

ANGUS COUNCIL

DEVELOPMENT MANAGEMENT REVIEW COMMITTEE – 21 MAY 2024

TEACH FEIRME, HILLHOUSES, STRATHMARTINE

REPORT BY THE DIRECTOR OF LEGAL, GOVERNANCE & CHANGE

1. ABSTRACT:

The Committee is asked to consider an application for a review in relation to the refusal of planning permission in principle of application No. 23/00506/PPPL for the erection of a single house at Teach Feirme, Hillhouses, Strathmartine.

2. ALIGNMENT TO THE COUNCIL PLAN AND COUNCIL POLICIES

This Report contributes to the following local outcomes contained within the Angus Council Plan 2023-2028:

- Caring for our people
- Caring for our place

3. RECOMMENDATIONS

It is recommended that the Committee:-

- (i) consider and determine if further procedure is required as detailed in at Section 4;
- (ii) if further procedure is required, the manner in which the review is to be conducted;
- (iii) if no further procedure is required:
 - (a) review the case submitted by the Planning Authority (**Appendix 1**); and
 - (b) review the case submitted by the Applicant (**Appendix 2**).

4. 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.

5. FINANCIAL IMPLICATIONS

There are no direct financial implications arising from the recommendations of this Report.

6. RISK MANAGEMENT

There are no issues arising from the recommendations of this Report.

7. ENVIRONMENTAL IMPLICATIONS

There are no direct environmental implications arising from the recommendations of this Report.

8. EQUALITY IMPACT ASSESSMENT, HUMAN RIGHTS AND FAIRER SCOTLAND DUTY

An equality impact assessment is not required.

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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Appendix 1 – Submission by Planning Authority
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ANGUS COUNCIL'S SUBMISSION ON GROUNDS OF REFUSAL

APPLICATION NUMBER – 23/00506/PPPL

APPLICANT – MS KATHLEEN TREACY

**PROPOSAL & ADDRESS – ERECTION OF A DWELLINGHOUSE AT TEACH FEIRME
HILLHOUSES STRATHMARTINE DUNDEE**

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Angus Council

Application Number:	23/00506/PPPL
Description of Development:	Erection of a dwellinghouse
Site Address:	Teach Feirme Hillhouses Strathmartine Dundee DD3 0PX
Grid Ref:	338360 : 735945
Applicant Name:	Ms Kathleen Treacy

Report of Handling**Proposal**

The application seeks planning permission in principle for the erection of a dwellinghouse. The application site is to the north of an existing residential property (Brenlyn) and measures around 570sqm. An existing access track lies to the east of the site, farmland to the west and residential dwellings to the north and south. An indicative site plan has been provided which indicates a dwellinghouse would be located in centre of the site, car parking in the north and a septic tank and surface water soakaway located in the west. The submitted application form indicates the dwelling would be connected to the public water supply network, foul drainage would be directed to a septic tank which would discharge to land via a soakaway and surface water drainage would be dealt with by SUDS.

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 11 August 2023 for the following reasons:

- Neighbouring Land with No Premises

The nature of the proposal did not require a site notice to be posted.

Planning History

22/00833/PPPL - Erection of Dwellinghouse at Land At, Hillhouses, Strathmartine - Refused on 11 May 2023.

Applicant's Case

The following documents have been submitted in support of the application: -

Planning statement in support - this document provides an overview of the proposal by detailing the condition of the application site; planning history of the site; other supporting documents and considers the nature of the proposal against the provisions of the Development Plan. It states the site was previously a chicken run with evidence of the former use remaining on site and the plot is currently vacant/overgrown with no current use therefore it is submitted that the development of a single house would result in a net environmental improvement. The statement concludes that the proposed development complies with the policies of the Scottish Government and Angus Council which support the reuse of brownfield land within an existing housing group which falls within the definition of a gap site.

An application and report from Scotways dated 24th of August 2022 was submitted as part of the application. The report indicates the National Catalogue of Rights of Way (CROW) does not record any

rights of way, heritage paths or Scottish Hill Tracks that cross or are close to the application site. It notes that other Access to Land may affect the site.

Consultations

Aberdeenshire Council Archaeology Service - No objections or comments to make.

Community Council - Objects to the application on the basis of impacts upon access track / road, substantial amount of building ongoing in area and impact on surrounding neighbours and services.

Roads (Traffic) - This consultee has offered no objection to the proposal.

Scottish Water - This consultee has offered no objection to the proposal and advise there is no public Scottish Water, wastewater infrastructure within the vicinity of this proposed development therefore they would advise the applicant to investigate private treatment options.

Representations

6 letters of representation were received in objection to the proposal. The following matters have been raised and are discussed in the assessment below: -

- Unacceptable condition of the access roads to the site and potential for damage to track;
- Impacts upon traffic and road user safety;
- Amenity impacts including overlooking and impacts associated with construction traffic;
- Impacts on habitat, wildlife and environment;
- Unacceptable impacts on existing infrastructure, including electricity and water supply;
- Unacceptable impacts on an existing right of way; and
- Unacceptable flooding impacts from surface water runoff.

The following matters have also been raised in objection to the application: -

No further housing was to be developed in this area following approval of a house previously - planning permission for a house (ref: 04/01210/OUT) at Hillhouses was previously approved by the Development Control Committee subject to a section 75 planning obligation. That planning obligation prevented further housing from being erected on the landholding associated with that application. The land subject of this application is outwith that landholding. Notwithstanding this the current application requires to be assessed on its own merits against the relevant policies of the development plan.

Development Plan Policies

NPF4 – national planning policies

Policy 1 Tackling the climate and nature crises

Policy 2 Climate mitigation and adaptation

Policy 3 Biodiversity

Policy 4 Natural places

Policy 5 Soils

Policy 9 Brownfield, vacant and derelict land and empty buildings

Policy 14 Design, quality and place

Policy 16 Quality homes

Policy 17 Rural homes

Policy 18 Infrastructure first

Policy 20 Blue and green infrastructure

Policy 22 Flood risk and water management

Policy 29 Rural development

Angus Local Development Plan 2016

Policy DS1 : Development Boundaries and Priorities

Policy DS3 : Design Quality and Placemaking

Policy DS4 : Amenity

Policy TC2 : Residential Development

Policy PV3 : Access and Informal Recreation
 Policy PV15 : Drainage Infrastructure
 Policy PV20 : Soils and Geodiversity
 Policy PV8 : Built and Cultural Heritage

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.

In this case the development plan comprises: -
 - National Planning Framework 4 (NPF4) (Published 2023)
 - Angus Local Development Plan (ALDP) (Adopted 2016)

The development plan policies relevant to the determination of the planning application are reproduced at Appendix 1 and have been taken into account in preparing this report.

The ALDP was adopted in September 2016 while NPF4 was adopted in February 2023. Planning legislation indicates that where there is any incompatibility between the provision of the national planning framework and the provision of a local development plan, whichever of them is the later in date is to prevail.

Policy DS1 in the Angus Local Development Plan (ALDP) indicates 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.

NPF4 Policy 17 seeks to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable rural homes in the right locations. It supports proposals for new homes in rural areas where the development is suitably scaled, sited and designed to be in keeping with the character of the area and in a number of specified circumstances. ALDP Policy TC2 indicates that in countryside locations the council will support proposals for the development of houses which fall into at least one of a number of categories.

Policy TC2 indicates that individual new houses may be acceptable where they would round off an established building group of 3 or more existing dwellings; meet an essential worker requirement; or fill a gap between the curtilages of two houses, or the curtilage of one house and a metalled road, or between the curtilage of one house and an existing substantial building such as a church, a shop, or a community facility. Policy TC2 also requires all proposals for new residential development to be compatible in terms of land use; to provide a satisfactory residential environment; not to result in unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure; and to include provision for affordable housing in accordance with Policy TC3 Affordable Housing. TC2 requires proposals for housing in the countryside to be assessed against Angus Council Countryside Housing Supplementary Guidance.

The proposal would not involve the replacement of an existing dwelling; it would not involve the conversion of a non-residential building; it would not round off a building group as the site doesn't have a sense of containment as defined in the Countryside Housing Supplementary Guidance; and the site is not proposed for an essential worker and/or supported by appropriate evidence of need.

Information submitted in support of the application indicates that the site constitutes a gap site. However, the application site is not a qualifying gap site as the western extent of the site extends beyond the established boundaries of the former chicken run and incorporates an area of ground benefiting from access rights (which is discussed in greater detail below). Furthermore, the site is within a category 1 rural settlement unit (RSU) countryside location. The local development plan states that in category 1 RSU's (which are areas that are not remote from towns) the opportunity for new development outwith settlements will be more restricted, as development should be directed towards existing settlements. This

is an area where council policy seeks to restrict new housing development in the countryside with the objective of directing new development to sustainable locations within existing settlements. In RSU1 areas the Countryside Housing Supplementary Guidance requires plots sizes to be of a minimum of 800sqm. The plot size as proposed measures around 570sqm which is considerably less than the minimum plot size prescribed by supplementary guidance. Therefore, the site would not constitute a qualifying gap site.

Information submitted in support of the application indicates that the site is brownfield in nature due to it formerly accommodating a chicken run, with evidence of the previous use remaining on site. Notwithstanding the issue regarding plot size which would also apply to the redevelopment of brownfield sites, Policy TC2 states that regeneration or redevelopment of brownfield sites will only be permitted where the development delivers significant visual or environmental improvement through the removal of derelict buildings, contamination or an incompatible land use; the mere fact that a site has previously accommodated development is not a sufficient reason for its redevelopment. The site appears to accommodate two small structures similar in scale and appearance to a typical garden shed. It is not considered that in this instance removal of these structures and redevelopment of the site with a new dwellinghouse would deliver a significant visual or environmental improvement when considering the extent and condition of existing development on the site. Therefore the proposal would not meet the criteria which supports the redevelopment of brownfield sites in the countryside for new housing. The proposal is contrary to policy TC2 of the ALDP and policy 17 of NPF4 as it proposes the construction of a new house in the countryside in circumstances that are not supported by the development plan.

Furthermore, NPF4 Policy 9 lends support for development proposals that result in the sustainable reuse of brownfield land but states that *'in determining whether the reuse is sustainable, the biodiversity value of brownfield land which has naturalised should be taken into account'*. The site retains a significant degree of 'greenfield'/'natural state' land and the erection of a new dwelling on this site in instances where the principle of new countryside housing is not supported, would not be a sustainable reuse of the site. Therefore the proposal would also fail to comply with NPF4 Policy 9.

Available information suggests that the site comprises of prime quality agricultural land. The proposal is not related to essential infrastructure, a rural business, land produce, or mineral extraction and does not constitute renewable energy development. Furthermore, as discussed above the principle of a house on the site is not consistent with the detailed ALDP policy approach for a new house in the countryside and is contrary to the development strategy. Therefore the proposal is also not consistent with the aims of NPF4 Policy 5 and ALDP Policy PV20 relating to the safeguarding prime agricultural land.

Development plan policy states that new development should not compromise the integrity or amenity of existing recreational access opportunities including access rights, core paths and rights of way. Policy PV3 of the ALDP states that existing access routes should be retained, and where this is not possible alternative provision should be made. The application site incorporates land beyond the western boundary of Brenlyn which third parties have suggested includes as an existing right of way that is used daily by horse riders and dog walkers. The proposed development would result in the loss of part of this route. The Council's Countryside Access Officer advised on public access matters in relation to a previous planning application including this area (22/00833/PPPL) and states that those observations remain relevant. He indicated previously that there appears to be evidence of a track outwith the garden boundary of Brenlyn on historical mapping therefore it is possible that a public right of way may exist over the land and the information in the objection letters would provide further evidence of its existence. As the land appears to be outwith the boundary of the adjacent domestic garden, or the curtilage of any non-domestic buildings it is likely to be land over which access rights under the land reform legislation will apply. It is noted that there is an alternative access route that runs along the eastern boundary of the application site, however given the apparent historic presence of the western route, and the possibility of it being a public right of way, the Countryside Access Officer has recommended that the access route should be retained. The Countryside Access Officer acknowledges that the applicant has submitted a copy of a Catalogue of Rights of Way search report from the Scottish Rights of Way and Access Society (SCOTWAYS) as part of this current application. However he has stated that the absence of any records in the Catalogue of Rights of Way does not affect his previous observations and states that the catalogue is not a definitive record of public rights of way, which exist if the necessary common law criteria have been met. It also has no relevance to general rights of access under Land Reform legislation. The submitted SCOTWAYS letter also refers to an accompanying guidance note which outlines other

instances, including general access rights and unrecorded public right of way, where rights of access may apply. Having regard to above, the proposal would result in the loss of part of a valued access and the proposal does not include provision for an alternative route to offset that loss. Consequently, the proposal is contrary to Policy PV3 of the ALDP.

The proposal does not give rise to significant issues in terms of remaining development plan policy and other associated issues could be addressed as part of a subsequent matters specified in condition application or other conditions. However, the principle of a new house at this location is contrary to the development plan.

In relation to material considerations, it is relevant to have regard to the planning matters raised in representations. The objections to the application raise concern regarding the unacceptability of the existing access track and the potential to impact upon traffic and road user safety. The roads services have considered the proposal and the traffic likely to be generated by it and offers no objection in terms of impacts upon the local road network or traffic and pedestrian safety. In relation to potential impacts on the existing water supply in the area, the application form indicates that the proposal would connect to the public water supply network. Scottish Water has offered no objection to the application. Scottish Governments 'Planning Advice Note 79: Water and Drainage' states that where the applicant has stated their intention is to connect to Scottish Water's network, and Scottish Water has not made an objection, that there should be no barrier to granting planning permission. Matters relating to agreement being needed between parties to allow a connection to a water supply pipe, this would be a separate civil matter that would not be regulated through the planning process. Furthermore, precise details of water supply could be controlled via condition were the proposal otherwise acceptable. The application site and surrounding area is not identified on SEPA flood maps as being at risk of surface water flooding and drainage matters could be further regulated by the building warrant process. Therefore, the proposal could be regulated in a way as to prevent unacceptable impacts upon drainage or flood risk via condition if it were otherwise acceptable in principle. Any potential impacts upon amenity as a result of construction activities associated with one dwelling are unlikely to be significant and would only be undertaken for a relatively short period of time. Therefore, construction traffic associated with a proposal of this scale is unlikely to result any unacceptable impacts upon amenity. With regards to other impacts raised relating to privacy / amenity or impacts on habitat/wildlife, no detailed house design or plot layout has been provided as part of the application but there is no reason to considered that an appropriately designed dwelling/site could not be provided in a manner which would not result in unacceptable amenity or environmental impacts. With regards to impacts on existing services the development is for a single unit and planning policy does not require developer contributions from developments of less than 10 units or sites with an area of less than 0.5ha. Impacts upon the existing access rights have been discussed above and have been found to be unacceptable, with no alternative route proposed.

In conclusion the proposal is contrary to development plan policies and associated supplementary guidance because it does not meet any of the development plan criteria that would allow for the construction of a new house in the countryside. The proposal would not result in the sustainable reuse of brownfield land and would result in the loss of greenfield land on a site where it is neither allocated for development nor explicitly supported by policies in the LDP. The proposal would also give rise to unacceptable impacts on prime quality agricultural land and existing access rights. There are no material considerations which justify approval of planning permission contrary to the provisions of the 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 TC2 of the Angus Local Development Plan and its associated Countryside Housing Supplementary Guidance and Policy 17 of National Planning Framework 4 as it proposes the construction of a new house in the countryside in circumstances that are not supported by the development plan and there are no material considerations that justify approval of planning permission contrary to the provisions of the development plan.
2. The application is contrary to policy 9 of National Planning Framework 4 as the proposal would not result in the sustainable reuse of brownfield land and would result in the loss of greenfield land on a site where it is neither allocated for development nor explicitly supported by policies in the LDP.
3. The application is contrary to policy PV20 of the Angus Local Development Plan and Policy 5 of National Planning Framework 4 because the development would result in the loss of prime agricultural land where the development is not required to support delivery of the development plan strategy, does not relate to a rural business, mineral extraction or a renewable energy development, is not consistent with the policy approach for a new house in the countryside and the advantages of development do not outweigh the loss of productive land.
4. The application is contrary to policy PV3 of the Angus Local Development Plan because the development would compromise the integrity of existing recreational access opportunities and no alternative provision has been made.
5. The proposal is contrary to Policy DS1 of the Angus Local Development Plan (2016) because the proposal is contrary to other policies of the local development plan, namely policies TC2, PV20 and PV3.

Notes:

Case Officer: James Wright
Date: 5 January 2024

Appendix 1 - Development Plan Policies

NPF4 – national planning policies

Policy 1 Tackling the climate and nature crises

When considering all development proposals significant weight will be given to the global climate and nature crises.

Policy 2 Climate mitigation and adaptation

- a) Development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible.
- b) Development proposals will be sited and designed to adapt to current and future risks from climate change.
- c) Development proposals to retrofit measures to existing developments that reduce emissions or support adaptation to climate change will be supported.

Policy 3 Biodiversity

a) Development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible.

b) Development proposals for national or major development, or for development that requires an Environmental Impact Assessment will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention. This will include future management. To inform this, best practice assessment methods should be used. Proposals within these categories will demonstrate how they have met all of the following criteria:

- i. the proposal is based on an understanding of the existing characteristics of the site and its local, regional and national ecological context prior to development, including the presence of any irreplaceable habitats;
- ii. wherever feasible, nature-based solutions have been integrated and made best use of;
- iii. an assessment of potential negative effects which should be fully mitigated in line with the mitigation hierarchy prior to identifying enhancements;
- iv. significant biodiversity enhancements are provided, in addition to any proposed mitigation. This should include nature networks, linking to and strengthening habitat connectivity within and beyond the development, secured within a reasonable timescale and with reasonable certainty. Management arrangements for their long- term retention and monitoring should be included, wherever appropriate; and
- v. local community benefits of the biodiversity and/or nature networks have been considered.

c) Proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development. Applications for individual householder development, or which fall within scope of (b) above, are excluded from this requirement.

d) Any potential adverse impacts, including cumulative impacts, of development proposals on biodiversity, nature networks and the natural environment will be minimised through careful planning and design. This will take into account the need to reverse biodiversity loss, safeguard the ecosystem services that the natural environment provides, and build resilience by enhancing nature networks and maximising the potential for restoration.

Policy 4 Natural places

a) Development proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment, will not be supported.

b) Development proposals that are likely to have a significant effect on an existing or proposed European site (Special Area of Conservation or Special Protection Areas) and are not directly connected with or necessary to their conservation management are required to be subject to an "appropriate assessment" of the implications for the conservation objectives.

- c) Development proposals that will affect a National Park, National Scenic Area, Site of Special Scientific Interest or a National Nature Reserve will only be supported where:
- i. The objectives of designation and the overall integrity of the areas will not be compromised; or
 - ii. Any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.

All Ramsar sites are also European sites and/ or Sites of Special Scientific Interest and are extended protection under the relevant statutory regimes.

- d) Development proposals that affect a site designated as a local nature conservation site or landscape area in the LDP will only be supported where:
- i. Development will not have significant adverse effects on the integrity of the area or the qualities for which it has been identified; or
 - ii. Any significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance.

e) The precautionary principle will be applied in accordance with relevant legislation and Scottish Government guidance.

f) Development proposals that are likely to have an adverse effect on species protected by legislation will only be supported where the proposal meets the relevant statutory tests. If there is reasonable evidence to suggest that a protected species is present on a site or may be affected by a proposed development, steps must be taken to establish its presence. The level of protection required by legislation must be factored into the planning and design of development, and potential impacts must be fully considered prior to the determination of any application.

- g) Development proposals in areas identified as wild land in the Nature Scot Wild Land Areas map will only be supported where the proposal:
- i) will support meeting renewable energy targets; or,
 - ii) is for small scale development directly linked to a rural business or croft, or is required to support a fragile community in a rural area.

All such proposals must be accompanied by a wild land impact assessment which sets out how design, siting, or other mitigation measures have been and will be used to minimise significant impacts on the qualities of the wild land, as well as any management and monitoring arrangements where appropriate. Buffer zones around wild land will not be applied, and effects of development outwith wild land areas will not be a significant consideration.

Policy 5 Soils

- a) Development proposals will only be supported if they are designed and constructed:
- i. In accordance with the mitigation hierarchy by first avoiding and then minimising the amount of disturbance to soils on undeveloped land; and
 - ii. In a manner that protects soil from damage including from compaction and erosion, and that minimises soil sealing.
- b) Development proposals on prime agricultural land, or land of lesser quality that is culturally or locally important for primary use, as identified by the LDP, will only be supported where it is for:
- i. Essential infrastructure and there is a specific locational need and no other suitable site;
 - ii. Small-scale development directly linked to a rural business, farm or croft or for essential workers for the rural business to be able to live onsite;
 - iii. The development of production and processing facilities associated with the land produce where no other local site is suitable;
 - iv. The generation of energy from renewable sources or the extraction of minerals and there is secure provision for restoration; and

In all of the above exceptions, the layout and design of the proposal minimises the amount of protected land that is required.

- c) Development proposals on peatland, carbon- rich soils and priority peatland habitat will only be

supported for:

- i. Essential infrastructure and there is a specific locational need and no other suitable site;
 - ii. The generation of energy from renewable sources that optimises the contribution of the area to greenhouse gas emissions reductions targets;
 - iii. Small-scale development directly linked to a rural business, farm or croft;
 - iv. Supporting a fragile community in a rural or island area; or
 - v. Restoration of peatland habitats.
- d) Where development on peatland, carbon-rich soils or priority peatland habitat is proposed, a detailed site specific assessment will be required to identify:
- i. the baseline depth, habitat condition, quality and stability of carbon rich soils;
 - ii. the likely effects of the development on peatland, including on soil disturbance; and
 - iii. the likely net effects of the development on climate emissions and loss of carbon.

This assessment should inform careful project design and ensure, in accordance with relevant guidance and the mitigation hierarchy, that adverse impacts are first avoided and then minimised through best practice. A peat management plan will be required to demonstrate that this approach has been followed, alongside other appropriate plans required for restoring and/ or enhancing the site into a functioning peatland system capable of achieving carbon sequestration.

- e) Development proposals for new commercial peat extraction, including extensions to existing sites, will only be supported where:
- i. the extracted peat is supporting the Scottish whisky industry;
 - ii. there is no reasonable substitute;
 - iii. the area of extraction is the minimum necessary and the proposal retains an in-situ residual depth of part of at least 1 metre across the whole site, including
 - iv. the time period for extraction is the minimum necessary; and
 - v. there is an agreed comprehensive site restoration plan which will progressively restore, over a reasonable timescale, the area of extraction to a functioning peatland system capable of achieving carbon sequestration.

Policy 9 Brownfield, vacant and derelict land and empty buildings

- a) Development proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings, whether permanent or temporary, will be supported. In determining whether the reuse is sustainable, the biodiversity value of brownfield land which has naturalised should be taken into account.
- b) Proposals on greenfield sites will not be supported unless the site has been allocated for development or the proposal is explicitly supported by policies in the LDP.
- c) Where land is known or suspected to be unstable or contaminated, development proposals will demonstrate that the land is, or can be made, safe and suitable for the proposed new use.
- d) Development proposals for the reuse of existing buildings will be supported, taking into account their suitability for conversion to other uses. Given the need to conserve embodied energy, demolition will be regarded as the least preferred option.

Policy 14 Design, quality and place

- a) Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale.
- b) Development proposals will be supported where they are consistent with the six qualities of successful places:

Healthy: Supporting the prioritisation of women's safety and improving physical and mental health.

Pleasant: Supporting attractive natural and built spaces.

Connected: Supporting well connected networks that make moving around easy and reduce car dependency

Distinctive: Supporting attention to detail of local architectural styles and natural landscapes to be interpreted, literally or creatively, into designs to reinforce identity.

Sustainable: Supporting the efficient use of resources that will allow people to live, play, work and stay in their area, ensuring climate resilience, and integrating nature positive, biodiversity solutions.

Adaptable: Supporting commitment to investing in the long-term value of buildings, streets and spaces by allowing for flexibility so that they can be changed quickly to accommodate different uses as well as maintained over time.

Further details on delivering the six qualities of successful places are set out in Annex D.

c) Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported.

Policy 16 Quality homes

a) Development proposals for new homes on land allocated for housing in LDPs will be supported.

b) Development proposals that include 50 or more homes, and smaller developments if required by local policy or guidance, should be accompanied by a Statement of Community Benefit. The statement will explain the contribution of the proposed development to:

- i. meeting local housing requirements, including affordable homes;
- ii. providing or enhancing local infrastructure, facilities and services; and
- iii. improving the residential amenity of the surrounding area.

c) Development proposals for new homes that improve affordability and choice by being adaptable to changing and diverse needs, and which address identified gaps in provision, will be supported. This could include:

- i. self-provided homes;
- ii. accessible, adaptable and wheelchair accessible homes;
- iii. build to rent;
- iv. affordable homes;
- v. a range of size of homes such as those for larger families;
- vi. homes for older people, including supported accommodation, care homes and sheltered housing;
- vii. homes for people undertaking further and higher education; and
- viii. homes for other specialist groups such as service personnel.

d) Development proposals for public or private, permanent or temporary, Gypsy/Travellers sites and family yards and Travelling Showpeople yards, including on land not specifically allocated for this use in the LDP, should be supported where a need is identified and the proposal is otherwise consistent with the plan spatial strategy and other relevant policies, including human rights and equality.

e) Development proposals for new homes will be supported where they make provision for affordable homes to meet an identified need. Proposals for market homes will only be supported where the contribution to the provision of affordable homes on a site will be at least 25% of the total number of homes, unless the LDP sets out locations or circumstances where:

- i. a higher contribution is justified by evidence of need, or
 - ii. a lower contribution is justified, for example, by evidence of impact on viability,
- where proposals are small in scale, or to incentivise particular types of homes that are needed to diversify the supply, such as self-build or wheelchair accessible homes.

The contribution is to be provided in accordance with local policy or guidance.

f) Development proposals for new homes on land not allocated for housing in the LDP will only be supported in limited circumstances where:

- i. the proposal is supported by an agreed timescale for build-out; and
- ii. the proposal is otherwise consistent with the plan spatial strategy and other relevant policies including local living and 20 minute neighbourhoods;
- iii. and either:

- o delivery of sites is happening earlier than identified in the deliverable housing land pipeline. This will be determined by reference to two consecutive years of the Housing Land Audit evidencing substantial delivery earlier than pipeline timescales and that general trend being sustained; or
- o the proposal is consistent with policy on rural homes; or
- o the proposal is for smaller scale opportunities within an existing settlement boundary; or
- o the proposal is for the delivery of less than 50 affordable homes as part of a local authority supported affordable housing plan.

- g) Householder development proposals will be supported where they:
- i. do not have a detrimental impact on the character or environmental quality of the home and the surrounding area in terms of size, design and materials; and
 - ii. do not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking.

- h) Householder development proposals that provide adaptations in response to risks from a changing climate, or relating to people with health conditions that lead to particular accommodation needs will be supported.

Policy 17 Rural homes

- a) Development proposals for new homes in rural areas will be supported where the development is suitably scaled, sited and designed to be in keeping with the character of the area and the development:
- i. is on a site allocated for housing within the LDP;
 - ii. reuses brownfield land where a return to a natural state has not or will not happen without intervention;
 - iii. reuses a redundant or unused building;
 - iv. is an appropriate use of a historic environment asset or is appropriate enabling development to secure the future of historic environment assets;
 - v. is demonstrated to be necessary to support the sustainable management of a viable rural business or croft, and there is an essential need for a worker (including those taking majority control of a farm business) to live permanently at or near their place of work;
 - vi. is for a single home for the retirement succession of a viable farm holding;
 - vii. is for the subdivision of an existing residential dwelling; the scale of which is in keeping with the character and infrastructure provision in the area; or
 - viii. reinstates a former dwelling house or is a one-for-one replacement of an existing permanent house.

- b) Development proposals for new homes in rural areas will consider how the development will contribute towards local living and take into account identified local housing needs (including affordable housing), economic considerations and the transport needs of the development as appropriate for the rural location.

- c) Development proposals for new homes in remote rural areas will be supported where the proposal:
- i. supports and sustains existing fragile communities;
 - ii. supports identified local housing outcomes; and
 - iii. is suitable in terms of location, access, and environmental impact.

- d) Development proposals for new homes that support the resettlement of previously inhabited areas will be supported where the proposal:
- i. is in an area identified in the LDP as suitable for resettlement;
 - ii. is designed to a high standard;
 - iii. responds to its rural location; and
 - iv. is designed to minimise greenhouse gas emissions as far as possible.

Policy 18 Infrastructure first

- a) Development proposals which provide (or contribute to) infrastructure in line with that identified as necessary in LDPs and their delivery programmes will be supported.
- b) The impacts of development proposals on infrastructure should be mitigated. Development

proposals will only be supported where it can be demonstrated that provision is made to address the impacts on infrastructure. Where planning conditions, planning obligations, or other legal agreements are to be used, the relevant tests will apply.

Where planning obligations are entered into, they should meet the following tests:

- be necessary to make the proposed development acceptable in planning terms
- serve a planning purpose
- relate to the impacts of the proposed development
- fairly and reasonably relate in scale and kind to the proposed development
- be reasonable in all other respects

Planning conditions should only be imposed where they meet all of the following tests. They should be:

- necessary
- relevant to planning
- relevant to the development to be permitted
- enforceable
- precise
- reasonable in all other respects

Policy 20 Blue and green infrastructure

a) Development proposals that result in fragmentation or net loss of existing blue and green infrastructure will only be supported where it can be demonstrated that the proposal would not result in or exacerbate a deficit in blue or green infrastructure provision, and the overall integrity of the network will be maintained. The planning authority's Open Space Strategy should inform this.

b) Development proposals for or incorporating new or enhanced blue and/or green infrastructure will be supported. Where appropriate, this will be an integral element of the design that responds to local circumstances.

Design will take account of existing provision, new requirements and network connections (identified in relevant strategies such as the Open Space Strategies) to ensure the proposed blue and/or green infrastructure is of an appropriate type(s), quantity, quality and accessibility and is designed to be multi-functional and well integrated into the overall proposals.

c) Development proposals in regional and country parks will only be supported where they are compatible with the uses, natural habitats, and character of the park.

d) Development proposals for temporary open space or green space on unused or under-used land will be supported.

e) Development proposals that include new or enhanced blue and/or green infrastructure will provide effective management and maintenance plans covering the funding arrangements for their long-term delivery and upkeep, and the party or parties responsible for these.

Policy 22 Flood risk and water management

a) Development proposals at risk of flooding or in a flood risk area will only be supported if they are for:

- i. essential infrastructure where the location is required for operational reasons;
- ii. water compatible uses;
- iii. redevelopment of an existing building or site for an equal or less vulnerable use; or.
- iv. redevelopment of previously used sites in built up areas where the LDP has identified a need to bring these into positive use and where proposals demonstrate that long-term safety and resilience can be secured in accordance with relevant SEPA advice.

The protection offered by an existing formal flood protection scheme or one under construction can be taken into account when determining flood risk.

In such cases, it will be demonstrated by the applicant that:

- o all risks of flooding are understood and addressed;
- o there is no reduction in floodplain capacity, increased risk for others, or a need for future flood

protection schemes;

- o the development remains safe and operational during floods;
- o flood resistant and resilient materials and construction methods are used; and
- o future adaptations can be made to accommodate the effects of climate change.

Additionally, for development proposals meeting criteria part iv), where flood risk is managed at the site rather than avoided these will also require:

- o the first occupied/utilised floor, and the underside of the development if relevant, to be above the flood risk level and have an additional allowance for freeboard; and
- o that the proposal does not create an island of development and that safe access/ egress can be achieved.

b) Small scale extensions and alterations to existing buildings will only be supported where they will not significantly increase flood risk.

c) Development proposals will:

- i. not increase the risk of surface water flooding to others, or itself be at risk.
- ii. manage all rain and surface water through sustainable urban drainage systems (SUDS), which should form part of and integrate with proposed and existing blue- green infrastructure. All proposals should presume no surface water connection to the combined sewer;
- iii. seek to minimise the area of impermeable surface.

d) Development proposals will be supported if they can be connected to the public water mains. If connection is not feasible, the applicant will need to demonstrate that water for drinking water purposes will be sourced from a sustainable water source that is resilient to periods of water scarcity.

e) Development proposals which create, expand or enhance opportunities for natural flood risk management, including blue and green infrastructure, will be supported.

Policy 29 Rural development

a) Development proposals that contribute to the viability, sustainability and diversity of rural communities and local rural economy will be supported, including:

- i. farms, crofts, woodland crofts or other land use businesses, where use of good quality land for development is minimised and business viability is not adversely affected;
- ii. diversification of existing businesses;
- iii. production and processing facilities for local produce and materials, for example sawmills, or local food production;
- iv. essential community services;
- v. essential infrastructure;
- vi. reuse of a redundant or unused building;
- vii. appropriate use of a historic environment asset or is appropriate enabling development to secure the future of historic environment assets;
- viii. reuse of brownfield land where a return to a natural state has not or will not happen without intervention;
- ix. small scale developments that support new ways of working such as remote working, homeworking and community hubs; or
- x. improvement or restoration of the natural environment.

b) Development proposals in rural areas should be suitably scaled, sited and designed to be in keeping with the character of the area. They should also consider how the development will contribute towards local living and take into account the transport needs of the development as appropriate for the rural location.

c) Development proposals in remote rural areas, where new development can often help to sustain fragile communities, will be supported where the proposal:

- i. will support local employment;
- ii. supports and sustains existing communities, for example through provision of digital infrastructure; and
- iii. is suitable in terms of location, access, siting, design and environmental impact.

- d) Development proposals that support the resettlement of previously inhabited areas will be supported where the proposal:
- i. is in an area identified in the LDP as suitable for resettlement;
 - ii. is designed to a high standard;
 - iii. responds to their rural location; and
 - iv. is designed to minimise greenhouse gas emissions as far as possible.

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 TC2 : Residential Development

All proposals for new residential development*, including the conversion of non-residential buildings must:

- o be compatible with current and proposed land uses in the surrounding area;
- o provide a satisfactory residential environment for the proposed dwelling(s);
- o not result in unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure; and
- o include as appropriate a mix of house sizes, types and tenures and provision for affordable housing in accordance with Policy TC3 Affordable Housing.

Within development boundaries Angus Council will support proposals for new residential development where:

- o the site is not allocated or protected for another use; and
- o the proposal is consistent with the character and pattern of development in the surrounding area.

In countryside locations Angus Council will support proposals for the development of houses which fall into at least one of the following categories:

- o retention, renovation or acceptable replacement of existing houses;
- o conversion of non-residential buildings;
- o regeneration or redevelopment of a brownfield site that delivers significant visual or environmental improvement through the removal of derelict buildings, contamination or an incompatible

land use;

- o single new houses where development would:
- o round off an established building group of 3 or more existing dwellings; or
- o meet an essential worker requirement for the management of land or other rural business.
- o in Rural Settlement Units (RSUs)**, fill a gap between the curtilages of two houses, or the curtilage of one house and a metalled road, or between the curtilage of one house and an existing substantial building such as a church, a shop or a community facility; and
- o in Category 2 Rural Settlement Units (RSUs), as shown on the Proposals Map, gap sites (as defined in the Glossary) may be developed for up to two houses.

Further information and guidance on the detailed application of the policy on new residential development in countryside locations will be provided in supplementary planning guidance, and will address:

- o the types of other buildings which could be considered suitable in identifying appropriate gap sites for the development of single houses in Category 1 Rural Settlement Units, or for the development of up to two houses in Category 2 Rural Settlement Units.
- o the restoration or replacement of traditional buildings.
- o the development of new large country houses.

*includes houses in multiple occupation, non-mainstream housing for people with particular needs, such as specialist housing for the elderly, people with disabilities, supported housing care and nursing homes.

**Rural Settlement Units are defined in the Glossary and their role is further explained on Page 9.

Policy PV3 : Access and Informal Recreation

New development should not compromise the integrity or amenity of existing recreational access opportunities including access rights, core paths and rights of way. Existing access routes should be retained, and where this is not possible alternative provision should be made.

New development should incorporate provision for public access including, where possible, links to green space, path networks, green networks and the wider countryside.

Where adequate provision cannot be made on site, and where the development results in a loss of existing access opportunities or an increased need for recreational access, a financial contribution may be sought for alternative provision.

Policy PV15 : Drainage Infrastructure

Development proposals within Development Boundaries will be required to connect to the public sewer where available.

Where there is limited capacity at the treatment works Scottish Water will provide additional wastewater capacity to accommodate development if the Developer can meet the 5 Criteria*. Scottish Water will instigate a growth project upon receipt of the 5 Criteria and will work with the developer, SEPA and Angus Council to identify solutions for the development to proceed.

Outwith areas served by public sewers or where there is no viable connection for economic or technical reasons private provision of waste water treatment must meet the requirements of SEPA and/or The Building Standards (Scotland) Regulations. A private drainage system will only be considered as a means towards achieving connection to the public sewer system, and when it forms part of a specific development proposal which meets the necessary criteria to trigger a Scottish Water growth project.

All new development (except single dwelling and developments that discharge directly to coastal waters) will be required to provide Sustainable Drainage Systems (SUDs) to accommodate surface water drainage and long term maintenance must be agreed with the local authority. SUDs schemes can contribute to local green networks, biodiversity and provision of amenity open space and should form an integral part of the design process.

Drainage Impact Assessment (DIA) will be required for new development where appropriate to identify potential network issues and minimise any reduction in existing levels of service.

*Enabling Development and our 5 Criteria (<http://scotland.gov.uk/Resource/0040/00409361.pdf>)

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.

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.

From: [Paul R Clark](#)
To: [James Wright](#)
Subject: Consultation response - 23/00506/pppl - Teach Feirme Hillhouses Strathmartine
Date: 10 August 2023 13:29:10
Attachments: [22_00833 PPPL response.pdf](#)
[22_00833 PPPL response.pdf](#)

James

I advised on public access matters in relation to a previous planning application for this site (22/00833/PPPL). Those observations remain relevant to this application. I have attached a copy.

I note that the applicant has submitted a copy of a Catalogue of Rights of Way search report from the Scottish Rights of Way and Access Society (SCOTWAYS). The absence of any records in the Catalogue of Rights of Way does not affect my previous observations. The catalogue is not a definitive record of public rights of way, which exist if the necessary common law criteria have been met. It also has no relevance to general rights of access under Land Reform legislation. The SCOTWAYS letter refers to an accompanying guidance note, which I have attached. The note outlines other instances, including general access rights and unrecorded public right of way, where rights of access may apply.

Best regards

Paul Clark | Countryside Access Officer | Angus Council | 01307 491863 | clarkpr@angus.gov.uk | www.angus.gov.uk

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Thursday, 10 August 2023



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,

Teach Feirme Hillhouses, Strathmartine, Dundee, DD3 0PX
Planning Ref: 23/00506/PPPL
Our Ref: DSCAS-0092131-NNW
Proposal: Planning Permission in Principle for a Dwellinghouse

Please quote our reference in all future correspondence

Audit of Proposal

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced. Please read the following carefully as there may be further action required. Scottish Water would advise the following:

Water Capacity Assessment

Scottish Water has carried out a Capacity review and we can confirm the following:

- ▶ This proposed development will be fed from Clatto Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity currently so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water via [our Customer Portal](#) or contact Development Operations.
- ▶ The nearest public water main is approx. 850m from the proposed site.

Waste Water Capacity Assessment

- ▶ Unfortunately, according to our records there is no public Scottish Water, Waste Water infrastructure within the vicinity of this proposed development therefore we would advise applicant to investigate private treatment options.

Please Note

- ▶ The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

General notes:

- ▶ Scottish Water asset plans can be obtained from our appointed asset plan providers:
 - ▶ Site Investigation Services (UK) Ltd
 - ▶ Tel: 0333 123 1223
 - ▶ Email: sw@sisplan.co.uk
 - ▶ www.sisplan.co.uk
- ▶ Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.
- ▶ If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- ▶ Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.

- ▶ The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
 - ▶ Please find information on how to submit application to Scottish Water at [our Customer Portal](#).
-

Next Steps:

▶ All Proposed Developments

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via [our Customer Portal](#) prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

▶ Non Domestic/Commercial Property:

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at www.scotlandontap.gov.uk

▶ Trade Effluent Discharge from Non-Domestic Property:

- ▶ Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and laundrettes. Activities not covered include hotels, caravan sites or restaurants.
- ▶ If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found [here](#).
- ▶ Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.
- ▶ For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the

development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

- ▶ The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 5kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at www.resourceefficientscotland.com

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 or at planningconsultations@scottishwater.co.uk.

Yours sincerely,

Angela Allison

Development Services 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."

From: [Adrian G Gwynne](#)
To: [PLNProcessing](#)
Subject: RE: Planning Application Consultation 23/00506/PPPL
Date: 15 August 2023 08:37:50

No objection

-----Original Message-----

From: PLNProcessing@angus.gov.uk <PLNProcessing@angus.gov.uk>
Sent: 04 August 2023 12:16
To: Rdspln <rdspln@angus.gov.uk>
Subject: Planning Application Consultation 23/00506/PPPL

Please see attached document.

From: [James Wright](#)
To: [Ethan Fordyce](#)
Subject: FW: 23/00506/PPPL
Date: 07 September 2023 16:52:08

Please record as a community council objection and add to IDOX / uniform. Thanks

James Wright | Planning Officer (Development Standards) | Angus Council | 01307 492629 |
WrightJ@angus.gov.uk | www.angus.gov.uk

Covid: As restrictions ease, the emphasis will continue to be on personal responsibility, good practice and informed judgement. [Get the latest information on Coronavirus in Scotland.](#)

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Think green- please do not print this email

From: Strathmartine Council <Strathmartinecommunity@outlook.com>
Sent: 07 September 2023 15:22
To: James Wright <WrightJ@angus.gov.uk>
Subject: 23/00506/PPPL

Strathmartine community council object to this application although it looks like soakaway issue has been amended it still doesn't address impact on track/road up to the property, the substantial amount of building going on in our area at the moment , the impact on surrounding neighbours and services
Strathmartine community council

Sent from [Outlook for iOS](#)

Planning Consultation Response from Aberdeenshire Council Archaeology Service	
Planning Application No	23/00506/PPPL
Planning Officer	James Wright
Proposal	Planning Permission in Principle for a Dwellinghouse
Address	Teach Feirme Hillhouses Strathmartine Dundee DD3 0PX
Grid Reference	NO 3836 3594

I have the following comments to make on the application:

- (a) I OBJECT to the application for the reason(s) as stated below
- (b) I have NO OBJECTIONS to the application and have no condition(s) and/or comment(s) to make on the proposal
- (c) I have NO OBJECTIONS to the application subject to condition(s) and/or comment(s) about the proposal as set out below
- (d) Further information is required in order to consider the application as set out below

Reason(s) for objection

None

Condition(s)

None

Further comment(s) to be passed to applicant

Further information required to consider the application

Contact: Claire Herbert
email address:
archaeology@aberdeenshire.gov.uk

Date: 14/08/2023
Phone No: 01467537717

Comments for Planning Application 23/00506/PPPL

Application Summary

Application Number: 23/00506/PPPL

Address: Teach Feirme Hillhouses Strathmartine Dundee DD3 0PX

Proposal: Planning Permission in Principle for a Dwellinghouse

Case Officer: James Wright

Customer Details

Name: Mrs Amanda Macfarlane

Address: Hillhouses Cottage, Strathmartine Strathmartine Dundee

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:

I am writing to voice my strong objection to the proposed house build at [Hillhouse strathmartine]. The concerns I am about to outline reflect the potential detrimental effects of this construction on our community, the environment, and the well-being of local residents.

First and foremost, the impact on the traffic situation is a paramount concern. Our road, currently a dirt track, is already pushed to its limits in terms of traffic capacity. The presence of horse riders, cyclists, and pedestrians further complicates the situation, posing significant safety risks. The proposed house build would undoubtedly worsen the traffic congestion and jeopardize the safety of those who use this road for various purposes.

Privacy is another crucial issue that cannot be overlooked. The proposed construction would inevitably infringe upon the privacy of both ourselves and our neighbors. It is essential that any development respects the privacy and quality of life of existing residents, which the proposed house build seems to neglect.

Moreover, the potential impact on the environment is deeply concerning. The environment's delicate balance and the habitat of local wildlife could be adversely affected by the proposed construction. It is essential to ensure that any development adheres to responsible environmental practices to mitigate these negative consequences.

The fact that our electric supply is near to the construction site as we require access to this area this might prove difficult if their is construction going on here.

My husband has maintained the historical walking path for over 20 years to ensure a safe passage for all. Introducing a building site to this area will cause a distress to many this has been popular

walking route for years.

In light of these concerns, I strongly urge the relevant authorities to reconsider the approval of this house build. The project's impact on traffic, privacy, the environment, and existing infrastructure must be thoroughly assessed.

Comments for Planning Application 23/00506/PPPL

Application Summary

Application Number: 23/00506/PPPL

Address: Teach Feirme Hillhouses Strathmartine Dundee DD3 0PX

Proposal: Planning Permission in Principle for a Dwellinghouse

Case Officer: James Wright

Customer Details

Name: Mr Saul Ovenstone

Address: Brenlyn, Hillhouses, Strathmartine, Dundee DD3 0PX

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: We object strongly to the planning permission for the adjacent property's dwelling. Approving this would harm our family, our quality of life and our community.

As parents with a young baby and another baby due in October, nearby construction deeply concerns us. Another dwelling so close threatens our privacy, well-being, and our children's safety.

The strain from 200 homes nearby already disrupts services. Weak water pressure at peak times affects water reaching outlets, even rendering our shower inoperable. This highlights inadequate infrastructure. Given the quantity and availability of these homes a short walk away, more housing here is unnecessary and overburdens the infrastructure.

Our property sits on a single lane dirt track, maintained by our community. Increased traffic from additional residents or contractors would worsen the track's condition. A proposed driveway near Hillhouses Cottage raises concerns about rutting that might obstruct access to Hillhouse cottage which is the only turning point as the applicant will not allow anyone to use the other available areas, resulting in vans reversing for half a mile to the next Available turning point.

We draw attention to a prior rejected planning application (No. 22/00833/PPPL). Nearby residents, including key community members such as community council and Angus council country access, opposed it. Proposed plans still suggest blocking a historic right of way, crucial for community heritage and daily use by walkers, horse riders, and farmers. Residents of Hillhouses Cottages have maintained this path for two decades, without applicant involvement until recently. The proposed drainage plan interferes with electrical power lines to hillhouse cottage and obstructs access to their electrical meter.

In conclusion, another property's construction would severely impact our family and community, affecting privacy, safety, and quality of life.

Thank you for your attention.

Sincerely,

Saul and Heather Ovenston

Comments for Planning Application 23/00506/PPPL

Application Summary

Application Number: 23/00506/PPPL

Address: Teach Feirme Hillhouses Strathmartine Dundee DD3 0PX

Proposal: Erection of a dwellinghouse

Case Officer: James Wright

Customer Details

Name: Mr Alistair hodnett

Address: 1 Balmydown Farm Cottages, Strathmartine, DUNDEE Dundee

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I write to object to this proposal for the following reasons :

1. First & foremost, application 22/00833/PPPL has already been refused. The area West of "Brenlyn" is a track that is a right of way, it should not be blocked by this development. Council agreed this proposal was blocking a historic access that is regularly used by walkers, horse riders and farmers. This has not changed or been allowed for.
2. Water supply is a private pipe of nearly 2 miles. Its 50mm diameter is insufficient to supply the 13 houses and 2 farms with livestock often struggling for drinking water at the end of the line. Maintenance and repair of said pipe are the responsibility of all that use it and this causes friction among neighbours.
3. More development and hard, non naturally draining services will put more flooding pressure on an already overloaded burn that heads into the village of Bridgefoot. When this burn bursts it floods the village, the last thing we need with a rapidly expanding number of school children due to attend the school soon.
4. The access road is listed and maintained as a farm track. It is barely sufficient to cope with the traffic it already has on it. There are few passing places, it is not gritted or snow ploughed. During inclement weather residents sometimes, thanks to my goodwill, have to access through my busy working farmyard to get to and from their homes due to the official road being impassable.
5. There are already over 200 homes being built within 1/2 a mile of the proposal, I see no reason for another one, out on a limb. The local infrastructure is already going to struggle to cope with the huge increase in demand on it.
6. Angus Council have to send a smaller bin lorry for refuse because there is no where they can turn a normal sized lorry. I believe the small lorry is full after visiting the area so an extra development would result in 2 visits per week being necessary.

Comments for Planning Application 23/00506/PPPL

Application Summary

Application Number: 23/00506/PPPL

Address: Teach Feirme Hillhouses Strathmartine Dundee DD3 0PX

Proposal: Erection of a dwellinghouse

Case Officer: James Wright

Customer Details

Name: Mr Michael hodnett

Address: Balmydown Farm House, Strathmartine, DUNDEE Dundee

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: We note the planning application above and strongly object to it.

The road infrastructure in the immediate surrounding area are far from adequate as it is, without adding another property. They are only farm tracks and are struggling already with zero maintenance and few safe passing places.

We all share ownership and maintenance of a privately mains supplying water pipe. I myself initiated a legal water agreement back in 1990 between all properties so there will need to be discussion here before adding another connection. The pipe is ageing and struggles to provide pressure periodically as it is, with livestock sometimes struggling for water.

When I bought the farm land at Hillhouses back in 1998 we were granted access up the western edge of Brenlyn, so again, discussion is required here. I also believe this to be a historic public right of way that is frequented regularly by walkers, cyclists and horse riders.

There are approximately 200 new houses going up in this area already. Traffic both in vehicles and on foot is going to be hard enough to deal with during our day to day farming practice without adding another dwelling. And as for the local roads and schools, there is no way they are fit to cope with all this !

Access is tight up to this property already, with Angus council having to send a special, smaller bin lorry to Hillhouses because the standard one cant manage.

Flooding of our local village, Bridgefoot, which is in direct line of the water run off for this proposal is already a huge issue. Particularly important as we expect a large increase of children at the school with the now underway Strathmartine Park development

In my opinion there is nothing to suggest this is of any benefit to the area and will simply be another burden on an already bulging area.

Regards, Michael

Comments for Planning Application 23/00506/PPPL

Application Summary

Application Number: 23/00506/PPPL

Address: Teach Feirme Hillhouses Strathmartine Dundee DD3 0PX

Proposal: Erection of a dwellinghouse

Case Officer: James Wright

Customer Details

Name: Mr Thomas ANDERSON

Address: LAWVIEW HILLHOUSES FARM, STRATHMARTINE STRATHMARTINE Dundee

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I am the resident/owner at Lawview which is one of 5 dwelling houses at Hillhouses Farm Strathmartine Dundee. I have a direct interest in this application as the access route is via a poor quality farm track which runs east to west directly in front of my property.

I have previously submitted an objection to a previous application reference 22/00833/PPPL and once again object to this application.

As stated the access to the proposed new build is via a poor quality and crudely constructed farm track. The said road is continually littered with pot holes and has to be repaired by the gracious help of some of the local residents, damage to vehicles is not uncommon any further use by new residents would only cause more damage.

I also object as I have grave concerns regarding the current infrastructure, water and electricity supply. The current water supply is well below what is acceptable and another house demanding water would only exasperate the matter. Is the current electricity transformer suitable, can it cope with the extra demand? doubtful.

From plans submitted I have noted that the applicant seems to have included ground which I am aware is common ground an historical "right of way" this is still used by walkers, cyclists and horse riders. the ground is also maintained by some local residents.

When my own building application was submitted and refused by Angus Council some 16/7 years ago, after appeal the application was finally granted but on condition that no other dwelling houses were to be built in the immediate area, I assume this is still the case and the condition should still be adhered to.

I am of the opinion that the proposal submitted by the applicant is purely for financial gain only. A further dwelling house in the area will bring no benefit to the small community, in fact the opposite only a bigger drain on the already poor and inadequate facilities. I object to this application.

Comments for Planning Application 23/00506/PPPL

Application Summary

Application Number: 23/00506/PPPL

Address: Teach Feirme Hillhouses Strathmartine Dundee DD3 0PX

Proposal: Erection of a dwellinghouse

Case Officer: James Wright

Customer Details

Name: Mr Edward Hunter

Address: Hillhouses farm bungalow Hillhouses farm strathmartine Dundee

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I am a home owner/resident at Hillhouses Farm Bungalow , I have lived in the Hillhouses Farm community for approximately 65 years. Initially Hillhouses Farm comprised of only two dwelling houses and some small outbuildings, now there is a small community comprising of 5 dwellings all with residents therein.

Access to the area proposed for a new build is via a single lane farm track which is a very poor state of repair full of pot holes which has caused and will cause damage to domestic vehicles owned by the current residents, allowing another dwellinghouse with no doubt more vehicles is not satisfactory.

I have concerns regarding the current water supply, the infrastructure may have been adequate some 65 years ago however with the current dwellings standing a 5 the pressure is below what it deemed suitable and on some occasions non existent, another dwelling house will only add to the inconvenience of no water. Is the current electricity transformer suitable for another user ? .

I am only too well aware of the common ground to the west side of the house known as Brenlyn , this is an historical right of way which is still used by walkers and horse riders, this cannot be the property of the applicant.

Approximately 18/19 years ago for medical reasons I myself applied for planning permission to build a dwelling house known as Law view this was rejected by Angus Council however after appeal planning was granted however there was a legal condition put in place indicating that no other dwelling houses were to be constructed in the area, I assume this is still the case and the ruling should still be upheld.

Constructing another dwelling house in the community brings no benefit, merely a further drain on the already limited and inadequately infrastructure and amenities.

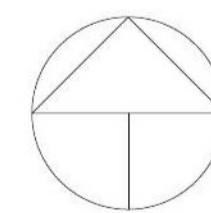
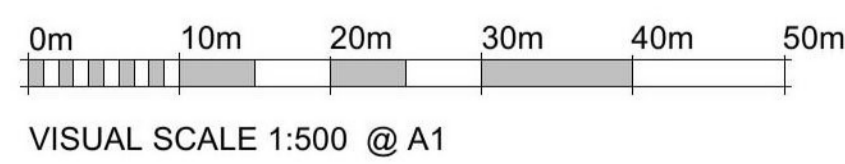
I object to this application.



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1 LOCATION PLAN
 1 : 500



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 This map shows the area bounded by 338320,735812 338320,736012 338520,736012 338520,735812
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Rev	Date	Description	Initials
C	17.07.2023	SITE AREA AMENDED TO REFLECT COMMENTS FROM ANGLUS COUNCIL	SH
B	02.12.2022	CLIENT OWNERSHIP UPDATED	SH
A	01.12.2022	TRACK ADDED INTO CLIENT OWNERSHIP	SH

Project Title:
**PROPOSED NEW BUILD DWELLING
 TEACH FEIRME
 HILLHOUSES, STRATHMARTINE
 DUNDEE, DD3 0PX**

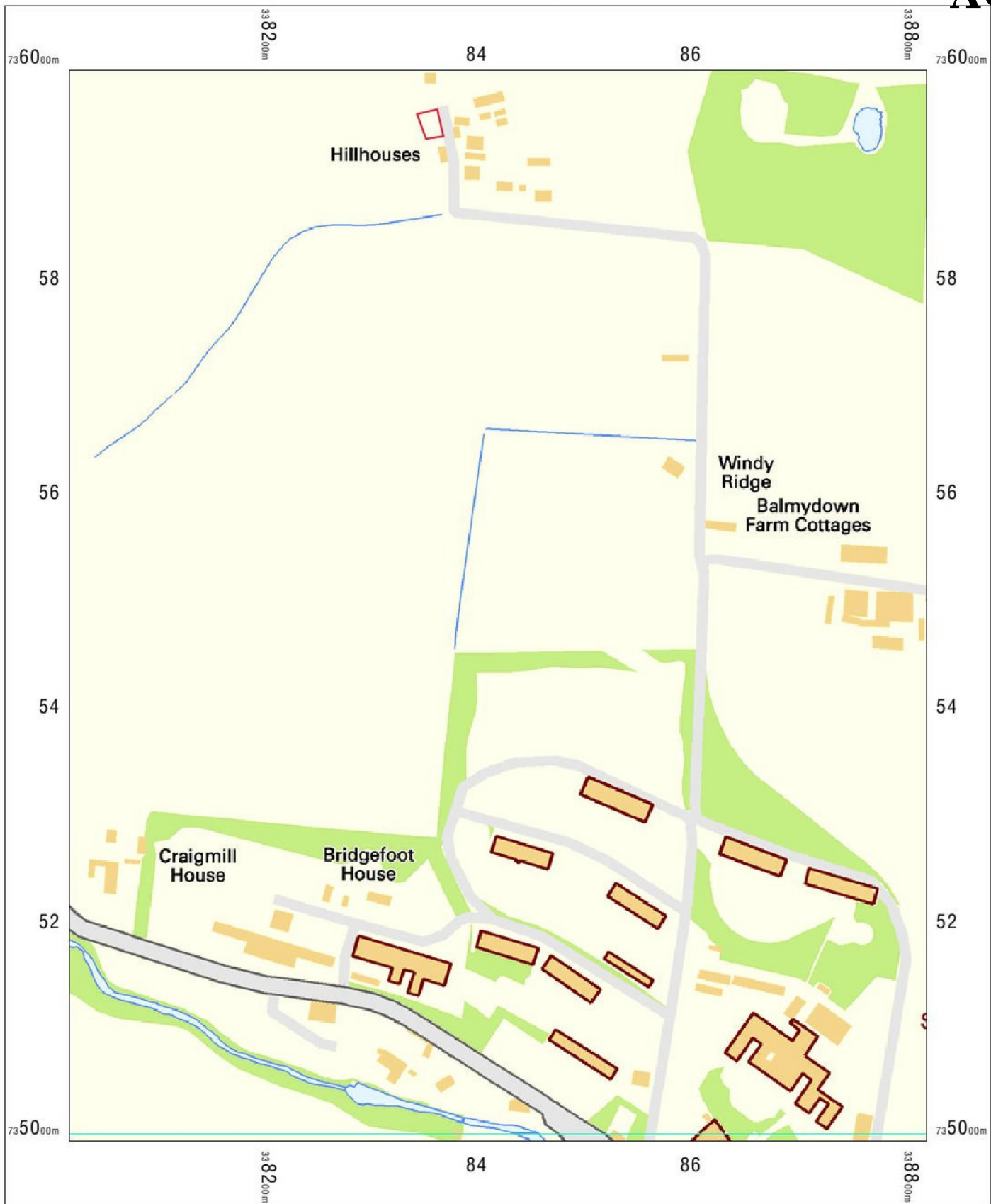
Drawing Title:
LOCATION PLAN

Date: 16.11.2022	Scale: As indicated @ A1	Project Drawing No: E22-044_001	Rev: C
Issue: PLANNING	Drawn By: SH		

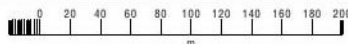
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 Magdalen Yard Road
 Dundee DD2 1BD
 01382 669241
 e info@gwp-architects.co.uk
 www.gwp-architects.co.uk

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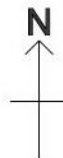
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OS Streetview
 Friday, August 4, 2023, ID: JEW-01118630
 maps.johnewright.com

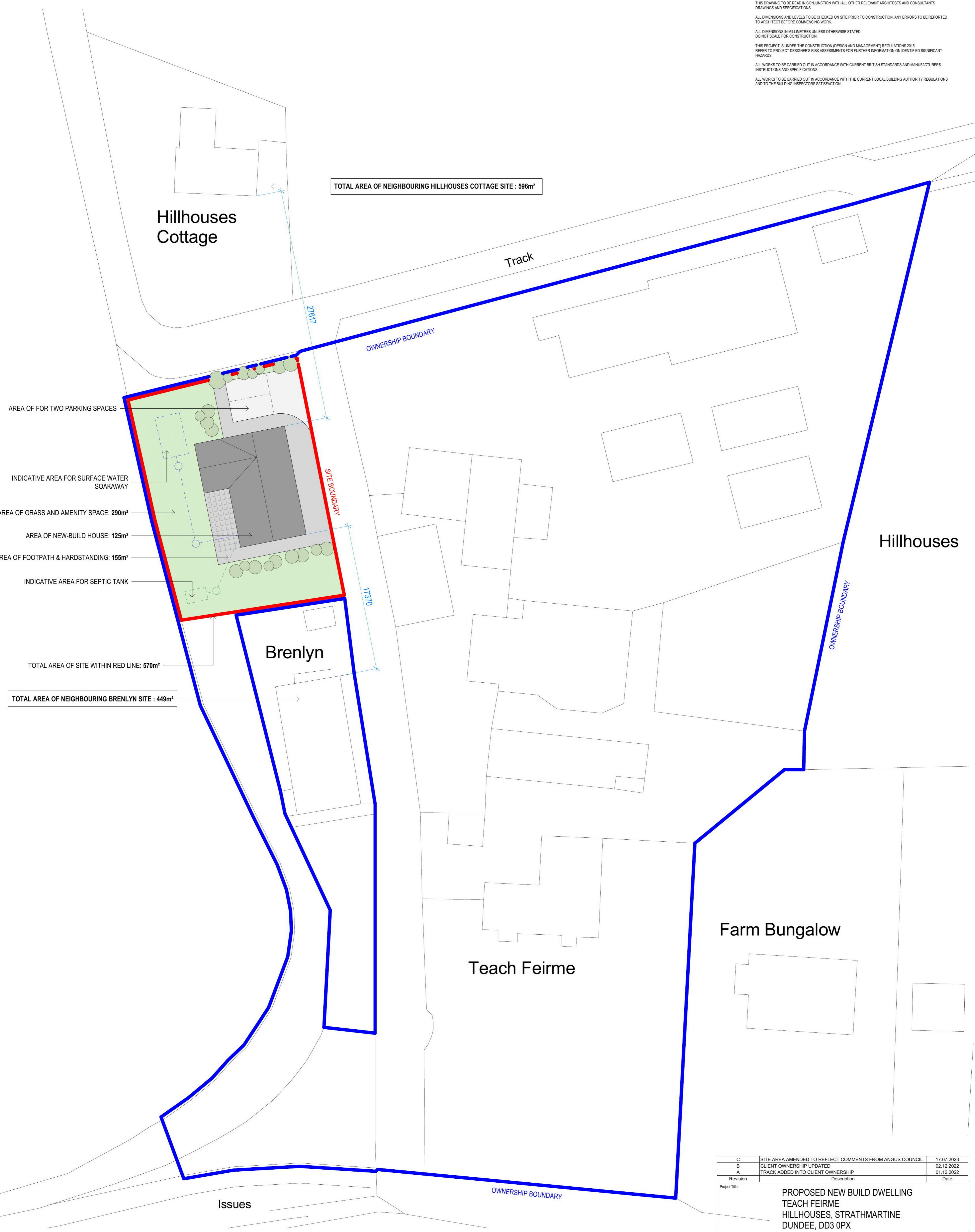
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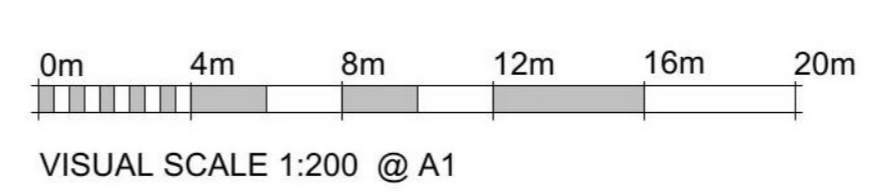
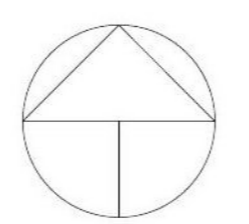
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1 SITE PLAN
1 : 200

C	SITE AREA AMENDED TO REFLECT COMMENTS FROM ANGUS COUNCIL	17.07.2023
B	CLIENT OWNERSHIP UPDATED	02.12.2022
A	TRACK ADDED INTO CLIENT OWNERSHIP	01.12.2022
Revision	Description	Date
Project Title: PROPOSED NEW BUILD DWELLING TEACH FEIRME HILLHOUSES, STRATHMARTINE DUNDEE, DD3 0PX		
Drawing Title: SITE PLAN AS PROPOSED		
Date: 16.11.2022	Scale: As indicated	Project Drawing No: E22-044_002
Issue: PLANNING	Drawn By: SH	Rev: C

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From:Karen Clark

Sent:Mon, 23 Jan 2023 12:56:53 +0000

To:James Wright

Subject:2/00833/PPPL | Erection of Dwellinghouse | Land At Hillhouses Strathmartine

Hi James, apologies for the delay, please find attached photos of the abovementioned application site and surroundings

Kind regards

Karen



View looking west over site







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



PLANNING PERMISSION IN PRINCIPLE REFUSAL
REFERENCE : 23/00506/PPPL

To **Ms Kathleen Treacy**
c/o Karen Clark Planning Consultancy
69 Brechin Road
Kirriemuir
DD8 4DE

With reference to your application dated 4 August 2023 for Planning Permission in Principle under the above mentioned Acts and Regulations for the following development, viz:-

Erection of a dwellinghouse at Teach Feirme Hillhouses Strathmartine Dundee DD3 0PX for Ms Kathleen Treacy

The Angus Council in exercise of their powers under the above mentioned Acts and Regulations hereby **Refuse Planning Permission in Principle (Delegated Decision)** for the said development in accordance with the particulars given in the application and plans docketed 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 TC2 of the Angus Local Development Plan and its associated Countryside Housing Supplementary Guidance and Policy 17 of National Planning Framework 4 as it proposes the construction of a new house in the countryside in circumstances that are not supported by the development plan and there are no material considerations that justify approval of planning permission contrary to the provisions of the development plan.
2. The application is contrary to policy 9 of National Planning Framework 4 as the proposal would not result in the sustainable reuse of brownfield land and would result in the loss of greenfield land on a site where it is neither allocated for development nor explicitly supported by policies in the LDP.
3. The application is contrary to policy PV20 of the Angus Local Development Plan and Policy 5 of National Planning Framework 4 because the development would result in the loss of prime agricultural land where the development is not required to support delivery of the development plan strategy, does not relate to a rural business, mineral extraction or a renewable energy development, is not consistent with the policy approach for a new house in the countryside and the advantages of development do not outweigh the loss of productive land.
4. The application is contrary to policy PV3 of the Angus Local Development Plan because the development would compromise the integrity of existing recreational access opportunities and no alternative provision has been made.

5. The proposal is contrary to Policy DS1 of the Angus Local Development Plan (2016) because the proposal is contrary to other policies of the local development plan, namely policies TC2, PV20 and PV3.

Amendments:

The application has not been subject of variation.

Dated this **11 January 2024**

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

The duration of any permission granted is set out in conditions attached to the permission. Where no conditions are attached the duration of the permission will be in accordance with sections 58 and 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).

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 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 Centre
Forfar
DD8 1AN

Telephone 03452 777 780
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.


Application information lodged with Scotways

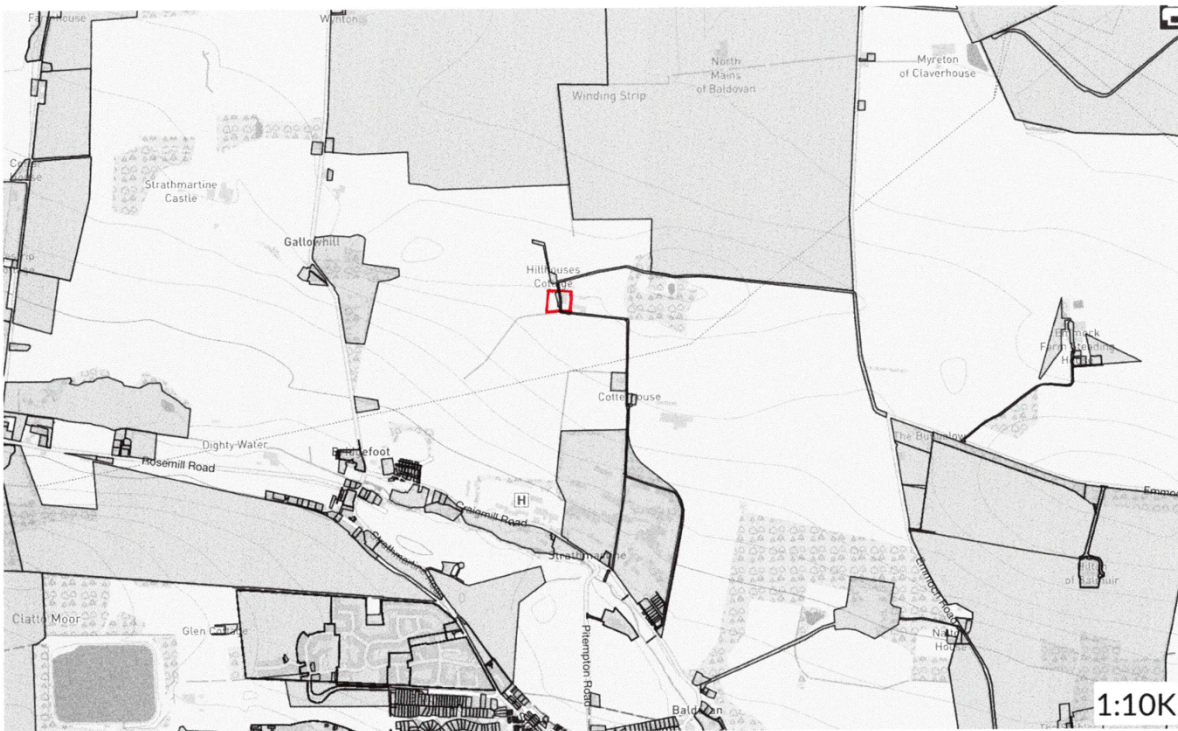
Your contact details			
Name:		Company Name:	
ROBIN PRIESTLEY		WHOSE LAND SCOTLAND	
Address Line 1:	6 BRAEMHEAD PARK		
Address Line 2:			
Address Line 3:			
Post town:	LINLITHGOW		
County:	WEST LOTHIAN		
Country:			
Postcode:	EH49 6EJ		
Preferred phone number:			Email:
Yes, I want a response by post:		(tick)	

About the subjects of the search	
Address Line 1:	TEACH FEIRME
Address Line 2:	HILLHOUSES
Address Line 3:	STRATHMARTINE
Post town:	DUNDEE
County:	ANGUS
Country:	
Postcode:	DD3 0PX
Grid Reference of centre of site:	NO 38394 35888
Reason for search:	IDENTIFY IF PROPERTY SUBJECT TO PUBLIC ACCESS
Plan included:	<input checked="" type="checkbox"/> (tick)

Payment	
Please invoice me:	<input checked="" type="checkbox"/> (tick) Purchase Order Number: TRE 001.1
Please invoice our finance team:	
Name:	Email:
Telephone Number:	
Company:	
Address Line 1:	
Address Line 2:	
Address Line 3:	
Post town:	
County:	
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TEACH FEIRME, MILLHOUSES, STRATHMARTINE, DUNDEE, D03 OPX - SITE OUTLINED IN RED = 





Robin Priestley
Whose Land Scotland
6 Braehead Park
Linlithgow
EH49 6EJ

Your Ref: TRE001.1
24 August 2022

Dear Mr Priestley

Catalogue of Rights of Way Search Results Report. Enquiry Ref: 06805
Invoice No.: INV-0005653
Teach Feirme, Hillhouses, Strathmartine, Dundee, Angus, DD3 0PX

Thank you for your enquiry of 11 August 2022. This report should be read in conjunction with the enclosed Catalogue of Rights of Way Search Guidance Notes.

Search Results

The National Catalogue of Rights of Way (CROW) does not record any rights of way that cross or are close to your site of interest as shown on the map you supplied.

There are no Heritage Paths currently recorded that cross or are close to your site of interest as shown on the map you supplied.

There are no *Scottish Hill Tracks* currently recorded that cross or are close to your site of interest as shown on the map you supplied.

Other Access to Land

You should be aware that other forms of public access to land may affect your site of interest. You can find out more about these other types of access in the enclosed Catalogue of Rights of Way Search Guidance Notes.

Payments

We charge a fee of £138 including VAT for searches for which an invoice is enclosed. Our terms are 30 days from the date of issue; please quote the Invoice Number shown above when making payment.

The Scottish Rights of Way and Access Society, 24 Annandale Street, Edinburgh EH7 4AN (Registered Office)
0131 558 1222 info@scotways.com www.scotways.com

ScotWays is a registered trade mark of the Scottish Rights of Way and Access Society, a company limited by guarantee.
Registered Company Number: SC024243. Scottish Charity Number: SC015460.

I hope the information provided is useful to you. Please do not hesitate to contact us if you have any further queries.

Yours sincerely

[Redacted signature]

Neil Feggans
Access Officer

Planning Department
Angus Council
Angus House
Orchardbank Business Park
Forfar
21st of July 2023
Lodged via E Planning

Dear Sir/Madam,

Town and County Planning (Scotland) Act 1997, as amended.

Planning Permission in Principle for a Single House, Land West of Teach Feirme, Hillhouses, Strathmartine

I refer to the aforementioned application which seeks planning permission in principle for the erection of a single house on land west of Teach Feirme, Hillhouses, Strathmartine. The application package comprises: -

- Completed application forms.
- Location and site plan
- Indicative layout plan
- Planning Supporting Statement
- Application, including plan and Report from Scotways dated 24th of August 2022
- This is a reapplication after a previous refusal Ref 22/00833/PPPL on a reduced site area and as such there is no planning fee.

The current proposal is an amended proposal of an application previously refused Ref. 22/00833/PPPL. The current application has a reduced site area and has responded to all areas of concern which supported refusal.

If you require any further information during the consideration of the application, please contact Karen Clark on [REDACTED] or karen@ktclark.co.uk

Yours Sincerely
Karen Clark

Karen Clark, Planning Consultancy, Mayriggs, Brechin Road, Kirriemuir DD8 4DE

Telephone [REDACTED] | Email: karen@ktclark.co.uk

KAREN CLARK
PLANNING CONSULTANCY

Planning Statement in Support

of

Land West of Teach Feirme, Hillhouses, Strathmartine

Planning Permission in Principle for Erection of a Single House

For Mrs K Treacy

Karen Clark, Planning Consultancy, Mayriggs, Brechin Road, Kirriemuir DD8 4DE

Telephone [REDACTED] | Email: karen@ktclark.co.uk

Introduction

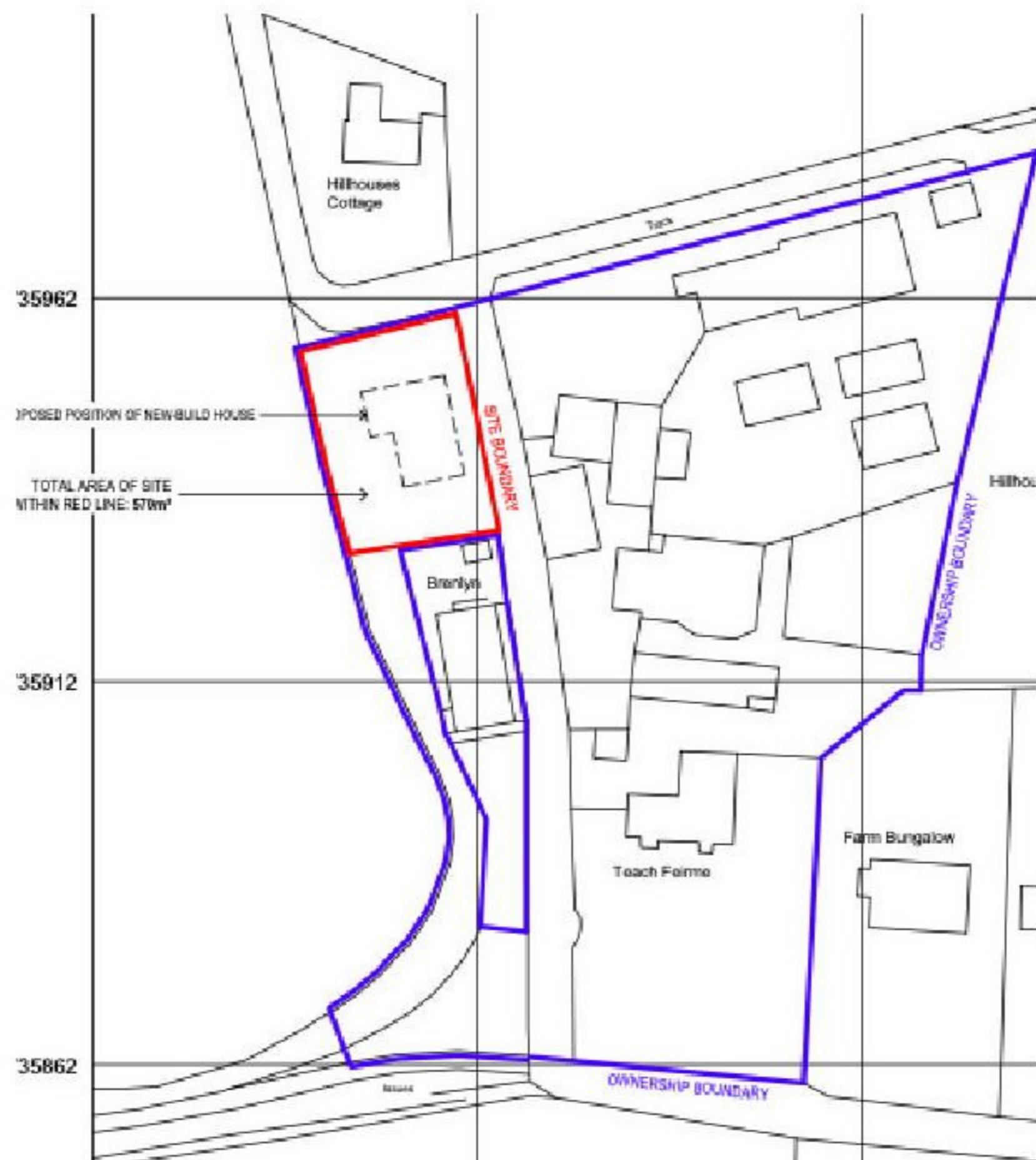
The Planning Statement is lodged in support of an application for planning permission in principle for a single house on land west of Teach Feirme, Hillhouses, Strathmartine. It is submitted the site presents as a naturally defined gap site which benefits from established boundaries on all sides, provided by an existing farm track to the east, established field boundary to the west and existing properties to the north and south comprising Hillhouses Cottage and Brenlyn. The site was previously a chicken run with evidence of the former use remaining on site. The plot is currently vacant and overgrown with no current use therefore it is submitted that the development of a single house would result in a net environmental improvement. The site can accommodate the proposed house with all required amenities without detriment to the neighbouring properties. While there is a slight conflict with the Supplementary Guidance on Housing in The Countryside as the site falls below the general desired plot size, sufficient justification has been provided within this Report to set aside strict adherence to policy in this instance. The proposed development complies with the policies of the Scottish Government and Angus Council which support the reuse of brownfield land within an existing housing group which falls within the definition of a gap site.

Site Description

The application site extends to approximately 570 sqm. The site formerly accommodated a chicken run with evidence of the former use remaining on site as such the site is considered brownfield. The plot is currently vacant and overgrown with no current use. The application site sits in a defined gap with well-established and defined boundaries on all sides comprising the following:

- North- Hillhouses Cottage
- West- established field boundary
- South- curtilage of Brenlyn
- East- existing farm track

The road frontage to the farm track measures 30 metres.



Contains Ordnance Survey data.

Proposed site

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The site is considered to fall within the accepted definition of a “gap” site as it is located between the curtilages of two existing dwellings to the south (Brenlyn) and north (Hillhouses Cottage) an existing road to the east with a road frontage less than 50 metres and has established boundaries on all sides.

The surrounding area comprises a small grouping of traditional and more modern housing with some former agricultural buildings to the east. The site itself was formerly used as a chicken run however this use has now ceased and there is no possibility of return to the former use.

To the east of the application site is a collection of buildings all within the ownership of the applicant as part of the Teach Feirme holding. These buildings are not in any commercial use and are used by the applicant for domestic storage and garaging. The general amenity of the immediate area is residential in nature with 5 existing residential properties within the group. The wider area is predominantly agricultural with small groups and individual houses scattered throughout the landscape.

There has been some suggestion that a right of way exists within the western section of the application site. The applicant has investigated this matter and evidence has been provided in a survey undertaken by Scotways, which confirms that the National Catalogue of Rights of Way (CROW) does not record any rights of way that cross or are close to the application site. Further

there are no Heritage Paths or Scottish Hill Tracks currently recorded that cross or are close to the application site, please refer to Scotways Report dated 24/8/22 lodged in support of the application.

Site History

A recent application for planning permission in principle Ref 22/00833/PPPL was refused planning permission on the 11th of May 2023. The reasons for refusal have been fully addressed by the current application.

Proposal

The current proposal seeks planning permission in principle for a single house. As indicated the site falls within the definition of brownfield land as it was previously used as a chicken run with evidence of the former use remaining on site. In addition, the site is further a naturally contained gap site with existing boundaries on all sides, the land has no current use or prospect of any alternative use. The site area is approx. 570 sqm with a road frontage of 30 metres. The site area reflects the existing plot areas of Hillhouses Cottage to the north (596 sqm) and Brenlyn to the south (449 sqm). An indicative layout plan has been provided which demonstrates that the site can accommodate the proposed house with associated amenities including private garden, access and off-street parking. Indeed, the plot area exceeds the generally accepted plot size within settlements, which confirms that a site of this size can accommodate a home. Further, given the size of the site, and the orientation of the neighbouring properties it is submitted that a house can be designed with the required window to window distances to the neighbouring properties to comply with the standards applied by Angus Council. If approved the final design and layout will be subject of the approval of Angus Council ensuring a modest home of a scale and design appropriate to the small rural grouping.



Contains Ordnance Survey data.

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Indicative layout plan

Access to the site will be achieved from the adjacent track to the east which connects to the wider roads network at Strathmartine. In terms of drainage the proposed house will include a septic tank with SUDs provided on site.

National Planning Framework 4

National Planning Framework 4 (NPF4) was formally adopted on the 13th of February 2023. The relevant provisions of NPF4 that require consideration in terms of this application are –

- Policy 1 Sustainable Places
- Policy 9 Brownfield, vacant and derelict land and empty buildings
- Policy 14 (Design, Quality and Place)
- Policy 16 (Quality Homes)
- Policy 17 (Rural Homes)
- Policy 20 (Green and Blue Infrastructure)

Policy 1 Sustainable Places

Policy Intent: To encourage, promote and facilitate development that addresses the global climate emergency and nature crisis.

Response: the proposal will result in the reuse of a small brownfield gap site within an existing group of houses. The site previously accommodated a chicken run with evidence of the former use remaining on site. The reuse will contribute to sustainable places by making best use of land as a scarce resource, recycling brownfield land and contributing to compact urban growth while assisting with rural revitalisation.

Policy 5 Soils

Policy Intent: To protect carbon-rich soils, restore peatlands and minimise disturbance to soils from development.

a) Development proposals will only be supported if they are designed and constructed:

i. In accordance with the mitigation hierarchy by first avoiding and then minimising the amount of disturbance to soils on undeveloped land; (our emphasis)

Response: The area of the application site is indicated 3.1 on the partial land capability map. However, this agricultural classification designation includes the existing group of houses and buildings which comprised Hillhouse, clearly this small cluster of houses is not prime agricultural land. The Macauley Institutes Land Classification for Agriculture provides blanket coverage and does not identify small clusters of houses such as that found at Hillhouses which are clearly not prime land. It is evident that the development of the proposed small site which sits within an existing

group of houses will not impact on the productivity of prime agricultural land. Finally, as the site is brownfield, having previously been used as a chicken run, it is submitted that in fact Policy 5 does not apply as this relates only to “undeveloped land”.

Policy 9 Brownfield, vacant and derelict land and empty buildings

Policy Intent: To encourage, promote and facilitate the reuse of brownfield, vacant and derelict land and empty buildings, and to help reduce the need for greenfield development.

- a) Development proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings, whether permanent or temporary, will be supported. In determining whether the reuse is sustainable, the biodiversity value of brownfield land.

Response: The application site previously accommodated a chicken run with sheds and remnants of the previous use apparent on site. The proposal will result in the sustainable reuse of brownfield land and the removal of any identified contaminants. Therefore, the proposal fully complies with Policy 9.

Policy 14 Design, quality and place

Policy Intent: To encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the Place Principle.
Policy 14

- a) Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale.
- b) Development proposals will be supported where they are consistent with the six qualities of successful places:

Healthy: Supporting the prioritisation of women’s safety and improving physical and mental health.

Pleasant: Supporting attractive natural and built spaces.

Connected: Supporting well connected networks that make moving around easy and reduce car dependency

Distinctive: Supporting attention to detail of local architectural styles and natural landscapes to be interpreted, literally or creatively, into designs to reinforce identity.

Sustainable: Supporting the efficient use of resources that will allow people to live, play, work and stay in their area, ensuring climate resilience, and integrating nature positive, biodiversity solutions.

Adaptable: Supporting commitment to investing in the long-term value of buildings, streets and spaces by allowing for flexibility so that they can be changed quickly to accommodate different uses as well as maintained over time.

Response: The development will result in the reuse of a derelict brownfield site and the removal of any contaminates. The current application seeks to establish the principle of a single house at this time with the final design subject to further approval by Angus Council Planning Service. However, the applicant is committed to a high-quality design which reflects the rural character of the surrounding area which provides adaptable accommodation.

The proposal will result in a single modest scaled homes set within landscape setting which will provide biodiversity and habitats opportunities. The proposal will provide a healthy environment with the development of a low-density high-quality development, the existing landscape setting will be managed and enhanced ensuring a long-term positive impact on the natural environment. The reuse of the brownfield site is considered sustainable, and the house will be designed to be sustainable as all will meet current building standards and through the use of sustainable material and air source heating.

Therefore, it is submitted that the proposal complies with Policy 14 Design, quality and place.

Policy 16 Quality homes

Policy Intent: To encourage, promote and facilitate the delivery of more high quality, affordable and sustainable homes, in the right locations, providing choice across tenures that meet the diverse housing needs of people and communities across Scotland.

Response: The current application seeks planning permission in principle for a single house on a brownfield gap site located between two houses, within an existing small group of houses. The site offers the opportunity for a modest home adding to the choice of homes within the immediate area.

Therefore, it is submitted that the proposal complies with Policy 16 Quality Homes.

Policy 17 Rural homes

Policy Intent: To encourage, promote and facilitate the delivery of more high quality, affordable and sustainable rural homes in the right locations.

a) Development proposals for new homes in rural areas will be supported where the development is suitably scaled, sited and designed to be in keeping with the character of the area and the development:

ii. reuses brownfield land where a return to a natural state has not or will not happen without intervention.

Response: The current application represents an appropriate development within a rural area as it reuses a small brownfield site on a gap site within an existing cluster of houses while allowing a small appropriately scaled and designed homes which will make a positive contribution to the local area.

Therefore, it is submitted that the proposal complies with Policy 17 Rural Homes.

Policy 20 Blue and green infrastructure

Policy Intent: To protect and enhance blue and green infrastructure and their networks.

- a) Development proposals that result in fragmentation or net loss of existing blue and green infrastructure will only be supported where it can be demonstrated that the proposal would not result in or exacerbate a deficit in blue or green infrastructure provision, and the overall integrity of the network will be maintained.

Response: Evidence has been provided by Scotways Report dated 24th August 2022 and lodged in support of the application which confirms that the National Catalogue of Rights of Way (CROW) does not record any rights of way that cross or are close to the application site. Further there are no Heritage Paths or Scottish Hill Tracks currently recorded that cross or are close to the application site. No evidence provided to dispute this fact. In any case, even if there is a right of way, which there is not, an alternative route is provided along the existing access track and as such there will be no loss of green infrastructure.

Angus Local Development Plan 2016

It is considered the following policies are of relevance to the consideration of the current application.

- Policy DS1: Development Boundaries and Priorities
- Policy DS3: Design Quality and Place making.
- Policy DS4: Amenity
- DS5: Developer Contributions
- TC2: Residential Development and associated SG Countryside Housing
- PV3 Access and Informal Recreation
- Policy PV15: Drainage Infrastructure.
- Policy PV20 Soils and Geodiversity.

These policies will be considered within the Discussion section of this Report.

Discussion

The application seeks planning permission in principle for the erection of a single house on a gap site within an existing small group of houses at Hillhouses. The site was previously used as a chicken run with evidence of the former use apparent on site, therefore the site can be considered brownfield land. The site has no current use and no prospect of a possible use. The site it is overgrown and has become unsightly and as such the proposed development will result in a clear environmental improvement within this established residential group.

The site extends to some 570 sqm with a road frontage of approx. 30 metres, located between the curtilage of Hillhouses Cottage to the north and Brenlyn to the south and a metalled access track to the east. To the west is a long-established field boundary. As the site benefits from established boundaries on all sides it clearly represents a natural gap site as defined by the Countryside Housing SG.

The plot, which extends to 570 sqm, is of similar scale to the existing houses to the north and south and as such the proposed development follows the development pattern of the area. An indicative layout plan has been provided to aid consideration which demonstrates that the plot area, which exceeds standard plot sizes within the urban areas, can accommodate the proposed house along with the necessary amenities including private garden and off-street parking. The final layout and design will be subject to the approval of the Planning Service however, the applicant is committed to a high-quality design which will not impact on the amenity of the existing residents. The detailed design will be the subject of a further planning application however the intention is for a modest home designed to reflect the rural surroundings.

Considering the policies of relevance of the Angus Local Development Plan:

Policy DS1 Development Boundaries states that out with development boundaries, proposals will be supported where they are of a scale and nature appropriate to the location and where they accord with other relevant policies in the LDP. The policy goes on to support proposals which *“reuse or make better use of vacant derelict or underused brownfield land or buildings will be supported where they are in accordance with relevant policies of the ALDP.”*

Response: In the current circumstances, the application site falls within the accepted definition of a gap site sitting between the curtilage of Hillhouses Cottage and Brenlyn and a metalled road with a road frontage of 30 metres. The site forms a natural well-defined site with long established boundaries on all sides. The site, which was previous a chicken run with evidence of the former use apparent, is also considered brownfield. The plot has no current use and is now vacant, overgrown and unsightly. As such it is submitted that the proposed development of a single house on a gap site is wholly appropriate in scale and nature with the surrounding area. The development will consolidate and complete the small group of houses while making best use of land as a scarce resource resulting in a net environmental and visual improvement and therefore the proposal complies with Policy DS1.

Policy DS3 Design Quality and Place making requires development proposal to deliver a high design standard and draw upon those aspects of landscape or townscape within the area. The current application seeks planning permission in principle as such no detailed site plans are available. However, an indicative layout plan has been provided which demonstrates that the site can accommodate a modest modern family home along with the required amenities including private garden ground and off-street parking. Considering the six qualities which make successful places:

Distinctive: The development will ensure the reuse of a brownfield site which also falls within the accepted definition of a gap site located within an existing housing group. The site currently has no function and has become unsightly. The proposed house will be designed to complement the area contributing to the rural landscape.

Safe and Pleasant: The design will be carefully considered and, subject to a further planning submission, will provide an appropriate response to the site while considering the existing residents and site topography and landscaping. The development will provide an attractive high-quality modern house designed to complement the rural setting.

Easy to get around: The property is for a single house. Safe access is available to the adjacent road which connects to the wider area.

Welcoming: The house will be orientated east/west with views over open countryside.

Resource Efficient The development will reuse for a small brownfield site within an existing group of houses with no current use and therefore represents efficient use of land as a scarce resource. Further the house will be insulated to a very standard meeting or exceeding all current building control requirements.

Adaptable The proposed house will provide adaptable family accommodation.

Therefore, it is submitted that the current proposal complies with Policy DS3 Design Quality and Place as the development of the site to provide a high-quality house will contribute to surrounding rural area.

Policy DS4: Amenity requires proposals to have regard to opportunities for maintaining and improving environmental quality. Development is not permitted where there would be an unacceptable adverse impact on the area or the environment or amenity of nearby sensitive property. The Policy identifies a number of areas to be considered including.

- Air quality
- Noise and vibration
- Levels of light pollution
- Levels of odour
- Suitable provision of 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.
- Residential amenity in relation to overlooking and loss of privacy, outlook, sunlight, daylight and overshadowing.

In respect of air pollution, noise and vibration, light pollution and odour it is submitted that the current application for the development of a single house on a gap site will not have any adverse impacts in regard to these matters.

With regard to road traffic movement roads/parking/access, the existing access track, which is similar to many found within rural Angus, can accommodate the proposed single new house. The scale of the plot will provide sufficient off road parking facilities. It is worth noting that at the time of the previous application no objection was received from Angus Council Roads Service.

In terms of residential amenity, the detailed design house will be developed to ensure no loss of amenity for the neighbouring houses, given the scale and orientation of the site it is considered that this is easily achievable. Finally, the immediate area does not include any commercial farming activity. The buildings to the east from part of the Teach Feirme holding and is within the ownership of the applicant. The buildings are used for domestic storage and garaging only. At the present time

there is no issue of loss of amenity as a result of these buildings for the existing residents and as such a similar residential amenity will be afforded to the proposed house.

Therefore, it is submitted that the proposal complies with Policy DS4.

DS5 Developer Contributions The current application falls below the threshold for Developer Contributions, that being developments over 0.5ha or 10 units, as such Policy DS is not applicable to the current application.

Policy TC2 Residential Development requires that all residential development proposals are:

- compatible in terms of land use;
- provide a satisfactory residential environment;
- not result in unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure and
- provide for affordable housing in accordance with Policy TC3 Affordable Housing.

In countryside locations such as the application site, Policy TC2 offers support to proposals for the development of houses that fall into at least one of a number of categories of relevance to the current proposal are the following:

Regeneration or Redevelopment of Brownfield Sites - The land subject of the current application was formerly a chicken run with evidence of the previous use remaining on site. The proposed reuse will undoubtedly deliver significant visual or environmental improvement to this small cluster of houses through the removal of derelict buildings and possible contamination.

Gap Sites- In an RSU 1 Area such as the current site this is defined as a

“site with a frontage of up to 50 meters between the curtilages of two houses or the curtilage of one house and a metaled road, or between the curtilage of one house and an existing substantial building such as a church, a shop or a community facility may be filled by a single house.”

In the current circumstances the plot represents a self-contained site with well-established boundaries on all sides. The site is bounded to the south by the curtilage of Brenlyn, to the north by Hillhouses Cottages, to the east an existing metalled track and to the west established field boundaries. The road frontage is approximately 30 metres, as such the site is considered to fall within the definition of a gap site and therefore, it is submitted that the principle of the proposal complies with Policy TC2 of the ALDP.

The proposals are further required to meet the detailed criteria set out in the Countryside Supplementary Guidance. For the current application the following criteria are considered appropriate, these are considered in turn: -

a) not create a gap or rounding off opportunity for additional Greenfield development. The current application is a self-contained site and will not create any further opportunity for greenfield development.

b) Meet the plot size requirements, in RSU 1 areas the minimum plot size is 800sqm with a maximum plot area of 2000sqm. The application plot size is 570 sqm and therefore is smaller than the required plot area, however, the plot area is similar in scale to Hillhouse Cottage to the north (596 sqm) and Brenlyn to the south (449 sqm) and as such the plot area reflects and continues the established development pattern within the area. An indicative plan has been lodged in support of the application which demonstrates that the site, which would be considered generous within a settlement, can accommodate a modest scaled house with all necessary associated amenities. The final design and layout will be subject to a further application and the approval of the Planning Service. The arbitrary plot size should not hinder the reuse of a small brownfield gap site within an existing cluster of houses, as to do so would run contrary to both the Scottish Government and Angus Council policies which support making the best use of land as a scarce resource.

c) Not extend ribbon development. The site is self-contained and in no way will extend ribbon development.

d) Not result in coalescence of building groups or of a group with a nearby settlement. The site will not result in any coalescence.

e) Have regard to the rural character of the surrounding area and not be urban in form and/or appearance. The application seeks planning permission in principle for the erection of a modest home. The detailed design will be subject to a further planning application however the applicant is committed to a high-quality design which reflects the rural character of the surrounding area.

f) provide a good residential environment. The site area will ensure a good quality residential amenity can be provided. The required amenity space and parking can be accommodated within the site.

g) make provision for affordable housing in line with TC3 Affordable Housing and the guidance set out in Developer Contributions and Affordable Housing SG. This element of policy applies to developments of more than 0.5ha or 10 units, such as the current application does not attract an affordable housing or developer contributions requirement.

h) where the proposal will have a demonstrable cumulative impact on infrastructure and community facilities an appropriate developer contribution will be sought. Developer contributions are only required on developments in excess of 0.5ha or 10 units. The current application falls below both these thresholds.

i) not adversely effect of be affected by farming or other rural business activities. The application site will not affect any farming activity.

j) not take access through a farm court, the proposed development will be taken from the adjacent track and will in no way interfere with any farming activity area. The proposed single house can be accommodated.

j) not require an access of an urban scale or character. As above

As such the proposal represents the reuse of a brownfield gap site and as such adheres to Policy TC2 Residential Development within a countryside location. The proposed development will result in a net environmental and visual improvement with the redevelopment of a vacant overgrown site. While it is acknowledged that the plot size falls below the arbitrary required plot area, the plot area is similar in scale to Hillhouse Cottage to the north (596 sqm) and Brenlyn to the south (449 sqm)

and as such the plot area reflects and continues the established development pattern within the area. An indicative plan has been lodged in support of the application which demonstrates that the site, which is larger than standard plots within settlements, can accommodate a modest scaled house with all necessary associated amenities. The arbitrary plot size should not hinder the reuse of a small brownfield gap site within an existing cluster of houses. Therefore, there is sufficient justification to set aside strict adherence to the one of the design criteria contained within the Countryside Housing SG, as to do so would run contrary to a fundamental policy of both the Scottish Government and Angus Council which seeks to make best use of land as a scarce resource.

Policy PV3: Access and Informal Recreation New development should not compromise the integrity or amenity of existing recreational access opportunities including access rights, core paths and rights of way. Existing access routes should be retained, and where this is not possible alternative provision should be made.

Response: In the current circumstances evidence has been provided by Scotways which confirms that National Catalogue of Rights of Way (CROW) does not record any rights of way that cross or are close to the application site. Further there are no Heritage Paths or Scottish Hill Tracks currently recorded that cross or are close to the application site. In any case even if it did, and there is no evidence provided that there is, an alternative route along the existing access track and as such there will be no loss of green infrastructure.

Therefore, the current application will not compromise any right of way and is therefore in accordance the Policy PV3

Policy PV15 Drainage Infrastructure The current application seeks planning permission in principle at this time, all details including the drainage will be the subject of a further matter specified in conditions application. However, at this time it is proposed that the house will include a private drainage system with SUDs provided on site.

Therefore, it is submitted that the proposal complies with Policy PV15.

Policy PV20 Soils and Geodiversity. Seeks to protect prime agricultural land.

Response: The area of the application site is indicated 3.1 on the partial land capability map. The Macauley Institutes Land Classification for Agriculture classification provides blanket coverage does not identify smaller pockets of lower quality land or small clusters of houses such as that found at Hillhouses which are clearly not prime agricultural land. It is evident that the development of the proposed site will not impact on the productivity of prime agricultural land and the current proposal will not result in the loss of prime agricultural land.

Summary

The current proposal seeks planning permission in principle for a modest single-family home on a site which falls within the accepted definition of brownfield land on a gap site within an established group of houses which comprises Hillhouses. The immediate area has seen some new build in

recent years. The site formerly accommodated a chicken run, with evidence of the former use remaining on site, as such the site is considered to be brownfield. The site is overgrown and unsightly with as such the proposed development will result in a net environmental improvement. Given the residential nature of the immediate area, a house on the site is considered the wholly appropriate use. The proposed house will contribute to the choice of housing stock within the area while making a valuable contribution to the local economy and supporting local services and facilities. The detailed design will be subject to a further application however the applicant is committed to high quality development. It is accepted that the plot size is smaller than the arbitrary plot size required by the SG on Countryside Housing, however, this should not be a barrier to redevelopment of a brownfield site on a gap site within an existing group of housing , as to do so would run contrary to both the Scottish Government and Angus Council policies which support making best use of land as a scarce resource. The proposal complies with all policies and associated Supplementary Guidance of Angus Council and therefore it is respectfully submitted that proposal be APPROVED.

DEVELOPMENT MANAGEMENT REVIEW COMMITTEE

**APPLICATION FOR REVIEW –
TEACH FEIRME, HILLHOUSES, STRATHMARTINE**

APPLICATION NO 23/00506/PPPL

APPLICANT'S SUBMISSION

Page No

ITEM 1	Notice of Review
ITEM 2	Statement of Appeal and Appendices



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 100609267-004

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: Karen Clark Planning Consultancy

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

First Name: * Karen Building Name:

Last Name: * Clark Building Number: 69

Telephone Number: * Address 1 (Street): * Brechin Road

Extension Number: Address 2:

Mobile Number: Town/City: * Kirriemuir

Fax Number: Country: * UK

Postcode: * DD8 4DE

Email Address: * karen@ktclark.co.uk

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="Ms"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Teach Feirme"/>
First Name: *	<input type="text" value="Kathleen"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Treacy"/>	Address 1 (Street): *	<input type="text" value="Hillhouses"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Strathmartine"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="DD3 0PX"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="Karen@ktclark.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="TEACH FEIRME"/>
Address 2:	<input type="text" value="HILLHOUSES"/>
Address 3:	<input type="text" value="STRATHMARTINE"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="DUNDEE"/>
Post Code:	<input type="text" value="DD3 0PX"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="735895"/>	Easting	<input type="text" value="338398"/>
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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)

Planning permission in principle for erection of single house

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.

Please refer to attached appeal statement

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)

- Appendix 1 Application Forms • Appendix 2 Plans and Location Plan • Appendix 3 Refusal Notice •
- Appendix 4 Report of Handling • Appendix 5 Scotways Information of Right of Way

Application Details

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

23/00506/PPPL

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

04/08/2023

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

11/01/2024

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

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be a combination of procedures.

Please select a further procedure *

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

To fully understand the site and surroundings

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 Karen Clark

Declaration Date: 23/01/2024

Town and Country Planning (Scotland) Act 1997 as amended.

Application for Review Against the Refusal of Planning Permission for the Erection of a House, Land at Teach Feirme, Hillhouses, Strathmartine DD3 0PX.

Application Reference 23/00506/PPPL

For Ms. Kathleen Treacy (The appellant)

By Angus Council (The Council)

Karen Clark, Planning Consultancy, Mayriggs, Brechin Road, Kirriemuir DD8 4DE

Telephone [REDACTED] | Email: karen@ktclark.co.uk

1. Executive Summary
2. Reasons for refusal
3. Grounds of Appeal
4. Site Appraisal

4.1 Site Description

4.2 Surrounding Area

5. Planning History

6. Design Process

6.1 Design Brief

6.2 Development Proposals

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6.4 Sustainability

7. Representations

8. Development Plan

8.1 National Planning Framework 4

8.2 Angus Local Development Plan 2016

9. Conclusion

Appendices

- Appendix 1 Application Forms
- Appendix 2 Plans and Location Plan
- Appendix 3 Refusal Notice
- Appendix 4 Report of Handling
- Appendix 5 Scotways Information of Right of Way

Karen Clark, Planning Consultancy, Mayriggs, Brechin Road, Kirriemuir DD8 4DE

Telephone [REDACTED] | Email: karen@ktclark.co.uk

1. Executive Summary

This appeal statement has been prepared on behalf of Ms. Treacy, the appellant, in respect of the decision of Angus Council to refuse an application for planning permission in principle for the erection of a dwellinghouse at Teach Feirme, Hillhouses, Strathmartine. The application was validated on the 4th of August 2023 and refused under delegated powers on the 11th of January 2024.

The Appeal Statement considers in detail the reasons for refusal and demonstrates that the proposal complies with the policies of National Planning Framework 4. There is some minor conflict with the policies of Angus Local Development Plan 2016 and the Supplementary Guidance on Countryside adopted 2016 however the guidance from the Chief Planner is clear that in the event of any incompatibility between a provision of NPF and a provision of an LDP, whichever of them is the later in date is to prevail. In the current circumstances the policies of NPF4 take precedence over the policies of the Angus Local Development Plan, adopted 2016 and the Supplementary Guidance on Countryside Housing also adopted 2016.

The Local Review Board is respectfully requested to uphold the review and grant planning permission.

2. Reasons for Refusal

The decision notice dated 11th of January 2024 provides the following reasons for refusal:

1. The application is contrary to policy TC2 of the Angus Local Development Plan and its associated Countryside Housing Supplementary Guidance and Policy 17 of National Planning Framework 4 as it proposes the construction of a new house in the countryside in circumstances that are not supported by the development plan and there is no material considerations that justify approval of planning permission contrary to the provisions of the development plan.
2. The application is contrary to policy 9 of National Planning Framework 4 as the proposal would not result in the sustainable reuse of brownfield land and would result in the loss of greenfield land on a site where it is neither allocated for development nor explicitly supported by policies in the LDP.
3. The application is contrary to policy PV20 of the Angus Local Development Plan and Policy 5 of National Planning Framework 4 because the development would result in the loss of prime agricultural land where the development is not required to support delivery of the development plan strategy, does not relate to a rural business, mineral extraction or a renewable energy development, is not consistent with the policy approach for a new house in the countryside and the advantages of development do not outweigh the loss of productive land.
4. The application is contrary to policy PV3 of the Angus Local Development Plan because

the development would compromise the integrity of existing recreational access opportunities and no alternative provision has been made.

5. The proposal is contrary to Policy DS1 of the Angus Local Development Plan (2016) because the proposal is contrary to other policies of the local development plan, namely policies TC2, PV20 and PV3.

3. Grounds of Appeal

Considering the reasons for refusal in turn:

1. The application is contrary to policy TC2 of the Angus Local Development Plan and its associated Countryside Housing Supplementary Guidance and Policy 17 of National Planning Framework 4 as it proposes the construction of a new house in the countryside in circumstances that are not supported by the development plan and there are no material considerations that justify approval of planning permission contrary to the provisions of the development plan.

Response: NPF 4 Policy 17 and Policy TC2 and the associated supplementary guidance provide a number of criteria where housing in the countryside is appropriate, these include development on gap sites and redevelopment of brownfield sites.

It is submitted the site presents both as a defined gap site and a brownfield site. The site benefits from established boundaries on all sides, provided by an existing farm track to the east, long established field boundary to the west and existing properties to the north and south comprising Hillhouses Cottage and Brenlyn. Further, the site was previously a chicken run with evidence of the former use remaining on site, as such the site falls within the definition of brownfield land. The plot is currently vacant and overgrown with no current use therefore it is submitted that the development of a single house would result in a net visual and environmental improvement. While it is accepted that there is a slight conflict with the Supplementary Guidance on Housing in The Countryside as the site falls below the anticipated plot size, the site will result in the reuse of brownfield land within a small group of houses. This adheres to Policy 17 a (ii) of National Planning Framework 4 which supports the reuses brownfield land where a return to a natural state has not or will not happen without intervention, in line with guidance from the Chief Planner this policy takes precedence over detailed housing criteria provided in the significantly older supplementary guidance on Countryside Housing adopted 2016.

2. The application is contrary to policy 9 of National Planning Framework 4 as the proposal would not result in the sustainable reuse of brownfield land and would result in the loss of greenfield land on a site where it is neither allocated for development nor explicitly supported by policies in the LDP.

Response: NPF4 Policy 9 a) supports development proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings, whether permanent or temporary, will be supported. In determining whether the reuse is sustainable, the biodiversity value of brownfield land which has naturalised should be taken into account.

The site subject of the current appeal is primarily formed of brownfield land; the site being previously used as a chicken run with evidence of the former use of site. There is a small section of the site to the west out with the former chicken run area however this is not in any productive agricultural use and is wholly within the ownership of the Teach Feirme holding. Therefore, the proposal fully complies with Policy 9 of NPF4 as it will result in the reuse of brownfield land and the removal of an eyesore resulting in a net visual and environmental improvement.

3. The application is contrary to policy PV20 of the Angus Local Development Plan and Policy 5 of National Planning Framework 4 because the development would result in the loss of prime agricultural land where the development is not required to support delivery of the development plan strategy, does not relate to a rural business, mineral extraction or a renewable energy development, is not consistent with the policy approach for a new house in the countryside and the advantages of development do not outweigh the loss of productive land.

Response: it is difficult to understand what area of prime agricultural land will be lost by the current proposal. The site sits as a gap between two existing houses located within a small group of houses which comprises Hillhouses. The site was formerly a chicken run with evidence of that former use on site. The area is not in any active agricultural use, nor has it been for decades.

The Soil Map of Scotland (partial cover) which identifies prime agricultural land, please refer to extract below, is a blunt tool as demonstrated by the fact that the whole of the Hillhouses cluster of houses is identified as prime agricultural land. The reuse of this small area of land within an existing group of houses will not result in any loss of productive land and therefore there is no conflict with Policy PV20.



Extract from the Soils Map, confirming the whole of Hillhouses is defined as 3.1.

4. The application is contrary to policy PV3 of the Angus Local Development Plan because the development would compromise the integrity of existing recreational access opportunities and no alternative provision has been made.

Response: The evidence produced by Scotways, please refer to Appendix 5 confirms the National Catalogue of Rights of Way (CROW) does not record any rights of way that cross or are close to the site subject of the current appeal. Further there are no Heritage Paths or Scottish Hill Tracks currently recorded that cross or are close to the site. In any case even if it did, and there is no evidence that there is, an alternative route along the existing access track is provided and as such there will be no loss of green infrastructure.

Therefore, the current proposal will not compromise any right of way and is therefore in accordance the Policy PV3

5. The proposal is contrary to Policy DS1 of the Angus Local Development Plan (2016) because the proposal is contrary to other policies of the local development plan, namely policies TC2, PV20 and PV3.

Response: As demonstrated the proposal complies with Policies TC2, PV20 and PV3. The site makes best use of vacant brownfield land and as demonstrated is in accordance with the other policies of the LDP.

All policies will be considered in detail within this statement of appeal. However, National Planning Framework 4 takes precedence over the now somewhat dated ALDP 2016 and the associated supplementary guidance. The main thrust of NPF4 gives significant weight to the global climate emergency and this is a priority in all plans and decisions.

The current proposal will result in the sustainable reuse of a small area of vacant, brownfield land within an existing group of houses. The proposal will provide a modest and affordable home on a site close to existing amenities within walking distance of the settlement boundary of Strathmartine 0.5km to the south, thereby falling within the 20-minute neighbourhood with access to local facilities such as local primary school and public transport links. The proposal fully adheres to and supports the Policy 1 which gives significant weight to addressing the global climate crisis.

4. Site Description

The site subject of the current appeal extends to approximately 570 sqm. The site formerly accommodated a chicken run with evidence of the former use remaining on site as such the site is falls within the accepted definition of brownfield land, that being

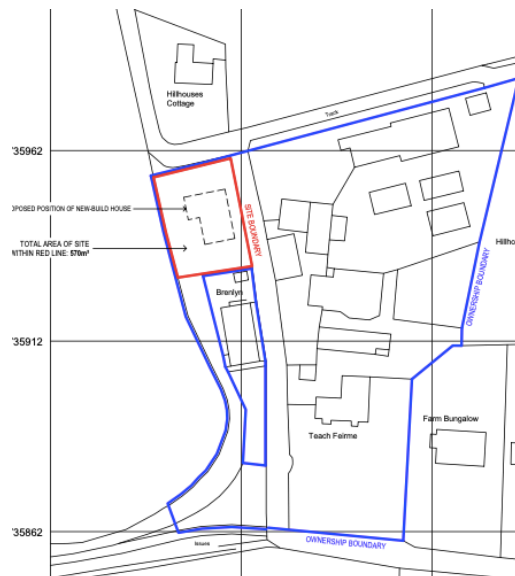
“Land which has previously been developed. The term may cover vacant or derelict land, land occupied by redundant or unused buildings and developed land within the settlement boundary where further intensification of use is considered acceptable.

The plot is currently vacant and overgrown with no current use and as such the redevelopment for an appropriate use will result in a net environmental and visual improvement.

The site sits in a defined gap within an existing cluster of houses and benefits from with well-established and defined boundaries on all sides comprising the following:

- North- Hillhouses Cottage
- West- established field boundary
- South- curtilage of Brenlyn
- East- existing farm track

The road frontage to the farm track measures 30 metres.



Proposed site

The site is considered to fall within the accepted definition of a “gap” site as it is located between the curtilages of two existing dwellings to the south (Brenlyn) and north (Hillhouses Cottage) an existing road to the east with a road frontage less than 50 metres and has established boundaries on all sides.

The surrounding area comprises a small grouping of traditional and more modern housing with some former agricultural buildings to the east. The site itself was formerly used as a chicken run however this use has now ceased and there is no possibility of return to the former use.

To the east of the site is a collection of buildings all within the ownership of the appellant as part of the Teach Feirme holding. These buildings are not in any commercial use and are used by the

applicant for domestic storage and garaging. The general amenity of the immediate area is residential in nature with 5 existing residential properties within the group. The wider area is predominantly agricultural with small groups and individual houses scattered throughout the landscape.

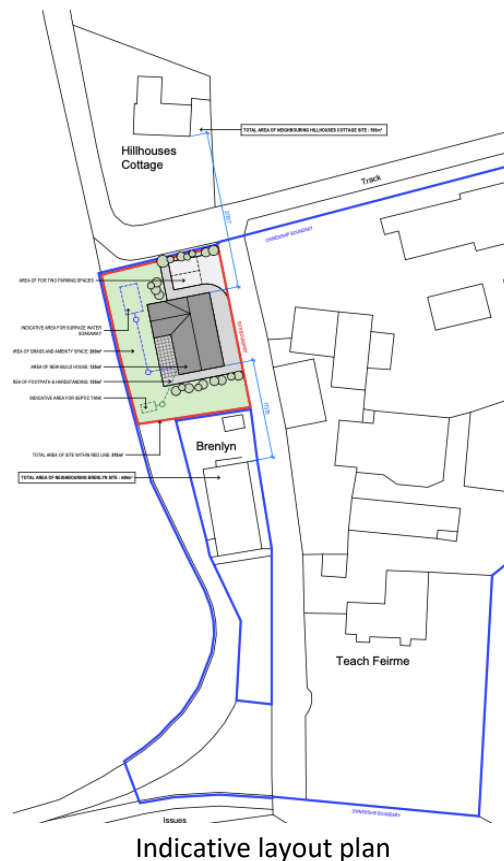
There has been some suggestion that a right of way exists within the western section of the site. The appellant has investigated this matter and evidence has been provided in a survey undertaken by Scotways, please refer to Appendix 5 which confirms that the National Catalogue of Rights of Way (CROW) does not record any rights of way that cross or are close to the site. Further there are no Heritage Paths or Scottish Hill Tracks currently recorded that cross or are close to the appeal site, please refer to Scotways Report dated 24/8/22 lodged in support of the proposal.

5. [Site History](#)

A recent application for planning permission in principle Ref 22/00833/PPPL was refused planning permission on the 11th of May 2023.

6. [Proposal](#)

The current proposal seeks planning permission in principle for a single house. As indicated the site falls within the definition of brownfield land as it was previously used as a chicken run with evidence of the former use remaining on site. In addition, the site is a naturally contained gap site with existing boundaries on all sides, the land has no current use or prospect of any alternative use. The site area is approx. 570 sqm with a road frontage of 30 metres. The site area reflects the existing plot areas of Hillhouses Cottage to the north (596 sqm) and Brenlyn to the south (449 sqm). An indicative layout plan has been provided which demonstrates that the site can accommodate the proposed house with associated amenities including private garden, access and off-street parking. Indeed, the plot area exceeds the generally accepted plot size within settlements, which confirms that a site of this size can accommodate a home. Given the size of the site, and the orientation of the neighbouring properties it is submitted that a house can be designed with the required window to window distances to the neighbouring properties to comply with the standards applied by Angus Council. If approved the final design and layout will be subject of the approval of Angus Council ensuring a modest home of a scale and design appropriate to the small rural grouping.



Indicative layout plan

Access to the site will be achieved from the adjacent track to the east which connects to the wider roads network at Strathmartine. In terms of drainage the proposed house will include a septic tank with SUDs provided on site.

7. Representations

The Report of Handling confirms six representations were received, these are no longer on the Public Access file. The Report of Handling confirms the representations were made on the following grounds:

- Unacceptable condition of the access roads to the site and potential for damage to track;

Response: The Roads Service of Angus Council have no objection to the current proposal. The proposed single house will take access from the existing access track. Accesses of this nature are commonplace in Angus.

- Impacts upon traffic and road user safety;

Response: As above the Roads Service of Angus Council have no objection to the proposal. The existing access track is considered sufficient to provide access to the proposed single house. Indeed, the additional house may assist in reducing the maintenance burden for the existing residents.

- Amenity impacts including overlooking and impacts associated with construction traffic;

Response: The current proposal seeks planning permission in principle at this time. If approved a further application would be required to be lodged with Angus Council for approval of the detailed design and layout. An indicative layout plan has been provided which demonstrates the site can accommodate the proposed house and the required amenities including parking, access and private garden. Any layout will ensure no loss of privacy for the neighbouring homes.

- Impacts on habitat, wildlife and environment;

Response: The site includes little in the way of ecology. If approved the development will be accompanied by a landscape plan which will include native planting thereby enhancing the biodiversity and habitat opportunities.

- Unacceptable impacts on existing infrastructure, including electricity and water supply;

Response: The proposal is for a single house and therefore the developer contributions policy does not apply. In terms of electricity supply, the appellant has confirmed a recent upgrade to the system and as such there is no issue anticipated.

- Unacceptable impacts on an existing right of way

Response: Information and evidence has been provided by Scotways which confirms that no right of way exists in the area, please see Appendix 5. The Report of Handling makes reference to “suggestions” from local residents that a right of way may exist. There is no evidence to back up this claim and spurious speculation should not hinder appropriate development. The land in question, which is the western part of the appeal site, is wholly within the ownership of the appellant. Until recently this land has been overgrown is rarely used. There is no evidence to confirm a right of way exists and even if there were, which there is not, there is an acceptable alternative route which follows the route of the existing track, therefore the development will in no way result in the loss of a “valued access” as suggested by the Report of Handling.

- Unacceptable flooding impacts from surface water runoff.

Response: The site and surrounding area are not identified on SEPA flood maps as being at risk of surface water flooding. All drainage matters can be regulated by the building warrant process. Therefore, there is no issue in relation to flooding.

8. Consultations

All required consultees were notified of the proposal including Angus Council Roads, Aberdeenshire Archaeology Service and Scottish Water, no objections were received.

The Strathmartine Community Council objected on the basis of concerns related to the access. As detailed, Angus Council Roads Service have no objection to the proposal. It is submitted that the existing access track can accommodate this small development.

9. Development Plan

9.1 National Planning Framework 4

National Planning Framework 4 (NPF4) was formally adopted on the 13th of February 2023. It is important to recognise that guidance from the Chief Planning in a letter dated the 8th of February 2023 confirmed that, in the event of any incompatibility between a provision of NPF and a provision of an LDP, whichever of them is the later in date is to prevail. In the current circumstances the policies of NPF4 take precedence over the policies of the Angus Local Development Plan, adopted 2016 and the Supplementary Guidance on Countryside Housing also adopted 2016.

The relevant provisions of NPF4 that require consideration in terms of this proposal are:

- Policy 1 (Sustainable Places)
- Policy 2 (Climate change and adaption)
- Policy 3 (Biodiversity)
- Policy 5 (Soils)
- Policy 9 (Brownfield, vacant and derelict land and empty buildings)
- Policy 14 (Design, Quality and Place)
- Policy 16 (Quality Homes)
- Policy 15 Local Living)
- Policy 17 (Rural Homes)
- Policy 20 (Green and Blue Infrastructure)

Policy 1 Sustainable Places

Policy Intent: To encourage, promote and facilitate development that addresses the global climate emergency and nature crisis.

Response: This policy is a fundamental and overarching policy of the Scottish Government. The current proposal will result in the reuse of a small brownfield, gap site within an existing group of houses. The site previously accommodated a chicken run with evidence of the former use remaining on site. The site is vacant and overgrown and if left will continue to fall into dereliction, therefore the proposal will result in a net environmental and visual improvement. The reuse complies with Policy 1 in that the proposed development will contribute to sustainable places by making best use of land as a scarce resource, recycling brownfield land and contributing to compact urban growth while assisting with rural revitalisation.

Policy 2 Climate change and adaption

Policy Intent: To encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change.

a) Development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible.

b) Development proposals will be sited and designed to adapt to current and future risks from climate change.

Response: the appeal site will reuse a previously developed land. The site has no current use and is vacant and overgrown. The site sits within an existing group of houses and is an identifiable and logical gap site. The use of vacant land is considered wholly sustainable. If approved the house will be designed and built complying with all current building standards with energy efficiency at the core of the design.

Policy 3 Biodiversity

Policy Intent: To protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks.

- a) Development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible.

Response: The appeal site currently includes little in the way of ecology. The proposal will incorporate an enhanced landscape setting improving biodiversity and habitats opportunities on site.

Policy 5 Soils

Policy Intent: To protect carbon-rich soils, restore peatlands and minimise disturbance to soils from development.

a) Development proposals will only be supported if they are designed and constructed:

- i. In accordance with the mitigation hierarchy by first avoiding and then minimising the amount of disturbance to soils on undeveloped land; (KTC emphasis)

Response: The area of the site subject of the appeal is indicated 3.1 on the McCauley partial land capability map. However, this agricultural classification designation includes all of the existing group of houses and buildings which comprised Hillhouse, clearly this small cluster of houses is not prime agricultural land. The Macauley Institutes Land Classification for Agriculture provides blanket coverage and does not identify small clusters of houses such as that found at Hillhouses which are clearly not prime land. It is evident that the development of the proposed small site which sits within an existing group of houses will not impact on the productivity of prime agricultural land.

Finally, as the site is brownfield, having previously been used as a chicken run, it is submitted that in fact Policy 5 does not apply as this relates only to “undeveloped land”.

Policy 9 Brownfield, vacant and derelict land and empty buildings

Policy Intent: To encourage, promote and facilitate the reuse of brownfield, vacant and derelict land and empty buildings, and to help reduce the need for greenfield development.

- a) Development proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings, whether permanent or temporary, will be supported. In determining whether the reuse is sustainable, the biodiversity value of brownfield land.

Response: The site previously accommodated a chicken run with sheds and remnants of the previous use apparent on site. The proposal will result in the sustainable reuse of brownfield land and the removal of any identified contaminants. The redevelopment of this vacant, brownfield site will result in a significant environmental and visual improvement and will ensure the vacant site does not fall further into dereliction. Therefore, the proposal fully complies with Policy 9.

Policy 14 Design, quality and place

Policy Intent: To encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the Place Principle.

Policy 14

- a) Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale.
- b) Development proposals will be supported where they are consistent with the six qualities of successful places:

Healthy: Supporting the prioritisation of women’s safety and improving physical and mental health.

Pleasant: Supporting attractive natural and built spaces.

Connected: Supporting well connected networks that make moving around easy and reduce car dependency

Distinctive: Supporting attention to detail of local architectural styles and natural landscapes to be interpreted, literally or creatively, into designs to reinforce identity.

Sustainable: Supporting the efficient use of resources that will allow people to live, play, work and stay in their area, ensuring climate resilience, and integrating nature positive, biodiversity solutions.

Adaptable: Supporting commitment to investing in the long-term value of buildings, streets and spaces by allowing for flexibility so that they can be changed quickly to accommodate different uses as well as maintained over time.

Response: The development will result in the reuse of a derelict brownfield site and the removal of any contaminants. The current proposal seeks to establish the principle of a single house at this time with the final design subject to further approval by Angus Council Planning Service. However, the applicant is committed to a high-quality design which reflects the rural character of the surrounding area which provides adaptable accommodation.

The proposal will result in a single modest scaled house set within landscape setting which will provide biodiversity and habitats opportunities. The proposal will provide a healthy environment with the development of a low-density high-quality development, the existing landscape setting will be managed and enhanced ensuring a long-term positive impact on the natural environment. The reuse of the brownfield site is considered sustainable, further the house will be designed to be sustainable as all will meet current building standards and through the use of sustainable material and air source heating.

Therefore, it is submitted that the proposal complies with Policy 14 Design, quality and place.

Policy 15 Local Living and 20-minute neighbourhoods

Policy Intent: To encourage, promote and facilitate the application of the Place Principle and create connected and compact neighbourhoods where people can meet the majority of their needs within a reasonable distance of their home, preferably by walking, wheeling or cycling or using sustainable transport options.

- a) Development proposals will contribute to local living.

Response: The site is within walking distance of the settlement boundary of Strathmartine at approx. 0.5km to the south. Therefore, proposal is considered to accord with the criteria of 20-minute neighbourhoods and is suitably located for access to local facilities such as the local primary school and public transport links.

Therefore, it is submitted that the proposal complies with Policy 15 Local Living and 20-minute neighbourhoods.

Policy 16 Quality homes

Policy Intent: To encourage, promote and facilitate the delivery of more high quality, affordable and sustainable homes, in the right locations, providing choice across tenures that meet the diverse housing needs of people and communities across Scotland.

Response: The current proposal seeks planning permission in principle for a single house on a brownfield gap site located between two houses, within an existing small group of houses. The site offers the opportunity for a modest and therefore affordable home adding to the choice of homes within the immediate area.

Therefore, it is submitted that the proposal complies with Policy 16 Quality Homes.

Policy 17 Rural homes

Policy Intent: To encourage, promote and facilitate the delivery of more high quality, affordable and sustainable rural homes in the right locations.

a) Development proposals for new homes in rural areas will be supported where the development is suitably scaled, sited and designed to be in keeping with the character of the area and the development:

ii. reuses brownfield land where a return to a natural state has not or will not happen without intervention.

Response: The current proposal represents an appropriate development within a rural area as it reuses a small brownfield site on a gap site within an existing cluster of houses while allowing a small appropriately scaled and designed homes which will make a positive contribution to the local area.

Therefore, it is submitted that the proposal complies with Policy 17 Rural Homes.

Policy 20 Blue and green infrastructure

Policy Intent: To protect and enhance blue and green infrastructure and their networks.

a) Development proposals that result in fragmentation or net loss of existing blue and green infrastructure will only be supported where it can be demonstrated that the proposal would not result in or exacerbate a deficit in blue or green infrastructure provision, and the overall integrity of the network will be maintained.

Response: Evidence has been provided by Scotways Report dated 24th August 2022 and lodged in support of the proposal which confirms that the National Catalogue of Rights of Way (CROW) does not record any rights of way that cross or are close to the appeal site, please refer to Appendix 5. Further there are no Heritage Paths or Scottish Hill Tracks currently recorded that cross or are close to the appeal site. No evidence provided to dispute this fact. In any case, even if there is a right of way, which there is not, an alternative route is provided along the existing access track and as such there will be no loss of green infrastructure.

7.2 Angus Local Development Plan 2016

It is considered the following policies are of relevance to the consideration of the current appeal.

- Policy DS1: Development Boundaries and Priorities
- Policy DS3: Design Quality and Place making.
- Policy DS4: Amenity
- DS5: Developer Contributions
- TC2: Residential Development and associated SG Countryside Housing
- PV3 Access and Informal Recreation
- Policy PV15: Drainage Infrastructure.
- Policy PV20 Soils and Geodiversity.

These policies will be considered within the Discussion section of this Report.

10. [Discussion](#)

The proposal subject of the current appeal seeks planning permission in principle for the erection of a single house on a gap site within an existing small group of houses at Hillhouses. The site was previously used as a chicken run with evidence of the former use apparent on site, therefore the site can be considered brownfield land. The site has no current use and no prospect of a possible use. The site is overgrown and has become unsightly and as such the proposed development will result in a clear visual and environmental improvement within this established residential group.

The site extends to some 570 sqm with a road frontage of approx. 30 metres, located between the curtilage of Hillhouses Cottage to the north and Brenlyn to the south and a metalled access track to the east. To the west is a long-established field boundary. As the site benefits from established boundaries on all sides it clearly represents a natural gap site as defined by the Countryside Housing SG.

The plot, which extends to 570 sqm, is of similar scale to the existing houses to the north and south and as such the proposed development follows the development pattern of the area. An indicative layout plan has been provided to aid consideration which demonstrates that the plot area, which exceeds standard plot sizes within the urban areas, can accommodate the proposed house along with the necessary amenities including private garden and off-street parking. The final layout and design will be subject to the approval of the Planning Service however, the appellant is committed to a high-quality design which will not impact on the amenity of the existing residents. The detailed design will be the subject of a further planning application however, the intention is for a modest home designed to reflect the rural surroundings.

Considering the policies of relevance of the Angus Local Development Plan:

Policy DS1 Development Boundaries states that out with development boundaries, proposals will be supported where they are of a scale and nature appropriate to the location and where they accord with other relevant policies in the LDP. The policy goes on to support proposals which *“reuse or make better use of vacant derelict or underused brownfield land or buildings will be supported where they are in accordance with relevant policies of the ALDP.”*

Response: In the current circumstances, the appeal site falls within the accepted definition of a gap site sitting between the curtilage of Hillhouses Cottage and Brenlyn and a metalled road with a road frontage of 30 metres. The site forms a natural well-defined site with long established boundaries on all sides. The site, which was previous a chicken run with evidence of the former use apparent, is also considered brownfield. The plot has no current use and is now vacant, overgrown and unsightly. As such it is submitted that the proposed development of a single house on a gap site is wholly appropriate in scale and nature with the surrounding area. The development will consolidate and complete the small group of houses while making best use of land as a scarce resource resulting in a net environmental and visual improvement and therefore the proposal complies with Policy DS1.

Policy DS3 Design Quality and Place making requires development proposal to deliver a high design standard and draw upon those aspects of landscape or townscape within the area. The current proposal seeks planning permission in principle as such no detailed site plans are available. However, an indicative layout plan has been provided which demonstrates that the site can accommodate a modest modern family home along with the required amenities including private garden ground and off-street parking. Considering the six qualities which make successful places:

Distinctive: The development will ensure the reuse of a brownfield site which also falls within the accepted definition of a gap site located within an existing housing group. The site currently has no function and has become unsightly. The proposed house will be designed to complement the area contributing to the rural landscape.

Safe and Pleasant: The design will be carefully considered and, subject to a further planning submission, will provide an appropriate response to the site while considering the existing residents and site topography and landscaping. The development will provide an attractive high-quality modern house designed to complement the rural setting.

Easy to get around: The property is for a single house. Safe access is available to the adjacent road which connects to the wider area.

Welcoming: The house will be orientated east/west with views over open countryside.

Resource Efficient The development will reuse for a small brownfield site within an existing group of houses with no current use and therefore represents efficient use of land as a scarce resource. Further the house will be insulated to a very standard meeting or exceeding all current building control requirements.

Adaptable The proposed house will provide adaptable family accommodation.

Therefore, it is submitted that the current proposal complies with Policy DS3 Design Quality and Place as the development of the site to provide a high-quality house will contribute to surrounding rural area.

Policy DS4: Amenity requires proposals to have regard to opportunities for maintaining and improving environmental quality. Development is not permitted where there would be an unacceptable adverse impact on the area or the environment or amenity of nearby sensitive property. The Policy identifies a number of areas to be considered including.

- Air quality
- Noise and vibration
- Levels of light pollution
- Levels of odour
- Suitable provision of 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.

- Residential amenity in relation to overlooking and loss of privacy, outlook, sunlight, daylight and overshadowing.

In respect of air pollution, noise and vibration, light pollution, and odour it is submitted that the current proposal for the development of a single house on a gap site will not have any adverse impacts in regard to these matters.

Regarding road traffic movement roads/parking/access, the existing access track, which is similar to many found within rural Angus, can accommodate the proposed single new house. The scale of the plot will provide sufficient off road parking facilities. It is worth noting that no objection was received from Angus Council Roads Service.

In terms of residential amenity, the detailed design house will be developed to ensure no loss of amenity for the neighbouring houses, given the scale and orientation of the site it is considered that this is easily achievable. Finally, the immediate area does not include any commercial farming activity. The buildings to the east from part of the Teach Feirme holding and is within the ownership of the applicant. The buildings are used for domestic storage and garaging only. At the present time there is no issue of loss of amenity as a result of these buildings for the existing residents and as such a similar residential amenity will be afforded to the proposed house.

Therefore, it is submitted that the proposal complies with Policy DS4.

DS5 Developer Contributions The current proposal falls below the threshold for Developer Contributions, that being developments over 0.5ha or 10 units, as such Policy DS is not applicable to the current proposal.

Policy TC2 Residential Development requires that all residential development proposals are:

- compatible in terms of land use;
- provide a satisfactory residential environment;
- not result in unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure and
- provide for affordable housing in accordance with Policy TC3 Affordable Housing.

In countryside locations such as the appeal site, Policy TC2 offers support to proposals for the development of houses that fall into at least one of a number of categories of relevance to the current proposal are the following:

Regeneration or Redevelopment of Brownfield Sites - The land subject of the current proposal was formerly a chicken run with evidence of the previous use remaining on site. The proposed reuse will undoubtedly deliver significant visual or environmental improvement to this small cluster of houses through the removal of derelict buildings and possible contamination.

Gap Sites- In an RSU 1 Area such as the current site this is defined as a

“site with a frontage of up to 50 meters between the curtilages of two houses or the curtilage of one house and a metaled road, or between the curtilage of one house and an existing substantial building such as a church, a shop or a community facility may be filled by a single house.”

In the current circumstances the plot represents a self-contained site with well-established boundaries on all sides. The site is bounded to the south by the curtilage of Brenlyn, to the north by Hillhouses Cottages, to the east an existing metalled track and to the west established field boundaries. The road frontage is approximately 30 metres, as such the site is considered to fall within the definition of a gap site and therefore, it is submitted that the principle of the proposal complies with Policy TC2 of the ALDP.

The proposals are further required to meet the detailed criteria set out in the Countryside Supplementary Guidance. For the current proposal the following criteria are considered appropriate, these are considered in turn: -

- a) *not create a gap or rounding off opportunity for additional Greenfield development.* The current site is a self-contained site and will not create any further opportunity for greenfield development.

- b) *Meet the plot size requirements, in RSU 1 areas the minimum plot size is 800sqm with a maximum plot area of 2000sqm.* The current plot size is 570 sqm and therefore is smaller than the required plot area. However, the plot area is similar in scale to Hillhouse Cottage to the north (596 sqm) and Brenlyn to the south (449 sqm) and as such the plot area reflects and continues the established development pattern within the area. An indicative plan has been lodged in support of the proposal which demonstrates that the site, which would be considered generous within a settlement, can accommodate a modest scaled house with all necessary associated amenities. The final design and layout will be subject to a further application and the approval of the Planning Service. The arbitrary plot size should not hinder the reuse of a small brownfield gap site within an existing cluster of houses, as to do so would run contrary to both the Scottish Government and Angus Council policies which support making the best use of land as a scarce resource.

- c) *Not extend ribbon development.* The site is self-contained and in no way will extend ribbon development.

- d) *Not result in coalescence of building groups or of a group with a nearby settlement.* The site will not result in any coalescence.

- e) *Have regard to the rural character of the surrounding area and not be urban in form and/or appearance.* The proposal seeks planning permission in principle for the erection of a modest home. The detailed design will be subject to a further planning application however the applicant is committed to a high-quality design which reflects the rural character of the surrounding area.

- f) *provide a good residential environment.* The site area will ensure a good quality residential amenity can be provided. The required amenity space and parking can be accommodated within the site.

- g) *make provision for affordable housing in line with TC3 Affordable Housing and the guidance set out in Developer Contributions and Affordable Housing SG. This element of policy applies to developments of more than 0.5ha or 10 units, such as the current proposal does not attract an affordable housing or developer contributions requirement.*

- h) *where the proposal will have a demonstrable cumulative impact on infrastructure and community facilities an appropriate developer contribution will be sought.* Developer contributions are only required on developments in excess of 0.5ha or 10 units. The current proposal falls below both these thresholds.

- i) *not adversely effect of be affected by farming or other rural business activities.* The site will not affect any farming activity.

- j) *not take access through a farm court,* the proposed development will be taken from the adjacent track and will in no way interfere with any farming activity area. The proposed single house can be accommodated.

- j) *not require an access of an urban scale or character.* As above

As such the proposal represents the reuse of a brownfield gap site and as such adheres to Policy TC2 Residential Development within a countryside location. The proposed development will result in a net environmental and visual improvement with the redevelopment of a vacant overgrown site. While it is acknowledged that the plot size falls below the arbitrary required plot area, the plot area is similar in scale to Hillhouse Cottage to the north (596 sqm) and Brenlyn to the south (449 sqm) and as such the plot area reflects and continues the established development pattern within the area. An indicative plan has been lodged in support of the proposal which demonstrates that the site, which is larger than standard plots within settlements, can accommodate a modest scaled house with all necessary associated amenities. The arbitrary plot size should not hinder the reuse of a small brownfield gap site within an existing cluster of houses. Therefore, there is sufficient justification to set aside strict adherence to the one of the design criteria contained within the Countryside Housing SG, as to do so would run contrary to a fundamental policy of both the Scottish Government and Angus Council which seeks to make best use of land as a scarce resource.

Policy PV3: Access and Informal Recreation New development should not compromise the integrity or amenity of existing recreational access opportunities including access rights, core paths and rights of way. Existing access routes should be retained, and where this is not possible alternative provision should be made.

Response: In the current circumstances evidence has been provided by Scotways which confirms that National Catalogue of Rights of Way (CROW) does not record any rights of way that cross or are close to the appeal site. Further there are no Heritage Paths or Scottish Hill Tracks currently recorded that cross or are close to the appeal site. In any case even if it did, and there is no evidence provided that there is, an alternative route along the existing access track and as such there will be no loss of green infrastructure.

Therefore, the current proposal will not compromise any established right of way and is therefore in accordance the Policy PV3

Policy PV15 Drainage Infrastructure The current proposal seeks planning permission in principle at this time, all details including the drainage will be the subject of a further matter specified in conditions application. However, at this time it is proposed that the house will include a private drainage system with SUDs provided on site.

Therefore, it is submitted that the proposal complies with Policy PV15.

Policy PV20 Soils and Geodiversity. Seeks to protect prime agricultural land.

Response: The area of the current appeal is indicated 3.1 on the partial land capability map. The Macauley Institutes Land Classification for Agriculture classification provides blanket coverage does not identify smaller pockets of lower quality land or small clusters of houses such as that found at Hillhouses which are clearly not prime agricultural land. It is evident that the development of the proposed site will not impact on the productivity of prime agricultural land and the current proposal will not result in the loss of prime agricultural land.

11. Summary

The proposal seeks planning permission in principle for a modest single-family home on a site which falls within the accepted definition of brownfield land on a gap site within an established group of houses which comprises Hillhouses. The immediate area has seen some new build in recent years. The site formerly accommodated a chicken run, with evidence of the former use remaining on site, as such the site is brownfield. The site is overgrown and unsightly with as such the proposed development will result in a net environmental improvement. Given the residential nature of the immediate area, a house on the site is considered the wholly appropriate use. The proposed house will contribute to the choice of housing stock within the area while making a valuable contribution to the local economy and supporting local services and facilities. The detailed design will be subject to a further application however the applicant is committed to high quality development. It is accepted that the plot size is smaller than the arbitrary plot size required by the SG on Countryside Housing, however, this should not be a barrier to redevelopment of a brownfield site on a gap site within an existing group of housing , as to do so would run contrary to both the Scottish Government and Angus Council policies which support making best use of land as a scarce resource. The proposal complies with all policies and associated Supplementary Guidance of Angus Council and therefore it is respectfully submitted that proposal be APPROVED.



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 100609267-002

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)

Planning Permission in Principle for a Single House

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:	Karen Clark Planning Consultancy		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	Karen	Building Name:	<input type="text"/>
Last Name: *	Clark	Building Number:	69
Telephone Number: *	<input type="text"/>	Address 1 (Street): *	Brechin Road
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	Kirriemuir
Fax Number:	<input type="text"/>	Country: *	UK
		Postcode: *	DD8 4DE
Email Address: *	karen@ktclark.co.uk		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Ms	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	Teach Feirme
First Name: *	Kathleen	Building Number:	<input type="text"/>
Last Name: *	Treacy	Address 1 (Street): *	Hillhouses
Company/Organisation:	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	Strathmartine
Extension Number:	<input type="text"/>	Country: *	UK
Mobile Number:	<input type="text"/>	Postcode: *	DD3 0PX
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

Site Address Details

Planning Authority:

Angus Council

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

Address 1:

TEACH FEIRME

Address 2:

HILLHOUSES

Address 3:

STRATHMARTINE

Address 4:

Address 5:

Town/City/Settlement:

DUNDEE

Post Code:

DD3 0PX

Please identify/describe the location of the site or sites

Northing

735895

Easting

338398

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)

General advice

Title:

Mr

Other title:

First Name:

James

Last Name:

Wright

Correspondence Reference
Number:

Date (dd/mm/yyyy):

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:

570.00

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)

Vacant

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.

Water Supply and Drainage Arrangements

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

Yes No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *

- Yes – connecting to public drainage network
 No – proposing to make private drainage arrangements
 Not Applicable – only arrangements for water supply required

As you have indicated that you are proposing to make private drainage arrangements, please provide further details.

What private arrangements are you proposing? *

- New/Altered septic tank.
 Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed).
 Other private drainage arrangement (such as chemical toilets or composting toilets).

What private arrangements are you proposing for the New/Altered septic tank? *

- Discharge to land via soakaway.
 Discharge to watercourse(s) (including partial soakaway).
 Discharge to coastal waters.

Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: *

Soakaway on site, details to be agreed at building warrant

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.

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: Karen Clark

On behalf of: Ms Kathleen Treacy

Date: 21/07/2023

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 principle 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. *

Yes N/A

A Design Statement or Design and Access Statement. *

Yes N/A

A Flood Risk Assessment. *

Yes N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *

Yes N/A

Drainage/SUDS layout. *

Yes N/A

A Transport Assessment or Travel Plan

Yes N/A

Contaminated Land Assessment. *

Yes N/A

Habitat Survey. *

Yes N/A

A Processing Agreement. *

Yes N/A

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

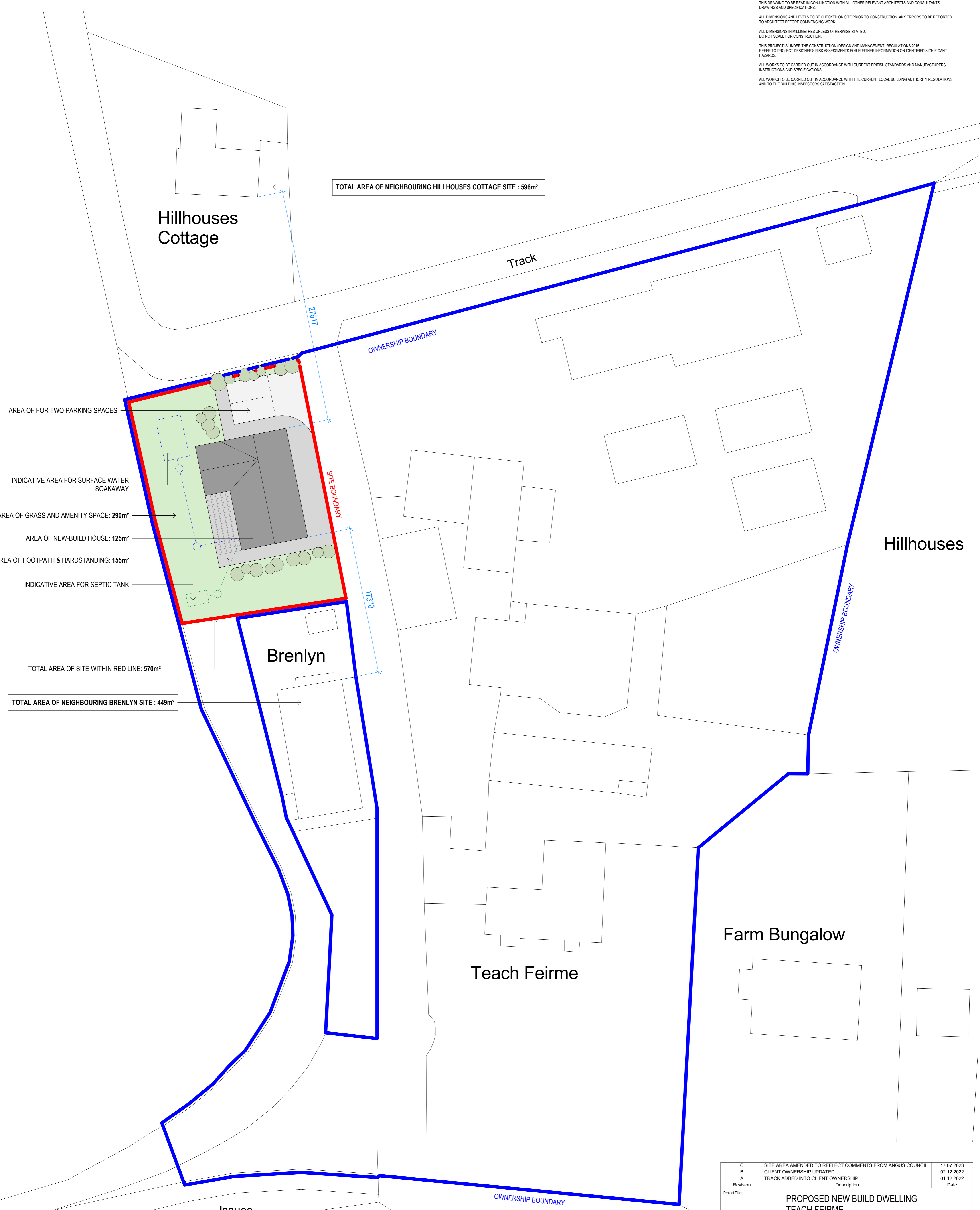
Declare – For Application to Planning Authority

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 Karen Clark

Declaration Date: 06/12/2022

NOTES:
 THIS DRAWING TO BE READ IN CONJUNCTION WITH ALL OTHER RELEVANT ARCHITECTS AND CONSULTANTS DRAWINGS AND SPECIFICATIONS.
 ALL DIMENSIONS AND LEVELS TO BE CHECKED ON SITE PRIOR TO CONSTRUCTION. ANY ERRORS TO BE REPORTED TO ARCHITECT BEFORE COMMENCING WORK.
 ALL DIMENSIONS IN MILLIMETRES UNLESS OTHERWISE STATED.
 DO NOT SCALE FOR CONSTRUCTION.
 THIS PROJECT IS UNDER THE CONSTRUCTION (DESIGN AND MANAGEMENT) REGULATIONS 2015. REFER TO PROJECT DESIGNERS RISK ASSESSMENTS FOR FURTHER INFORMATION ON IDENTIFIED SIGNIFICANT HAZARDS.
 ALL WORKS TO BE CARRIED OUT IN ACCORDANCE WITH CURRENT BRITISH STANDARDS AND MANUFACTURERS INSTRUCTIONS AND SPECIFICATIONS.
 ALL WORKS TO BE CARRIED OUT IN ACCORDANCE WITH THE CURRENT LOCAL BUILDING AUTHORITY REGULATIONS AND TO THE BUILDING INSPECTORS SATISFACTION.



AREA OF FOR TWO PARKING SPACES

INDICATIVE AREA FOR SURFACE WATER SOAKAWAY

AREA OF GRASS AND AMENITY SPACE: 290m²

AREA OF NEW-BUILD HOUSE: 125m²

AREA OF FOOTPATH & HARDSTANDING: 155m²

INDICATIVE AREA FOR SEPTIC TANK

TOTAL AREA OF SITE WITHIN RED LINE: 570m²

TOTAL AREA OF NEIGHBOURING BRENLYN SITE : 449m²

TOTAL AREA OF NEIGHBOURING HILLHOUSES COTTAGE SITE : 596m²

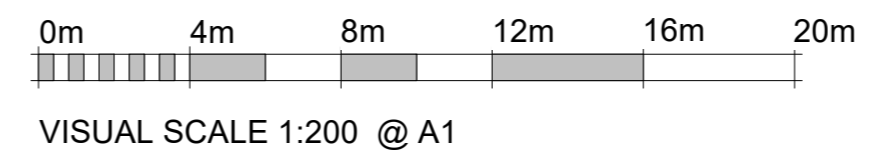
C	SITE AREA AMENDED TO REFLECT COMMENTS FROM ANGUS COUNCIL	17.07.2023
B	CLIENT OWNERSHIP UPDATED	02.12.2022
A	TRACK ADDED INTO CLIENT OWNERSHIP	01.12.2022
Revision	Description	Date

Project Title: PROPOSED NEW BUILD DWELLING
 TEACH FEIRME
 HILLHOUSES, STRATHMARTINE
 DUNDEE, DD3 0PX

Drawing Title: SITE PLAN AS PROPOSED

Date: 16.11.2022	Scale: As indicated	Project Drawing No: E22-044_002	Rev: C
Issue: PLANNING	Drawn By: SH		

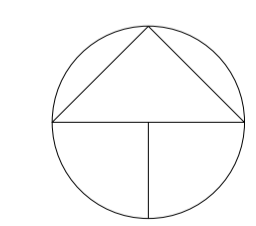
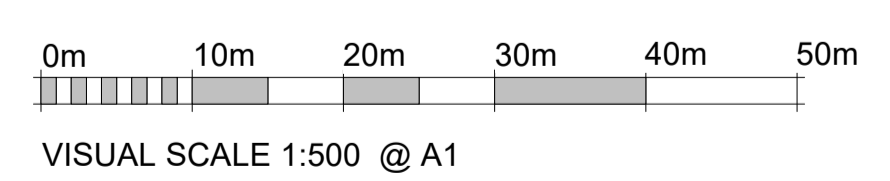
1 SITE PLAN
 1 : 200





NOTES:
 THIS DRAWING TO BE READ IN CONJUNCTION WITH ALL OTHER RELEVANT ARCHITECTS AND CONSULTANTS DRAWINGS AND SPECIFICATIONS.
 ALL DIMENSIONS AND LEVELS TO BE CHECKED ON SITE PRIOR TO CONSTRUCTION. ANY ERRORS TO BE REPORTED TO ARCHITECT BEFORE COMMENCING WORK.
 ALL DIMENSIONS IN MILLIMETRES UNLESS OTHERWISE STATED.
 DO NOT SCALE FOR CONSTRUCTION.
 THIS PROJECT IS UNDER THE CONSTRUCTION (DESIGN AND MANAGEMENT) REGULATIONS 2015. REFER TO PROJECT DESIGNER'S RISK ASSESSMENTS FOR FURTHER INFORMATION ON IDENTIFIED SIGNIFICANT HAZARDS.
 ALL WORKS TO BE CARRIED OUT IN ACCORDANCE WITH CURRENT BRITISH STANDARDS AND MANUFACTURERS INSTRUCTIONS AND SPECIFICATIONS.
 ALL WORKS TO BE CARRIED OUT IN ACCORDANCE WITH THE CURRENT LOCAL BUILDING AUTHORITY REGULATIONS AND TO THE BUILDING INSPECTORS SATISFACTION.

1 LOCATION PLAN
 1: 500



Produced on 11 June 2019 from the Ordnance Survey National Geographic Database and incorporating surveyed revision available at this date.
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Rev	Date	Description	Initials
C	17.07.2023	SITE AREA AMENDED TO REFLECT COMMENTS FROM ANGLUS COUNCIL	SH
B	02.12.2022	CLIENT OWNERSHIP UPDATED	SH
A	01.12.2022	TRACK ADDED INTO CLIENT OWNERSHIP	SH

Project Title:
**PROPOSED NEW BUILD DWELLING
 TEACH FEIRME
 HILLHOUSES, STRATHMARTINE
 DUNDEE, DD3 0PX**

Drawing Title:
LOCATION PLAN

Date	Scale	Project Drawing No:	Rev:
16.11.2022	As indicated @ A1	E22-044_001	C

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ANGUS COUNCIL

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



PLANNING PERMISSION IN PRINCIPLE REFUSAL
 REFERENCE : 23/00506/PPPL

To **Ms Kathleen Treacy**
c/o Karen Clark Planning Consultancy
69 Brechin Road
Kirriemuir
DD8 4DE

With reference to your application dated 4 August 2023 for Planning Permission in Principle under the above mentioned Acts and Regulations for the following development, viz:-

Erection of a dwellinghouse at Teach Feirme Hillhouses Strathmartine Dundee DD3 0PX for Ms Kathleen Treacy

The Angus Council in exercise of their powers under the above mentioned Acts and Regulations hereby **Refuse Planning Permission in Principle (Delegated Decision)** for the said development in accordance with the particulars given in the application and plans docketed 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 TC2 of the Angus Local Development Plan and its associated Countryside Housing Supplementary Guidance and Policy 17 of National Planning Framework 4 as it proposes the construction of a new house in the countryside in circumstances that are not supported by the development plan and there are no material considerations that justify approval of planning permission contrary to the provisions of the development plan.
2. The application is contrary to policy 9 of National Planning Framework 4 as the proposal would not result in the sustainable reuse of brownfield land and would result in the loss of greenfield land on a site where it is neither allocated for development nor explicitly supported by policies in the LDP.
3. The application is contrary to policy PV20 of the Angus Local Development Plan and Policy 5 of National Planning Framework 4 because the development would result in the loss of prime agricultural land where the development is not required to support delivery of the development plan strategy, does not relate to a rural business, mineral extraction or a renewable energy development, is not consistent with the policy approach for a new house in the countryside and the advantages of development do not outweigh the loss of productive land.
4. The application is contrary to policy PV3 of the Angus Local Development Plan because the development would compromise the integrity of existing recreational access opportunities and no alternative provision has been made.

5. The proposal is contrary to Policy DS1 of the Angus Local Development Plan (2016) because the proposal is contrary to other policies of the local development plan, namely policies TC2, PV20 and PV3.

Amendments:

The application has not been subject of variation.

Dated this **11 January 2024**

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

The duration of any permission granted is set out in conditions attached to the permission. Where no conditions are attached the duration of the permission will be in accordance with sections 58 and 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).

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 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 Centre
Forfar
DD8 1AN

Telephone 03452 777 780
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.

Angus Council

Application Number:	23/00506/PPPL
Description of Development:	Erection of a dwellinghouse
Site Address:	Teach Feirme Hillhouses Strathmartine Dundee DD3 0PX
Grid Ref:	338360 : 735945
Applicant Name:	Ms Kathleen Treacy

Report of Handling**Proposal**

The application seeks planning permission in principle for the erection of a dwellinghouse. The application site is to the north of an existing residential property (Brenlyn) and measures around 570sqm. An existing access track lies to the east of the site, farmland to the west and residential dwellings to the north and south. An indicative site plan has been provided which indicates a dwellinghouse would be located in centre of the site, car parking in the north and a septic tank and surface water soakaway located in the west. The submitted application form indicates the dwelling would be connected to the public water supply network, foul drainage would be directed to a septic tank which would discharge to land via a soakaway and surface water drainage would be dealt with by SUDS.

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 11 August 2023 for the following reasons:

- Neighbouring Land with No Premises

The nature of the proposal did not require a site notice to be posted.

Planning History

22/00833/PPPL - Erection of Dwellinghouse at Land At, Hillhouses, Strathmartine - Refused on 11 May 2023.

Applicant's Case

The following documents have been submitted in support of the application: -

Planning statement in support - this document provides an overview of the proposal by detailing the condition of the application site; planning history of the site; other supporting documents and considers the nature of the proposal against the provisions of the Development Plan. It states the site was previously a chicken run with evidence of the former use remaining on site and the plot is currently vacant/overgrown with no current use therefore it is submitted that the development of a single house would result in a net environmental improvement. The statement concludes that the proposed development complies with the policies of the Scottish Government and Angus Council which support the reuse of brownfield land within an existing housing group which falls within the definition of a gap site.

An application and report from Scotways dated 24th of August 2022 was submitted as part of the application. The report indicates the National Catalogue of Rights of Way (CROW) does not record any

rights of way, heritage paths or Scottish Hill Tracks that cross or are close to the application site. It notes that other Access to Land may affect the site.

Consultations

Aberdeenshire Council Archaeology Service - No objections or comments to make.

Community Council - Objects to the application on the basis of impacts upon access track / road, substantial amount of building ongoing in area and impact on surrounding neighbours and services.

Roads (Traffic) - This consultee has offered no objection to the proposal.

Scottish Water - This consultee has offered no objection to the proposal and advise there is no public Scottish Water, wastewater infrastructure within the vicinity of this proposed development therefore they would advise the applicant to investigate private treatment options.

Representations

6 letters of representation were received in objection to the proposal. The following matters have been raised and are discussed in the assessment below: -

- Unacceptable condition of the access roads to the site and potential for damage to track;
- Impacts upon traffic and road user safety;
- Amenity impacts including overlooking and impacts associated with construction traffic;
- Impacts on habitat, wildlife and environment;
- Unacceptable impacts on existing infrastructure, including electricity and water supply;
- Unacceptable impacts on an existing right of way; and
- Unacceptable flooding impacts from surface water runoff.

The following matters have also been raised in objection to the application: -

No further housing was to be developed in this area following approval of a house previously - planning permission for a house (ref: 04/01210/OUT) at Hillhouses was previously approved by the Development Control Committee subject to a section 75 planning obligation. That planning obligation prevented further housing from being erected on the landholding associated with that application. The land subject of this application is outwith that landholding. Notwithstanding this the current application requires to be assessed on its own merits against the relevant policies of the development plan.

Development Plan Policies

NPF4 – national planning policies

Policy 1 Tackling the climate and nature crises

Policy 2 Climate mitigation and adaptation

Policy 3 Biodiversity

Policy 4 Natural places

Policy 5 Soils

Policy 9 Brownfield, vacant and derelict land and empty buildings

Policy 14 Design, quality and place

Policy 16 Quality homes

Policy 17 Rural homes

Policy 18 Infrastructure first

Policy 20 Blue and green infrastructure

Policy 22 Flood risk and water management

Policy 29 Rural development

Angus Local Development Plan 2016

Policy DS1 : Development Boundaries and Priorities

Policy DS3 : Design Quality and Placemaking

Policy DS4 : Amenity

Policy TC2 : Residential Development

Policy PV3 : Access and Informal Recreation
Policy PV15 : Drainage Infrastructure
Policy PV20 : Soils and Geodiversity
Policy PV8 : Built and Cultural Heritage

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.

In this case the development plan comprises: -
- National Planning Framework 4 (NPF4) (Published 2023)
- Angus Local Development Plan (ALDP) (Adopted 2016)

The development plan policies relevant to the determination of the planning application are reproduced at Appendix 1 and have been taken into account in preparing this report.

The ALDP was adopted in September 2016 while NPF4 was adopted in February 2023. Planning legislation indicates that where there is any incompatibility between the provision of the national planning framework and the provision of a local development plan, whichever of them is the later in date is to prevail.

Policy DS1 in the Angus Local Development Plan (ALDP) indicates 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.

NPF4 Policy 17 seeks to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable rural homes in the right locations. It supports proposals for new homes in rural areas where the development is suitably scaled, sited and designed to be in keeping with the character of the area and in a number of specified circumstances. ALDP Policy TC2 indicates that in countryside locations the council will support proposals for the development of houses which fall into at least one of a number of categories.

Policy TC2 indicates that individual new houses may be acceptable where they would round off an established building group of 3 or more existing dwellings; meet an essential worker requirement; or fill a gap between the curtilages of two houses, or the curtilage of one house and a metalled road, or between the curtilage of one house and an existing substantial building such as a church, a shop, or a community facility. Policy TC2 also requires all proposals for new residential development to be compatible in terms of land use; to provide a satisfactory residential environment; not to result in unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure; and to include provision for affordable housing in accordance with Policy TC3 Affordable Housing. TC2 requires proposals for housing in the countryside to be assessed against Angus Council Countryside Housing Supplementary Guidance.

The proposal would not involve the replacement of an existing dwelling; it would not involve the conversion of a non-residential building; it would not round off a building group as the site doesn't have a sense of containment as defined in the Countryside Housing Supplementary Guidance; and the site is not proposed for an essential worker and/or supported by appropriate evidence of need.

Information submitted in support of the application indicates that the site constitutes a gap site. However, the application site is not a qualifying gap site as the western extent of the site extends beyond the established boundaries of the former chicken run and incorporates an area of ground benefiting from access rights (which is discussed in greater detail below). Furthermore, the site is within a category 1 rural settlement unit (RSU) countryside location. The local development plan states that in category 1 RSU's (which are areas that are not remote from towns) the opportunity for new development outwith settlements will be more restricted, as development should be directed towards existing settlements. This

is an area where council policy seeks to restrict new housing development in the countryside with the objective of directing new development to sustainable locations within existing settlements. In RSU1 areas the Countryside Housing Supplementary Guidance requires plots sizes to be of a minimum of 800sqm. The plot size as proposed measures around 570sqm which is considerably less than the minimum plot size prescribed by supplementary guidance. Therefore, the site would not constitute a qualifying gap site.

Information submitted in support of the application indicates that the site is brownfield in nature due to it formerly accommodating a chicken run, with evidence of the previous use remaining on site. Notwithstanding the issue regarding plot size which would also apply to the redevelopment of brownfield sites, Policy TC2 states that regeneration or redevelopment of brownfield sites will only be permitted where the development delivers significant visual or environmental improvement through the removal of derelict buildings, contamination or an incompatible land use; the mere fact that a site has previously accommodated development is not a sufficient reason for its redevelopment. The site appears to accommodate two small structures similar in scale and appearance to a typical garden shed. It is not considered that in this instance removal of these structures and redevelopment of the site with a new dwellinghouse would deliver a significant visual or environmental improvement when considering the extent and condition of existing development on the site. Therefore the proposal would not meet the criteria which supports the redevelopment of brownfield sites in the countryside for new housing. The proposal is contrary to policy TC2 of the ALDP and policy 17 of NPF4 as it proposes the construction of a new house in the countryside in circumstances that are not supported by the development plan.

Furthermore, NPF4 Policy 9 lends support for development proposals that result in the sustainable reuse of brownfield land but states that *'in determining whether the reuse is sustainable, the biodiversity value of brownfield land which has naturalised should be taken into account'*. The site retains a significant degree of 'greenfield'/'natural state' land and the erection of a new dwelling on this site in instances where the principle of new countryside housing is not supported, would not be a sustainable reuse of the site. Therefore the proposal would also fail to comply with NPF4 Policy 9.

Available information suggests that the site comprises of prime quality agricultural land. The proposal is not related to essential infrastructure, a rural business, land produce, or mineral extraction and does not constitute renewable energy development. Furthermore, as discussed above the principle of a house on the site is not consistent with the detailed ALDP policy approach for a new house in the countryside and is contrary to the development strategy. Therefore the proposal is also not consistent with the aims of NPF4 Policy 5 and ALDP Policy PV20 relating to the safeguarding prime agricultural land.

Development plan policy states that new development should not compromise the integrity or amenity of existing recreational access opportunities including access rights, core paths and rights of way. Policy PV3 of the ALDP states that existing access routes should be retained, and where this is not possible alternative provision should be made. The application site incorporates land beyond the western boundary of Brenlyn which third parties have suggested includes as an existing right of way that is used daily by horse riders and dog walkers. The proposed development would result in the loss of part of this route. The Council's Countryside Access Officer advised on public access matters in relation to a previous planning application including this area (22/00833/PPPL) and states that those observations remain relevant. He indicated previously that there appears to be evidence of a track outwith the garden boundary of Brenlyn on historical mapping therefore it is possible that a public right of way may exist over the land and the information in the objection letters would provide further evidence of its existence. As the land appears to be outwith the boundary of the adjacent domestic garden, or the curtilage of any non-domestic buildings it is likely to be land over which access rights under the land reform legislation will apply. It is noted that there is an alternative access route that runs along the eastern boundary of the application site, however given the apparent historic presence of the western route, and the possibility of it being a public right of way, the Countryside Access Officer has recommended that the access route should be retained. The Countryside Access Officer acknowledges that the applicant has submitted a copy of a Catalogue of Rights of Way search report from the Scottish Rights of Way and Access Society (SCOTWAYS) as part of this current application. However he has stated that the absence of any records in the Catalogue of Rights of Way does not affect his previous observations and states that the catalogue is not a definitive record of public rights of way, which exist if the necessary common law criteria have been met. It also has no relevance to general rights of access under Land Reform legislation. The submitted SCOTWAYS letter also refers to an accompanying guidance note which outlines other

instances, including general access rights and unrecorded public right of way, where rights of access may apply. Having regard to above, the proposal would result in the loss of part of a valued access and the proposal does not include provision for an alternative route to offset that loss. Consequently, the proposal is contrary to Policy PV3 of the ALDP.

The proposal does not give rise to significant issues in terms of remaining development plan policy and other associated issues could be addressed as part of a subsequent matters specified in condition application or other conditions. However, the principle of a new house at this location is contrary to the development plan.

In relation to material considerations, it is relevant to have regard to the planning matters raised in representations. The objections to the application raise concern regarding the unacceptability of the existing access track and the potential to impact upon traffic and road user safety. The roads services have considered the proposal and the traffic likely to be generated by it and offers no objection in terms of impacts upon the local road network or traffic and pedestrian safety. In relation to potential impacts on the existing water supply in the area, the application form indicates that the proposal would connect to the public water supply network. Scottish Water has offered no objection to the application. Scottish Governments 'Planning Advice Note 79: Water and Drainage' states that where the applicant has stated their intention is to connect to Scottish Water's network, and Scottish Water has not made an objection, that there should be no barrier to granting planning permission. Matters relating to agreement being needed between parties to allow a connection to a water supply pipe, this would be a separate civil matter that would not be regulated through the planning process. Furthermore, precise details of water supply could be controlled via condition were the proposal otherwise acceptable. The application site and surrounding area is not identified on SEPA flood maps as being at risk of surface water flooding and drainage matters could be further regulated by the building warrant process. Therefore, the proposal could be regulated in a way as to prevent unacceptable impacts upon drainage or flood risk via condition if it were otherwise acceptable in principle. Any potential impacts upon amenity as a result of construction activities associated with one dwelling are unlikely to be significant and would only be undertaken for a relatively short period of time. Therefore, construction traffic associated with a proposal of this scale is unlikely to result any unacceptable impacts upon amenity. With regards to other impacts raised relating to privacy / amenity or impacts on habitat/wildlife, no detailed house design or plot layout has been provided as part of the application but there is no reason to considered that an appropriately designed dwelling/site could not be provided in a manner which would not result in unacceptable amenity or environmental impacts. With regards to impacts on existing services the development is for a single unit and planning policy does not require developer contributions from developments of less than 10 units or sites with an area of less than 0.5ha. Impacts upon the existing access rights have been discussed above and have been found to be unacceptable, with no alternative route proposed.

In conclusion the proposal is contrary to development plan policies and associated supplementary guidance because it does not meet any of the development plan criteria that would allow for the construction of a new house in the countryside. The proposal would not result in the sustainable reuse of brownfield land and would result in the loss of greenfield land on a site where it is neither allocated for development nor explicitly supported by policies in the LDP. The proposal would also give rise to unacceptable impacts on prime quality agricultural land and existing access rights. There are no material considerations which justify approval of planning permission contrary to the provisions of the 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 TC2 of the Angus Local Development Plan and its associated Countryside Housing Supplementary Guidance and Policy 17 of National Planning Framework 4 as it proposes the construction of a new house in the countryside in circumstances that are not supported by the development plan and there are no material considerations that justify approval of planning permission contrary to the provisions of the development plan.
2. The application is contrary to policy 9 of National Planning Framework 4 as the proposal would not result in the sustainable reuse of brownfield land and would result in the loss of greenfield land on a site where it is neither allocated for development nor explicitly supported by policies in the LDP.
3. The application is contrary to policy PV20 of the Angus Local Development Plan and Policy 5 of National Planning Framework 4 because the development would result in the loss of prime agricultural land where the development is not required to support delivery of the development plan strategy, does not relate to a rural business, mineral extraction or a renewable energy development, is not consistent with the policy approach for a new house in the countryside and the advantages of development do not outweigh the loss of productive land.
4. The application is contrary to policy PV3 of the Angus Local Development Plan because the development would compromise the integrity of existing recreational access opportunities and no alternative provision has been made.
5. The proposal is contrary to Policy DS1 of the Angus Local Development Plan (2016) because the proposal is contrary to other policies of the local development plan, namely policies TC2, PV20 and PV3.

Notes:

Case Officer: James Wright
Date: 5 January 2024

Appendix 1 - Development Plan Policies

NPF4 – national planning policies

Policy 1 Tackling the climate and nature crises

When considering all development proposals significant weight will be given to the global climate and nature crises.

Policy 2 Climate mitigation and adaptation

- a) Development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible.
- b) Development proposals will be sited and designed to adapt to current and future risks from climate change.
- c) Development proposals to retrofit measures to existing developments that reduce emissions or support adaptation to climate change will be supported.

Policy 3 Biodiversity

a) Development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible.

b) Development proposals for national or major development, or for development that requires an Environmental Impact Assessment will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention. This will include future management. To inform this, best practice assessment methods should be used. Proposals within these categories will demonstrate how they have met all of the following criteria:

- i. the proposal is based on an understanding of the existing characteristics of the site and its local, regional and national ecological context prior to development, including the presence of any irreplaceable habitats;
- ii. wherever feasible, nature-based solutions have been integrated and made best use of;
- iii. an assessment of potential negative effects which should be fully mitigated in line with the mitigation hierarchy prior to identifying enhancements;
- iv. significant biodiversity enhancements are provided, in addition to any proposed mitigation. This should include nature networks, linking to and strengthening habitat connectivity within and beyond the development, secured within a reasonable timescale and with reasonable certainty. Management arrangements for their long- term retention and monitoring should be included, wherever appropriate; and
- v. local community benefits of the biodiversity and/or nature networks have been considered.

c) Proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development. Applications for individual householder development, or which fall within scope of (b) above, are excluded from this requirement.

d) Any potential adverse impacts, including cumulative impacts, of development proposals on biodiversity, nature networks and the natural environment will be minimised through careful planning and design. This will take into account the need to reverse biodiversity loss, safeguard the ecosystem services that the natural environment provides, and build resilience by enhancing nature networks and maximising the potential for restoration.

Policy 4 Natural places

a) Development proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment, will not be supported.

b) Development proposals that are likely to have a significant effect on an existing or proposed European site (Special Area of Conservation or Special Protection Areas) and are not directly connected with or necessary to their conservation management are required to be subject to an "appropriate assessment" of the implications for the conservation objectives.

- c) Development proposals that will affect a National Park, National Scenic Area, Site of Special Scientific Interest or a National Nature Reserve will only be supported where:
- i. The objectives of designation and the overall integrity of the areas will not be compromised; or
 - ii. Any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.

All Ramsar sites are also European sites and/ or Sites of Special Scientific Interest and are extended protection under the relevant statutory regimes.

- d) Development proposals that affect a site designated as a local nature conservation site or landscape area in the LDP will only be supported where:
- i. Development will not have significant adverse effects on the integrity of the area or the qualities for which it has been identified; or
 - ii. Any significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance.

e) The precautionary principle will be applied in accordance with relevant legislation and Scottish Government guidance.

f) Development proposals that are likely to have an adverse effect on species protected by legislation will only be supported where the proposal meets the relevant statutory tests. If there is reasonable evidence to suggest that a protected species is present on a site or may be affected by a proposed development, steps must be taken to establish its presence. The level of protection required by legislation must be factored into the planning and design of development, and potential impacts must be fully considered prior to the determination of any application.

- g) Development proposals in areas identified as wild land in the Nature Scot Wild Land Areas map will only be supported where the proposal:
- i) will support meeting renewable energy targets; or,
 - ii) is for small scale development directly linked to a rural business or croft, or is required to support a fragile community in a rural area.

All such proposals must be accompanied by a wild land impact assessment which sets out how design, siting, or other mitigation measures have been and will be used to minimise significant impacts on the qualities of the wild land, as well as any management and monitoring arrangements where appropriate. Buffer zones around wild land will not be applied, and effects of development outwith wild land areas will not be a significant consideration.

Policy 5 Soils

- a) Development proposals will only be supported if they are designed and constructed:
- i. In accordance with the mitigation hierarchy by first avoiding and then minimising the amount of disturbance to soils on undeveloped land; and
 - ii. In a manner that protects soil from damage including from compaction and erosion, and that minimises soil sealing.
- b) Development proposals on prime agricultural land, or land of lesser quality that is culturally or locally important for primary use, as identified by the LDP, will only be supported where it is for:
- i. Essential infrastructure and there is a specific locational need and no other suitable site;
 - ii. Small-scale development directly linked to a rural business, farm or croft or for essential workers for the rural business to be able to live onsite;
 - iii. The development of production and processing facilities associated with the land produce where no other local site is suitable;
 - iv. The generation of energy from renewable sources or the extraction of minerals and there is secure provision for restoration; and

In all of the above exceptions, the layout and design of the proposal minimises the amount of protected land that is required.

- c) Development proposals on peatland, carbon- rich soils and priority peatland habitat will only be

supported for:

- i. Essential infrastructure and there is a specific locational need and no other suitable site;
 - ii. The generation of energy from renewable sources that optimises the contribution of the area to greenhouse gas emissions reductions targets;
 - iii. Small-scale development directly linked to a rural business, farm or croft;
 - iv. Supporting a fragile community in a rural or island area; or
 - v. Restoration of peatland habitats.
- d) Where development on peatland, carbon-rich soils or priority peatland habitat is proposed, a detailed site specific assessment will be required to identify:
- i. the baseline depth, habitat condition, quality and stability of carbon rich soils;
 - ii. the likely effects of the development on peatland, including on soil disturbance; and
 - iii. the likely net effects of the development on climate emissions and loss of carbon.

This assessment should inform careful project design and ensure, in accordance with relevant guidance and the mitigation hierarchy, that adverse impacts are first avoided and then minimised through best practice. A peat management plan will be required to demonstrate that this approach has been followed, alongside other appropriate plans required for restoring and/ or enhancing the site into a functioning peatland system capable of achieving carbon sequestration.

- e) Development proposals for new commercial peat extraction, including extensions to existing sites, will only be supported where:
- i. the extracted peat is supporting the Scottish whisky industry;
 - ii. there is no reasonable substitute;
 - iii. the area of extraction is the minimum necessary and the proposal retains an in-situ residual depth of part of at least 1 metre across the whole site, including
 - iv. the time period for extraction is the minimum necessary; and
 - v. there is an agreed comprehensive site restoration plan which will progressively restore, over a reasonable timescale, the area of extraction to a functioning peatland system capable of achieving carbon sequestration.

Policy 9 Brownfield, vacant and derelict land and empty buildings

- a) Development proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings, whether permanent or temporary, will be supported. In determining whether the reuse is sustainable, the biodiversity value of brownfield land which has naturalised should be taken into account.
- b) Proposals on greenfield sites will not be supported unless the site has been allocated for development or the proposal is explicitly supported by policies in the LDP.
- c) Where land is known or suspected to be unstable or contaminated, development proposals will demonstrate that the land is, or can be made, safe and suitable for the proposed new use.
- d) Development proposals for the reuse of existing buildings will be supported, taking into account their suitability for conversion to other uses. Given the need to conserve embodied energy, demolition will be regarded as the least preferred option.

Policy 14 Design, quality and place

- a) Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale.
- b) Development proposals will be supported where they are consistent with the six qualities of successful places:

Healthy: Supporting the prioritisation of women's safety and improving physical and mental health.

Pleasant: Supporting attractive natural and built spaces.

Connected: Supporting well connected networks that make moving around easy and reduce car dependency

Distinctive: Supporting attention to detail of local architectural styles and natural landscapes to be interpreted, literally or creatively, into designs to reinforce identity.

Sustainable: Supporting the efficient use of resources that will allow people to live, play, work and stay in their area, ensuring climate resilience, and integrating nature positive, biodiversity solutions.

Adaptable: Supporting commitment to investing in the long-term value of buildings, streets and spaces by allowing for flexibility so that they can be changed quickly to accommodate different uses as well as maintained over time.

Further details on delivering the six qualities of successful places are set out in Annex D.

c) Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported.

Policy 16 Quality homes

a) Development proposals for new homes on land allocated for housing in LDPs will be supported.

b) Development proposals that include 50 or more homes, and smaller developments if required by local policy or guidance, should be accompanied by a Statement of Community Benefit. The statement will explain the contribution of the proposed development to:

- i. meeting local housing requirements, including affordable homes;
- ii. providing or enhancing local infrastructure, facilities and services; and
- iii. improving the residential amenity of the surrounding area.

c) Development proposals for new homes that improve affordability and choice by being adaptable to changing and diverse needs, and which address identified gaps in provision, will be supported. This could include:

- i. self-provided homes;
- ii. accessible, adaptable and wheelchair accessible homes;
- iii. build to rent;
- iv. affordable homes;
- v. a range of size of homes such as those for larger families;
- vi. homes for older people, including supported accommodation, care homes and sheltered housing;
- vii. homes for people undertaking further and higher education; and
- viii. homes for other specialist groups such as service personnel.

d) Development proposals for public or private, permanent or temporary, Gypsy/Travellers sites and family yards and Travelling Showpeople yards, including on land not specifically allocated for this use in the LDP, should be supported where a need is identified and the proposal is otherwise consistent with the plan spatial strategy and other relevant policies, including human rights and equality.

e) Development proposals for new homes will be supported where they make provision for affordable homes to meet an identified need. Proposals for market homes will only be supported where the contribution to the provision of affordable homes on a site will be at least 25% of the total number of homes, unless the LDP sets out locations or circumstances where:

- i. a higher contribution is justified by evidence of need, or
 - ii. a lower contribution is justified, for example, by evidence of impact on viability,
- where proposals are small in scale, or to incentivise particular types of homes that are needed to diversify the supply, such as self-build or wheelchair accessible homes.

The contribution is to be provided in accordance with local policy or guidance.

f) Development proposals for new homes on land not allocated for housing in the LDP will only be supported in limited circumstances where:

- i. the proposal is supported by an agreed timescale for build-out; and
- ii. the proposal is otherwise consistent with the plan spatial strategy and other relevant policies including local living and 20 minute neighbourhoods;
- iii. and either:

- o delivery of sites is happening earlier than identified in the deliverable housing land pipeline. This will be determined by reference to two consecutive years of the Housing Land Audit evidencing substantial delivery earlier than pipeline timescales and that general trend being sustained; or
- o the proposal is consistent with policy on rural homes; or
- o the proposal is for smaller scale opportunities within an existing settlement boundary; or
- o the proposal is for the delivery of less than 50 affordable homes as part of a local authority supported affordable housing plan.

- g) Householder development proposals will be supported where they:
- i. do not have a detrimental impact on the character or environmental quality of the home and the surrounding area in terms of size, design and materials; and
 - ii. do not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking.

- h) Householder development proposals that provide adaptations in response to risks from a changing climate, or relating to people with health conditions that lead to particular accommodation needs will be supported.

Policy 17 Rural homes

- a) Development proposals for new homes in rural areas will be supported where the development is suitably scaled, sited and designed to be in keeping with the character of the area and the development:
- i. is on a site allocated for housing within the LDP;
 - ii. reuses brownfield land where a return to a natural state has not or will not happen without intervention;
 - iii. reuses a redundant or unused building;
 - iv. is an appropriate use of a historic environment asset or is appropriate enabling development to secure the future of historic environment assets;
 - v. is demonstrated to be necessary to support the sustainable management of a viable rural business or croft, and there is an essential need for a worker (including those taking majority control of a farm business) to live permanently at or near their place of work;
 - vi. is for a single home for the retirement succession of a viable farm holding;
 - vii. is for the subdivision of an existing residential dwelling; the scale of which is in keeping with the character and infrastructure provision in the area; or
 - viii. reinstates a former dwelling house or is a one-for-one replacement of an existing permanent house.

- b) Development proposals for new homes in rural areas will consider how the development will contribute towards local living and take into account identified local housing needs (including affordable housing), economic considerations and the transport needs of the development as appropriate for the rural location.

- c) Development proposals for new homes in remote rural areas will be supported where the proposal:
- i. supports and sustains existing fragile communities;
 - ii. supports identified local housing outcomes; and
 - iii. is suitable in terms of location, access, and environmental impact.

- d) Development proposals for new homes that support the resettlement of previously inhabited areas will be supported where the proposal:
- i. is in an area identified in the LDP as suitable for resettlement;
 - ii. is designed to a high standard;
 - iii. responds to its rural location; and
 - iv. is designed to minimise greenhouse gas emissions as far as possible.

Policy 18 Infrastructure first

- a) Development proposals which provide (or contribute to) infrastructure in line with that identified as necessary in LDPs and their delivery programmes will be supported.
- b) The impacts of development proposals on infrastructure should be mitigated. Development

proposals will only be supported where it can be demonstrated that provision is made to address the impacts on infrastructure. Where planning conditions, planning obligations, or other legal agreements are to be used, the relevant tests will apply.

Where planning obligations are entered into, they should meet the following tests:

- be necessary to make the proposed development acceptable in planning terms
- serve a planning purpose
- relate to the impacts of the proposed development
- fairly and reasonably relate in scale and kind to the proposed development
- be reasonable in all other respects

Planning conditions should only be imposed where they meet all of the following tests. They should be:

- necessary
- relevant to planning
- relevant to the development to be permitted
- enforceable
- precise
- reasonable in all other respects

Policy 20 Blue and green infrastructure

a) Development proposals that result in fragmentation or net loss of existing blue and green infrastructure will only be supported where it can be demonstrated that the proposal would not result in or exacerbate a deficit in blue or green infrastructure provision, and the overall integrity of the network will be maintained. The planning authority's Open Space Strategy should inform this.

b) Development proposals for or incorporating new or enhanced blue and/or green infrastructure will be supported. Where appropriate, this will be an integral element of the design that responds to local circumstances.

Design will take account of existing provision, new requirements and network connections (identified in relevant strategies such as the Open Space Strategies) to ensure the proposed blue and/or green infrastructure is of an appropriate type(s), quantity, quality and accessibility and is designed to be multi-functional and well integrated into the overall proposals.

c) Development proposals in regional and country parks will only be supported where they are compatible with the uses, natural habitats, and character of the park.

d) Development proposals for temporary open space or green space on unused or under-used land will be supported.

e) Development proposals that include new or enhanced blue and/or green infrastructure will provide effective management and maintenance plans covering the funding arrangements for their long-term delivery and upkeep, and the party or parties responsible for these.

Policy 22 Flood risk and water management

a) Development proposals at risk of flooding or in a flood risk area will only be supported if they are for:

- i. essential infrastructure where the location is required for operational reasons;
- ii. water compatible uses;
- iii. redevelopment of an existing building or site for an equal or less vulnerable use; or.
- iv. redevelopment of previously used sites in built up areas where the LDP has identified a need to bring these into positive use and where proposals demonstrate that long-term safety and resilience can be secured in accordance with relevant SEPA advice.

The protection offered by an existing formal flood protection scheme or one under construction can be taken into account when determining flood risk.

In such cases, it will be demonstrated by the applicant that:

- o all risks of flooding are understood and addressed;
- o there is no reduction in floodplain capacity, increased risk for others, or a need for future flood

protection schemes;

- o the development remains safe and operational during floods;
- o flood resistant and resilient materials and construction methods are used; and
- o future adaptations can be made to accommodate the effects of climate change.

Additionally, for development proposals meeting criteria part iv), where flood risk is managed at the site rather than avoided these will also require:

- o the first occupied/utilised floor, and the underside of the development if relevant, to be above the flood risk level and have an additional allowance for freeboard; and
- o that the proposal does not create an island of development and that safe access/ egress can be achieved.

b) Small scale extensions and alterations to existing buildings will only be supported where they will not significantly increase flood risk.

c) Development proposals will:

- i. not increase the risk of surface water flooding to others, or itself be at risk.
- ii. manage all rain and surface water through sustainable urban drainage systems (SUDS), which should form part of and integrate with proposed and existing blue- green infrastructure. All proposals should presume no surface water connection to the combined sewer;
- iii. seek to minimise the area of impermeable surface.

d) Development proposals will be supported if they can be connected to the public water mains. If connection is not feasible, the applicant will need to demonstrate that water for drinking water purposes will be sourced from a sustainable water source that is resilient to periods of water scarcity.

e) Development proposals which create, expand or enhance opportunities for natural flood risk management, including blue and green infrastructure, will be supported.

Policy 29 Rural development

a) Development proposals that contribute to the viability, sustainability and diversity of rural communities and local rural economy will be supported, including:

- i. farms, crofts, woodland crofts or other land use businesses, where use of good quality land for development is minimised and business viability is not adversely affected;
- ii. diversification of existing businesses;
- iii. production and processing facilities for local produce and materials, for example sawmills, or local food production;
- iv. essential community services;
- v. essential infrastructure;
- vi. reuse of a redundant or unused building;
- vii. appropriate use of a historic environment asset or is appropriate enabling development to secure the future of historic environment assets;
- viii. reuse of brownfield land where a return to a natural state has not or will not happen without intervention;
- ix. small scale developments that support new ways of working such as remote working, homeworking and community hubs; or
- x. improvement or restoration of the natural environment.

b) Development proposals in rural areas should be suitably scaled, sited and designed to be in keeping with the character of the area. They should also consider how the development will contribute towards local living and take into account the transport needs of the development as appropriate for the rural location.

c) Development proposals in remote rural areas, where new development can often help to sustain fragile communities, will be supported where the proposal:

- i. will support local employment;
- ii. supports and sustains existing communities, for example through provision of digital infrastructure; and
- iii. is suitable in terms of location, access, siting, design and environmental impact.

- d) Development proposals that support the resettlement of previously inhabited areas will be supported where the proposal:
- i. is in an area identified in the LDP as suitable for resettlement;
 - ii. is designed to a high standard;
 - iii. responds to their rural location; and
 - iv. is designed to minimise greenhouse gas emissions as far as possible.

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 TC2 : Residential Development

All proposals for new residential development*, including the conversion of non-residential buildings must:

- o be compatible with current and proposed land uses in the surrounding area;
- o provide a satisfactory residential environment for the proposed dwelling(s);
- o not result in unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure; and
- o include as appropriate a mix of house sizes, types and tenures and provision for affordable housing in accordance with Policy TC3 Affordable Housing.

Within development boundaries Angus Council will support proposals for new residential development where:

- o the site is not allocated or protected for another use; and
- o the proposal is consistent with the character and pattern of development in the surrounding area.

In countryside locations Angus Council will support proposals for the development of houses which fall into at least one of the following categories:

- o retention, renovation or acceptable replacement of existing houses;
- o conversion of non-residential buildings;
- o regeneration or redevelopment of a brownfield site that delivers significant visual or environmental improvement through the removal of derelict buildings, contamination or an incompatible

land use;

- o single new houses where development would:
- o round off an established building group of 3 or more existing dwellings; or
- o meet an essential worker requirement for the management of land or other rural business.
- o in Rural Settlement Units (RSUs)**, fill a gap between the curtilages of two houses, or the curtilage of one house and a metalled road, or between the curtilage of one house and an existing substantial building such as a church, a shop or a community facility; and
- o in Category 2 Rural Settlement Units (RSUs), as shown on the Proposals Map, gap sites (as defined in the Glossary) may be developed for up to two houses.

Further information and guidance on the detailed application of the policy on new residential development in countryside locations will be provided in supplementary planning guidance, and will address:

- o the types of other buildings which could be considered suitable in identifying appropriate gap sites for the development of single houses in Category 1 Rural Settlement Units, or for the development of up to two houses in Category 2 Rural Settlement Units.
- o the restoration or replacement of traditional buildings.
- o the development of new large country houses.

*includes houses in multiple occupation, non-mainstream housing for people with particular needs, such as specialist housing for the elderly, people with disabilities, supported housing care and nursing homes.

**Rural Settlement Units are defined in the Glossary and their role is further explained on Page 9.

Policy PV3 : Access and Informal Recreation

New development should not compromise the integrity or amenity of existing recreational access opportunities including access rights, core paths and rights of way. Existing access routes should be retained, and where this is not possible alternative provision should be made.

New development should incorporate provision for public access including, where possible, links to green space, path networks, green networks and the wider countryside.

Where adequate provision cannot be made on site, and where the development results in a loss of existing access opportunities or an increased need for recreational access, a financial contribution may be sought for alternative provision.

Policy PV15 : Drainage Infrastructure

Development proposals within Development Boundaries will be required to connect to the public sewer where available.

Where there is limited capacity at the treatment works Scottish Water will provide additional wastewater capacity to accommodate development if the Developer can meet the 5 Criteria*. Scottish Water will instigate a growth project upon receipt of the 5 Criteria and will work with the developer, SEPA and Angus Council to identify solutions for the development to proceed.

Outwith areas served by public sewers or where there is no viable connection for economic or technical reasons private provision of waste water treatment must meet the requirements of SEPA and/or The Building Standards (Scotland) Regulations. A private drainage system will only be considered as a means towards achieving connection to the public sewer system, and when it forms part of a specific development proposal which meets the necessary criteria to trigger a Scottish Water growth project.

All new development (except single dwelling and developments that discharge directly to coastal waters) will be required to provide Sustainable Drainage Systems (SUDs) to accommodate surface water drainage and long term maintenance must be agreed with the local authority. SUDs schemes can contribute to local green networks, biodiversity and provision of amenity open space and should form an integral part of the design process.

Drainage Impact Assessment (DIA) will be required for new development where appropriate to identify potential network issues and minimise any reduction in existing levels of service.

*Enabling Development and our 5 Criteria (<http://scotland.gov.uk/Resource/0040/00409361.pdf>)

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.

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.



Robin Priestley
Whose Land Scotland
6 Braehead Park
Linlithgow
EH49 6EJ

Your Ref: TRE001.1
24 August 2022

Dear Mr Priestley

Catalogue of Rights of Way Search Results Report. Enquiry Ref: 06805
Invoice No.: INV-0005653
Teach Feirme, Hillhouses, Strathmartine, Dundee, Angus, DD3 0PX

Thank you for your enquiry of 11 August 2022. This report should be read in conjunction with the enclosed Catalogue of Rights of Way Search Guidance Notes.

Search Results

The National Catalogue of Rights of Way (CROW) does not record any rights of way that cross or are close to your site of interest as shown on the map you supplied.

There are no Heritage Paths currently recorded that cross or are close to your site of interest as shown on the map you supplied.

There are no *Scottish Hill Tracks* currently recorded that cross or are close to your site of interest as shown on the map you supplied.

Other Access to Land

You should be aware that other forms of public access to land may affect your site of interest. You can find out more about these other types of access in the enclosed Catalogue of Rights of Way Search Guidance Notes.

Payments

We charge a fee of £138 including VAT for searches for which an invoice is enclosed. Our terms are 30 days from the date of issue; please quote the Invoice Number shown above when making payment.

The Scottish Rights of Way and Access Society, 24 Annandale Street, Edinburgh EH7 4AN (Registered Office)
0131 558 1222 info@scotways.com www.scotways.com

ScotWays is a registered trade mark of the Scottish Rights of Way and Access Society, a company limited by guarantee.
Registered Company Number: SC024243. Scottish Charity Number: SC015460.

I hope the information provided is useful to you. Please do not hesitate to contact us if you have any further queries.

Yours sincerely

A solid black rectangular box used to redact the signature of Neil Feggans.

Neil Feggans
Access Officer