

**ANGUS COUNCIL**

**DEVELOPMENT MANAGEMENT REVIEW COMMITTEE – 31 AUGUST 2022**

**BRAEHEAD COTTAGE, LUNDIE, MUIRHEAD - CONDITIONS**

**REPORT BY THE DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES**

**ABSTRACT:**

This Report sets out proposed conditions for planning application No. 21/00838/FULL following on from the decision of the Development Management Review Committee, at its meeting on 7 July 2022, when members indicated that they were minded to uphold the appeal and grant 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, subject to the appropriate conditions being submitted to a future meeting.

**1. RECOMMENDATIONS**

It is recommended that the Committee consider and approve the proposed conditions as set out in the Appendix to this Report.

**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**

At its meeting on 7 July 2022, the Development Management Review Committee considered 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 (Report No 186/22 to the Development Management Review Committee refers).

Following consideration of the case, the Committee indicated that they were minded to uphold the appeal and grant planning permission, subject to the appropriate conditions being submitted to a future meeting of this Committee for members' consideration. Having consulted with the Service Leader – Planning and Sustainable Growth, it is recommended that the Committee consider and approve the conditions as detailed in the Appendix to this Report.

**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. HUMAN RIGHTS IMPLICATIONS**

The recommendation in this report to approve the conditions for application No 21/00838/FULL, has potential implications for neighbours in terms of alleged interference with privacy, home or family life (Article 8) and peaceful enjoyment of their possessions (First Protocol, Article 1). For the reasons referred to elsewhere in relation to this appeal, it is considered that any actual or apprehended infringement of such Convention Rights, is justified. The conditions constitute a justified and proportional control of the use of the property

in accordance with the general interest and have regard to the necessary balance of the applicant's freedom to enjoy his property against the public interest and the freedom of others to enjoy neighbouring property/home life/privacy without undue interference.

**7. EQUALITY IMPACT ASSESSMENT**

An Equality Impact Assessment is not required.

**8. CONSULTATION**

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

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

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**List of Appendices**

**Appendix – Proposed Conditions in respect of planning application No 21/00838/FULL**

**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 AT BRAEHEAD COTTAGE, LUNDIE, MUIRHEAD - CONDITIONS**

**PLANNING APPLICATION NO 21/00838/FULL**

Conditions:

1. No development in connection with the planning permission hereby approved shall take place until the following details have been submitted to and approved in writing by the Planning Authority:

(a) A scheme for landscaping of the site including details of all boundary treatments. The approved boundary enclosures shall be formed prior to the buildings being brought into use. All planting indicated in the approved scheme shall be carried out in the first planting season following the development being brought into use or completion of the development, whichever occurs first, or at earlier stages. Any plants or trees which within a period of five years from the commencement of the use die; are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species.

(b) Full details of the proposed means of surface water disposal from the development. The approved surface water drainage system shall thereafter be installed prior to the buildings being brought into use.

Reason: To allow the planning authority to verify the acceptability of all aspects of the proposals in relation to amenity and drainage.