

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 18 APRIL 2023

PLANNING APPLICATION – LAND ADJACENT TO 1 GLENSKINNO FARM COTTAGES  
GLENSKINNO MONTROSE  
GRID REF: 367975 : 760855

REPORT BY SERVICE LEADER – PLANNING & SUSTAINABLE GROWTH

**Abstract:** This report deals with planning application No. [22/00860/FULL](#) submitted by Mr Ian Gall for the siting of shepherds hut & converted jet holiday accommodation units on land adjacent to 1 Glenskinno Farm Cottages Glenskinno, Montrose. This application is recommended for conditional approval.

**1. RECOMMENDATION**

It is recommended that the application be approved for the reason and subject to the conditions given in Section 10 of this report.

**2. ALIGNMENT TO THE ANGUS LOCAL OUTCOMES IMPROVEMENT PLAN/CORPORATE PLAN**

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

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

**3. INTRODUCTION**

3.1 The applicant seeks full planning permission for the siting of a shepherd's hut and a converted jet plane to provide holiday accommodation on land adjacent to 1 Glenskinno Farm Cottages Glenskinno, Montrose. A plan showing the location of the site is provided at Appendix 1.

3.2 The application site extends to around 1700sqm. It comprises a parcel of greenfield land which sits between a dwelling to the southwest and the remains of a steading complex to the northeast. Agricultural land is located to the north of the site, with an access track located to the immediate south, with further agricultural land beyond. There is a private dwelling to the southeast of the site. Access would be taken from the private track serving Glenskinno, which connects to the public road 950m to the southeast at Wellhill (C39).

3.3 The proposal would involve the siting of a converted jet aeroplane to the southwest of the site and a shepherd's hut to the northeast which would both be used to provide one-bedroom short term holiday accommodation. One parking space would be provided for each of the two units. The plans identify that a private drainage system would be used to treat foul drainage, located to the southwest of the site. Existing hedge planting along part of the southern site boundary would be augmented by new 2m high hedging along the eastern and southern site boundaries. The plans indicate that a decking area would be formed on the north side of each of the units, with each deck containing a hot tub. Paths would be formed from the parking areas to the units.

- 3.4 The application has been amended to alter the proposed location of both the jet and shepherd's hut. The parking areas have been relocated to the existing track verge and the planting proposal enhanced to increase screening between the development and neighboring property.
- 3.5 The application has been subject of statutory neighbour notification and was advertised in the press as required by legislation. Neighbours were also re-notified following amendments made to the proposal.

#### 4. RELEVANT PLANNING HISTORY

There is no planning history relevant to the consideration of the application.

#### 5. APPLICANT'S CASE

Information has been submitted in relation to the proposed operation of the development. It indicates that each unit would have one bedroom with a maximum occupancy of 2 guests per unit. Stays at the site would be short term, with a likely maximum duration of 4-5 days. Recycling/waste disposal facilities will be made available and guests checking in would be met on site by the owner / manager who resides to the east of the site.

#### 6. CONSULTATIONS

- 6.1 **Angus Council – Roads** – no objection.
- 6.2 **Angus Council – Environmental Health** – no objection.
- 6.3 **Scottish Water** – no comments received.
- 6.4 **Hillside, Dun and Logie Pert Community Council** – has not objected to the application but requested clarification regarding site restoration in the event the development is no longer required.

#### 7. REPRESENTATIONS

- 7.1 2 letters of representation have been received raising objection to the proposal. Those letters are provided at Appendix 3 and are available to view on the council's [Public Access](#) website.
- 7.2 The following matters have been raised as objections: -
- Jet plane not in keeping with the character of the area
  - Access and road safety concerns
  - Impact on privacy and amenity of neighbours
  - Shepherd's hut already in use
- 7.3 Material planning issues are addressed in the assessment below, but the following matter is addressed at this stage: -
- **Lack of neighbour notification and publicity**– the neighbour notification and advertisement of the application has been undertaken in accordance with the provisions of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. In addition, details of the application have been published on the council's Public Access system. Neighbours have also been re-notified following amendments made to the proposal.

## 8. PLANNING CONSIDERATIONS

- 8.1 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.
- 8.2 In this case the development plan comprises: -
- [National Planning Framework 4](#) (NPF4) (Published 2023)
  - [Angus Local Development Plan](#) (ALDP) (Adopted 2016)
- 8.3 The development plan policies relevant to the determination of the application are reproduced at Appendix 4 and have been taken into account in preparing this report.
- 8.4 The ALDP was adopted in September 2016 while NPF4 was adopted on 13 February 2023. Planning legislation indicates that where there is any incompatibility between the provision of the national planning framework and a provision of a local development plan, whichever of them is the later in date is to prevail.
- 8.5 The application site is not allocated or otherwise identified for development in the ALDP. Policy DS1 of the ALDP states that outwith development boundaries proposals will be supported where they are of a scale and nature appropriate to their location and where they are in accordance with relevant policies of the ALDP. The policy promotes the redevelopment of brownfield land in preference to greenfield sites. NPF4 Policy 9 indicates that proposals on greenfield sites will only be supported where the site is allocated for development, or the proposal is explicitly supported by policies in the LDP. NPF4 Policy 5 indicates that development proposals on prime quality land will only be supported where it is for (amongst other things) small-scale development directly linked to a rural business or farm. It indicates that the layout and design should minimise the amount of land that is required.
- 8.6 NPF4 seeks to promote rural revitalisation by encouraging sustainable development in rural areas, recognising the need to grow and support rural communities. The strategy of the ALDP seeks, amongst other things, to provide opportunities for appropriate diversification of the rural economy. Both documents also seek to safeguard the environment. NPF4 Policy 29 *rural development* is supportive of development proposals that contribute to the viability, sustainability and diversity of rural communities and the local rural economy including development of existing businesses.
- 8.7 NPF4 Policy 30 indicates that proposals for new or extended tourist accommodation will be supported in locations identified in a local development plan. The policy identifies a number of matters that should be considered which include contribution to local economy, compatibility with surrounding area, impacts on communities, opportunities for sustainable travel, and opportunities to provide access to the natural environment. The ALDP indicates that the tourism sector constitutes an important part of the Angus economy as it provides a major source of income, employment and in particular supports rural areas. The ALDP indicates that proposals for new or improved tourism related facilities and accommodation outwith development boundaries will be supported where it has been demonstrated that the proposal cannot be located within a development boundary; or there is a justifiable locational requirement for the development; and the scale and nature of the development is in keeping with the character of the local landscape and pattern of development; and there is no unacceptable impact on the built and natural environment, surrounding amenity, traffic levels, access or infrastructure. The ALDP also indicates that occupancy conditions will be attached to planning permissions to prevent tourist accommodation being occupied as permanent residential accommodation.

- 8.8 The site is largely greenfield in character and available information indicates that it is categorised as prime quality agricultural land (class 2). The site is however a relatively small parcel of land which is located between existing buildings and access tracks and is not in productive agricultural use. The use of a small area of greenfield, prime quality agricultural land which is located within an existing building group for small scale development which would expand and diversify an existing rural business does not raise any significant issues against the NPF4 approach to soils or the development of greenfield land. The proposal provides for an extension of the existing tourism accommodation business at Glenskinno and there is a reasonable justification for the location. Development plan policy is broadly supportive of proposals to expand existing tourism facilities, and it is reasonable to conclude that the proposal would assist the financial viability of the existing business and additional visitors are likely to make some positive contribution to the local economy.
- 8.9 The application site is reasonably well located to accommodate development in landscape terms. The site is within an established group of buildings and there is some existing planting on the site which would be augmented as part of the development by new 2m high hedge plants. The structures to be sited are relatively small in scale, with the majority of the jet fuselage and shepherd's hut around 3m high above ground level. While the converted jet in particular is not a form of accommodation typical of rural Angus, its size, scale and location are such that it would not result in any significant adverse impacts on the character or pattern of development of the surrounding area. Views of the development would be relatively limited and more significant in locations close to the site or from elevated land to the north. Available views of the development would reduce or would be at least partly mitigated by the proposed new planting as it matures. It is considered that the site could accommodate the development without any significant adverse impacts on the character of the local landscape or the established pattern of development. A planning condition is proposed requiring removal of the structures should their use cease.
- 8.10 The introduction of accommodation on the site would result in some increase in terms of the level of noise and activity in and around the area including associated vehicle movements. The significance of that noise and activity would be limited by the scale of the accommodation proposed, with a maximum of 4 people occupying the site at any one time. The operating information submitted suggests that the owner/manager resides close to the site and would be available to deal with any issues caused by guests. There would be additional traffic using the private access track, but the level of additional traffic would not be so significant that it would unacceptably impact the amenity of existing housing. Environmental health has been consulted on the proposal and has offered no objection in terms of amenity, indicating that the development will also require a caravan site licence.
- 8.11 There are residential properties to the immediate southwest (Jasmine Cottage - around 20m from the converted jet) and southeast (The Old Bothy - around 22m from the shepherd's hut) of the site. Representation has been received from property to the southeast, raising particular concern in relation to the position and orientation of the proposed jet and overlooking from it. The cockpit windows would be around 33m from the nearest part of The Old Bothy and at least 20m from its useable garden ground, which is a reasonable separation distance and compatible with normal separation distances specified in council design guidance. The applicant has however indicated that a translucent or opaque film would be applied to cockpit windows to remove direct overlooking from windows in a south-easterly direction. The proposed parking arrangements have also been altered in order to allow a continuous hedge to be provided along the southern site boundary, which would provide further screening of the development as it matures. Having regard to the amendments proposed, it is considered that privacy and amenity impacts (including those resulting from overlooking) on property neighbouring the site would not be

unacceptable.

- 8.12 The development would be accessed from an established private track which connects Glenskinno to the C39 public road at Wellhill, around 950m to the southeast. The track is in reasonable condition and there are opportunities along it for vehicles to pass safely. The track is narrower in the area close to the site where there are sharp bends, but there are opportunities to pass in that area and vehicle speeds are likely to be lower where forward visibility is limited. The roads service has been consulted on the proposal and has offered no objection in respect of road traffic and pedestrian safety arrangements.
- 8.13 Public transport availability close to the site is limited. There are bus stops on the C39 at Pugeston 1.4km to the southeast with a limited bus service on that route, but the majority of journeys to and from the site would via private car. While options for sustainable means of travel are limited, it is acknowledged that this is not a use which is likely to generate significant levels of traffic. The location provides access to the natural environment with informal pedestrian connections to the wider area available nearby.
- 8.14 There is space within the site to provide waste and recycling storage and collection, but that is a matter which is regulated by the caravan site licence. In general terms, the site is capable of providing a good environment for visitors, and the proposal should not give rise to unacceptable impact on the amenity of residents in the area subject to the proposed planning conditions.
- 8.15 The site comprises largely undeveloped greenfield land and with the exception of existing boundary hedging is likely to have limited biodiversity value. The site is not designated for any natural heritage reasons and the development is unlikely to have significant impacts on any species or habitat. The proposed hedge and tree planting is likely to increase the biodiversity value of the site and a planning condition is proposed to ensure the planting proposed is carried out timeously.
- 8.16 The site is not within an area identified as being subject to flood risk on SEPA flood maps and there is no reason to consider the development would be subject to, or result in, any issues in respect of flooding.
- 8.17 The application site is not subject of any built heritage designation and the proposal does not give rise to any unacceptable impacts in terms of built environment considerations.
- 8.18 In terms of utilities the application form indicates that the development would connect to the public water supply. Foul drainage would be dealt with by means of a private system. Scottish Water has not objected to the proposal, and there is no evidence to suggest that there would be any issues in terms of capacity in the public water supply to serve the development. There are no requirements for developer contributions towards improvements to community infrastructure for a development of this scale and nature in terms of the council's developer contributions and affordable housing supplementary guidance.
- 8.19 The proposal does not give rise to any significant issues in terms of other development plan policy. The proposal would support an existing rural business and would provide some local economic benefit. In circumstances where the proposal does not give rise to unacceptable impacts on amenity, environment, or infrastructure, it is broadly compatible with the strategy of the development plan.
- 8.20 In relation to material considerations it is relevant to have regard to the planning matters raised in representations, which have been considered in the assessment of the proposal.

- 8.21 Issues relating to the suitability of siting a converted jet plane in this location are addressed above. A jet plane used for the purposes of providing additional tourism accommodation cannot be described as development which is in keeping with the character of existing development in this area. The development is intended to be different in order to offer a unique visitor experience. The key issue is whether it can be accommodated on this site without unacceptably impacting on the character of the surrounding area. The assessment above finds that the site could accommodate the proposed development having regard to the limited size and scale of the fuselage and shepherd's hut, their relationship with the existing building group and the proposed landscape mitigation. Concerns relating to amenity impacts are addressed above and amendments have been made to reduce impacts associated with the proposal.
- 8.22 Concerns regarding road safety are also noted but having regard to the condition of the access track, the level of traffic likely to be generated by the development, and the roads service response to the application, the proposed access arrangements are considered to be acceptable. Representation makes reference to the shepherd's hut already being in use and available for bookings. The shepherd's hut is currently situated on land further to the east and was not, at the time of the site visit, located within the application site. The jet was on site at the time of the site visit but was not in use.
- 8.23 In conclusion, the proposal provides for the provision of additional tourism accommodation in a rural location which is of a scale and nature appropriate to the proposed location. The proposal would support the viability of a rural business and would provide some economic benefit to the area without giving rise to unacceptable impacts on the environment, amenity, or safety. The representations submitted by third parties have been considered in the assessment of the application and preparation of this report. The proposal has been amended taking account of those representations and where appropriate matters are addressed by proposed planning conditions. This proposal is compatible with development plan policy and there are no material planning considerations that justify refusal of planning permission.

## **9. OTHER MATTERS**

### **HUMAN RIGHTS IMPLICATIONS**

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

## **10. CONCLUSION**

It is recommended that the application be approved for the following reason, and subject to the following condition(s):

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

The proposal is in accordance with the development plan as it will support the diversification of an existing rural business and provide local economic benefit in a manner that is compatible with the locational criteria identified in the plan and that

does not give rise to unacceptable impacts on amenity, natural and built environment, road safety or infrastructure, subject to the stated conditions. There are no material considerations that justify refusal of planning permission contrary to the provisions of the development plan.

**Conditions:**

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of its grant.

*Reason: In order to clarify the duration of this permission in accordance with the requirements of the Town and Country Planning (Scotland) Act 1997 (as amended) and to ensure that it will lapse if not implemented within that period.*

2. No structures within the site shall be occupied until details of the species of new hedging proposed has been approved in writing by the planning authority. All planting contained on the approved site plan shall be provided before the end of the first planting season following the grant of planning permission. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within 5 years shall be replaced by trees or shrubs of similar size and species to those originally approved in terms of this condition in the next planting season.

*Reason: In order that the planning authority may verify the acceptability of the specified details and ensure the provision of appropriate landscaping in a timely manner in the interests of the visual and residential amenity.*

3. That the development hereby approved shall be served by a connection to the public mains water supply and the site shall not be brought into use until that supply is provided.

*Reason: In order to ensure that the development is undertaken in accordance with the detail upon which the application has been assessed and to ensure the development is served by an appropriate water supply.*

4. That the number of holiday accommodation units permitted within the site shall not exceed 2 in total. No structures or chattels shall be positioned within the site for the purposes of providing accommodation other than those detailed in the application without the advance written approval of the planning authority.

*Reason: In order to ensure that the proposed development does not operate at a level which has not been considered as part of this application.*

5. The site hereby approved shall be used for holiday accommodation only and no person shall occupy the site as permanent residential accommodation or as a permanent or principal residence.

*Reason: In order to define the consent and ensure that no permanent residence is formed at the site as this would be contrary to the council's policies for tourism development and residential caravans.*

6. No structure within the site shall be occupied by the same individual or group of individuals for a period exceeding a total of 12 weeks in any 26-week period. The operator of the site shall maintain a register of guests (including the name, address, dates of arrival and departure) of those staying at the site. On request, this guest register shall be made available to the Council as planning authority for inspection.

*Reason: In order to ensure that no permanent residence is formed at the site as this would be contrary to the council's policies for tourism development and residential caravans.*

7. Should any structure within the site cease to be used to provide short term holiday accommodation or should any structure not be occupied within any 12-month period, it shall be removed, and the affected land shall be restored to its previous greenfield condition within a period of 3-months from the expiry of the relevant 12-month period.

*Reason: In order to ensure that any structure no longer in use is removed from the site and the land is restored to its previous condition in the interests of the amenity of the area.*

**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: JILL PATERSON**  
**EMAIL DETAILS: [PLANNING@angus.gov.uk](mailto:PLANNING@angus.gov.uk)**

**DATE: 11 APRIL 2023**

APPENDIX 1: LOCATION PLAN  
APPENDIX 2: LETTERS OF REPRESENTATION  
APPENDIX 3: DEVELOPMENT PLAN POLICIES