

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 16 SEPTEMBER 2014

**PLANNING APPEAL DECISION
FIELD BETWEEN MUIRDRUM AND A92, MUIRDRUM, CARNOUSTIE, DD7 6LE**

REPORT BY HEAD OF PLANNING AND PLACE

Abstract:

This report presents the findings of the Reporter appointed by the Scottish Ministers to determine the appeal against the refusal of Angus Council to grant planning permission in principle for the erection of affordable housing at Field Between Muirdrum and A92, Muirdrum, Carnoustie for A J Fitchet. The appeal was dismissed and planning permission refused.

1. RECOMMENDATION

It is recommended that the Committee notes the outcome of the above appeal and has regard to the Reporters findings in so far as they are material to the determination of other planning applications.

2. BACKGROUND

2.1 The Development Standards Committee, at its meeting on 12 November 2013, refused planning permission in principle (application No. 13/01048/PPPL) for the Erection of Affordable Housing at Field Between Muirdrum and A92, Muirdrum, Carnoustie.

2.3 The applicant, A J Fitchet, appealed against the refusal and the Reporter's conclusions and decision are presented below.

3. REPORTER'S DECISION

Reasoning

3.1 I am required to determine this appeal in accordance with the development plan, unless material considerations indicate otherwise.

3.2 Having regard to the provisions of the development plan the main issues in this appeal are:

- the principle of housing use in this location;
- the need for affordable housing in the area;
- the protection of prime quality agricultural land; and
- flood risk.

3.3 The development plan for this site consists of the TAYplan Strategic Development Plan and the Angus Local Plan Review. Policy 1 of TAYplan requires most development to be focussed in the region's principal settlements, which include Carnoustie. The policy also identifies a sequential approach for land release. This supports the expansion of non-principal settlements (such as Muirdrum) only where the land uses required to deliver the plan cannot be accommodated in or on the edge of principal settlements and where consistent with Policies 1 and 2. Policy 2 contains various criteria relating to delivering good quality places. These include references to reducing the need to travel and improving accessibility by sustainable transport modes.

3.4 The appeal site is identified in the local plan as countryside, albeit directly adjacent to the settlement boundary of the village of Muirdrum. Policy S1c of the plan allows for development on sites contiguous with a development boundary only where there is a proven public interest and an overriding need for the development in social, economic or environmental terms that cannot be met within the development boundary. Policy SC6 deals with housing in the

countryside but, on open greenfield sites, only allows for single houses, subject to further criteria. Policy SC9 allows for affordable housing developments on sites outwith but adjacent to development boundaries provided there is an identified local need that cannot be met on a suitable site within development boundaries, and a series of development principles relating to amenity, access etc are satisfied. Policy ER28 requires flood risk assessments to be submitted for sites at risk of flooding. Policy ER30 resists most development on unallocated prime quality agricultural land.

- 3.5 The appellant's case regarding the need for affordable housing is a key consideration for this appeal, but the appellant's evidence on this matter is somewhat limited and anecdotal. For instance, it is not clear what tenure of affordable housing is envisaged, what the prospects are for this to receive funding, or whether this would be sufficient to cover the cost of the new roundabout. However the case for affordable housing receives some support from the content of the local plan. Although now somewhat out-of-date, Table 2.2 of the plan states that a shortfall of social rented and low-cost-homeownership housing did exist in the 2003 to 2008 period, and Table 2.3 indicates that this need would not be met by allocations in the plan up to 2011. In its evidence to this appeal, the council has not seriously disputed the argument that a local need for affordable housing exists, though it says no evidence has been submitted to demonstrate such a need, and that the emerging local development plan will consider the issue of sites to meet any need. Overall I conclude from the evidence before me that a shortfall of affordable housing land is likely to exist in the South Angus area (which appears to be the geography across which the council considers such matters). Elements of local plan policies S1c and SC9 are therefore satisfied.
- 3.6 However the existence of such a need is not sufficient by itself to justify the release of this site. Compliance with the other policies of the development plan also needs to be considered. In this regard I note that the development is not focussed on a principal settlement, such as Carnoustie, as sought by TAYplan. Rather it is located on the edge of a small village with no meaningful local facilities. It is therefore inevitable that residents will have to travel to meet the vast majority of their daily needs, at least into Carnoustie. It is around a three kilometre walk along a busy A road to the centre of Carnoustie. While there is a bus service to the village, I consider that a significant proportion of those journeys are likely to be made by private car. I therefore conclude that the proposal fails to meet the requirement in Policy 2 of TAYplan for development to reduce the need to travel and improve accessibility by foot, cycle and public transport.
- 3.7 Regarding flood risk, I note the council's design engineer considered the site unlikely to be at risk of flooding in a 1 in 200 year return period, but was aware of a number of flood related issues in the vicinity of the site. I consider that this is an issue that could potentially be dealt with by conditions. The requirement for detailed assessment, and the development of any specific flood protection measures, could potentially await the approval of matters specified in conditions stage. Overall I do not consider that flood risk alone would be a sufficient reason to refuse planning permission in principle.
- 3.8 It appears that the site is grade 3.1 agricultural land, and therefore to be considered of prime quality. Its loss therefore renders the proposal contrary to Policy ER30 of the local plan. However the small scale of the site (only around 1.1 hectares) could limit the weight to be given to this policy when balancing it against other policies in the plan.
- 3.9 Regarding overall compliance with the development plan, the local plan is clear that demonstrating a need for affordable housing is not sufficient in itself to justify releasing sites in the countryside that would not otherwise be considered suitable for development. In this case I place significant weight on the fact that the site is located adjacent to a village with very few existing services. I consider that the development would therefore generate a significant additional demand to travel and so is in an inherently unsustainable location contrary to the principles of Policy 2 of TAYplan. There is no evidence that sequentially preferable sites (in terms of Policy 1 of TAYplan) do not exist on the edge of Carnoustie or one of the other principal settlements in South Angus. Overall I therefore conclude that the proposal is not compliant with the development plan. I consider the matters of flooding and agricultural land to be of relatively less significance to this appeal.
- 3.10 Turning to other material considerations, paragraph 130 of Scottish Planning Policy discusses the possibility of 'rural exceptions' for small affordable housing sites, albeit in the context of development plan policies rather than planning applications. However in the context of south Angus, I do not consider it likely that a site in Muirdrum would meet affordable needs any

better than a site in or adjacent to a principal settlement. Paragraph 287 states that planning permission should not be granted for significant travel-generating uses at locations which would increase reliance on the car. I consider this to be the case with this appeal. I am conscious of the potential social and economic benefits of constructing affordable housing, however I do not consider that these benefits outweigh the disadvantages of this site. I conclude that material considerations do not indicate that a departure from the development plan is justified.

- 3.11 I therefore conclude, for the reasons set out above, that the proposed development does not accord overall with the relevant provisions of the development plan and that there are no material considerations which would still justify granting planning permission. I have considered all the other matters raised, but there are none which would lead me to alter my conclusions.

4. FINANCIAL IMPLICATIONS

There are no financial implications.

5. OTHER IMPLICATIONS

Risk

There are no risks associated with the recommendations contained in this report.

Human Rights Implications

There are no Human Rights implications.

Equalities Implications

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

**VIVIEN SMITH
HEAD OF PLANNING AND PLACE**

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 a material extent in preparing the above report.

**P&P/IM/AH/IAL
3 September 2014**

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