

**ANGUS COUNCIL**

**DEVELOPMENT MANAGEMENT REVIEW COMMITTEE - 24 JANUARY 2022**

**LAND AT BARNS OF CRAIG, MONTROSE**

**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 erection of single house and access, application No 21/00464/PPPL, at Land at Barns of Craig, Montrose.

**1. RECOMMENDATIONS**

It is recommended that the Committee:-

- (i) review the case submitted by the Planning Authority (**Appendix 1**);
- (ii) review the case submitted by the Applicant (**Appendix 2**);
- (iii) consider the further lodged representations (**Appendix 3**); and
- (iv) consider the applicant's response to the further representations (**Appendix 4**).

**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. EQUALITY IMPACT ASSESSMENT**

An Equality Impact Assessment is not required.

**6. CONSULTATION**

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

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

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List of Appendices:

Appendix 1 – Submission by Planning Authority

Appendix 2 – Submission by Applicant

Appendix 3 – Further Lodged Representations

Appendix 4 – Applicant Response to Further Representations

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

**APPLICATION NUMBER – 21/00464/PPPL**

**APPLICANT- ANNISTON FARMS (ARBROATH) LTD**

**PROPOSAL & ADDRESS – PLANNING PERMISSION IN PRINCIPLE FOR ERECTION  
OF SINGLE HOUSE AND ACCESS AT LAND AT BARNES OF CRAIG BARNES OF  
CRAIG MONTROSE**

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## Angus Council

<b>Application Number:</b>	21/00464/PPPL
<b>Description of Development:</b>	Planning permission in principle for erection of single house and access
<b>Site Address:</b>	Land At Barns Of Craig Barns Of Craig Montrose
<b>Grid Ref:</b>	370858 : 755972
<b>Applicant Name:</b>	Anniston Farms (Arbroath) Ltd

## Report of Handling

### Proposal

Planning permission in principle is sought for the erection of a dwelling house on land at Barns of Craig, Montrose.

The site measures around 1200sqm and is bound by the public road to the north, houses to the south, an access track to the west and vacant greenfield land to the east. An indicative plan is provided which shows vehicle access being taken from the public roadway to the north. The application form indicates the proposal would connect to the public drainage and water supply networks.

The application has not been subject of variation.

### Publicity

The application was subject to normal neighbour notification procedures.

The application was advertised in the Dundee Courier on 2 July 2021 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

There have been a number of previous applications for a house on the site, all of which were withdrawn prior to determination.

02/01346/OUT for Outline Erection of a Dwellinghouse was determined as "Application Withdrawn" on 10 February 2003.

06/01005/FUL for Erection of a Dwellinghouse was determined as "Application Withdrawn" on 31 July 2006.

16/00169/FULL for Erection of Dwellinghouse was determined as "Application Withdrawn" on 10 May 2016.

### Applicant's Case

The Supporting Statement provides an overview of the site and the planning history and provides photographs of the site and surrounding land. An assessment of the proposal against planning policy framework is provided and it is opined that the principle of the proposed development satisfies the requirements of the Angus Local Development Plan. The correspondence received addresses land ownership issues and points raised by objections.

## Consultations

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

**Roads (Traffic)** - Offered no objection to the proposal subject to conditions relating to visibility splays and the provision of in-curtilage parking to the standards of Angus Council.

**Scottish Water** - Offered no objection to the proposal.

## Representations

5 letters of representation were received, of which 0 offered comments which neither supported nor objected to the proposal, 5 objected to the proposal and 0 supported the proposal.

The main points of concern were as follows:

- The proposal is incompatible with policy;
- The site is not a gap site but part of a field that extends further to the east;
- The area to the east does not form part of the garden ground of Barns of Craig Farmhouse;
- Previous applications have not been successful;
- Boundary treatments have been added to subdivide the paddock and create plots;
- Possible ribbon development;
- Opening up of other areas for more housing development;
- The site is agricultural land;
- Field is currently a haven for plants and wildlife;

These matters are addressed in the Assessment Section below.

## Development Plan Policies

### Angus Local Development Plan 2016

Policy DS1 : Development Boundaries and Priorities  
Policy DS3 : Design Quality and Placemaking  
Policy DS4 : Amenity  
Policy TC2 : Residential Development  
Policy PV6 : Development in the Landscape  
Policy PV15 : Drainage Infrastructure  
Policy PV20 : Soils and Geodiversity

### TAYplan Strategic Development Plan

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

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

## Assessment

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

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

The site is located within a Category 1 Rural Settlement Unit (RSU1). The local development plan indicates that Category 1 RSU's are non-remote areas with stable or increasing populations or where

there are no services or facilities in need of support. The local development plan indicates that in these areas new housing development outwith settlements should be restricted.

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

Criterion (a) of the Appendix 3 Detailed Countryside Housing Criteria indicates that *development proposals should not create a gap or rounding off opportunity for additional greenfield development* and criterion (c) indicates that development proposals should *not extend ribbon development*.

The site does not comply with any of the circumstance where a new house in the countryside is permitted in a category 1 area.

The proposal would not involve the replacement of an existing dwelling; it would not involve the conversion of a non-residential building; it is not for an essential worker supported by appropriate evidence of need; and it would not involve the regeneration or redevelopment of a brownfield site that delivers significant visual or environmental improvement through the removal of derelict buildings, contamination or the removal of an incompatible land use. The site cannot reasonably be considered to round off the building group because there is a large parcel of land to the east of the site with similar characteristics to the site which could accommodate further housing.

The site sits between a house curtilage to the south and a public road to the north. However, it is not a qualifying gap site because approval of a house on this site would create an opportunity for additional greenfield development to the east, which could potentially accommodate 2 further dwellings in the remaining area.

The proposal also fails the Appendix 3 criteria because it would also extend ribbon development along the public road, with other houses immediately east of the converted steading set back from the public road on the south side of this paddock.

The proposal is contrary to criteria (a) and (c) of the Appendix 3 Detailed Countryside Housing Criteria.

The circumstances presented in this case offer some similarities to an application refused by the Development Control Committee at Fallaws Paddock, by Crombie in February 2006 (ref 05/01739/OUT). That proposal sought to develop a small part of a larger paddock area and was refused by committee (in part) because it would open up a desirable area for similar applications. Committee's decision was subject to an appeal to DPEA who dismissed the appeal (P/PPA/120/179), acknowledging that *it would be difficult to resist the development of several further houses over the remainder of the paddock were your appeal to succeed*.

The principle of a house on the site is contrary to Policy TC2 and the associated Countryside Housing Criteria contained in Appendix 3 of the Countryside Housing Supplementary Guidance and accordingly the proposal is contrary to the development plan.

For completeness, as assessment against other relevant policies is provided below.

The proposal would not raise any significant issues against the remaining tests of Policy TC2 and the associated Countryside Housing Supplementary Guidance. Residential use would be a compatible land use having regard to neighbouring uses. There is no reason to consider a house at the site would not be capable of providing a satisfactory residential environment. The site would be capable of accommodating a dwelling that could be designed so that it would not result in unacceptable impact on the built and natural environment, surrounding amenity, access or infrastructure having regard to the advice provided by consultees. A development of this nature would not require a contribution towards affordable housing.

Policy PV20 indicates that development proposals on prime quality agricultural land will only be supported in limited circumstances. While available information suggests that the site contains prime quality agricultural land, it represents a relatively small area and in isolation does raise not any significant issues against what Policy PV20 is trying to achieve.

The application form indicates that the proposed house would connect to the mains water supply and public drainage network. Scottish Water offered no objection but indicated there is no public waste water infrastructure within the vicinity of this proposed development. The site is located within a SEPA Waste Water Drainage Area noted as having a proliferation of private drainage systems and where SEPA is seeking a first time public sewer. The application is for planning permission in principle and were the proposal otherwise acceptable, drainage would be a matter reserved for a subsequent detailed application.

In relation to material considerations, it is relevant to note that 5 letters of representation have been submitted objecting to the proposal. The letters are material in so far as they relate to relevant planning matters and have been taken into account in the preparation of this report.

The objections raise concerns that the proposal does not comply with the local development plan policy for countryside housing and note that several applications have been unsuccessful for housing on this site in the past. The foregoing assessment reaches the same conclusion that the proposal for a house on the site is contrary to the development plan.

In terms of other matters raised, the site is not designated for natural heritage reasons and while there is likely to be some biodiversity value provided by the natural state the site is currently in, were the proposal otherwise compatible with policy that matter would not be a barrier to the grant of planning permission and new planting could have been secured by planning condition.

In conclusion, the principle of a house on the site does not comply with Policy TC2 or the Countryside Housing Supplementary Guidance because allowing a house on the site would create further opportunities for additional greenfield development to the east and would extended ribbon development along the public road frontage, contrary to the Appendix 3 criteria. There are no material planning considerations which would justify the approval of planning permission contrary to the development plan.

## **Human Rights Implications**

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

## **Decision**

The application is Refused

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

1. The application is contrary to Policy TC2 of the Angus Local Development Plan 2016 and the associated Countryside Housing Supplementary Guidance because allowing a house on the site would create further gap site opportunities for additional greenfield development to the east, contrary to criterion (a); and because a house on the site would extend ribbon development along the public road, contrary to criterion (c) of the Appendix 3 Detailed Countryside Housing Criteria.

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

## **Notes:**



Case Officer: Damian Brennan  
Date: 13 September 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 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.

## Appendix 3:

### Detailed Countryside Housing Criteria

In addition to taking account of the provisions of the Policy TC2 all countryside housing proposals should meet the following criteria as applicable (except where specific exclusions are set out). Definitions for terms used in the criteria are set out in the Glossary. Development proposals should:

- a** not create a gap or rounding off opportunity for additional greenfield development. The sub-division of existing residential curtilages to artificially create new build plots will not be supported;
- b** meet the following plot size requirements (does not apply to proposals for conversion of non-residential buildings):
  - ▶ Category 1 RSUs – between 0.08ha/800m<sup>2</sup> and 0.2ha/2000m<sup>2</sup>
  - ▶ Category 2 RSUs – between 0.06ha/600m<sup>2</sup> and 0.4ha/4000m<sup>2</sup>
- c** not extend ribbon development;
- d** not result in the coalescence of building groups or of a building group with a nearby settlement;
- e** contribute to the rural character of the surrounding area and not be urban in form and/or appearance. Materials and design should reflect and complement traditional properties in the locality. Examples of suburban design on nearby or adjacent houses will not be accepted as justification for additional suburban development;
- f** provide a good residential environment, including useable amenity space/private garden ground, and adequate space between dwellings whilst retaining the privacy of adjacent properties. Guidance on private amenity space and distance between dwellings is set out in the Design Quality and Placemaking Supplementary Guidance. In countryside areas application of this guidance will have regard to the nature of the location and adjoining properties. The extension of property curtilage in relation to proposals for renovation or conversion of existing buildings may be permitted in line with Angus Council's Advice Note 25 – Agricultural Land to Garden Ground.
- g** make provision for affordable housing in line with Policy TC3: Affordable Housing and the guidance set out in the Developer Contributions and Affordable Housing Supplementary Guidance;
- h** where the proposed development will have a demonstrable cumulative impact on infrastructure and community facilities provision, an appropriate developer contribution from will be sought. Guidance on the range of contributions that may be sought from residential development and the methodologies for calculating the contribution are set out in the Developer Contributions and Affordable Housing Supplementary Guidance;
- i** not adversely affect or be affected by farming or other rural business activities (subject to provision of a good residential environment may not apply to proposals for essential worker housing required for the management of land or other rural business);
- j** not take access through a farm court; (subject to provision of a good residential environment may not apply to proposals for essential worker housing required for the management of land or other rural business); and
- k** not require an access road of an urban scale or character. The standard of an access required to serve a development will give an indication of the acceptability of the scale of the development in a rural location, e.g. where the roads standards require a fully adoptable standard of road construction with street lighting and is urban in appearance it is likely that the development proposals will be too large. The standard of the existing access should be taken into account when assessing a development proposal. Improvements should only be required where these would be necessary to provide ease of vehicular access to the existing and proposed development, or for road safety purposes.

Thursday, 01 July 2021

Local Planner  
Planning Service  
Angus Council  
Forfar  
DD8 1AN



Development Operations  
The Bridge  
Buchanan Gate Business Park  
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[www.scottishwater.co.uk](http://www.scottishwater.co.uk)

Dear Sir/Madam

**SITE: Land At Barns Of Craig, Barns Of Craig, Montrose, DD10 9TB**  
**PLANNING REF: 21/00464/PPPL**  
**OUR REF: DSCAS-0043511-S2T**  
**PROPOSAL: Planning permission in principle for erection of single house and 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 Lintrathen 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

- ▶ There is currently sufficient capacity for a foul only connection in the Montrose Waste 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.



To find out more about connecting your  
General enquiry to the water and waste water supply visit:





## 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,

**Angela Allison**

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."*



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SW Public  
General to the water and waste water supply visit:



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## ANGUS COUNCIL

### PLACE PLANNING

#### CONSULTATION SHEET

PLANNING APPLICATION NO

21/00464/PPPL

Tick boxes as appropriate

ROADS

No Objection

Interest

(Comments to follow within 14 days)

Date

09	07	21
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# Memorandum

Infrastructure  
Roads & Transportation

TO: DEVELOPMENT STANDARDS MANAGER, PLANNING

FROM: TRAFFIC MANAGER, ROADS

YOUR REF:

OUR REF: CH/AG/ TD1.3

DATE: 20 JULY 2021

SUBJECT: **PLANNING APPLICATION REF. NO. 21/00464/PPPL – PROPOSED ERECTION OF A DWELLING HOUSE ON LAND WEST OF BARNS OF CRAIG STEADING, MONTROSE**

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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 south side of U478 Ferryden – Usan – Dunninald (A92 – C45 – A92) on vacant land to the west of Barns of Craig Steading.

In order to provide a safe and satisfactory access, minimum visibility sightlines of 2.4 x 215 metres should be provided on north-east side and 2.4 x 160 metres provided on the south-west side of 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, within the permitted timescales, plans and particulars shall be submitted for the approval of the planning authority which show that adequate visibility sightlines can be provided at the junction of the proposed access with the adjacent public road. The details shall show that the visibility sightlines shall give a minimum sight distance of 215 metres in a north-easterly direction and 160 metres in a south-westerly direction, each at a point 2.4 metres from the nearside channel line of the public road (U478 Ferryden – Usan – Dunninald).

*Reason: to enable drivers of vehicles leaving the site to have a clear view over a length of road sufficient to allow safe exit.*

- 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 enable drivers of vehicles leaving the site to have a clear view over a length of road sufficient to allow safe exit.*
- 3 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.*
- 4 That, the 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 ground levels fall towards the public road.  
*Reason: to prevent the flow of surface water onto the public road in the interests of traffic safety.*
- 5 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.

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



## Comments for Planning Application 21/00464/PPPL

### Application Summary

Application Number: 21/00464/PPPL

Address: Land At Barns Of Craig Barns Of Craig Montrose

Proposal: Planning permission in principle for erection of single house and access

Case Officer: Damian Brennan

### Customer Details

Name: Mrs Bernard Doyle

Address: Ber-Les Barns of Craig Barns of Craig Montrose DD10 9TB

### Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: We are again back to the same situation the claim that this section of land is a natural gap site is false, this area is part of a field that extends from Barns of Craig Steadings towards Hillcrest, this area has a designated field number

The claim that this site has defined boundaries on all sides is false, the suggestion that to the East there is garden ground for Barns of Craig farmhouse is false there has been no application for a change of function to this land so to this day it remains part of a field, over the years there has been adjustments made to this field with the addition of conifers, fencing the addition of a wall all to create the illusion that this is a gap site when it is not

There have to date been four applications with regard to this land since 2002, all have been withdrawn before decision, again the suggestion that the only application was in 2016 is false.

We have concerns that if agreement is made for the use of this land for housing this will extend to the other two areas that have been created and a ribbon development situation will happen which I believe is against Angus Council Policy.

With regard to the claim it would benefit the area to have a house built, this field has not been in use since 2002, when the land was cleared at that time there were conifers and trees planted, but since then this area has become a haven for wildlife and as we increasingly see a lot of our greenbelt areas disappearing it is our opinion that certain areas should be left to nature, this field is a haven for Birds, Butterflies, Insects and Moths and I am reliably informed there is a rare species of Bird here.

We are fortunate to live in semi-rural area but are surrounded by fields and there is very little land

available that has this unique situation, we hear continually about environmental issues from Scottish government, action is required, leave this land as a haven for wildlife in this area.

We object strongly to this application.

Mr & Mrs Shepherd  
5 Barns of Craig Steadings,  
Montrose  
DD10 9TB  
19 July 2021

Kate Cowey  
Service Leader (Planning & Communities)  
Planning Service  
Orchardbank Business Park,  
Forfar,  
DD8 1AN

Dear Madam,

**Planning Application – 21/00464/PPPL  
Proposed Development at Land at Barns Of Craig Barns of Craig Montrose**

In respect to the above planning application which seeks to obtain planning permission in principle for the erection of a single house and access on existing agricultural land, we object to the development proposed on the grounds of its incompatibility with Policies TC2 (residential development) and DS1 (development boundaries and priorities) of the adopted Angus Local Development Plan 2016 (ALDP), and Angus Council's Countryside Housing Supplementary Guidance of 2016 (SG).

Whilst the Council has adopted a new Local Development Plan since the previous planning application was under consideration in 2016, there has been no material change in terms of the Council's planning policies in relation to housing in the countryside, and as such the current application should be refused. The change from a detailed planning application to an application for planning in principle does nothing to address the fundamental policy conflict that a new dwelling on this site raises.

The applicant has stated in their supporting statement that the site is a "gap site" that will make use of 'vacant land and overgrown with no current use' - this is erroneous and entirely misleading. The existing land use of the site is agricultural land.

Please refer to my earlier correspondence in 2014 on this matter when a wall was constructed apparently to "level the agricultural land". In that I refer to the environmental benefits of this unused/set aside agricultural land. The fact that the larger field of which the land subject of this planning application is part of has not been cultivated for some time does not change the use of the land from its legal status which is agricultural land.

I've also indicated to you in previous correspondence that the planning site is part of the larger, original field which has an agricultural holding number issued by the Scottish Executive (now Scottish Government) and has never been subject of a formal planning application to change its use to anything else. It has also not been used for anything else.

The applicant's choice not to actively use it for cultivation etc does not in turn lead to its lawful (agricultural) use being abandoned.

The agricultural use of the site was raised in 2014. The Council's clear justification for approving an application for the erection of a new retaining wall and associated ground works (14/00437/FULL) was that *'the proposed development complies with the relevant policies of the development plan and would not negatively impact on the amenity of neighbouring properties; would not compromise road traffic or pedestrian safety or result in a detrimental impact upon prime agricultural land.*

This justification (from the Council) makes it clear that the Council were of the view in 2014 that the application related to "prime agricultural land" and nothing else. As no planning application for an alternative use has been forthcoming, this position surely must settle the question that the land which the application refers to is on prime agricultural land bearing in mind the Council's settled view on this matter was only some 6 years ago. It is therefore entirely erroneous for the applicant to claim that the boundary to the East is the garden ground of existing housing when it is in fact part of the same "prime agricultural land" as the proposed site.

In terms of land use policies, whilst the policies have changed since 2016 when the previous planning application was considered, the comparable current policies remain extremely similar to those which were current in 2016.

As was the case in 2016, there are two relevant sections of Policy TC2 and the associated SG where the proposal fails to meet, and these refer to building groups and gap sites. The other categories of acceptable development in Countryside are not applicable for this proposal - due to the nature of what is proposed.

### **Building Groups**

Both Policy TC2 and the SG states that one new house will be permitted within an existing building group where proposals meet with specific criteria, the proposal would round off or consolidate the group and the proposal would result in an extension of the existing building group into a site which has a natural sense of containment.

The ALDP defines a sense of containment as a site which is *'contributed to by existing, physical boundaries such as landform, buildings, roads, trees, watercourses, or long established means of enclosure such as stone walls. Fences will not normally be regarded as providing a suitable boundary for the purposes of this definition unless they can be demonstrated to define long standing and established boundaries as evidenced by historic OS maps. Any boundaries artificially created to provide a sense of containment will not be acceptable'*

This site does not meet this definition of a sense of containment as it is an integral part of a field as shown in shading below. It would also appear that the southern section of the field has been incorrectly encompassed in the residential area of the main farmhouse





As previously mentioned, planning permission was obtained in 2014 for the erection of a new wall, and also associated ground levelling/raising. Earlier a line of leylandii hedging was planted and a wooden fence added and these new additions form the eastern boundary of application site. However, neither of these recent additions can be considered an existing, physical boundary or long-established means of enclosure as defined in the ALDP.

The proposal would also not round off the existing group of buildings, but to the contrary it would set an extremely undesirable precedent for further housing to the east of the application site within the large gap between the application site, and the house 'Hillcrest'. Any such development would clearly be ribbon development that would be to the detriment of the rural character, environmental services and visual amenity of the area.

### Gap Sites

Both Policy TC2 and the SG states that in Category 1 RSUs areas, a single new house will be permitted on a gap site with a maximum road frontage of 50 metres. The ALDP defines a gap site as being the space between the curtilages of two dwellings or between the curtilage of one dwelling and a metalled road and defined with established boundaries on three sides.

The proposed site has only one road frontage, along its northern boundary.

The length of the natural frontage along the site's northern boundary – taken between the completed steading development and the access to the next house 'Hillcrest' is approx. 150m. The natural 'gap' is the full 150m and not the 40m of the planning application site. To this end, the distance of the natural 'gap' clearly fails to accord with the 50m requirement of Policy TC2.

In reference to gap sites the explicit wording of Policy TC2 is that an acceptable 'gap site', must have a minimum road frontage of 50m, and be contained by the curtilages of two dwellings or between the curtilage of one dwelling and a metalled road. The application site's road frontage sits between the residential properties of the steading to the west and the artificial demarcation line of leylandii trees to the east – which is around 40m.

The application is contrary to these requirements as to the east the end of the 'gap' is not enclosed by either the curtilage of a residential dwelling or a metal road – but by a recently planted run of leylandii trees and the added fence.

In addition to the specific requirements listed in both Policy TC2 and the SG, it is noted that further general requirements are listed within Appendix and a number of these are specifically relevant to this proposal. These are,

- a) not create a gap or rounding off opportunity for additional greenfield development. The sub-division of existing residential curtilages to artificially create new build plots will not be supported.
- c) not extend ribbon development;
- d) not result in the coalescence of building groups or of a building group with a nearby settlement;

There is absolutely no doubt that a successful outcome to this planning application would be contrary to all of the above criteria as it will introduce the start of ribbon development along the southern side of the public road which will be out of character with the appearance of the area and with the current building pattern, and what the ALDP and the SG look to resist.

The application site is simply not naturally self-contained which must be one of the Council key considerations. It is acknowledged that containment (for rural development), typically is defined as being sites that do not breach field boundaries and have existing, physical boundaries such as landform, buildings, roads, trees, watercourses, or long established means of enclosure, such as stone walls. Fences are not normally be regarded as providing a suitable boundary for the purposes site containment, unless they can be demonstrated to define long standing and established boundaries as evidenced by historic OS maps and it is not normal for new plots which have been artificially created to be considered acceptable.

This proposal, as it was in 2016, is entirely contrary to these fundamental principles.

The 'site' is not covered by one natural plot. It has been artificially created to only include one plot for the benefit of the applicant. This in turn would leave a large area of remaining agricultural land that would then be under significant threat for potential residential development in the future - if this proposal is supported. The existing run of leylandii trees offer little in the way of physical boundary treatment or a long-established means of physical enclosure. These have been planted to purposely create an artificial boundary to form a single plot. To this end, we still consider this proposal to be entirely contrary to both the ALDP and the SG.

Lastly, the applicant cites the SPP updated December 2020 and quotes "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 site is a rare area of natural habitat in an intensely cultivated agricultural landscape and is appreciated by the many walkers from Montrose and surrounding areas who regularly use the road to the north of the field. The principles of the SPP are centred on promoting new rural development in sustainable locations, which are suitable for the development proposed which this proposal is not. There has been no ecology survey for the

site, so it has not been demonstrated that the proposed development would not adversely impact on both local and protected wildlife.

We therefore ask you to refuse the planning application, on the grounds that the development fails to meet the requirements of Policies TC2 of the APLR, and also Policy DS1 of the ALDP which requires all new developments within the landward area to comply with the relevant land use policies of the adopted local development plan.

Yours faithfully,

Gordon and Hazel Shepherd

Mr & Mrs Hancock  
6 Barns of Craig Steadings,  
Montrose  
DD10 9TB  
19 July 2021

Kate Cowey  
Service Leader (Planning & Communities)  
Planning Service  
Orchardbank Business Park,  
Forfar,  
DD8 1AN

Dear Madam,

**Planning Application – 21/00464/PPPL  
Proposed Development at Land at Barns Of Craig Barns of Craig Montrose**

We object to the development proposed on the grounds of its incompatibility with Policies TC2 (residential development) and DS1 (development boundaries and priorities) of the adopted Angus Local Development Plan 2016 (ALDP), and Angus Council's Countryside Housing Supplementary Guidance of 2016 (SG).

There has been no substantive change in terms of the Council's planning policies since 2016 in relation to housing in the countryside when the last application was made, and as such the current application should be refused. The change from a detailed planning application to an application for planning in principle does nothing to address the fundamental policy conflict that a new dwelling on this site raises.

The applicant states that the site is a "gap site" that will make use of 'vacant land and overgrown with no current use' - this is wrong. The land of the site is designated as agricultural land – a field. The fact that the field has not been cultivated for some time does not change the use of the land from its legal status as agricultural land.

The planning site is part of the larger, original field which has an agricultural holding number issued by the Scottish Executive (now Scottish Government) and has never been subject of a planning application to change its use.

The agricultural use of the site was raised in 2014. The Council's justification for approving an application for the erection of a new retaining wall and associated ground works (14/00437/FULL) was that *'the proposed development complies with the relevant policies of the development plan and would not negatively impact on the amenity of neighbouring properties; would not compromise road traffic or pedestrian safety or result in a detrimental impact upon prime agricultural land.*

Thus the Council makes clear that it was of the view that in 2014 the application related to "prime agricultural land". This was the Council's opinion 6 years ago, there has been no change since then and this must remain the Council's position on the land status today. The application refers to building on prime agricultural land. The claim that the boundary to the

East is the garden ground of existing housing is wrong when it is in fact part of the same “prime agricultural land” as the proposed site.

We believe the fence erected to divide the field and recently planted leylandii trees do not meet the criteria for natural boundaries to a site. The dimensions of the field breach the maximum boundaries for a gap site and it has a road on one side only.



The proposal would also set a precedent for further housing to the east of the application site within the large gap between the application site, and the house ‘Hillcrest’. Such development would be ribbon development to the detriment of the rural character, environmental services and visual amenity of the area.

The application site is simply not naturally self-contained and it has been artificially bounded in an effort to make it appear to meet Council criteria,

The site is an area of natural habitat in an intensely cultivated agricultural landscape and is appreciated by the many walkers from Montrose and surrounding areas who regularly use the road to the north of the field. The proposed development would destroy the habitat for many species of plants birds and insects on one of the few such areas between Craig Road and the sea.

We ask you to refuse the planning application, on the grounds that the development fails to meet the requirements of Policies TC2 (residential development) and DS1 (development boundaries and priorities) of the adopted Angus Local Development Plan 2016 (ALDP), and Angus Council’s Countryside Housing Supplementary Guidance of 2016 (SG).

Yours faithfully,



# **Comments for Planning Application 21/00464/PPPL**

## **Application Summary**

Application Number: 21/00464/PPPL

Address: Land At Barns Of Craig Barns Of Craig Montrose

Proposal: Planning permission in principle for erection of single house and access

Case Officer: Damian Brennan

## **Customer Details**

Name: Lesley Doyle

Address: Ber-Les Barns of Craig Montrose DD10 9TB

## **Comment Details**

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: We are again back to the same situation the claim that this section of land is a natural gap site is false, this area is part of a field that extends from Barns of Craig Steadings towards Hillcrest, this area has a designated field number.

The claim that this site has defined boundaries in all sides is false, the suggestion that to the East there is garden ground for Barns of Craig farmhouse is false, there has been no application for a change of function to this land, so to this day it remains part of a field there have been additions over the years, conifers, fencing the addition of a wall, all to create the illusion that this is a gap site when it is not.

There have to date been four applications with regard to this land since 2002 all have been withdrawn before decision, again the suggestion that the only application was in 2016 is false.

We have concerns that if agreement is made for the use of this land for housing this will extend to the other two areas that have been created and a ribbon development situation will happen which I believe is against Angus Council policy

With regard to the claim it would benefit the area to have a house built, this field has not been in use since 2002, when the land was cleared at that time there were conifers and trees planted, but since then this area has become a haven for wildlife and as we increasingly see a lot of our greenbelt areas disappearing it is our opinion that certain areas should be left to nature, this field is a haven for Birds, Butterflies, Insects and Moths and I am reliably informed there is a rare species of bird here

We are fortunate to live in a semi-rural area but are surrounded by fields and there is little

land that has this unique situation, we are continually hearing about environmental issues from the Scottish government action is required, leave this land as a haven for wildlife in this area

We object strongly to this application. Mr and Mrs B Doyle

Mr & Mrs Scoular  
Hillcrest  
Barns of Craig,  
Ferryden  
DD10 9TB

16 July 2021

Kate Cowey  
Service Leader (Planning & Communities)  
Planning Service  
Orchardbank Business Park,  
Forfar,  
DD8 1AN

Dear Madam,

**Planning Application – 21/00464/PPPL  
Erection of a dwelling and access on Land at Barns of Craig, Montrose**

We refer to the above detailed planning application for the erection of a single dwelling and new access on existing agricultural land, and object to the development proposed on the ground of its incompatibility with Policies TC2 (residential development) and DS1 (development boundaries and priorities) of the adopted Angus Local Development Plan 2016 (ALDP), and Angus Council's Countryside Housing Supplementary Guidance of 2016 (SG).

We note that this is essentially the same proposal which was submitted to the Council in 2016 (16/00169/FLL), with that planning application withdrawn prior to its determination after concerns were raised by the Planning Officer. Whilst we appreciate that there has been a change from the previous detailed submission to one in principle, this does not address any of the issues which we raised before, and we would assume the same would apply to the previous policy concerns of the Planning Officer which remain unaddressed.

We also note that there are little material changes in the Council's policy position between the former Policy SC6 of the Adopted Angus Local Plan Review 2009 (which was applicable to the proposal back in 2016) and the comparable policy of Policy TC2 in the current 2016 Plan. The same applies to the SG of 2016.

As a quick preamble, we again wish to clarify to the Council the actual current use of the land. The applicant's agent states on their application form that existing use of the site is 'vacant land, and overgrown with no current use' (page 3). This is not correct.

The existing land use of the site is without question, agricultural land. The applicant may have chosen not to actively cultivate the land subject of this planning application for a number of years, and that of the same field which lies immediately to the east, but this simply a personal choice that they have made and does not mean the land is now 'vacant', nor does it change the use of the land from its lawful use – which is agricultural land to anything else. There are countless examples of set aside land in Angus, but the lack of functionality or active cultivation (or use by animals) does not revoke that established use.



The fact is the application site is agricultural land.

As we highlighted in 2016, this site (as part of the larger, original field – before it was artificially divided up) has an agricultural holding number that was issued by the Scottish Executive (now Scottish Government) and has never been subject of a formal planning application to change its use. The non-active use of the land for a number of years would not default the land to a ‘vacant’ use, but the default position should be an agricultural use.

Whilst we invite the Council to investigate this on their own behalf, this view was shared by the Council in 2014 when a detailed planning application for the erection of a new retaining wall and associated ground works (14/00437/FULL) was approved, with a justification on the decision notice that stated *‘That the proposed development complies with the relevant policies of the development plan and would not negatively impact on the amenity of neighbouring properties; would not compromise road traffic or pedestrian safety or result in a detrimental impact upon prime agricultural land*. This statement clearly implies that the 2014 proposal related to prime agricultural land i.e. the land on which the proposed wall and ground works were proposed, was on prime agricultural land.

In relation to the policy issues surrounding this proposal, as stated previously, the principal objectives of the Council’s current Housing in the Countryside Policies are directly comparable to those which were current during the consideration of the planning application in 2016.

We agree with the applicant’s that Policy TC2 of the ALDP would be the most relevant. However the applicant’s agent has made little reference to the additional policy requirements contained in the associated SG but this is a significant material consideration.

Within the sub text of Policy TC2 of the ALDP and the associated SG, there are two relevant sections which the proposal falls to be considered against, and in both cases it fails to accord with - building groups and gap sites.

The remaining sub sections of acceptable new housing in the countryside listed in Policy TC2 and the SG are not relevant to this proposal due to the nature of the development proposed ie not a brownfield site, essential workers, replacement / conversion of existing building etc.

We shall discuss each of these in turn.

### **Building Groups**

Policy TC2 and the SG states a single new house may be permitted where the development proposed would round off an established group of 3 or more closely related residential buildings or buildings capable of conversion for residential use. The policy goes on to say that an acceptable proposal should be sited / located within the building group (i.e. generally located close to other buildings in the group) provided this does not detract from the overall sense of containment and cohesion of the group within its wider landscape setting.

The SG states that *‘A sense of containment is contributed to by existing physical boundaries such as landform, buildings, roads, trees, watercourses, or long established means of*

*enclosure such as stone walls. Fences will not normally be regarded as providing a suitable boundary for the purposes of this definition unless they can be demonstrated to define long established boundaries as evidenced by historic OS Maps. Any boundaries artificially created to provide a sense of containment will not be acceptable'*

This site clearly fails to accord with this clear definition of what is meant by a sense of containment.

The site is obviously part of a far larger field (as shown by RED hatching below) which has been (recently) artificially manufactured by the applicant to *try* and create a site which the Council would consider an acceptable site under the building group elements of Policy TC2 and the SG. A quick view on GoogleMaps clearly shows the position.

It is a matter of fact that the historic, physical boundaries of the site are those attached to the larger site and not those of recently created. It is also the case that the southern section of the field now appears to have been encompassed into the residential curtilage of the main farmhouse without any formal planning permission being granted. The Council was made aware of this position in 2016, but no planning application has been submitted to regulate this potential breach of planning control.



In 2014 the applicant obtained detailed planning permission for the erection of a new wall, and also associated ground rising. Prior to this, a run of leylandi hedging was planted, and it is this run of new trees which now forms the artificial, and manufactured eastern boundary of site subject of this planning application. However, neither of these recent additions can seriously be considered as an existing, physical boundaries or long established means of enclosure which have not been artificially created to try to form a sense of containment and when viewed on the ground they are clearly unestablished, and do not relate in anyway to the surrounding landscape pattern or its environs – because they are artificial. In order for the Council to have an accurate position in terms of the site, it should consider whether or not the 2014 permissions have been implemented in accordance with the approved plans.

The proposal would also not round of the existing group of buildings, but to the contrary it would set an extremely undesirable precedent for what would be basically unlimited further housing to the east of the application site within the large gap between the application site, and my own property 'Hillcrest'. Any such development would clearly be ribbon development

that would take place in an *unhinged* manner that would be to the detriment of the rural character and visual amenity of the area and contrary to all the basic and underpinning principles of good rural planning in a sustainable manner contained in the Scottish Government's own Scottish Planning Policy and also its Planning Advice Notes.

## Gap Sites

The SG states that in Category 1 RSUs a gap site with a frontage of up to 50 meters between the curtilages of two houses or the curtilage of one house and a metaled road, or between the curtilage of one house and an existing substantial building such as a church, a shop or a community facility may be filled by a single house. The SG goes on to say that a site will not constitute a gap site if it lies within the curtilage of an existing house, or it is on land that is not clearly defined as being outwith the curtilage of a house or houses

The proposed site has only one road frontage, along its northern boundary.

The length of the natural frontage along the site's northern boundary – taken between the completed steading development and the vehicular access to my dwelling ('Hillcrest') is approx. 150m. There are simply no other dwellings or metalled roads between the steading and my dwelling, so the natural 'gap' is the full 150m and not the 40m or thereabouts of the planning application site. To this end, the distance of the natural 'gap' clearly fails to accord with the 50m requirement of the SG.

The application site's road frontage sits between the residential properties of the steading to the west and the line of leylandi trees to the east – which is circa 40m. It is the explicit wording of the SG is that an acceptable 'gap site', must have a minimum road frontage of 50m, and be contained by the curtilages of two dwellings or between the curtilage of one dwelling and a metalled road. The proposal fails this test on the grounds of a) the distance of the gap and also b) the site is not contained by the curtilages of two dwellings. Only the curtilage of the steading development to the west offers a degree of natural containment.

There are no other exceptions listed within the policy.

To this end, this planning application is clearly contrary to this requirements as to the east the end of the 'gap' is simply not enclosed by either the curtilage of a residential dwelling or a metal road – but by a recently planted run of leylandi trees. As a side, on the opposite site of the trees is the other half of the existing, historic agricultural field which forms a distinct separation (a further 110m+) between the proposed site and my residential property.

In addition to the specific requirements listed in sub sections of the SG, it is noted that further general requirements are listed within Appendix and a number of these are specifically relevant to this proposal which are,

- a) not create a gap or rounding off opportunity for additional greenfield development. The sub-division of existing residential curtilages to artificially create new build plots will not be supported.
- c) not extend ribbon development;
- d) not result in the coalescence of building groups or of a building group with a nearby settlement;

There is absolutely no doubt that a successful outcome to this planning application will result in clear tension and conflict with all three of the above criteria as it will introduce the start of a *unhinged*, ribbon development along the southern side of the public road which will be out of character with the appearance of the area and with the current building pattern, and what the ALDP and the SG look to resist.

The 2016 application the site is simply not self-contained which must be one of the Council key considerations. It is acknowledged that containment (for rural development), typically is defined as being sites that do not breach field boundaries and have existing, physical boundaries such as landform, buildings, roads, trees, watercourses, or long established means of enclosure, such as stone walls. Fences are not normally be regarded as providing a suitable boundary for the purposes site containment, unless they can be demonstrated to define long standing and established boundaries as evidenced by historic OS maps and it is not normal for new plots which have been artificially created to be considered acceptable.

This proposal is contrary to these fundamental principles.

The 'site' is not covered by one plot. It has been artificially created to only include one plot, which in turn would leave a large area of remaining agricultural land – which would be under significant threat for development in the future - if this proposal is supported. The existing run of leylandii trees offer little in the way of physical boundary treatment or a long-established means of physical enclosure and have been planted to obviously create an artificial boundary to form a single plot. To this end, we still consider this proposal to be entirely contrary to both the ALDP and the SG.

Lastly, the site has become overgrown over the last few years with a number of self-seeded bushes / small trees across the site, as well as the hastily planted leylandii hedging. There has been no bio-diversity report for the site which the Council could consider fully - specifically in respect of bats, and their foraging grounds.

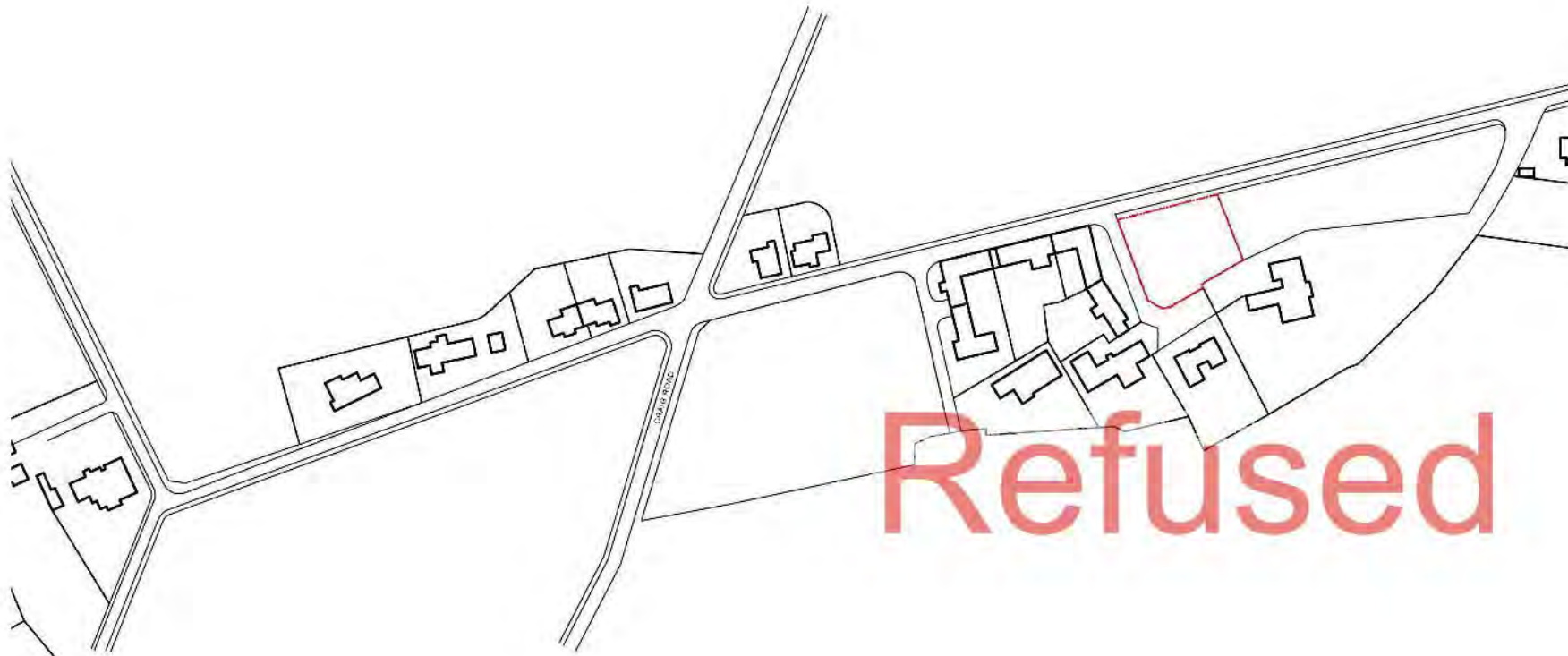
We therefore urge you to refuse the planning application, on the grounds that the development (still) fails to accord with the requirements of Policies TC2 and DS1 of the current ALDP which requires all new developments within the landward area to comply with the relevant land use policies of the adopted local development plan, and the Council should consider whether a bio-diversity report should be undertaken and if they have enough evidence that there is not any likely impact on both local and protected wildlife to make an informed decision.

Yours faithfully,

Mr & Mrs Scoular

# Refused

# Refused



Proposed New Developments  
Angus  
DD10 9TB

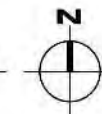
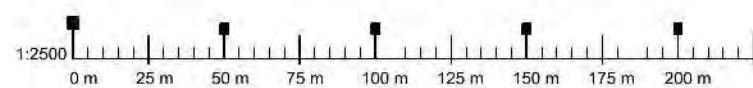
for Anniston Farms

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CONTACT THE VOIGT PARTNERSHIP LIMITED

Location Plan  
Site B

SCALE: 1:2500  
DATE: 28/04/16  
DRAWN: LP

3865/LP/50



08/01/17

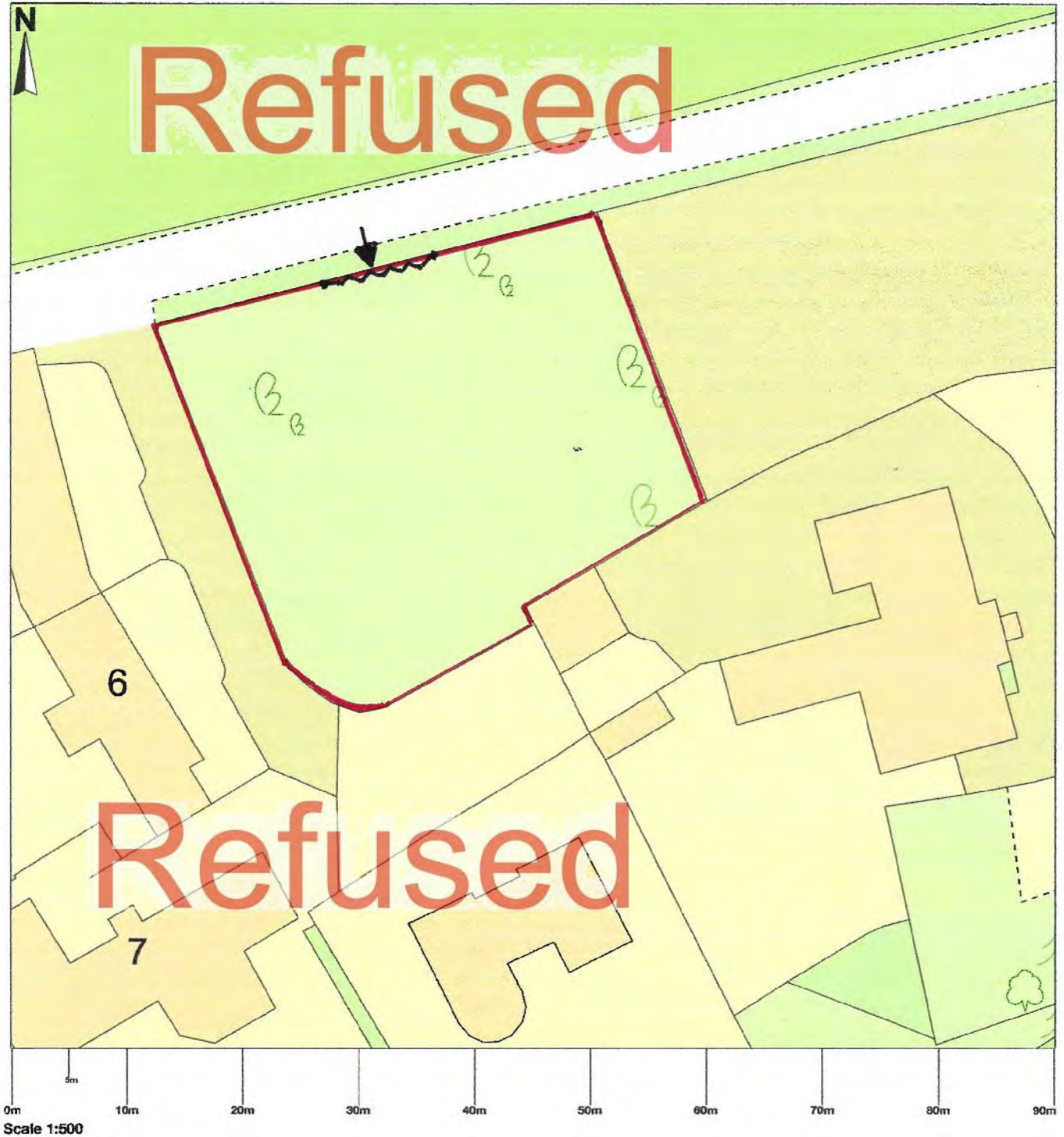
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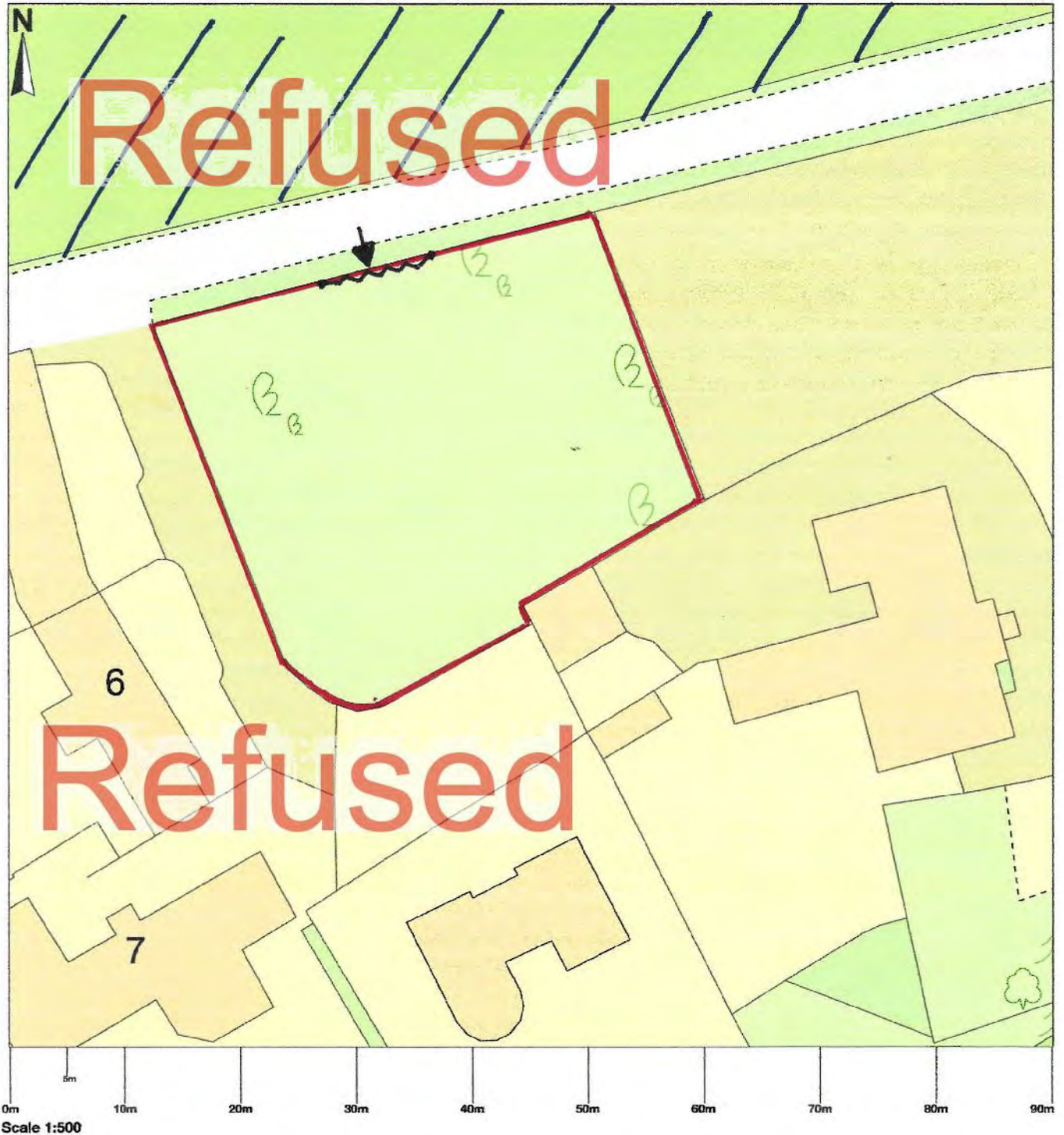


## Land west of Barns of Craig Farm 1:500



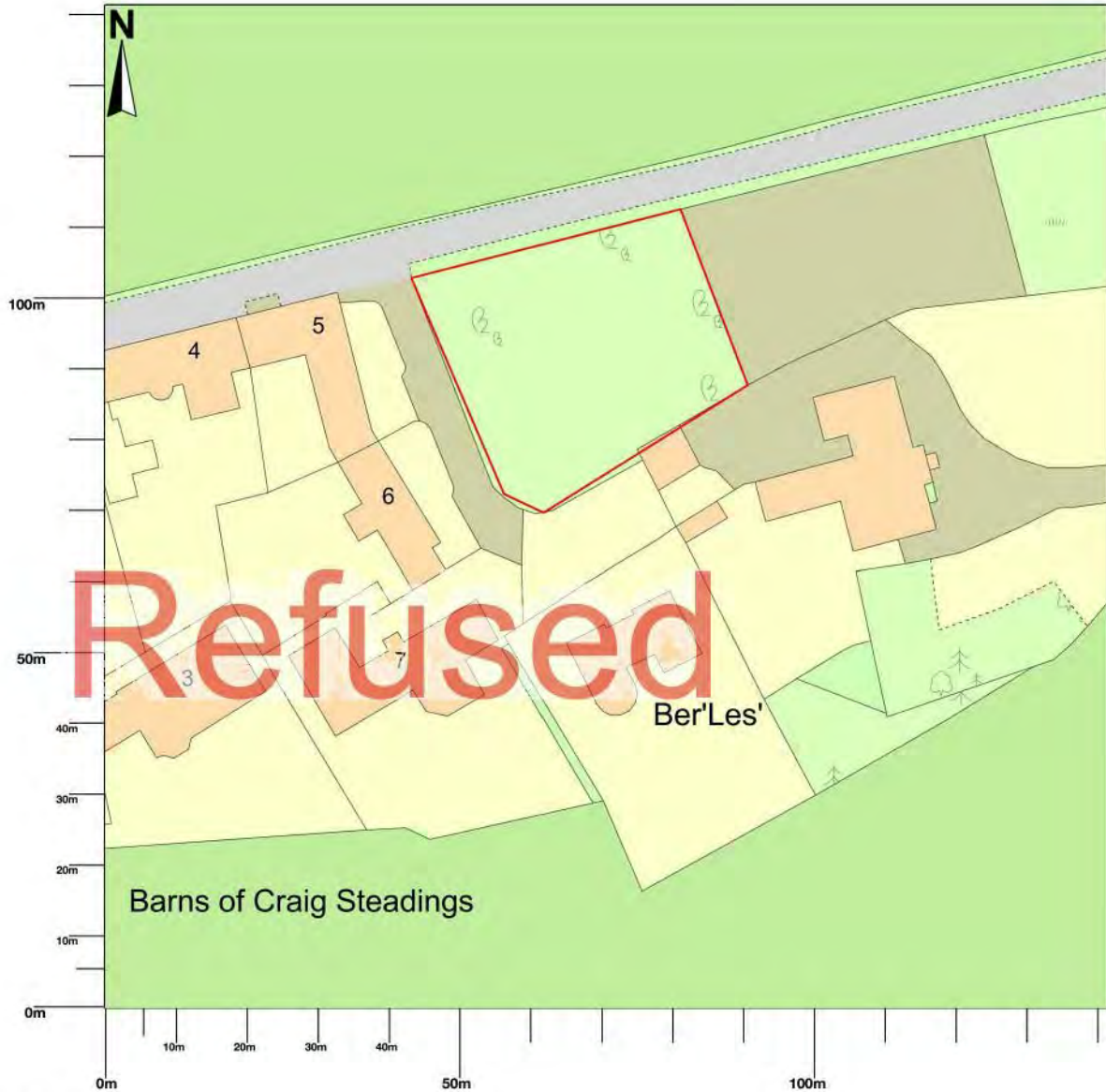


**Land west of Barns of Craig Farm 1:500**





## Land West of Barns Of Craig Farm, Montrose



Scale 1:1000



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 : 21/00464/PPPL

To **Anniston Farms (Arbroath) Ltd**  
c/o Suller & Clark  
Karine Suller  
Scoutbog Steading  
Oldmeldrum  
AB51 0BH

With reference to your application dated 28 June 2021 for Planning Permission in Principle under the above mentioned Acts and Regulations for the following development, viz:-

**Planning permission in principle for erection of single house and access at Land At Barns Of Craig Barns Of Craig Montrose for Anniston Farms (Arbroath) Ltd**

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 application is contrary to Policy TC2 of the Angus Local Development Plan 2016 and the associated Countryside Housing Supplementary Guidance because allowing a house on the site would create further gap site opportunities for additional greenfield development to the east, contrary to criterion (a); and because a house on the site would extend ribbon development along the public road, contrary to criterion (c) of the Appendix 3 Detailed Countryside Housing Criteria.
2. The application is contrary to Policy DS1 of the Angus Local Development Plan 2016 as the proposal is not in accordance with relevant policies of the ALDP, namely policy TC2 and the Countryside Housing Supplementary Guidance.

**Amendments:**

The application has not been subject of variation.

Dated this **17 September 2021**

Jill Paterson  
Service Lead  
Planning and Sustainable Growth  
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.	DPEA ( <i>appeal to Scottish Ministers</i> ) – See details on attached Form 1
<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.	Local Review Body – See details on attached Form 2
<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.	DPEA ( <i>appeal to Scottish Ministers</i> ) – See details on attached Form 1

**Notification of initiation of development (NID)**

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

**Notification of completion of development (NCD)**

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

**Display of Notice while development is carried out**

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

The notice must be in the prescribed form and:-

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

A display notice is included with this guidance note.

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

Angus Council  
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:-

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

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

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

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

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

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

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

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

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

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

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

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

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

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

OUTCOME: Outcome of the application:

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

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

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

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

**Angus Council**

<b>Application Number:</b>	14/00437/FULL
<b>Description of Development:</b>	Proposed Erection of Wall and Ground Level Alterations
<b>Site Address:</b>	The Farmhouse Barns Of Craig Montrose DD10 9TB
<b>Grid Ref:</b>	370910 : 755961
<b>Applicant Name:</b>	Mr John Stirling

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

The application site is located in the countryside to the south of Ferryden. The site is within an agricultural field which is surrounded by dwellings to the south, east and west and lined by an unclassified road to the north. The field is currently partially turned and partially overgrown and there is no substantial boundary treatment to the north.

**Proposal**

The application seeks retrospective permission for the construction of a 23m long, 1.9m high wall which runs in a northerly direction from the north boundary wall of The Farmhouse. The wall has a 3.8m long, west projection at its north extremity, which also measures 1.9m high and runs parallel to the unclassified road to the north of the site. The west projection is setback from this road by approximately 3m. The application also seeks permission for alterations which have been made to the ground level surrounding the wall, where soil has been banked against the west and north elevations, to roughly 0.9m high, where approximately 1m of the wall remains visible. The land to the west of the wall is about 1.5m higher than the ground level to the east of the wall. The wall will have a concrete coping stone and will be finished in grey wet dash render to match the existing boundary wall of The Farmhouse. A change of use had not been proposed for the and thus would remain in agricultural use.

The drawings numbered BOC/2014/01 and BOC/2014/02, both dated May 2014, amend and supersede, the drawings numbered and dated the same which were submitted alongside the application. The amended drawings simply clarify the correct application site and include additional labels with supplementary information.

**Publicity**

The application was subject to normal neighbour notification procedures.

The nature of the proposal did not require that the application be the subject of press advertisement.

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

**Planning History**

06/01005/FUL for Erection of a Dwellinghouse was "Withdrawn" on 31 July 2006.

**Applicant's Case**



No supporting information has been received.

## **Consultations**

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

**Angus Council - Roads** - Offer no objection to the proposal.

**Scottish Water** - There was no response from this consultee at the time of report preparation.

## **Representations**

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

Two representations were received, one general comment and one objection to the proposal. The main concerns raised were in regards to a perceived noncompliance with planning legislation, out of character/scale development, potential impacts upon wildlife and the lack of clarity of the proposed land use and fears over the possibly of two gap sites being created within the existing agricultural field.

## **Development Plan Policies**

### **Angus Local Plan Review 2009**

Policy S1 : Development Boundaries  
Policy S3 : Design Quality  
Policy S6 : Development Principles (Schedule 1)  
Policy ER30 : Agricultural Land

### **TAYplan Strategic Development plan**

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

### **Other Guidance**

The site is not within the National Park.

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 S1(b) indicates that proposals outwith development boundaries, will generally be supported where they are of a scale and nature appropriate to the location and where they are in accordance with the relevant policies of the Local Plan. I will return to this policy having considered other relevant policy tests.

Policy S6 and the associated Schedule 1 Development Principles are relevant to this application. This includes considerations relating to amenity; roads/parking/access; landscaping/open space/biodiversity; drainage and flood risk; waste management; and supporting information. The erected wall and ground level alterations would not result in any significant impacts upon the privacy or availability of sunlight to surrounding residents. The application does not raise any concerns in terms of residential amenity.

There are no guidance notes specifically covering non-residential block work walls in the countryside; however it can be concluded that for a development of this nature to be acceptable it should be of an appropriate height, position, and finish and should be considerate of the surrounding landscape. Although not a typical rural development, the wall is located somewhat centrally within an agricultural field which is surrounded by residential dwellings. The wall would help retain a raised section of soil in the west of the field. The wall would not be in an unacceptable location as it would not cause detriment to residential amenity, the viability of farming units and would terminate 3m from the road way. The Roads Service has no objection to the proposal in regards to road safety.

The wall measures 1.9m in height where the scale of the development is substantially screened by the alterations made to the ground level. The banked soil would result in only 1m of the walls total height being visible from the north and 0.35m from the east. Although ideally rural walls would be constructed in dry stone, the proposal to render the retrospective wall would be acceptable in this instance as it would replicate the existing boundary wall of The Farmhouse and would not look visually incongruent. The scale and visual impact of the development is deemed acceptable. On this basis it can be deemed that the wall and ground alterations would not be overwhelming or negatively affect the visual amenity of the area. The application would not have a significant impact upon any key views or have an unacceptable impact upon biodiversity. The application is compliant with Policy S3 and would not give rise to any significant issues in terms of the remaining criteria of Schedule 1 and thus would comply with Policy S6 also.

As mentioned above, the wall and ground level alterations would allow for the continuation of viable farming activities within the surrounding field and would not result in the permanent loss of prime quality agricultural land. The works would not conflict with Policy ER30.

The proposal does not give rise to any significant issues in terms of the relevant policies of the Local Plan and would not be of an inappropriate scale or nature for the rural location, thus would also meet with Policy S1 criterion (b).

The main concerns raised with the submitted representations were in relation to a perceived noncompliance with planning legislation, out of character/scale development, potential impacts upon wildlife and the lack of clarity of the proposed land use and fears over the possibly of two gap sites being created within the existing agricultural field. The character, scale and the potential impact of the development on wildlife and biodiversity has been assessed above under Policy S6 and has been deemed to be acceptable. It is unclear as to what legislation the objector is referencing but the development would not conflict with any planning legislation or guidance and would not impact upon on the safety of the nearby road as addressed above. In regards to the proposed future use of the site, although attempts were made to understand the propose of the works, no information in this regards was submitted by the applicant, and as such only the proposed operational development can be considered/monitored or restricted under this current application. This application does not consider any change of use of the land; therefore any permission granted here would not alter the existing agricultural use. Express permission would be required to achieve any change of use, and the land use implications of such a proposal would be considered at that time and cannot be speculated upon here.

In conclusion the proposed development would not adversely affect the appearance and character of the surrounding area. The proposal would not have a significant or unacceptable detrimental effect on the residential amenity enjoyed by surrounding households or the viability of prime agricultural land. I consider the proposal acceptable and in compliance with policies S1, S6 and ER30 of the Angus Local Plan Review (2009). There are no material considerations that justify refusal of the application.

No legal agreement is required.

## **Human Rights Implications**

The decision to grant permission/consent has potential implications for neighbours in terms of alleged interference with privacy, home or family life (Article 8) and peaceful enjoyment of their possessions (First Protocol, Article 1). For the reasons referred to elsewhere in this report justifying this decision in planning

terms, it is considered that any actual or apprehended infringement of such Convention Rights, is justified.

## **Equalities Implications**

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

## **Decision**

The application is Approved.

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

1. That the proposed development complies with the relevant policies of the development plan and would not negatively impact on the amenity of neighbouring properties; would not compromise road traffic or pedestrian safety or result in a detrimental impact upon prime agricultural land. There are no material considerations justifying refusal of the application.

## **Conditions:**

None.

## **Notes:**

Case Officer: Stephanie Porter  
Date: 8 October 2014

## Development Plan Policies

### Angus Local Plan Review 2009

#### Policy S3 : Design Quality

A high quality of design is encouraged in all development proposals. In considering proposals the following factors will be taken into account:-

- \* site location and how the development fits with the local landscape character and pattern of development;
- \* proposed site layout and the scale, massing, height, proportions and density of the development including consideration of the relationship with the existing character of the surrounding area and neighbouring buildings;
- \* use of materials, textures and colours that are sensitive to the surrounding area; and
- \* the incorporation of key views into and out of the development.

Innovative and experimental designs will be encouraged in appropriate locations.

#### Policy S1 : Development Boundaries

(a) Within development boundaries proposals for new development on sites not allocated on Proposals Maps will generally be supported where they are in accordance with the relevant policies of the Local Plan.

(b) Development proposals on sites outwith development boundaries (i.e. in the countryside) will generally be supported where they are of a scale and nature appropriate to the location and where they are in accordance with the relevant policies of the Local Plan.

(c) Development proposals on sites contiguous with a development boundary will only be acceptable where there is a proven public interest and social, economic or environmental considerations confirm there is an overriding need for the development which cannot be met within the development boundary.

#### Policy S6 : Development Principles (Schedule 1)

Proposals for development should where appropriate have regard to the relevant principles set out in Schedule 1 which includes reference to amenity considerations; roads and parking; landscaping, open space and biodiversity; drainage and flood risk, and supporting information.

#### Schedule 1 : Development Principles

##### Amenity

(a) The amenity of proposed and existing properties should not be affected by unreasonable restriction of sunlight, daylight or privacy; by smells or fumes; noise levels and vibration; emissions including smoke, soot, ash, dust, grit, or any other environmental pollution; or disturbance by vehicular or pedestrian traffic.

(b) Proposals should not result in unacceptable visual impact.

(c) Proposals close to working farms should not interfere with farming operations, and will be expected to accept the nature of the existing local environment. New houses should not be sited within 400m of an existing or proposed intensive livestock building. (Policy ER31).

##### Roads/Parking/Access

(d) Access arrangements, road layouts and parking should be in accordance with Angus Council's Roads Standards, and use innovative solutions where possible, including 'Home Zones'. Provision for cycle parking/storage for flatted development will also be required.

(e) Access to housing in rural areas should not go through a farm court.

(f) Where access is proposed by unmade/private track it will be required to be made-up to standards set out in Angus Council Advice Note 17 : Miscellaneous Planning Policies. If the track exceeds 200m in length, conditions may be imposed regarding widening or the provision of passing places where necessary.

(g) Development should not result in the loss of public access rights. (Policy SC36)

## Landscaping / Open Space / Biodiversity

(h) Development proposals should have regard to the Landscape Character of the local area as set out in the Tayside Landscape Character Assessment (SNH 1998). (Policy ER5)

(i) Appropriate landscaping and boundary treatment should be an integral element in the design and layout of proposals and should include the retention and enhancement of existing physical features (e.g. hedgerows, walls, trees etc) and link to the existing green space network of the local area.

(j) Development should maintain or enhance habitats of importance set out in the Tayside Local Biodiversity Action Plan and should not involve loss of trees or other important landscape features or valuable habitats and species.

(k) The planting of native hedgerows and tree species is encouraged.

(l) Open space provision in developments and the maintenance of it should be in accordance with Policy SC33.

## Drainage and Flood Risk

(m) Development sites located within areas served by public sewerage systems should be connected to that system. (Policy ER22)

(n) Surface water will not be permitted to drain to the public sewer. An appropriate system of disposal will be necessary which meets the requirements of the Scottish Environment Protection Agency (SEPA) and Angus Council and should have regard to good practice advice set out in the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland 2000.

(o) Proposals will be required to consider the potential flood risk at the location. (Policy ER28)

(p) Outwith areas served by public sewerage systems, where a septic tank, bio-disc or similar system is proposed to treat foul effluent and /or drainage is to a controlled water or soakaway, the consent of SEPA and Angus Council will be required. (Policy ER23).

(q) Proposals should incorporate appropriate waste recycling, segregation and collection facilities (Policy ER38)

(r) Development should minimise waste by design and during construction.

## Supporting Information

(s) Where appropriate, planning applications should be accompanied by the necessary supporting information. Early discussion with Planning and Transport is advised to determine the level of supporting information which will be required and depending on the proposal this might include any of the following: Air Quality Assessment; Archaeological Assessment; Contaminated Land Assessment; Design Statement; Drainage Impact Assessment; Environmental Statement; Flood Risk Assessment; Landscape Assessment and/or Landscaping Scheme; Noise Impact Assessment; Retail Impact Assessment; Transport Assessment.

## Policy ER30 : Agricultural Land

Proposals for development that would result in the permanent loss of prime quality agricultural land and/or have a detrimental effect on the viability of farming units will only normally be permitted where the land is allocated by this Local Plan or considered essential for implementation of the Local Plan strategy.

## **TAYplan Strategic Development Plan**

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

## **Cairngorms National Park Local Plan**

The site is not within the National Park.

Ms Stephanie Porter,  
Angus Council,  
Communities Planning and Place,  
County Building,  
Market Street,  
Forfar.

SP  
RECEIVED  
23 SEP 2014  
jm

Dear Ms Porter,

**Planning Application 14/00437/FULL**

Subsequent to my email , written after examining the relevant documents on line, concerning the current designation of the land in question and the availability of resubmitted documents, I would like to raise the following issues.

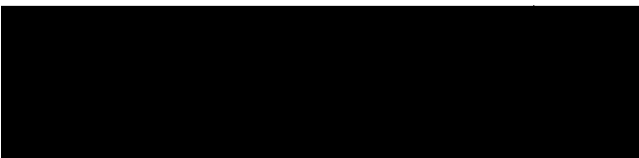
Please note that I do so in the absence of clarification of the above points and in limits set by the lack of any information on the proposed purpose, use of the land and any subsequent effects such use might have including many potentially relevant to applications in general such as precedent, compliance with local or structure plan, noise, road safety, etc.

What in fact is the current status of the land? Is this application consistent with it, and if not what is the justification for change and how will approval for that be sought?

The area in question has been functioning much like an agricultural set aside and a haven to wildlife particularly insects, butterflies and birds. Butterflies such as red admirals and grass peckers and birds such as yellow hammers, blue tits, swallows, jays, twites and even feeding bats. Since the original clearance of the area over 12 months ago and apparent introduction of some form of hard core on the levelled ground there appears to have been some diminution of bird and insect life in the immediate area. This is one of the few refuges for some of these species between Craig road and the sea and possibly in a wider area.

The height of the wall and its proximity to the road appear to be an issue in spite of earth having been piled up against it thus obscuring some of the original structure.

Please take in to account these points when considering this application and I look forward to answers to the unresolved issues raised above that could reflect on my views of the application.

  
Gordon Shepherd

5 Barns of Craig Steadings, Montrose, DD10 9TB

22 / 09 / 2014



## SCOTTISH EXECUTIVE

DISMISSED

Development Department  
Inquiry Reporters Unit

4 The Courtyard, Callendar Business Park  
Callendar Road, FALKIRK FK1 1XR

DX 557005 Falkirk - 20

Mr and Mrs J Grieve  
Fallaws House  
Crombie  
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DUNDEE

Telephone: 01324 696 451  
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[http://www.scotland.gov.uk/planning\\_appeals/seiru](http://www.scotland.gov.uk/planning_appeals/seiru)

Our ref: P/PPA/120/179  
12<sup>th</sup> October 2006

Dear Sir and Madam

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997: SECTION 47 AND SCHEDULE 4  
PLANNING APPEAL: ERECTION OF A DWELLING HOUSE ON LAND AT FALLOWS PADDOCK, CROMBIE, MONIKIE, BY DUNDEE**

1. I refer to your appeal, which I have been appointed to determine, against the refusal of outline planning permission by Angus Council for the erection of a dwelling house on land at Fallows Paddock, Crombie, Monikie, by Dundee. I have considered the written submissions and made an accompanied inspection of the appeal site and the surrounding area on 1<sup>st</sup> September 2006.

**DESCRIPTION AND BACKGROUND**

2. The appeal site, which extends to about 1350sqm, is located about 2.5km northeast of Monikie and to the west of Crombie Country Park. It forms part of a larger paddock south of the existing building group known as Fallaws. The remainder of the paddock is to the east with an old railway line further to the east. To the south and west lies a metalled road, with agricultural land further south and west.

3. The application proposes the erection of a new dwelling house. Drainage is proposed to be dealt with by means of foul to a septic tank and soakaway, with surface water to be disposed of via a soakaway. The existing access in the northwest corner of the site would serve the site.

4. The application was refused for the following reasons:

“1. That the application is not compatible with Policy H7 and Schedule One Countryside Housing Development Criteria, specifically Criterion 1 of the Adopted Angus Local Plan (2000) as the site is not self contained and would open up a desirable area to the east of the site for similar applications to the detriment of the rural character of the area.

2. That the application if approved, would set a precedent for applications of a similar nature.

3. That insufficient information has been submitted in order to properly assess the risk of flooding within the site, or potential flooding outwith the site as a consequence of the proposed development.”

The Development Plan

5. The development plan in force comprises the Dundee and Angus Structure Plan, 2002, and the Angus Local Plan, 2000. Structure plan Housing Policy 5: Countryside Housing, states, *inter-alia*, that:

In the countryside, housing development will generally be directed to existing settlements, defined by development boundaries in Local Plans. Outwith development boundaries a new-build house may be acceptable particularly where it is essential to meet the operational needs of agriculture/forestry or other rural business or where it would assist in maintaining population and services in Category 2 Rural Settlement Units (RSUs). Proposals should have regard to the following:

Brownfield sites should be used in preference to greenfield land.

The site must be accessible and capable of connection to infrastructure without adverse cumulative impact.

The development must have regard to landscape capacity, the natural and built heritage and respect the location through sensitive design and use of materials.

Local Plans will define areas of countryside and provide detailed policy guidance on housing development in those areas.

Structure plan Environmental Resources Policy 4 states that land will only be permitted for development purposes within areas at risk from flooding where it can be demonstrated that there are no suitable alternatives and the intended development can be protected in an environmentally sensitive way without giving rise to problems elsewhere and without compromising other policies in the Plan.

6. Local plan Policy H7 Countryside Housing - Category One, states that

In Category 1 RSUs (in which the appeal site is situated) individual new houses will only be acceptable for:

(a) sites forming part of an identifiable, closely related group of at least four existing domestic (e.g. house) scale buildings where development will round off or consolidate the group; or

(b) the infill of a single house between the established curtilages of two existing buildings of a domestic scale or the curtilage of one such building and a metalled road.

Sites complying with these general rules must also meet the appropriate Development Criteria detailed in Schedule 1.

Criterion (1) of Schedule 1 states that all development sites must be self-contained and should not set a precedent nor open up a desirable area for similar applications. New housing will not be permitted on sites which breach existing field boundaries (for example creating a plot in the corner of a field). If the whole site cannot be fully occupied by a single plot in the size range indicated in Criteria No.2, planning consent will not normally be granted. (In Category 1 RSUs, individual plot sizes should be no larger than 2000sqm and no smaller than 800sqm.)

**SUMMARY OF CASES**

7. **In support of your case**, you state that the justification stated in the committee report suggests that the council was determined to refuse the application, as the chronology of information asked for during its determination indicates. Development plan policy is supposed to be flexible and promote development in appropriate locations. SPP1 states that councils must identify effective opportunities for development and encourage investment in an area. The aim is to exert a positive influence over land use decisions. Local plans should be responsive to local needs and promote



change in the wider community interest.

8. The council's interpretation of policy H7 is unduly restrictive and does not help to promote development and encourage investment in appropriate areas. Although it is appreciated that, across Angus, there are areas which allow for more development than others, it does not mean that there is a total embargo on development in Category 1 areas. The council accepts that the appeal site complies with the primary criterion of Policy H7. It has three established boundaries with a limited amount of land lying to the east. A reasonable interpretation of Policy H7 (particularly the self contained criterion) suggests that inappropriate development would be extending any building groups into open fields where no boundaries are established and development would be almost limitless. Because of the presence of the burn to the south and the access road to the west, the development potential of the adjacent ground is limited. This land is associated with the adjacent building group and in this respect the consolidation of the building group would be maintained. You consider that the proposal complies as reasonably as possible with the criteria associated with Policy H7.

9. SPP3 states that development plans should allocate sufficient land to meet housing requirements including affordable housing. It is unrealistic to think that there will be sites with four sides already established in the rural area. In real terms, sites with three established sides and limited potential for development beyond the fourth meet the principles of the overall aspiration. There is an unmet demand for plots on which unique, individually designed houses can be built in rural locations.

10. You argue that the issue of flooding could be dealt with as a suspensive planning condition and does not alter the principle of development at this stage. You accept that, at the detailed planning stage, more in depth analysis regarding flood potential would be undertaken and taken into account with the design and positioning of the house.

11. You contend that precedent is not a valid reason for refusal under planning law. The concept of precedent, whereby the planning authority is bound to act in accordance with previous similar decisions has no place in planning law (Collar).

12. Addressing the council's observations, you further state that:

- The council accepts that the proposal meets the principal criterion of Policy H7, although the site in question is not self contained on all four sides. The paddock represents an area of potential limited future growth of the building group. Such development would not lead to demonstrable harm to the character of the area or call into question the basis of Policy H7.
- The council's contention that up to six houses could be built is a crude assessment and does not take into account the existing character of the area and the density and layout of the overall development.
- SEPA and the Roads Engineer have no flooding records at the burn (although SEPA indicates that, given the presence of the two bridges to the south of the site, hydrological studies should be undertaken before any development takes place).

13. **On behalf of the council**, it is stated that the proposal does not comply with local plan Policy H7. It lies within a Category 1 RSU which is defined by the local plan as generally non-remote areas with stable or increasing populations or where there are no services or facilities in need of support where a relaxed planning regime is not desirable or justifiable. The local plan indicates that a more restrictive policy for development outwith settlements is appropriate.

14. The council considers that the site could constitute a 'gap site' as defined by the local plan.

However, it is a fundamental requirement of Policy H7 that development proposals must also comply with relevant Development Criteria. Criterion 1 must be met by all development proposals. The key issues are whether the site is self-contained or opens up an area for further development. In this respect the determining issue is whether the post and wire fence to the east of the site represents a significant landscape feature that differentiates the appeal site from the larger paddock. The council contends that this post and wire fence cannot be considered to differentiate the appeal site from the larger paddock area and the site cannot, by any reasonable interpretation, be considered to be self-contained. Accepting that an insignificant and recently erected feature can differentiate one area of the paddock from another could establish an undesirable precedent that could lead to further housing development in the area between the appeal site and the disused railway embankment.

15. The remaining area of the paddock would measure about 5200sqm. The area could constitute a gap site between the curtilage of Fallaws Lodge and the roadway to the south and fences could be erected incrementally to provide defined plots within this area in a similar manner to the current proposal. The remaining area of the paddock could accommodate a further six houses all meeting the 800sqm minimum plot size required by local plan policy. The area is close to Crombie Country Park, which is of local recreational value, and additional residential development on the larger paddock would detract from the rural character of the area; would run counter to the principles of sustainable development; and would be contrary to development plan policy. The development criteria provided by the local plan are specifically formulated to prevent development of this nature. The proposal does not comply with Criterion 1 of Schedule 1 of the adopted local plan and accordingly does not comply with Policy H7 of the local plan.

16. The Town and Country Planning (General Development Procedure) (Scotland) Order 1992 indicates that planning authorities are required to consult SEPA before granting planning permission where it appears to them that the development is likely to result in a material increase in the number of buildings at risk of being damaged by flooding. Representatives of the council's Roads Department, which has responsibility for flooding matters in the area, have visited the site, have considered submitted information on ground levels and have indicated that a flood risk assessment is required. A detailed flood risk assessment has not been requested or submitted and accordingly the flood risk relating to the site is unquantified. Flooding is considered to be a matter that relates to the principle of the acceptability of the site for housing development and not a matter that can be addressed by planning condition.

## CONCLUSIONS

17. Section 25 of the Act requires the determination in this case to be made in accordance with the provisions of the development plan unless material considerations indicate otherwise. I consider, based on my inspection of the appeal site and the written submissions, that the issues to be determined are whether the proposal is consistent with the relevant provisions of the development plan and, if not, whether an exception to these provisions is justified by other material considerations

18. Structure plan Environmental Resources Policy 4 seeks to constrain development within areas at risk from flooding. I find that I can accept your contention that measures to identify and deal with any flooding risk could be dealt by a suspensive condition should I be minded to allow your appeal.

19. Structure plan Housing Policy 5 generally directs development to existing settlements. A new house may be acceptable particularly where it is essential to meet the operational needs of rural business or where it would assist in maintaining population and services in Category 2 RSUs. You

do not argue that the proposed development is justified in terms of rural business and the appeal site is not located in a Category 2 RSU and I conclude that it is, in those terms, contrary to Housing Policy 5. The structure plan advises that local plans will define areas of countryside and provide detailed policy guidance on housing development in those areas.

20. Against the background of government policy and advice as set out in NPPG3, PAN36 and PAN44, the local plan defines two categories of RSU. The appeal site falls within a Category 1 area and Policy H7 applies. This seeks to restrict individual new houses to sites forming part of an identifiable, closely related group of at least four existing domestic scale buildings where development will round off or consolidate the group, or the infill of a single house between the established curtilages of two existing buildings of a domestic scale or the curtilage of one such building and a metalled road.

21. On the basis of the written submissions and the accompanied inspection of the appeal site and the surrounding area, I find that the proposal falls within the site area requirement for Category 1 sites. The council takes the view that the site could constitute a 'gap site' as defined by the local plan. I find that the site is coterminous with the metalled road over a distance of about 50m and is separated from it by the Downiemoor Burn over a distance of about a further 85m. I find that, Fallows comprises a closely related group of four existing domestic scale buildings but do not consider that the proposed development would serve to 'round off or consolidate the group'. Rather it would extend the group southwards into a more visually open landscape. Policy H7 also allows the infill of a single house (between) the curtilage of a domestic scale building and a metalled road. The appeal site does not lie between these two features inasmuch as it is bounded by the curtilage of Fallows House to the north and the burn to the south. I conclude that, in those terms, the proposal fails to comply with a strict interpretation of Policy H7.

22. Policy H7 also requires that sites must also meet the appropriate Development Criteria detailed in Schedule 1. Sites must be self-contained and should not set a precedent nor open up a desirable area for similar applications. On the basis of my observations at the accompanied site inspection, I find that the appeal site is bounded, and visually contained, to the north by Fallows House, to the south by the burn and to the west by the metalled road and associated planting, but that, to the east, the boundary is merely demarcated by a stob and wire fence. I find that I concur with the council's view that the fence does not represent a significant landscape feature that differentiates the appeal site from the larger paddock and that it is not 'self-contained'. You argue that, in terms of planning law, the planning authority is not bound to act in accordance with previous similar decisions. Notwithstanding, I find that the council would find it difficult to resist the development of several further houses over the remainder of the paddock were your appeal to succeed and similar arguments were to be deployed. Inasmuch as the proposal is not self-contained and would open up a desirable area for similar applications, I conclude, on balance, that it does not comply with Criterion 1 of Schedule 1 and consequently fails to comply with Policy H7.

23. Drawing these conclusions together, and having regard to all of the matters covered in written submissions and observed by me at my accompanied inspection of the site and the surrounding area, I conclude that your proposal does not comply with Policy H7 of the Angus Local Plan, 2000, and that it therefore does not conform to the development plan. I have taken account of all the other matters raised but find none that outweigh the considerations on which my decision is based. Accordingly, in exercise of the powers delegated to me I therefore dismiss your appeal and refuse to grant planning permission for the erection of a dwelling house on land at Fallows Paddock, Crombie, Monikie, by Dundee in accordance with planning application ref. no. 05/01739/OUT.

Mr and Mrs J Grieve

P/PPA/120/179

12<sup>th</sup> October 2006

24. This decision is final, subject to the right of any aggrieved person to apply to the Court of Session within 6 weeks of the date of this letter, as conferred by sections 237 and 239 of the Town and Country Planning (Scotland) Act 1997; on any such application the Court may quash the decision if satisfied that it is not within the powers of the Act or that the applicant's interests have been substantially prejudiced by a failure to comply with any requirement of the Act or of the Tribunals and Inquiries Act 1992 or of any orders, regulations or rules made under these Acts.

25. A copy of this letter has been sent to Angus Council.

Yours faithfully

This was the version issued to parties on 12<sup>th</sup> October 2006.

DGB DUNCAN  
Reporter



Planning Department  
Angus Council  
Angus House  
Orchardbank Business Park  
Forfar  
15<sup>th</sup> June 2021  
Lodged via E Planning

Dear Sir/Madam,  
**Town and County Planning (Scotland) Act 1997, as amended**  
**Planning Permission for a Single House, Land east of at Barns of Craig Steading, By Montrose, DD10 9TB**

We refer to the aforementioned application which seeks planning permission in principle for the erection of a single house on land east of Barns of Craig Steading, By Montrose. The application package comprises:-

- Completed application forms.
- Location and site 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 on 07930 566336 or [karen@sullerandclark.com](mailto:karen@sullerandclark.com)

Yours Sincerely  
**Suller & Clark**

---

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

  
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• **Karen Clark B.Sc (Hons), MRTPI**  
Mayriggs, 69 Brechin Road  
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**Planning Statement in Support**

**of**

**Land East of Barns of Craig Steading, By Montrose**

**Planning Permission in Principle for Erection of a Single House**

**For Anniston Farms (Arbroath) Ltd**

---

• **Karine Suller B.Sc, M.Sc MRTPI**  
Scoutbog Steading, Oldmeldrum  
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• **Karen Clark B.Sc (Hons), MRTPI**  
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## Introduction

The Planning Statement is lodged in support of an application for planning permission in principle for a single house on land east of Barns of Craig Steading, Barns of Craig, By Montrose. It is submitted the site presents as an attractive and naturally defined gap site which benefits from established boundaries on all sides, provided by an unclassified road to the north, access track to the existing group of houses to the west and the garden ground of existing housing to the south and east. The site is currently vacant and overgrown with no current use therefore it is submitted that the development of a single house would result in a net environmental improvement. The site can accommodate the proposed house with all resulted amenities without detriment to the surrounding neighbours. The proposed development complies with the policies of the Scottish Government and Angus Council.

## Site Description

The application site extends to approximately 1.2000 sqm. The site is currently vacant and overgrown with no current use. The application site sits in a defined gap with well-established and defined boundaries on all sides comprising the following:

- North- unclassified road
- West- access track, Barns of Craig Steading
- South curtilage of Ber'Les
- East Garden ground and curtilage of Barns of Craig Farmhouse

The road frontage to the unclassified public road to the north is 40 metres.



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Ariel view of site, boundaries on all sites clearly evident



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Title plan of Barns of Craig demonstrating curtilage of property forms eastern boundary of application site

The site is considered to fall within the accepted definition of a “gap” site as it is located between the curtilages of existing dwellings to the south (Ber’les) and east (Barns of Craig) an existing road to the north with a road frontage less than 50 metres and has established boundaries on all sides.

The surrounding area comprises a small grouping of traditional and more modern housing. The area has seen recent new development with the conversion of Barns of Craig Steading to form 6 units, new build properties to the south and an ongoing development of 4 new houses at Barns of Craig to the west of the current application site. The wider area is predominantly agricultural with small groups and individual houses scattered throughout the landscape.

#### **Site History**

The site was subject of an earlier application ref 16/00169/FULL for the erection of a single house, this application was withdrawn in May 2016.

#### **Proposal**

The current proposal seeks planning permission in principle for a single house. As indicated the site provides a naturally contained gap site with no current use or prospect of any alternative use. The



site area is to be approx. 1200 sqm, which is considered more than large enough to accommodate a house with associated amenities including private garden, access and off-street parking. Further, given the size of the site, and the orientation of the neighbouring properties it is submitted that a house can be designed with the required window to window distances to the neighbouring properties to comply with the standards applied by Angus Council.

Access to the site will be achieved from a new access from the adjacent unclassified road to the north which provides excellent visibility in both directions. In terms of drainage the proposed house will connect to the existing public sewage system, the site will further include SUDs on site.

## **Development Plan Policy**

### Scottish Planning Policy 2020

The adopted SPP updated December 2020 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 gap site within an existing group of houses.

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. Additions to small scale building groups, such as proposed by the current application, are seen as appropriate within rural areas. The PAN seeks to ensure that potential sites are accessible and well designed.

### Angus Local Development Plan 2016

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 PV7: Woodland, Trees and Hedges
- Policy PV15: Drainage Infrastructure.
- Policy PV20: Soils and Geodiversity.

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

### Discussion

The application seeks planning permission in principle for the erection of a single house on a gap site within an existing small group of houses at Barns of Craig. The site has no current use and is overgrown and has become unsightly and as such the proposed development will result in a clear environmental improvement within this well established residential group. It is submitted that given the size of the site it can clearly accommodate the proposed house along with all required amenity space, parking and window to window distances; as a result, the proposed house can be developed without any detrimental impact on the amenity of the existing residents.

The site extends to some 1200 sqm with a road frontage of approx. 40 metres, located between the curtilage of Barns of Craig to the east and a metalled access track to the west which leads to Ber'les. The site has established boundaries on all sides and clearly represents a natural gap site and it is submitted that falls within the definition of a gap site as provided by the Countryside Housing SG.

All relevant Scottish Government advice provided by the SPP, PAN 72 Housing in the Countryside and PAN 73 Rural Diversification supports small scale rural development such as that proposed. Limited development is seen as supporting the rural communities helping to stem depopulation, keep 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 development represents efficient use of land as it will result in the use of a gap site with nil current use within a small established housing group.

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 site falls within the accepted definition of a gap site sitting between the curtilage of Barns of Craig and Ber'les and metalled road. The site forms a natural well-defined site with long established boundaries on all sides. The site has no current use and is now vacant, overgrown and unsightly. As such it is submitted that the proposed development

of a single house on a gap site is wholly appropriate in scale and nature with the surrounding area, the development will consolidate and complete the small group of houses while making best use of land as a scarce resource and therefore the proposal complies with Policy DS1.

Policy DS3 Design Quality and Place making requires development proposal to deliver a high design standard and draw upon those aspects of landscape or townscape within the area. The current application seeks planning permission in principle as such no detailed site plans are available however the scale of the site will ensure the site can accommodate a modern family home along with the required amenities including private garden ground and off-street parking. Considering the six qualities which make successful places:

**Distinctive:** The development will ensure a use for a gap site within an existing housing group. The site currently has no function and has become unsightly. The proposed house will be design to complement the site contributing to the rural landscape.

**Safe and Pleasant:** The design will be carefully considered and, subject to a further planning submission, will provide an appropriate response to this small site while considering the existing residents and site topography and landscaping. The development will provide an attractive high-quality modern house designed to complement the rural setting.

**Easy to get around:** The property is for a single house. Safe access is available to the adjacent road which connects to the wider area.

**Welcoming:** The house will be orientated north towards the road with views over open countryside.

**Resource Efficient** The development will provide a use for a small site with no current use and therefore represents efficient use of land as a scarce resource. Further the house will be insulated to a very high standard meeting or exceeding all current building control requirements.

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

Therefore, it is submitted that the current proposal complies with Policy DS3 Design Quality and Place as the development of the site to provide a high-quality house will contribute to 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 application for the development of a small gap site will not have any adverse impacts in regard to these matters. With regard to road traffic movement roads/parking/access, the scale of the plot will provide sufficient on-site turning and parking facilities. Further it is not anticipated that the erection of the new house will have any adverse impact on traffic generation and that the existing adjacent roads network can easily accommodate the proposal. In terms of residential amenity, the detailed design house will be developed to ensue no loss of amenity for the neighbouring houses, however given the scale of the site it is considered that this is easily achievable.

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 such as the application site, 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 Gap Sites. In an RSU 1 Area such as the current site this is defined as a

*“site with a frontage of up to 50 meters between the curtilages of two houses or the curtilage of one house and a metaled road, or between the curtilage of one house and an existing substantial building such as a church, a shop or a community facility may be filled by a single house.”*

In the current circumstances the plot represents a self-contained site with well-established boundaries on all sides. The site is bounded to the south by the curtilage of Ber’les, to the north an unclassified public road, the curtilage of Barns of Craig to the east and to the west a metalled access track. The road frontage is approximately 40 metres, as such the site is considered to fall within the definition of a gap site and 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 not create any further opportunity for greenfield development.
- 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 1200 sqm and therefore meets the plot size requirements.
- c) Not extend ribbon development.* The site is self-contained within an cluster of residential properties and in no way will extend 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.
- 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 erection of a family home. The detailed design will be subject to a further planning application however the applicant is committed to a high-quality design which reflects the rural character of the surrounding area.
- f) provide a good residential environment.* The site area will ensure a good quality residential amenity can be provided. The required amenity space and parking can be accommodated within the site.
- g) make provision for affordable housing in line with TC3 Affordable Housing and the guidance set out in Developer Contributions and Affordable Housing SG.* This element of policy applies to developments of more than 0.5ha or 10 units, such as the current application does 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 development will be taken from the adjacent unclassified public road and will in no way interfere with any farming activity area. The proposed single house can be accommodated.
- j) not require an access of an urban scale or character.* As above

As such the development adheres to Policy TC2 Residential Development within a countryside location which supports the redevelopment of gap sites such as that proposed. The proposed development will result in a net environmental and visual improvement with the redevelopment of a vacant overgrown site. The proposal further complies with all relevant criteria contained within the Countryside Housing SG.

PV7 Woodland, Trees and Hedges Requires that woodland, trees and hedges that contribute to the nature conservation, heritage, amenity and townscape values of Angus will be protected.

The current proposal will not require the removal of any trees or hedges, only one tree is located to the north west of the site which will be retained and incorporated into a landscape scheme which will include enhance biodiversity opportunities in the area.

Policy PV15 Drainage Infrastructure The current application seeks planning permission in principle at this time, all details including the drainage will be the subject of a further matter specified in conditions application. However, at this time it is proposed that the house will connect to the existing public system with a SUDs on site.

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

Policy PV20 Soils and Geodiversity. Seeks to protect prime agricultural land. The application site which likely historically formed part of the farm holding has never been cultivated as such the current proposal will not result in the loss of prime agricultural land.

### Summary

The current proposal seeks planning permission in principle for a single-family home on a site which falls within the accepted definition of a gap site within the established group of houses which comprises Barns of Craig. The immediate area has been the subject of new build and the sensitive conversion of the Barns of Craig Steading which has confirmed this area for a primarily residential use. The site, which likely historically formed part of the farm holding, is overgrown and unsightly with as such the proposed development will result in a net environmental improvement. Given the residential nature of the immediate area, a house on the site is considered the wholly appropriate use. The proposed house will contribute to the choice of housing stock within the area while making a valuable contribution to the local economy and supporting local services and facilities. The detailed design will be subject to a further application however the applicant is committed to high quality development. The proposal complies with all policies and associated Supplementary Guidance of Angus Council and therefore it is respectfully submitted that proposal be APPROVED.

**DEVELOPMENT MANAGEMENT REVIEW COMMITTEE  
APPLICATION FOR REVIEW – LAND AT BARNS OF CRAIG,  
MONTROSE**

**APPLICATION NO 21/00464/PPPL**

**APPLICANT'S SUBMISSION**

**Page No**

<b>ITEM 1</b>	Notice of Review	
<b>ITEM 2</b>	Appeal Statement and Associated Appendices	
	Appendix 1 – Application Forms	
	Appendix 2 – Site & Location Plans	
	Appendix 3 – Decision Notice	
	Appendix 4 – Report of Handling	
	Appendix 5 – Title Plan for Barns of Craig Farmhouse	



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 100429358-002

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

## 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="Karine"/>	Building Name:	<input type="text" value="Scoutbog Steading"/>
Last Name: *	<input type="text" value="Suller"/>	Building Number:	<input type="text"/>
Telephone Number: *	<input type="text" value="██████████"/>	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="Other"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Arbikie Farm"/>
First Name: *	<input type="text"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text"/>	Address 1 (Street): *	<input type="text" value="Inverkeillor"/>
Company/Organisation	<input type="text" value="Anniston Farms (Arbroath) Ltd"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="By Arbroath"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="DD114UZ"/>
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

<input type="text" value="Land west of Barns of Craig Steading, Barns of Craig, By Montrose DD10 9TB"/>
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Northing	<input type="text" value="755967"/>	Easting	<input type="text" value="370840"/>
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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)

Planing permission in principle for erection of house with associated access and garden ground

## 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 appeal 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 Plans and Location Plan • Appendix 3 Refusal Notice • Appendix 4 Report to Committee • Appendix 5 Title Deeds for Barns of Craig Farmhouse

## Application Details

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

21/00464/PPPL

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

28/06/2021

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

17/09/2021

## 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: 05/11/2021



Planning Department  
Angus Council  
Angus House  
Orchardbank Business Park  
Forfar  
5<sup>th</sup> November 2021

Lodged via E Planning

Dear Sir/Madam,

**Town and County Planning (Scotland) Act 1997, as amended**  
**Review against the Refusal of Planning Permission for a Single House, Land East of at Barns of**  
**Craig Steading, By Montrose, DD10 9TB. (Ref 21/00464/PPPL)**

We refer to the aforementioned proposal which sought planning permission in principle for the erection of a single house on land east of Barns of Craig Steading, By Montrose refused by Angus Council on the 17<sup>th</sup> September 2021 and seek a Review of this decision.

The appeal package comprises: -

- Completed application form.
- Location and site plan
- Appeal Statement and appendixes

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

Yours Sincerely  
**Suller & Clark**

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■ **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**  
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Kirriemuir DD8 4DE

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



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

**Appeal against the Refusal of Planning Permission in Principle for the  
Erection of a Single House**

**(Ref 21/00464/PPPL)**

**Land East of Barns of Craig Steading, By Montrose**

**For Anniston Farms (Arbroath) Ltd (appellant)**

**By Angus Council ("the Council")**

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■ **Karine Suller B.Sc, M.Sc, MRTPI**  
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1. Executive Summary
2. Background
3. Reasons for refusal
4. Grounds of Appeal
5. Site Description
6. Site History
7. Proposal
8. Local Representations
9. Planning Policy
10. Discussion
11. Summary

### **Appendices**

- Appendix 1 Application Forms
- Appendix 2 Plans and Location Plan
- Appendix 3 Refusal Notice
- Appendix 4 Report to Committee
- Appendix 5 Title Deeds for Barns of Craig Farmhouse

## **1. Executive Summary**

This appeal statement has been prepared on behalf of Anniston Farms Ltd, the appellant, in respect of the decision of Angus Council to refuse planning permission in principle for the erection of a single house land at Barns of Craig, Montrose.

The Local Review Board is respectfully requested to uphold the review and grant planning permission.

The Appeal Statement considers in detail the reasons for refusal and demonstrates that the proposal fully complies with the policies of the development plan and that there are no reasons to justify setting aside policy in this instance.

## **2. Background**

An application for planning permission in principle for the erection of a single house on land at Barns of Craig was validated by Angus Council on the 28<sup>th</sup> June 2021 - Ref 21/00464/PPPL. Planning permission was refused on the 17<sup>th</sup> September 2021.

The proposal sought planning permission in principle for a single house on land east of Barns of Craig Steading, Barns of Craig, By Montrose. It is submitted the site presents as an attractive and naturally defined gap site which benefits from established boundaries on all sides, provided by an unclassified road to the north, access track to the existing group of houses to the west and the garden ground of existing housing to the south and east defined by walls and a mature hedge. The site is currently vacant and overgrown with no current use, therefore it is submitted that the development of a single house would result in a net environmental improvement. The site can accommodate the proposed house with all associated amenities without detriment to the surrounding neighbours. The proposed development complies with the policies of the Scottish Government and Angus Council.

## **3. Reasons for Refusal**

The application was determined by the Planning Service under delegated powers. The reasons for refusal are provided as the following, (Refusal Notice attached as Appendix 2, Report of Handling to attached as Appendix 3). The reasons for refusal are –

1. The application is contrary to Policy TC2 of the Angus Local Development Plan 2016 and the associated Countryside Housing Supplementary Guidance because allowing a house on the site would create further gap site opportunities for additional greenfield development to the east, contrary to criterion (a); and because a house on the site would extend ribbon development along the public road, contrary to criterion (c) of the Appendix 3 Detailed Countryside Housing Criteria.
2. The application is contrary to Policy DS1 of the Angus Local Development Plan 2016 as the proposal is not in accordance with relevant policies of the ALDP, namely policy TC2 and the Countryside Housing Supplementary Guidance.



#### 4. Grounds of Appeal

Considering the reasons for refusal in detail:

1. The application is contrary to Policy TC2 of the Angus Local Development Plan 2016 and the associated Countryside Housing Supplementary Guidance because allowing a house on the site would create further gap site opportunities for additional greenfield development to the east, contrary to criterion (a); and because a house on the site would extend ribbon development along the public road, contrary to criterion (c) of the Appendix 3 Detailed Countryside Housing Criteria.

Response: The site subject of the appeal has established boundaries on all sides,

- North - unclassified road
- West - access track, Barns of Craig Steading
- South - curtilage of Ber'Les
- East - Garden ground and curtilage of Barns of Craig Farmhouse evidenced through submission of Barns of Craig title which confirms the area to the east to be garden ground for that property. The boundary is clearly defined by an existing mature conifer hedge

The road frontage to the north is approx. 40 metres. As a result, it is clear that the site falls within the definition of a gap site as provided by The Supplementary Guidance on Countryside Housing, that being filling the *"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"*

In the current circumstances based on this definition the proposed site is a gap site: to the north and south (bounded by public road and garden ground of Ber'Les) and to the east and west (road and garden ground of Barns of Craig Farmhouse) as it clearly has defined boundaries on all sides. There is no dispute that the site falls within the definition of a gap site in the Report of Handling.

However, the Report of Handling considered that this site fails to meet criterion a) and c) of the detailed criterion set out in Appendix 3 of the Supplementary Guidance on Housing in the countryside. Considering these criteria in turn -

Considering Criteria a) create an opportunity for additional greenfield development to the east.

Response: As detailed above the site has established boundaries on all sides. To the east is the garden ground of Barns of Craig Farmhouse this is confirmed by the title deeds lodged as Appendix 5 of this submission, this clearly indicates that the land to the east forms part of the curtilage of Barns of Craig Farmhouse.

The Supplementary Guidance on Countryside Housing is clear that the sub division of existing residential curtilage to artificially create new build plots will not be supported. Further, the road frontage of the garden ground of Barns of Craig Farmhouse extends to over 100 metres, again the Supplementary Guidance on Countryside Housing is clear that, in order to fall within the definition of a "gap site" the road frontage must be no greater than 50 metres.

Therefore, in the current circumstances as the land to the east is garden ground as established by the title deeds of Barns of Craig Farmhouse and as the road frontage of that land exceeds 50 metres

the development of that site would be contrary to planning policy and would not be considered suitable for development.

Therefore, as the site subject of the Review will **not** create an opportunity for additional greenfield development to the east, the appeal site in fact, does comply with Criterion a) of the Appendix 3 Detailed Countryside Housing Criteria, and this reason for refusal is spurious.

Turning to consider to Criteria c, which requires development not to extend ribbon development, it follows that, as the site has established boundaries on all sides, and the land to the east confirmed as garden ground associated with Barns of Craig Farmhouse, the site falls within the definition of a “gap site” and as such, by its very definition, as the proposed site it fills a “gap” it cannot continue ribbon development.

Therefore, as the site subject of the Review will not extend ribbon development the site in fact does comply with Criterion c) of the Appendix 3 Detailed Countryside Housing Criteria, and is again wrongly applied.

The Report of Handling confirms that apart from issues with regard to Criteria a) and c) of the detailed guidance, there is no other conflict with Policy TC2 and the associated Supplementary Guidance of Housing in the Countryside. Therefore, as has been demonstrated there is in fact no conflict with Criteria a) and c) the proposed development complies with Policy TC2 of the Angus Local Development Plan 2016 and the associated Countryside Housing Supplementary Guidance.

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

Response - As demonstrated above the site complies with Policy TC2 of the Angus Local Development Plan 2016 and the associated Countryside Housing Supplementary Guidance and therefore, there is no conflict with Policy DS1 Development Boundaries and Priorities

## 5. Site Description

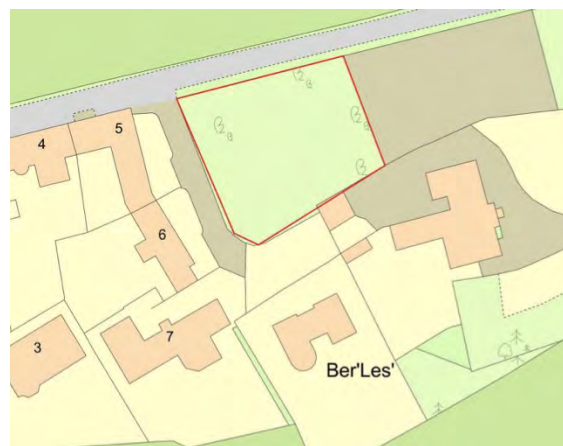
The appeal site extends to approximately 1,2000 sqm. The site is currently vacant and over grown with no current use. The site sits in a defined gap with well-established and defined boundaries on all sides comprising the following:

- North - unclassified road
- West - access track, Barns of Craig Steading
- South - curtilage of Ber’Les
- East - Garden ground and curtilage of Barns of Craig Farmhouse

The road frontage to the unclassified public road to the north is 40 metres in length.



Photo looking east, all defined boundaries in evidence, North - unclassified road, West - access track, Barns of Craig Steading, south - curtilage of Ber'Les, East – Conifer hedge which separates site from Barns of Craig Farmhouse



Proposed site



Aerial view of site, boundaries on all sites clearly evident



Extract of the title plan of Barns of Craig demonstrating curtilage of property forms eastern boundary of application site



View looking east over the site, mature conifer hedge which defines the boundary with Barns of Craig Farmhouse clearly in evidence

The site is considered to fall within the accepted definition of a “gap” site as it is located between the curtilages of existing dwellings: to the south (Ber’les) and east (Barns of Craig) an existing road to the north and west with a road frontage less than 50 metres and has established boundaries on all sides.

The surrounding area comprises a small grouping of traditional and more modern housing. The area has seen recent new development with the conversion of Barns of Craig Steading to form 6 units, new build properties to the south and an ongoing development of 4 new houses at Barns of Craig to the west of the current application site. The wider area is predominantly agricultural with small groups and individual houses scattered throughout the landscape.

## **6. Site History**

The site was subject of an earlier application, ref 16/00169/FULL for the erection of a single house, this application was withdrawn in May 2016.

## **7. Proposal**

The current proposal seeks planning permission in principle for a single house. As indicated the site provides a naturally contained gap site with no current use or prospect of any alternative use. The site area is to be approx. 1,200 sqm, which is considered more than large enough to accommodate a house with associated amenities including private garden, access and off-street parking. Further, given the size of the site, and the orientation of the neighbouring properties it is submitted that a house can be designed with the required window to window distances to the neighbouring properties to comply with the standards applied by Angus Council.

Access to the site will be achieved from a new access from the adjacent unclassified road to the north which provides excellent visibility in both directions. In terms of drainage the proposed house will connect to the existing public sewage system, the site will further include SUDs on site.

## **8. Local Representations**

As part of the planning application process the necessary neighbours were notified, in total 5 objections were received, 2 from the same house. Considering the comments received:

- The proposal is incompatible with policy

Response: this matter is discussed at length within this Report

- The site is not a gap site but part of a field that extends further to the east.

Response: this matter is discussed at length within this Report

- The area to the east does not form part of the garden ground of Barns of Craig Farmhouse;

Response: As evidenced through submission of the title deeds of Barns of Craig, lodged as Appendix 5 to this Review, the land to the east forms part of the curtilage of Barns of Craig, this matter is therefore beyond dispute.

- Previous applications have not been successful

Response: All applications must be considered on their own merits based on current planning policy.



- Boundary treatments have been added to subdivide the paddock and create plots-

Response: The site forms a natural gap site with well-established boundaries on all sides

- Possible ribbon development

Response: this matter is discussed at length within this Report

- Opening up of other areas for more housing development

Response: this matter is discussed at length within this Report

- The site is agricultural land

Response: while it is acknowledged that the site falls within an area of prime land, due to the small-scale nature of the area the site, this is of no use for modern farming as a result the site has lain vacant, unused and over grown for a number of years.

- Field is currently a haven for plants and wildlife

Response: The surrounding area provides opportunities for wildlife. Further, if approved the detailed plans will include a landscape plan which will include native planting ensuring biodiversity opportunities.

## 9. Planning Policy

### Scottish Planning Policy 2014

The adopted SPP 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 gap site within an existing group of houses.

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. Additions to small scale building groups, such as proposed by the current application, are seen as appropriate within rural areas. The PAN seeks to ensure that potential sites are accessible and well designed.

#### Angus Local Development Plan 2016

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 PV7: Woodland, Trees and Hedges
- Policy PV15: Drainage Infrastructure.
- Policy PV20: Soils and Geodiversity.

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

### **10. Discussion**

The appeal seeks planning permission in principle for the erection of a single house on a gap site within an existing small group of houses at Barns of Craig. The site has no current use and is overgrown and has become unsightly and as such the proposed development will result in a clear environmental improvement within this well-established residential group. It is submitted that given the size of the site it can accommodate the proposed house along with all required amenity space, parking and window to window distances without any detrimental impact on the amenity of the existing residents.

The site extends to some 1,200 sqm with a road frontage of approx. 40 metres, located between the garden ground of Barns of Craig to the east and a metalled access track to the west which leads to Ber'les. The site has established boundaries on all sides and clearly represents a natural gap site and it is submitted that falls within the definition of a gap site as provided by the Countryside Housing SG.

The Report of Handling refers to what is considered to be a similar application at Crombie in February 2006 (ref 05/01739/OUT). Firstly, as a matter of law there is no issue of precedent in planning law, all applications must be determined on their own merits. Secondly, this application was considered 16 years ago, at a time of a different local plan and therefore its outcome should

have no bearing on the current application. Finally, on inspection of the available information it is clear that the current application is not similar as the land to the east of the site subject of the current Review has been evidenced as garden ground and not an open field, as was the case in the consideration of the historic application.

All relevant Scottish Government advice provided by the SPP, PAN 72 Housing in the Countryside and PAN 73 Rural Diversification supports small scale rural development such as that proposed. Limited development is seen as supporting the rural communities helping to stem depopulation, keep 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 development represents efficient use of land as it will result in the use of a gap site with nil current use within a small established housing group.

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 site falls within the definition of a gap site, sitting between the curtilage of Barns of Craig Farmhouse, Ber’les , Barns of Craig Steading and access road and to the north, the public road. The site forms a natural well-defined site with long established boundaries on all sides. The site has no current use and is vacant, overgrown and unsightly. As such it is submitted that the proposed development of a single house on a gap site is wholly appropriate in scale and nature with the surrounding area, the development will consolidate and complete the small group of houses while making best use of land as a scarce resource and therefore the proposal complies with Policy DS1.

Policy DS3 Design Quality and Place making requires development proposal to deliver a high design standard and draw upon those aspects of landscape or townscape within the area. The appeal sought planning permission in principle as such no detailed site plans are available however the scale of the site will ensure the site can accommodate a modern family home along with the required amenities including private garden ground and off-street parking. Considering the six qualities which make successful places:

**Distinctive:** The development will ensure a use for a gap site within an existing housing group. The site currently has no function and has become unsightly. The proposed house will be design to complement the site contributing to the rural landscape.

**Safe and Pleasant:** The design will be carefully considered and, subject to a further planning submission, will provide an appropriate response to this small site while considering the existing



residents and site topography and landscaping. The development will provide an attractive high-quality modern house designed to complement the rural setting.

**Easy to get around:** The property is for a single house. Safe access is available to the adjacent road which connects to the wider area.

**Welcoming:** The house will be orientated north towards the road with views over open countryside.

**Resource Efficient** The development will provide a use for a small site with no current use and therefore represents efficient use of land as a scarce resource. Further the house will be insulated to a very high standard meeting or exceeding all current building control requirements.

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

Therefore, it is submitted that the current proposal complies with Policy DS3 Design Quality and Place as the development of the site to provide a high-quality house will contribute to 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 application for the development of a small gap site will not have any adverse impacts in regard to these matters. With regard to road traffic movement roads/parking/access, no objection to the proposal was received from the Roads Service. It is submitted that the scale of the plot will provide sufficient on-site turning and parking facilities. Further it is not anticipated that the erection of the new house will have any adverse impact on traffic generation and that the existing adjacent roads network can easily accommodate the proposal. In terms of residential amenity, the detailed design house will be developed to ensue no loss of amenity for the neighbouring houses, however given the scale of the site it is considered that this is easily achievable.

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 such as the appeal site, 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 Gap Sites. In an RSU 1 Area such as the current site this is defined as a

*“site with a frontage of up to 50 meters between the curtilages of two houses or the curtilage of one house and a metaled road, or between the curtilage of one house and an existing substantial building such as a church, a shop or a community facility may be filled by a single house.”*

In the current circumstances the plot represents a self-contained site with well-established boundaries on all sides. The site is bounded to the south by the curtilage of Ber’les, to the north an unclassified public road, the curtilage of Barns of Craig to the east and to the west a metalled access track. The road frontage is approximately 40 metres, as such the site is considered to fall within the definition of a gap site and therefore, it is submitted that the principle of the proposal complies with Policy TC2 of the ALDP. There is no dispute of this fact in the Report of Handling.

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 with established boundaries on all sides. The land to the east forms part of the curtilage of Barns of Craig, as stated above no support is offered by current planning policy for the sub division of garden ground to create new build plots. Further the land to the east has a road frontage of over 100 metres, therefore any proposal within this area would fail to meet the necessary criterion of the Supplementary Guidance to support development in the countryside. Therefore, it is clear that for a number of reasons, that the land to the east will not, and cannot be considered appropriate for development under current planning policy and as such the proposed site will not create additional opportunity for greenfield development.

*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 1,200 sqm and therefore meets the plot size requirements.

- c) Not extend ribbon development.* The site is self-contained with existing houses and associated garden ground on three sides and the public road to the fourth side. The site is located within a cluster of residential properties and will not extend 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.
- 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 erection of a family home. The detailed design will be subject to a further planning application; however, the applicant is committed to a high-quality design which reflects the rural character of the surrounding area.
- f) provide a good residential environment.* The site area will ensure a good quality residential amenity can be provided. The required amenity space and parking can be accommodated within the site.
- g) make provision for affordable housing in line with TC3 Affordable Housing and the guidance set out in Developer Contributions and Affordable Housing SG.* This element of policy applies to developments of more than 0.5ha or 10 units, such as the current application does 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 development will be taken from the adjacent unclassified public road and will in no way interfere with any farming activity area. The proposed single house can be accommodated.
- j) not require an access of an urban scale or character.* As above

As such the development adheres to Policy TC2 Residential Development and the associated Supplementary Guidance on Countryside Housing which supports the redevelopment of gap sites such as that proposed. The proposed development will result in a net environmental and visual improvement with the redevelopment of a vacant overgrown site. The proposal further complies with all relevant detailed Countryside Housing Criteria contained in Appendix 3 of the Countryside Housing SG.

PV7 Woodland, Trees and Hedges Requires that woodland, trees and hedges that contribute to the nature conservation, heritage, amenity and townscape values of Angus will be protected.

The current proposal will not require the removal of any trees or hedges, only one tree is located to the north west of the site which will be retained and incorporated into a landscape scheme which will include enhance biodiversity opportunities in the area.

Policy PV15 Drainage Infrastructure The current application seeks planning permission in principle at this time, all details including the drainage will be the subject of a further matter specified in conditions application. However, at this time it is proposed that the house will connect to the existing public system with a SUDs on site.

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

Policy PV20 Soils and Geodiversity. Seeks to protect prime agricultural land. The application site which likely historically formed part of the farm holding has never been cultivated, as such the current proposal will not result in the loss of prime agricultural land.

Therefore, it is submitted that the site subject of the current Review complies with the policies of the Angus Local Plan 2016.

## **11. Summary**

The current proposal seeks planning permission in principle for a single-family home on a site which falls within the accepted definition of a gap site as set out in the Supplementary Guidance on Housing in the Countryside. The site has established boundaries on all sides and sits within the established group of houses which comprises Barns of Craig. The appeal statement responds to the detailed design guidance set out in Appendix 3 of the Supplementary Guidance on Countryside Housing and, for the reasons set out, it is submitted that as the site to the east forms part of the garden ground associated with Barns of Craig Farm House (evidenced by the tile deeds) current planning policy would prohibit any possible further opportunities for greenfield development. Further, as the site has demonstrable and historic boundaries on all sides, the development qualifies as a “gap” site and therefore by definition cannot constitute ribbon development. As a result, the proposal complies with all policies of the Angus Local Development Plan 2016 and there is no material consideration to justify setting aside the policy in the current circumstances.

The immediate area has been the subject of recent new build and the sensitive conversion of the Barns of Craig Steading which has confirmed the area as suitable for residential use. The site, which likely historically formed part of the farm holding, is overgrown and unsightly with as such the proposed development will result in a net environmental improvement. Given the residential nature of the immediate area, a house on the site is considered a wholly appropriate use. The proposed house will contribute to the choice of housing stock within the area while making a valuable contribution to the local economy and supporting local services and facilities. The detailed design will be subject to a further application however the applicant is committed to high quality development. The proposal complies with all policies and associated Supplementary Guidance of Angus Council and therefore it is respectfully submitted that proposal be APPROVED.



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      100429358-001

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 erection of single house with associated amenities

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: *	Karine	Building Name:	Scoutbog Steading
Last Name: *	Suller	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: *	karine@sullerandclark.com		

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

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:		You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	Arbikie Farm
First Name: *		Building Number:	
Last Name: *		Address 1 (Street): *	Inverkeillor
Company/Organisation	Anniston Farms (Arbroath) Ltd	Address 2:	
Telephone Number: *		Town/City: *	Arbroath
Extension Number:		Country: *	UK
Mobile Number:		Postcode: *	DD11 4UZ
Fax Number:			
Email Address: *	karen@sullerandclark.co.uk		

## Site Address Details

Planning Authority:

Angus Council

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Land west of Barns of Craig Steading, Barns of Craig, By Montrose DD10 9TB

Northing

755967

Easting

370840

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

Yes  No

## Site Area

Please state the site area:

1200.00

Please state the measurement type used:

Hectares (ha)  Square Metres (sq.m)

## Existing Use

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

Vacant

## 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

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: Karine Suller

On behalf of: Anniston Farms (Arbroath) Ltd

Date: 15/06/2021

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)

## 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

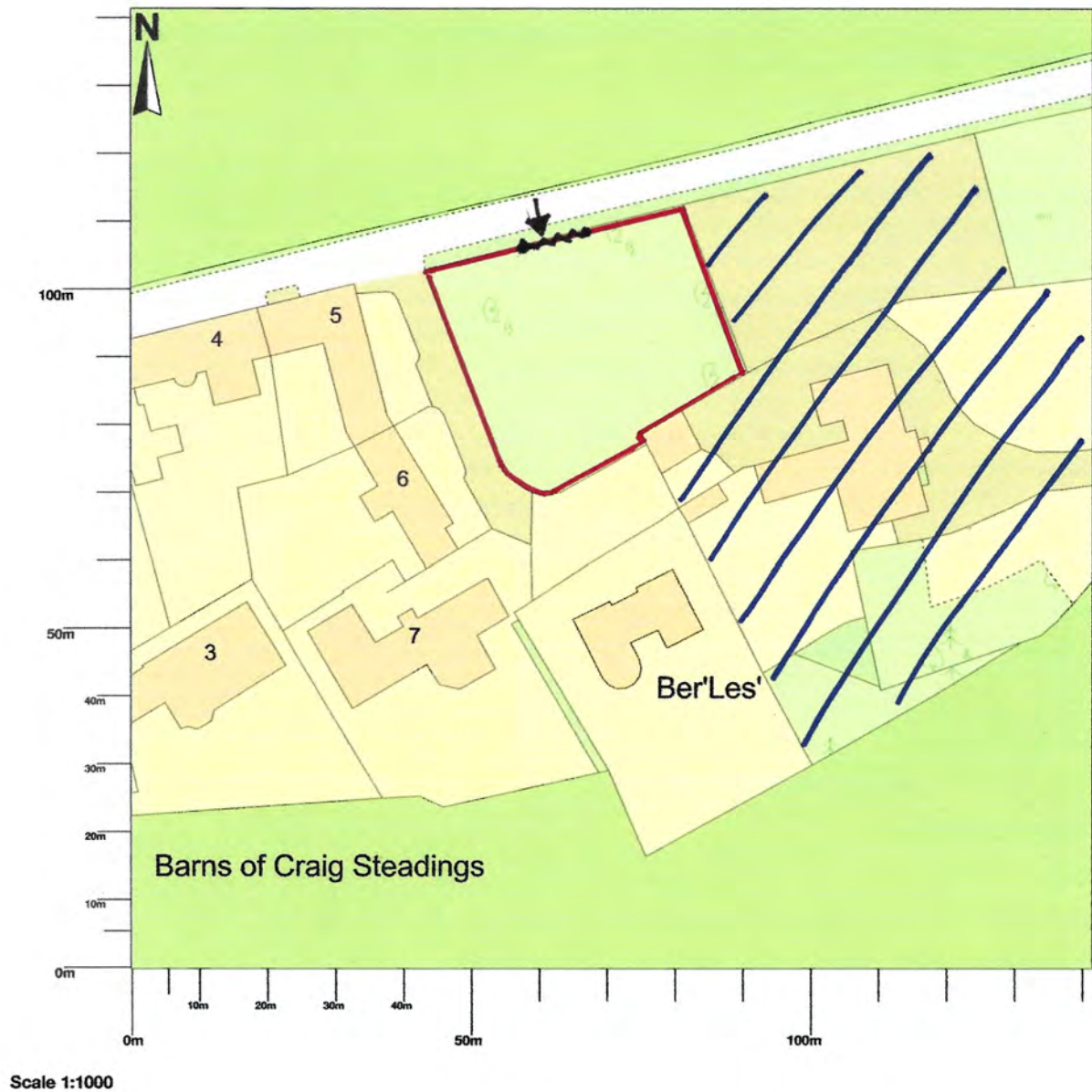
Declaration Date: 15/06/2021

## Payment Details

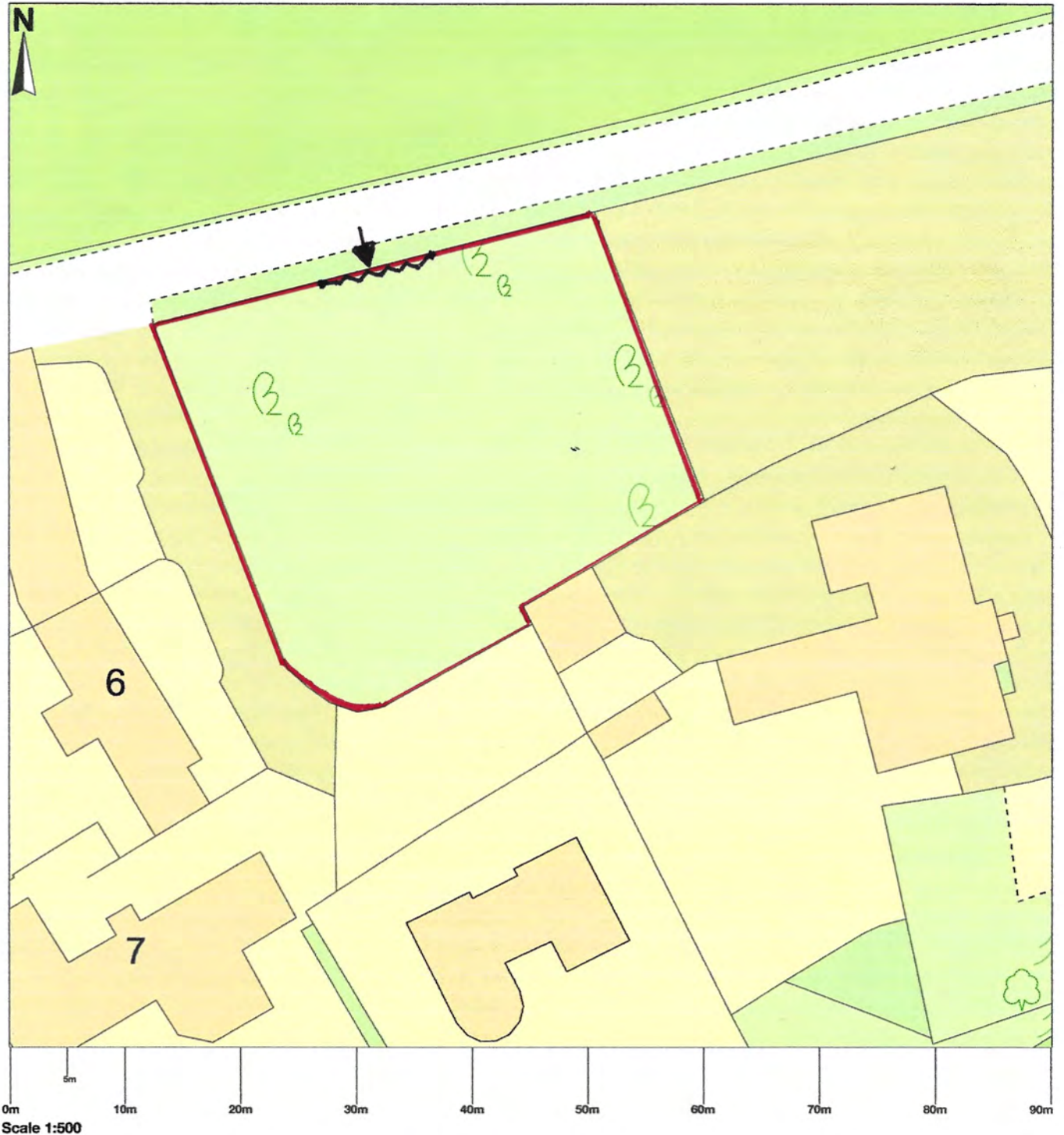
Pay Direct

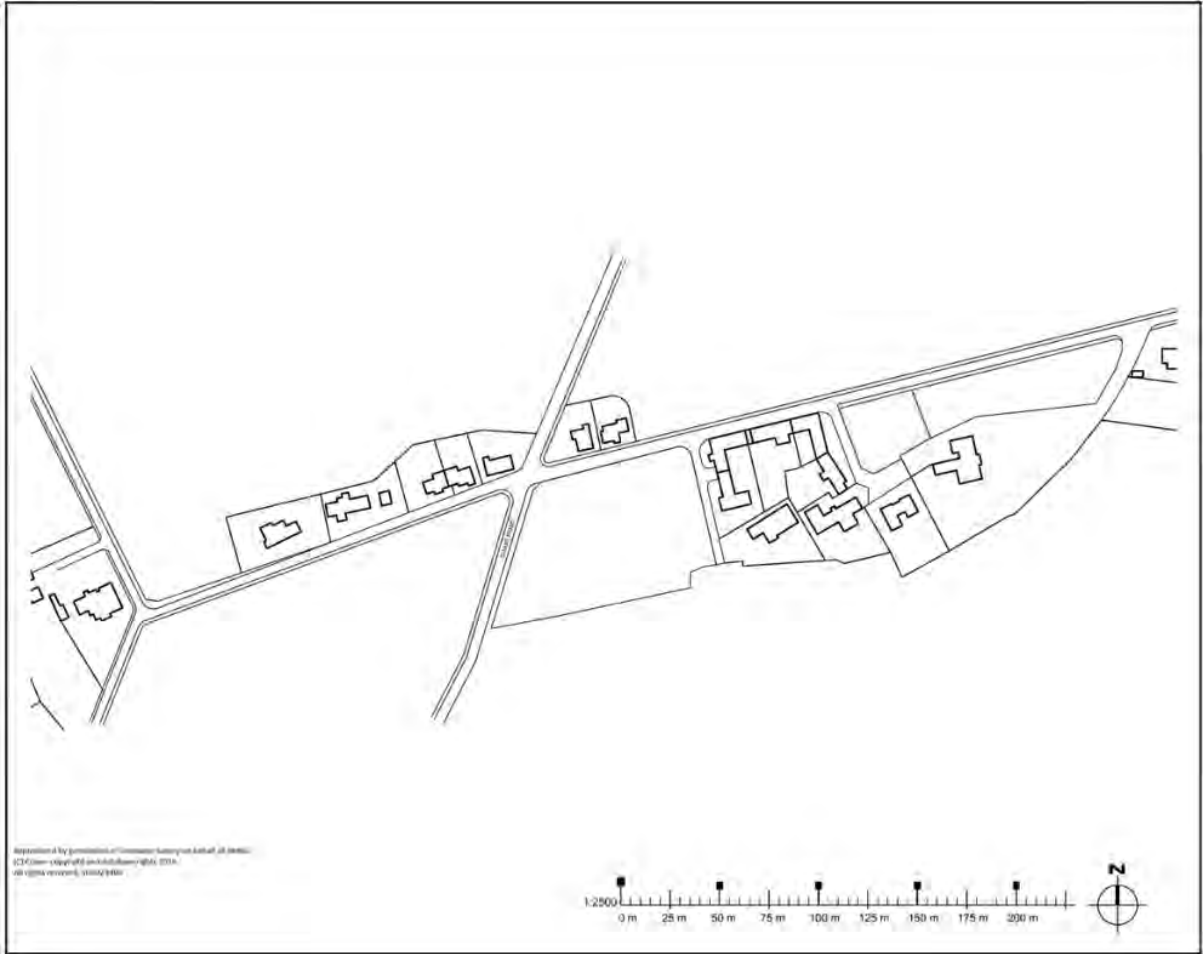
Created: 15/06/2021 13:01

## Land West of Barns Of Craig Farm, Montrose



## Land west of Barns of Craig Farm 1:500





Proposed house site, Barns of Craig, By Montrose, DD10 9TB



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 : 21/00464/PPPL

To **Anniston Farms (Arbroath) Ltd**  
c/o Suller & Clark  
Karine Suller  
Scoutbog Steading  
Oldmeldrum  
AB51 0BH

With reference to your application dated 28 June 2021 for Planning Permission in Principle under the above mentioned Acts and Regulations for the following development, viz:-

**Planning permission in principle for erection of single house and access at Land At Barns Of Craig Barns Of Craig Montrose for Anniston Farms (Arbroath) Ltd**

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 application is contrary to Policy TC2 of the Angus Local Development Plan 2016 and the associated Countryside Housing Supplementary Guidance because allowing a house on the site would create further gap site opportunities for additional greenfield development to the east, contrary to criterion (a); and because a house on the site would extend ribbon development along the public road, contrary to criterion (c) of the Appendix 3 Detailed Countryside Housing Criteria.
2. The application is contrary to Policy DS1 of the Angus Local Development Plan 2016 as the proposal is not in accordance with relevant policies of the ALDP, namely policy TC2 and the Countryside Housing Supplementary Guidance.

**Amendments:**

The application has not been subject of variation.

Dated this **17 September 2021**

Jill Paterson  
Service Lead  
Planning and Sustainable Growth  
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.	DPEA ( <i>appeal to Scottish Ministers</i> ) – See details on attached Form 1
<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.	Local Review Body – See details on attached Form 2
<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.	DPEA ( <i>appeal to Scottish Ministers</i> ) – See details on attached Form 1

## NOTICES

### **Notification of initiation of development (NID)**

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

### **Notification of completion of development (NCD)**

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

### **Display of Notice while development is carried out**

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

The notice must be in the prescribed form and:-

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

A display notice is included with this guidance note.

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

Angus Council  
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>	21/00464/PPPL
<b>Description of Development:</b>	Planning permission in principle for erection of single house and access
<b>Site Address:</b>	Land At Barns Of Craig Barns Of Craig Montrose
<b>Grid Ref:</b>	370858 : 755972
<b>Applicant Name:</b>	Anniston Farms (Arbroath) Ltd

**Report of Handling****Proposal**

Planning permission in principle is sought for the erection of a dwelling house on land at Barns of Craig, Montrose.

The site measures around 1200sqm and is bound by the public road to the north, houses to the south, an access track to the west and vacant greenfield land to the east. An indicative plan is provided which shows vehicle access being taken from the public roadway to the north. The application form indicates the proposal would connect to the public drainage and water supply networks.

The application has not been subject of variation.

**Publicity**

The application was subject to normal neighbour notification procedures.

The application was advertised in the Dundee Courier on 2 July 2021 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**

There have been a number of previous applications for a house on the site, all of which were withdrawn prior to determination.

02/01346/OUT for Outline Erection of a Dwellinghouse was determined as "Application Withdrawn" on 10 February 2003.

06/01005/FUL for Erection of a Dwellinghouse was determined as "Application Withdrawn" on 31 July 2006.

16/00169/FULL for Erection of Dwellinghouse was determined as "Application Withdrawn" on 10 May 2016.

**Applicant's Case**

The Supporting Statement provides an overview of the site and the planning history and provides photographs of the site and surrounding land. An assessment of the proposal against planning policy framework is provided and it is opined that the principle of the proposed development satisfies the requirements of the Angus Local Development Plan. The correspondence received addresses land ownership issues and points raised by objections.

## **Consultations**

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

**Roads (Traffic)** - Offered no objection to the proposal subject to conditions relating to visibility splays and the provision of in-curtilage parking to the standards of Angus Council.

**Scottish Water** - Offered no objection to the proposal.

## **Representations**

5 letters of representation were received, of which 0 offered comments which neither supported nor objected to the proposal, 5 objected to the proposal and 0 supported the proposal.

The main points of concern were as follows:

- The proposal is incompatible with policy;
- The site is not a gap site but part of a field that extends further to the east;
- The area to the east does not form part of the garden ground of Barns of Craig Farmhouse;
- Previous applications have not been successful;
- Boundary treatments have been added to subdivide the paddock and create plots;
- Possible ribbon development;
- Opening up of other areas for more housing development;
- The site is agricultural land;
- Field is currently a haven for plants and wildlife;

These matters are addressed in the Assessment Section below.

## **Development Plan Policies**

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

Policy DS1 : Development Boundaries and Priorities  
Policy DS3 : Design Quality and Placemaking  
Policy DS4 : Amenity  
Policy TC2 : Residential Development  
Policy PV6 : Development in the Landscape  
Policy PV15 : Drainage Infrastructure  
Policy PV20 : Soils and Geodiversity

### **TAYplan Strategic Development Plan**

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

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

## **Assessment**

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

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

The site is located within a Category 1 Rural Settlement Unit (RSU1). The local development plan indicates that Category 1 RSU's are non-remote areas with stable or increasing populations or where

there are no services or facilities in need of support. The local development plan indicates that in these areas new housing development outwith settlements should be restricted.

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

Criterion (a) of the Appendix 3 Detailed Countryside Housing Criteria indicates that *development proposals should not create a gap or rounding off opportunity for additional greenfield development* and criterion (c) indicates that development proposals should *not extend ribbon development*.

The site does not comply with any of the circumstance where a new house in the countryside is permitted in a category 1 area.

The proposal would not involve the replacement of an existing dwelling; it would not involve the conversion of a non-residential building; it is not for an essential worker supported by appropriate evidence of need; and it would not involve the regeneration or redevelopment of a brownfield site that delivers significant visual or environmental improvement through the removal of derelict buildings, contamination or the removal of an incompatible land use. The site cannot reasonably be considered to round off the building group because there is a large parcel of land to the east of the site with similar characteristics to the site which could accommodate further housing.

The site sits between a house curtilage to the south and a public road to the north. However, it is not a qualifying gap site because approval of a house on this site would create an opportunity for additional greenfield development to the east, which could potentially accommodate 2 further dwellings in the remaining area.

The proposal also fails the Appendix 3 criteria because it would also extend ribbon development along the public road, with other houses immediately east of the converted steading set back from the public road on the south side of this paddock.

The proposal is contrary to criteria (a) and (c) of the Appendix 3 Detailed Countryside Housing Criteria.

The circumstances presented in this case offer some similarities to an application refused by the Development Control Committee at Fallaws Paddock, by Crombie in February 2006 (ref 05/01739/OUT). That proposal sought to develop a small part of a larger paddock area and was refused by committee (in part) because it would open up a desirable area for similar applications. Committee's decision was subject to an appeal to DPEA who dismissed the appeal (P/PPA/120/179), acknowledging that *it would be difficult to resist the development of several further houses over the remainder of the paddock were your appeal to succeed*.

The principle of a house on the site is contrary to Policy TC2 and the associated Countryside Housing Criteria contained in Appendix 3 of the Countryside Housing Supplementary Guidance and accordingly the proposal is contrary to the development plan.

For completeness, as assessment against other relevant policies is provided below.

The proposal would not raise any significant issues against the remaining tests of Policy TC2 and the associated Countryside Housing Supplementary Guidance. Residential use would be a compatible land use having regard to neighbouring uses. There is no reason to consider a house at the site would not be capable of providing a satisfactory residential environment. The site would be capable of accommodating a dwelling that could be designed so that it would not result in unacceptable impact on the built and natural environment, surrounding amenity, access or infrastructure having regard to the advice provided by consultees. A development of this nature would not require a contribution towards affordable housing.

Policy PV20 indicates that development proposals on prime quality agricultural land will only be supported in limited circumstances. While available information suggests that the site contains prime quality agricultural land, it represents a relatively small area and in isolation does raise not any significant issues against what Policy PV20 is trying to achieve.



The application form indicates that the proposed house would connect to the mains water supply and public drainage network. Scottish Water offered no objection but indicated there is no public waste water infrastructure within the vicinity of this proposed development. The site is located within a SEPA Waste Water Drainage Area noted as having a proliferation of private drainage systems and where SEPA is seeking a first time public sewer. The application is for planning permission in principle and were the proposal otherwise acceptable, drainage would be a matter reserved for a subsequent detailed application.

In relation to material considerations, it is relevant to note that 5 letters of representation have been submitted objecting to the proposal. The letters are material in so far as they relate to relevant planning matters and have been taken into account in the preparation of this report.

The objections raise concerns that the proposal does not comply with the local development plan policy for countryside housing and note that several applications have been unsuccessful for housing on this site in the past. The foregoing assessment reaches the same conclusion that the proposal for a house on the site is contrary to the development plan.

In terms of other matters raised, the site is not designated for natural heritage reasons and while there is likely to be some biodiversity value provided by the natural state the site is currently in, were the proposal otherwise compatible with policy that matter would not be a barrier to the grant of planning permission and new planting could have been secured by planning condition.

In conclusion, the principle of a house on the site does not comply with Policy TC2 or the Countryside Housing Supplementary Guidance because allowing a house on the site would create further opportunities for additional greenfield development to the east and would extended ribbon development along the public road frontage, contrary to the Appendix 3 criteria. There are no material planning considerations which would justify the approval of planning permission contrary to the development plan.

### **Human Rights Implications**

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

### **Decision**

The application is Refused

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

1. The application is contrary to Policy TC2 of the Angus Local Development Plan 2016 and the associated Countryside Housing Supplementary Guidance because allowing a house on the site would create further gap site opportunities for additional greenfield development to the east, contrary to criterion (a); and because a house on the site would extend ribbon development along the public road, contrary to criterion (c) of the Appendix 3 Detailed Countryside Housing Criteria.

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

### **Notes:**

Case Officer: Damian Brennan  
Date: 13 September 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 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.

## Appendix 3:

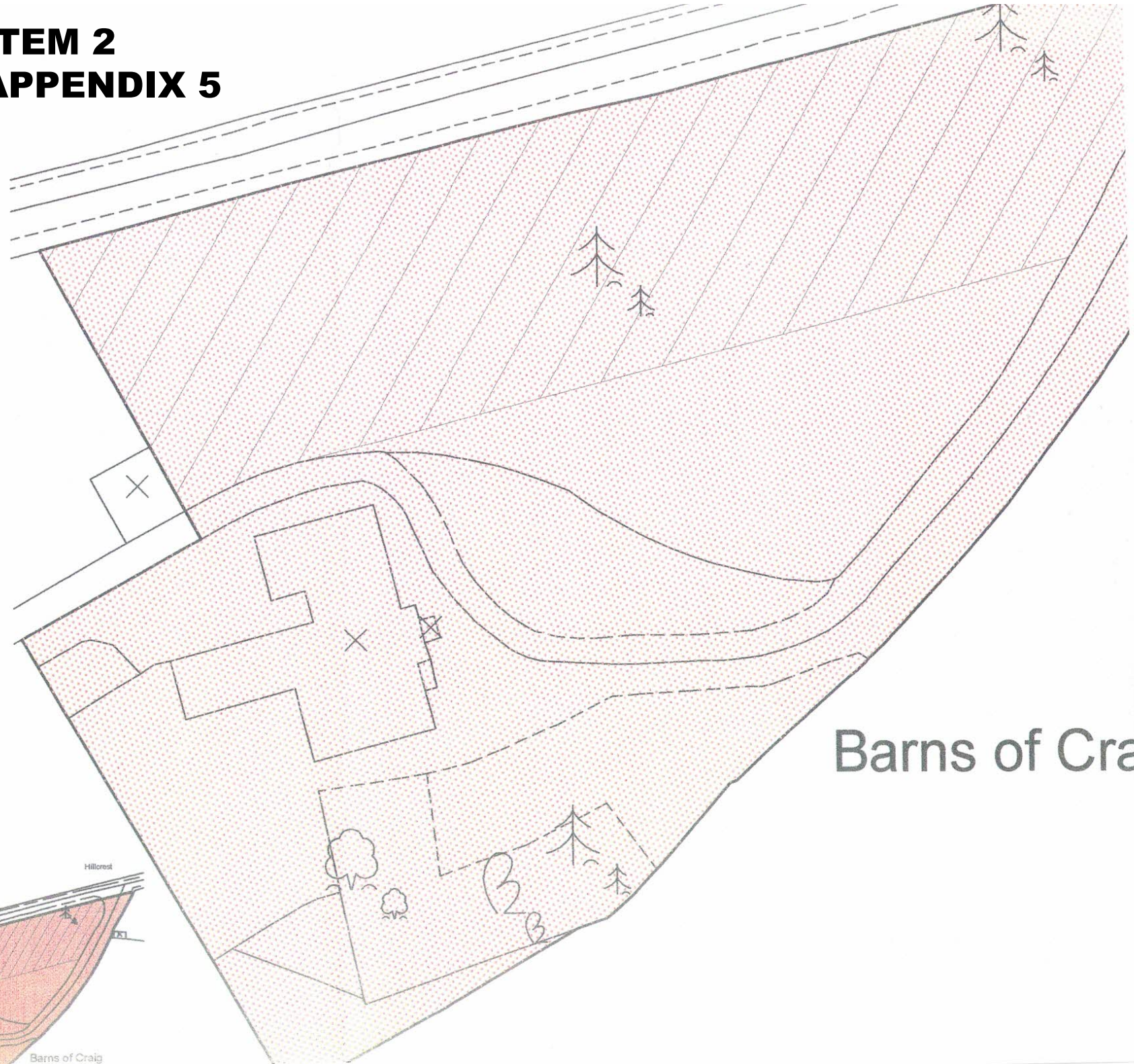
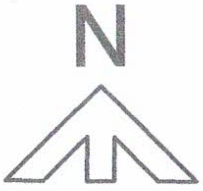
### Detailed Countryside Housing Criteria

In addition to taking account of the provisions of the Policy TC2 all countryside housing proposals should meet the following criteria as applicable (except where specific exclusions are set out). Definitions for terms used in the criteria are set out in the Glossary. Development proposals should:

- a** not create a gap or rounding off opportunity for additional greenfield development. The sub-division of existing residential curtilages to artificially create new build plots will not be supported;
- b** meet the following plot size requirements (does not apply to proposals for conversion of non-residential buildings):
  - ▶ Category 1 RSUs – between 0.08ha/800m<sup>2</sup> and 0.2ha/2000m<sup>2</sup>
  - ▶ Category 2 RSUs – between 0.06ha/600m<sup>2</sup> and 0.4ha/4000m<sup>2</sup>
- c** not extend ribbon development;
- d** not result in the coalescence of building groups or of a building group with a nearby settlement;
- e** contribute to the rural character of the surrounding area and not be urban in form and/or appearance. Materials and design should reflect and complement traditional properties in the locality. Examples of suburban design on nearby or adjacent houses will not be accepted as justification for additional suburban development;
- f** provide a good residential environment, including useable amenity space/private garden ground, and adequate space between dwellings whilst retaining the privacy of adjacent properties. Guidance on private amenity space and distance between dwellings is set out in the Design Quality and Placemaking Supplementary Guidance. In countryside areas application of this guidance will have regard to the nature of the location and adjoining properties. The extension of property curtilage in relation to proposals for renovation or conversion of existing buildings may be permitted in line with Angus Council's Advice Note 25 – Agricultural Land to Garden Ground.
- g** make provision for affordable housing in line with Policy TC3: Affordable Housing and the guidance set out in the Developer Contributions and Affordable Housing Supplementary Guidance;
- h** where the proposed development will have a demonstrable cumulative impact on infrastructure and community facilities provision, an appropriate developer contribution from will be sought. Guidance on the range of contributions that may be sought from residential development and the methodologies for calculating the contribution are set out in the Developer Contributions and Affordable Housing Supplementary Guidance;
- i** not adversely affect or be affected by farming or other rural business activities (subject to provision of a good residential environment may not apply to proposals for essential worker housing required for the management of land or other rural business);
- j** not take access through a farm court; (subject to provision of a good residential environment may not apply to proposals for essential worker housing required for the management of land or other rural business); and
- k** not require an access road of an urban scale or character. The standard of an access required to serve a development will give an indication of the acceptability of the scale of the development in a rural location, e.g. where the roads standards require a fully adoptable standard of road construction with street lighting and is urban in appearance it is likely that the development proposals will be too large. The standard of the existing access should be taken into account when assessing a development proposal. Improvements should only be required where these would be necessary to provide ease of vehicular access to the existing and proposed development, or for road safety purposes.

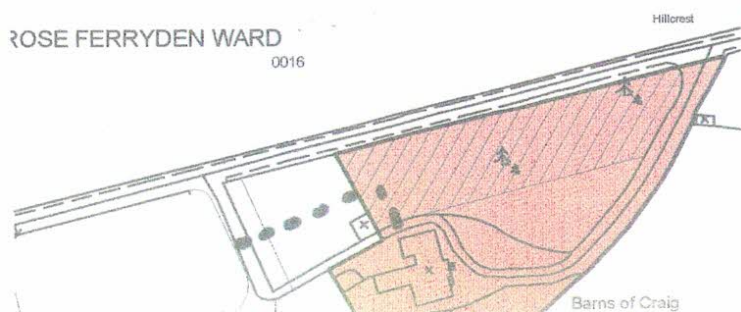


# ITEM 2 APPENDIX 5



Barns of Cra

ROSE FERRYDEN WARD  
0016



Barns of Craig

## **APPENDIX 3**

### **FURTHER LODGED REPRESENTATIONS**



6 Barns of Craig Steadings,  
Montrose  
DD10 9TB  
1 December 2021

Dear Sarah Forsyth,  
Regarding Application No 21/00464 – PPPL – DMRC-11-21

Thank you for your letter of 18 November and here is our confirmation of objection to any change as a result of this current review to be heard before the Angus Council Development Management Review Committee.

We objected to the initial planning application on the grounds that the proposal was contrary to the adopted Angus Council Local Development Plan and the associated Supplementary Guidance. We agree with the appointed officer's recommendation for refusal and the assessment which was made in relation to the planning application.

We understand my previous representation has been forwarded to the Committee and I've attached it to this email.

We believe the reasons for refusal cited on the decision notice still apply and that the appeal does nothing to change that. The proposal did not comply with the Local Development Plan and Countryside Housing supplementary guidance and this remains our position. A house should not be built in this rural area. This is not an acceptable site for a new dwelling in the open countryside.

The applicant now claims that the area of land to the east of the site in question is within the domestic title associated with the Barns of Craig Farmhouse, and as such the land is therefore a residential curtilage. This is wrong as the earlier decisions of planning officers (as recently as 2014) have made clear that it is in fact agricultural land. It has been variously described as "an agricultural field", and "prime quality agricultural land. We therefore consider it wrong of the applicant to claim the land in

question is residential based on an inclusion with a residential properties land title. We note that there has not been any applications to change the land use since these comments by the planning officers.

It is therefore wrong to suggest that the site has become' residential.

We ask that the review be rejected and the Planning Officer's decision to refuse should be upheld.

*Alan Hancock*

Dear Sir /Madam,

We are close neighbours to the site which was subject to planning application 21/00463/PPPL and have received your recent letter concerning the review of the refusal.

My wife and I objected to the initial planning application on the grounds that the proposal was contrary to the adopted Angus Council Local Development Plan and the associated Supplementary Guidance. We completely agree with the Council's initial recommendation for refusal, and the Planning Officer's assessment of the application.

We hope our previous representation has already been forwarded onto the Committee already, however we've again attached it for your information and that should be read in conjunction with this short letter.

We've read the appellants review submission and wish to make some additional observations which we hope the committee will consider full at the meeting next month.

### **1 - New information brought before the Review Body**

New information cannot be added during the assessment of a review.

Section 43B of the Planning Act restricts the ability of parties to introduce new matters at the review stage unless they are material to the determination of the case. This restriction does not apply to information on matters that were before the appointed officer at the time of the decision on the application or a notice of review relating to its non-determination.

Whilst it is totally irrelevant to this case as to what a land title says, the new arguments relating to land title in relation to the adjacent site is, by definition, new information which was not explicitly part of the initial planning application supporting papers and therefore it should not be considered any further by the committee. It should simply be rejected as 'new information' which was not previously before the Planning Officer or part of the planning submission.

### **2 – Land Use of the Adjacent Site to the East**

Within the appellants review submission, they suggest that an area of land to the east of the planning site is within the domestic title associated with the Barns of Craig Farmhouse – which in turn, makes that area part of the residential curtilage associated with the dwelling.

This argument is aimed at disputing parts of the original Planning Officers assessment of the proposal against specific elements of the Local Development Plan and the supplementary guidance – but the argument is fundamentally flawed.

For clarification, the site subject of this review is marked with the RED arrow, whilst the 'disputed' area of agricultural land is marked approx. in BLUE on the annotation below.



The committee will be aware that the planning system and legal system are entirely separate entities, and do not run ‘automatically’ in tandem. One can reasonably contradict the other, and this often occurs in practice. For this reason, title restrictions/burdens etc are not material planning matters and not within the remit of the planning system to opine on.

In this case, it is simply illogical to assume the land in question to the east of the planning site (in BLUE above) is residential based on its recent inclusion with a residential properties land title.

This inaccurate, misleading and factually incorrect.

The committee will be aware that the lawful use of an area of land in planning terms is not solely and automatically aligned to what is contained within a land title – whether that be a commercial or residential title. If the area is part of the wider property title of Barns of Craig Farmhouse, then in order for it to have been lawfully incorporated into part of the residential curtilage and its use changed to residential– in terms of its land use, a formal planning application for a change of use from the existing and established agricultural use to residential should have been forthcoming - either before any such title change, or subsequently after. From the records available on the *PublicAccess* portal, neither has happened.

We note that it is suggested that a residential use has taken place for some time, however this isn’t the case. The appellant has not made an application to verify a residential use via a certificate of lawfulness use or development (CLUD), nor has such an application being assessed by the Council. The committee will be fully aware that for a CLUD to be successful, it would have to be demonstrated that for a period of 10 continuous years the land has been used as residential curtilage, to the extent of the ‘balance of probability’ being proven – as per the requirements of Circular 10/2009, Planning Enforcement. It was the settled position of the Council in 2014 that the area was agricultural as recent as 2014, which is significantly within the 10 year period.

In the absence of either an approved planning permission for a change of use to residential or a CLUD being issued to verify the lawfulness of any claimed residential use, the balance of

probability falls on the land (still) being part of the wider agricultural unit – as per the case in 2014.

This was part of the principal arguments which we set out in our initial objections and annotated with aerial imagery and we feel it is a fundamentally flawed argument to suggest that the site has (or should) ‘become’ residential in its use by default because it has a) not being recently actively cultivated as part of the wider farm unit, or b) by simply being included with a residential properties land title.

Notwithstanding this, the Planning Officer for a previous planning application on the area in BLUE (14/00437/FULL) was clearly under the impression that in 2014 the site was part of a wider area of prime agricultural land, and we ask the committee to read the Report of Handling for the 2014

There are ample references to agricultural field / unit within the Report of Handling, and these include the following paragraphs,

*‘The site is within an agricultural field which is surrounded by dwellings to the south, east and west and lined by an unclassified road to the north. The field is currently partially turned and partially overgrown and there is no substantial boundary treatment to the north.*

*‘A change of use had not been proposed for the and thus would remain in agricultural use’.*

*‘Although not a typical rural development, the wall is located somewhat centrally within an agricultural field which is surrounded by residential dwellings.*

*‘As mentioned above, the wall and ground level alterations would allow for the continuation of viable farming activities within the surrounding field and would not result in the permanent loss of prime quality agricultural land’*

*‘This application does not consider any change of use of the land; therefore any permission granted here would not alter the existing agricultural use. Express permission would be required to achieve any change of use, and the land use implications of such a proposal would be considered at that time and cannot be speculated upon here’*

Whilst not stated as such within the application submission, the proposal submitted under 14/00437/FULL seemed to us to be works to facilitate an extended residential curtilage. The ground levelling alterations and wall combining to create a more usable flat platform area.

The Planning Officer does however make it clear in their report that site to the east was part of an existing prime agricultural land, and whilst the works proposed where envisaged to facilitate the area to be used as an extended area of residential garden ground, this has not been explicitly applied for and would need a separate planning application.

The 2014 Report of Handling is consistent all the way through from its introduction preamble through to its assessment and conclusion, insofar as stating the area in BLUE, which is use is

disputed by the appellants review submission, was prime agricultural not residential and nothing has changed since.

### **3- Reasons for Refusal**

There were two clear and precise reasons for refusal cited on the decision notice.

We note that the appellant has tried to argue against and discredit both reasons, but the arguments put forward are inaccurate and lack any degree of fact or substance – notwithstanding the irrelevance of the land title argument to discredit the assessment of the Local Development Plan criteria.

Our initial representation outlined our settled position in terms of the proposal's non-compliance with the Local Development Plan and Countryside Housing supplementary guidance, and this remains our position. We wholly agree with the initial decision, and simply do not think this is an acceptable site for new dwelling in the open countryside.

The original decision to refuse should stand, and the review should be dismissed.

James and Alexis Scoular

Mr & Mrs Scoular  
Hillcrest  
Barns of Craig,  
Ferryden  
DD10 9TB

16 July 2021

Kate Cowey  
Service Leader (Planning & Communities)  
Planning Service  
Orchardbank Business Park,  
Forfar,  
DD8 1AN

Dear Madam,

**Planning Application – 21/00464/PPPL  
Erection of a dwelling and access on Land at Barns of Craig, Montrose**

We refer to the above detailed planning application for the erection of a single dwelling and new access on existing agricultural land, and object to the development proposed on the ground of its incompatibility with Policies TC2 (residential development) and DS1 (development boundaries and priorities) of the adopted Angus Local Development Plan 2016 (ALDP), and Angus Council's Countryside Housing Supplementary Guidance of 2016 (SG).

We note that this is essentially the same proposal which was submitted to the Council in 2016 (16/00169/FLL), with that planning application withdrawn prior to its determination after concerns were raised by the Planning Officer. Whilst we appreciate that there has been a change from the previous detailed submission to one in principle, this does not address any of the issues which we raised before, and we would assume the same would apply to the previous policy concerns of the Planning Officer which remain unaddressed.

We also note that there are little material changes in the Council's policy position between the former Policy SC6 of the Adopted Angus Local Plan Review 2009 (which was applicable to the proposal back in 2016) and the comparable policy of Policy TC2 in the current 2016 Plan. The same applies to the SG of 2016.

As a quick preamble, we again wish to clarify to the Council the actual current use of the land. The applicant's agent states on their application form that existing use of the site is 'vacant land, and overgrown with no current use' (page 3). This is not correct.

The existing land use of the site is without question, agricultural land. The applicant may have chosen not to actively cultivate the land subject of this planning application for a

number of years, and that of the same field which lies immediately to the east, but this simply a personal choice that they have made and does not mean the land is now 'vacant', nor does it change the use of the land from its lawful use – which is agricultural land to anything else. There are countless examples of set aside land in Angus, but the lack of functionality or active cultivation (or use by animals) does not revoke that established use.

The fact is the application site is agricultural land.

As we highlighted in 2016, this site (as part of the larger, original field – before it was artificially divided up) has an agricultural holding number that was issued by the Scottish Executive (now Scottish Government) and has never been subject of a formal planning application to change its use. The non-active use of the land for a number of years would not default the land to a 'vacant' use, but the default position should be an agricultural use.

Whilst we invite the Council to investigate this on their own behalf, this view was shared by the Council in 2014 when a detailed planning application for the erection of a new retaining wall and associated ground works (14/00437/FULL) was approved, with a justification on the decision notice that stated *'That the proposed development complies with the relevant policies of the development plan and would not negatively impact on the amenity of neighbouring properties; would not compromise road traffic or pedestrian safety or result in a detrimental impact upon prime agricultural land*. This statement clearly implies that the 2014 proposal related to prime agricultural land i.e. the land on which the proposed wall and ground works were proposed, was on prime agricultural land.

In relation to the policy issues surrounding this proposal, as stated previously, the principal objectives of the Council's current Housing in the Countryside Policies are directly comparable to those which were current during the consideration of the planning application in 2016.

We agree with the applicant's that Policy TC2 of the ALDP would be the most relevant. However the applicant's agent has made little reference to the additional policy requirements contained in the associated SG but this is a significant material consideration.

Within the sub text of Policy TC2 of the ALDP and the associated SG, there are two relevant sections which the proposal falls to be considered against, and in both cases it fails to accord with - building groups and gap sites.

The remaining sub sections of acceptable new housing in the countryside listed in Policy TC2 and the SG are not relevant to this proposal due to the nature of the development proposed ie not a brownfield site, essential workers, replacement / conversion of existing building etc.



We shall discuss each of these in turn.

## **Building Groups**

Policy TC2 and the SG states a single new house may be permitted where the development proposed would round off an established group of 3 or more closely related residential buildings or buildings capable of conversion for residential use. The policy goes on to say that an acceptable proposal should be sited / located within the building group (i.e. generally located close to other buildings in the group) provided this does not detract from the overall sense of containment and cohesion of the group within its wider landscape setting.

*The SG states that 'A sense of containment is contributed to by existing physical boundaries such as landform, buildings, roads, trees, watercourses, or long established means of enclosure such as stone walls. Fences will not normally be regarded as providing a suitable boundary for the purposes of this definition unless they can be demonstrated to define long established boundaries as evidenced by historic OS Maps. Any boundaries artificially created to provide a sense of containment will not be acceptable'*

This site clearly fails to accord with this clear definition of what is meant by a sense of containment.

The site is obviously part of a far larger field (as shown by RED hatching below) which has been (recently) artificially manufactured by the applicant to *try* and create a site which the Council would consider an acceptable site under the building group elements of Policy TC2 and the SG. A quick view on GoogleMaps clearly shows the position.

It is a matter of fact that the historic, physical boundaries of the site are those attached to the larger site and not those of recently created. It is also the case that the southern section of the field now appears to have been encompassed into the residential curtilage of the main farmhouse without any formal planning permission being granted. The Council was made aware of this position in 2016, but no planning application has been submitted to regulate this potential breach of planning control.



In 2014 the applicant obtained detailed planning permission for the erection of a new wall, and also associated ground rising. Prior to this, a run of leylandi hedging was planted, and it is this run of new trees which now forms the artificial, and manufactured eastern boundary of site subject of this planning application. However, neither of these recent additions can seriously be considered as an existing, physical boundaries or long established means of enclosure which have not been artificially created to try to form a sense of containment and when viewed on the ground they are clearly unestablished, and do not relate in anyway to the surrounding landscape pattern or its environs – because they are artificial. In order for the Council to have an accurate position in terms of the site, it should consider whether or not the 2014 permissions have been implemented in accordance with the approved plans.

The proposal would also not round of the existing group of buildings, but to the contrary it would set an extremely undesirable precedent for what would be basically unlimited further housing to the east of the application site within the large gap between the application site, and my own property 'Hillcrest'. Any such development would clearly be ribbon development that would take place in an *unhinged* manner that would be to the detriment of the rural character and visual amenity of the area and contrary to all the basic and underpinning principles of good rural planning in a sustainable manner contained in the Scottish Government's own Scottish Planning Policy and also its Planning Advice Notes.

### **Gap Sites**

The SG states that in Category 1 RSUs a gap site with a frontage of up to 50 meters between the curtilages of two houses or the curtilage of one house and a metaled road, or between the curtilage of one house and an existing substantial building such as a church, a shop or a community facility may be filled by a single house. The SG goes onto say that a site will not constitute a gap site if it lies within the curtilage of an existing house, or it is on land that is not clearly defined as being outwith the curtilage of a house or houses

The proposed site has only one road frontage, along its northern boundary.

The length of the natural frontage along the site's northern boundary – taken between the completed steading development and the vehicular access to my dwelling ('Hillcrest') is approx. 150m. There are simply no other dwellings or metalled roads between the steading and my dwelling, so the natural 'gap' is the full 150m and not the 40m or thereabouts of the planning application site. To this end, the distance of the natural 'gap' clearly fails to accord with the 50m requirement of the SG.

The application site's road frontage sits between the residential properties of the steading to the west and the line of leylandi trees to the east – which is circa 40m. It is the explicit wording of the SG is that an acceptable 'gap site', must have a minimum road frontage of 50m, and be contained by the curtilages of two dwellings or between the curtilage of one dwelling and a metalled road. The proposal fails this test on the grounds of a) the distance of the gap and also b) the site is not contained by the curtilages of two dwellings. Only the curtilage of the steading development to the west offers a degree of natural containment.

There are no other exceptions listed within the policy.

To this end, this planning application is clearly contrary to this requirements as to the east the end of the 'gap' is simply not enclosed by either the curtilage of a residential dwelling or a metal road – but by a recently planted run of leylandi trees. As a side, on the opposite site of the trees is the other half of the existing, historic agricultural field which forms a distinct separation (a further 110m+) between the proposed site and my residential property.

In addition to the specific requirements listed in sub sections of the SG, it is noted that further general requirements are listed within Appendix and a number of these are specifically relevant to this proposal which are,

- a) not create a gap or rounding off opportunity for additional greenfield development. The sub-division of existing residential curtilages to artificially create new build plots will not be supported.
- c) not extend ribbon development;
- d) not result in the coalescence of building groups or of a building group with a nearby settlement;

There is absolutely no doubt that a successful outcome to this planning application will result in clear tension and conflict with all three of the above criteria as it will introduce the start of a *unhinged*, ribbon development along the southern side of the public road which will be out of character with the appearance of the area and with the current building pattern, and what the ALDP and the SG look to resist.

The 2016 application the site is simply not self-contained which must be one of the Council key considerations. It is acknowledged that containment (for rural development), typically is defined as being sites that do not breach field boundaries and have existing, physical boundaries such as landform, buildings, roads, trees, watercourses, or long established means of enclosure, such as stone walls. Fences are not normally be regarded as providing a suitable boundary for the purposes site containment, unless they can be demonstrated to define long standing and established boundaries as evidenced by historic OS maps and it is not normal for new plots which have been artificially created to be considered acceptable.

This proposal is contrary to these fundamental principles.

The 'site' is not covered by one plot. It has been artificially created to only include one plot, which in turn would leave a large area of remaining agricultural land – which would be under significant threat for development in the future - if this proposal is supported. The existing run of leylandi trees offer little in the way of physical boundary treatment or a long-established means of physical enclosure and have been planted to obviously create an artificial boundary to form a single plot. To this end, we still consider this proposal to be entirely contrary to both the ALDP and the SG.

Lastly, the site has become overgrown over the last few years with a number of self-seeded bushes / small trees across the site, as well as the hastily planted leylandii hedging. There has been no bio-diversity report for the site which the Council could consider fully -specifically in respect of bats, and their foraging grounds.

We therefore urge you to refuse the planning application, on the grounds that the development (still) fails to accord with the requirements of Policies TC2 and DS1 of the current ALDP which requires all new developments within the landward area to comply with the relevant land use policies of the adopted local development plan, and the Council should consider whether a bio-diversity report should be undertaken and if they have enough evidence that there is not any likely impact on both local and protected wildlife to make an informed decision.

Yours faithfully,

Mr & Mrs Scoular

5 Barns of Craig Steadings,  
Montrose  
DD10 9TB  
29 November 2021

Dear Sarah Forsyth,

Thank you for your letter of 18 November and below is my representation in connection to the review of planning application 21/00463/PPPL – to be heard before the Angus Council Development Management Review Committee.

My wife and I made representations to the initial planning application raising a number of concerns and ultimately, we objected to the proposal on the grounds that the proposal was contrary to the adopted Angus Council Local Development Plan and the associated Supplementary Guidance. To this end, we completely agree with the appointed officer's recommendation for refusal and the assessment which was made in relation to the planning application.

I trust as an interested third party, my previous representation has been forwarded to the Committee - however for ease of reference I've attached it to this email.

I've read the appellants review submission and have a number of key points of clarification to make and would respectfully ask that the committee take these on board during their review deliberations.

### Reasons for Refusal

There were two reasons for refusal cited on the decision notice. Both the reasons are clear and precise. It is noted that the appellant has tried to rebut and discredit both reasons, but the arguments are inaccurate and lack any degree of fact or substance. My initial representation outlined my settled position in terms of the proposal's non-compliance with the Local

Development Plan and Countryside Housing supplementary guidance and this remains my position, which is aligned with that of the appointed officer. This is not an acceptable site for a new dwelling in the open countryside.

### Residential or Agricultural land

Within the appellants review submission, it is suggested that an area of land to the east is within the domestic title associated with the Barns of Craig Farmhouse, and as such the land is therefore a residential curtilage. This argument is aimed at discrediting parts of the assessment of the proposal against specific elements of the Local Development Plan and supplementary guidance.

It is inaccurate and entirely misleading of the appellant to claim the land in question is residential based on an inclusion with a residential properties land title.

The lawful use of an area of land in planning terms is not dictated by what is contained within a land title. If, (which may or may not be the case) the land is part of the wider property title of Barns of Craig Farmhouse, then in order for it to be classed as being part of the residential curtilage – in terms of its land use, a planning application should have been forthcoming either before any such title change or subsequently after.

It is the case that there is no record of any planning application being made for a change of use of the land to residential curtilage.

In addition, the appellant has also not made an application for a certificate of lawfulness use or development (CLUD) and had such an application assessed by the Council. For an application for a CLUD to be successful, it would have to be demonstrated that for a period of 10 continuous years the land has been used as residential curtilage, to the extent of the 'balance of probability' being proven – as per the requirements of Circular 10/2009, Planning Enforcement.

In the absence of either a) approval of a formal planning permission for a change of use to residential or b) a CLUD being issued, the balance of probability clearly falls on the land being part of the wider agricultural unit – which is part of the principal arguments which I set out in my initial submission. It is simply erroneous to suggest that the site has (or should)

'become' residential in use by it not being recently actively cultivated as part of the wider farm unit or by simply being included with a residential properties land title.

The committee should also be fully aware that previous Planning Officers for earlier applications have taken the view as recently as 2014 that the site to the east, which the appellants are implying is residential, was clearly agricultural at the time of the assessment.

The Report of Handling for planning application 14/00437/FULL is attached. That application was for a 'Proposed Erection of Wall and Ground Level Alterations'. You'll note with the opening 'Site Description' paragraph the Planning Officer states that,

*'The site is within an agricultural field which is surrounded by dwellings to the south, east and west and lined by an unclassified road to the north. The field is currently partially turned and partially overgrown and there is no substantial boundary treatment to the north.*

Whilst not stated as such within the application submission, the proposal submitted under 14/00437/FULL could act as a precursor for the use of the area as an extension of the existing garden with the levels and wall intended to create a more usable flat area and potentially extending residential curtilage. The Planning Officer noted this, and correctly stated the following within the 'Proposal' paragraph,

*'A change of use had not been proposed for the and thus would remain in agricultural use'.*

There are other examples of the Planning Officers reference to agricultural land throughout his report such as,

*'Although not a typical rural development, the wall is located somewhat centrally within an agricultural field which is surrounded by residential dwellings.*

A clear statement of the sites then existing use.

*‘As mentioned above, the wall and ground level alterations would allow for the continuation of viable farming activities within the surrounding field and would not result in the permanent loss of prime quality agricultural land’*

This assumes the existing (prime) agricultural use will continue, and be unaffected.

*‘This application does not consider any change of use of the land; therefore any permission granted here would not alter the existing agricultural use. Express permission would be required to achieve any change of use, and the land use implications of such a proposal would be considered at that time and cannot be speculated upon here’*

This paragraph clearly explains the position on site in 2014. The site was existing agricultural land, and whilst the works proposed may have been envisaged to facilitate the area to be used as an extended area of residential garden ground, this has not been applied for and would need a separate planning application (which was not forthcoming).

The above examples of terminology used by the Planning Officer clearly implies that no change of use (from agricultural to residential) was being applied for or being assessed as such.

The 2014 Report of Handling also demonstrated that in the Officers opinion, the site to the east was in 2014 unequivocally in an agricultural use, and part of a larger agricultural unit. If it was residential (as suggested by the appellants in their review submission), then the constant references with the Planning Officers report to the existing agriculture would not have occurred.

### New information

As the committee will be aware, Section 43B of the Planning Act restricts the ability of parties to introduce new matters at the review stage unless they are material to the determination of the case. This restriction does not apply to information on matters that were before the appointed officer at the time of the decision on the application or a notice of review relating to its non-determination. Whilst it is irrelevant to this case (as outlined above) as to what land title is or state, it is by definition new information which was not



part of the initial planning application supporting papers and to this end, it should not be considered further by the committee.

In all, the review should be rejected and the appointed Planning Officers decision to refuse should be upheld.

Gordon and Hazel Shepherd

## Attachments

1. Initial representation dated 19 July 2021
2. Report of Handling for 14/00437/FULL

Mr & Mrs Shepherd  
5 Barns of Craig Steadings,  
Montrose  
DD10 9TB  
19 July 2021

Kate Cowey  
Service Leader (Planning & Communities)  
Planning Service  
Orchardbank Business Park,  
Forfar,  
DD8 1AN

Dear Madam,

**Planning Application – 21/00464/PPPL  
Proposed Development at Land at Barns Of Craig Barns of Craig Montrose**

In respect to the above planning application which seeks to obtain planning permission in principle for the erection of a single house and access on existing agricultural land, we object to the development proposed on the grounds of its incompatibility with Policies TC2 (residential development) and DS1 (development boundaries and priorities) of the adopted Angus Local Development Plan 2016 (ALDP), and Angus Council's Countryside Housing Supplementary Guidance of 2016 (SG).

Whilst the Council has adopted a new Local Development Plan since the previous planning application was under consideration in 2016, there has been no material change in terms of the Council's planning policies in relation to housing in the countryside, and as such the current application should be refused. The change from a detailed planning application to an application for planning in principle does nothing to address the fundamental policy conflict that a new dwelling on this site raises.

The applicant has stated in their supporting statement that the site is a "gap site" that will make use of 'vacant land and overgrown with no current use' - this is erroneous and entirely misleading. The existing land use of the site is agricultural land.

Please refer to my earlier correspondence in 2014 on this matter when a wall was constructed apparently to "level the agricultural land". In that I refer to the environmental benefits of this unused/set aside agricultural land. The fact that the larger field of which the land subject of this planning application is part of has not been cultivated for some time does not change the use of the land from its legal status which is agricultural land.

I've also indicated to you in previous correspondence that the planning site is part of the larger, original field which has an agricultural holding number issued by the Scottish Executive (now Scottish Government) and has never been subject of a formal planning application to change its use to anything else. It has also not been used for anything else.

The applicant's choice not to actively use it for cultivation etc does not in turn lead to its lawful (agricultural) use being abandoned.

The agricultural use of the site was raised in 2014. The Council's clear justification for approving an application for the erection of a new retaining wall and associated ground works (14/00437/FULL) was that *'the proposed development complies with the relevant policies of the development plan and would not negatively impact on the amenity of neighbouring properties; would not compromise road traffic or pedestrian safety or result in a detrimental impact upon prime agricultural land.*

This justification (from the Council) makes it clear that the Council were of the view in 2014 that the application related to "prime agricultural land" and nothing else. As no planning application for an alternative use has been forthcoming, this position surely must settle the question that the land which the application refers to is on prime agricultural land bearing in mind the Council's settled view on this matter was only some 6 years ago. It is therefore entirely erroneous for the applicant to claim that the boundary to the East is the garden ground of existing housing when it is in fact part of the same "prime agricultural land" as the proposed site.

In terms of land use policies, whilst the policies have changed since 2016 when the previous planning application was considered, the comparable current policies remain extremely similar to those which were current in 2016.

As was the case in 2016, there are two relevant sections of Policy TC2 and the associated SG where the proposal fails to meet, and these refer to building groups and gap sites. The other categories of acceptable development in Countryside are not applicable for this proposal - due to the nature of what is proposed.

### **Building Groups**

Both Policy TC2 and the SG states that one new house will be permitted within an existing building group where proposals meet with specific criteria, the proposal would round off or consolidate the group and the proposal would result in an extension of the existing building group into a site which has a natural sense of containment.

The ALDP defines a sense of containment as a site which is *'contributed to by existing, physical boundaries such as landform, buildings, roads, trees, watercourses, or long established means of enclosure such as stone walls. Fences will not normally be regarded as providing a suitable boundary for the purposes of this definition unless they can be demonstrated to define long standing and established boundaries as evidenced by historic OS maps. Any boundaries artificially created to provide a sense of containment will not be acceptable'*

This site does not meet this definition of a sense of containment as it is an integral part of a field as shown in shading below. It would also appear that the southern section of the field has been incorrectly encompassed in the residential area of the main farmhouse



As previously mentioned, planning permission was obtained in 2014 for the erection of a new wall, and also associated ground levelling/raising. Earlier a line of leylandii hedging was planted and a wooden fence added and these new additions form the eastern boundary of application site. However, neither of these recent additions can be considered an existing, physical boundary or long-established means of enclosure as defined in the ALDP.

The proposal would also not round off the existing group of buildings, but to the contrary it would set an extremely undesirable precedent for further housing to the east of the application site within the large gap between the application site, and the house 'Hillcrest'. Any such development would clearly be ribbon development that would be to the detriment of the rural character, environmental services and visual amenity of the area.

### **Gap Sites**

Both Policy TC2 and the SG states that in Category 1 RSUs areas, a single new house will be permitted on a gap site with a maximum road frontage of 50 metres. The ALDP defines a gap site as being the space between the curtilages of two dwellings or between the curtilage of one dwelling and a metalled road and defined with established boundaries on three sides.

The proposed site has only one road frontage, along its northern boundary.

The length of the natural frontage along the site's northern boundary – taken between the completed steading development and the access to the next house 'Hillcrest' is approx. 150m. The natural 'gap' is the full 150m and not the 40m of the planning application site. To this end, the distance of the natural 'gap' clearly fails to accord with the 50m requirement of Policy TC2.

In reference to gap sites the explicit wording of Policy TC2 is that an acceptable 'gap site', must have a minimum road frontage of 50m, and be contained by the curtilages of two dwellings or between the curtilage of one dwelling and a metalled road. The application site's road frontage sits between the residential properties of the steading to the west and the artificial demarcation line of leylandii trees to the east – which is around 40m.

The application is contrary to these requirements as to the east the end of the 'gap' is not enclosed by either the curtilage of a residential dwelling or a metal road – but by a recently planted run of leylandii trees and the added fence.

In addition to the specific requirements listed in both Policy TC2 and the SG, it is noted that further general requirements are listed within Appendix and a number of these are specifically relevant to this proposal. These are,

- a) not create a gap or rounding off opportunity for additional greenfield development. The sub-division of existing residential curtilages to artificially create new build plots will not be supported.
- c) not extend ribbon development;
- d) not result in the coalescence of building groups or of a building group with a nearby settlement;

There is absolutely no doubt that a successful outcome to this planning application would be contrary to all of the above criteria as it will introduce the start of ribbon development along the southern side of the public road which will be out of character with the appearance of the area and with the current building pattern, and what the ALDP and the SG look to resist.

The application site is simply not naturally self-contained which must be one of the Council key considerations. It is acknowledged that containment (for rural development), typically is defined as being sites that do not breach field boundaries and have existing, physical boundaries such as landform, buildings, roads, trees, watercourses, or long established means of enclosure, such as stone walls. Fences are not normally be regarded as providing a suitable boundary for the purposes site containment, unless they can be demonstrated to define long standing and established boundaries as evidenced by historic OS maps and it is not normal for new plots which have been artificially created to be considered acceptable.

This proposal, as it was in 2016, is entirely contrary to these fundamental principles.

The 'site' is not covered by one natural plot. It has been artificially created to only include one plot for the benefit of the applicant. This in turn would leave a large area of remaining agricultural land that would then be under significant threat for potential residential development in the future - if this proposal is supported. The existing run of leylandii trees offer little in the way of physical boundary treatment or a long-established means of physical enclosure. These have been planted to purposely create an artificial boundary to form a single plot. To this end, we still consider this proposal to be entirely contrary to both the ALDP and the SG.

Lastly, the applicant cites the SPP updated December 2020 and quotes "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 site is a rare area of natural habitat in an intensely cultivated agricultural landscape and is appreciated by the many walkers from Montrose and surrounding areas who regularly use the road to the north of the field. The principles of the SPP are centred on promoting new rural development in sustainable locations, which are suitable for the development proposed which this proposal is not. There has been no ecology survey for the

site, so it has not been demonstrated that the proposed development would not adversely impact on both local and protected wildlife.

We therefore ask you to refuse the planning application, on the grounds that the development fails to meet the requirements of Policies TC2 of the APLR, and also Policy DS1 of the ALDP which requires all new developments within the landward area to comply with the relevant land use policies of the adopted local development plan.

Yours faithfully,

Gordon and Hazel Shepherd

Application for Review – Refusal of Planning Permission in Principle for  
Erection of Single House and Access at Land at Barns of Craig Montrose –  
Anniston Farms (Arbroath) Ltd  
Application number 21/00464/PPPL- DMRC -11 - 21  
27/11/2021

With regard to the above review I wish to add the following, these are mainly in response to the applicants submission.

History of new units in this area: There has been a total of 16 units new builds or renovations in this area since the renovation of Barns of Craig Steadings and not 14 as suggested by the representative, taking into account that this is a semi-rural area that is a lot, also that all these units are within a mile of the Barns of Craig Steadings, that gives you an idea of the changes to this area, we also have concerns in relation to facilities to existing houses we have had to complain to Scottish water about poor water pressure, we are now experiencing mini power cuts with our Electricity this has not happened for a few years, considering we have now seen another new house occupied, we feel that the infrastructure is not keeping pace with development.

All these buildings were either renovation to existing buildings, built on Brownfield sites and in one case Gap site none were for built on Green Field sites or Agricultural land.

Barns of Craig Farmhouse: We see from documents submitted that the applicant is stating that the middle part of the field, is attached to his title deeds for the Farmhouse, is included in his curtilage and is garden ground, we have serious concerns about this, I am not surprised that the title for the Farmhouse also includes part of the field given that the applicant owns both the Farmhouse and the field it is only a paper exercise to do this.

Our concerns are that the section of the field is agricultural land and there has been as far as we are aware no application for a change of function to this land which we believe is a legal requirement, I have attached to this letter two documents in relation to this the first is a Land certification form where the applicant is stating that this area of land is not agricultural land, the second is from Angus councils planning department which we received in 2014 when we were querying at that time when the wall was built what was the function of this land, you will see from the letter that there had been no change to the land and it remained agricultural and if there was to be a change of function it would be subject to planning permission being sought, as we are the nearest neighbours to Barns of Craig farmhouse and we have NOT been notified of an application to change function of this bit of land then it remains agricultural land.

We would urge the committee to look closely, about when these changes happened to the Title deeds and to the claim that the land is a garden, we would also comment that the area that is supposed to be garden ground, is the same as the rest of the field, overgrown and not looked after at all, indeed the wall that was built has still not been completed this was in 2014 and you can hardly see it. We would also comment with regard to the raise of elevations in this bit of land, is the amount of hardcore put in tons upon tons surely that would not be needed for garden ground?

Given the history of this area of land that goes back to 2002 the applicant has been trying to obtain planning for part of this field for almost twenty years and in our opinion this is a cynical attempt to open up an area of prime land for development, I would refer you to our objection letter which details the history of this just because the applicant has no use for this land, does not mean he does not have responsibility to take care of it, the reason the land is overgrown is the direct responsibility of the applicant, also we are losing more and more green belt land to development, we need to be looking after it for the future or we will all wake up one day surrounded by houses.

We would also again refer you to our initial objection at that time we commented on the fact that this field is a haven for wildlife and asked that it is left like that, this is the only area between Craig road and the sea that has this unique situation surrounded as we are by fields.

We would ask the committee to visit the site under review and look past the fact that it is not cared for, picture a house on this site, look around at the existing houses and you will notice that you would be starting another area, that will open this up for ribbon development and while you are there, look at the plot next door that is supposed to be garden ground, looks nothing like any garden I have seen, at one point this land was supposed to be developed as a tennis court and indeed the artificial grass is still there?

In closing we fully support the decision made by Angus Councils Planning Department and ask that the Refusal notice is upheld, if not there will be ribbon development eventually in this area and we all have responsibility to try and prevent this.

Mr and Mrs Doyle



# LAND OWNERSHIP CERTIFICATES

Town and Country Planning (Scotland) Act 1997  
Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

**CERTIFICATE A, B, C OR CERTIFICATE D  
MUST BE COMPLETED BY ALL APPLICANTS**

RECEIVED  
28 MAY 2014

## CERTIFICATE A

Certificate A is for use where the applicant is the only owner of the land to which the application relates and none of the land is agricultural land.

I hereby certify that -

- (1) No person other than the applicant was owner 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 application.
- (2) None of the land to which the application relates constitutes or forms part of agricultural land.

Signed:

On behalf of:

Date:

## CERTIFICATE B

Certificate B is for use where the applicant is not the owner or sole owner of the land to which the application relates and/or where the land is agricultural land and where all owners/agricultural tenants have been identified.

I hereby certify that -

- (1) I have served notice on every person other than myself who, at the beginning of the period of 21 days ending with the date of the application was owner of any part of the land to which the application relates. These persons are:

Name	Address	Date of Service of Notice

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

or

- (3) The land or part of the land to which the application relates constitutes or forms part of agricultural land and I have served notice on every person other than myself who, at the beginning of the period of 21 days ending with the date of the application was an agricultural tenant. These persons are:



Your Ref  
Our Ref: 14/00437/FULL/SGP/IAL

4 November 2014

Mr Doyle  
Ber-Les  
Barns of Craig  
Montrose  
DD10 9TB



**COMMUNITIES**  
Strategic Director:  
Alan McKeown

Dear Mr Doyle

**Proposed Erection of Wall and Ground Level Alterations at The Farmhouse, Barns Of Craig, Montrose, DD10 9TB**

I write with reference to your letter, regarding the above planning application, as received by this department on 29 October 2014.

Firstly, I note your concern about the decision. I wish to reassure you that in determining the application full regard was given to the relevant planning policy – known as the 'development plan' - and all other material considerations. These considerations include all representations received in objection to the application. The assessment of the proposal and the reasoning behind the decision reached is fully set out in the Report of Handling, which can be viewed online by searching the application reference number at the following URL: <http://planning.angus.gov.uk/online-applications/>

The development plan can be found on our website here: <http://archive.angus.gov.uk/developmentplans/> or alternatively can be viewed at your local library.

I also note the concerns you raise in your letter in regard to the above works and the possible future use of the application site. Again, the Report of Handling addresses this matter; making clear that the development considered relates solely to the erection of a wall and alterations made to ground levels within the site. No change of use was sought as part of the proposal and therefore the application was considered on that basis. Should a change from agricultural use be sought hereafter this would require planning permission and any such proposal would be considered against development plan policy at that time. I can confirm that no such application has been received to date.

I trust the above clarifies the situation for you. If telephoning please ask for Stephanie Porter on 01307 473365 or e-mail [PorterSG@angus.gov.uk](mailto:PorterSG@angus.gov.uk)

Yours sincerely



**Stephanie Porter**  
**Development Standards Technician**

County Buildings | Market Street | Forfar | DD8 3LG | LP8 Forfar  
T: (01307) 461460 | E: [planning@angus.gov.uk](mailto:planning@angus.gov.uk) | [www.angus.gov.uk](http://www.angus.gov.uk)

## **APPENDIX 4**

# **APPLICANT RESPONSE TO FURTHER LODGED REPRESENTATIONS**



Sarah Forsyth  
Committee Officer  
Angus Council  
Issued by e mail to [ForsythSL@angus.gov.uk](mailto:ForsythSL@angus.gov.uk)  
17th December 2021

Dear Madam,

**Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013**

**Application for Review – Refusal of Planning Permission in Principle for Erection of Single House and Access at Land at Barns of Craig, Montrose – Anniston Farms (Arbroath) Ltd  
Application No 21/00464/PPPL - DMRC-11-21**

We refer to the above-mentioned Application for Review and the various third-party representations forward to us on the 6<sup>th</sup> December and would make the following comments:

New information- no new information has been lodged as part of the Application for Review, the title information was lodged as part of the original planning application submission.

Land to the east- It has been consistently stated by the applicant that the land to the east forms part of the residential curtilage of Barns of Craig Farmhouse. This is a historic title and has not been changed in recent years contrary to some comments made by the representations. Indeed, the use of the area for garden ground is confirmed by Mr and Mrs Doyle in their letter of the 27/11/21 at which time the state “look at the plot next door [land to the east] that is supposed to be garden ground, looks nothing like any garden I have seen, at one point this land was supposed to be developed as a tennis court and indeed the artificial grass is still there?”

This confirms the area has historically been used as garden ground as part of Barns of Craig Farmhouse and is not agricultural land as suggested by the representations.

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[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)

Gap Site- it is clear that the site subject of the current Review has established boundaries on all sides as such the site qualifies as a gap site twice

West/West- metalled road and curtilage of Barn of Craig Farmhouse

North/south- metaled road and curtilage of Ber'les

Opens up further land/concerns with regard to ribbon development- As stated the land to the east is garden ground associated with Barns of Craig Farmhouse. The Supplementary Guidance on Countryside Housing is clear that the sub division of existing residential curtilage to artificially create new build plots will not be supported. Further, the road frontage of the garden ground of Barns of Craig Farmhouse extends to over 100 metres, again the Supplementary Guidance on Countryside Housing is clear that, in order to fall within the definition of a "gap site" the road frontage must be no greater than 50 metres. Therefore, any proposed development within this land would be contrary to planning policy and would not be considered suitable for development.

Therefore, the site subject of the Review will not create an opportunity for additional greenfield development to the east further as the site has established boundaries on all sides, and the land to the east confirmed as garden ground associated with Barns of Craig Farmhouse, the site falls within the definition of a "*gap site*" and as such, by its very definition, as the proposed site it fills a "gap" it cannot continue ribbon development.

Impact on wildlife- the site subject of the current review is located in a countryside area. The site is small scale. If approved the detailed design will incorporate a landscape scheme which will include indigenous plants providing improved biodiversity and habitat opportunities.

Finally, and as highlighted by the representations, this area has been the subject of recent development which has created a small building group. The application site represents a natural infill site within this building group. The proposed additional house will in no way detract from the character of the area and, as confirmed by the Report of Handling, the site can accommodate a house without loss of amenity for the existing residents.

We trust these comments are helpful in the consideration of the current application for Review

Yours Faithfully

**Suller & Clark.**