

**ANGUS COUNCIL**

**DEVELOPMENT MANAGEMENT REVIEW COMMITTEE – 31 MARCH 2021**

**LAND AT WEST LOCHSIDE OF KINNORDY, KIRRIEMUIR**

**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 in principle for redevelopment of former Council roads yard for single house with associated access, application No 20/00750/PPPL, at Land at West Lochside, Kinnordy, Kirriemuir.

**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/CORPORATE PLAN**

This report contributes to the following local outcome(s) contained within the Angus Local Outcomes Improvement Plan and Locality Plans:

- Safe, secure, vibrant and sustainable communities
- A reduced carbon footprint
- 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**  
**E-Mail: LEGDEM@angus.gov.uk**

List of Appendices:

Appendix 1 – Submission by Planning Authority

Appendix 2 – Submission by Applicant

**ANGUS COUNCIL'S SUBMISSION ON GROUNDS OF REFUSAL**

**APPLICATION NUMBER – 20/00750/PPPL**

**APPLICANT- MR BRYAN WYLIE**

**PROPOSAL & ADDRESS – PLANNING PERMISSION IN PRINCIPAL FOR REDEVELOPMENT OF FORMER COUNCIL ROADS YARD FOR SINGLE HOUSE WITH ASSOCIATED ACCESS AT LAND AT WEST LOCHSIDE KINNORDY KIRRIEMUIR**

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**Angus Council**

<b>Application Number:</b>	20/00750/PPPL
<b>Description of Development:</b>	Planning permission in principle for redevelopment of former council roads yard for single house with associated access
<b>Site Address:</b>	Land At West Lochside Kinnordy Kirriemuir
<b>Grid Ref:</b>	335060 : 753874
<b>Applicant Name:</b>	Mr Bryan Wylie

**Report of Handling****Site Description**

The application site measures approximately 1800sqm and is located in the countryside around 2.6km to the west of Kirriemuir. It is understood that the site was previously used as a roads depot but is currently vacant, save for some rubble and other left-over materials. The site is lined by the B951 to the east and the C23 Ruthven to Kaims of Airlie road to the south. The site is surrounded by agricultural land on all other sides and is served by an existing access taken from the B951. The site is close to the southwest corner of Loch of Kinnordy nature reserve which is a SPA, SSSI and RAMSAR site noted for its populations of greylag and pink-footed goose.

**Proposal**

The application seeks planning permission in principle for the erection of a dwellinghouse with an associated access. It is indicated that the house would be served by a new access from the C23 road to the south. The application form indicates that the house would connect to the public water supply; foul drainage would be directed to a septic tank which would discharge to land via a soakaway; and surface water would be dealt with via sustainable drainage.

The application has not been subject of variation.

**Publicity**

The nature of the proposal did not require the application be the subject of Neighbour Notification.

The application was advertised in the Dundee Courier on 13 November 2020 for the following reasons:

- Neighbouring Land with No Premises

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

**Planning History**

None.

**Applicant's Case**

A Planning Statement was submitted alongside the application and summarises a description of the site, relevant planning history and the proposal. The statement notes that while the proposed house is not submitted as an essential workers house, the proposed dwelling would be for a retiring farmer who lives on a neighbouring farm and is seeking a property in close proximity in order to allow him to continue to assist in farm operations once he has retired. The statement also discusses the proposal against a number of national and local planning policies and guidance. It concludes that the proposal would comply

with national and local policies and would result in the redevelopment of an unsightly and overgrown hard-cored brownfield site which accommodates piles of stone and redundant materials and is subject to regular fly tipping. It states the site was last used as a yard area by the Roads Service of Angus Council, is now redundant and is of no use for any agricultural function. It states the proposal would remove dereliction and result in a significant net visual and environmental improvement.

A letter from the applicant has been submitted in support of the application. It notes the applicant purchased the site in 2001 which, at that time, the site was in use (rented) by Angus Council Roads Department as a yard to store material and as a base to maintain the surrounding roads. The applicant notes the site was last used to dump old kerbing stones, rubble and other materials, as well as for the storage of vehicles. The letter states that since the Roads Department vacated the site, it has sat vacant with no use and is not suitable for agriculture given its brownfield nature. The applicant notes that on many occasions the site has been subject of fly tipping, cleared at the applicant's expense, and as such the entrance has been blocked with boulders to stop vehicles dumping rubbish.

## **Consultations**

**Scottish Natural Heritage** – offered no objection to the proposal.

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

**Angus Council - Roads** - offers no objection to the proposal subject to conditions to provide and maintain visibility splays at the proposed access, prohibit accesses taken from the B951, to ensure the driveway would not discharge surface water onto the public road and to ensure suitable parking spaces is provided within the site.

**Scottish Water** - advises there is currently sufficient capacity at the nearest water treatment works and there is no public Scottish Water Waste Water infrastructure within the vicinity of the proposal.

## **Representations**

There were no letters of representation.

## **Development Plan Policies**

### **Angus Local Development Plan 2016**

Policy DS1 : Development Boundaries and Priorities  
Policy DS3 : Design Quality and Placemaking  
Policy DS4 : Amenity  
Policy TC2 : Residential Development  
Policy PV4 : Sites Designated for Natural Heritage and Biodiversity Value  
Policy PV6 : Development in the Landscape  
Policy PV15 : Drainage Infrastructure  
Policy PV20 : Soils and Geodiversity

### **TAYplan Strategic Development Plan**

The proposal is not of strategic significance and policies of TAYplan are not referred to in this report.

The full text of the relevant development plan policies can be viewed at Appendix 1 to this report.

## **Assessment**

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise.

Policy DS1 of the Angus Local Development Plan (ALDP) indicates that all proposals will be expected to support delivery of the Development Strategy. It indicates that proposals for development outwith development boundaries will be supported where they are of a scale and nature appropriate to the location and are in accordance with the relevant policies of the ALDP.

Policy TC2 relates to new proposals for residential development. The application site is located within a Category 1 Rural Settlement Unit (RSU) which the local development plan describes as generally non-remote areas with stable or increasing populations or where there are no services or facilities in need of support. The plan indicates that in these areas new housing development outwith settlements should be restricted.

Policy TC2 indicates that in countryside locations Angus Council will support proposals for new dwelling houses which fall into at least one of a number of categories, including the 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. The Countryside Housing Supplementary Guidance provides further detail relating to the application of countryside housing policy and indicates that *the mere fact that a site is brownfield in nature is not a sufficient reason for its redevelopment*. It explains that that redevelopment will only be permitted where the development delivers improvement through the removal of derelict buildings, contamination or an incompatible land use.

Information submitted in support of the application indicates that the land was previously used as a roads depot and contains an area of hardstanding. It is clear from recent photographs and online photography that the site contains an area of hardstanding and some piles of rubble. However, the site does not contain derelict building(s) that would be removed. No information has been submitted to indicate that the site is subject to any form of land contamination; and there is no reason to consider the last use of the site as a depot constituted an incompatible land use having regard to the agricultural use of neighbouring fields. As indicated in the supplementary guidance, the mere fact the site includes an area of previously developed land is not a sufficient reason to allow for its redevelopment and the site does not significantly detract from the amenity of the surrounding area. The proposal does not comply with any of the circumstances which allow for a new house on a rural brownfield site.

Information submitted in support of the application references a desire to provide the house for a retiring farm worker. However, the supporting information is clear that the proposal is not for an essential worker house. No information has been submitted to demonstrate that a case exists for an essential worker house. The proposal does not meet with any of the other circumstances that allow for a new house in the countryside.

The principle of a house on the site is contrary to Policy TC2 and the associated Countryside Housing Supplementary Guidance.

For completeness, an assessment against other relevant considerations is provided below.

Policy TC2 also requires all proposals for new residential development to be compatible in terms of land use; to provide a satisfactory residential environment; not to result in unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure; and to include provision for affordable housing in accordance with Policy TC3. There are also a number of detailed tests contained within the Countryside Housing Supplementary Guidance.

The erection of a dwelling within the application site would be compatible with land uses in the surrounding area. The site is sufficiently sized to allow the creation of a satisfactory residential environment with space for garden ground and the parking and turning of vehicles.

The site contains no designation for natural or built heritage. The site is located close to Loch of Kinnordy, a site designated under national and European legislation for greylag geese, pink footed geese, eutrophic loch and open water transition fen. SNH was consulted on the proposal and has offered no objection and there is no evidence to indicate that a house on the site would result in any significant direct or indirect impacts on that site or other natural or built heritage.

A house on the site could be achieved without significantly impacting on the amenity of other housing in the surrounding area and available information suggests that there are no infrastructure issues that would affect the provision of a new house. Water supply and drainage arrangements would be in accordance with Policy PV15. A development of this scale would not require provision for affordable housing when considered against Policy TC3.

Vehicular access to the site would be taken from the C23 road to the south. The Roads Service has reviewed the proposal and offers no objection subject to conditions to ensure the provision of parking, prohibiting access from the B951 and to ensure a suitable new access would be provided from the C23 Ruthven - Kaims of Airlie road.

In terms of the detailed countryside housing criteria provided at Appendix 3 of the Countryside Housing Supplementary Guidance, the proposal would not create a gap site or rounding off opportunity for additional housing development and would not require the subdivision of an existing residential curtilage. The proposal would not extend ribbon development or result in the coalescence of a building group. The proposal would not adversely affect or be affected by farming or other rural business activities and would not take access through a farm court.

Some of the supplementary guidance criteria cannot be fully assessed as part of an application for planning permission in principle. However, it is noted that the site currently has an open setting and does not benefit from much by way of a landscape framework. In order to ensure that a house would not appear obtrusive in the surrounding landscape, a robust landscaping scheme would be required to integrate it with its surroundings were it otherwise compliant with policy. The proposal does not give rise to any significant issues in terms of the Appendix 3 requirements.

In summary, whilst the proposal complies with some aspects of the development plan, the principle of a house on the site is contrary to Policy TC2 and the associated Countryside Housing Supplementary Guidance. As noted in the supplementary guidance, the mere fact that the site is brownfield in nature is not a sufficient reason for its redevelopment and the proposal would not deliver significant visual or environmental improvement through the removal of derelict buildings, contamination or an incompatible land use. The proposal is also contrary to Policy DS1 because it fails to comply with other policies of the plan. There are no material planning considerations which justify approval of planning permission in principle contrary to the provisions of 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.

## **Decision**

The application is Refused

## **Reason(s) for Decision:**

1. The proposal is contrary to Policy TC2 and DS1 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 which allow for a new house in the countryside; and the proposal would not deliver significant visual or environmental improvement through the removal of derelict buildings, contamination or an incompatible land use.

**Notes:**

Case Officer: Stephanie Porter  
Date: 18 January 2021

**Appendix 1 - Development Plan Policies****Angus Local Development Plan 2016**

Policy DS1 : Development Boundaries and Priorities

All proposals will be expected to support delivery of the Development Strategy.

The focus of development will be sites allocated or otherwise identified for development within the Angus Local Development Plan, which will be safeguarded for the use(s) set out. Proposals for alternative uses will only be acceptable if they do not undermine the provision of a range of sites to meet the development needs of the plan area.

Proposals on sites not allocated or otherwise identified for development, but within development boundaries will be supported where they are of an appropriate scale and nature and are in accordance with relevant policies of the ALDP.

Proposals for sites outwith but contiguous\* with a development boundary will only be acceptable where it is in the public interest and social, economic, environmental or operational considerations confirm there is a need for the proposed development that cannot be met within a development boundary.

Outwith development boundaries proposals will be supported where they are of a scale and nature appropriate to their location and where they are in accordance with relevant policies of the ALDP.

In all locations, proposals that re-use or make better use of vacant, derelict or under-used brownfield land or buildings will be supported where they are in accordance with relevant policies of the ALDP.

Development of greenfield sites (with the exception of sites allocated, identified or considered appropriate for development by policies in the ALDP) will only be supported where there are no suitable and available brownfield sites capable of accommodating the proposed development.

Development proposals should not result in adverse impacts, either alone or in combination with other proposals or projects, on the integrity of any European designated site, in accordance with Policy PV4 Sites Designated for Natural Heritage and Biodiversity Value.

\*Sharing an edge or boundary, neighbouring or adjacent

Policy DS3 : Design Quality and Placemaking

Development proposals should deliver a high design standard and draw upon those aspects of landscape or townscape that contribute positively to the character and sense of place of the area in which they are to be located. Development proposals should create buildings and places which are:

- o Distinct in Character and Identity: Where development fits with the character and pattern of development in the surrounding area, provides a coherent structure of streets, spaces and buildings and retains and sensitively integrates important townscape and landscape features.
- o Safe and Pleasant: Where all buildings, public spaces and routes are designed to be accessible, safe and attractive, where public and private spaces are clearly defined and appropriate new areas of landscaping and open space are incorporated and linked to existing green space wherever possible.
- o Well Connected: Where development connects pedestrians, cyclists and vehicles with the surrounding area and public transport, the access and parking requirements of the Roads Authority are met and the principles set out in 'Designing Streets' are addressed.
- o Adaptable: Where development is designed to support a mix of compatible uses and accommodate changing needs.
- o Resource Efficient: Where development makes good use of existing resources and is sited and designed to minimise environmental impacts and maximise the use of local climate and landform.

Supplementary guidance will set out the principles expected in all development, more detailed guidance on the design aspects of different proposals and how to achieve the qualities set out above. Further details on the type of developments requiring a design statement and the issues that should be addressed will also be set out in supplementary guidance.

#### Policy DS4 : Amenity

All proposed development must have full regard to opportunities for maintaining and improving environmental quality. Development will not be permitted where there is an unacceptable adverse impact on the surrounding area or the environment or amenity of existing or future occupiers of adjoining or nearby properties.

Angus Council will consider the impacts of development on:

- Air quality;
- Noise and vibration levels and times when such disturbances are likely to occur;
- Levels of light pollution;
- Levels of odours, fumes and dust;
- Suitable provision for refuse collection / storage and recycling;
- The effect and timing of traffic movement to, from and within the site, car parking and impacts on highway safety; and
- Residential amenity in relation to overlooking and loss of privacy, outlook, sunlight, daylight and overshadowing.

Angus Council may support development which is considered to have an impact on such considerations, if the use of conditions or planning obligations will ensure that appropriate mitigation and / or compensatory measures are secured.

Applicants may be required to submit detailed assessments in relation to any of the above criteria to the Council for consideration.

Where a site is known or suspected to be contaminated, applicants will be required to undertake investigation and, where appropriate, remediation measures relevant to the current or proposed use to prevent unacceptable risks to human health.

#### Policy TC2 : Residential Development

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

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

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

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

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

- o retention, renovation or acceptable replacement of existing houses;
- o conversion of non-residential buildings;
- o regeneration or redevelopment of a brownfield site that delivers significant visual or environmental improvement through the removal of derelict buildings, contamination or an incompatible land use;
- o single new houses where development would:

- o round off an established building group of 3 or more existing dwellings; or
- o meet an essential worker requirement for the management of land or other rural business.
- o in Rural Settlement Units (RSUs)\*\*, fill a gap between the curtilages of two houses, or the curtilage of one house and a metalled road, or between the curtilage of one house and an existing substantial building such as a church, a shop or a community facility; and
- o in Category 2 Rural Settlement Units (RSUs), as shown on the Proposals Map, gap sites (as defined in the Glossary) may be developed for up to two houses.

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

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

\*includes houses in multiple occupation, non-mainstream housing for people with particular needs, such as specialist housing for the elderly, people with disabilities, supported housing care and nursing homes.

\*\*Rural Settlement Units are defined in the Glossary and their role is further explained on Page 9.

#### Policy PV4 : Sites Designated for Natural Heritage and Biodiversity Value

Angus Council will work with partner agencies and developers to protect and enhance habitats of natural heritage value. Development proposals which are likely to affect protected sites will be assessed to ensure compatibility with the appropriate regulatory regime.

#### International Designations

Development proposals or land use change which alone or in combination with other proposals could have a significant effect on a Ramsar site or a site designated or proposed under the Birds or Habitats Directive (Special Areas for Conservation and Special Protection Areas) and which is not directly connected with or necessary to the management of the site, will only be permitted where:

- o an appropriate assessment demonstrates the proposal will not adversely affect the integrity of the site; or
- o there are no alternative solutions; and
- o there are imperative reasons of overriding public interest, including those of social or economic nature; and
- o compensatory measures are provided to ensure that the overall coherence of the Natura Network is protected.

The Council will seek to protect and enhance the nature conservation interests within the River Tay and River South Esk Catchment areas. In order to ensure no adverse effects on the River Tay SAC or the River South Esk SAC, development proposals should take account of the detailed advice\* on the types of appropriate information and safeguards to be provided in support of planning applications.

#### National Designations

Development proposals which affect Sites of Special Scientific Interest will only be permitted where:

- o the proposed development will not adversely affect the integrity of the area or the reasons for which it was designated either individually or in combination with other proposals; or
- o any adverse effects on the qualities of any designated site are outweighed by social, environmental or economic benefits of national significance; and
- o mitigation and restoration measures are provided.

Development affecting sites and species protected by national or international legislation may require to be accompanied by an Environmental Impact Assessment and/or a Habitats Regulation Appraisal.

Further information on protected sites and species and their influence on proposed development will be set out in a Planning Advice Note.

\* "River Tay Special Area of Conservation (2011)" and "River South Esk Special Area of Conservation (2011)" guidance produced jointly by SNH, Angus Council and SEPA, available on SNH website at [www.snh.gov.uk](http://www.snh.gov.uk)

#### Policy PV6 : Development in the Landscape

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

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

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

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

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

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

#### Policy PV15 : Drainage Infrastructure

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

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

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

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

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

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



## Policy PV20 : Soils and Geodiversity

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

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

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

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

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

## ANGUS COUNCIL

### PLACE PLANNING

#### CONSULTATION SHEET

PLANNING APPLICATION NO

20/00750/PPPL

Tick boxes as appropriate

ROADS

No Objection

Interest

(Comments to follow within 14 days)

Date

12	11	20
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**PLEASE DO NOT TAKE AWAY THE LAST SET OF PLANS WHERE POSSIBLE COPIES  
WILL BE PROVIDED ON REQUEST**

**ELECTRONIC SUBMISSION DRAWINGS TO BE VIEWED VIA IDOX**



# Memorandum

Infrastructure  
Roads & Transportation

TO: DEVELOPMENT STANDARDS MANAGER, PLANNING

FROM: TRAFFIC MANAGER, ROADS

YOUR REF:

OUR REF: CH/AG/ TD1.3

DATE: 03 DECEMBER 2020

SUBJECT: **PLANNING APPLICATION REF. NO. 20/00750/PPPL – PROPOSED REDEVELOPMENT OF FORMER COUNCIL ROADS YARD FOR A SINGLE HOUSE WITH ASSOCIATED ACCESS AT WEST LOCHSIDE, KIRRIEMUIR**

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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 west side of the B951 Kirriemuir to Glenisla to Glenshee road at the former site of an old Roads storage yard.

A submitted location plan shows the site but does not indicate where any access would be located, either on the B951 or the unnumbered, classified road [Ruthven to Kaims of Airlie (C23)]. The use of the minor road for access to the site is preferable. In order to provide a safe and satisfactory access, minimum visibility sightlines of 2.4 x 215 metres in a westerly direction and 2.4 x 90 metres in an easterly direction should be provided from the proposed access at its junction with the public road.

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

- 1 That, prior to the commencement of development, visibility splays shall be provided at the junction of the proposed access giving a minimum sight distance of 215 metres in a westerly direction and 90 metres in an easterly direction, each at a point 2.4 metres from the nearside channel line of the public road.  
*Reason: to ensure a safe and suitable access in the interests of road safety.*

- 2 That, within the above visibility splays nothing shall be erected, or planting permitted to grow to a height in excess of 1050 millimetres above the adjacent road channel level.  
*Reason: to provide and maintain adequate sightlines in the interests of road safety.*
- 3 That, the means of vehicular access to the site shall be by way of a suitable access formed on the unnumbered, classified Ruthven – Kaims of Airlie road only. For the avoidance of doubt, no vehicle access shall be permitted from the B951 Kirriemuir – Glenisla – Glenshee road.  
*Reason: to ensure a safe and suitable access in the interests of road safety.*
- 4 That, the plot driveway shall be designed so as to prevent the discharge of surface water onto the public road. This shall include the provision of a cut-off drain at the end of the driveway if falling towards the road.  
*Reason: in the interests of road safety.*
- 5 That, prior to the occupation or use of the dwelling house, car parking spaces shall be provided within the site curtilage in accordance with the National Roads Development Guide (SCOTS).  
*Reason: to ensure that suitable parking arrangements are provided in a timely manner.*
- 6 That, an advisory, informative note be added to the decision notice to inform the applicant that the verge crossing at the proposed access must be formed and constructed in accordance with the standards of Angus Council. An application form can be downloaded from the Angus Council website for the purpose.  
*Reason: to maintain the integrity and condition of the public road.*

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





Sunday, 15 November 2020

Local Planner  
Planning Service  
Angus Council  
Forfar  
DD8 1AN

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

Development Operations  
Freephone Number - 0800 3890379  
E-Mail - [DevelopmentOperations@scottishwater.co.uk](mailto:DevelopmentOperations@scottishwater.co.uk)  
[www.scottishwater.co.uk](http://www.scottishwater.co.uk)

Dear Sir/Madam

**SITE: Land At West Lochside Kinnordy, , Kirriemuir, DD8 5HU**  
**PLANNING REF: 20/00750/PPPL**  
**OUR REF: DSCAS-0026247-BP7**  
**PROPOSAL: Planning permission in principle for redevelopment of former council roads yard for single house with associated access**

**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 LINRATHEN 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**

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

---

**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](mailto:sw@sisplan.co.uk)
  - ▶ [www.sisplan.co.uk](http://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](http://www.scotlandontap.gov.uk)

### **▶ Trade Effluent Discharge from Non Dom Property:**

- ▶ Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and laundrettes. Activities not covered include hotels, caravan sites or restaurants.
- ▶ If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email [TEQ@scottishwater.co.uk](mailto: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](http://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](mailto:planningconsultations@scottishwater.co.uk).

Yours sincerely,

**Planning Application Team**

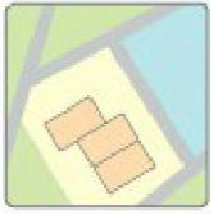
Development Operations Analyst

[developmentoperations@scottishwater.co.uk](mailto:developmentoperations@scottishwater.co.uk)

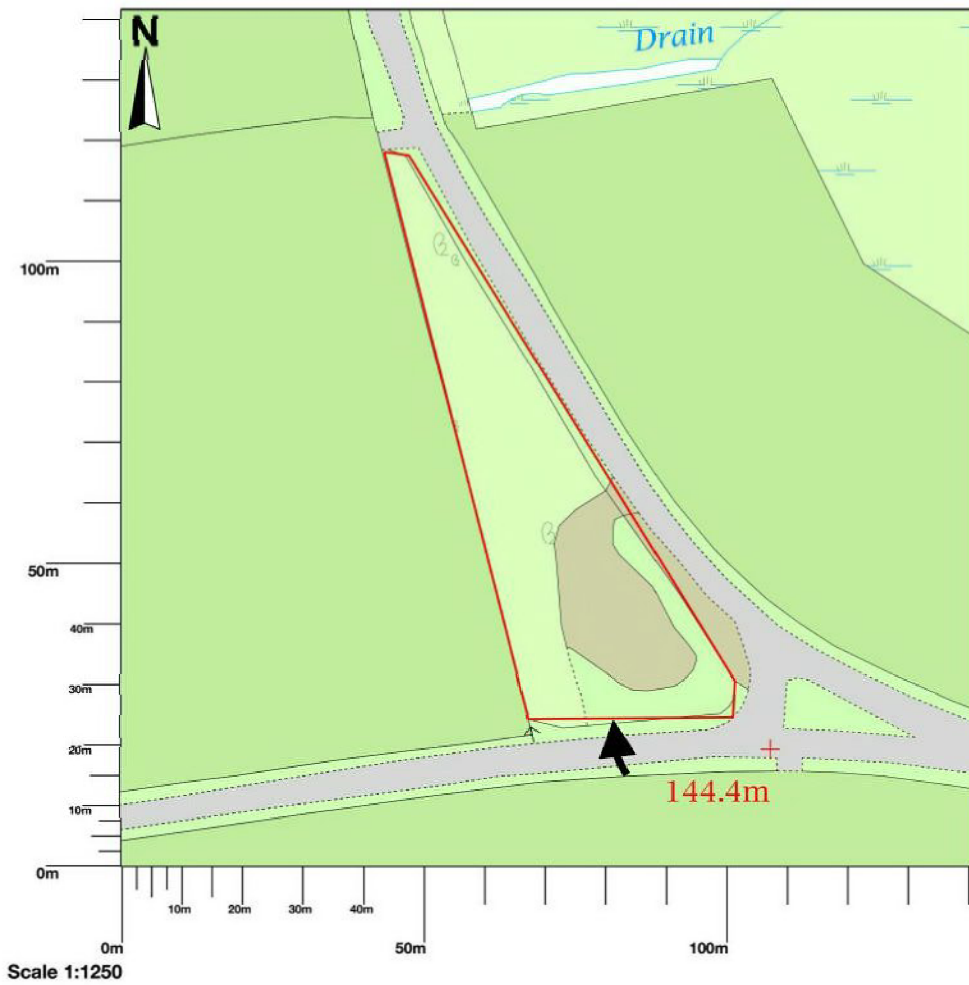
**Scottish Water Disclaimer:**

*"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."*





## West Lochside



Map area bounded by: 334981,753829 335123,753971. Produced on 24 July 2020 from the OS National Geographic Database. Reproduction in whole or part is prohibited without the prior permission of Ordnance Survey. © Crown copyright 2020. Supplied by UKPlanningMaps.com a licensed OS partner (100054135). Unique plan reference: p2buk/484779/657609

# Refused

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



PLANNING PERMISSION IN PRINCIPLE REFUSAL  
REFERENCE : 20/00750/PPPL

To **Mr Bryan Wylie**  
**c/o Suller & Clark**  
**Karen Clark**  
**Scoutbog Steading**  
**Oldmeldrum**  
**Oldmeldrum**  
**AB51 0BH**

With reference to your application dated 29 October 2020 for Planning Permission in Principle under the above mentioned Acts and Regulations for the following development, viz:-

**Planning permission in principle for redevelopment of former council roads yard for single house with associated access at Land At West Lochside Kinnordy Kirriemuir for Mr Bryan Wylie**

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

**The reasons for the Council's decision are:-**

1. The proposal is contrary to Policy TC2 and DS1 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 which allow for a new house in the countryside; and the proposal would not deliver significant visual or environmental improvement through the removal of derelict buildings, contamination or an incompatible land use.

**Amendments:**

The application has not been subject of variation.

Dated this **20 January 2021**

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
<b>Development Standards Committee/Full Council</b>	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.	<b>DPEA (appeal to Scottish Ministers)</b> – <b>See details on attached Form 1</b>
<b>Delegated Decision</b>	Local developments determined by Service Manager through delegated powers under the statutory scheme of delegation. These applications may have been subject to less than five representations, minor breaches of policy or may be refusals.	<b>Local Review Body –</b> <b>See details on attached Form 2</b>
<b>Other Decision</b>	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.	<b>DPEA (appeal to Scottish Ministers)</b> – <b>See details on attached Form 1</b>

**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  
Angus House  
Orchardbank Business Centre  
Forfar  
DD8 1AN

Telephone 01307 492076 / 492533  
E-mail: [planning@angus.gov.uk](mailto:planning@angus.gov.uk)  
Website: [www.angus.gov.uk](http://www.angus.gov.uk)



## TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)

### The Town & Country Planning (Development Management Procedure) (Scotland) Regulations 2013 – Schedule to Form 1

*Notification to be sent to applicant on refusal of planning permission  
or on the grant of permission subject to conditions decided by Angus Council*

1. If the applicant is aggrieved by the decision of the planning authority-
  - a) to refuse permission for the proposed development;
  - b) to refuse approval, consent or agreement required by condition imposed on a grant of planning permission;
  - c) to grant planning permission or any approval, consent or agreement subject to conditions,

the applicant may appeal to the Scottish Ministers to review the case under section 47 of the Town and Country Planning (Scotland) Act 1997 within three months beginning with the date of this notice. The notice of appeal should be addressed to The Planning and Environmental Appeals Division, Scottish Government, Ground Floor, Hadrian House, Callendar Business Park, Callendar Road, 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:-**

<b>Strongly Agree</b>	<b>Agree</b>	<b>Neither Agree nor Disagree</b>	<b>Disagree</b>	<b>Strongly Disagree</b>	<b>It does not apply</b>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Q.2 The Council kept me informed about the progress of the application that I had an interest in:-**

<b>Strongly Agree</b>	<b>Agree</b>	<b>Neither Agree nor Disagree</b>	<b>Disagree</b>	<b>Strongly Disagree</b>	<b>It does not apply</b>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

<b>Strongly Agree</b>	<b>Agree</b>	<b>Neither Agree nor Disagree</b>	<b>Disagree</b>	<b>Strongly Disagree</b>	<b>It does not apply</b>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

<b>Strongly Agree</b>	<b>Agree</b>	<b>Neither Agree nor Disagree</b>	<b>Disagree</b>	<b>Strongly Disagree</b>	<b>It does not apply</b>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Q.5 I understand the reasons for the decision made on the application that I had an interest in:-**

<b>Strongly Agree</b>	<b>Agree</b>	<b>Neither Agree nor Disagree</b>	<b>Disagree</b>	<b>Strongly Disagree</b>	<b>It does not apply</b>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Q.6 I feel that I was treated fairly and that my view point was listened to:-**

<b>Strongly Agree</b>	<b>Agree</b>	<b>Neither Agree nor Disagree</b>	<b>Disagree</b>	<b>Strongly Disagree</b>	<b>It does not apply</b>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**OVERALL SATISFACTION:** Overall satisfaction with the service: .....

**Q.7 Setting aside whether your application was successful or not, and taking everything into account, how satisfied or dissatisfied are you with the service provided by the council in processing your application?**

<b>Very satisfied</b>	<b>Fairly satisfied</b>	<b>Neither Satisfied nor Dissatisfied</b>	<b>Fairly Dissatisfied</b>	<b>Very Dissatisfied</b>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**OUTCOME:** Outcome of the application:

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

Granted Permission/Consent	<input type="checkbox"/>	Refused Permission/Consent	<input type="checkbox"/>	Withdrawn	<input type="checkbox"/>
----------------------------	--------------------------	----------------------------	--------------------------	-----------	--------------------------

**Q.9 Were you the:-** Applicant  Agent  Third Party objector who made a representation

Please complete the form and return in the pre-paid envelope provided.  
Thank you for taking the time to complete this form.

Balbrydie Farm  
Kirriemuir  
DD8 5HS.

29<sup>th</sup> October 2020

Dear Sir/Madam,

By way of background to my application I can confirm that we purchased the land at West Lochside, Kirriemuir in 2001. At the time of acquisition the site was in use by Angus Council Roads Department as a yard area to store material and as a base to maintain the surrounding roads.

Anecdotally, as a lifelong resident I can confirm that this land has always been a hard core site used by the local roads department to store materials and as a base to maintain the surrounding roads. I have spoken to the family of the previous owners, and various local people of a previous generation to myself, they all confirmed that this was what the site was used for. The site was last used to dump old kerbing stones and many other types of rubble and materials and the storage of vehicles.

In 2001 the Roads Department contacted to inform us that they did not need the site anymore therefore wished to give up the rental. Since this time the site has sat vacant with no use. The site is of no use for agriculture given the brownfield nature of the site.

On many of occasions the site has been the subject of fly tipping which as a local business we have had to clear at our expense. We have since blocked the entrance with boulders to stop vehicles entering to dump rubbish. We still get cars stopping next to the site to have a snack and often just throw their discarded food or drinks containers on to the site.

I trust this is of assistance.

Your faithfully

Bryan Wylie





Planning Service  
Angus Council  
Angus House  
Orchardbank Business Park  
Forfar

29<sup>th</sup> October 2020

Dear Sir/Madam,

**Town and County Planning (Scotland) Act 1997, as amended**  
**Planning Permission in Principle for the Redevelopment of the Former Council Roads Yard for the Erection of a Single House, with associated Access. West Lochside, by Kirriemuir**

We refer to the aforementioned application which seeks planning permission in principle for the redevelopment of the former Council Roads Yard for the erection of a Single House, with associated access at West Lochside, by Kirriemuir. The application package comprises the following: -

- Completed electronic application forms
- Location plan
- Planning Supporting Statement
- Planning fee of £401.00 to be provided by applicant

If you require any further information during the consideration of the application please contact Karen Clark at [Karen@sullerandclark.com](mailto:Karen@sullerandclark.com) or on 07930 566336

Yours Faithfully

---

■ **Karine Suller B.Sc, M.Sc, MRTPI**  
Scoutbog Steading, Oldmeldrum  
Aberdeenshire AB51 0BH

Telephone: 07742 613 598  
[karine@sullerandclark.com](mailto:karine@sullerandclark.com)

■ **Karen Clark B.Sc (Hons), MRTPI**  
Mayriggs, 69 Brechin Road  
Kirriemuir DD8 4DE

Mob: 07930 566 336  
[karen@sullerandclark.com](mailto:karen@sullerandclark.com)



**Planning Statement in Support**

**of**

**Application for Planning Permission in Principle**

**for**

**Redevelopment of the Former Council Roads Yard for the Erection of a Single House, with associated Access at West Lochside, by Kirriemuir**

**For Mr and Mrs Wylie**

---

■ **Karine Suller B.Sc, M.Sc, MRTPI**  
Scoutbog Steading, Oldmeldrum  
Aberdeenshire AB51 0BH

Telephone: 07742 613 598  
karine@sullerandclark.com

■ **Karen Clark B.Sc (Hons), MRTPI**  
Mayriggs, 69 Brechin Road  
Kirriemuir DD8 4DE

Mob: 07930 566 336  
karen@sullerandclark.com

**Introduction**

The Planning Statement is lodged in support of an application for planning permission in principle for the redevelopment of the former Council Roads Yard for the Erection of a Single House, with associated access, West Lochside, by Kirriemuir. The site currently has a hard-cored surface with piles of stone and redundant materials. The site is subject to regular fly tipping. The site is now redundant last used as a yard area by the Roads Service of Angus Council circa 2001 given the brownfield nature of the site it is of no use for any agricultural function. Over the years the area has become overgrown and unsightly with regular fly tipping causing an eyesore and requiring removal, as such it is considered that the redevelopment of this brownfield site for a single house will remove dereliction and result in a significant net visual and environmental improvement.

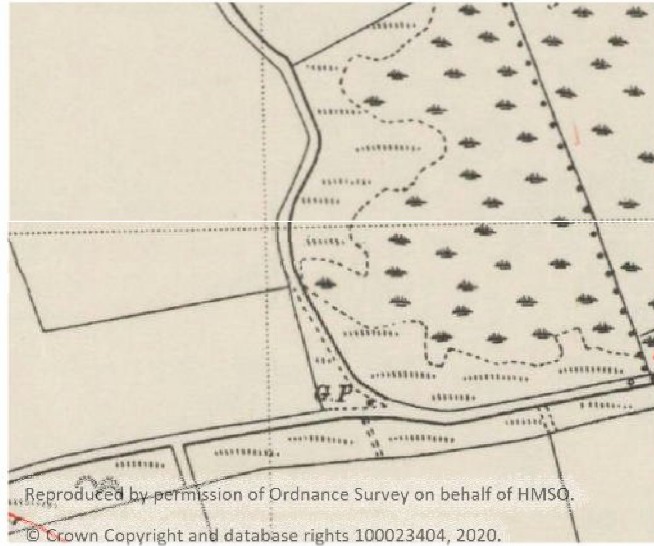
While the proposed house is not submitted as an essential workers house, the applicant is a local farmer and landowner who currently lives and farms on the neighbouring farm and is seeking a property in close proximity which will allow him to continue to assist in farm operations once he has retired.

The proposed house can be accommodated on site without any detrimental impact to the amenity of the surrounding area. The proposed development complies with the policies of the Scottish Government and Angus Council.

**Site Description**

The site, which extends to approximately 0.18ha, is located adjacent to the B951 public road at its junction with the Airlie road, approximately 2.65 km to the west of Kirriemuir. The site which is triangular in shape, has established boundaries on all sides comprising the B951 to the east, to the south by the unclassified Airlie Road and to the west by an existing stone dyke. The land is generally level with a frontage to the adjoining unclassified roads.

The site is currently vacant and redundant, historically the site was used as a Council Roads Service yard, evidence of the former use is clearly seen on site, with a hardcore surface and piles of stone and rubble. In addition, due to its brownfield nature and the proximity to Kirriemuir, the site is regularly the subject of fly tipping which the local farmer or the council are required to clear at significant cost. A letter from the applicant is included with the submission which sets out the anecdotal history of the site.



Site plan circa 1953, indicates area out with field area in line with ariel photo below



Ariel view of site and surrounding area



frontages, clear views in both directions



Views across the site, evidence of previous Council Roads Yard clearly evident with hardcore surface and piles of redundant materials





Views across site with hard core surface evident



Rubble remining on site

The site currently benefits from existing accesses on to the B951 and to the Airlie Road. In discussion with the Roads Service they have indicated a preference for any new house to take access to the unclassified Airlie Road.

### **Planning History**

There is no history of planning applications on the site.

A pre-application enquiry was lodged with Angus Council; the response confirmed the various policies of the ALDP 2016 which would apply in the consideration of any application and highlighted a number of areas which would require to be addressed in any application submission, these being

- Information on the history and use of the site
- a statement to clarify the site is redundant and how the proposal would result in a visual or environmental improvement of the site.

The relevant policies and matters raised in the pre-application enquiry will be addressed within this Report.

### **Proposal**

The current application seeks planning permission in principle for the redevelopment of the former Council road yard to form a single house with all required amenities including access to the south to the Airlie road. A site inspection will confirm the former use with a hardcore surface on the site with mounds of rubble, stone and left-over materials dumped throughout the site. Further, in spite of the best efforts of the landowner, as stated the site is subject to regular fly tipping which causes an eyesore on this corner, to the detriment of the wider landscape setting. The re-development of this site will result in the clearance of all materials and removal of any contaminants left over from the former use, it will further ensure that fly tipping is not possible on the site, redeveloping the site to provide a single high-quality modern family home.

As the current application seeks planning permission in principle at this time there are no detailed plans of the proposed house available. However, it would be the intention to construct a 1 ½ story house orientated to the south west to take maximum advantage of the solar gain opportunities and expansive views. The house will be located to the centre of the plot with private rear garden to the west. In line with the Roads Service advice, access to the public road will be to the south to the Airlie Road, with ample space for parking within the site. It is intended the proposed house will be of appropriate scale to the site and the rural setting, being broadly traditional in design and finishing materials with contemporary features.

It is submitted that the proposal of this brownfield site will remove dereliction while providing a high-quality family home bringing a net environmental improvement to the immediate area.

## **Development Plan Policy**

### Scottish Planning Policy 2014

The adopted SPP published June 2014 provides an overview of the key components and overall aims and principles of the planning system in Scotland. In general terms the SPP advises that the planning system should enable the development of well designed, energy efficient, good quality development in sustainable locations.

Paragraph 2 states

*“Planning should take a positive approach to enabling high-quality development and making efficient use of land to deliver long-term benefits for the public while protecting and enhancing natural and cultural resources.”*

The SPP introduces a presumption in favour of development that contributes to sustainable development and a factor which guides development decision should include:

*“making efficient use of existing capacities of land, buildings and infrastructure”*

The current development represents efficient use of land as it will result in the use of a brownfield site. The SPP defines brownfield land as

*“Land which has previously been developed. The term may cover vacant or derelict land, land occupied by redundant or unused building and developed land within the settlement boundary where further intensification of use is considered acceptable.”*

The SPP encourages rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality.

### PAN 72 Housing in the Countryside.

The aim of the PAN is to provide widespread good quality rural housing. The document recognises that more people want to live and work in rural areas. The PAN seeks to ensure that potential sites are accessible and well designed.

### PAN 73 Rural Diversification

The Scottish Government confirms its commitment to supporting rural life, rural communities and the rural economy.

The PAN recognises that a one size does not fit all and a flexible approach is often required, the document confirms



*"It should also be recognised that new housing in rural areas can play an important part in wider economic regeneration and environmental renewal especially in remote areas. The provision of appropriately located, well designed homes, suitable for a range of incomes can help to stem depopulation, keep young people and skills in the area and help to attract new people and entrepreneurs."*

The current proposal is for accommodation for a retiring farmer who lives on the neighbouring farm and is seeking a property in close proximity which will allow him to continue to assist in farm operations once he has retired.

#### Angus Local Development Plan

It is considered the following policies are of relevance to the consideration of the current application

- Policy DS1: Development Boundaries and Priorities
- Policy DS3: Design Quality and Place making
- Policy DS4: Amenity
- Policy DS5: Developer Contributions
- Policy TC2: Residential Development and associated SG Countryside Housing
- Policy PV5: Protected Species
- Policy PV20: Soils and Geodiversity

These policies will be considered within the Discussion section of this Report.

#### Discussion

The Town and Country Planning (Scotland) Act 1997 as amended requires that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise.

The application seeks planning permission in principle for the redevelopment of the former Angus Council roads yard to provide a single high quality modern family home. While no submitted as an essential workers house, the applicant is a local farmer who intends to retire to the house and is seeking a location close to the farm which will allow him to assist in the operation of the farm once retired. The application site was previously used as a Council Roads yard, the yard was vacated around 2001 and since then has remained vacant and has become unsightly and overgrown with mounds of rubble, stone and other materials on site. The site is subject to regular fly tipping which requires clearance by the landowner or the Council. A letter from the applicant has been submitted which confirms the history and previous use of the site. As such it is submitted that the site falls within the accepted definition brownfield land and that its redevelopment will remove dereliction resulting in a net environmental improvement.

The proposal is for planning permission in principle for a single modern family home. At this time detailed plans are not available; however, any proposal will be subject to a further planning consent with the detailed design developed to complement and enhance the surrounding rural landscape. It is considered that the plot can accommodate a modern family home with all associated

requirements including private garden ground, off road parking. Access to the house will be from the adjoining road to the south which provides excellent visibility in both directions.

All relevant Scottish Government advice provided by the SPP, PAN 72 Housing in the Countryside and PAN 73 Rural Diversification support small scale rural development such as that proposed. Limited development is seen as supporting the rural communities helping to stem depopulation, keeping young people and skills in the area and helping to attract new business. Further the SPP includes a presumption in favour of development that contributes to sustainable development and supports *“making efficient use of existing capacities of land, buildings and infrastructure”*. The current redevelopment is sustainable as it represents efficient use of land as a scarce resource resulting in the reuse of a previously developed site. The site clearly falls within the definition of brownfield land as provided by the SPP in that it is

*“Land which has previously been developed. The term may cover vacant or derelict land, land occupied by redundant or unused building and developed land within the settlement boundary where further intensification of use is considered acceptable.”*

Considering the policies of relevance of the Angus Local Development Plan,

Policy DS1 Development Boundaries states that out with development boundaries, proposals will be supported where they are of a scale and nature appropriate to the location and where they accord with other relevant policies in the LDP. The policy goes on to support proposals which *“reuse or make better use of vacant derelict or underused brownfield land or buildings will be supported where they are in accordance with relevant policies of the ALDP.”*

In the current circumstances the application seeks planning permission for the reuse of a former council roads yard to provide a single house for a local family. The development site falls within the accepted definition of brownfield land as provided by the ALDP. The application site is in poor condition with a hard-cored surface and mounds of left-over materials remaining on site, the site has over time become overgrown and unsightly has become a magnet for fly tippers. As a result, it is submitted that the redevelopment of this small brownfield site will remove dereliction and bring a net environmental benefit to this attractive part of rural Angus. Without redevelopment the environmental quality of this area will deteriorate, the site cannot be returned to agricultural use, this redevelopment creates an opportunity for an environmental improvement.

Policy DS3 Design Quality and Place making looks for development proposals to 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.

The current application seeks planning permission in principle for the redevelopment for a derelict brownfield site to provide a single house. The detail design of the proposed house being subject to a further planning application.

Therefore, it is submitted that the current proposal complies with Policy DS3 Design Quality and Place as redevelopment of the site to provide a new house which will be of a high-quality design will make a positive contribution to the surrounding rural area. The triangular plot, a field corner provides good opportunities to create a development which will be fundamental to placemaking.

Policy DS4: Amenity requires proposals to have regard to opportunities for maintaining and improving environmental quality. Development is not permitted where there would be an unacceptable adverse impact on the area or the environment or amenity of nearby sensitive property. The Policy identifies a number of areas to be considered including

- Air quality
- Noise and vibration
- Levels of light pollution
- Levels of odour
- Suitable provision of 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
- Residential amenity in relation to overlooking and loss of privacy, outlook, sunlight, daylight and overshadowing

In respect of air pollution, noise and vibration, light pollution and odour it is submitted that the current application for the redevelopment of a brownfield site to allow the construction of a single new house within a rural setting will not have any adverse impacts in regard to these matters. With regard to road traffic movement roads/parking/access, the site is of sufficient size to ensure sufficient on-site turning and parking facilities. In terms of the amenity of the prospective resident, it is common place in the rural area of Angus for houses to be surrounded by agricultural land. The proposed house will be located to the centre of the site providing garden ground as a buffer to the agricultural use. The development of the house will include suitable fencing and landscaping providing a buffer to any agricultural noise., whilst creating shelter and screening to the development.

Therefore, it is submitted that the proposal complies with Policy DS4.

DS5 Developer Contributions The current application falls below the threshold for Developer Contributions, that being developments over 0.5ha or 10 units, as such Policy DS is not applicable to the current application.

Policy TC2 Residential Development requires that all residential development proposals are

- compatible in terms of land use;
- provide a satisfactory residential environment;
- not result in unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure and
- provide for affordable housing in accordance with Policy TC3 Affordable Housing.

In countryside locations Policy TC2 offers support to proposals for the development of houses that fall into at least one of a number of categories one of these being the *“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.”* In the current circumstances the proposal will result in the redevelopment of a site which falls within the accepted definition of “brownfield land”. The site was last used as a council yard and evidence of the former use can still be seen on site with piles of left-over materials remaining on site. The site

attracts fly-tippers which causes an issue for both the landowner and the Council. As a result, it is clear that the redevelopment will result in a significant net visual and environmental improvement. The incorporation of landscaping into a new development creates opportunities for screening, shelter and habitat creation, a net improvement to the natural environment. Therefore, it is submitted that the principle of the proposal complies with Policy TC2 of the ALDP.

The proposals are further required to meet the detailed criteria set out in the Countryside Supplementary Guidance. For the current application the following criteria are considered appropriate, these are considered in turn: -

*a) not create a gap or rounding off opportunity for additional Greenfield development.* The current application is a self-contained site and will in no way result in creating a gap site.

*b) Meet the plot size requirements, in RSU 1 areas the minimum plot size is 800sqm with a maximum plot area of 2000sqm.* The application plot size is 1800sqm and as such meets the plot size requirement.

*c) Not extend ribbon development.* The site is self contained and in no way constitutes ribbon development.

*d) Not result in coalescence of building groups or of a group with a nearby settlement.* The site will not result in any coalescence, as there are no buildings nearby.

*e) Have regard to the rural character of the surrounding area and not be urban in form and/or appearance.* The application seeks planning permission in principle for the redevelopment of the redundant unsightly brownfield site and its replacement with a single-family home. The detailed design will be subject to a further planning application and it is anticipated that a design will be developed in conjunction with Angus Council which will reflect the rural character of the surrounding area.

*f) provide a good residential environment.* The generous site area will ensure a good quality residential amenity can be provided. The required amenity, parking and window to window standards can be accommodated within the generous plot.

*g) make provision for affordable housing in line with TC3 Affordable Housing and the guidance set out in Developer Contributions and Affordable Housing SG.* Developments of less than 0.5ha and less than 10 units, such as the current application, do not attract an affordable housing or developer contributions requirement.

*h) where the proposal will have a demonstrable cumulative impact on infrastructure and community facilities an appropriate developer contribution will be sought.* Developer contributions are only required on developments in excess of 0.5ha or 10 units. The current application falls below both these thresholds.

*i) not adversely effect of be affected by farming or other rural business activities.* The application site will not affect any farming activity.

*j) not take access through a farm court.* The proposed redevelopment will not affect any farm access.

*j) not require an access of an urban scale or character. An access will be provided to the adjacent public road to the south.*

As such the development adheres to Policy TC2 Residential Development in that the application site falls within the definition of a brownfield site, the site was formerly used as a council yard and has now been redundant for around 20 years and has fallen into dereliction. As a result, the redevelopment will result in a net environmental and visual improvement with the removal of an eye sore in this attractive rural location. The proposal further complies with all relevant criteria contained within the Countryside Housing SG.

**Policy PV5: Protected Species** The site currently overgrown and unsightly. The surrounding area is in primarily agriculture with the Kinnordy Wildlife Reserve located to the east. There is no anticipated wildlife on the site further the proposal will not affect the Wildlife Reserve in any way. Therefore, it is submitted that the proposal complies with Policy PV5.

**Policy PV15 Drainage Infrastructure** requires information of drainage arrangement. The current application seeks planning permission in principle at this time all details including the drainage will be the subject of a further Matters Specified in Conditions application. However, at this time it is proposed that the house will include private drainage system with septic tanks and soakaways.

Therefore, it is submitted that the proposal complies with Policy PV15.

**Policy PV20: Soils and Geodiversity** limits development on prime agricultural land. It is submitted that the current application site is not prime agricultural land. The site has been previously used as a yard and now has a hardcore surface, and cannot be returned to an agricultural use. Therefore, the proposed development will not result in the loss of any prime agricultural land.

### Summary

The current proposal is for the redevelopment of a derelict and overgrown site, a site which falls within the accepted definition of a "brownfield land" as provided by Scottish Planning Policy. The proposed development will result in the efficient use of land bringing a new use to a vacant and derelict site; as such the proposal is considered to be sustainable. The proposal will result in the redevelopment of a redundant, overgrown unsightly brownfield site resulting in a clearly significant visual and environmental improvement.

Finally, The Scottish Government supports development that is designed to a high-quality, which demonstrates the six qualities of successful place, the current proposal responds to these issues in the following ways:

**Distinctive:** The development will ensure the reuse of a vacant brownfield site, a site that without redevelopment will continue the decline into dereliction. The proposed house design will be developed to complement and enhance the rural setting.

**Safe and Pleasant:** The development will be carefully considered to provide an appropriate response to this small site.

**Easy to get around:** The application is for a single new family homes; the site is providing excellent access to the adjoining road and is a short walk to the Angus Core Paths network.

**Welcoming:** The house will be orientated towards the south west taking maximum advantage of the expansive views.

**Resource Efficient** The development will ensure the reuse of a small brownfield site with and therefore represents efficient use of land as a scarce resource. Further the house will be insulated to a very high standard meeting all current building control requirements.

**Adaptable** The proposed houses will provide adaptable family accommodation.

In conclusion, the application seeks planning permission in principle for the redevelopment of a derelict brownfield site for a new family home. The proposal fully accords with the policies the Scottish Government, the Angus Local Development Plan 2016 in that the proposal will result in the redevelopment of a brownfield site, removing dereliction and resulting in a significant net visual and environmental improvement. It will provide a high quality development wholly appropriate to the area in scale and nature, one which will make a valuable contribution to the rural area, as such we respectfully submit that the application be SUPPORTED.

**DEVELOPMENT MANAGEMENT REVIEW COMMITTEE**

**APPLICATION FOR REVIEW**

**LAND AT WEST LOCHSIDE, KINNORDY, KIRRIEMUIR**

**APPLICATION NO 20/00750/PPPL**

**APPLICANT'S SUBMISSION**

**Page No**

**ITEM 1** Notice of Review

**ITEM 2** Appeal Statement

**Appendix 1** Application Forms

**Appendix 2** Refusal Notice

**Appendix 3** Report of Handling

**Appendix 4** Plan

**Appendix 5** Letter from Appellant dated 29 October 2020



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 100320549-003

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

### Applicant or Agent Details

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

Applicant  Agent

### Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="Suller &amp; Clark"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Karen"/>	Building Name:	<input type="text" value="Scoutbog Steading"/>
Last Name: *	<input type="text" value="Clar"/>	Building Number:	<input type="text"/>
Telephone Number: *	<input type="text" value="07930566336"/>	Address 1 (Street): *	<input type="text" value="Oldmeldrum"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Oldmeldrum"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
		Postcode: *	<input type="text" value="AB51 0BH"/>
Email Address: *	<input type="text" value="karine@sullerandclark.com"/>		

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

Individual  Organisation/Corporate entity



## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Balbrydie Farm"/>
First Name: *	<input type="text" value="Bryan"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Wylie"/>	Address 1 (Street): *	<input type="text" value="Kirriemuir"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="By Kirriemuir"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="DD8 5HS"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="karen@sullerandclark.com"/>		

## Site Address Details

Planning Authority:

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

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

Please identify/describe the location of the site or sites

Northing	<input type="text" value="753870"/>	Easting	<input type="text" value="335059"/>
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## Description of Proposal

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

Planning permission in principle for redevelopment of former council Roads Service Yard for single house with associated access

## Type of Application

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

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

What does your review relate to? \*

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

## Statement of reasons for seeking review

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

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

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

Please refer to attached Review Statement

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

Yes  No

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

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

Appendix 1 Application Forms Appendix 2 Refusal Notice Appendix 3 Report of Handling Appendix 4 Plans Appendix 5 Letter from appellant dated 29/10/20

## Application Details

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

20/00750/PPPL

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

29/10/2020

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

20/01/2021

## Review Procedure

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

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

Yes  No

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

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

Yes  No

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

Yes  No

## Checklist – Application for Notice of Review

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

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

Yes  No

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

Yes  No

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

Yes  No  N/A

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

Yes  No

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

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

Yes  No

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

## **Declare – Notice of Review**

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

Declaration Name: Mrs Karine Suller

Declaration Date: 12/02/2021



**Review Statement**

**Town and Country Planning (Scotland) Act 1997  
as amended**

**Appeal against refusal of planning permission in principle**

**for**

**Redevelopment of former council roads yard for single house with associated  
access at Land at West Lochside, Kinnordy, Kirriemuir**

**Ref: 20/00750/PPPL**

**by Angus Council ("the Authority")**

**For Mr and Mrs Bryan Wylie ("the Appellant")**

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- 1. Executive Summary**
- 2. Background**
- 3. Reasons for refusal**
- 4. Grounds of Appeal**
- 5. Site Description**
- 6. Planning History**
- 7. Proposal**
- 8. Sustainability**
- 9. Development Plan**
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## **Appendixes**

**Appendix 1 Application Forms**

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**Appendix 3 Report of Handling**

**Appendix 4 Plans**

**Appendix 5 Letter from appellant dated 29/10/20**

## **1.Executive Summary**

This review statement has been prepared on behalf of Mr and Mrs Wylie, the appellants, in respect of the decision of Angus Council's refusal of planning permission in principle for redevelopment of former council roads yard for single house with associated access at Land at West Lochside, Kinnordy, Kirriemuir, planning application ref: 20/00750/PPPL.

The Local Review Board is required to consider the proposal de novo and is respectfully requested to uphold the review and grant planning permission.

The Review Statement considers in detail the reasons for refusal and demonstrates that the proposal adheres to the policies of the Scottish Government and Angus Council and it is respectfully requested that the appeal is upheld and planning permission is granted.

## **2.Background**

An application for planning permission in principle was submitted and validated on 29 October 2020. The application was refused under the officer scheme of delegation on 20 January 2021. The planning application sought planning permission in principle for redevelopment of a former commercial yard for a single house with associated access at Land at West Lochside, Kinnordy, Kirriemuir.

The Decision Notice (Appendix 2) dated 20 January 2021, reads:

1. The proposal is contrary to Policy TC2 and DS1 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 which allow for a new house in the countryside; and the proposal would not deliver significant visual or environmental improvement through the removal of derelict buildings, contamination or an incompatible land use

## **3. Grounds of Appeal**

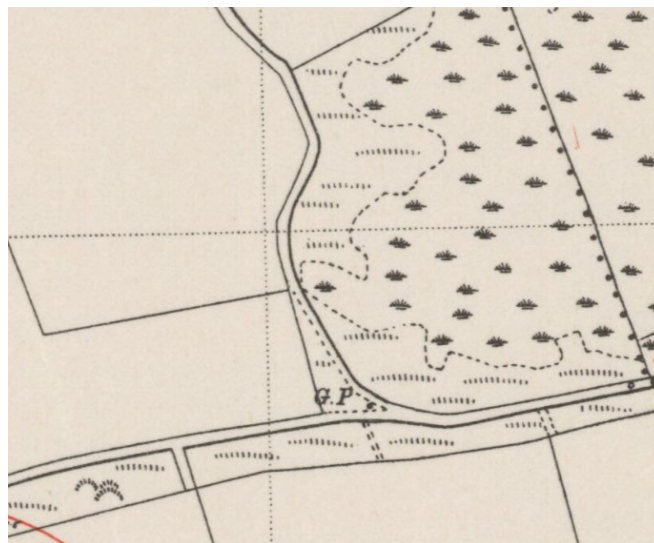
1. The proposed site is clearly brownfield in nature having previously been used as a commercial yard by Angus Council. The site has clear remnants of the former use with a hardcore surface and piles of rubble evident on site. Therefore, while the previous use has now ceased, the remains of the use persist on site. The use of the site as a commercial yard in this rural area is clearly incompatible with the surrounding agricultural function. In addition, the site has been the subject of fly tipping, it is only through the efforts of the appellant that the site is not in a considerably worse condition. As such, it is clear that the proposed redevelopment to provide a single house for a retiring farmer will deliver significant visual and environmental improvements through the removal of an incompatible land use and the remnants of that use from this brownfield site. As a result, the

redevelopment is compatible with Policy DS1 Development Boundaries and priorities and TC2 Residential Development and the associated Countryside Housing Supplementary Guidance.

#### 4. Site Description

The site, which extends to approximately 0.18ha, is located adjacent to the B951 public road at its junction with the Airlie road, approximately 2.65 km to the west of Kirriemuir. The site which is triangular in shape, has established boundaries on all sides comprising the B951 to the east, to the south by the unclassified Airlie Road and to the west by an existing stone dyke. The land is generally level with a frontage to the adjoining unclassified roads.

The site is currently vacant and redundant, historically the site was used as a commercial yard by the Roads Service of Angus Council, evidence of the former use is evident on site, with a hardcore surface and piles of stone and rubble. In addition, due to its brownfield nature and the proximity to Kirriemuir, the site is regularly the subject of fly tipping which the appellant or the council are required to clear at significant cost. A letter from the appellant is included with the submission which sets out the anecdotal history of the site.



Site plan circa 1953, indicates area out with field area in line with ariel photo below





Ariel view of site and surrounding area



Frontages, clear views in both directions



Views across the site, evidence of previous Council Roads Yard clearly evident with hardcore surface and piles of redundant materials



Views across site with hard core surface evident



Rubble remining on site

The site currently benefits from existing accesses on to the B951 and to the Airlie Road.

## **5. Planning History**

There is no history of planning applications on the site.

A pre-application enquiry was lodged with Angus Council; the response confirmed the various policies of the ALDP 2016 which would apply in the consideration of any application and highlighted a number of areas which would require to be addressed in any application submission, these being

- Information on the history and use of the site
- a statement to clarify the site is redundant and how the proposal would result in a visual or environmental improvement of the site.

## 6. Proposal

The review seeks planning permission in principle for the redevelopment of the former commercial yard to form a single house with all required amenities including access taken from the Airlie Road to the south. A site inspection will confirm that while the use as a commercial yard has ceased, remains of the former use are clearly evident on site with a hardcore surface and mounds of rubble, stone and left-over materials dumped throughout the appeal site. Further, in spite of the best efforts of the landowner, the site is subject to regular fly tipping which causes an eyesore to the detriment of the wider landscape setting. The re-development to provide a single carefully designed house for a local person will remove the commercial use and clear all materials and any contaminates left over from the former use, it will further ensure that fly tipping is not possible on the site.

While the proposal is not made as an essential workers house, due to concerns with regard to possible occupancy restriction conditions, the proposed house is for the appellants own use. At present the appellant's farm at Balbrydie Farm, however they are looking to retire from the farm business allowing their son to take over the day to day operations. As the farm is a tenancy, no land is owned in and around the farm suitable for a home to retire to. The appellant wishes to retire to a property close to the farm allowing him to continue to assist in the operation of the farm business, albeit in a much-reduced role, this is common practice for farming families. The reuse of this brownfield site, which is of no possible use for agriculture, will support an existing farm business and the wider rural economy.

As the current proposal seeks planning permission in principle, at this time there are no detailed plans of the proposed house available. However, it would be the intention to construct a 1 ½ story house orientated to the south west to take maximum advantage of the solar gain opportunities and expansive views. The house will be located to the centre of the plot with private rear garden to the west. In line with the Roads Service advice, access to the public road will be to the south to the C23 Ruthven to Kaims of Airlie Road, with ample space for parking within the site. It is intended the proposed house will be of appropriate scale to the site and the rural setting, being broadly traditional in design and finishing materials with contemporary features. The proposal will further include a considered landscape setting creating shelter and screening to the development and offering biodiversity opportunities.

As part of the application process no representations or objections were received from neighbours or consultees. The Report of Handling confirmed no natural or built heritage designations. Further the Roads Service had no comment on the intended access subject to conditions related to provision of parking and to ensure that as proposed access would be from the C23 Ruthven to Kaims of Airlie Road.

## 7. Development Plan Policy

### Scottish Planning Policy 2014

The adopted SPP published June 2014 provides an overview of the key components and overall aims and principles of the planning system in Scotland. In general terms the SPP advises that the planning system should enable the development of well designed, energy efficient, good quality development in sustainable locations.

Paragraph 2 states

*“Planning should take a positive approach to enabling high-quality development and making efficient use of land to deliver long-term benefits for the public while protecting and enhancing natural and cultural resources.”*

The SPP introduces a presumption in favour of development that contributes to sustainable development and a factor which guides development decision should include:

*“making efficient use of existing capacities of land, buildings and infrastructure”*

The current development represents efficient use of land as it will result in the reuse of a brownfield site. The SPP defines brownfield land as

*“Land which has previously been developed. The term may cover vacant or derelict land, land occupied by redundant or unused building and developed land within the settlement boundary where further intensification of use is considered acceptable.”*

It is clear the site falls within the definition of a brownfield site in that it has previously been developed and used as a commercial yard with the remains of the previous use evident on site. The reuse of this brownfield site complies with Scottish Planning Policy in that it will make best use of land as a scarce resource.

### PAN 72 Housing in the Countryside.

The aim of the PAN is to provide widespread good quality rural housing. The document recognises that more people want to live and work in rural areas. The PAN seeks to ensure that potential sites are accessible and well designed.

### PAN 73 Rural Diversification

The Scottish Government confirms its commitment to supporting rural life, rural communities and the rural economy.

The PAN recognises that a one size does not fit all and a flexible approach is often required, the document confirms



*“It should also be recognised that new housing in rural areas can play an important part in wider economic regeneration and environmental renewal especially in remote areas. The provision of appropriately located, well designed homes, suitable for a range of incomes can help to stem depopulation, keep young people and skills in the area and help to attract new people and entrepreneurs.”*

In terms of both PAN 72 Housing in the Countryside and PAN 73 Rural Diversification, although not submitted as an essential workers house, the proposed house is for the appellants own use allowing him to retire from his adjacent farm, while still remaining close to assist in the running of the business, albeit in a much-reduced role. This is common practice among farming families and will provide support to an existing farm business and the wider rural communities.

#### Angus Local Development Plan

It is considered the following policies are of relevance to the consideration of the current appeal:

- Policy DS1: Development Boundaries and Priorities
- Policy DS3: Design Quality and Place making
- Policy DS4: Amenity
- Policy DS5: Developer Contributions
- Policy TC2: Residential Development and associated SG Countryside Housing
- Policy PV5: Protected Species
- Policy PV20: Soils and Geodiversity

These policies will be considered within the Discussion section of this Report.

## **8. Discussion**

The Town and Country Planning (Scotland) Act 1997 as amended requires that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise.

The appeal seeks planning permission in principle for the redevelopment of a commercial yard to provide a single high-quality modern family home. While not submitted as an essential workers house, the appellant is a local farmer who intends to retire to the house and is seeking a location close to the farm which will allow him to assist in the operation of the farm once retired. As a tenant farmer, there is no land which he owns to provide a plot, hence the use of this redundant site close to the farm and within their ownership. This is common practice within farm families and has the benefit of supporting both an existing farm business and the wider rural community.

The site subject of the appeal was previously used as a commercial yard, a use entirely inappropriate and incompatible within this attractive agricultural area. While the use has ceased the remnants of the previously use are clearly evident on site, with a hardcore surface and left-over mounds of rubble, stone and other materials on site. The site is subject to regular fly tipping which requires clearance by the landowner or the Council, it is only through this action that the site is not more unsightly. A letter from the appellant has been submitted which confirms the anecdotal history of the site. It is clear the site falls within the definition of a brownfield site in that it has previously

been developed and used as a commercial yard with the remains of the previous use evident on site. The reuse of this brownfield site complies with Scottish Planning Policy in that it will make best use of land as a scarce resource. The proposed redevelopment will remove dereliction, resulting in a significant net environmental improvement and the complete removal of an incompatible use within this attractive rural area close by to Kinnordy Loch, which is designated under national and European legislation.

The proposal is for planning permission in principle for a single modern family home. At this time detailed plans are not available; however, any proposal will be subject to a further planning consent with the detailed design developed to complement and enhance the surrounding rural landscape. The Report of Handling confirmed the plot can accommodate a modern family home with all associated requirements including private garden ground, off road parking without detriment to existing housing within the area. Further there are no concerns with regard to impact on the natural heritage and the Roads Service have confirmed the proposed access arrangements are satisfactory.

All relevant Scottish Government advice provided by the SPP, PAN 72 Housing in the Countryside and PAN 73 Rural Diversification supports best use of brownfield land as a scarce resource and small-scale rural development which would support an existing rural business and the wider rural community such as that proposed.

Considering the policies of relevance of the Angus Local Development Plan,

Policy DS1 Development Boundaries states that out with development boundaries, proposals will be supported where they are of a scale and nature appropriate to the location and where they accord with other relevant policies in the LDP. The policy goes on to support proposals which *“reuse or make better use of vacant derelict or underused brownfield land or buildings will be supported where they are in accordance with relevant policies of the ALDP.”*

In the current circumstances the appeal seeks planning permission in principle for the reuse of a former commercial roads yard to provide a single house for a local family. The development site falls within the accepted definition of brownfield land as provided by the ALDP and Scottish Planning Policy and its redevelopment will *“reuse or make better use of vacant derelict or underused brownfield land”*. While the use has ceased remnants of the previous use are clearly evident on site with a hard-cored surface and mounds of left-over materials remaining on site, the site has over time become overgrown and unsightly has become a magnet for fly tippers. It is clear a commercial yard of this nature in this location would not comply with the employment policies of Angus Council, these generally directed to existing employment land, and therefore the use in this location must be inappropriate and incompatible with the surrounding attractive rural setting. As a result, it is submitted that the redevelopment of this small brownfield site will both remove dereliction bringing a net environmental benefit while removing an inappropriate and incompatible use within this attractive rural area of Angus. It is clear that there is no possibility of an agricultural use, as such without redevelopment the site will continue to deteriorate to the detriment of the wider area including Kinnordy Loch.

Therefore, it is clear that the proposal subject of the appeal complies with Policy DS1 Development Boundaries

Policy DS3 Design Quality and Place making looks for development proposals to 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.

The appeal seeks planning permission in principle for the redevelopment for a derelict brownfield site to provide a single house. The detail design of the proposed house being subject to a further planning application.

Therefore, it is submitted that the current proposal complies with Policy DS3 Design Quality and Place as redevelopment of the site to provide a new house which will be of a high-quality design will make a positive contribution to the surrounding rural area.

Policy DS4: Amenity requires proposals to have regard to opportunities for maintaining and improving environmental quality. Development is not permitted where there would be an unacceptable adverse impact on the area or the environment or amenity of nearby sensitive property. The Policy identifies a number of areas to be considered including

- Air quality
- Noise and vibration
- Levels of light pollution
- Levels of odour
- Suitable provision of 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
- Residential amenity in relation to overlooking and loss of privacy, outlook, sunlight, daylight and overshadowing

In respect of air pollution, noise and vibration, light pollution and odour it is submitted that the current proposal for the redevelopment of a brownfield site to allow the construction of a single new house within a rural setting will not have any adverse impacts in regard to these matters. With regard to road traffic movement roads/parking/access, the site is of sufficient size to ensure sufficient on-site turning and parking facilities, the Roads Service have not objected to the proposed access on to the public road network. In terms of the amenity of the prospective resident, it is common place in the rural area of Angus for houses to be surrounding by agricultural land. The proposed house will be located to the centre of the site providing garden ground as a buffer to the agricultural use. The development of the house will include suitable fencing and landscaping, providing a buffer to any agricultural noise, whilst creating shelter and screening to the development.

Therefore, it is submitted that the proposal complies with Policy DS4.

DS5 Developer Contributions The current proposal falls below the threshold for Developer Contributions, that being developments over 0.5ha or 10 units, as such Policy DS is not applicable to the current appeal.

Policy TC2 Residential Development requires that all residential development proposals are

- compatible in terms of land use;



- provide a satisfactory residential environment;
- not result in unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure and
- provide for affordable housing in accordance with Policy TC3 Affordable Housing.

In countryside locations Policy TC2 and the and the associated Supplementary Guidance on Countryside Housing offers support to proposals for the development of houses that fall into at least one of a number of categories; one of these being the *“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.”*

In the current circumstances the proposal will result in the redevelopment of a site which falls within the accepted definition of “brownfield land”. The site was last used as a commercial yard with evidence of the former use clearly visible on site with a hardcore surface and piles of left-over materials remaining throughout the site. The site has a history of attracting fly-tippers which causes an issue for both the landowner and the Council. It is clear that current Local Development Plan policies would not support a commercial yard in this area, this type of use being directed towards established employment areas, as such the use as a commercial yard must be incompatible in this rural setting. Therefore, it is clear that the proposal will result in the redevelopment and regeneration of a brownfield site, making best use of land as a scarce resource, while delivering a significant net visual and environmental improvement through the removal of an incompatible commercial use and the remnants of that use from site.

In terms of the design and detailed tests of the Policy TC2 and the associated Supplementary Guidance, for the current proposal the following criteria are considered appropriate, these are considered in turn: -

*a) not create a gap or rounding off opportunity for additional Greenfield development.* The site subject of the current appeal is a self-contained site and will in no way result in creating a gap site.

*b) Meet the plot size requirements, in RSU 1 areas the minimum plot size is 800sqm with a maximum plot area of 2000sqm.* The plot size is 1800sqm and as such meets the plot size requirement.

*c) Not extend ribbon development.* The site is self contained and in no way constitutes ribbon development.

*d) Not result in coalescence of building groups or of a group with a nearby settlement.* The site will not result in any coalescence, as there are no buildings nearby.

*e) Have regard to the rural character of the surrounding area and not be urban in form and/or appearance.* The appeal seeks planning permission in principle for the redevelopment of the redundant unsightly brownfield site and its replacement with a single-family home. The detailed design will be subject to a further planning application and it is anticipated that a design will be developed in conjunction with Angus Council which will reflect the rural character of the surrounding area.

*f) provide a good residential environment.* The generous site area will ensure a good quality residential amenity can be provided. The required amenity, parking and window to window standards can be accommodated within the generous plot.

*g) make provision for affordable housing in line with TC3 Affordable Housing and the guidance set out in Developer Contributions and Affordable Housing SG.* Developments of less than 0.5ha and less than 10 units, such as the current appeal, do not attract an affordable housing or developer contributions requirement.

*h) where the proposal will have a demonstrable cumulative impact on infrastructure and community facilities an appropriate developer contribution will be sought.* Developer contributions are only required on developments in excess of 0.5ha or 10 units. The current site falls below both these thresholds.

*i) not adversely effect of be affected by farming or other rural business activities.* The appeal site will not affect any farming activity.

*j) not take access through a farm court.* The proposed redevelopment will not affect any farm access.

*j) not require an access of an urban scale or character.* An access will be provided to the adjacent public road to the south.

As such the development adheres to Policy TC2 Residential Development in that the site subject of the current appeal falls within the definition of a brownfield site, the site was formerly used as a commercial yard, an incompatible use in this attractive rural, primarily agricultural area. Therefore, it is clear that the proposal will result in the redevelopment and regeneration of a brownfield site, making best use of land as a scarce resource, while delivering a significant net visual and environmental improvement through the removal of an incompatible commercial use and the remnants of that use from site.

Report of Handling confirms the proposal complies with all relevant criteria contained within the Countryside Housing SG.

Therefore, it is clear that the proposal subject of the appeal complies with Policy TC2 Residential Development and the associated Supplementary Guidance on Countryside Housing

**Policy PV5: Protected Species** The site is currently overgrown and unsightly. The surrounding area is primarily agricultural with the Kinnordy Wildlife Reserve located to the east. There is no anticipated wildlife identified on the site, further the proposal will not affect the Wildlife Reserve in any way.

Therefore, it is submitted that the proposal complies with Policy PV5.

**Policy PV15 Drainage Infrastructure** requires information of drainage arrangement. The current proposal seeks planning permission in principle at this time, all details including the drainage will be the subject of a further Matters Specified in Conditions application. However, at this time it is proposed that the house will include private drainage system with septic tanks and soakaways. No objection to this has been received.

Therefore, it is submitted that the proposal complies with Policy PV15.

**Policy PV20: Soils and Geodiversity** limits development on prime agricultural land. It is submitted that the site subject of the current appeal is not prime agricultural land and is not even agricultural land by virtue of its former commercial use. The site has been previously used as a yard and now has a hardcore surface, and cannot be returned to an agricultural use. Therefore, the proposed development will not result in the loss of any prime agricultural land.

## 9. Conclusions

The current proposal is for the redevelopment of a derelict and overgrown site, a site which falls within the accepted definition of a "brownfield land" as provided by Scottish Planning Policy. The proposed development will result in the efficient use of land, bringing a new use to a vacant and derelict site; as such the proposal is considered to be sustainable. The proposal will result in the redevelopment and regeneration of a brownfield site, making best use of land as a scarce resource, while delivering a significant net visual and environmental improvement through the removal of an incompatible commercial use and the remnants of that use from site.

Finally, The Scottish Government supports development that is designed to a high-quality, which demonstrates the six qualities of successful place, the current proposal responds to these issues in the following ways:

**Distinctive:** The development will ensure the reuse of a vacant brownfield site, a site that without redevelopment will continue the decline into dereliction. The proposed house design will be developed to complement and enhance the rural setting.

**Safe and Pleasant:** The development will be carefully considered to provide an appropriate response to this small site.

**Easy to get around:** The proposal is for a single new family homes; the site is providing excellent access to the adjoining road and is a short walk to the Angus Core Paths network.

**Welcoming:** The house will be orientated towards the south west taking maximum advantage of the expansive views.

**Resource Efficient** The development will ensure the reuse of a small brownfield site with and therefore represents efficient use of land as a scarce resource. Further the house will be insulated to a very high standard meeting all current building control requirements.

**Adaptable** The proposed houses will provide adaptable family accommodation.

In conclusion, the appeal seeks planning permission in principle for the redevelopment of a derelict brownfield site for a new family home. The proposal fully accords with the policies the Scottish Government, the Angus Local Development Plan 2016 in that the proposal will result in the redevelopment and regeneration of a brownfield site, making best use of land as a scarce resource, while delivering a significant net visual and environmental improvement through the removal of an incompatible commercial use and the remnants of that use from site. The proposed house is intended for the appellant allowing him to retire from the family farm while remaining close by to assist with

the running of the business, albeit in a much-reduced role, this is common and accepted practice in farming families and will assist in supporting a local established business and the wider rural community. Finally, subject to the further approval of Angus Council Planning Service the detailed design will ensure a high-quality development wholly appropriate to the area in scale and nature, one which will make a valuable contribution to the rural area, as such we respectfully submit that the appeal is upheld and planning permission granted.

Suller & Clark

February 2021



Angus House Orchardbank Business Park Forfar DD8 1AN Tel: 01307 473360 Fax: 01307 461 895 Email: [plnprocessing@angus.gov.uk](mailto: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      100320549-001

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

## 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)

Planning permission in principle for Redevelopment of Former Council Roads Yard for single house with associated access

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:	Suller & Clark		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Karen	Building Name:	Scoutbog Steading
Last Name: *	Clark	Building Number:	
Telephone Number: *		Address 1 (Street): *	Oldmeldrum
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Oldmeldrum
Fax Number:		Country: *	UK
		Postcode: *	AB51 0BH
Email Address: *	karen@sullerandclark.com		

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

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	Balbrydie Farm
First Name: *	Bryan	Building Number:	
Last Name: *	Wylie	Address 1 (Street): *	Kirriemuir
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	By Kirriemuir
Extension Number:		Country: *	UK
Mobile Number:		Postcode: *	DD8 5HS
Fax Number:			
Email Address: *	karen@sullerandclark.com		

## 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

753870

Easting

335059

## 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)

Pre application enquiry

Title:

Ms

Other title:

First Name:

Stephanie

Last Name:

Porter

Correspondence Reference Number:

Date (dd/mm/yyyy):

04/08/2020

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:

0.18

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)

Former council roads yard, now redundant

## 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.

## Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? \*

Yes  No

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

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

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

What private arrangements are you proposing? \*

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

What private arrangements are you proposing for the New/Altered septic tank? \*

- Discharge to land via soakaway.  
 Discharge to watercourse(s) (including partial soakaway).  
 Discharge to coastal waters.



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

To be agreed at detailed design stage

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.

## All Types of Non Housing Development – Proposed New Floorspace

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

Yes  No

## Schedule 3 Development

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

Yes  No  Don't Know

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

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

## Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? \*  Yes  No

## Certificates and Notices

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

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

Are you/the applicant the sole owner of ALL the land? \*  Yes  No

Is any of the land part of an agricultural holding? \*  Yes  No

## Certificate Required

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

Certificate A

## Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Karen Clark

On behalf of: Mr Bryan Wylie

Date: 27/10/2020

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 principle 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)

Planning Statement

## 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: Mrs Karine Suller

Declaration Date: 29/10/2020

## Payment Details

Cheque: CL Wylie and son, 007089

Created: 29/10/2020 13:29

## ANGUS COUNCIL

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



PLANNING PERMISSION IN PRINCIPLE REFUSAL  
 REFERENCE : 20/00750/PPPL

To **Mr Bryan Wylie**  
**c/o Suller & Clark**  
**Karen Clark**  
**Scoutbog Steading**  
**Oldmeldrum**  
**Oldmeldrum**  
**AB51 0BH**

With reference to your application dated 29 October 2020 for Planning Permission in Principle under the above mentioned Acts and Regulations for the following development, viz:-

**Planning permission in principle for redevelopment of former council roads yard for single house with associated access at Land At West Lochside Kinnordy Kirriemuir for Mr Bryan Wylie**

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

**The reasons for the Council's decision are:-**

1. The proposal is contrary to Policy TC2 and DS1 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 which allow for a new house in the countryside; and the proposal would not deliver significant visual or environmental improvement through the removal of derelict buildings, contamination or an incompatible land use.

**Amendments:**

The application has not been subject of variation.

Dated this **20 January 2021**

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
<b>Development Standards Committee/Full Council</b>	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.	<b>DPEA (appeal to Scottish Ministers)</b> – <b>See details on attached Form 1</b>
<b>Delegated Decision</b>	Local developments determined by Service Manager through delegated powers under the statutory scheme of delegation. These applications may have been subject to less than five representations, minor breaches of policy or may be refusals.	<b>Local Review Body –</b> <b>See details on attached Form 2</b>
<b>Other Decision</b>	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.	<b>DPEA (appeal to Scottish Ministers)</b> – <b>See details on attached Form 1</b>

## 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  
Angus House  
Orchardbank Business Centre  
Forfar  
DD8 1AN

Telephone 01307 492076 / 492533  
E-mail: [planning@angus.gov.uk](mailto:planning@angus.gov.uk)  
Website: [www.angus.gov.uk](http://www.angus.gov.uk)



# TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)

## The Town & Country Planning (Development Management Procedure) (Scotland) Regulations 2013 – Schedule to Form 1

*Notification to be sent to applicant on refusal of planning permission  
or on the grant of permission subject to conditions decided by Angus Council*

1. If the applicant is aggrieved by the decision of the planning authority-
  - a) to refuse permission for the proposed development;
  - b) to refuse approval, consent or agreement required by condition imposed on a grant of planning permission;
  - c) to grant planning permission or any approval, consent or agreement subject to conditions,

the applicant may appeal to the Scottish Ministers to review the case under section 47 of the Town and Country Planning (Scotland) Act 1997 within three months beginning with the date of this notice. The notice of appeal should be addressed to The Planning and Environmental Appeals Division, Scottish Government, Ground Floor, Hadrian House, Callendar Business Park, Callendar Road, 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:-**

<b>Strongly Agree</b>	<b>Agree</b>	<b>Neither Agree nor Disagree</b>	<b>Disagree</b>	<b>Strongly Disagree</b>	<b>It does not apply</b>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Q.2 The Council kept me informed about the progress of the application that I had an interest in:-**

<b>Strongly Agree</b>	<b>Agree</b>	<b>Neither Agree nor Disagree</b>	<b>Disagree</b>	<b>Strongly Disagree</b>	<b>It does not apply</b>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

<b>Strongly Agree</b>	<b>Agree</b>	<b>Neither Agree nor Disagree</b>	<b>Disagree</b>	<b>Strongly Disagree</b>	<b>It does not apply</b>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

<b>Strongly Agree</b>	<b>Agree</b>	<b>Neither Agree nor Disagree</b>	<b>Disagree</b>	<b>Strongly Disagree</b>	<b>It does not apply</b>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Q.5 I understand the reasons for the decision made on the application that I had an interest in:-**

<b>Strongly Agree</b>	<b>Agree</b>	<b>Neither Agree nor Disagree</b>	<b>Disagree</b>	<b>Strongly Disagree</b>	<b>It does not apply</b>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Q.6 I feel that I was treated fairly and that my view point was listened to:-**

<b>Strongly Agree</b>	<b>Agree</b>	<b>Neither Agree nor Disagree</b>	<b>Disagree</b>	<b>Strongly Disagree</b>	<b>It does not apply</b>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**OVERALL SATISFACTION:** Overall satisfaction with the service: .....

**Q.7 Setting aside whether your application was successful or not, and taking everything into account, how satisfied or dissatisfied are you with the service provided by the council in processing your application?**

<b>Very satisfied</b>	<b>Fairly satisfied</b>	<b>Neither Satisfied nor Dissatisfied</b>	<b>Fairly Dissatisfied</b>	<b>Very Dissatisfied</b>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**OUTCOME:** Outcome of the application:

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

Granted Permission/Consent	<input type="checkbox"/>	Refused Permission/Consent	<input type="checkbox"/>	Withdrawn	<input type="checkbox"/>
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**Q.9 Were you the:-** Applicant  Agent  Third Party objector who made a representation

Please complete the form and return in the pre-paid envelope provided.  
Thank you for taking the time to complete this form.

**Angus Council**

<b>Application Number:</b>	20/00750/PPPL
<b>Description of Development:</b>	Planning permission in principle for redevelopment of former council roads yard for single house with associated access
<b>Site Address:</b>	Land At West Lochside Kinnordy Kirriemuir
<b>Grid Ref:</b>	335060 : 753874
<b>Applicant Name:</b>	Mr Bryan Wylie

**Report of Handling****Site Description**

The application site measures approximately 1800sqm and is located in the countryside around 2.6km to the west of Kirriemuir. It is understood that the site was previously used as a roads depot but is currently vacant, save for some rubble and other left-over materials. The site is lined by the B951 to the east and the C23 Ruthven to Kaims of Airlie road to the south. The site is surrounded by agricultural land on all other sides and is served by an existing access taken from the B951. The site is close to the southwest corner of Loch of Kinnordy nature reserve which is a SPA, SSSI and RAMSAR site noted for its populations of greylag and pink-footed goose.

**Proposal**

The application seeks planning permission in principle for the erection of a dwellinghouse with an associated access. It is indicated that the house would be served by a new access from the C23 road to the south. The application form indicates that the house would connect to the public water supply; foul drainage would be directed to a septic tank which would discharge to land via a soakaway; and surface water would be dealt with via sustainable drainage.

The application has not been subject of variation.

**Publicity**

The nature of the proposal did not require the application be the subject of Neighbour Notification.

The application was advertised in the Dundee Courier on 13 November 2020 for the following reasons:

- Neighbouring Land with No Premises

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

**Planning History**

None.

**Applicant's Case**

A Planning Statement was submitted alongside the application and summarises a description of the site, relevant planning history and the proposal. The statement notes that while the proposed house is not submitted as an essential workers house, the proposed dwelling would be for a retiring farmer who lives on a neighbouring farm and is seeking a property in close proximity in order to allow him to continue to assist in farm operations once he has retired. The statement also discusses the proposal against a number of national and local planning policies and guidance. It concludes that the proposal would comply

with national and local policies and would result in the redevelopment of an unsightly and overgrown hard-cored brownfield site which accommodates piles of stone and redundant materials and is subject to regular fly tipping. It states the site was last used as a yard area by the Roads Service of Angus Council, is now redundant and is of no use for any agricultural function. It states the proposal would remove dereliction and result in a significant net visual and environmental improvement.

A letter from the applicant has been submitted in support of the application. It notes the applicant purchased the site in 2001 which, at that time, the site was in use (rented) by Angus Council Roads Department as a yard to store material and as a base to maintain the surrounding roads. The applicant notes the site was last used to dump old kerbing stones, rubble and other materials, as well as for the storage of vehicles. The letter states that since the Roads Department vacated the site, it has sat vacant with no use and is not suitable for agriculture given its brownfield nature. The applicant notes that on many occasions the site has been subject of fly tipping, cleared at the applicant's expense, and as such the entrance has been blocked with boulders to stop vehicles dumping rubbish.

### **Consultations**

**Scottish Natural Heritage** – offered no objection to the proposal.

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

**Angus Council - Roads** - offers no objection to the proposal subject to conditions to provide and maintain visibility splays at the proposed access, prohibit accesses taken from the B951, to ensure the driveway would not discharge surface water onto the public road and to ensure suitable parking spaces is provided within the site.

**Scottish Water** - advises there is currently sufficient capacity at the nearest water treatment works and there is no public Scottish Water Waste Water infrastructure within the vicinity of the proposal.

### **Representations**

There were no letters of representation.

### **Development Plan Policies**

#### **Angus Local Development Plan 2016**

Policy DS1 : Development Boundaries and Priorities  
Policy DS3 : Design Quality and Placemaking  
Policy DS4 : Amenity  
Policy TC2 : Residential Development  
Policy PV4 : Sites Designated for Natural Heritage and Biodiversity Value  
Policy PV6 : Development in the Landscape  
Policy PV15 : Drainage Infrastructure  
Policy PV20 : Soils and Geodiversity

#### **TAYplan Strategic Development Plan**

The proposal is not of strategic significance and policies of TAYplan are not referred to in this report.

The full text of the relevant development plan policies can be viewed at Appendix 1 to this report.

### **Assessment**

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise.

Policy DS1 of the Angus Local Development Plan (ALDP) indicates that all proposals will be expected to support delivery of the Development Strategy. It indicates that proposals for development outwith development boundaries will be supported where they are of a scale and nature appropriate to the location and are in accordance with the relevant policies of the ALDP.

Policy TC2 relates to new proposals for residential development. The application site is located within a Category 1 Rural Settlement Unit (RSU) which the local development plan describes as generally non-remote areas with stable or increasing populations or where there are no services or facilities in need of support. The plan indicates that in these areas new housing development outwith settlements should be restricted.

Policy TC2 indicates that in countryside locations Angus Council will support proposals for new dwelling houses which fall into at least one of a number of categories, including the 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. The Countryside Housing Supplementary Guidance provides further detail relating to the application of countryside housing policy and indicates that *the mere fact that a site is brownfield in nature is not a sufficient reason for its redevelopment*. It explains that that redevelopment will only be permitted where the development delivers improvement through the removal of derelict buildings, contamination or an incompatible land use.

Information submitted in support of the application indicates that the land was previously used as a roads depot and contains an area of hardstanding. It is clear from recent photographs and online photography that the site contains an area of hardstanding and some piles of rubble. However, the site does not contain derelict building(s) that would be removed. No information has been submitted to indicate that the site is subject to any form of land contamination; and there is no reason to consider the last use of the site as a depot constituted an incompatible land use having regard to the agricultural use of neighbouring fields. As indicated in the supplementary guidance, the mere fact the site includes an area of previously developed land is not a sufficient reason to allow for its redevelopment and the site does not significantly detract from the amenity of the surrounding area. The proposal does not comply with any of the circumstances which allow for a new house on a rural brownfield site.

Information submitted in support of the application references a desire to provide the house for a retiring farm worker. However, the supporting information is clear that the proposal is not for an essential worker house. No information has been submitted to demonstrate that a case exists for an essential worker house. The proposal does not meet with any of the other circumstances that allow for a new house in the countryside.

The principle of a house on the site is contrary to Policy TC2 and the associated Countryside Housing Supplementary Guidance.

For completeness, an assessment against other relevant considerations is provided below.

Policy TC2 also requires all proposals for new residential development to be compatible in terms of land use; to provide a satisfactory residential environment; not to result in unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure; and to include provision for affordable housing in accordance with Policy TC3. There are also a number of detailed tests contained within the Countryside Housing Supplementary Guidance.

The erection of a dwelling within the application site would be compatible with land uses in the surrounding area. The site is sufficiently sized to allow the creation of a satisfactory residential environment with space for garden ground and the parking and turning of vehicles.

The site contains no designation for natural or built heritage. The site is located close to Loch of Kinnordy, a site designated under national and European legislation for greylag geese, pink footed geese, eutrophic loch and open water transition fen. SNH was consulted on the proposal and has offered no objection and there is no evidence to indicate that a house on the site would result in any significant direct or indirect impacts on that site or other natural or built heritage.

A house on the site could be achieved without significantly impacting on the amenity of other housing in the surrounding area and available information suggests that there are no infrastructure issues that would affect the provision of a new house. Water supply and drainage arrangements would be in accordance with Policy PV15. A development of this scale would not require provision for affordable housing when considered against Policy TC3.

Vehicular access to the site would be taken from the C23 road to the south. The Roads Service has reviewed the proposal and offers no objection subject to conditions to ensure the provision of parking, prohibiting access from the B951 and to ensure a suitable new access would be provided from the C23 Ruthven - Kaims of Airlie road.

In terms of the detailed countryside housing criteria provided at Appendix 3 of the Countryside Housing Supplementary Guidance, the proposal would not create a gap site or rounding off opportunity for additional housing development and would not require the subdivision of an existing residential curtilage. The proposal would not extend ribbon development or result in the coalescence of a building group. The proposal would not adversely affect or be affected by farming or other rural business activities and would not take access through a farm court.

Some of the supplementary guidance criteria cannot be fully assessed as part of an application for planning permission in principle. However, it is noted that the site currently has an open setting and does not benefit from much by way of a landscape framework. In order to ensure that a house would not appear obtrusive in the surrounding landscape, a robust landscaping scheme would be required to integrate it with its surroundings were it otherwise compliant with policy. The proposal does not give rise to any significant issues in terms of the Appendix 3 requirements.

In summary, whilst the proposal complies with some aspects of the development plan, the principle of a house on the site is contrary to Policy TC2 and the associated Countryside Housing Supplementary Guidance. As noted in the supplementary guidance, the mere fact that the site is brownfield in nature is not a sufficient reason for its redevelopment and the proposal would not deliver significant visual or environmental improvement through the removal of derelict buildings, contamination or an incompatible land use. The proposal is also contrary to Policy DS1 because it fails to comply with other policies of the plan. There are no material planning considerations which justify approval of planning permission in principle contrary to the provisions of 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.

### **Decision**

The application is Refused

### **Reason(s) for Decision:**

1. The proposal is contrary to Policy TC2 and DS1 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 which allow for a new house in the countryside; and the proposal would not deliver significant visual or environmental improvement through the removal of derelict buildings, contamination or an incompatible land use.

**Notes:**

Case Officer: Stephanie Porter  
Date: 18 January 2021

**Appendix 1 - Development Plan Policies**

**Angus Local Development Plan 2016**

Policy DS1 : Development Boundaries and Priorities

All proposals will be expected to support delivery of the Development Strategy.

The focus of development will be sites allocated or otherwise identified for development within the Angus Local Development Plan, which will be safeguarded for the use(s) set out. Proposals for alternative uses will only be acceptable if they do not undermine the provision of a range of sites to meet the development needs of the plan area.

Proposals on sites not allocated or otherwise identified for development, but within development boundaries will be supported where they are of an appropriate scale and nature and are in accordance with relevant policies of the ALDP.

Proposals for sites outwith but contiguous\* with a development boundary will only be acceptable where it is in the public interest and social, economic, environmental or operational considerations confirm there is a need for the proposed development that cannot be met within a development boundary.

Outwith development boundaries proposals will be supported where they are of a scale and nature appropriate to their location and where they are in accordance with relevant policies of the ALDP.

In all locations, proposals that re-use or make better use of vacant, derelict or under-used brownfield land or buildings will be supported where they are in accordance with relevant policies of the ALDP.

Development of greenfield sites (with the exception of sites allocated, identified or considered appropriate for development by policies in the ALDP) will only be supported where there are no suitable and available brownfield sites capable of accommodating the proposed development.

Development proposals should not result in adverse impacts, either alone or in combination with other proposals or projects, on the integrity of any European designated site, in accordance with Policy PV4 Sites Designated for Natural Heritage and Biodiversity Value.

\*Sharing an edge or boundary, neighbouring or adjacent

Policy DS3 : Design Quality and Placemaking

Development proposals should deliver a high design standard and draw upon those aspects of landscape or townscape that contribute positively to the character and sense of place of the area in which they are to be located. Development proposals should create buildings and places which are:

- o Distinct in Character and Identity: Where development fits with the character and pattern of development in the surrounding area, provides a coherent structure of streets, spaces and buildings and retains and sensitively integrates important townscape and landscape features.
- o Safe and Pleasant: Where all buildings, public spaces and routes are designed to be accessible, safe and attractive, where public and private spaces are clearly defined and appropriate new areas of landscaping and open space are incorporated and linked to existing green space wherever possible.
- o Well Connected: Where development connects pedestrians, cyclists and vehicles with the surrounding area and public transport, the access and parking requirements of the Roads Authority are met and the principles set out in 'Designing Streets' are addressed.
- o Adaptable: Where development is designed to support a mix of compatible uses and accommodate changing needs.
- o Resource Efficient: Where development makes good use of existing resources and is sited and designed to minimise environmental impacts and maximise the use of local climate and landform.

Supplementary guidance will set out the principles expected in all development, more detailed guidance on the design aspects of different proposals and how to achieve the qualities set out above. Further details on the type of developments requiring a design statement and the issues that should be addressed will also be set out in supplementary guidance.

#### Policy DS4 : Amenity

All proposed development must have full regard to opportunities for maintaining and improving environmental quality. Development will not be permitted where there is an unacceptable adverse impact on the surrounding area or the environment or amenity of existing or future occupiers of adjoining or nearby properties.

Angus Council will consider the impacts of development on:

- Air quality;
- Noise and vibration levels and times when such disturbances are likely to occur;
- Levels of light pollution;
- Levels of odours, fumes and dust;
- Suitable provision for refuse collection / storage and recycling;
- The effect and timing of traffic movement to, from and within the site, car parking and impacts on highway safety; and
- Residential amenity in relation to overlooking and loss of privacy, outlook, sunlight, daylight and overshadowing.

Angus Council may support development which is considered to have an impact on such considerations, if the use of conditions or planning obligations will ensure that appropriate mitigation and / or compensatory measures are secured.

Applicants may be required to submit detailed assessments in relation to any of the above criteria to the Council for consideration.

Where a site is known or suspected to be contaminated, applicants will be required to undertake investigation and, where appropriate, remediation measures relevant to the current or proposed use to prevent unacceptable risks to human health.

#### Policy TC2 : Residential Development

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

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

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

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

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

- o retention, renovation or acceptable replacement of existing houses;
- o conversion of non-residential buildings;
- o regeneration or redevelopment of a brownfield site that delivers significant visual or environmental improvement through the removal of derelict buildings, contamination or an incompatible land use;
- o single new houses where development would:



- o round off an established building group of 3 or more existing dwellings; or
- o meet an essential worker requirement for the management of land or other rural business.
- o in Rural Settlement Units (RSUs)\*\*, fill a gap between the curtilages of two houses, or the curtilage of one house and a metalled road, or between the curtilage of one house and an existing substantial building such as a church, a shop or a community facility; and
- o in Category 2 Rural Settlement Units (RSUs), as shown on the Proposals Map, gap sites (as defined in the Glossary) may be developed for up to two houses.

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

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

\*includes houses in multiple occupation, non-mainstream housing for people with particular needs, such as specialist housing for the elderly, people with disabilities, supported housing care and nursing homes.

\*\*Rural Settlement Units are defined in the Glossary and their role is further explained on Page 9.

#### Policy PV4 : Sites Designated for Natural Heritage and Biodiversity Value

Angus Council will work with partner agencies and developers to protect and enhance habitats of natural heritage value. Development proposals which are likely to affect protected sites will be assessed to ensure compatibility with the appropriate regulatory regime.

#### International Designations

Development proposals or land use change which alone or in combination with other proposals could have a significant effect on a Ramsar site or a site designated or proposed under the Birds or Habitats Directive (Special Areas for Conservation and Special Protection Areas) and which is not directly connected with or necessary to the management of the site, will only be permitted where:

- o an appropriate assessment demonstrates the proposal will not adversely affect the integrity of the site; or
- o there are no alternative solutions; and
- o there are imperative reasons of overriding public interest, including those of social or economic nature; and
- o compensatory measures are provided to ensure that the overall coherence of the Natura Network is protected.

The Council will seek to protect and enhance the nature conservation interests within the River Tay and River South Esk Catchment areas. In order to ensure no adverse effects on the River Tay SAC or the River South Esk SAC, development proposals should take account of the detailed advice\* on the types of appropriate information and safeguards to be provided in support of planning applications.

#### National Designations

Development proposals which affect Sites of Special Scientific Interest will only be permitted where:

- o the proposed development will not adversely affect the integrity of the area or the reasons for which it was designated either individually or in combination with other proposals; or
- o any adverse effects on the qualities of any designated site are outweighed by social, environmental or economic benefits of national significance; and
- o mitigation and restoration measures are provided.

Development affecting sites and species protected by national or international legislation may require to be accompanied by an Environmental Impact Assessment and/or a Habitats Regulation Appraisal.

Further information on protected sites and species and their influence on proposed development will be set out in a Planning Advice Note.

\* "River Tay Special Area of Conservation (2011)" and "River South Esk Special Area of Conservation (2011)" guidance produced jointly by SNH, Angus Council and SEPA, available on SNH website at [www.snh.gov.uk](http://www.snh.gov.uk)

#### Policy PV6 : Development in the Landscape

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

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

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

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

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

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

#### Policy PV15 : Drainage Infrastructure

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

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

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

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

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

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

Policy PV20 : Soils and Geodiversity

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

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

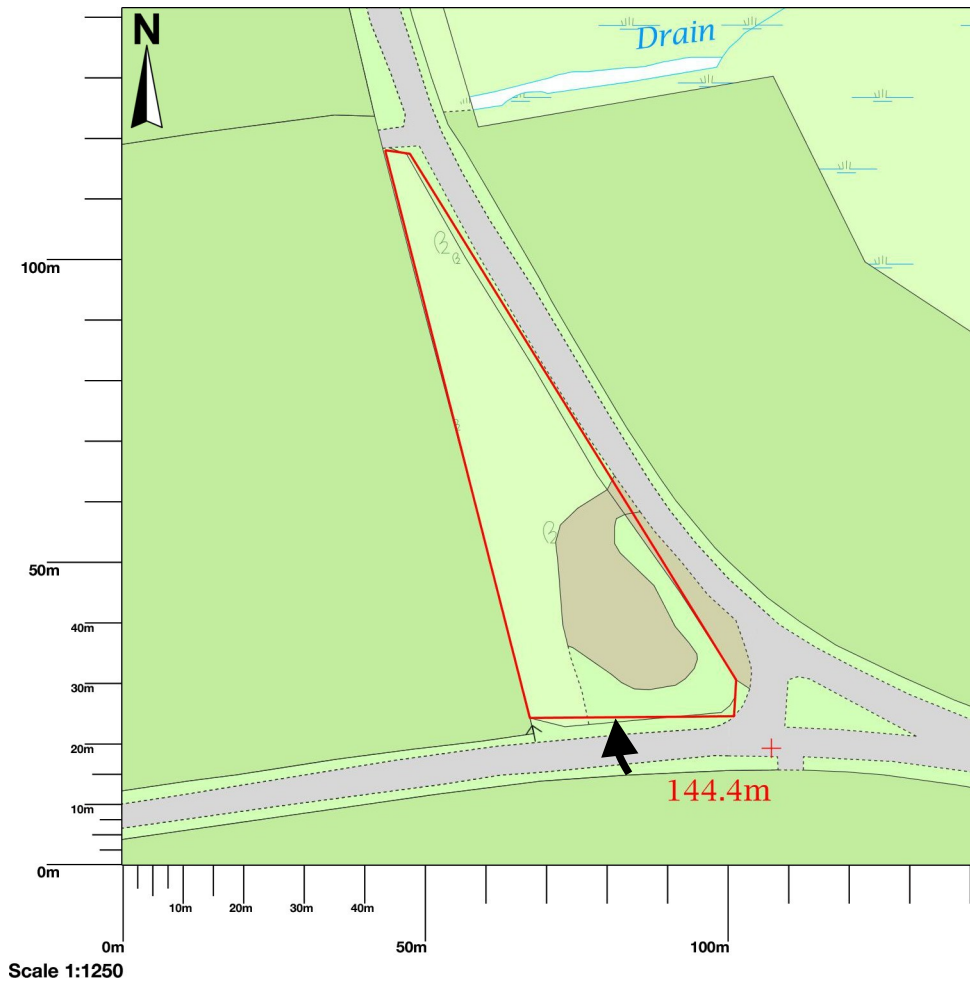
Design and layout should minimise land required for development proposals on agricultural land and should not render any farm unit unviable.

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

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



## West Lochside



Map area bounded by: 334981,753829 335123,753971. Produced on 24 July 2020 from the OS National Geographic Database. Reproduction in whole or part is prohibited without the prior permission of Ordnance Survey. © Crown copyright 2020. Supplied by UKPlanningMaps.com a licensed OS partner (100054135). Unique plan reference: p2buk/484779/657609

Balbrydie Farm  
Kirriemuir  
DD8 5HS.

29<sup>th</sup> October 2020

Dear Sir/Madam,

By way of background to my application I can confirm that we purchased the land at West Lochside, Kirriemuir in 2001. At the time of acquisition the site was in use by Angus Council Roads Department as a yard area to store material and as a base to maintain the surrounding roads.

Anecdotally, as a lifelong resident I can confirm that this land has always been a hard core site used by the local roads department to store materials and as a base to maintain the surrounding roads. I have spoken to the family of the previous owners, and various local people of a previous generation to myself, they all confirmed that this was what the site was used for. The site was last used to dump old kerbing stones and many other types of rubble and materials and the storage of vehicles.

In 2001 the Roads Department contacted to inform us that they did not need the site anymore therefore wished to give up the rental. Since this time the site has sat vacant with no use. The site is of no use for agriculture given the brownfield nature of the site.

On many of occasions the site has been the subject of fly tipping which as a local business we have had to clear at our expense. We have since blocked the entrance with boulders to stop to stop vehicles entering to dump rubbish. We still get cars stopping next to the site to have a snack and often just throw their discarded food or drinks containers on to the site.

I trust this is of assistance.

Your faithfully

Bryan Wylie