the application:

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

Granted Permission/Consent ☐ Refused Permission/Consent ☐ Withdrawn ☐

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.

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SCALE 1:500

0 2 4 6 8 10 20m

PLANNING

General Notes

ITEM 7

No.	Revision/Issue	Date

OUTLINE
COMPUTER AIDED DESIGN
6 HAZEL DRIVE
DUNDEE
DD2 1QQ
TELEPHONE 01382 642 944
MOBILE 07802 345675

Proposed New Single Storey 3 Bedroom Dwelling, Double Garage, and Horse Stables at
Duntrune Farm Buildings
Duntrune, by Dundee
DD4 0PJ

Drawing	Drawing No.
OS Map	**119-017**
	Date: **March 2020**
	Scale: **1:500**

elevations from main road

retained breech in existing dry stone wall to give access for woodland maintenance

existing tree retained

LPG tank screened with harvested logs

refuse area with harvested log screening

existing Scottish Water main supply

existing access road

new apple orchard

existing trees retained

proposed single storey house

paddock

proposed stable block

hay barn

compost bank

garden ground

septic tank

soakaway

LPG

entrance

new water supply

proposed double garage

assumed location of SEPA approved septic tank and soakaway from East and West Garden cottages. Final location still to be determined due to storm damaged tree.

north

SCALE 1:200

0 1 2 3 4 5 10m

PLANNING

General Notes

ITEM 8

No.	Revision/Issue	Date

OUTLINE

COMPUTER AIDED DESIGN
6 HAZEL DRIVE
DUNDEE
DD2 1QQ
TELEPHONE 01382 642 944
MOBILE 07802 345675

Proposed New Single Storey 3 Bedroom Dwelling, Double Garage, and Horse Stables at Duntrune Farm Buildings Duntrune, by Dundee DD4 0PJ

Drawing	Drawing No.
Site Layout Plan	**119-015**
	Date: **March 2020**
	Scale: **1:200**

General Notes

ITEM 9

north

98.6m

GP
99.9m

site

Note: Application site shown outlined in solid red line.

Note:
Existing tarmac road shown with cross hatch is owned by the applicant.

plot 3

plot 2

plot 1

East Cottage

West Cottage

Note: Steading Application site shown outlined with a blue line and cross hatched to indicate plot subdivisions is also owned by the applicant.

Westhall House

Eastthall House

Kilferin

Eglismonithie

Duntrune House

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SCALE 1:500

0 2 4 6 8 10 20m

PLANNING

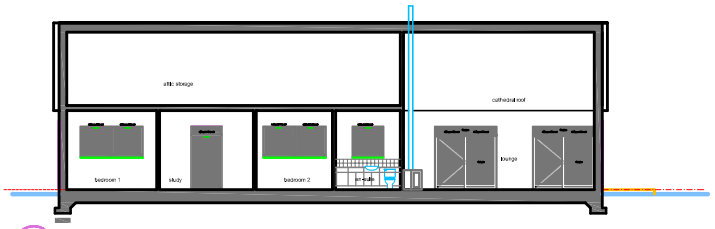
No.	Revision/Issue	Date

OUTLINE
COMPUTER AIDED DESIGN
6 HAZEL DRIVE
DUNDEE
DD2 1QQ
TELEPHONE 01382 642 944
MOBILE 07802 345675

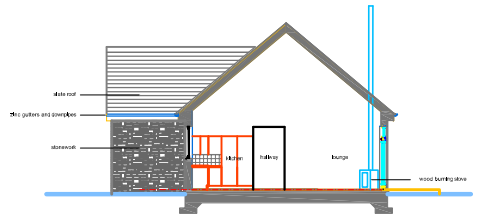
Proposed New Single Storey 3 Bedroom Dwelling, Double Garage, and Horse Stables at
Duntrune Farm Buildings
Duntrune, by Dundee
DD4 0PJ

Drawing	Drawing No.
Site Ownership Plan	**119-010**
	Date: **Dec. 2019**
	Scale: **1:500**

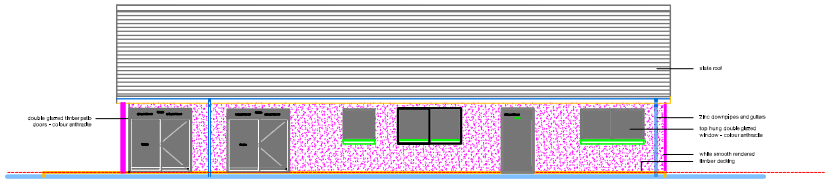
ITEM 10



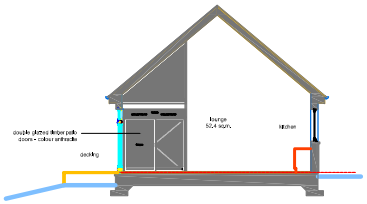
1 section c-c
1:100



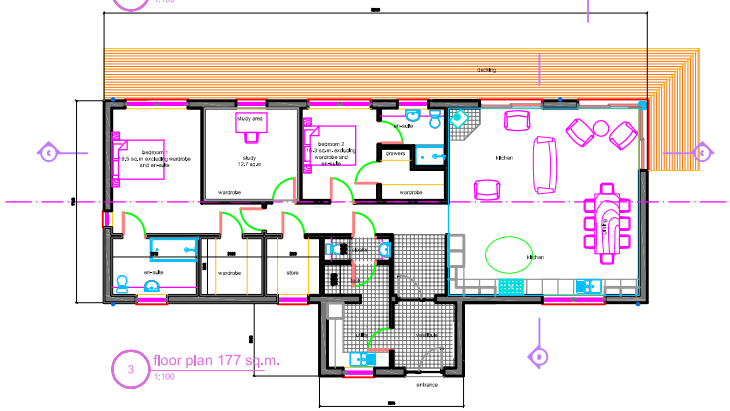
1 section b-b
1:100



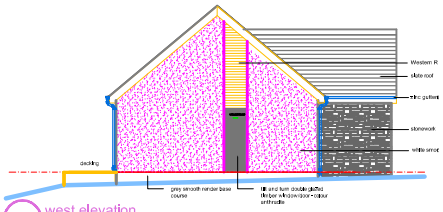
3 north elevation
1:100



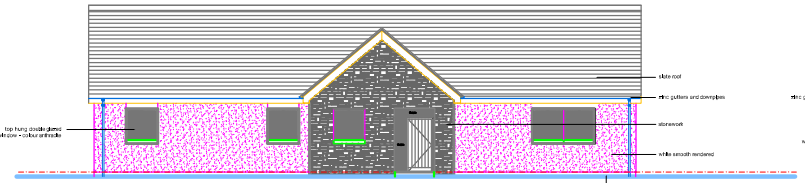
1 section a-a
1:100



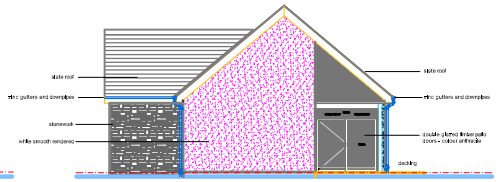
3 floor plan 177 sq.m.
1:100



4 west elevation
1:100



3 south elevation
1:100



5 east elevation
1:100

SCALE 1:100

0 1 2 3 4m

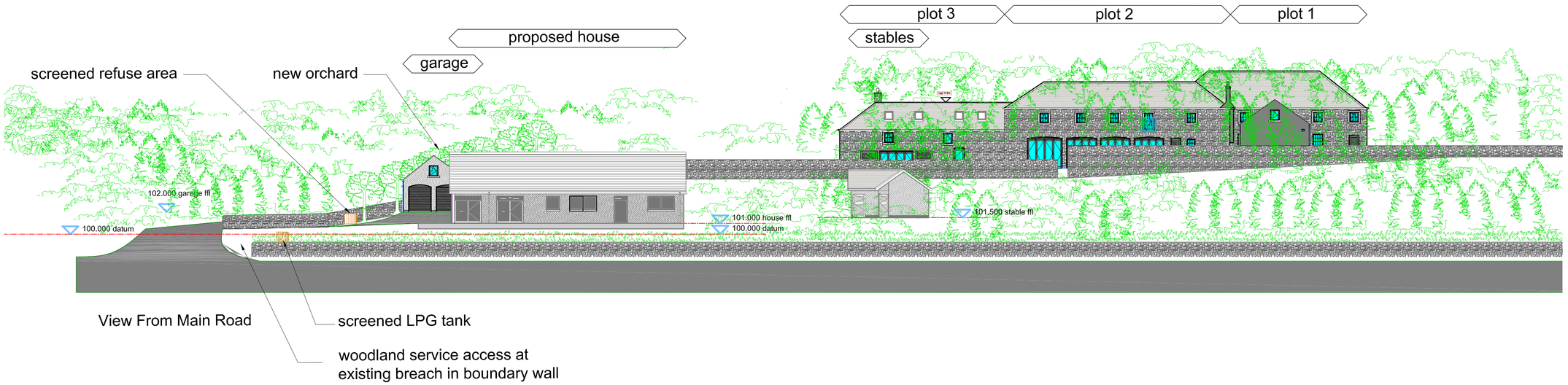
PLANNING

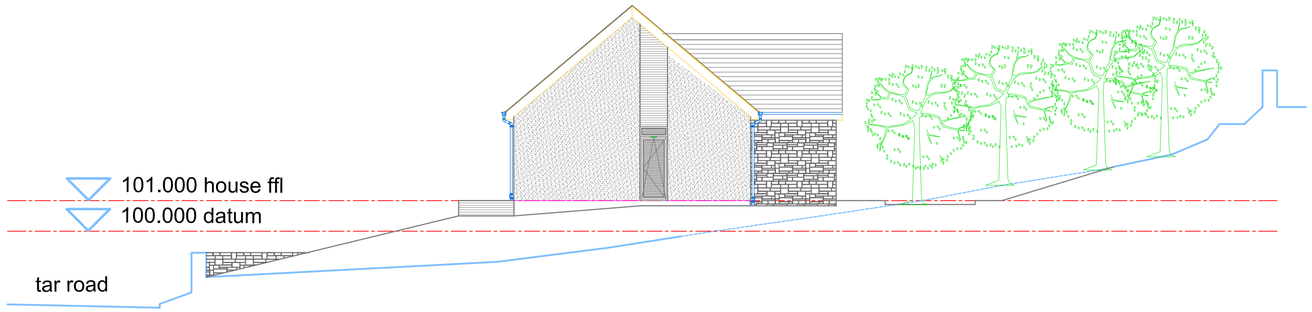
No.	Revision/Issue	Date

OUTLINE
COMPUTER AIDED DESIGN
6 HAZEL DRIVE
DUNDEE
DD2 1QQ
TELEPHONE 01382 642 944
MOBILE 07802 345675

Proposed New Single Storey 3 Bedroom Dwelling, Double Garage, and Horse Stables at
Duntrune Farm Buildings
Duntrune, by Dundee
DD4 0PJ

Drawing	Drawing No.
New House Plans Sections and Elevations Location Plan and Site Plan	119-07
	Date: July 2019
	Scale: 1:100





SCALE 1:100

0 1 2 3 6m

General Notes

ITEM 11

No.	Revision/Issue	Date

OUTLINE

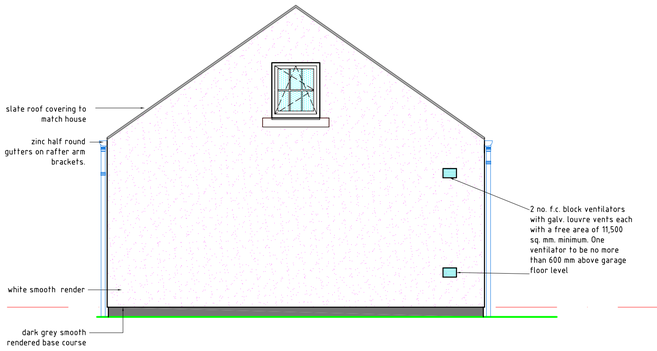
COMPUTER AIDED DESIGN
6 HAZEL DRIVE
DUNDEE
DD2 1QQ
TELEPHONE 01382 642 944
MOBILE 07802 345675

Proposed New Single Storey 3 Bedroom Dwelling, Double Garage, and Horse Stables at
Duntrune Farm Buildings
Duntrune, by Dundee
DD4 0PJ

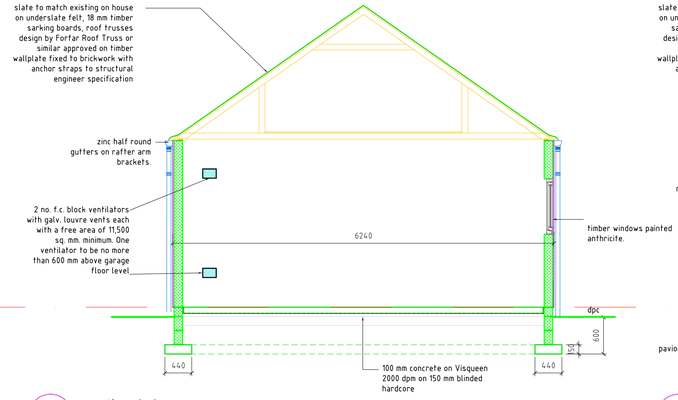
Drawing	Drawing No.
Street View From Main Road **Cross Section Through House**	**119-016**
	Date: **March 2020**
	Scale: **1:200**

PLANNING

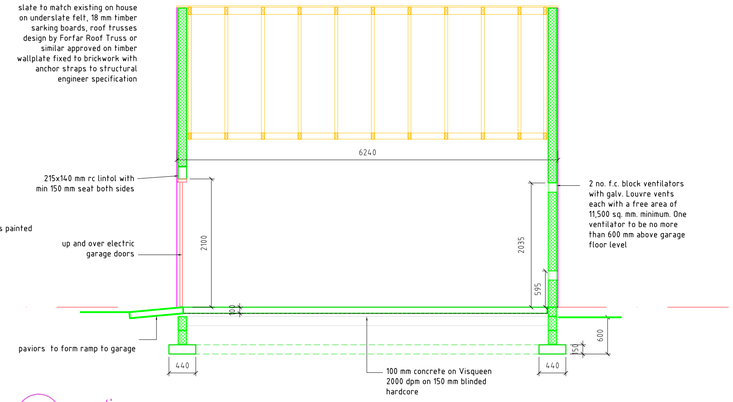
ITEM 12



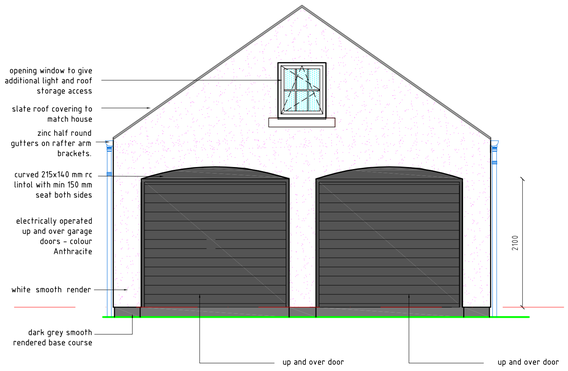
1 south elevation
1:50



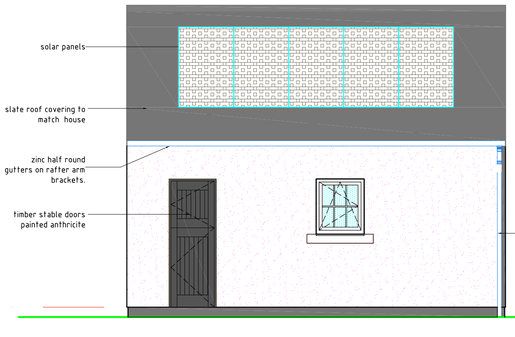
2 section b-b
1:50



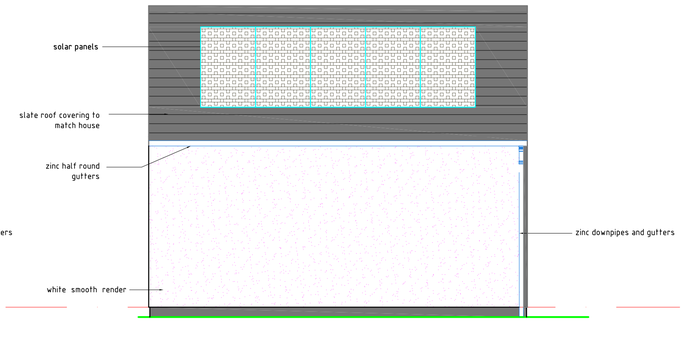
3 section a-a
1:50



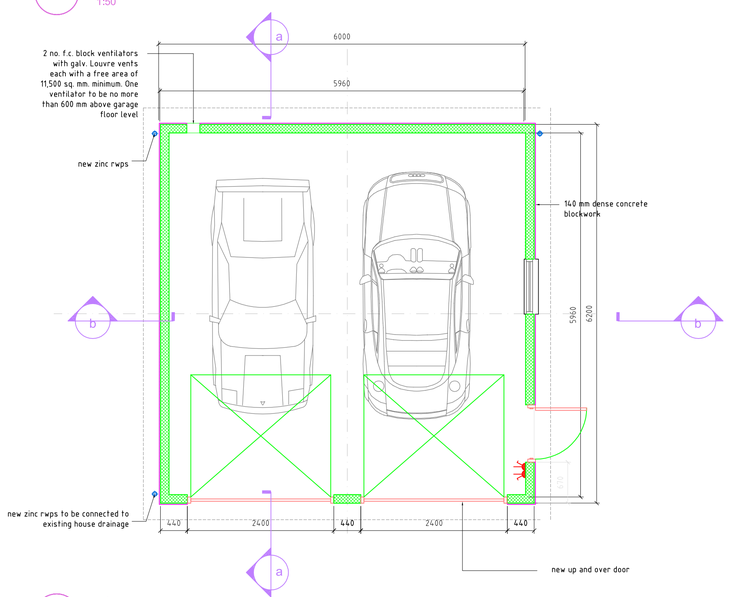
4 north elevation
1:50



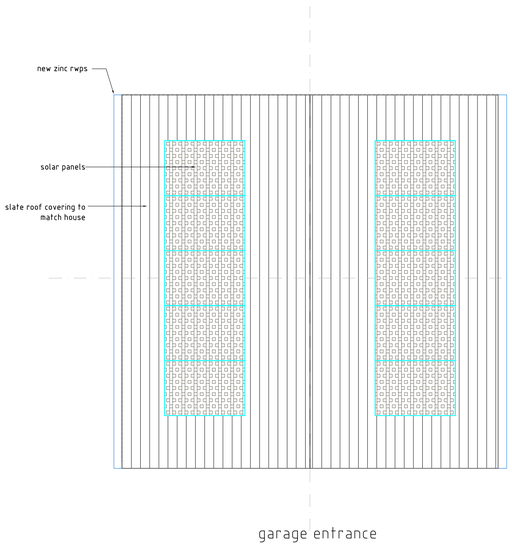
5 west elevation
1:50



6 east elevation
1:50



7 plan
1:50



8 roof plan
1:50

SCALE 1:50

0.0 0.5 1.0 1.5 3.0m

PLANNING

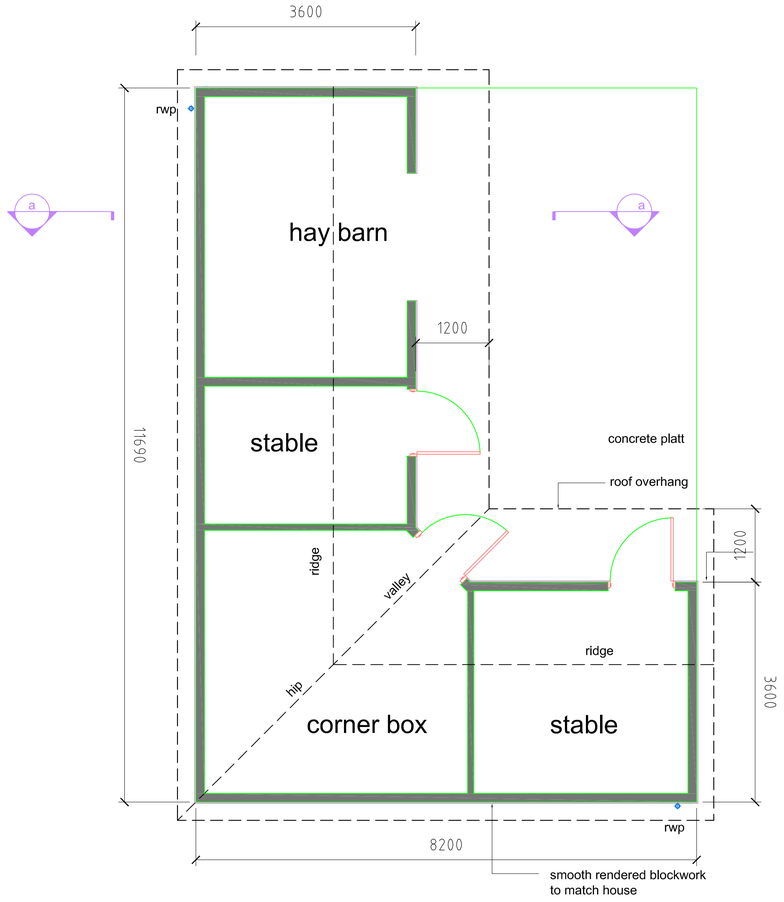
No.	Revision/Issue	Date
		10.02.2020

OUTLINE
COMPUTER AIDED DESIGN
6 HAZEL DRIVE
DUNDEE
DD2 1QQ
TELEPHONE 01382 642 944
MOBILE 07802 345675

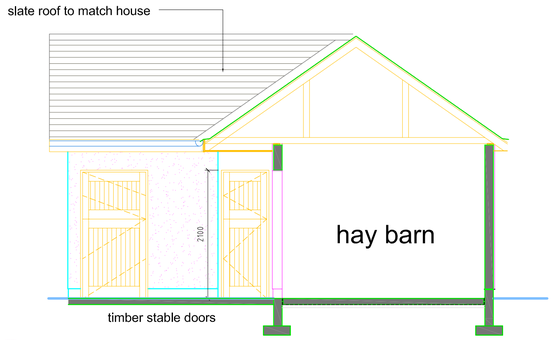
Proposed New Single Storey 3 Bedroom Dwelling, Double Garage, and Horse Stables at
Duntrune Farm Buildings
Duntrune, by Dundee
DD4 0PJ

Drawing	Drawing No.
Double Garage **Plans, Sections and Elevations**	**119-08**
	Date **March 2020**
	Scale **1:50**

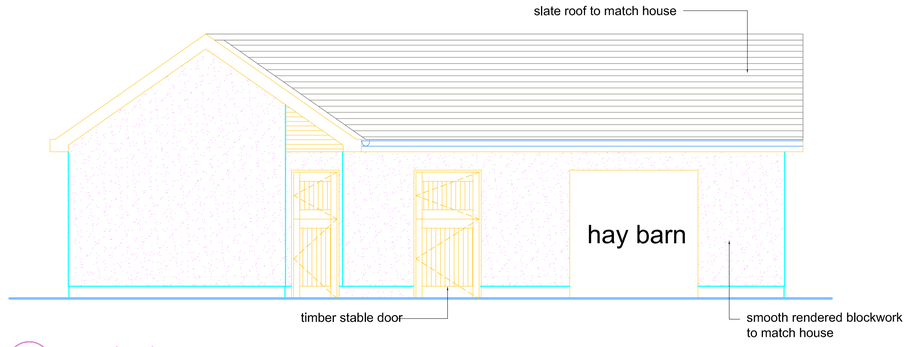
ITEM 13



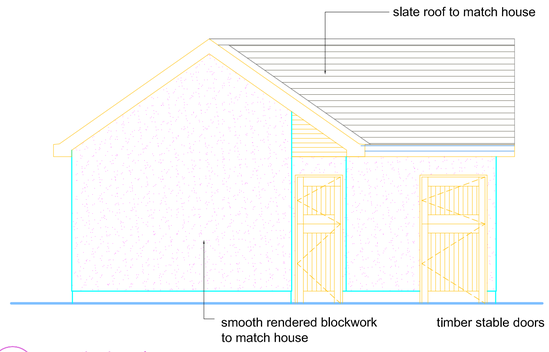
1 floor plan
1:50



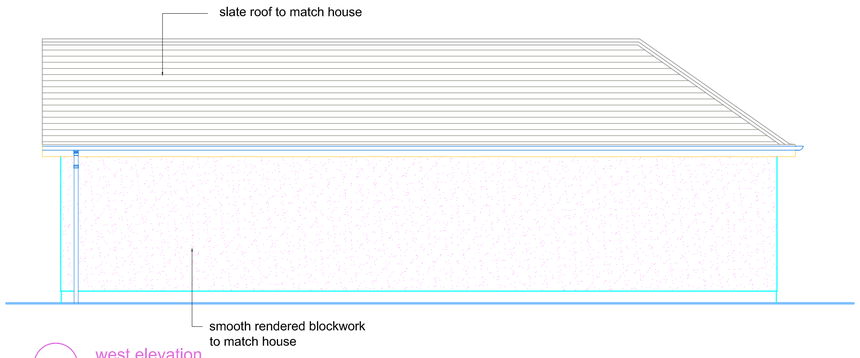
2 section a-a
1:50



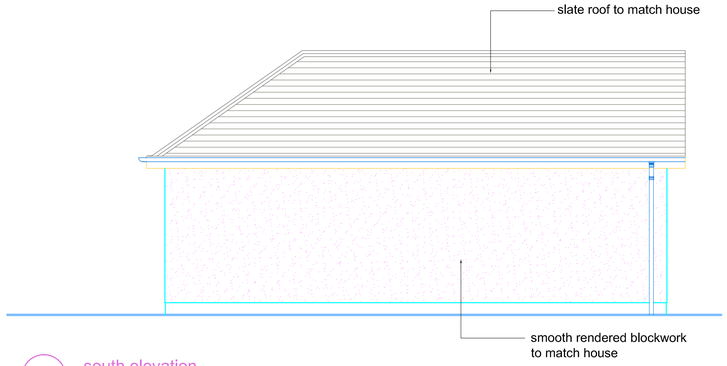
3 east elevation
1:50



4 south elevation
1:50



5 west elevation
1:50



6 south elevation
1:50

SCALE 1:50

0.0 0.5 1.0 1.5 3.0m

PLANNING

No.	Revision/Issue	Date

OUTLINE
COMPUTER AIDED DESIGN
6 HAZEL DRIVE
DUNDEE
DD2 1QQ
TELEPHONE 01382 642 944
MOBILE 07802 345675

Proposed New Single Storey 3 Bedroom Dwelling, Double Garage, and Horse Stables at
Duntrune Farm Buildings
Duntrune, by Dundee
DD4 0PJ

Drawing	Drawing No.
Proposed Stable Block Plans, Sections and Elevations	**119-09**
	Date **October 2019**
	Scale **1:50**

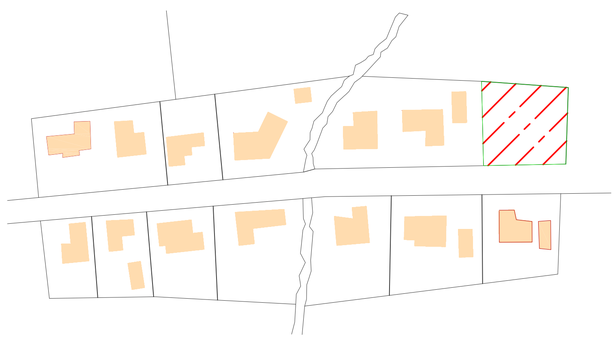
1 Alternative Layout A
1:500

SCALE 1:500
0 2 4 6 8 10 20m

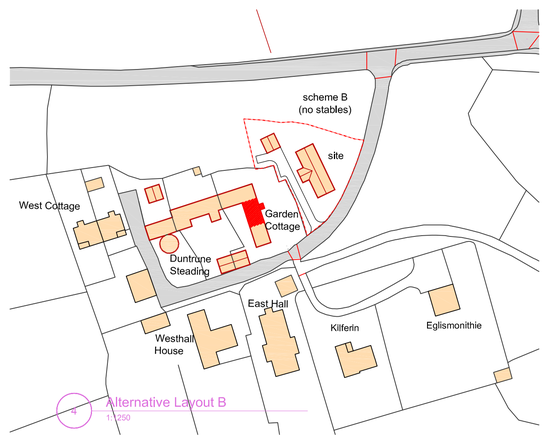
2 Alternative Layout B (no stables)
1:500

SCALE 1:500
0 2 4 6 8 10 20m

3 Alternative Layout A
1:250



based On Extract from Countryside Housing Supplementary Guidance. NTS



4 Alternative Layout B
1:250

SCALE 1:1250
0 5 10 15 20 25 50m

General Notes

ITEM 14

north

PLANNING

No.	Revision/Issue	Date
		25.03.2020

OUTLINE
COMPUTER AIDED DESIGN
6 HAZEL DRIVE
DUNDEE
DD2 1QQ
TELEPHONE 01382 642 944
MOBILE 07802 345675

Erection of Single Storey House, Detached Double Garage, and Horse Stable Building at Duntrune Farm Buildings Duntrune, by Dundee DD4 0PJ

Drawing	Drawing No.
Alternative Site Layouts	**119-019**
	Date: **July 2020**
	Scale: **1:500, 1:1250**