

PLANNING STATEMENT IN SUPPORT OF THE REQUEST FOR A REVIEW
REFUSAL OF PLANNING PERMISSION 22/00376/FULL
ERECTION OF HOUSE, LUMMINGTON STEADING, BRATHINCH, BRECHIN

Background

Planning permission was refused for the erection of a house on land adjacent to the existing dwellings at Lummington Farm. The house was refused planning permission initially as it was considered contrary to Policy T2 of the Angus Local Development Plan. Following the adoption of NPF4, the application was again assessed in the context of the relevant policies set out within NPF4. This subsequent assessment determined that the proposal does not accord with Policy 9 and Policy 17.

This report addresses the reasons for refusal and demonstrates that there is no conflict with these two policies.

Site description

The site comprises an area of land associated with the yard and general storage area associated with



Figure 1 – 1862 and 1922 historical OS maps indicating the position of the site associated with the farmsteading and distinct from the surrounding fields.

Lummington Farm. The farm and steading have existed on this site since at least the late 19th century. The two historical OS map extracts in Figure 1 demonstrate that the farm complex with associated steading and yard area were clearly defined as distinct from the surrounding farmed agricultural land. The OS extract to the left dates from 1862 and the second from 1922.

The triangular area of land to the north of the main buildings comprised the open yard and general storage area that is typically associated with a farm and its operations. This is the area where equipment would be stored, machinery, storage of goods and also as an area that would have been suitable for example for

lambling, chickens etc or securing animals. The triangular shaped area highlighted is distinct from the surrounding land. Historical fact.

That it is clearly defined as a separate area distinct from the surrounding agricultural land is very evident in the two OS extracts provided. The conversion of the steading more recently resulted in the extension of the access road that extends from the public road to the east of the farm complex. This had the effect of separating this former yard area from the farm buildings and reflected the fact that the steading required a new access if the residential development was to secure access.

Notwithstanding the recent planning history and conversion of the steading, granted under planning permission 95/00220/FULL, the OS maps clearly demonstrate that the area under consideration with this Review was always associated with the day-to-day management of the farm and is distinct from the surrounding agricultural and worked land.

This is an important and material consideration.

Because the area proposed for the house has never comprised part of the worked agricultural land it has a very different appearance and has remnants of previous buildings and its use as a yard and open storage area. The earlier 1862 OS extract even colours it differently showing that it is part of the farm complex and not worked land.

The site has lain vacant for a considerable number of years and has become unkempt and overgrown. It detracts from the amenity of the adjacent residential properties. It is to all intents and purposes an area of previously used land that was never in use as agricultural land.

There are no trees on site and no nearby watercourses. It is simply a remnant of the original farm complex directly associated with the yard area and the operation of the farm. It is previously used land and can correctly be termed as brownfield.

The photographs attached as Annex 1 indicate the unkempt and poor condition of the site. The site is directly opposite residential properties and potentially has an adverse impact on their residential amenity and general setting.

Planning Considerations

Reflecting the recent adoption by Scottish Government of NPF4, the overarching planning policy document to be used in the assessment of all planning proposals, the planning authority has reviewed the planning proposal. This has resulted in further reasons for refusal noted as:

- 1. The proposal is contrary to Policy 17 of National Planning Framework 4 because the development of a house on the site does not accord with any of the circumstances which support a new rural dwelling.*
- 2. The proposal is contrary to Policy 9 of National Planning Framework 4 because it would involve the development of a site with greenfield characteristics in circumstances where the site is not allocated for development, and the proposal is not explicitly supported by policies in the Angus Local Development Plan (2016).*

This report, taking into account all material planning considerations, responds to these additional reasons for refusal.

Comments on reasons for refusal (NPF4)

Reason 1

The proposal is contrary to Policy 17 of National Planning Framework 4 because the development of a house on the site does not accord with any of the circumstances which support a new rural dwelling.

NPF4 confirms that the Policy Intent for Policy 17 – Rural Homes – is ‘to encourage, promote and facilitate delivery of more high quality, affordable and sustainable rural homes’.

The planning case officer has advised that there is no concern over the siting and design of the proposed house, the external finishes, the infrastructure or the impact on surrounding residential properties. No trees are affected by the proposal and there are no nearby watercourses. The site is not within a flood risk area as identified on the SEPA Flood maps.

There is no conflict therefore with the Policy Intent.

The Policy Outcome for Policy 17 is based on securing an ‘improved choice of homes’ designed to meet the needs of local people; to deliver homes that ‘support sustainable rural communities’ and that are acceptable in terms of design and character.

Recognising that the planning assessment does not raise issue with any of the Policy Outcomes or Policy Intent, the proposal is considered to accord with the key objectives of the policy. This proposal delivers a quality house located within an area of established residential development with access to service provision.

Policy 17 further requires that support should be given to the provision for small scale housing and the resettlement of previously inhabited areas. This proposal is based on using land associated with the original farmsteading. It is not greenfield but previously used land. This ‘rounds off’ the original farm complex and seeks only to deliver one appropriately designed house within the clearly defined boundaries of the original farmstead.

Policy 17 advises that development proposals for new homes in rural areas will be supported. The overarching intent is to deliver new houses within rural areas. It is noted that proposals must meet certain criteria, but not all development opportunities or situations will be described within the policy. Rather the policy provides opportunities for new housing where it is sited and designed appropriately.

As described, the planning assessment has no issue with the design and siting of the proposed house.

Policy 17 requires new houses to accord with additional criteria. In this instance, this relates to the reuse of brownfield land.

NPF4 defines brownfield land as:

Land which has previously been developed. The term may cover vacant or derelict land, land occupied by redundant or unused buildings and developed land within the settlement boundary where further intensification of use is considered acceptable.

There is no doubt whatsoever that this land has been previously developed. The policy does not stipulate what the last use should be or for how long the site has been redundant. Only that it has to have had a previous use.

As established, this site was previously used, did comprise part of the yard and storage area associated with Lummington Farm and is distinct in character from the surrounding worked agricultural land.

Development of the site as proposed, for one house, entirely accords with the terms and Intent of Policy 17.

This land will not be restored without the intervention proposed.

Policy 3 – Biodiversity – is an important and relevant consideration.

The condition of the site as existing is poor with evidence of its previous use clearly visible. The ground cover is of rank grass and limited species. This proposal brings the opportunity to enhance biodiversity and enrich the species mix providing scope for improved habitats.

The application will include a detailed landscaping plan that will achieve the following:

- Create a boundary around the site comprising of a hedgerow and trees.
- Plant trees to the east and north boundaries in particular to provide a shelter belt.
- Create the opportunity for a wildflower meadow for at least 30% of the site
- Consider the option of creating an area of water/wetland to increase the diversity of plant species and habitats.
- Select plant species that enrich biodiversity and habitats and to include.
 - Plants that support pollinators
 - Berry rich species
 - Flowering species
 - Species that provide shelter and shade
 - Species that support a range of habitat opportunities for a mix of species types including Lepidoptera, (moths and butterflies) bees, other insects and small mammals.

None of this will be achieved without the planning permission. This results in a significant improvement of the existing site cover and can be controlled by appropriate conditions. A detailed landscaping plan will be provided and implemented to achieve the biodiversity enhancement and can be attached as a condition to the planning permission.

The terms of Policy 3 are met, and the development of the site will result in enhanced biodiversity as required by the Policy Intent. This proposal improves an existing situation and can be governed by condition to ensure that a biodiversity rich landscape plan will be implemented and maintained in perpetuity.

2. The proposal is contrary to Policy 9 of National Planning Framework 4 because it would involve the development of a site with greenfield characteristics in circumstances where the site is not allocated for development, and the proposal is not explicitly supported by policies in the Angus Local Development Plan (2016).

The second reason for refusal refers to Policy 9 – Brownfield, vacant and derelict land. As identified above, NPF4 provides a definition of brownfield land being land that was previously developed. This land had a previous use as part of the farmyard complex and was used in association with the operation of the farm. The historical maps demonstrate this to be the case with the triangular area of land distinct from the surrounding agricultural land.

The Policy Intent for Policy 9 seeks to ‘encourage, facilitate and promote the reuse of brownfield, vacant and derelict land.’ This site had a previous use and is now vacant ground. Not all brownfield will be industrial land. The description equally applies to sites that had a previous use and are now vacant. This site accords with that description. Development of it will therefore meet the terms of the Policy Intent.

Policy 9 identifies that sensitive redevelopment of vacant land can result in nature recovery. As detailed, this proposal provides the scope and opportunity to restore the site and increase biodiversity and so aid nature recovery.

Policy 9 further advises that 'development proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings whether temporary or permanent will be supported'.

There is no ambiguity with this statement.

- The site is vacant ground having had a previous use.
- It has a building on site – a temporary structure but nevertheless a building.
- Where these criteria are met, redevelopment will be supported.

This is not a greenfield site as suggested but a site that has had a previous use and is now vacant.

It absolutely meets the criteria of Policy 9. NPF4 states that support will be given to proposals that meet these criteria.

Summary

The reasons for refusal, as expanded to include NPF4 are not substantiated. Scottish Ministers have stated within their Transitional Arrangements for NPF4 that the policies set out in NPF4 will supersede those of existing Local Development Plans. The ALDP is dated 2016 and beyond the 5-year period. It is superseded by NPF4. This accords with Scottish Government guidance.

The proposal involves the erection of a house on previously developed land but no longer in active use. The photographs demonstrate that it is not a 'green field' site but one that has a historical use associated with Lummington Farm. To determine that the land is not 'brownfield' is to ignore the definition and terms set out in NPF4 and particularly Policy 9.

The proposed development in all other respects has been considered acceptable by the planning authority including design, siting, materials and infrastructure. This proposal will redevelop a previously used site, will sit comfortably within the existing cluster of development, and will deliver enhanced biodiversity through sensitive and careful landscaping of the site and boundaries in particular.

Without development, the site will continue to lay untended. It is too restricted an area to make a positive contribution to the farm and in any event will require remediation before suitable for use.

NPF4 seeks to support rural communities. Policy 17 is explicit in this regard. This proposal meets that objective.

For all these reasons, the Review Body is respectfully requested to allow the appeal and grant planning permission.

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Appendix 1



Photo 1 – existing site, unkempt, rank and overgrown grass, debris and existing temporary building to the rear



Photo 2 – general view of site demonstrating this not greenfield but vacant previously used land



Photo 3 – site in foreground with worked field to the rear demonstrating the very clear difference between the site and agricultural land



Photo 4 – existing building and surrounding debris demonstrating that this is land that has had a previous use and is not greenfield.