

ANGUS COUNCIL

DEVELOPMENT MANAGEMENT REVIEW COMMITTEE – 7 JULY 2022

BRAEHEAD COTTAGE, LUNDIE, MUIRHEAD

REPORT BY THE DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES

ABSTRACT:

The Committee is asked to consider an application for a review of the decision taken by the planning authority in respect of the refusal of planning permission for change of use of agricultural land to private garden and erection of a garden room and store for ancillary use to the dwelling, application No 21/00838/FULL, at Braehead Cottage, Lundie, Muirhead.

1. RECOMMENDATIONS

It is recommended that the Committee:-

- (i) review the case submitted by the Planning Authority (**Appendix 1**); and
- (ii) review the case submitted by the Applicant (**Appendix 2**);

2. ALIGNMENT TO THE COUNCIL PLAN

This report contributes to the following local outcomes contained within the Angus Council Plan:

- An enhanced, protected and enjoyed natural and built environment
- A reduced carbon footprint
- Safe, secure, vibrant and sustainable communities

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.

Report Author: Sarah Forsyth
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List of Appendices:

Appendix 1 – Submission by Planning Authority

Appendix 2 – Submission by Applicant

ANGUS COUNCIL'S SUBMISSION ON GROUNDS OF REFUSAL

APPLICATION NUMBER – 21/00838/FULL

APPLICANT- MR A CLIFT

PROPOSAL & ADDRESS – CHANGE OF USE OF AGRICULTURAL LAND TO PRIVATE GARDEN AND ERECTION OF A GARDEN ROOM & STORE FOR ANCILLARY USE TO THE DWELLING AT BRAEHEAD COTTAGE LUNDIE MUIRHEAD DUNDEE

CONTENTS

AC1	Report of Handling	
	Policy Tests (Angus Local Development Plan 2016)	
	Policy DS1, DS3, DS4, TC4, PV8 & PV20 Planning Advice Note 25 'Agricultural Land to garden Ground' https://www.angus.gov.uk/media/agriculture_to_garden_ground	
	Consultation Responses	
AC2	Scottish Water – 10.11.21	
AC3	Roads Traffic – 17.11.21	
	Letters of Representations – None	
	Application Drawings	
AC4	Refused Location Plan	
AC5	Refused Drawings	
	Further Information Relevant to Assessment	
AC6	Site Photographs	

AC7	Decision Notice	
AC8	Dundee City Council conservation area information sheet. Referred to in Report of Handling.	
	Planning Circular 3/2012 Planning Obligations and Good Neighbour Agreements. Referred to in Report of Handling. https://www.gov.scot/publications/planning-circular-3-2012-planning-obligations-good-neighbour-agreements-revised-2020/)	
	Supporting Information	
AC9	Appendix A - supporting e-mail from the occupier of Sawmill Cottage	
AC10	Planning Statement	

Angus Council

Application Number:	21/00838/FULL
Description of Development:	Change of use of agricultural land to private garden and erection of a Garden Room & store for ancillary use to the dwelling
Site Address:	Braehead Cottage Lundie Muirhead Dundee DD2 5NW
Grid Ref:	329048 : 736673
Applicant Name:	Mr A Clift

Report of Handling

Site Description

The application site measures 1460sqm and incorporates an area of agricultural land that is located immediately to the north of Braehead Cottage and its existing curtilage. Agricultural ground / fields bound the site to the north, east and west. The site is located within the Lundie Conservation Area and is located outwith and adjacent to the Lundie development boundary.

Proposal

The proposal seeks planning permission for the change of use of a 1460sqm area of agricultural land to garden ground (to the north of the existing curtilage of Braehead Cottage) and the erection of 2no. detached buildings on this land.

One building would be used as a garden room / covered area (50sqm footprint) and would have an area of external decking (measuring 36sqm). The other smaller building would be used as a garden store (17sqm footprint). Natural reclaimed slate would be used on the roof of the buildings, with larch cladding on the walls.

The plans indicate that the new boundary of the extended garden ground would be formed by native tree planting with post and wire fencing to the north and west boundaries. The application site measures 1460sqm and this combined with the existing curtilage at Braehead Cottage (2200sqm) would lead to an overall curtilage of 3662sqm for the property.

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 12 November 2021 for the following reasons:

- Conservation Area

A site notice was posted for Conservation Area Development on 16 November 2021.

Planning History

21/00586/FULL for Change of use of agricultural land to private garden and erection of a Garden Room & store for ancillary use to the dwelling was determined as "Application Withdrawn" on 15 October 2021.
06/00643/FUL for Erection of Sun Lounge was determined as "approved subject to conditions" on 22 June 2006.

97/00988/FULL for EXTENSION TO DWELLINGHOUSE was determined as "approved conditionally" on 26 March 1997.

Applicant's Case

Supporting Statement:

- Describes that the applicants have lived in the property for a significant period of time and have extended and improved the house and garden;
- States that the house is elevated above the public road and the modest garden slopes steeply. There are also two small areas of woodland within the applicants' ownership around the garden.
- The area of the existing garden is described as being 2200sqm and the extension would be 1462sqm.
- The extended garden would be bounded by a fence, native trees and other planting.
- It is proposed to erect a garden room and store within the extended garden on level ground. They would be visible from one point on the public road, but would be partially screened by planting and would be viewed against a backdrop of trees and so would fit well into the landscape.
- Refers to the planning framework and notes that the extension of the garden is an issue for the settlement boundary of Lundie and the siting of the garden room and store is an issue for its impact on the Conservation Area. States that the applicant would be prepared to enter into a legal agreement to retain the remainder of the field to the north of their property as open space for all time to maintain the setting of the Conservation Area;
- The existing usable garden of the house is relatively modest and the proposed extension of the garden into part of their field would have no overall impact on the purpose of the settlement boundary;
- The development boundaries shown on the Proposals Map in the local plan have been brought forward from previous plans and have not been the subject of review apart from where significant greenfield allocations are proposed as extensions. States that a review of the development boundaries will be a priority in the review of the ALDP to ensure they remain robust and reflect current circumstances. This is a clear admission in the ALDP that development boundaries of settlements in the Plan cannot be treated as up to date;
- Refers to policy DS1, states that the extension cannot be provided within the existing settlement boundary, that it is only the Conservation Area designation which requires that planning permission be sought for this ancillary structure. Notes the first part of policy DS1 refers to a public interest test, but states that the Lundie boundary is in need of review. There is a clear environmental public benefit to this proposal in the offer of long term protection of the larger field from any form of built development;
- Although the Conservation Area was designated in 1991, no Conservation Area Appraisal has been carried out, nor any specific policy framework established to identify the key features of this particular Conservation Area which should be conserved and enhanced. LDP does not contain a specific policy on development in Conservation Areas, but only a much more general one (PV8);
- Refers to Policy PV8, states lack of formal statement from the Council about the Historic Environment of the Site but that the proposal will not impact on the Conservation Area to any degree and would enhance it with the linked proposal to protect for all time the wider field to the north and west of the application site;
- Other material considerations - significant environmental gain via a legal agreement being entered into to maintain the remainder of their field undeveloped;
- Conclude that this application is a very modest proposal to extend the small garden of Braehead Cottage. The LDP concedes that no review of settlement boundaries in Angus has been carried out for many years and therefore that this boundary is out of date. The extension of this garden beyond the current settlement boundary is acceptable in planning terms. It is unfortunate that the Council has not undertaken a Conservation Area Appraisal or produced a policy statement on the particular character of this Conservation Area that should be preserved. At any level, though, the proposed garden room and store is a modest and high quality development which would enhance rather than detract from the character of the Conservation Area by virtue of its size, design and location.

A supporting e-mail from the occupier of Sawmill Cottage (referred to as Appendix A) was submitted in support of the application.

Consultations

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

Roads (Traffic) - No objections.

Scottish Water - No objections. No new connections will be permitted to the public infrastructure. The additional surface water will require to discharge to the existing private pipework within the site boundary and provides other general notes.

Representations

There were no letters of representation.

Development Plan Policies

Angus Local Development Plan 2016

Policy DS1 : Development Boundaries and Priorities

Policy DS3 : Design Quality and Placemaking

Policy DS4 : Amenity

Policy TC4 : Householder / Domestic Development

Policy PV8 : Built and Cultural Heritage

Policy PV20 : Soils and Geodiversity

TAYplan Strategic Development Plan

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

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

Assessment

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

Section 64(2) requires that the Planning Authority, in assessing planning applications in Conservation Areas, pays special attention to the desirability of preserving or enhancing the character or appearance of that area.

The application site lies outwith but adjacent to the development boundary at Lundie. Policy DS1 of the Angus Local Development Plan (ALDP) states that 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 that there is a need for the proposed development that cannot be met within a development boundary.

No compelling evidence has been submitted to demonstrate that there is a public interest in allowing the extension of the garden ground, nor are there any social, economic, environmental or operational considerations confirming that there is a need for the proposed development that cannot be met within a development boundary.

The existing house curtilage is described as measuring 2200sqm which is sizeable, and it is unclear why ancillary buildings associated with that dwelling cannot reasonably be accommodated within the existing curtilage. The supporting statement indicates that the approval of the application would bring a significant environmental gain because the applicant is prepared to sign a legal agreement to maintain the remainder of their field undeveloped to maintain the open aspect and transition the field offers from the tightly knit hamlet to the wider countryside beyond. This does not however constitute a significant

environmental gain. The field area is currently open and undeveloped and the proposal seeks to develop part of that field to be subsumed into the curtilage of the existing house. Development in the wider field is already controlled through the planning process and the area is offered protection by its conservation area designation. A legal agreement for the purpose described would not meet the policy tests for a planning obligation set out in Planning Circular 3/2012 *Planning Obligations and Good Neighbour Agreements*. As a result of the above, the proposal does not comply with Policy DS1.

Policy PV20 deals with soils and geodiversity and indicates that design and layout should minimise land required for development proposals on agricultural land. The land within the site is classified as class 3.2 and is not prime quality land.

Planning Advice Note 25 'Agricultural Land to Garden Ground' provides guidance for the assessment of applications of this nature. It indicates that there are disadvantages in permitting areas of farmland to be absorbed into residential garden ground such as the incremental loss of farmland, the general urbanisation of the countryside and the creation of additional house plots. It provides details of circumstances where such a change of use may be acceptable.

The existing site curtilage measures approximately 2200sqm and the proposed area to be added as garden ground would add an additional 1460sqm which would result in a total curtilage of 3660sqm. The area of land to be incorporated into the garden is significant and the incorporation of such a large area into the curtilage of the house does not meet with any of the circumstances where Advice Note 25 allows such a change of use. The site is located within a category 1 rural settlement unit where the maximum permissible plot size for a house in the countryside is 2000sqm and while the existing house curtilage is within the development boundary, the extended curtilage would be significantly larger than is permissible in a category 1 area in the countryside. The proposal does not conform with any of the acceptable circumstances where a change of use is permitted in Advice Note 25.

Policy PV8 refers to development affecting the local historic environment (conservation areas) and states that development proposals will only be supported where supporting information commensurate with the site's status demonstrates that the integrity of the historic environment value of the site will not be compromised; or the economic and social benefits significantly outweigh the historic environment value of the site.

The application site is located within the Lundie Conservation area. There is no conservation area appraisal covering Lundie but it is noted that Dundee City Council produced a conservation area information sheet which described the village as *'located on a steep sloping hillside a few miles north-west of Dundee. The conservation area comprises the parish church, former school and school house, former corn and barley mill and a small number of cottages on the north side of the road all with attractive mature gardens. Opposite is the village hall and the old manse beyond the glebe.'*

It is clear that the mature gardens within the village contribute to the character of the conservation area. Braehead Cottage currently benefits from a mature garden and an extension to its garden to the north would not have the benefit of mature planting. In the short term, the development proposed in this location is likely to result in some adverse impact on the conservation area as the new buildings would not have the benefit of that mature landscaping and would be more visible from some limited areas within the public realm, mainly to the west. Notwithstanding that, the submitted drawings indicate that new native tree planting would take place on the boundary which would in time reduce and mitigate adverse impacts of the proposed buildings and garden extension on the conservation area.

The proposal raises no significant issues in respect of policies DS4 and TC4. The relationship of the development with neighbouring property has been assessed and it would not give rise to any significant amenity impacts beyond those that are typically found in an area of this nature. The design of the buildings raises no significant issues and the proposal would not result in loss of parking or storage.

Paragraph 33 of Scottish Planning Policy states that where a development plan is more than five years old, the presumption in favour of development that contributes to sustainable development will be a significant material consideration. In this case TAYplan is less than 5-years old but the ALDP has recently become more than 5-years old as it was adopted in September 2016. The policies contained in the ALDP are generally consistent with TAYplan and SPP and are therefore considered to provide an appropriate

basis for the determination of this application.

In conclusion, the proposal would result in the development of land outwith but contiguous with a development boundary. No compelling evidence has been submitted to demonstrate that there is a public interest in allowing the development, nor are there any social, economic, environmental or operational considerations confirming that there is a need for the proposed development that cannot be met within a development boundary. The proposal does not comply with any of the circumstances where a change of use from agricultural land to garden ground is permitted in Advice Note 25. The proposal is contrary to Policy DS1 of the Angus Local Development Plan and Advice Note 25 'Agricultural Land to garden Ground'. There are no material planning considerations that justify 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 DS1 of the Angus Local Development Plan 2016 as the application proposes development which is outwith but contiguous with the development boundary and there is no public interest and no social, economic, environmental or operational considerations that confirm there is a need for the proposed development that cannot be met within the development boundary.

2. The proposal is contrary to Angus Council Advice Note 25 Agricultural Land to Garden Ground because the proposal does not comply with any of the acceptable circumstances where a change of use from agricultural land to residential garden ground is permitted.

Notes:

Case Officer: James Wright
Date: 21 February 2022

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 TC4 : Householder / Domestic Development

Proposals for householder development (including alterations/extensions to houses and flats, development within the curtilage of houses and flats, means of enclosure, satellite antenna and domestic scale microgeneration) will be supported where the siting, design, scale or massing of the proposal, does not:

- o adversely affect the residential amenity enjoyed by the house or surrounding domestic properties including, in the case of microgeneration, through noise or shadow flicker;
- o detrimentally affect the character and/or appearance of the building, site or surrounding area; and
- o result in the overdevelopment of the plot or a loss of garden ground, parking or bin storage.

Further guidance on householder development will be set out in a Householder Development Planning Advice Note.

Policy PV8 : Built and Cultural Heritage

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

National Sites

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

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

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

Regional and Local Sites

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

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

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

Policy 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.

Wednesday, 10 November 2021



Local Planner
Planning Service
Angus Council
Forfar
DD8 1AN

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

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



Dear Customer,

Braehead Cottage, Lundie Muirhead, Dundee, DD2 5NW
Planning Ref: 21/00838/FULL
Our Ref: DSCAS-0052601-3PG
Proposal: Change of use of agricultural land to private garden and erection of a Garden Room & store for ancillary use to the dwelling

Please quote our reference in all future correspondence

Audit of Proposal

I have carried out an audit of the below listed drawings and I'm pleased to confirm that Scottish Water has no objection to the development proceeding.

Please Note

No new connections will be permitted to the public infrastructure. The additional surface water will discharge to the existing private pipework within the site boundary.

General Notes

For all extensions that increase the hard-standing area within the property boundary, you must look to limit an increase to your existing discharge rate and volume. Where possible we recommend that you consider alternative rainwater options. All reasonable attempts should be made to limit the flow.

This response is in relation to the information you have provided. If there are any changes to your proposed development, you may be required to submit the proposed amendments for review.

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.

Yours sincerely,

Pamela Strachan

Planning Team Analyst

planningconsultations@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."

ANGUS COUNCIL

PLANNING

CONSULTATION SHEET

PLANNING APPLICATION NO

21/00838/FULL

Tick boxes as appropriate

ROADS

No Objection

Interest

(Comments to follow within 14 days)

Date

17

11

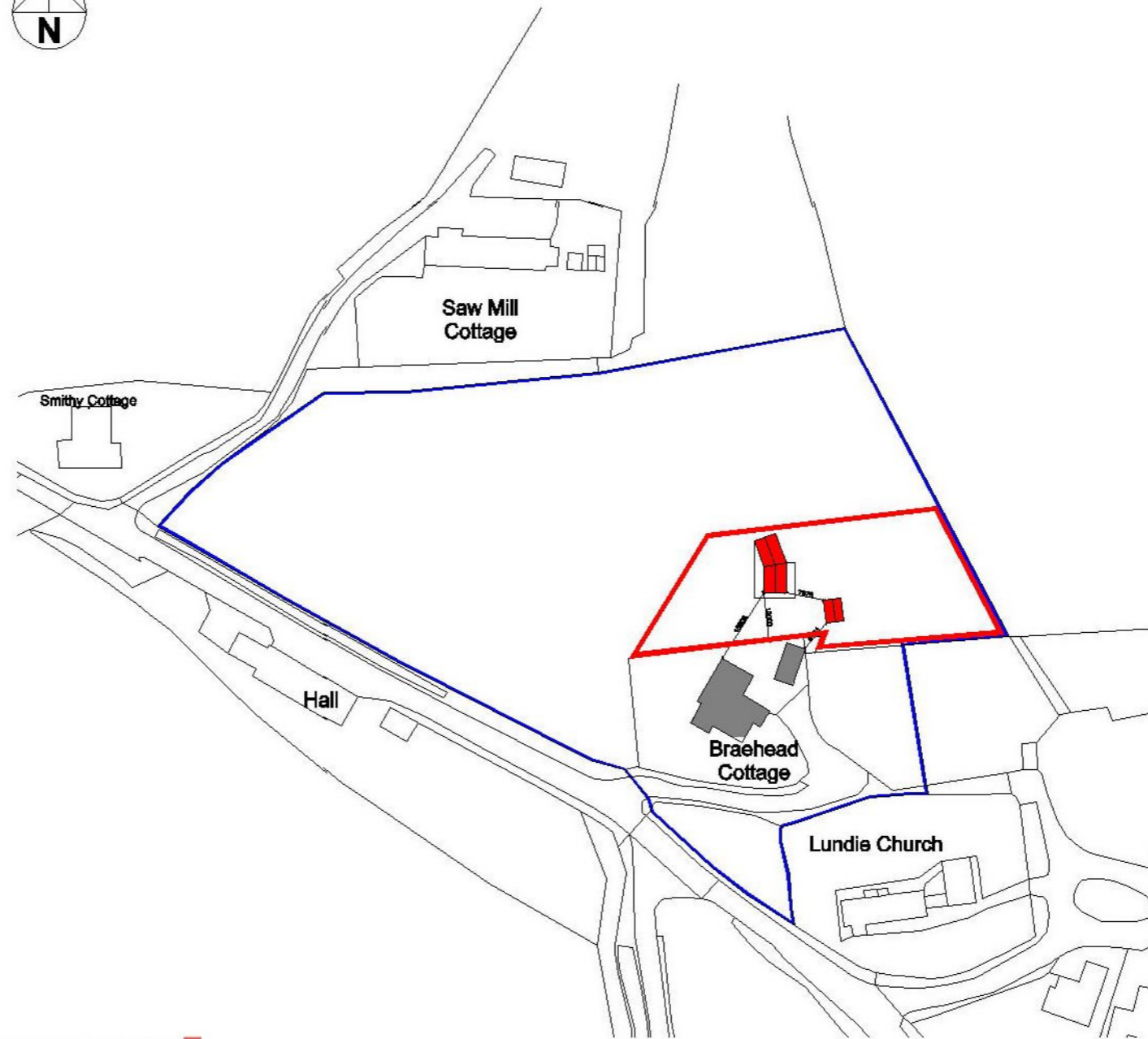
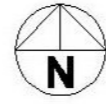
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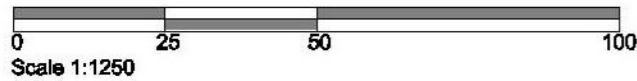
Refused

AC4



LOCATION PLAN

Scale 1:1250



Refused

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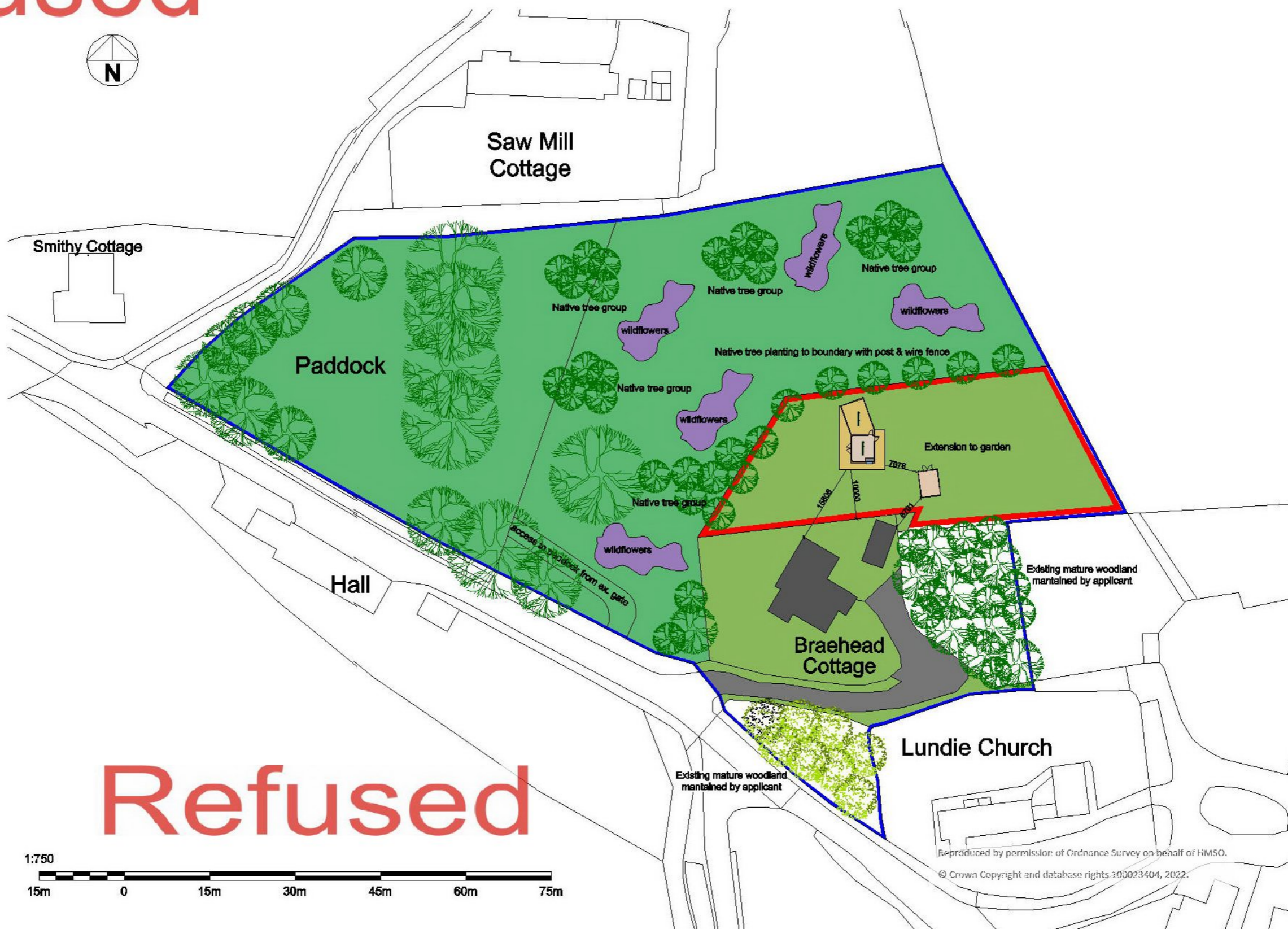
Rev.	Date	Description	App'd

Project Title Proposed Garden Room Braehead Cottage Lundie DD2 5NW
Drawing Title Location Plan

Drawn By JAC	Checked By
Drawing Sheet Size A3	Scale APD
Date 25.10.21	
Project Number JMLGR-21-54-CLIFT	
Drawing Number D001	Revision A
PLANNING NOT FOR CONSTRUCTION	

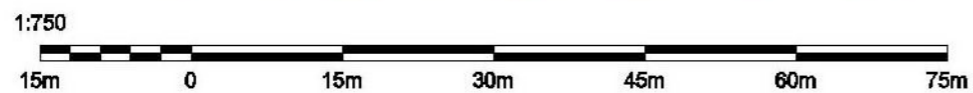
Refused

AC5



SITE PLAN

Scale 1:750



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 Tel: 01764 663271 Email: info@jmlgardenrooms.co.uk
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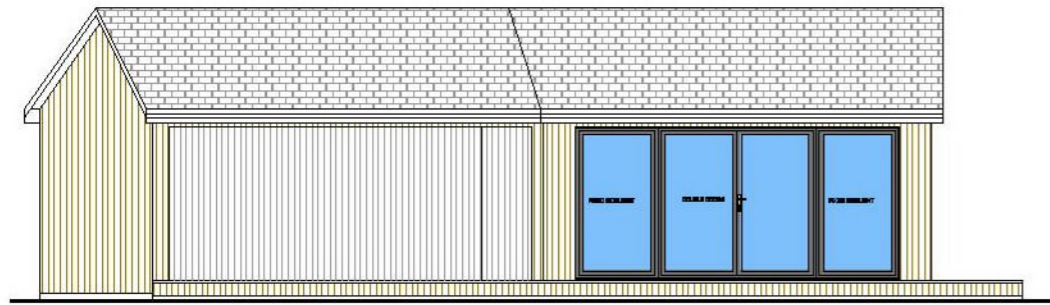
Rev.	Date	Description	App'd

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Drawing Title Site Plan

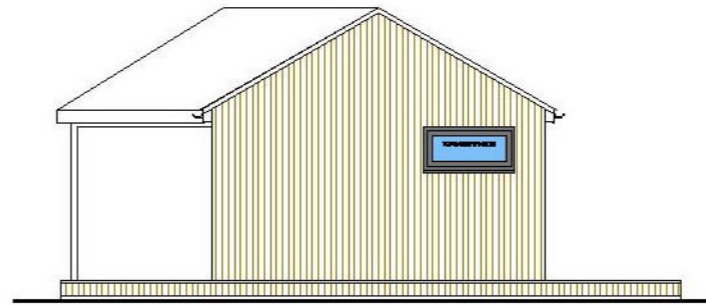
Drawn By JAC	Checked By
Drawing Sheet Size A3	Scale APD
Date 25.10.21	
Project Number JMLGR-21-54-CLIFT	
Drawing Number D003	Revision
PLANNING NOT FOR CONSTRUCTION	

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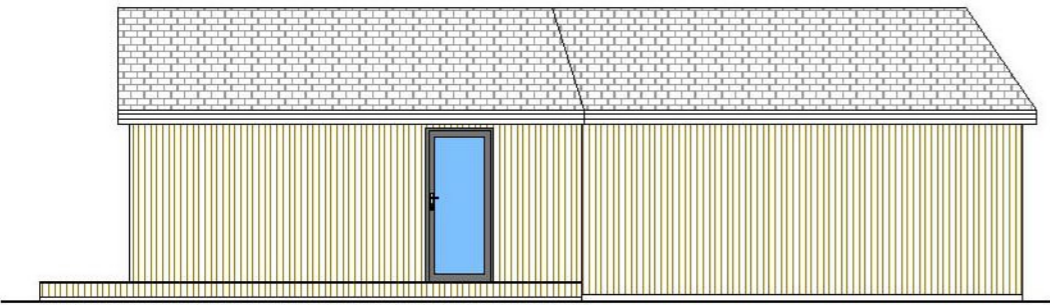
Refused



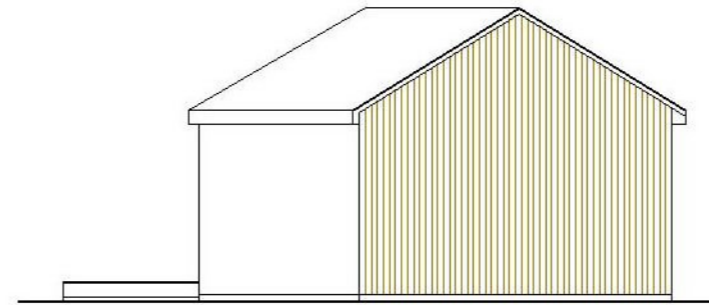
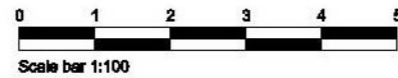
WEST ELEVATION
SCALE 1:100



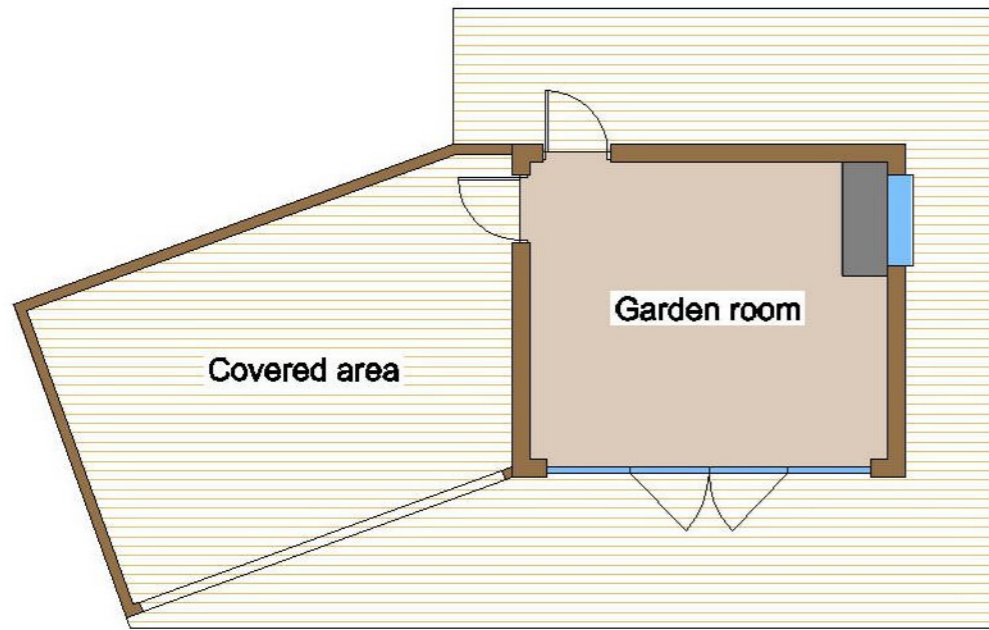
SOUTH ELEVATION
SCALE 1:100



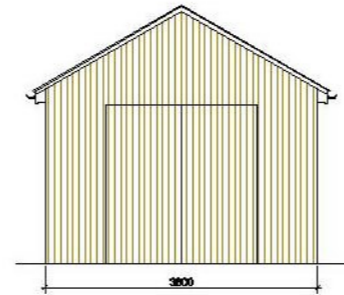
EAST ELEVATION
SCALE 1:100



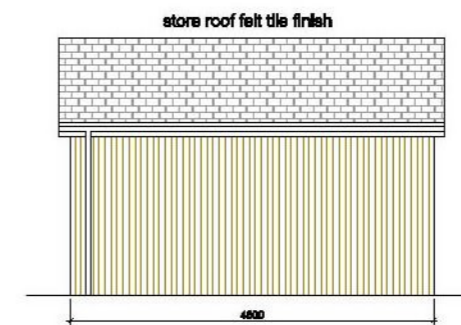
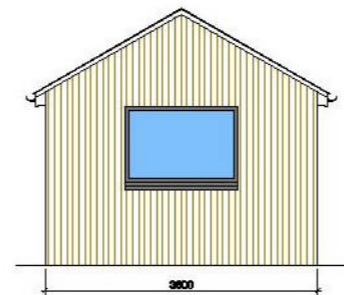
NORTH ELEVATION
SCALE 1:100



Garden room floor plan
Scale 1:100



Garden store
scale 1:100



CONSTRUCTION SPECIFICATION:

FOUNDATIONS:

1. GROUNDSCREW FOUNDATION SYSTEM

ROOF:

1. ROOF MADE UP OF 100mm HIGHLY INSULATED BBA RATED PU SIP PANELS
2. NATURAL RECLAIMED SLATE
3. CAST IRON EFFECT PVC RAINWATER GOODS

EXTERNAL WALLS:

1. WALLS MADE UP OF 100mm HIGHLY INSULATED BBA RATED PU SIP PANELS
2. 20mm SIBERIAN LARCH CLADDING TO EXTERNAL FACE - 'NATURAL'

FLOOR:

1. FLOOR MADE UP OF 100mm HIGHLY INSULATED BBA RATED PU SIP PANELS
2. ENGINEERED OAK FLOORING INTERNALLY

DOORS/WINDOWS:

1. FACTORY FINISHED DOUBLE GLAZED TIMBER PATIO DOOR SYSTEM & FIXED SIDE LIGHTS - ANTHRACITE GREY
2. FACTORY FINISHED DOUBLE GLAZED TIMBER WINDOW TO MATCH DOORS/SIDELIGHTS - ANTHRACITE GREY

Refused

THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL ENGINEERS AND ARCHITECTS DRAWINGS AND SPECIFICATIONS.
 THIS DRAWING IS AN A3 SHEET. REPRODUCTION IN ANY OTHER SIZE OR FORMAT WILL RESULT IN SCALES BEING INCORRECT. DO NOT SCALE. IF IN DOUBT, PLEASE ASK.
 TOLERANCES: EXCEPT WHERE OTHERWISE STATED +0/-3mm.
 SIP'S PANELS TO BE FIXED IN ACCORDANCE WITH STRUCTURAL ENGINEERS NAILING SCHEDULE AND CALCULATIONS.
 ALL DIMENSIONS TO BE CHECKED ON SITE PRIOR TO CONSTRUCTION AND MANUFACTURE, AND ANY DISCREPANCIES TO BE REPORTED TO CONTRACT ADMINISTRATOR.
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 Tel: 01764 663271 Email: info@jmlgardenrooms.co.uk
 www.jmlgardenrooms.co.uk

Rev.	Date	Description	App'd

Project Title	
Proposed Garden Room Braehead Cottage Lundie DD2 5NW	
Drawing Title	
Proposed Plan and Elevations	

Drawn By	Checked By
BM	
Drawing Sheet Size	Scale
A3	APD
Date	
23.07.21	
Project Number	
JMLGR-21-54-CLIFT	
Drawing Number	Revision
D002	
PLANNING	
NOT FOR CONSTRUCTION	



North East from existing garden



North East from existing garden



South West from within field



West view from within field



East view from within field



North West towards Sawmill Cottage

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

PLANNING PERMISSION REFUSAL
REFERENCE : 21/00838/FULL

To **Mr A Cliff**
c/o JML Garden Rooms
Jakki Cosgrove
The Arns
Auchterarder
PH3 1EJ

With reference to your application dated 5 November 2021 for planning permission under the above mentioned Acts and Regulations for the following development, viz.:-

Change of use of agricultural land to private garden and erection of a Garden Room & store for ancillary use to the dwelling
at **Braehead Cottage Lundie Muirhead Dundee DD2 5NW** for **Mr A Cliff**

The Angus Council in exercise of their powers under the above mentioned Acts and Regulations hereby **Refuse Planning Permission (Delegated Decision)** for the said development in accordance with the particulars given in the application and plans docquetted 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 DS1 of the Angus Local Development Plan 2016 as the application proposes development which is outwith but contiguous with the development boundary and there is no public interest and no social, economic, environmental or operational considerations that confirm there is a need for the proposed development that cannot be met within the development boundary.
2. The proposal is contrary to Angus Council Advice Note 25 Agricultural Land to Garden Ground because the proposal does not comply with any of the acceptable circumstances where a change of use from agricultural land to residential garden ground is permitted.

Amendments:

The application has not been subject of variation.

Dated this **23 February 2022**
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
Development Standards Committee/Full Council	National developments, major developments and local developments determined at a meeting of the Development Standards Committee or Full Council whereby relevant parties and the applicant were given the opportunity to present their cases before a decision was reached.	DPEA (appeal to Scottish Ministers) – See details on attached Form 1
Delegated Decision	Local developments determined by the Service Manager through delegated powers under the statutory scheme of delegation. These applications may have been subject to less than five representations, minor breaches of policy or may be refusals.	Local Review Body – See details on attached Form 2
Other Decision	All decisions other than planning permission or approval of matters specified in condition. These include decisions relating to Listed Building Consent, Advertisement Consent, Conservation Area Consent and Hazardous Substances Consent.	DPEA (appeal to Scottish Ministers) – See details on attached Form 1

Notification of initiation of development (NID)

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

Notification of completion of development (NCD)

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

Display of Notice while development is carried out

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

The notice must be in the prescribed form and:-

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

A display notice is included with this guidance note.

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

Angus Council
Angus House
Orchardbank Business Park
Forfar
DD8 1AN

Telephone 01307 492076 / 492533
E-mail: planning@angus.gov.uk
Website: www.angus.gov.uk



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

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

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

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

the applicant may appeal to the Scottish Ministers to review the case under section 47 of the Town and Country Planning (Scotland) Act 1997 within three months beginning with the date of this notice. The notice of appeal should be addressed to 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:-

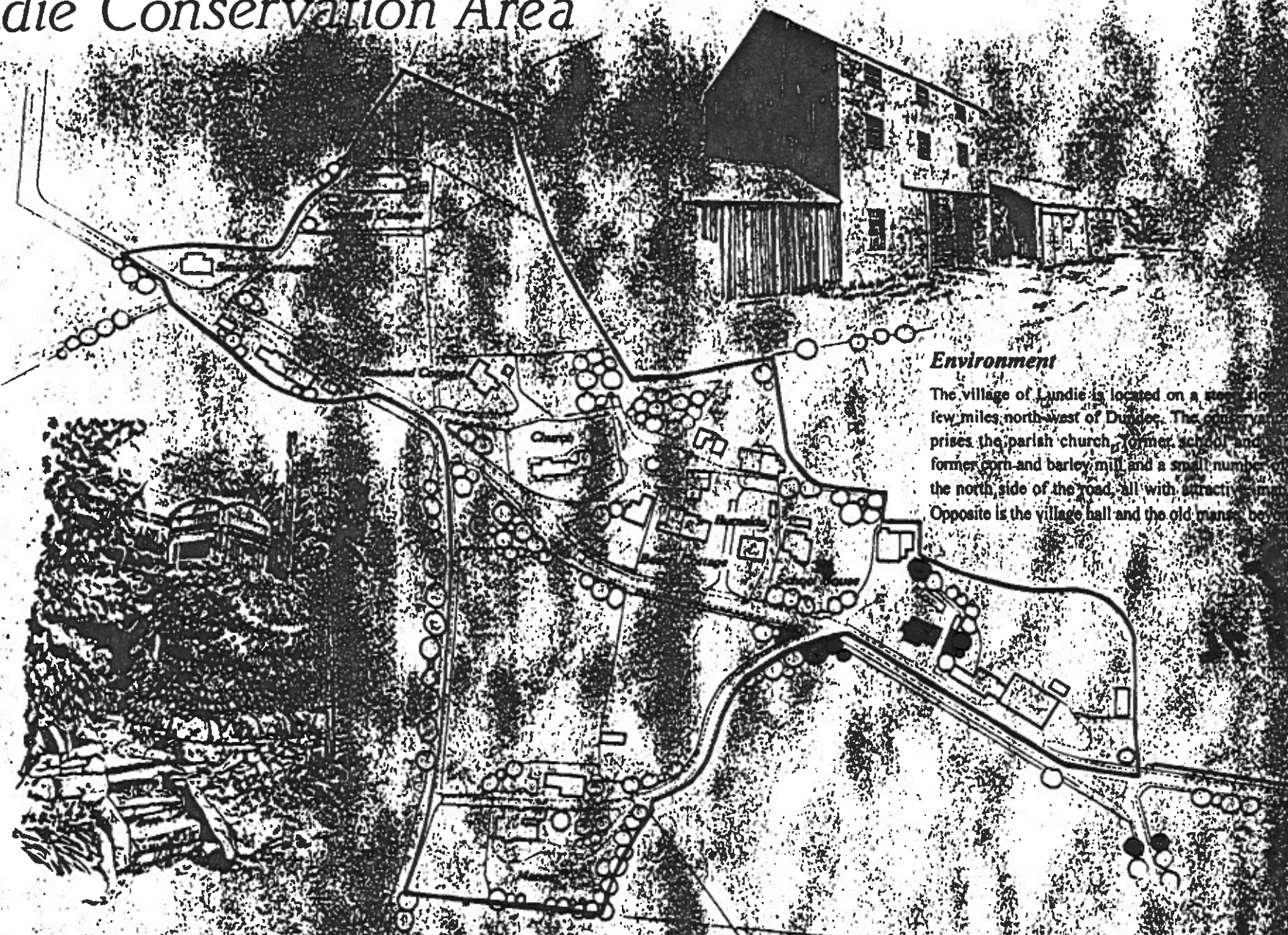
Granted Permission/Consent	<input type="checkbox"/>	Refused Permission/Consent	<input type="checkbox"/>	Withdrawn	<input type="checkbox"/>
----------------------------	--------------------------	----------------------------	--------------------------	-----------	--------------------------

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.

Lundie Conservation Area

Printed on Recycled Paper



Environment

The village of Lundie is located on a steep slope on the side of a few miles north-west of Dundee. The conservation area comprises the parish church, former school and school house, former corn and barley mill and a small number of cottages on the north side of the road, all with attractive gardens. Opposite is the village hall and the old manse, both on the slope.

APPENDIX A

From: "Nikki ." [REDACTED]
Date: 15 October 2021 at 11:27:00 BST
To: Christine [REDACTED]
Subject: Re: Braehead Cottage Summerhouse

To whom it may concern,

I live in Sawmill Cottage which overlooks the field in which the proposed summerhouse will be built, and having seen the design & siting of this structure have no objection whatsoever to it going ahead. As far as I'm aware mine is the only property that would have sight of this development.

What I would further add is since the field/paddock has been purchased, it has been transformed from an overgrown mass of grass & weeds into a closely mown area of grassland, with several small copse of native deciduous trees planted across the site.

In summary it now provides me with a far more pleasant outlook than before, and I would like to add my support to this application.

Yours Faithfully,

Nicola Robertson

Planning Statement: Change of use of agricultural land to private garden and erection of a garden room & store for ancillary use to the dwelling at Braehead Cottage, Lundie, Muirhead, Dundee, DD2 5NW

Introduction

Our clients have lived in Braehead Cottage for over 20 years and have renovated and extended the house and improved the garden. The house is elevated above the public road and the modest garden slopes steeply. There are also two small areas of woodland within the applicants' ownership around the garden. Recently they purchased the field to the north and west of their property with a view to preventing future development and retaining it as an area of open space to enhance the Conservation Area. They have already planted clumps of native trees and wildflowers in the meadow and intend to use part of it as a pony paddock.

Our clients would like to extend their garden into a part of this field by a modest amount. The area of the existing garden is 2200m² and the extension would be 1462m². The extended garden would be bounded by a fence, native trees and other planting.

It is also proposed to erect a garden room and store within the extended garden on level ground. These would be of traditional, sympathetic design and finished in larch cladding with pitched, slated roofs. They would be visible from one point on the public road, but would be partially screened by planting and would be viewed against a backdrop of trees and so would fit well into the landscape. They would only be visible from one property, whose owner is supportive of the proposal (see appendix).

To maintain the rest of the field in its present undeveloped form, and hence protect this part of the Conservation Area, our clients are prepared to enter into a legal agreement to prevent any further development within the field. This would be a major benefit to the Conservation Area as a whole.

Planning framework for determination of the application.

The application requires to be determined in the context of the Angus LDP taking account of other material considerations. The extension of the garden is an issue for the settlement boundary of Lundie and the siting of the garden room and store is an issue for its impact on the Conservation Area, whose boundaries extend beyond the settlement boundary. The significant other material consideration is the offer by our clients to enter a legal agreement to retain the remainder of the field to the north of their property as open space for all time to maintain the setting of the Conservation Area, which is a very significant consideration.

Development outwith the current settlement boundary of Lundie

The settlement boundary around Lundie is currently drawn very tightly, with the northerly point of our clients' house only 1m from the boundary. The existing usable garden of the house is relatively modest and the proposed extension of the garden into part of their field would have no overall impact on the purpose of the settlement boundary, which presumably is to prevent the further spread of new houses beyond the edges of this settlement.

The development principles laid out on page 9 of the ADLP notes that 'the development boundaries shown on the Proposals Map have been brought forward from previous plans and have not been the subject of review apart from where significant greenfield allocations are proposed as extensions. A review of the development boundaries will be a priority in the review of the ALDP to ensure they remain robust and reflect current circumstances'. This is a clear admission that development boundaries of settlements in the Plan cannot be treated as up to date and relevant and this proposed minor extension to the settlement boundary could easily be formalised in the much needed review of the Lundie settlement boundary in due course.

The accompanying general LDP policy on this issue is DS1, which requires the need to prove that the proposed development cannot be contained within the development boundary. This is the case here; the land use proposal to which this policy relates is for the extension of the garden of Braehead Cottage and clearly such an extension cannot be provided within the existing settlement boundary. This policy has to be used with caution in respect of the garden room, since it is only the Conservation Area designation which requires that planning permission be sought for this ancillary structure. The first part of policy DS1 refers to a public interest test, but as indicated above, the Lundie boundary is in need of review. In any event, there is a clear environmental public benefit to this proposal in the offer of long term protection of the larger field from any form of built development.

Development within a Conservation Area

The Lundie Conservation Area covers the whole of the settlement and a wider area beyond (although for some reason its full extent is not shown within the LDP). It is unfortunate that, contrary to central government guidance and best practice, although the Conservation Area was designated in 1991, no Conservation Area Appraisal has been carried out, nor any specific policy framework established to identify the key features of this particular Conservation Area which should be conserved and enhanced. (This general problem with Angus Conservation Areas was identified in a report on Built Heritage Management to the Communities Committee in 2019). Similarly, the LDP does not contain a specific policy on development in Conservation Areas, but only a much more general one (PV8) which applies generally to 'local historic environment sites'.

The introduction to this section of the Angus LDP (page 53) notes that: 'There are varying degrees of protection afforded to specific sites depending on their significance, but many smaller and more domestic examples contribute to the local character and diversity of Angus. This overall character should not only be respected, but enhanced by well-designed new buildings and conversions which will be the built heritage of future generations. The ALDP will safeguard protected sites, buildings and properties from inappropriate development and encourage development which enhances the built and cultural heritage of Angus.' The proposed very modest, high quality development, with the associated retention of the adjacent field as open space would certainly enhance its setting.

Policy PV8 requires that 'supporting information commensurate with the site's status demonstrates that the integrity of the historic environment value of the site will not be compromised'. With the lack of any formal statement from the Council about the

'historic environment value' of the site, it is difficult to address this issue directly, however, as indicated above, the proposal will not impact on the Conservation Area to any degree at all, and indeed would enhance it with the linked proposal to protect for all time the wider field to the north and west of the application site.

Other material considerations

As has been indicated above, approval of this application would bring a significant environmental gain in that our clients are offering to enter into a legal agreement to maintain the remainder of their field undeveloped to maintain for all time this part of the Conservation Area which offers an open aspect and a transition from the tightly knit hamlet itself to the wider countryside beyond.

Conclusions

This application is a very modest, proposal to extend the small garden of Braehead Cottage onto adjacent land owned by our clients and to erect a small garden room and store of traditional design and highest quality finish within that extended garden.

It is accepted that the garden extension would breach the current settlement boundary of Lundie, but the Angus LDP itself concedes that no review of settlement boundaries in Angus has been carried out for many years and therefore that this boundary is out of date. In any event, the extension of this garden beyond the current settlement boundary is completely acceptable in planning terms and would not lead to any further housing in the village – the location and size and shape of the proposed garden extension would not allow for the building of an additional house on this site.

It is also accepted that the site lies within the Lundie Conservation Area. It is unfortunate that the Council has not undertaken a Conservation Area Appraisal or produced a policy statement on the particular character of this Conservation Area that should be preserved. At any level, though, the proposed garden room and store is a modest and high quality development which would enhance rather than detract from the character of the Conservation Area by virtue of its size, design and location. In addition, the planning gain associated with our clients' offer to prevent any future development on the rest of their land would be a major asset to the management of the Conservation Area for all time to come.

The application should therefore be approved as being in accordance with the Development Plan, taking account of other significant material considerations.

DEVELOPMENT MANAGEMENT REVIEW COMMITTEE
APPLICATION FOR REVIEW – BRAEHEAD COTTAGE, LUNDIE,
MUIRHEAD

APPLICATION NO 21/00838/FULL

APPLICANT'S SUBMISSION

Page No

ITEM 1	Notice of Review
ITEM 2	Appeal Statement
ITEM 3	Application for Planning Permission
ITEM 4	Planning Statement
ITEM 5	Report of Handling
ITEM 6	Decision Notice
ITEM 7	Site Plan
ITEM 8	Floor Plan & Elevations
ITEM 9	Supporting Correspondence



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 100447721-003

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

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:

Ref. Number: You must enter a Building Name or Number, or both: *

First Name: * Building Name:

Last Name: * Building Number:

Telephone Number: * Address 1 (Street): *

Extension Number: Address 2:

Mobile Number: Town/City: *

Fax Number: Country: *

Postcode: *

Email Address: *

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Braehead Cottage"/>
First Name: *	<input type="text" value="A"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Clift"/>	Address 1 (Street): *	<input type="text" value="Lundie"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Angus"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="DD2 5NW"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="jakki@jmlgardenrooms.co.uk"/>		

Site Address Details

Planning Authority:	<input type="text" value="Angus Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="BRAEHEAD COTTAGE"/>
Address 2:	<input type="text" value="LUNDIE"/>
Address 3:	<input type="text" value="MUIRHEAD"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="DUNDEE"/>
Post Code:	<input type="text" value="DD2 5NW"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="736648"/>	Easting	<input type="text" value="329030"/>
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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)

Change of use of agricultural land to private garden and erection of a Garden Room & store for ancillary use to the dwelling

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.

See supporting documents

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)

Application Form Site Plan Floor Plan & Elevations Planning Statement Letter of support Notice of Review

Application Details

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

21/00838/FULL

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

25/10/2021

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

23/02/2022

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 Jakki Cosgrove

Declaration Date: 11/03/2022

Notice of Review (21/00838/FULL)**Change of use of agricultural land to private garden and erection of a Garden Room & store for ancillary use to the dwelling at Braehead Cottage Lundie Muirhead Dundee DD2 5NW for Mr A Cliff**Introduction

This is a very modest proposal to extend a garden and erect ancillary buildings which wouldn't normally require consent except for the Conservation Area designation. There were no objections to the application and one letter of support from an adjacent owner. The application took 16 weeks to determine.

The application was refused for two reasons, firstly that the site lies outwith the development boundary of Lundie and secondly because the proposal is contrary to Advice Note 25. It is submitted that both of these reasons for refusal are no longer relevant and that the application should be approved on its own merits.

Visual Impact on Conservation Area

The site lies within the Lundie Conservation Area, but this is not given as a reason for refusal and the Report of Handling concedes that any impact on the Conservation Area would be mitigated in the longer term by native tree planting. This means that the proposal is visually acceptable and it is only the policy context for an extension of the garden that needs to be reviewed; there is no issue with the proposed buildings.

Reason for Refusal 1 – Development Beyond the Development Boundary

The first reason for refusal is that the proposal is contrary to Policy DS1 of the LDP, since the proposal constitutes development outwith, but contiguous with the development boundary of Lundie. However, as the Report of Handling concedes, the Angus LDP is more than 5 years old and therefore as Paragraph 33 of Scottish Planning Policy states, the presumption in favour of the proposal becomes a significant material consideration - Policy DS1 no longer needs to be given pre-eminence.

Paragraph 33 also refers to the presumption on favour of development where Development Plan policies are out of date and this is certainly the case with development boundaries within the LDP; The LDP itself admits (page 9) that 'the development boundaries shown on the Proposals Map have been brought forward from previous plans and have not been the subject of review apart from where significant greenfield allocations are proposed as extensions. A review of the development boundaries will be a priority in the review of the ALDP to ensure they remain robust and reflect current circumstances'. This is a clear admission that development boundaries of settlements in the Plan, including Lundie, were out of date even when the LDP was adopted in 2016. They should have been revised as part of that LDP review and cannot be treated as up to date and relevant and therefore little

or no weight should be given to them. It is noted that the June 2020 AngusPlan Newsletter makes specific mention of the need to review development boundaries.

In general, it is submitted that the development boundary of Lundie has been drawn too tightly round the core of the village and doesn't reflect the broader extent of the settlement, which includes both scattered houses as well as a tight 'core'. It is telling that the Lundie map in the LDP does not even indicate the full extent of the designated Conservation Area. It is submitted that our clients' field to the west of Braehead Cottage should be considered part of the wider village since it is contained on three sides by the village hall, Smithy Cottage and Sawmill Cottage. (It is a classic problem in LDPs that development boundaries are often drawn too tightly – their purpose should be to allow small scale, organic growth around the edges of settlements.)

If consent is granted, our clients' proposal is to retain the majority of this field as open space partially planted and partially grazed to provide a long term, visual amenity to the Conservation Area and the settlement as a whole, to be secured by legal agreement if necessary. The Report of Handling was too dismissive of this generous offer, which it is submitted, is within the spirit of Circular 3/2012 because it is to do with the control of land. Despite the shortcomings of Policy DS1, this proposal, by offering protection to this field for the public good, fulfils the public interest test of that policy and is therefore in accord with it.

Reason for Refusal 2 – Loss of Agricultural Land

The second reason for refusal is that the proposal is contrary to Advice Note 25 on the change from agricultural land to residential garden ground. Again, it is submitted that this Advice Note is not an up to date statement of Council policy and does not form part of the Council's formal Supplementary Guidance. It is one of a number of advice notes about which the Council's website advises: 'The remaining advice notes will be retained until they are reviewed, updated or superseded. Please note that some of the references within the advice notes below are out of date and do not reflect the current development plan position. Whilst they continue to provide useful information, pre-application advice should be sought.'

Given the status of this document – primarily to provide 'useful advice' - it is submitted it was not appropriate to use this Advice Note as a reason for refusal. In any event, there is much in the Note indicating where garden extensions are permissible and which support this proposal including: to achieve a reasonable residential objective (siting a summer house); an awkward or difficult field for agriculture; where the house plot is smaller than others in the vicinity and where it is not prime agricultural land (it is classified as 3.2).

More importantly for this reason for refusal, the loss of agricultural land is not at issue here. This is class 3.2 land shown as rough grazing on the Land Capability maps and has not been used as **productive** agricultural land for many years, as the neighbour who wrote in support of the application noted. The Land Register records it merely as 'land, not agricultural land'. It is now owned by our clients and does not form part of any agricultural holding. Apart from the small section to be used for the garden extension, our clients propose to landscape half of it and use the other half as a pony paddock, which together will improve its appearance and enhance the Conservation Area as a whole.

Conclusion

There is no up to date planning policy framework to assess this application correctly and therefore it needs to be considered primarily on its merits. It is clear from the Report of Handling and the reasons for refusal that the proposal is visually acceptable and will not impact adversely on the Conservation Area. The land is not productive nor formal agricultural land and therefore this is not a relevant planning issue or reason for refusal.

It is accepted that the proposed site lies outwith the current development boundary of Lundie, but for the reasons outlined above, this policy framework is very out of date and the development boundary of Lundie has been very tightly drawn. It is therefore requested that this extension of Braehead Cottage's garden be permitted and the erection of the ancillary buildings approved. The Report of Handling was dismissive of the offer to enter into an agreement to retain the rest of the field as undeveloped land to protect the Conservation Area for all time, but that offer remains and in fact the proposal fulfils the 'public interest' test of Policy DS1 and therefore is in accordance with the Development Plan.

In addition, although strictly not part of this Review, it is suggested that when the development boundary of Lundie is reviewed, it be extended westwards to include the village hall, Smithy Cottage and Sawmill Cottage, which all surround our clients' field, with the major part of that field, beyond that required as the garden extension, zoned as private open space or undeveloped land, which is a technique used in other villages in the LDP. This would provide Lundie with a more sustainable development boundary and would provide positive enhancement and protection for the Conservation Area.



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 100447721-002

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

Type of Application

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

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

Description of Proposal

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

Re-submission of Planning Consent to extend garden and erect Garden Room & Store

Is this a temporary permission? *

Yes No

If a change of use is to be included in the proposal has it already taken place?

Yes No

(Answer 'No' if there is no change of use.) *

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:	JML Garden Rooms		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Jakki	Building Name:	The Arns
Last Name: *	Cosgrove	Building Number:	
Telephone Number: *	01764 663668	Address 1 (Street): *	The Arns
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Auchterarder
Fax Number:		Country: *	Scotland
		Postcode: *	PH3 1EJ
Email Address: *	jakki@jmlgardenrooms.co.uk		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	Braehead Cottage
First Name: *	A	Building Number:	
Last Name: *	Clift	Address 1 (Street): *	Lundie
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Muirhead
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	DD2 5NW
Fax Number:			
Email Address: *	jakki@jmlgardenrooms.co.uk		

Site Address Details

Planning Authority:

Angus Council

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

Address 1:

BRAEHEAD COTTAGE

Address 2:

LUNDIE

Address 3:

MUIRHEAD

Address 4:

Address 5:

Town/City/Settlement:

DUNDEE

Post Code:

DD2 5NW

Please identify/describe the location of the site or sites

Northing

736648

Easting

329030

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

Meeting Telephone Letter Email

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

The original application was to be refused therefore withdrawl and submission of a revised proposal discussed

Title:

Mr

Other title:

First Name:

James

Last Name:

Wright

Correspondence Reference Number:

21/00586/FULL

Date (dd/mm/yyyy):

01/10/2021

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

Site Area

Please state the site area:

1462.00

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)

Field

Access and Parking

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

Yes No

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

Are you proposing any change to public paths, public rights of way or affecting any public right of access? *

Yes No

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

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

0

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

0

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

Water Supply and Drainage Arrangements

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

Yes No

Do your proposals make provision for sustainable drainage of surface water?? * (e.g. SUDS arrangements) *

Yes No

Note:-

Please include details of SUDS arrangements on your plans

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

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

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

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

Assessment of Flood Risk

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

Yes No Don't Know

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

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

Yes No Don't Know

Trees

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

Yes No

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

Waste Storage and Collection

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

Yes No

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

not applicable

Residential Units Including Conversion

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

Yes No

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: Jakki Cosgrove

On behalf of: Mr A Clift

Date: 25/10/2021

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 principal where there is a crown interest in the land, have you provided a statement to that effect? *

Yes No Not applicable to this application

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

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Site Layout Plan or Block plan.

Elevations.

Floor plans.

Cross sections.

Roof plan.

Master Plan/Framework Plan.

Landscape plan.

Photographs and/or photomontages.

Other.

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

Provide copies of the following documents if applicable:

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

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

Declare – For Application to Planning Authority

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

Declaration Name: Mrs Jakki Cosgrove

Declaration Date: 25/10/2021

Planning Statement: Change of use of agricultural land to private garden and erection of a garden room & store for ancillary use to the dwelling at Braehead Cottage, Lundie, Muirhead, Dundee, DD2 5NWIntroduction

Our clients have lived in Braehead Cottage for over 20 years and have renovated and extended the house and improved the garden. The house is elevated above the public road and the modest garden slopes steeply. There are also two small areas of woodland within the applicants' ownership around the garden. Recently they purchased the field to the north and west of their property with a view to preventing future development and retaining it as an area of open space to enhance the Conservation Area. They have already planted clumps of native trees and wildflowers in the meadow and intend to use part of it as a pony paddock.

Our clients would like to extend their garden into a part of this field by a modest amount. The area of the existing garden is 2200m² and the extension would be 1462m². The extended garden would be bounded by a fence, native trees and other planting.

It is also proposed to erect a garden room and store within the extended garden on level ground. These would be of traditional, sympathetic design and finished in larch cladding with pitched, slated roofs. They would be visible from one point on the public road, but would be partially screened by planting and would be viewed against a backdrop of trees and so would fit well into the landscape. They would only be visible from one property, whose owner is supportive of the proposal (see appendix).

To maintain the rest of the field in its present undeveloped form, and hence protect this part of the Conservation Area, our clients are prepared to enter into a legal agreement to prevent any further development within the field. This would be a major benefit to the Conservation Area as a whole.

Planning framework for determination of the application.

The application requires to be determined in the context of the Angus LDP taking account of other material considerations. The extension of the garden is an issue for the settlement boundary of Lundie and the siting of the garden room and store is an issue for its impact on the Conservation Area, whose boundaries extend beyond the settlement boundary. The significant other material consideration is the offer by our clients to enter a legal agreement to retain the remainder of the field to the north of their property as open space for all time to maintain the setting of the Conservation Area, which is a very significant consideration.

Development outwith the current settlement boundary of Lundie

The settlement boundary around Lundie is currently drawn very tightly, with the northerly point of our clients' house only 1m from the boundary. The existing usable garden of the house is relatively modest and the proposed extension of the garden into part of their field would have no overall impact on the purpose of the settlement boundary, which presumably is to prevent the further spread of new houses beyond the edges of this settlement.

The development principles laid out on page 9 of the ADLP notes that 'the development boundaries shown on the Proposals Map have been brought forward from previous plans and have not been the subject of review apart from where significant greenfield allocations are proposed as extensions. A review of the development boundaries will be a priority in the review of the ALDP to ensure they remain robust and reflect current circumstances'. This is a clear admission that development boundaries of settlements in the Plan cannot be treated as up to date and relevant and this proposed minor extension to the settlement boundary could easily be formalised in the much needed review of the Lundie settlement boundary in due course.

The accompanying general LDP policy on this issue is DS1, which requires the need to prove that the proposed development cannot be contained within the development boundary. This is the case here; the land use proposal to which this policy relates is for the extension of the garden of Braehead Cottage and clearly such an extension cannot be provided within the existing settlement boundary. This policy has to be used with caution in respect of the garden room, since it is only the Conservation Area designation which requires that planning permission be sought for this ancillary structure. The first part of policy DS1 refers to a public interest test, but as indicated above, the Lundie boundary is in need of review. In any event, there is a clear environmental public benefit to this proposal in the offer of long term protection of the larger field from any form of built development.

Development within a Conservation Area

The Lundie Conservation Area covers the whole of the settlement and a wider area beyond (although for some reason its full extent is not shown within the LDP). It is unfortunate that, contrary to central government guidance and best practice, although the Conservation Area was designated in 1991, no Conservation Area Appraisal has been carried out, nor any specific policy framework established to identify the key features of this particular Conservation Area which should be conserved and enhanced. (This general problem with Angus Conservation Areas was identified in a report on Built Heritage Management to the Communities Committee in 2019). Similarly, the LDP does not contain a specific policy on development in Conservation Areas, but only a much more general one (PV8) which applies generally to 'local historic environment sites'.

The introduction to this section of the Angus LDP (page 53) notes that: 'There are varying degrees of protection afforded to specific sites depending on their significance, but many smaller and more domestic examples contribute to the local character and diversity of Angus. This overall character should not only be respected, but enhanced by well-designed new buildings and conversions which will be the built heritage of future generations. The ALDP will safeguard protected sites, buildings and properties from inappropriate development and encourage development which enhances the built and cultural heritage of Angus.' The proposed very modest, high quality development, with the associated retention of the adjacent field as open space would certainly enhance its setting.

Policy PV8 requires that 'supporting information commensurate with the site's status demonstrates that the integrity of the historic environment value of the site will not be compromised'. With the lack of any formal statement from the Council about the

'historic environment value' of the site, it is difficult to address this issue directly, however, as indicated above, the proposal will not impact on the Conservation Area to any degree at all, and indeed would enhance it with the linked proposal to protect for all time the wider field to the north and west of the application site.

Other material considerations

As has been indicated above, approval of this application would bring a significant environmental gain in that our clients are offering to enter into a legal agreement to maintain the remainder of their field undeveloped to maintain for all time this part of the Conservation Area which offers an open aspect and a transition from the tightly knit hamlet itself to the wider countryside beyond.

Conclusions

This application is a very modest, proposal to extend the small garden of Braehead Cottage onto adjacent land owned by our clients and to erect a small garden room and store of traditional design and highest quality finish within that extended garden.

It is accepted that the garden extension would breach the current settlement boundary of Lundie, but the Angus LDP itself concedes that no review of settlement boundaries in Angus has been carried out for many years and therefore that this boundary is out of date. In any event, the extension of this garden beyond the current settlement boundary is completely acceptable in planning terms and would not lead to any further housing in the village – the location and size and shape of the proposed garden extension would not allow for the building of an additional house on this site.

It is also accepted that the site lies within the Lundie Conservation Area. It is unfortunate that the Council has not undertaken a Conservation Area Appraisal or produced a policy statement on the particular character of this Conservation Area that should be preserved. At any level, though, the proposed garden room and store is a modest and high quality development which would enhance rather than detract from the character of the Conservation Area by virtue of its size, design and location. In addition, the planning gain associated with our clients' offer to prevent any future development on the rest of their land would be a major asset to the management of the Conservation Area for all time to come.

The application should therefore be approved as being in accordance with the Development Plan, taking account of other significant material considerations.

Angus Council

Application Number:	21/00838/FULL
Description of Development:	Change of use of agricultural land to private garden and erection of a Garden Room & store for ancillary use to the dwelling
Site Address:	Braehead Cottage Lundie Muirhead Dundee DD2 5NW
Grid Ref:	329048 : 736673
Applicant Name:	Mr A Clift

Report of Handling

Site Description

The application site measures 1460sqm and incorporates an area of agricultural land that is located immediately to the north of Braehead Cottage and its existing curtilage. Agricultural ground / fields bound the site to the north, east and west. The site is located within the Lundie Conservation Area and is located outwith and adjacent to the Lundie development boundary.

Proposal

The proposal seeks planning permission for the change of use of a 1460sqm area of agricultural land to garden ground (to the north of the existing curtilage of Braehead Cottage) and the erection of 2no. detached buildings on this land.

One building would be used as a garden room / covered area (50sqm footprint) and would have an area of external decking (measuring 36sqm). The other smaller building would be used as a garden store (17sqm footprint). Natural reclaimed slate would be used on the roof of the buildings, with larch cladding on the walls.

The plans indicate that the new boundary of the extended garden ground would be formed by native tree planting with post and wire fencing to the north and west boundaries. The application site measures 1460sqm and this combined with the existing curtilage at Braehead Cottage (2200sqm) would lead to an overall curtilage of 3662sqm for the property.

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 12 November 2021 for the following reasons:

- Conservation Area

A site notice was posted for Conservation Area Development on 16 November 2021.

Planning History

21/00586/FULL for Change of use of agricultural land to private garden and erection of a Garden Room & store for ancillary use to the dwelling was determined as "Application Withdrawn" on 15 October 2021.
06/00643/FUL for Erection of Sun Lounge was determined as "approved subject to conditions" on 22 June 2006.

97/00988/FULL for EXTENSION TO DWELLINGHOUSE was determined as "approved conditionally" on 26 March 1997.

Applicant's Case

Supporting Statement:

- Describes that the applicants have lived in the property for a significant period of time and have extended and improved the house and garden;
- States that the house is elevated above the public road and the modest garden slopes steeply. There are also two small areas of woodland within the applicants' ownership around the garden.
- The area of the existing garden is described as being 2200sqm and the extension would be 1462sqm.
- The extended garden would be bounded by a fence, native trees and other planting.
- It is proposed to erect a garden room and store within the extended garden on level ground. They would be visible from one point on the public road, but would be partially screened by planting and would be viewed against a backdrop of trees and so would fit well into the landscape.
- Refers to the planning framework and notes that the extension of the garden is an issue for the settlement boundary of Lundie and the siting of the garden room and store is an issue for its impact on the Conservation Area. States that the applicant would be prepared to enter into a legal agreement to retain the remainder of the field to the north of their property as open space for all time to maintain the setting of the Conservation Area;
- The existing usable garden of the house is relatively modest and the proposed extension of the garden into part of their field would have no overall impact on the purpose of the settlement boundary;
- The development boundaries shown on the Proposals Map in the local plan have been brought forward from previous plans and have not been the subject of review apart from where significant greenfield allocations are proposed as extensions. States that a review of the development boundaries will be a priority in the review of the ALDP to ensure they remain robust and reflect current circumstances. This is a clear admission in the ALDP that development boundaries of settlements in the Plan cannot be treated as up to date;
- Refers to policy DS1, states that the extension cannot be provided within the existing settlement boundary, that it is only the Conservation Area designation which requires that planning permission be sought for this ancillary structure. Notes the first part of policy DS1 refers to a public interest test, but states that the Lundie boundary is in need of review. There is a clear environmental public benefit to this proposal in the offer of long term protection of the larger field from any form of built development;
- Although the Conservation Area was designated in 1991, no Conservation Area Appraisal has been carried out, nor any specific policy framework established to identify the key features of this particular Conservation Area which should be conserved and enhanced. LDP does not contain a specific policy on development in Conservation Areas, but only a much more general one (PV8);
- Refers to Policy PV8, states lack of formal statement from the Council about the Historic Environment of the Site but that the proposal will not impact on the Conservation Area to any degree and would enhance it with the linked proposal to protect for all time the wider field to the north and west of the application site;
- Other material considerations - significant environmental gain via a legal agreement being entered into to maintain the remainder of their field undeveloped;
- Conclude that this application is a very modest proposal to extend the small garden of Braehead Cottage. The LDP concedes that no review of settlement boundaries in Angus has been carried out for many years and therefore that this boundary is out of date. The extension of this garden beyond the current settlement boundary is acceptable in planning terms. It is unfortunate that the Council has not undertaken a Conservation Area Appraisal or produced a policy statement on the particular character of this Conservation Area that should be preserved. At any level, though, the proposed garden room and store is a modest and high quality development which would enhance rather than detract from the character of the Conservation Area by virtue of its size, design and location.

A supporting e-mail from the occupier of Sawmill Cottage (referred to as Appendix A) was submitted in support of the application.

Consultations

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

Roads (Traffic) - No objections.

Scottish Water - No objections. No new connections will be permitted to the public infrastructure. The additional surface water will require to discharge to the existing private pipework within the site boundary and provides other general notes.

Representations

There were no letters of representation.

Development Plan Policies

Angus Local Development Plan 2016

Policy DS1 : Development Boundaries and Priorities

Policy DS3 : Design Quality and Placemaking

Policy DS4 : Amenity

Policy TC4 : Householder / Domestic Development

Policy PV8 : Built and Cultural Heritage

Policy PV20 : Soils and Geodiversity

TAYplan Strategic Development Plan

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

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

Assessment

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

Section 64(2) requires that the Planning Authority, in assessing planning applications in Conservation Areas, pays special attention to the desirability of preserving or enhancing the character or appearance of that area.

The application site lies outwith but adjacent to the development boundary at Lundie. Policy DS1 of the Angus Local Development Plan (ALDP) states that 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 that there is a need for the proposed development that cannot be met within a development boundary.

No compelling evidence has been submitted to demonstrate that there is a public interest in allowing the extension of the garden ground, nor are there any social, economic, environmental or operational considerations confirming that there is a need for the proposed development that cannot be met within a development boundary.

The existing house curtilage is described as measuring 2200sqm which is sizeable, and it is unclear why ancillary buildings associated with that dwelling cannot reasonably be accommodated within the existing curtilage. The supporting statement indicates that the approval of the application would bring a significant environmental gain because the applicant is prepared to sign a legal agreement to maintain the remainder of their field undeveloped to maintain the open aspect and transition the field offers from the tightly knit hamlet to the wider countryside beyond. This does not however constitute a significant

environmental gain. The field area is currently open and undeveloped and the proposal seeks to develop part of that field to be subsumed into the curtilage of the existing house. Development in the wider field is already controlled through the planning process and the area is offered protection by its conservation area designation. A legal agreement for the purpose described would not meet the policy tests for a planning obligation set out in Planning Circular 3/2012 *Planning Obligations and Good Neighbour Agreements*. As a result of the above, the proposal does not comply with Policy DS1.

Policy PV20 deals with soils and geodiversity and indicates that design and layout should minimise land required for development proposals on agricultural land. The land within the site is classified as class 3.2 and is not prime quality land.

Planning Advice Note 25 'Agricultural Land to Garden Ground' provides guidance for the assessment of applications of this nature. It indicates that there are disadvantages in permitting areas of farmland to be absorbed into residential garden ground such as the incremental loss of farmland, the general urbanisation of the countryside and the creation of additional house plots. It provides details of circumstances where such a change of use may be acceptable.

The existing site curtilage measures approximately 2200sqm and the proposed area to be added as garden ground would add an additional 1460sqm which would result in a total curtilage of 3660sqm. The area of land to be incorporated into the garden is significant and the incorporation of such a large area into the curtilage of the house does not meet with any of the circumstances where Advice Note 25 allows such a change of use. The site is located within a category 1 rural settlement unit where the maximum permissible plot size for a house in the countryside is 2000sqm and while the existing house curtilage is within the development boundary, the extended curtilage would be significantly larger than is permissible in a category 1 area in the countryside. The proposal does not conform with any of the acceptable circumstances where a change of use is permitted in Advice Note 25.

Policy PV8 refers to development affecting the local historic environment (conservation areas) and states that development proposals will only be supported where supporting information commensurate with the site's status demonstrates that the integrity of the historic environment value of the site will not be compromised; or the economic and social benefits significantly outweigh the historic environment value of the site.

The application site is located within the Lundie Conservation area. There is no conservation area appraisal covering Lundie but it is noted that Dundee City Council produced a conservation area information sheet which described the village as *'located on a steep sloping hillside a few miles north-west of Dundee. The conservation area comprises the parish church, former school and school house, former corn and barley mill and a small number of cottages on the north side of the road all with attractive mature gardens. Opposite is the village hall and the old manse beyond the glebe.'*

It is clear that the mature gardens within the village contribute to the character of the conservation area. Braehead Cottage currently benefits from a mature garden and an extension to its garden to the north would not have the benefit of mature planting. In the short term, the development proposed in this location is likely to result in some adverse impact on the conservation area as the new buildings would not have the benefit of that mature landscaping and would be more visible from some limited areas within the public realm, mainly to the west. Notwithstanding that, the submitted drawings indicate that new native tree planting would take place on the boundary which would in time reduce and mitigate adverse impacts of the proposed buildings and garden extension on the conservation area.

The proposal raises no significant issues in respect of policies DS4 and TC4. The relationship of the development with neighbouring property has been assessed and it would not give rise to any significant amenity impacts beyond those that are typically found in an area of this nature. The design of the buildings raises no significant issues and the proposal would not result in loss of parking or storage.

Paragraph 33 of Scottish Planning Policy states that where a development plan is more than five years old, the presumption in favour of development that contributes to sustainable development will be a significant material consideration. In this case TAYplan is less than 5-years old but the ALDP has recently become more than 5-years old as it was adopted in September 2016. The policies contained in the ALDP are generally consistent with TAYplan and SPP and are therefore considered to provide an appropriate

basis for the determination of this application.

In conclusion, the proposal would result in the development of land outwith but contiguous with a development boundary. No compelling evidence has been submitted to demonstrate that there is a public interest in allowing the development, nor are there any social, economic, environmental or operational considerations confirming that there is a need for the proposed development that cannot be met within a development boundary. The proposal does not comply with any of the circumstances where a change of use from agricultural land to garden ground is permitted in Advice Note 25. The proposal is contrary to Policy DS1 of the Angus Local Development Plan and Advice Note 25 'Agricultural Land to garden Ground'. There are no material planning considerations that justify 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 DS1 of the Angus Local Development Plan 2016 as the application proposes development which is outwith but contiguous with the development boundary and there is no public interest and no social, economic, environmental or operational considerations that confirm there is a need for the proposed development that cannot be met within the development boundary.

2. The proposal is contrary to Angus Council Advice Note 25 Agricultural Land to Garden Ground because the proposal does not comply with any of the acceptable circumstances where a change of use from agricultural land to residential garden ground is permitted.

Notes:

Case Officer: James Wright
Date: 21 February 2022

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 TC4 : Householder / Domestic Development

Proposals for householder development (including alterations/extensions to houses and flats, development within the curtilage of houses and flats, means of enclosure, satellite antenna and domestic scale microgeneration) will be supported where the siting, design, scale or massing of the proposal, does not:

- o adversely affect the residential amenity enjoyed by the house or surrounding domestic properties including, in the case of microgeneration, through noise or shadow flicker;
- o detrimentally affect the character and/or appearance of the building, site or surrounding area; and
- o result in the overdevelopment of the plot or a loss of garden ground, parking or bin storage.

Further guidance on householder development will be set out in a Householder Development Planning Advice Note.

Policy PV8 : Built and Cultural Heritage

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

National Sites

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

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

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

Regional and Local Sites

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

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

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

Policy 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.



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

PLANNING PERMISSION REFUSAL
REFERENCE : 21/00838/FULL

To **Mr A Cliff**
c/o JML Garden Rooms
Jakki Cosgrove
The Arns
Auchterarder
PH3 1EJ

With reference to your application dated 5 November 2021 for planning permission under the above mentioned Acts and Regulations for the following development, viz.:-

Change of use of agricultural land to private garden and erection of a Garden Room & store for ancillary use to the dwelling
at **Braehead Cottage Lundie Muirhead Dundee DD2 5NW** for **Mr A Cliff**

The Angus Council in exercise of their powers under the above mentioned Acts and Regulations hereby **Refuse Planning Permission (Delegated Decision)** for the said development in accordance with the particulars given in the application and plans docquetted 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 DS1 of the Angus Local Development Plan 2016 as the application proposes development which is outwith but contiguous with the development boundary and there is no public interest and no social, economic, environmental or operational considerations that confirm there is a need for the proposed development that cannot be met within the development boundary.
2. The proposal is contrary to Angus Council Advice Note 25 Agricultural Land to Garden Ground because the proposal does not comply with any of the acceptable circumstances where a change of use from agricultural land to residential garden ground is permitted.

Amendments:

The application has not been subject of variation.

Dated this **23 February 2022**
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
Development Standards Committee/Full Council	National developments, major developments and local developments determined at a meeting of the Development Standards Committee or Full Council whereby relevant parties and the applicant were given the opportunity to present their cases before a decision was reached.	DPEA (appeal to Scottish Ministers) – See details on attached Form 1
Delegated Decision	Local developments determined by the Service Manager through delegated powers under the statutory scheme of delegation. These applications may have been subject to less than five representations, minor breaches of policy or may be refusals.	Local Review Body – See details on attached Form 2
Other Decision	All decisions other than planning permission or approval of matters specified in condition. These include decisions relating to Listed Building Consent, Advertisement Consent, Conservation Area Consent and Hazardous Substances Consent.	DPEA (appeal to Scottish Ministers) – See details on attached Form 1

NOTICES

Notification of initiation of development (NID)

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

Notification of completion of development (NCD)

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

Display of Notice while development is carried out

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

The notice must be in the prescribed form and:-

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

A display notice is included with this guidance note.

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

Angus Council
Angus House
Orchardbank Business Park
Forfar
DD8 1AN

Telephone 01307 492076 / 492533
E-mail: planning@angus.gov.uk
Website: www.angus.gov.uk



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

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

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

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

the applicant may appeal to the Scottish Ministers to review the case under section 47 of the Town and Country Planning (Scotland) Act 1997 within three months beginning with the date of this notice. The notice of appeal should be addressed to 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"/>
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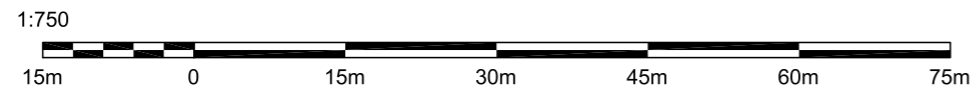
Q.9 Were you the:- Applicant Agent Third Party objector who made a representation

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



SITE PLAN

Scale 1:750



THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL ENGINEERS AND ARCHITECTS DRAWINGS AND SPECIFICATIONS.

THIS DRAWING IS AN A3 SHEET. REPRODUCTION IN ANY OTHER SIZE OR FORMAT WILL RESULT IN SCALES BEING INCORRECT. DO NOT SCALE. IF IN DOUBT, PLEASE ASK.

TOLERANCES: EXCEPT WHERE OTHERWISE STATED +0/-3mm.

SIP'S PANELS TO BE FIXED IN ACCORDANCE WITH STRUCTURAL ENGINEERS NAILING SCHEDULE AND CALCULATIONS.

ALL DIMENSIONS TO BE CHECKED ON SITE PRIOR TO CONSTRUCTION AND MANUFACTURE, AND ANY DISCREPANCIES TO BE REPORTED TO CONTRACT ADMINISTRATOR.

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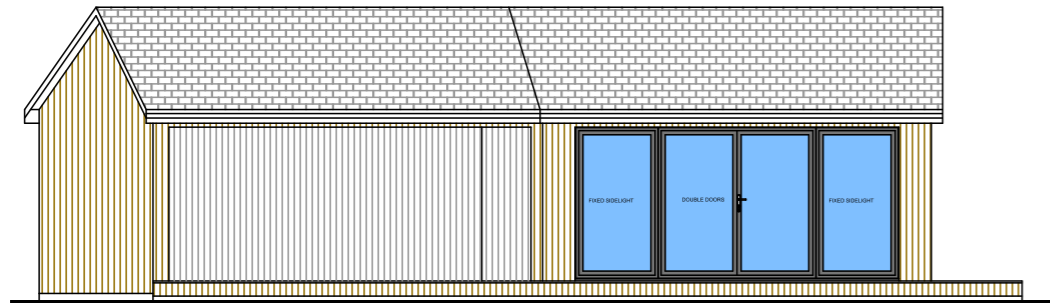
JML Garden Rooms
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 THE ARNS, AUCHTERARDER, PERTHSHIRE, PH3 1EJ
 Tel: 01764 663271 Email: info@jmlgardenrooms.co.uk
 www.jmlgardenrooms.co.uk

Rev.	Date	Description	App'd

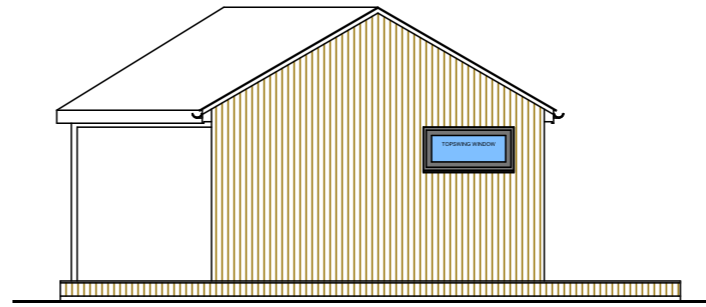
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Drawing Title	Site Plan	

Drawn By JAC	Checked By	
Drawing Sheet Size A3	Scale APD	Date 25.10.21
Project Number JMLGR-21-54-CLIFT		
Drawing Number D003	Revision	
PLANNING NOT FOR CONSTRUCTION		

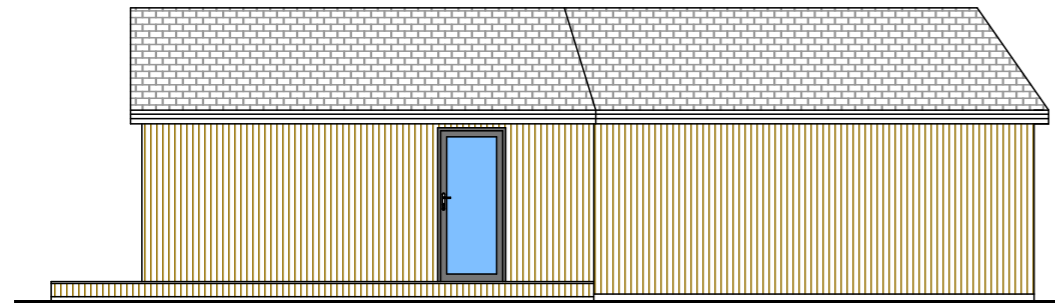
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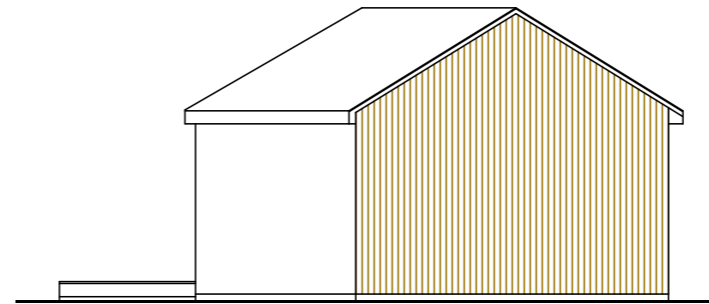
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SCALE 1:100



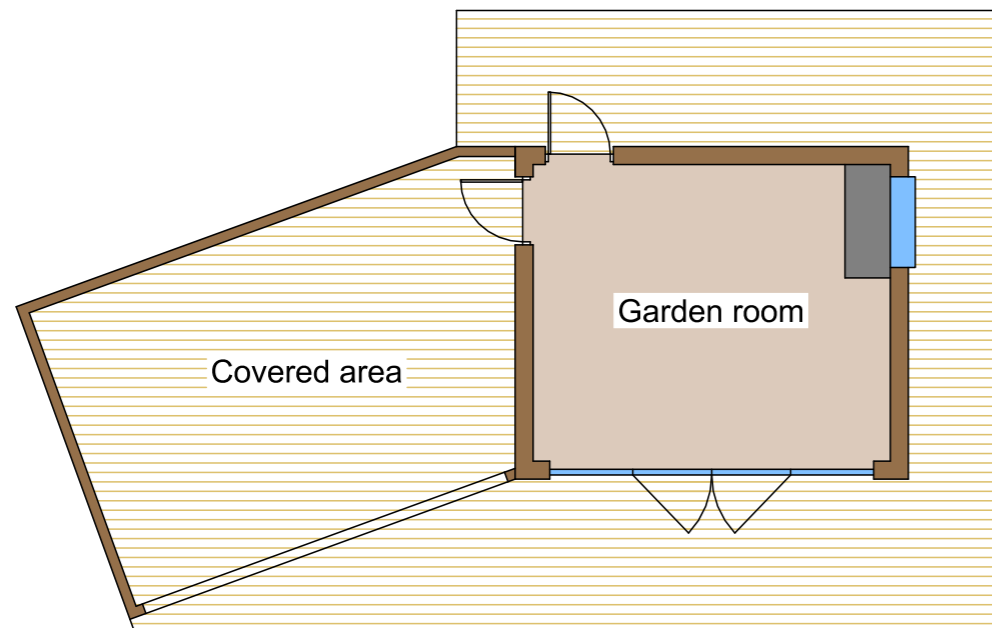
SOUTH ELEVATION
SCALE 1:100



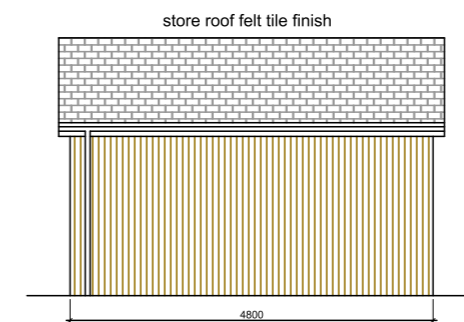
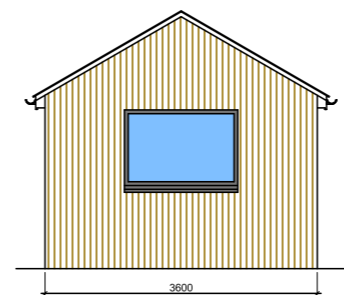
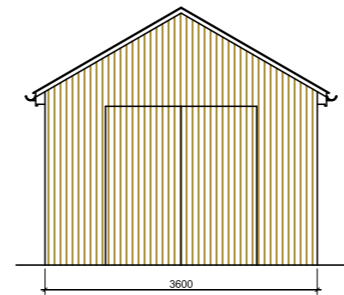
EAST ELEVATION
SCALE 1:100



NORTH ELEVATION
SCALE 1:100



Garden room floor plan
Scale 1:100



Garden store
scale 1:100

CONSTRUCTION SPECIFICATION:

FOUNDATIONS:

1. GROUNDSCREW FOUNDATION SYSTEM

ROOF:

1. ROOF MADE UP OF 100mm HIGHLY INSULATED BBA RATED PU SIP PANELS
2. NATURAL RECLAIMED SLATE
3. CAST IRON EFFECT PVC RAINWATER GOODS

EXTERNAL WALLS:

1. WALLS MADE UP OF 100mm HIGHLY INSULATED BBA RATED PU SIP PANELS
2. 20mm SIBERIAN LARCH CLADDING TO EXTERNAL FACE - 'NATURAL'

FLOOR:

1. FLOOR MADE UP OF 100mm HIGHLY INSULATED BBA RATED PU SIP PANELS
2. ENGINEERED OAK FLOORING INTERNALLY

DOORS/WINDOWS:

1. FACTORY FINISHED DOUBLE GLAZED TIMBER PATIO DOOR SYSTEM & FIXED SIDE LIGHTS - ANTHRACITE GREY
2. FACTORY FINISHED DOUBLE GLAZED TIMBER WINDOW TO MATCH DOORS/SIDELIGHTS - ANTHRACITE GREY

THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL ENGINEERS AND ARCHITECTS DRAWINGS AND SPECIFICATIONS.

THIS DRAWING IS AN A3 SHEET. REPRODUCTION IN ANY OTHER SIZE OR FORMAT WILL RESULT IN SCALES BEING INCORRECT. DO NOT SCALE. IF IN DOUBT, PLEASE ASK.

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Rev.	Date	Description	App'd

Project Title	
Proposed Garden Room Braehead Cottage Lundie DD2 5NW	
Drawing Title	
Proposed Plan and Elevations	

Drawn By	Checked By	
BM		
Drawing Sheet Size	Scale	Date
A3	APD	23.07.21
Project Number		
JMLGR-21-54-CLIFT		
Drawing Number	Revision	
D002		
PLANNING NOT FOR CONSTRUCTION		

APPENDIX A

From: "Nikki ." <[REDACTED]>
Date: 15 October 2021 at 11:27:00 BST
To: Christine [REDACTED] >
Subject: Re: Braehead Cottage Summerhouse

To whom it may concern,

I live in Sawmill Cottage which overlooks the field in which the proposed summerhouse will be built, and having seen the design & siting of this structure have no objection whatsoever to it going ahead. As far as I'm aware mine is the only property that would have sight of this development.

What I would further add is since the field/paddock has been purchased, it has been transformed from an overgrown mass of grass & weeds into a closely mown area of grassland, with several small copse of native deciduous trees planted across the site.

In summary it now provides me with a far more pleasant outlook than before, and I would like to add my support to this application.

Yours Faithfully,

Nicola Robertson