

ANGUS COUNCIL

DEVELOPMENT MANAGEMENT REVIEW COMMITTEE – 19 JUNE 2024

MUIRDRUM BOUNDARY, CARNOUSTIE

REPORT BY THE DIRECTOR OF LEGAL, GOVERNANCE & CHANGE

1. ABSTRACT

The Committee is asked to consider an application for a review of the decision taken by the planning authority in relation to the refusal of planning permission, application No 22/00346/FULL, in respect of the erection of fence and gates and siting of storage containers at sites at Muirdrum Village Boundary, Carnoustie.

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 in 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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ANGUS COUNCIL'S SUBMISSION ON GROUNDS OF REFUSAL

APPLICATION NUMBER – 22/00346/FULL

APPLICANT- MR MARTIN GIBB

PROPOSAL & ADDRESS – ERECTION OF FENCE & GATES AND SITING OF STORAGE CONTAINERS AT SITES AT MUIRDRUM VILLAGE BOUNDARY MUIRDRUM CARNOUSTIE

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Angus Council

Application Number:	22/00346/FULL
Description of Development:	Erection of Fence & Gates and Siting of Storage Containers
Site Address:	Sites At Muirdrum Village Boundary Muirdrum Carnoustie
Grid Ref:	356486 : 737380
Applicant Name:	Mr Martin Gibb

Report of Handling**Proposal**

The application seeks retrospective planning permission for the siting of 5no. storage containers and the erection of a 95m stretch of fencing extending along the road frontage to the south of the 750sqm (approx.) application site. The metal storage containers measure around 2.4m high, 6m long and 2.4m wide. The fencing is approximately 1.9 metres in height and is of a metal post and mesh style. Green mesh material has been added to the fencing at the entrance to the site in an attempt to screen the yard and storage containers beyond. The site is bound by trees and a watercourse to the east, an unclassified public road to the south, agricultural land to the north and housing to the west. The eastern boundary of the housing located to the west represents the eastern extent of the Muirdrum development boundary as identified by the Angus Local Development Plan 2016 (ALDP).

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 9 September 2022 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

03/00462/ADV for Erection of Advertising Signs was determined as "Refused" on 12 January 2004.

This service issued an enforcement notice (enforcement case: 17/00039/UNDV) on 14 September 2020 requiring the removal of storage containers, motor vehicles, plant, machinery, machinery parts, fence and gates from land, including the land to which this application relates. The enforcement notice alleged the following matters constituted a breach of planning control as they were undertaken without the benefit of planning permission:

1. *The land was being used for the siting of storage containers and the storage of motor vehicles, plant, machinery and machinery parts; and*
2. *Fencing and gates that are in excess of one (1) metre in height have been erected along the southern boundary of the land adjacent to the main road.*

The enforcement notice required the removal of the aforementioned items to be undertaken within 3 months from the 19 October 2022.

The applicant appealed the enforcement notice with the Scottish Government (reference: ENA-120-2019). As part of the above enforcement notice appeal the government reporter visited the site on the 26

November 2020 and the appeal decision was dated 29 March 2021. This decision upheld the enforcement notice but allowed the appeal to the extent that the terms of the notice were varied to the following wording:

1. *Remove the storage containers from the land.*
2. *Remove the unauthorised fence and gates that are in excess of one (1) metre in height from the southern boundary of the land.*
3. *Remove all motor vehicles, plant machinery and machinery parts from the land that are not directly required for its agricultural management.*

The current application was subsequently submitted in an attempt to regularise the erection of the fence & gates and the siting of the storage containers at the site.

Applicant's Case

The following documents were submitted by the applicant in support of the current application -

Animal Health Registration Document - this clarifies cattle are registered to the applicant. Dated 26/02/21.

Site photographs - provided to show site context.

Pre application e-mail - discussions between Ed Taylor (planning) to Mr Gibbs agent at the time, providing details on a future submission and planning processes.

Title deeds - provided to confirm the extent of the land owned by the applicant.

Supporting Statement and Photos:

- States containers on the site are used to store animal feed, fertilizer, farm machinery and everything relevant for agricultural purposes and the containers and fence has been in situ since 2017;
- Opines the fence is not much higher than a lot of fences in Muirdrum village and the height is necessary to protect livestock;
- Provides photos of trespassing youths caught on CCTV;
- British Cattle registration has been provided along with the applicant's animal registration;
- States the applicant's cattle graze the one acre paddock in the den and the tractor, bogie and trailer, and pick up truck are kept on the site and used for agricultural purposes;
- Ten acre arable field owned by the applicant and has been used to grow barley;
- The applicant would reduce the height of the highest fences.

E-mail from applicant dated 31/08/22 -

- Provided photos and advised a bus had crashed into the fence forming part of this application causing extensive damage to the fence. Suggests that had the fence not been there the bus would have fell down the ravine and ended up in the river and this is another reason a fence of this height is needed on the site. States the bus company has admitted liability and the fence has saved lives and stops any vehicles authorized or unauthorized to enter the agricultural land therein.

Consultations

Community Council - There was no response from this consultee at the time of report preparation.

Roads (Traffic) - No objections.

Scottish Water - No objections but indicate that there is live Scottish Water infrastructure in the proximity of the development area that may be impacted upon by the works and as such the applicant must contact the Scottish Water Asset Impact Team directly.

Angus Council - Countryside Access - Advise that access rights under the Land Reform (Scotland) Act 2003 would apply to a vehicular track within the site which provides access to grazing land and woodland alongside the Boath Burn, and to an adjacent arable field. However, the fencing and storage containers, with their associated use, create an area that is likely to be excluded from access rights under the above Act. Therefore, concludes the loss of public access to the land as a result of the proposal is

likely to be of local significance.

Environmental Health (Arbroath) - Given the proximity of the proposal to (unrelated) residential properties, this service advises they cannot offer support to the application until a noise impact assessment has been conducted by a suitably qualified consultant, which clarifies the exact use of the proposal and evaluates noise impacts, and if necessary identifies mitigation measures required to protect local receptors.

Plant Protection Cadent - There was no response from this consultee at the time of report preparation.

Health & Safety Executive - Does not advise, on safety grounds, against the granting of planning permission in this case.

Flood Prevention Authority - No objections but advises it is likely the storage containers would be at risk of flooding from the adjoining watercourse during a flood event and as such advises the applicant should utilise flood resilient measures to mitigate against the potential impacts of flooding e.g., contents susceptible to flooding should be stored higher up and where possible an element of freeboard should be provided to the containers.

Representations

1 letter of representation was received in objection to the proposal. The main points of objection can be summarised as follows:

- The proposal results in the loss of accessible green space, trees, shrubs and other greenery removed.
- Impacts upon visual amenity and noise and odour impacts.
- Impacts upon the adjoining road network and traffic safety.
- Unauthorised alterations to the riverbank putting the properties and land on the other side at increased flood risk.

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 20 Blue and green infrastructure

Policy 22 Flood risk and water management

Policy 23 Health and safety

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 PV1 : Green Networks and Green Infrastructure

Policy PV3 : Access and Informal Recreation

Policy PV6 : Development in the Landscape

Policy PV12 : Managing Flood Risk

Policy PV18 Waste Management in New Development

Policy PV20 : Soils and Geodiversity

Policy PV21 : Pipeline Consultation Zones

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 of the Angus Local Development Plan (ALDP) relates to development boundaries and priorities. It indicates that proposals for sites outwith but contiguous with a development boundary will only be acceptable where they are 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.

The application site is located immediately adjacent to but outwith the development boundary for Muirdrum, as defined by the ALDP, and relates to an area of former greenspace which includes/included semi natural habitats, planting and recreational access opportunities.

Angus Council has defined development boundaries to protect the landscape setting of Angus towns and villages and prevent the uncontrolled spread of development. These development boundaries provide the definition between built up areas and the open countryside.

ALDP Policy PV6 states that developments which have an adverse effect on landscape will only be permitted where the site selected is capable of accommodating the proposed development; the siting and design integrate with the landscape context and minimise adverse impacts on the local landscape; potential cumulative effects with any other relevant proposal are considered to be acceptable; and mitigation measures and/or reinstatement are proposed where appropriate. In general design terms, both local and national policies seek for proposals to deliver high design standards and to enhance the quality of an area whether in an urban or rural location. Policies generally seek for proposals to draw upon aspects of landscape or townscape that contribute positively to the character and sense of the area in which they are to be located. Proposals should be suitably scaled, sited and designed to be in keeping with the character and pattern of development surrounding a site.

The development subject to this application consists of fencing 1.9 metres in height, extending roughly 95 metres in length adjacent to the main public road through Muirdrum, and the siting of 5no. storage containers set a short distance back from the road. Historically the application site was undeveloped and provided a seamless transition between the development boundary of Muirdrum and the wider countryside. There was previously fencing/ gates located at the site boundary, but these were of a lower height (measuring approximately 1 metre high) and of a style more in keeping with a rural area / the setting of the site.

The erection of high mesh fencing as proposed, is not consistent with the semi-rural character of the area, where the site provides the transition between the development boundary of the small village to the countryside beyond. The fence is of a more industrial appearance. The information submitted by the applicant in support of the application suggests the proposed fence *'is not much higher than a lot of the fences in the village of Muirdrum'* and it has been in situ since 2017. It describes issues with trespassing youths and that a high fence is necessary to protect livestock and the containers, as well as adjacent road users from accidents. In response to these points, it is noted that there is no binding concept of precedent

in planning law and each case is assessed on its own individual merit. Also, an enforcement notice was served in relation to the erection of the fencing within the time limit prescribed for taking enforcement action. This would prevent the fence from being considered lawful by virtue of enforcement immunity. It is considered that the same or similar security could be provided to the site by a fence of a more appropriate appearance. The fence as proposed is not in keeping with the character of the area and is not designed to positively contribute to the landscape in which it is located.

With regards to the siting of 5 storage containers on the site, the supporting information states that the containers are used to store animal feed, fertilizer, farm machinery and other items relevant for agricultural purposes and that there is an operational need for the storage containers to be sited in this area. As part of the previous enforcement notice appeal (as discussed under the Planning History section above), the Government Reporter accepted several of the items stored on the site would be reasonably necessary for the management of agricultural land in the vicinity. However, he did not accept that the amount of shipping containers situated on the land were necessary or appropriate for the number of animals referenced by the appellant. Nothing has materially changed at the site since the determination of the enforcement appeal and as such it is still considered that the extent of storage containers proposed on the site is not necessary given the suggested scale of the applicant's agricultural operations in the area. The siting of numerous storage containers on previously undeveloped sites in rural areas, where there is no suitable justification to demonstrate the need for the containers in that location, is not considered appropriate. If agricultural storage is demonstrated to be required, this Service would normally expect appropriately designed buildings to be proposed. That form of development would be in keeping with the character of rural and semi-rural areas. Taking this into account, and on the basis the siting of the storage containers in this location would significantly and detrimentally change the character of the site and the semi-rural nature of the area, giving the site a more commercial/industrial appearance, which is not in keeping with the area, the development would not be acceptable in this location.

The Muirdrum development boundary in this vicinity was clearly defined by the extent of residential properties to the west of the application site prior to unauthorised development being undertaken in the area. At that time the current application site was an area of open greenfield land with an agricultural vehicle access extending to a watercourse/ trees beyond. The site provided an appropriate landscape setting for the semi-rural village. The proposal alters the character of the area by extending the coverage of development and eroding the defined setting of Muirdrum. The proposed development was carried out without the benefit of planning permission and as such an enforcement notice was served to secure removal of the fence and storage containers (as well as other items), as these constituted a breach of planning control. The proposal would result in adverse landscape and visual impacts and is contrary to Policies DS3 and PV6 of the ALDP and Policies 14 and 29 of NPF4.

The proposal is not of a scale and nature appropriate to the location and is not in accordance with the above policies of the ALDP. Whilst supporting information has been submitted, no information has clearly demonstrated a public interest in allowing the development of land outwith but adjacent to the development boundary for this use and no social, economic, environmental or operational considerations have been provided which confirm there is a need for the development at this site which cannot be met within a development boundary. Therefore, the proposal would also fail to comply with the requirements of Policy DS1.

The land to which the application relates is classified as prime quality agricultural land (Class 3.1) in the land capability classification for agriculture as developed by the Macaulay Land Use Research Institute. However, from visiting the site and reviewing historical imagery it is evident that prior to the proposed development taking place the site accommodated access tracks and greenfield land which did not appear to be in productive agricultural use. Therefore, the development would not utilise a significant amount of productive prime land or meaningfully conflict with the aims of local and national policies which seek to protect valuable soils. Although the proposal would not result in a significant loss of productive agricultural land, consideration has to be given to the unauthorised loss of greenfield land which has recreational amenity and landscape value.

Although the proposal does not relate to a designated open space area, both local and national policies seek to protect, enhance and extend the wildlife, recreational, amenity, landscape, access and flood management value of the green network. The green network is defined in the ALDP as connected areas of green infrastructure and open space that together form an integrated and multifunctional network. Both

the ALDP and NPF4 state that proposals on greenfield sites will only be supported where the site is allocated for development, or the proposal is explicitly supported by policies in the LDP. ALDP Policy PV3 relates to access and informal recreation and 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 and existing access routes should be retained, and where this is not possible alternative provision should be made.

The proposal would change the semi-rural character of the site located on the edge of a settlement boundary and would erode the connectivity and functionality of the green network by developing this previously largely naturalised space. The site also previously accommodated access tracks, where it is believed access rights under the Land Reform (Scotland) Act 2003 would have applied. However, the erection of high fencing and the siting of storage containers would result in the loss of public access to the land beyond. This is likely to be of local significance and there is limited opportunity to provide alternative access options at the site due to the nature of the use associated with the proposed development. The proposal would result in the loss of recreational access opportunities and no alternative provision has been proposed therefore, the proposal would also conflict with the aims of ALDP Policy PV3.

Policy DS4 deals with amenity and requires all proposed development to have regard to opportunities for maintaining and improving environmental quality. It states that 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. Policy 23 of NPF4 has similar considerations and both policies state that applicants may be required to submit detailed assessments in relation to a number of amenity matters, including noise impact assessments where potentially significant noise impacts could arise. The Council's environmental health service has reviewed the proposal and has raised concerns in relation to potential impacts on nearby residential amenity arising from noise associated with the proposed storage containers. They indicate that without a noise impact assessment being conducted by a suitably qualified consultant, which clarifies the exact use of the containers and evaluates noise impacts and any potential mitigation measures necessary at local receptors, they cannot support the proposal. Therefore, without the requested noise impact assessment information potential noise impacts upon neighbouring dwellings directly adjacent to and in the vicinity of the site cannot be fully assessed and it cannot be concluded that the development would not give rise to any unacceptable amenity impacts. Due to the scale, location and nature of the proposal it is unlikely the development would result in any unacceptable impacts upon the air quality or the availability of sunlight or daylight to neighbours or result in an unacceptable loss of privacy, overshadowing or light and odour pollution. However, there is not enough information to conclude the proposal would comply with Policy to DS4 of the ALDP or Policy 23 of NPF4 in relation to potential levels of noise disturbance resulting from the development.

The proposal does not give rise to significant issues in terms of remaining development plan policy and no other consultee has raised any objection to the proposal. Any other associated issues could be addressed by condition, such as the requirement for the approval and implementation of a waste management scheme, mitigation measures to protect the development from the risk of flooding from the nearby watercourse and measures to enhance the biodiversity value of the site. However, the siting of the storage containers and the erection of the fencing as proposed would not be acceptable in this greenfield edge of settlement location adjacent to unrelated housing and is contrary to development plan policy for the reasons discussed above.

In relation to material considerations, it is relevant to note that an objection has been submitted to the application. The comments are material in so far as they relate to relevant planning matters and those have been taken into account in the preparation of this report.

The objection states the proposal would negatively impact upon the visual and residential amenity (namely in terms of noise and odour pollution) of the area, as well as impact upon the adjoining road network and traffic safety. Amenity impacts have been discussed above where it is considered there is a lack of information available to make a clear judgment on potential noise impacts, but in terms of traffic the roads service has considered the traffic likely to be generated by the proposal and likely impacts upon the road network and offers no objection. Matters related to illegal or inconsiderate parking on the public road are not a material planning matter. The loss of green space and accessibility though the site have also been considered above. With regards to the specific loss of trees, shrubs and other greenery it is

difficult to substantiate the extent of the loss due to the retrospective nature of the works. However, from reviewing historic images it appears the planting on the site consisted mainly of shrubs / small trees. Therefore, given the limited scale of the planting removed it is unlikely their loss would have resulted in substantial impacts upon the biodiversity of the site. Furthermore, removing these trees would not have required planning permission. The submitted third party comments also suggest the applicant has made alterations to the western bank of the watercourse located to the east of the site. The current proposal is for the siting of storage containers and the erection of fencing, matters relating to works out with the application site/ to the burn would need to be reviewed / investigated separately. Notwithstanding this, the roads service has reviewed the current proposal with regards to flood risk and raised no objections.

In conclusion, the development is outwith but contiguous with a development boundary and no information has been provided to suitably demonstrate the proposal is in the public interest and that there are no social, economic, environmental or operational considerations that confirm a need for the development in this location and which cannot be met within a development boundary. The development is not in keeping with the character of the area and would erode the defined setting of Muirdrum and the connectivity and functionality of the green network provided by the site prior to the unauthorised development taking place. The development is considered contrary to policies DS1, DS3 and PV6 of the Angus Local Development Plan (ALDP) and Policies 14 and 29 of NPF4. In addition, insufficient information has been submitted to allow a full assessment of potential noise impacts and/or the identification for the need or lack therefore any necessary mitigation measures. As such the proposal at this time must also be considered as contrary to DS4 of the ALDP and Policy 23 of NPF4. There are no material planning considerations that justify approval of planning permission contrary to the development 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 DS1 of the Angus Local Development Plan 2016 as the development is outwith but contiguous with a development boundary in circumstances where there is no public interest in allowing the development in this location and there are no social, economic, environmental or operational considerations that confirm there is a need for the development that cannot be met within a development boundary.
2. The application is contrary to Policy DS3 and PV6 of the Angus Local Development Plan 2016 and Policies 14 and 29 of National Planning Framework 4 as the development is not in keeping with the character of the area and has not been sited or designed to integrate with the landscape context or minimise adverse impacts on the landscape.
3. Insufficient information has been submitted to demonstrate the proposal would not result in any unacceptable noise impacts upon local receptors or to identify any mitigation measures which may be necessary to protect the amenity of nearby properties, therefore it cannot be determined that the application complies with Policy DS4 of the Angus Local Development Plan 2016 and Policy 23 of National Planning Framework 4.

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

Notes:

Case Officer: James Wright
Date: 16 October 2023

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 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 23 Health and safety

a) Development proposals that will have positive effects on health will be supported. This could include, for example, proposals that incorporate opportunities for exercise, community food growing or allotments.

b) Development proposals which are likely to have a significant adverse effect on health will not be supported. A Health Impact Assessment may be required.

c) Development proposals for health and social care facilities and infrastructure will be supported.

d) Development proposals that are likely to have significant adverse effects on air quality will not be supported. Development proposals will consider opportunities to improve air quality and reduce exposure to poor air quality. An air quality assessment may be required where the nature of the proposal or the air quality in the location suggest significant effects are likely.

e) Development proposals that are likely to raise unacceptable noise issues will not be supported. The agent of change principle applies to noise sensitive development. A Noise Impact Assessment may be required where the nature of the proposal or its location suggests that significant effects are likely.

f) Development proposals will be designed to take into account suicide risk.

g) Development proposals within the vicinity of a major accident hazard site or major accident hazard pipeline (because of the presence of toxic, highly reactive, explosive or inflammable substances) will consider the associated risks and potential impacts of the proposal and the major accident hazard site/pipeline of being located in proximity to one another.

h) Applications for hazardous substances consent will consider the likely potential impacts on surrounding populations and the environment.

i) Any advice from Health and Safety Executive, the Office of Nuclear Regulation or the Scottish Environment Protection Agency that planning permission or hazardous substances consent should be refused, or conditions to be attached to a grant of consent, should not be overridden by the decision maker without the most careful consideration.

j) Similar considerations apply in respect of development proposals either for or near licensed

explosive sites (including military explosive storage sites).

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 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 PV6 : Development in the Landscape

Angus Council will seek to protect and enhance the quality of the landscape in Angus, its diversity (including coastal, agricultural lowlands, the foothills and mountains), its distinctive local characteristics, and its important views and landmarks.

Capacity to accept new development will be considered within the context of the Tayside Landscape Character Assessment, relevant landscape capacity studies, any formal designations and special landscape areas to be identified within Angus. Within the areas shown on the proposals map as being part of 'wild land', as identified in maps published by Scottish Natural Heritage in 2014, development proposals will be considered in the context of Scottish Planning Policy's provisions in relation to safeguarding the character of wild land.

Development which has an adverse effect on landscape will only be permitted where:

- o the site selected is capable of accommodating the proposed development;
 - o the siting and design integrate with the landscape context and minimise adverse impacts on the local landscape;
 - o potential cumulative effects with any other relevant proposal are considered to be acceptable;
- and
- o mitigation measures and/or reinstatement are proposed where appropriate.

Landscape impact of specific types of development is addressed in more detail in other policies in this plan and work involving development which is required for the maintenance of strategic transport and communications infrastructure should avoid, minimise or mitigate any adverse impact on the landscape.

Further information on development in the landscape, including identification of special landscape and conservation areas in Angus will be set out in a Planning Advice Note.

Policy PV12 : Managing Flood Risk

To reduce potential risk from flooding there will be a general presumption against built development proposals:

- o on the functional floodplain;
- o which involve land raising resulting in the loss of the functional flood plain; or
- o which would materially increase the probability of flooding to existing or planned development.

Development in areas known or suspected to be at the upper end of low to medium risk or of medium to high flood risk (as defined in Scottish Planning Policy (2014), see Table 4) may be required to undertake

a flood risk assessment. This should demonstrate:

- o that flood risk can be adequately managed both within and outwith the site;
- o that a freeboard allowance of at least 500-600mm in all circumstances can be provided;
- o access and egress to the site can be provided that is free of flood risk; and
- o where appropriate that water-resistant materials and construction will be utilised.

Where appropriate development proposals will be:

- o assessed within the context of the Shoreline Management Plan, Strategic Flood Risk Assessments and Flood Management Plans; and
- o considered within the context of SEPA flood maps to assess and mitigate surface water flood potential.

Built development should avoid areas of ground instability (landslip) coastal erosion and storm surges. In areas prone to landslip a geomorphological assessment may be requested in support of a planning application to assess degree of risk and any remediation measures if required to make the site suitable for use.

Policy PV18 : Waste Management in New Development

Proposals for new retail, residential, commercial, business and industrial development should seek to minimise the production of demolition and construction waste and incorporate recycled waste into the development.

Where appropriate, Angus Council will require the submission of a Site Waste Management Plan to demonstrate how the generation of waste will be minimised during the construction and operational phases of the development.

Development proposals that are likely to generate waste when operational will be expected to include appropriate facilities for the segregation, storage and collection of waste. This will include provision for the separate collection and storage of recyclates within the curtilage of individual houses.

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 PV21 : Pipeline Consultation Zones

Decisions on whether to grant planning permission for development proposals within the pipeline consultation zones shown on the proposals map will be taken in light of the views and advice of the Health and Safety Executive.



Memorandum

Infrastructure Roads & Transportation

TO: DEVELOPMENT STANDARDS MANAGER, PLANNING

FROM: TRAFFIC MANAGER, ROADS

YOUR REF:

OUR REF: CH/AG/ TD1.3

DATE: 06 SEPTEMBER 2022

SUBJECT: **PLANNING APPLICATION REF. NO. – PROPOSED ERECTION OF GATE AND FENCE TO THE EAST OF 30 MUIRDRUM, CARNOUSTIE**

I refer to the above planning application.

The National Roads Development Guide, adopted by the Council as its road standards, is relative to the consideration of the application and the following comments take due cognisance of that document.

The site is located on the north side of the former A92 to the east of 30 Muirdrum. The road is subject to a restricted speed limit of 30mph.

To ensure a safe and satisfactory access is maintained at the site, minimum visibility sightlines of 2.4 x 43 metres should be provided on both sides of the access at its junction with the public road.

I have considered the application in terms of the traffic likely to be generated by it, and its impact on the public road network. As a result, I do not object to the application but would recommend that any consent granted shall be subject to the following conditions:

- 1 That, no part of the gate or fence shall be erected within 2.4 metres of the nearside edge of the carriageway of the adjacent road.
Reason: to enable drivers of vehicles leaving the site to have a clear view over a length of road sufficient to allow safe exit.

I trust the above comments are of assistance but should you have any queries, please contact Adrian Gwynne on extension 2036.

From:Adrian G Gwynne
Sent:20 Sep 2023 11:28:24 +0100
To:James Wright
Subject:22/00346/FULL

James

Snippet showing the visibility splays of 2.43x43m. As you can see the splay to the east does not fall within the fence line

Adrian



Adrian G Gwynne | Traffic Engineer | Angus Council | Tel - 01307 492036 | Mob - 07917 175 505 | Email :
gwynneag@angus.gov.uk | www.angus.gov.uk

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Friday, 02 September 2022



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,

Sites At Muirdrum Village Boundary, Muirdrum, Carnoustie, DD7 6LE
Planning Ref: 22/00346/FULL
Our Ref: DSCAS-0071966-8YQ
Proposal: Erection of Fence & Gates and Storage Containers

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 and would advise the following:

For all extensions that increase the hard-standing area within the property boundary, you must look to limit an increase to your existing discharge rate and volume. Where possible we recommend that you consider alternative rainwater options. All reasonable attempts should be made to limit the flow.

No new connections will be permitted to the public infrastructure. The additional surface water will discharge to the existing private pipework within the site boundary.

Asset Impact Assessment

Scottish Water records indicate that there is live infrastructure in the proximity of your development area that may impact on existing Scottish Water assets.

- ▶ 150mm combined sewer within the site boundary

The applicant must identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team via [our Customer Portal](#) for an appraisal of the proposals.

The applicant should be aware that any conflict with assets identified will be subject to restrictions on proximity of construction. Please note the disclaimer at the end of this response.

Written permission must be obtained before any works are started within the area of our apparatus

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

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:Paul R Clark
Sent:20 Sep 2022 13:40:58 +0100
To:James Wright
Subject:Consultation response - 22/00346/full - site at Muirdrum

James

The boundary of this site takes in a vehicular track that provides access to grazing land and woodland alongside the Boath Burn, and to an adjacent arable field. Access rights under the Land Reform (Scotland) Act 2003 will currently apply to these areas. Members of the public will be within their rights to take access within this area subject to doing so responsibly in accordance with the guidance in the Scottish Outdoor Access Code.

The proposed fencing and storage containers, with their associated use, will create an area that is likely to be excluded from access rights under the above Act on the basis that it 'forms a compound or other enclosure containing ...structure, works, plant or fixed machinery..'. This is likely to have the effect of preventing lawful public access to the fields and woodland beyond.

Looking at maps and aerial photographs, there is no evidence of any path or track extending further along the Boath Burn beyond the applicant's ownership, which extends for approximately 750 metres. Given the absence of any obvious through route, and the agricultural use of the land, loss of public access to the land is likely to be of local significance only.

Best regards

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

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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.](#)

From:Georgia Kirtsi-Mathieson
Sent:Mon, 14 Nov 2022 15:03:36 +0000
To:James Wright
Cc:Peter Morton
Subject:Planning Permission: 22/00346/FULL

James

22/00346/FULL | Erection of Fence & Gates and Storage Containers | Sites At Muirdrum Village Boundary Muirdrum Carnoustie

Further to your consultation request, I have now considered the above planning application and have the following observations and requirements with regard to flood risk:

Observations

1. The planning application is for the Erection of Fence, Gates and Storage Containers at Muirdrum Village, Boundary Muirdrum in Carnoustie.
2. The location of the proposed development lies close to the high probability of the fluvial flood envelope as given on SEPA's indicative flood map. It is therefore likely to be at risk of flooding during an event of this return period.

Requirements

3. Regarding the storage containers (5no. 12m x 6m), as shown on the proposed site plan, the applicant should utilise flood resilient measures to mitigate against the potential impacts of flooding. Contents susceptible to flooding should be stored higher up. In addition, I would advise that the applicant should take the opportunity to raise the containers to provide an element of freeboard where possible.

Based on the above and due to the nature of the proposed development, I have no objection. Should you have any further queries please contact me.

Regards

Georgia

Georgia Kirtsi-Mathieson | Design Engineer - Flood Risk and Structures | Angus Council | kirtsi-mathieson@angus.gov.uk | www.angus.gov.uk



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For information on COVID-19 goto www.NHSInform.scot

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Angus
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Angus
DD8 3LG



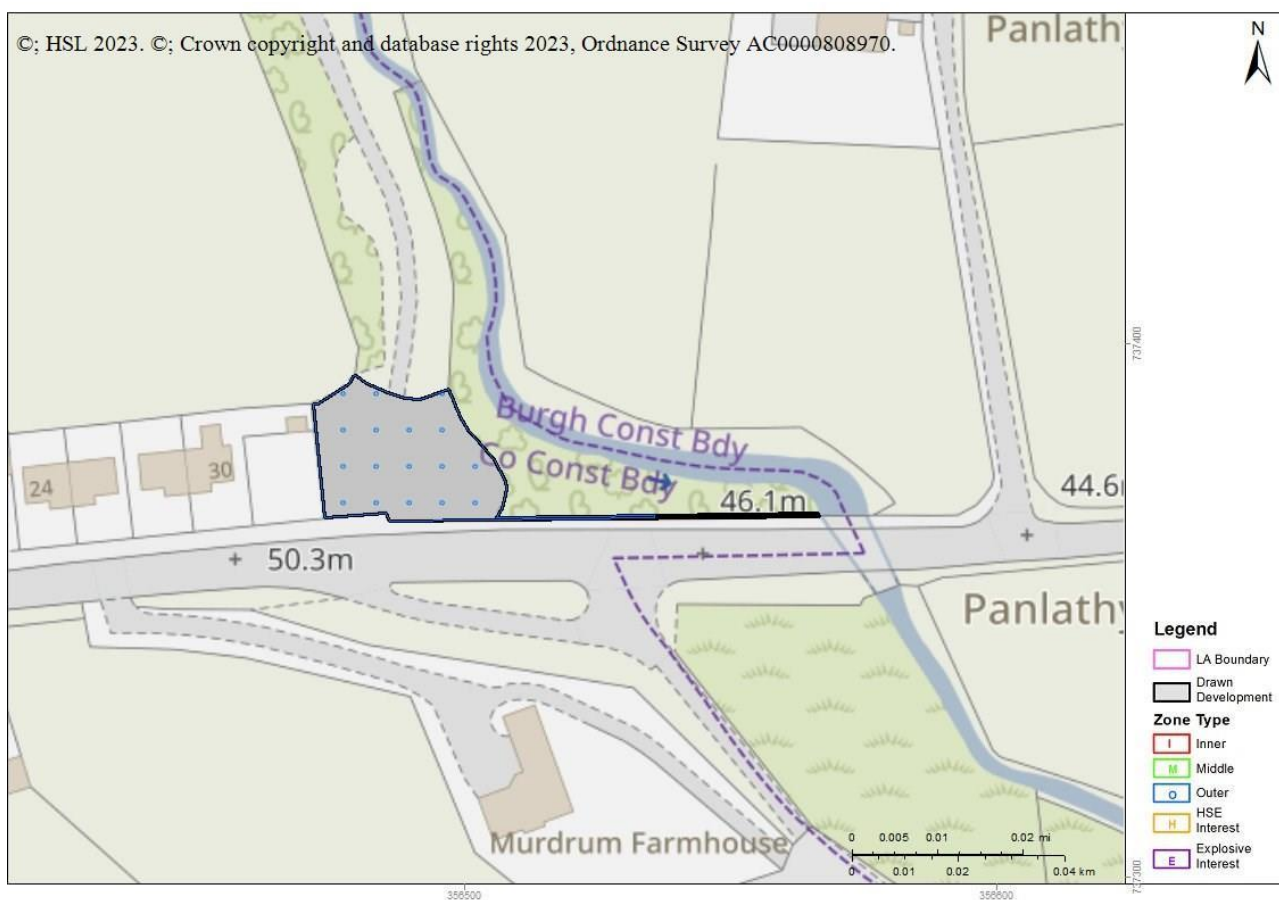
Advice : HSL-230918112810-269 Crosses Consultation Zone

Please enter further details about the proposed development by continuing with the enquiry on the HSE's Planning Advice Web App from the Previous Enquiries tab either now or at a later time, unless the Web App has stopped the process and notified you to contact HSE.

Your Ref: 22/00346/FULL

Development Name: Erection of Fence & Gates and Storage Containers

Comments: Sites At Muirdrum Village Boundary Muirdrum Carnoustie



The proposed development site which you have identified currently lies within the consultation distance (CD) of at least one major hazard site and/or major accident hazard pipeline; HSE needs to be consulted on any developments on this site.

This advice report has been generated using information supplied by Damian Brennan at Angus on 18 September 2023.

You will also need to contact the pipeline operator as they may have additional constraints on development near their pipeline.

- 8369_2646 National Grid Gas PLC

HSL/HSE accepts no liability for the accuracy of the pipeline routing data received from a 3rd party. HSE/HS

also accepts no liability if you do not consult with the pipeline operator.

You may wish to contact HSE's Planning Advice team to discuss the above enquiry result on 0203 028 3708 or by email at lupenquiries@hse.gov.uk.

Angus
County Buildings Market Street
Forfar
Angus
DD8 3LG



Advice : HSL-230918112810-269 DO NOT ADVISE AGAINST

Your Ref: 22/00346/FULL

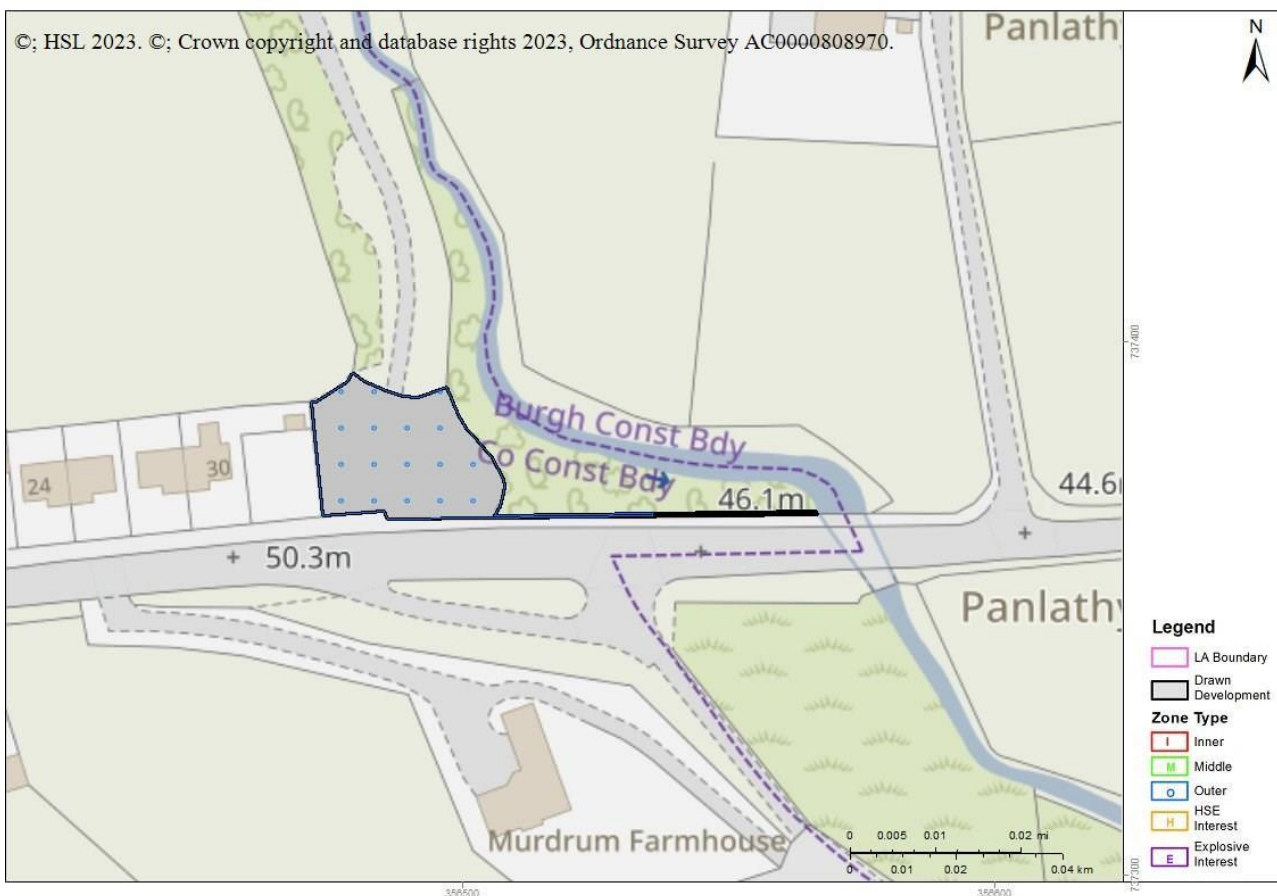
Development Name: Erection of Fence & Gates and Storage Containers

Comments: Sites At Muirdrum Village Boundary Muirdrum Carnoustie

Land Use Planning Consultation with Health and Safety Executive [Town and Country Planning (Development Management Procedure) (England) Order 2015, Town and Country Planning (Development Management Procedure) (Wales) Order 2012, or Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013]

The Health and Safety Executive (HSE) is a statutory consultee for certain developments within the Consultation Distance of Major Hazard Sites/ pipelines. This consultation, which is for such a development and is within at least one Consultation Distance, has been considered using HSE's planning advice web app, based on the details input on behalf of Angus.

HSE's Advice: Do Not Advise Against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.



Breakdown:

HSL-230918112810-269 Date enquiry completed :18 September 2023 (356490,737378)

Landscaping : Do Not Advise Against

There are no questions for landscaping

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Pipelines

- 8369_2646 National Grid Gas PLC

As the proposed development is within the Consultation Distance of a major hazard pipeline you should consider contacting the pipeline operator before deciding the case. There are two particular reasons for this:

- The operator may have a legal interest (easement, wayleave etc.) in the vicinity of the pipeline. This may restrict certain developments within a certain proximity of the pipeline.
- The standards to which the pipeline is designed and operated may restrict occupied buildings or major traffic routes within a certain proximity of the pipeline. Consequently there may be a need for the operator to modify the pipeline, or its operation, if the development proceeds.

HSE's advice is based on the situation as currently exists, our advice in this case will not be altered by the outcome of any consultation you may have with the pipeline operator.

This advice report has been generated using information supplied by Damian Brennan at Angus on 18 September 2023.

Note that any changes in the information concerning this development would require it to be re-submitted

From:Martin Petrie
Sent:26 Sep 2023 14:52:49 +0100
To:James Wright
Subject:22/00346/FULL

Hi James

I can now advise that I have had the opportunity to peruse the documents for this application and my thoughts on this are:

This application is a retrospective application for 5 large shipping type containers in a field on the edge of Murdrum, which are said to be used for agricultural storage. The containers are located around 30m from the closest residential receptor and due to this, I have concerns with regards to residential amenity at this and other nearby properties from noise caused by the use of these containers.

Due to this I cannot support this application until a noise impact assessment has be conducted by a suitably qualified consultant, which clarifies their exact use and evaluates the noise impact and if necessary mitigation measures at local receptors.

If you have any further queries please do not hesitate to contact me.

Kind regards

Martin

Martin Petrie, Environmental Health Officer (EP Unit), **Angus Council, Place-RPS**, Angus House, Orchardbank Business Park, Orchard Loan, FORFAR DD8 1AN Telephone 01307 491853

Comments for Planning Application 22/00346/FULL

Application Summary

Application Number: 22/00346/FULL

Address: Sites At Muirdrum Village Boundary Muirdrum Carnoustie

Proposal: Erection of Fence & Gates and Storage Containers

Case Officer: James Wright

Customer Details

Name: Ms Lynn Milby

Address: The Bungalow Panlathy Mill Carnoustie

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:



I object strongly to Mr Gibb's application for planning permission for Erection of Fence and Gates and Storage Containers at Muirdrum Village Boundary. The site in question was formerly an accessible green space where the villagers walked their dogs and it has now been closed off and turned into a scrapyard with all the trees, shrubs and other greenery removed. Not only is the site in question an eyesore, there is continual noise and diesel fumes from heavy machinery emitting from the site on a daily basis, into the evening and very frequently still at 10 o'clock at night. In addition to this, one lane of the adjacent main road is often blocked with no appropriate traffic control as items such as storage containers and other heavy machinery are dropped off and picked up. The applicant has also been seen making alterations to the river bank on his side of the burn putting the properties and land on the other side at increased flood risk. To conclude, the development of this site is causing a hazard and continual disruption to the local community and it should not be allowed to continue.



Muldrum

1:2500 scale

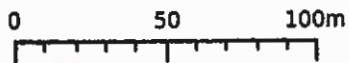
LEGEND

-  Land relating to this application
-  Adjoining land that we own

Produced: 09/05/2022

Reference: 22-24C65303-1

Scale: 1:2,500 (at A4)

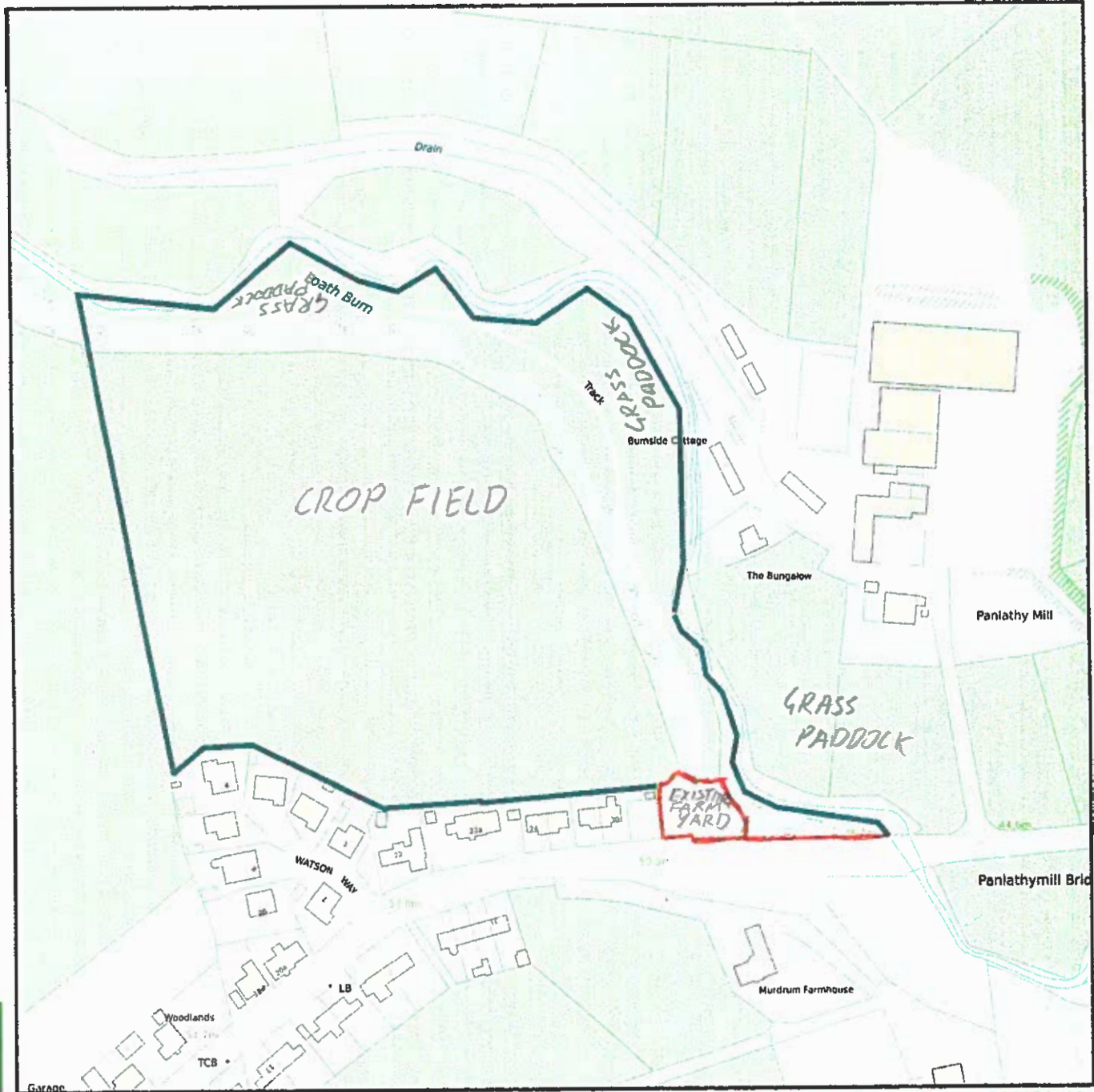


Centre Coordinates. 356428.617029 E.
737487.378956 N

This map contains Ordnance Survey data.

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The representation of road, track or path is no evidence of a boundary or right of way. The representation of features as lines is no evidence of a property boundary.





muir drum 1:1000

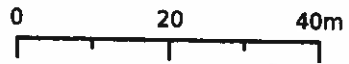
LEGEND

- Land relating to this application
- Adjoining land that we own

Produced: 08/08/2022

Reference: 22-96ADC737-1

Scale: 1:1,000 (at A4)

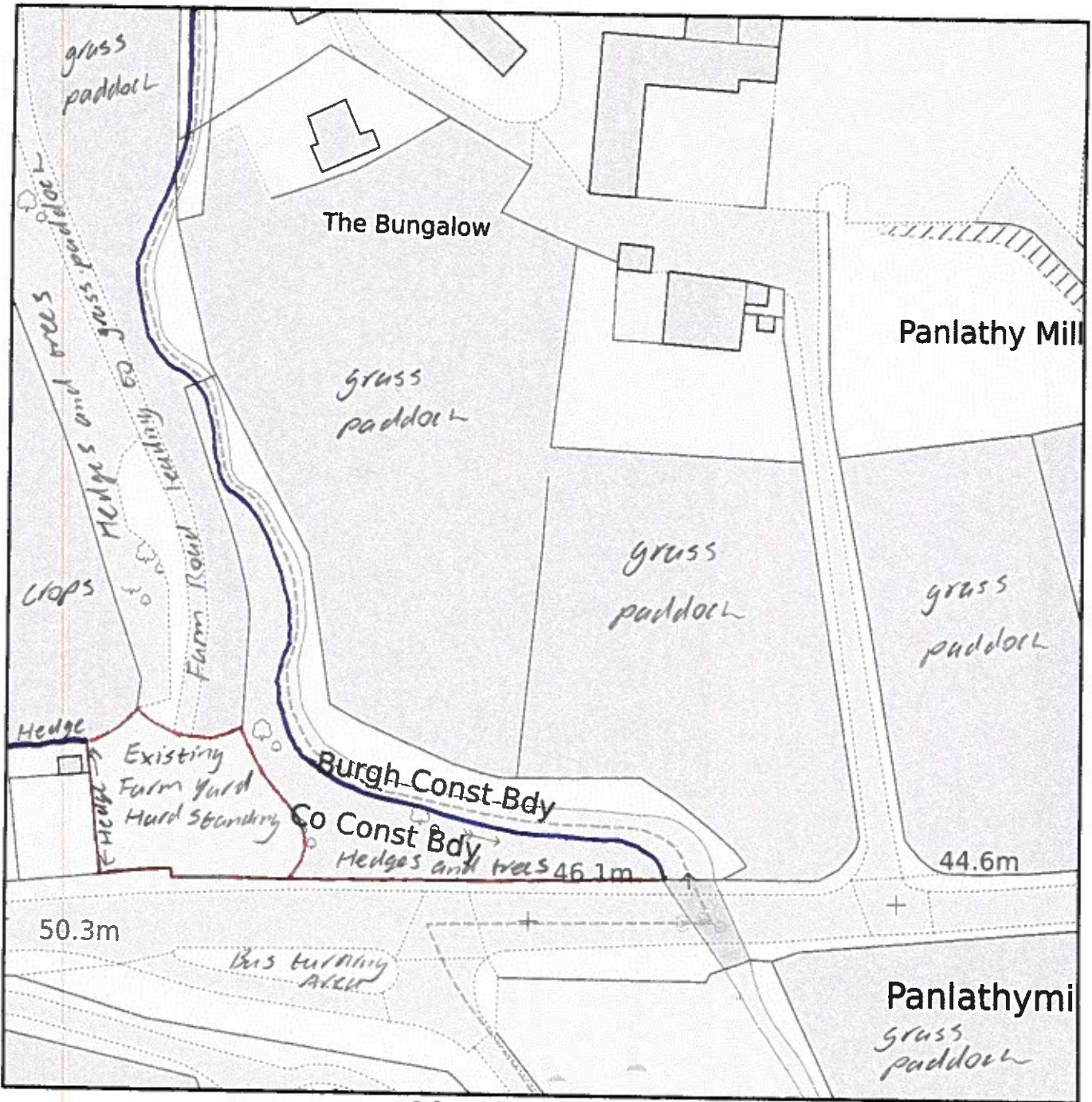


Centre Coordinates: 356546.945825 E,
737420.602838 N

This map contains Ordnance Survey data.

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The representation of road, track or path is no evidence of a boundary or right of way. The representation of features as lines is no evidence of a property boundary.



10.08 PL.001



muidrum 1:1000

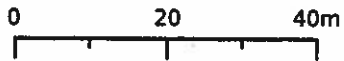
LEGEND

- Land relating to this application
- Adjoining land that we own

Produced: 08/08/2022

Reference: 22-96ADC737-1

Scale: 1:1,000 (at A4)

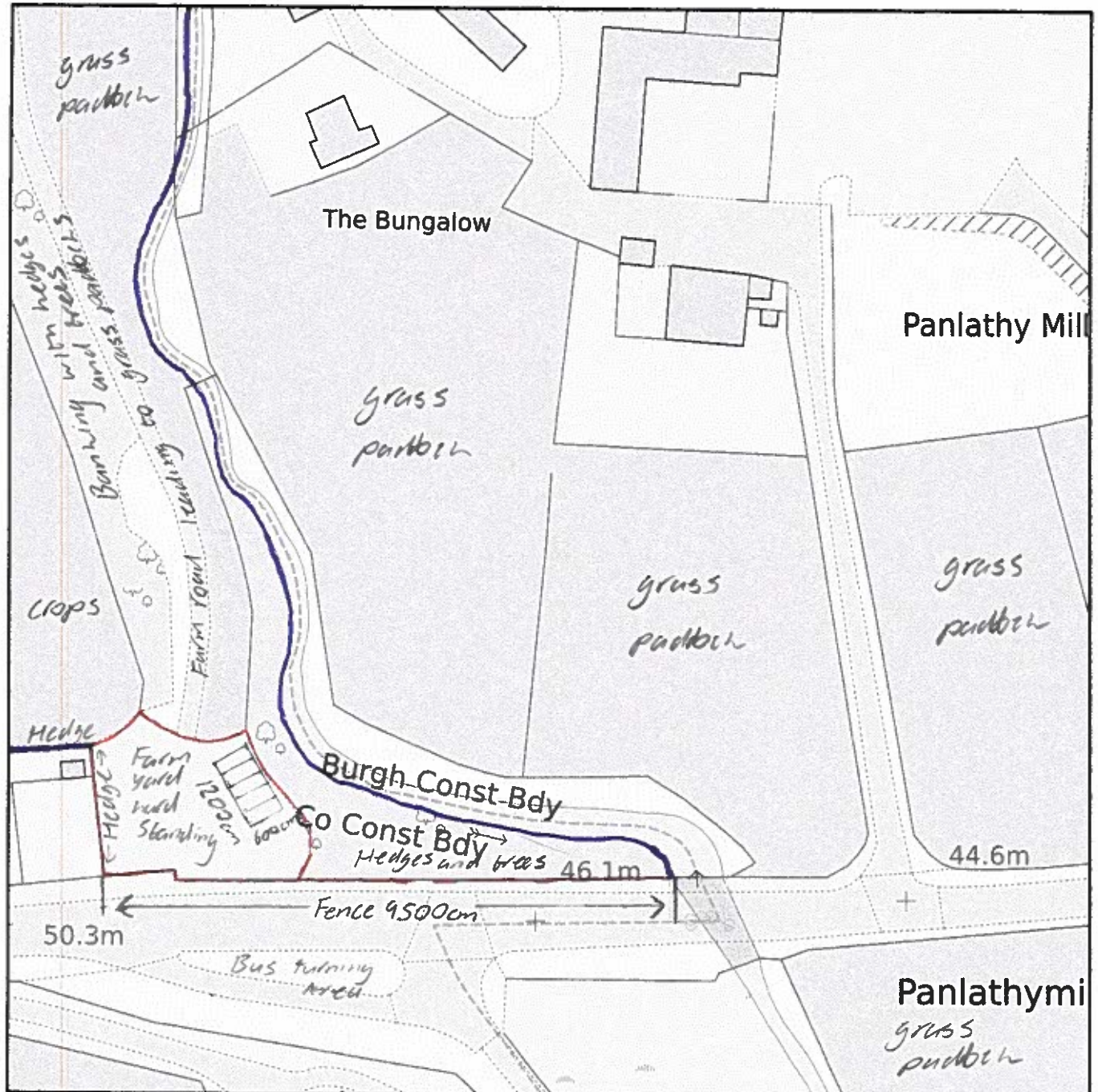
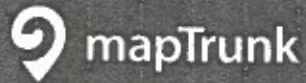


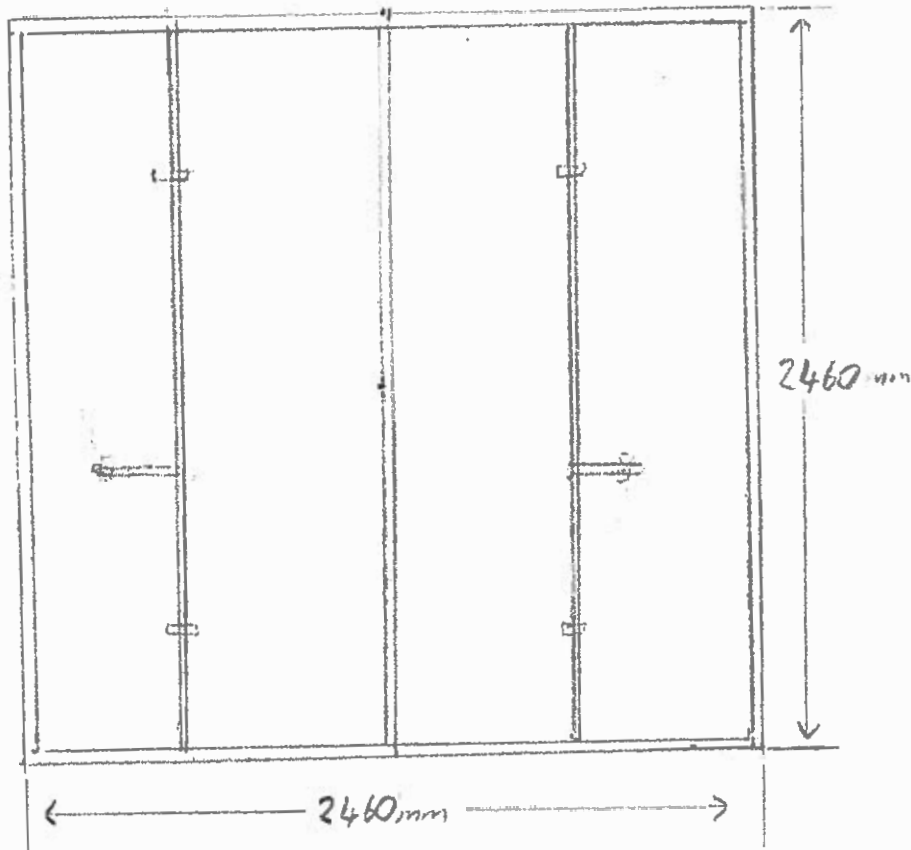
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737420.602838 N

This map contains Ordnance Survey data.

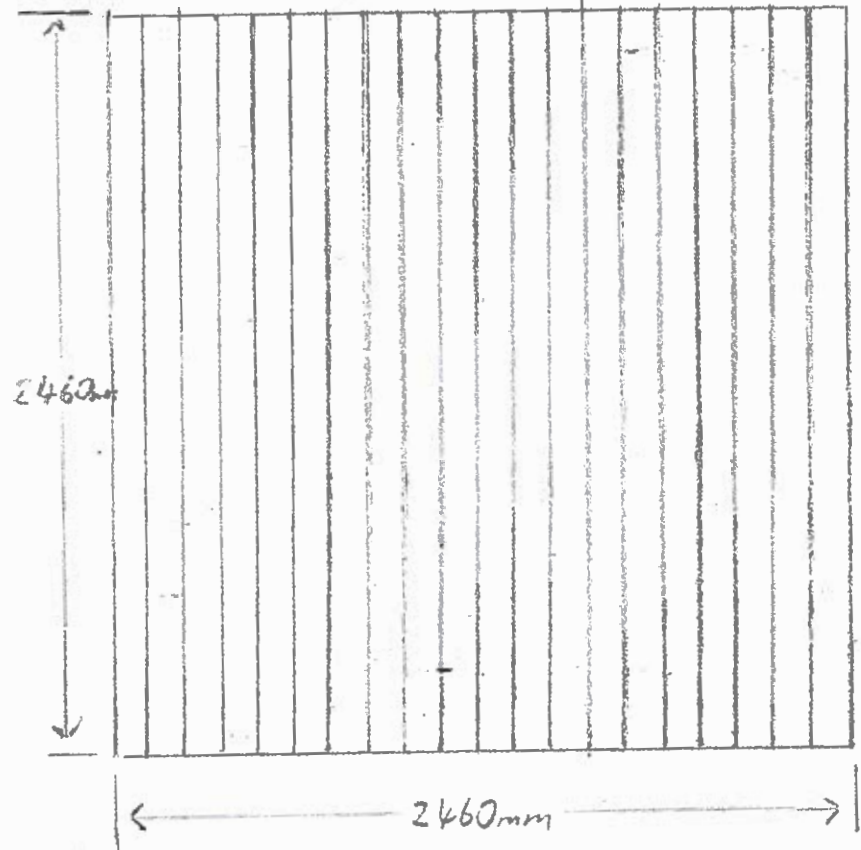
Reproduction in whole or part is prohibited without the prior permission of Ordnance Survey.

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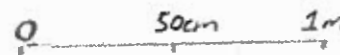


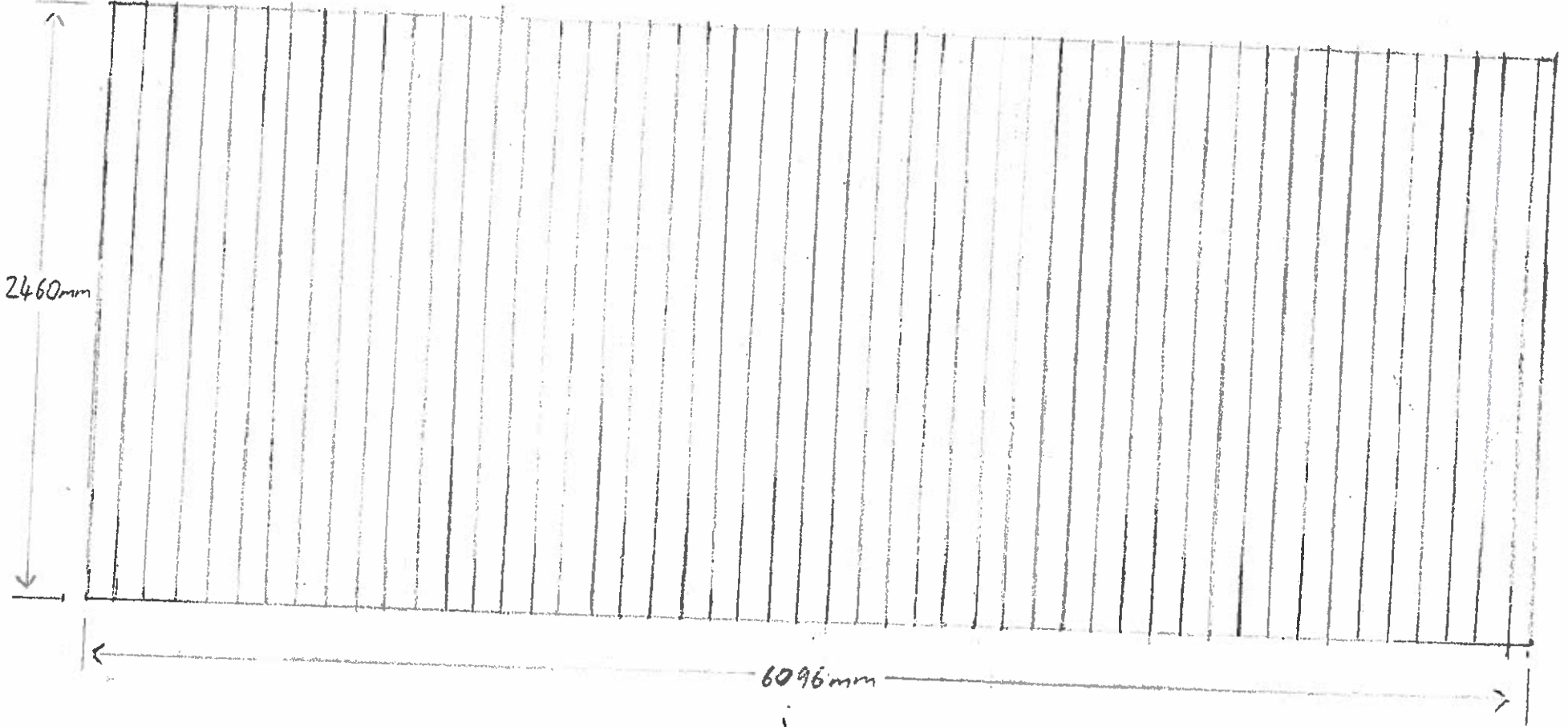
West Elevation



East Elevation

scale 1:25

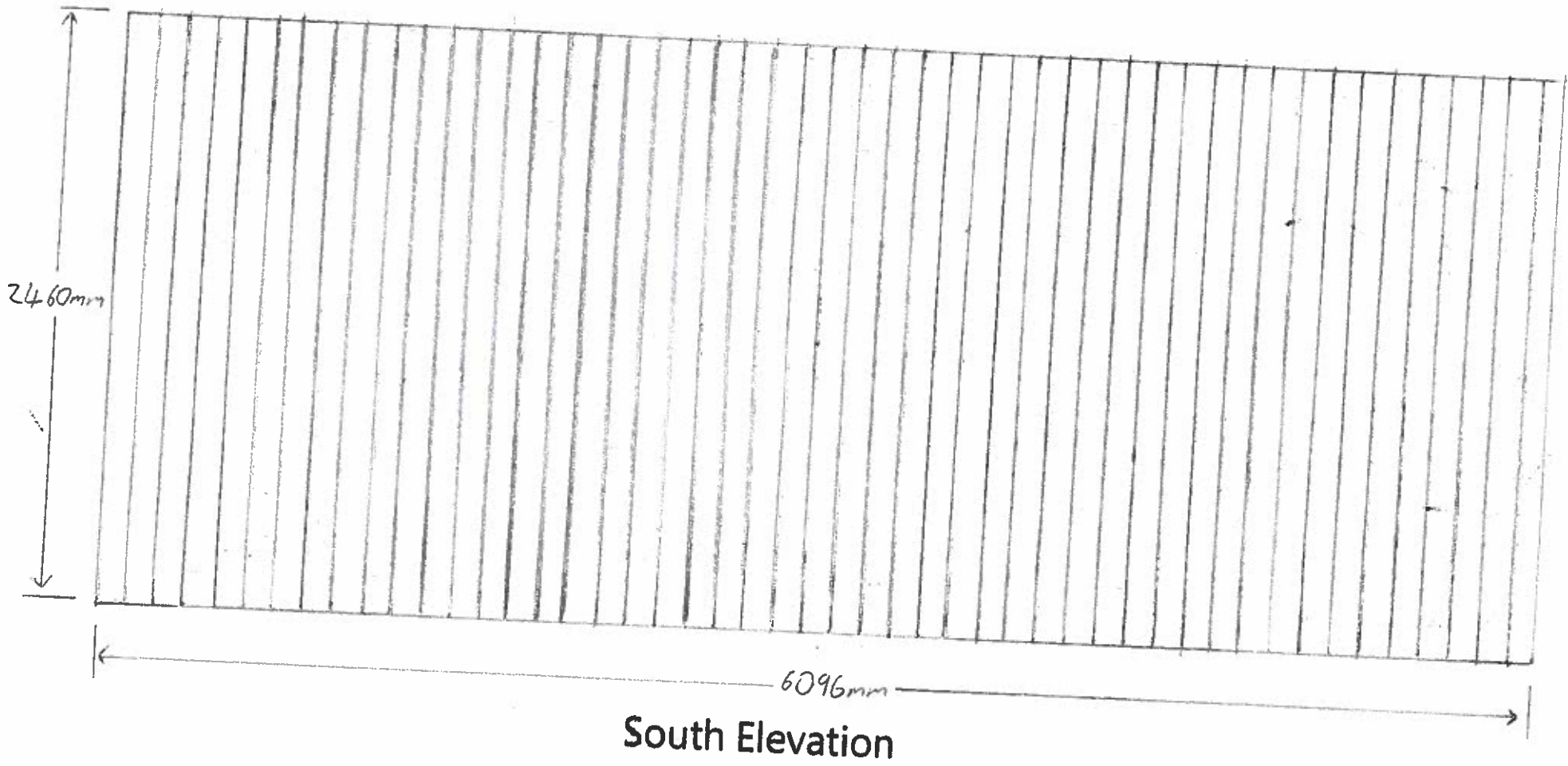




North Elevation

scale 1:25

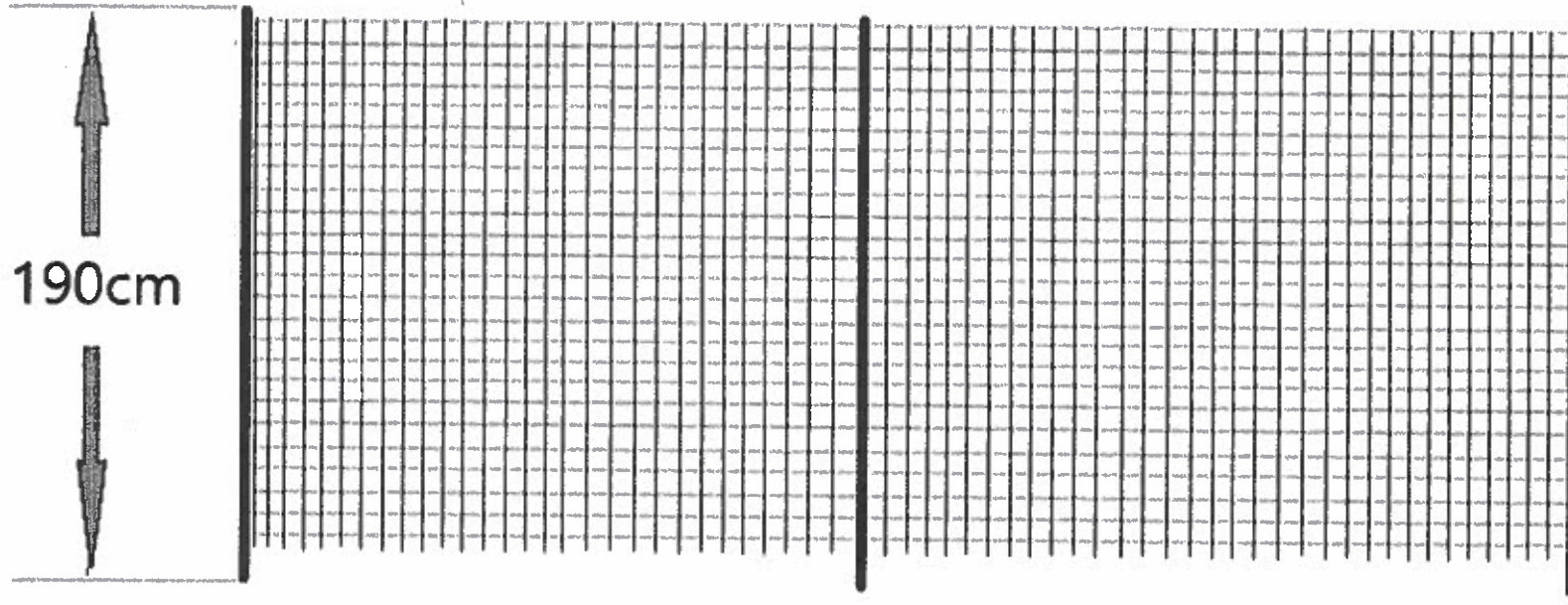




scale 1:25



1:25 scale 













































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

PLANNING PERMISSION REFUSAL
REFERENCE : 22/00346/FULL

To **Mr Martin Gibb**
1 Schoolhouse
Panmurefield Road
Monifieth
DD5 4QT

With reference to your application dated 22 August 2022 for planning permission under the above mentioned Acts and Regulations for the following development, viz:-

Erection of Fence & Gates and siting of Storage Containers at Sites At Muirdrum Village Boundary Muirdrum Carnoustie for Mr Martin Gibb

The Angus Council in exercise of their powers under the above mentioned Acts and Regulations hereby **Refuse Planning Permission (Delegated Decision)** for the said development in accordance with the particulars given in the application and plans docqueted as relative hereto in paper or identified as refused on the Public Access portal.

The reasons for the Council's decision are:-

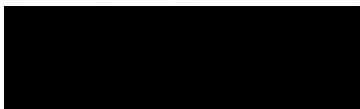
- 1 The application is contrary to Policy DS1 of the Angus Local Development Plan 2016 as the development is outwith but contiguous with a development boundary in circumstances where there is no public interest in allowing the development in this location and there are no social, economic, environmental or operational considerations that confirm there is a need for the development that cannot be met within a development boundary.
- 2 The application is contrary to Policy DS3 and PV6 of the Angus Local Development Plan 2016 and Policies 14 and 29 of National Planning Framework 4 as the development is not in keeping with the character of the area and has not been sited or designed to integrate with the landscape context or minimise adverse impacts on the landscape.
- 3 Insufficient information has been submitted to demonstrate the proposal would not result in any unacceptable noise impacts upon local receptors or to identify any mitigation measures which may be necessary to protect the amenity of nearby properties, therefore it cannot be determined that the application complies with Policy DS4 of the Angus Local Development Plan 2016 and Policy 23 of National Planning Framework 4.
- 4 The application is contrary to policy PV3 of the Angus Local Development Plan because the development would compromise the amenity and integrity of existing recreational access opportunities and no alternative provision has been made.

Amendments:

The application has not been subject of variation.

Informatives:

Dated this **12 January 2024**



Jill Paterson
Service Lead
Planning and Sustainable Growth
Angus Council
Angus House

Orchardbank Business Park
Forfar
DD8 1AN

AC12

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 the 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 Park
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.



Decision by Stuart West, a Reporter appointed by the Scottish Ministers

- Enforcement notice appeal reference: ENA-120-2019
- Site address: Land West Of Boath Burn, Muirdrum, Carnoustie, DD7 6LE
- Appeal by Martin Gibb against the enforcement notice dated 19 October 2020 served by Angus Council
- The alleged breach of planning control:
Without the benefit of planning permission:
(1) The land is being used for the siting of storage containers and the storage of motor vehicles, plant, machinery and machinery parts; and
(2) Fencing and gates that are in excess of one (1) meter in height have been erected along the southern boundary of the land adjacent to the main road.
- Date of site visit by Reporter: 26 November 2020

Date of appeal decision: 29 March 2021

Decision

I uphold the enforcement notice but allow the appeal to the extent that I vary the terms of the notice by deleting the words “1. Remove the storage containers, motor vehicles, plant machinery, machinery parts, fence and gates from the land” and replacing them with the words “1. Remove the storage containers from the land. 2. Remove the unauthorised fence and gates that are in excess of one (1) metre in height from the southern boundary of the land. 3. Remove all motor vehicles, plant machinery and machinery parts from the land that are not directly required for its agricultural management”. Subject to any application to the Court of Session, the enforcement notice takes effect on the date of this decision, which constitutes the determination of the appeal for the purpose of Section 131(3) of the Act.

Reasoning

1. The appeal against the enforcement notice was made on the following grounds as provided for by section 130(1) of the Town and Country Planning (Scotland) Act 1997:

- (b) that those matters have not occurred;
- (c) that those matters (if they occurred) do not constitute a breach of planning control;
- (d) that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;
- (f) that the steps required by the notice be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control

which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach; and (g) that any period specified in the notice in accordance with section 128(9) falls short of what should reasonably be allowed.

2. I consider these grounds of appeal in turn below against each of the alleged breaches of planning control that are specified within the enforcement notice.
3. It was clear from my site inspection that storage containers, motor vehicles, plant machinery and machinery parts were situated on the site subject to the enforcement notice. I also noted that a fence and gates have been erected adjacent to the public footway on the southern boundary of the site. I am therefore satisfied that the appeal on ground (b) fails.
4. The appellant contends that the motor vehicles, plant machinery and machinery parts are directly connected with the agricultural management of the land and that the storage containers are used to store animal feed. During my site inspection, all but one of the storage containers were empty with one containing tools, likely used for the maintenance of the machinery and plant stored on the site.
5. I am satisfied that some of the equipment I observed on the site is indeed connected to the agricultural management of the land, including the tractors and associated farming plant. However, in addition to the multiple storage containers situated throughout the land, I observed large trailers, equipment and plant seemingly relating to both the forestry and construction industries.
6. The appellant has provided a receipt to demonstrate the purchase of animal feed, which he argues is stored within the shipping containers. However, the feed was purchased after the appeal was submitted and no evidence has been provided regarding purchases in the past. The appellant has submitted a bovine registration document, dated May 2019, and provided photographs of two cattle which he contends graze the land along with two horses. Although there were no animals present during my inspection, and the wet and boggy ground seemed to be challenging for animals to occupy, the appellant has advised that he also uses two other fields in the vicinity to graze the livestock.
7. Given the number of animals referenced by the appellant, I do not accept that it is necessary or appropriate for the amount of shipping containers that are situated on the land to be used for the storage of animal feed. I am satisfied that the land is indeed being used for the storage of shipping containers and motor vehicles, plant machinery and machinery parts that do not relate to its agricultural management. Furthermore, it is clear that the height of the fence and gates is such that they would require planning permission in their present location.
8. I therefore find that, subject to an amendment to the wording of Section 5 of the enforcement notice to exclude any motor vehicles, plant and plant machinery connected to the agricultural management of the land as described below, the appeal on ground (c) fails.
9. The appellant contends that the containers have been in situ since 2015 and should therefore not require planning permission since four years have passed since the use commenced. However, the material change in the use of the land from agriculture to land used for the storage of shipping containers would only become lawful development after 10 years.

10. The appellant further contends that the fence and gates were erected on 4 October 2016. It is argued by the appellant that the effective date of the enforcement notice of 19 October is outwith the four year time limit within which action should have been taken. The appellant has submitted a photograph bearing the text ' TUESDAY 04 OCT 2016 13:08' that appears to depict the bottom of a fencepost set in concrete. Additional photographs have been submitted of the fence although none bear any date or time.

11. In response to the appeal, the council has provided a series of timestamped photographs taken between March 2017 and January 2020. In addition, a screen-capture depicting a fixed view of the site, obtained through a web-based, panoramic, street-level recording system, has been submitted, which is dated October 2016. I am satisfied that the evidence provided by the council is sufficient to demonstrate that the fence was erected after March 2017 contrary to the assertions of the appellant.

12. I am satisfied that the notice was served within the time limit for enforcement action being taken in relation to both the change of use and the erection of the fence and gates. I therefore find that the appeal fails on ground (d).

13. The notice requires that, in addition to the containers, fence and gates, the motor vehicles, plant machinery and machinery parts are removed from the site. Whilst I agree that the containers and the unauthorised fence and gates must be removed to resolve the identified breaches of planning control, I am satisfied that several of the items stored on the site would be reasonably necessary for its management as agricultural land.

14. During my site inspection I noted several fences and gates within the land. Whilst I agree that the unauthorised fence and gates situated along the southern boundary of the site must be removed to remedy the breach of planning control given its height and proximity to the road, the notice does not specify that only this fence and gates must be removed.

15. I find that the steps required by the notice to be taken exceed what is necessary to remedy the breach of planning control and I uphold the appeal in part on ground (f). I have therefore amended the terms of the notice to require the removal of only those motor vehicles, plant machinery and machinery parts that are not necessary for the ongoing agricultural management of the land and I have clarified that only the unauthorised fence and gates that have been erected along the southern boundary must be removed.

16. Whilst the appellant has appealed on ground (g), no reasoning for why the period of compliance specified within the notice is unreasonable has been provided and no alternative timeframe has been suggested. I am satisfied that the three month period for compliance set out within the notice is reasonable and provides sufficient time for the appellant to undertake the steps required to remedy the breach. I therefore find that the appeal on ground (g) fails.


Reporter

Mr Martin Gibb
1 Monifieth School House Panmurefield Road
MONIFIETH
DD5 4QT

Customer Ref: C131:
Document Ref: OCE-

Date: 26/02/21

Dear Mr Gibb,

Animal Health Registration

Thank you for registering your details with Animal Health.

Your unique Customer ID number is C1313926 and should be quoted in all dealings with Animal Health.

The key Details that we hold about you can be found below. It includes any changes that you told us about that take effect at a future date.

Registrant Contact Details:

Type of Registration	Person
Telephone Number	
Fax Number	
Mobile Telephone	

You have the following unit(s) registered:

Reference Number	Unit Type	Herd/Flock Mark	Primary Location Name	Relationship to Unit	Primary Keeper Name
U1342951	Cattle	548846	Muirdrum	Primary Location	Martin Gibb

You have the following location(s) registered:

Reference Number	Location Name	Location Address	Location Map Reference	CPN
L1166170	Muirdrum	CARNOUSTIE Angus DD7 6LE Scotland	N05640037300	67/126/0060

Animal Health is an Executive Agency of the Department for Environment, Food and Rural Affairs and also works on behalf of the Scottish Government, Welsh Assembly Government and the Food Standards Agency.
www.defra.gov.uk/animalhealth



1883-1913



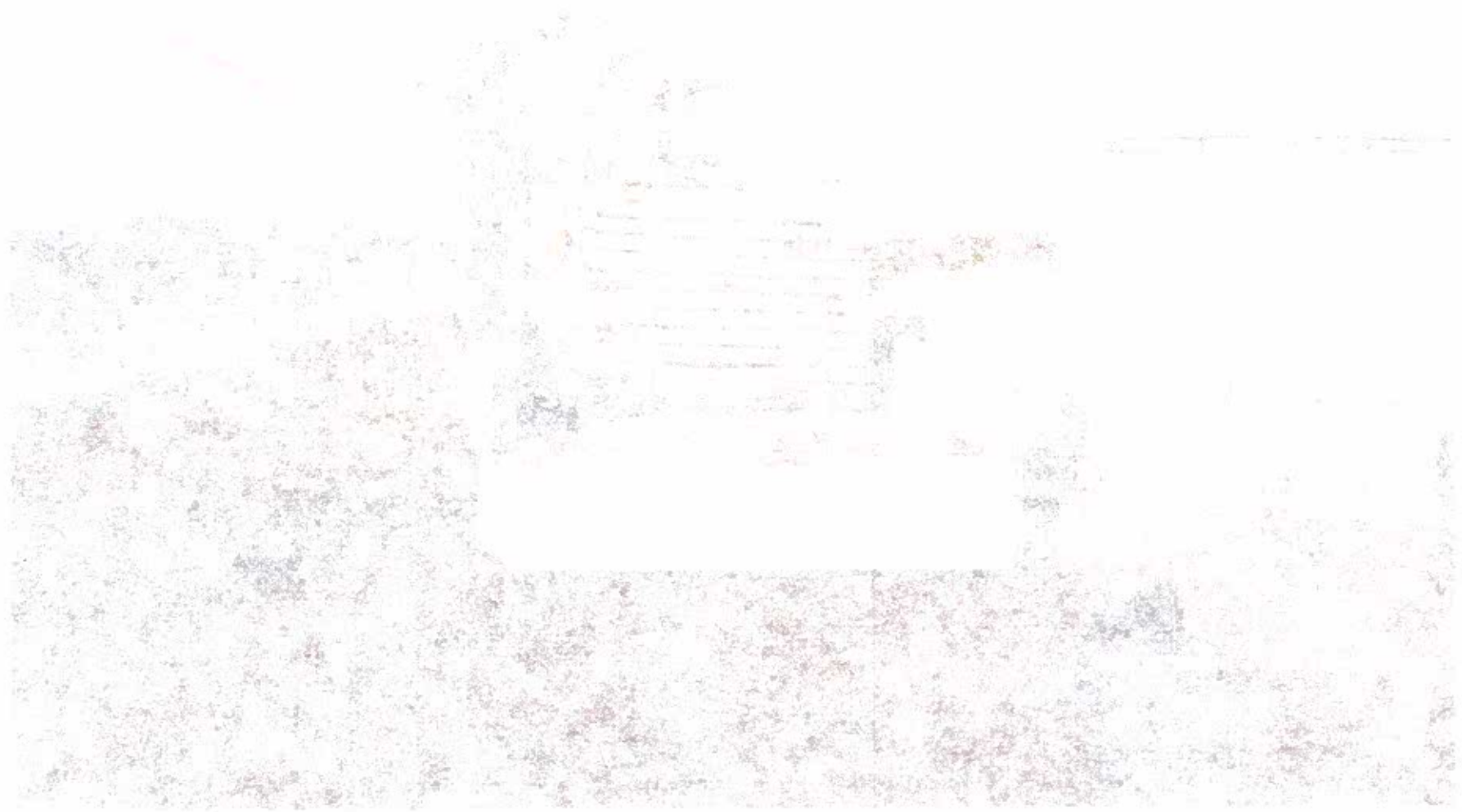
MUIRDRUM SHOP, CARNOUSTIE.



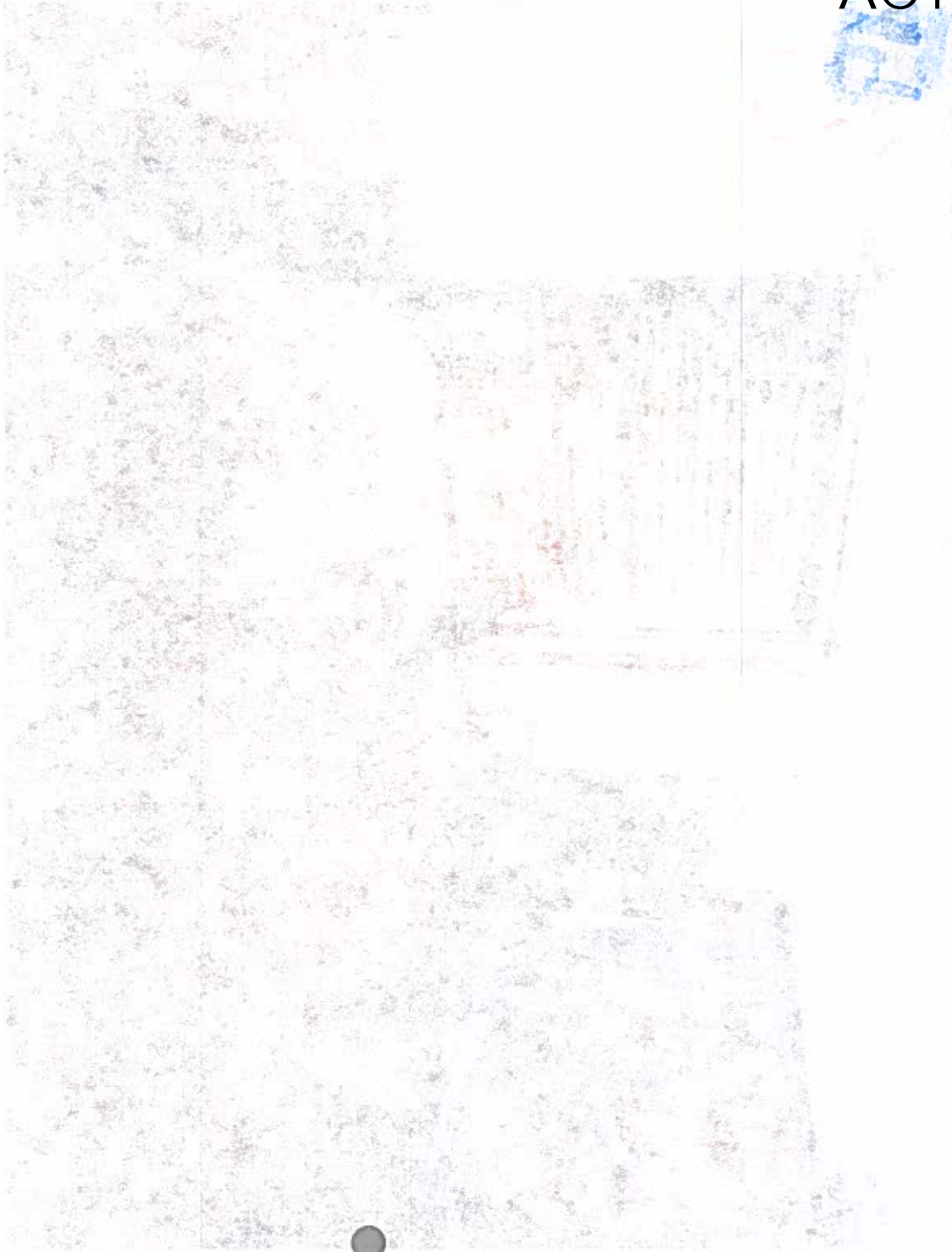


M











TUESDAY
30 AUG 2016
14:34

9

AC15



7



10









14

From: [REDACTED]
Subject: Fwd: 21/00226/PREAPP
Date: Mar 29, 2022 at 17:33:06
To: [REDACTED]

Begin forwarded message:

From: TaylorE <TaylorE@angus.gov.uk>
Date: April 14, 2021 at 15:55:33 GMT+1
To: [REDACTED]
Cc: WrightJ <WrightJ@angus.gov.uk>
Subject: [21/00226/PREAPP](#)

Dear Carolann

[21/00226/PREAPP](#) - 1.90 metres high fence length 75 metres and gates and storage containers on land west of Boath Burn Muirdrum

I refer to your pre application enquiry relating to 'permitted development and retrospective planning for 1.90 metres high fence length 75 metres and gates and storage containers' and to our telephone discussion on 14 April 2021.

Applications for planning permission can be submitted through the [eplanning portal](#). There are [guidance notes](#) available on the necessary content of an application including a requirement for plans and drawings at an appropriate scale and sufficient to described the development proposed; and the appropriate fee.

A planning application would be assessed against the provisions of the [development plan](#) and any material planning considerations. As I mentioned during our conversation, the site appears to be outwith but adjacent to the development boundary of Muirdrum. Policy DS1 of the Angus Local Development Plan (2016) indicates that *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*. It may be worthwhile submitting a supporting statement with your application which addresses the tests contained in that policy and others from the local development plan you consider to be relevant. Consideration would also be given to whether the appearance of the fence is compatible with the character and pattern of development in the surrounding area which you may also wish to address.

I note that the land is subject to an enforcement notice (recently subject to an appeal decided by the Planning and Environmental Appeals Division). During our conversation you suggested that you may pursue a judicial review of that appeal decision. It may be in your interests to seek independent legal advice if you intend

to progress with such a process and you should be aware of the time limits for submission of such a review.

I hope the above is helpful.

Regards
Ed Taylor

Ed Taylor | Team Leader (Local Applications) - Development Standards | Angus Council | [01307 492533](tel:01307492533)
TaylorE@angus.gov.uk | www.angus.gov.uk

COVID-19 For the latest information on how our service has been affected [CLICK HERE](#)

Privacy statement: I have read privacy statement

Are you the applicant or agent?: Applicant

Name of your organisation or business (if applicable):

First name: Carolann

Last name: Curran

Email: [REDACTED]

Phone number: [REDACTED]

Have you previously contacted us regarding this application?: No

Is your enquiry regarding alterations to an existing house: No

Agent details:

Address of proposed development: Land west of Boath Burn Muirdrum Carnoustie
DD7 6LE

Proposal details: Permitted development and retrospective planning for 1.90 metres
high fence length 75 metres and gates and storage containers

Description of the development: Fence and gates for safety of public and privacy of
land and storage containers for agricultural purposes

If there is any building work, what will it look like? :No building work

Upload supporting plans, documents and photos (20MB

limit): 44B4DB7E-5989-48D0-8E0A72E3B090D673.jpeg, 090A57C8-4ED5-4BFA-
A86B-6D241BDBDF43.jpeg, A6E7B0CD-793F4D7F-9C24-BE68C5FD4552.jpeg,
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A972-3D5FBE74FB EF.jpeg

Confirm correct: I confirm that the details on the previous pages are correct



www.defra.gov.uk/animalhealth

REGISTERS OF SCOTLAND



Registers Direct - Land Register: View Title ANG66501

Search Summary

Date: 16/10/2017 **Time:** 10:36:35
Search No.: 2017-03953177 **User Reference:**

Sasine Search Sheet: None Available

A. PROPERTY SECTION

Title Number: ANG66501 **Date of First Registration:** 28/05/2001
Date Title Sheet updated to: 20/08/2015 **Hectarage Code:** 6.4
Real Right: OWNERSHIP **Cadastral Unit:** ANG66501

Description:

Subjects cadastral unit ANG66501 being the area of ground at MUIRDRUM, CARNOUSTIE DD7 6LE edged red on the cadastral map being 6.37 hectares in measurement on the Ordnance Map.

This is a Plain Copy which reflects the position at the date the Title Sheet was last updated.

B. PROPRIETORSHIP SECTION

Title Number: ANG66501

Entry Number	Date of Registration	Proprietor	Consideration	Date of Entry
1	08/07/2015	MARTIN BARRY GIBB One School House, Panmurefield Road, Monfeth, Dundee, DD5 4QT.		03/07/2015

This is a Plain Copy which reflects the position at the date the Title Sheet was last updated.

C. SECURITIES SECTION



Title Number: ANG66501

There are no entries.

This is a Plain Copy which reflects the position at the date the Title Sheet was last updated.

D. BURDEN SECTION

D. BURDENS SECTION

 LAND REGISTER OF SCOTLAND	Officer's ID / Date	TITLE NUMBER
	5139 30/11/2016	ANG66501
	ORDNANCE SURVEY NATIONAL GRID REFERENCE	140m
NO5537 NO5637		Survey Scale
		1/2500

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11.05 PC 001

Mr Gibb planning application in relation to the retrospective planning for 6ft fence and gates and storage containers. The containers are used to store animal feed fertilizer farm machinery and everything relevant for agricultural purposes. The fence is not much higher than a lot of the fences in the village of Muirdrum and surrounding areas this can be seen from the photographs attached herein. Plan and should be given in relation to the aforementioned as they have been in situ since 2017 the fence and gates are not much higher than other fences and gates in the area it is unknown whether these other places have planning permission for that.

Mr Gibb reported trespassing by youths to police on 10/9/21 photos have been lodged with the planning application. This trespass was caught on camera however previous trespassing has not always been recorded by CCTV but has resulted in people walking through the land with out of control dogs these incidents proves a high fence and gates are necessary to protect livestock from worrying by dogs and to safeguard agricultural machinery required for use on the land .

The British Cattle registration re Mr Gibb highland cows has been lodged with the planning application also Mr Gibbs Animal Registration.

Land Registry re Mr Gibb Title Deeds ANG66501 also lodged.

Ordnance Survey site plan whole property re Mr Gibb.

Ordnance Survey site plan the Den re Mr Gibb .

The aforementioned has been sent in with the planning application the Ordnance Survey site plan 10 acre arable field re Mr Gibb.

Previously sent in a CCTV pic of 4 youths trespassing on

Mr Gibbs land .

CCTV pic of 4 youths trespassing on Mr Gibbs land has been sent in with the planning application.

Highland cattle owned by Mr Gibb in One acre grazing paddock in the Den .There are three One acre grazing paddocks in the Den .

Mr Gibb's cattle graze the One acre grazing paddock in the Den

The Tractor , bogie and trailer belonging to Mr Gibb are Kept and used for agricultural purposes.

Storage containers fitted with solar panels on roof for the installed CCTV , which is used to monitor the livestock.

The solar panels also power the electric fence required for the paddocks for keeping cattle and horses from interfering with the actual fencing and gates.

Containers in paddocks used as field shelter for cattle , cattle use the side of the container in the summer months , as shade from the sun and utilize the inside at all other times.

Containers used to store fertilizer, feed and hay for cattle and horses.

Ten acre arable field owned by Mr Gibb.This years crop is barley

The Pick up truck owned by Mr Gibb required to pick up hay , feed and fertilizer for agricultural purposes which is housed in the storage containers.

The photos of the Lorry and storage containers are at Muirdrum garage and there is no planning permission for this .

The application by Mr. Gibb is not exceptional and should be granted as requested. The fence and storage containers must be granted permission as they have been

there since 2017 and are imperative to the safeguarding of life stock and property and agricultural machinery and are in keeping with the fencing in the area and in the village. If required Mr. Gibb would reduce the fence to the height of the highest fence in Muirdrum which is 5 foot plus as seen in the attached photograph with the green wooden fence. The fence and the storage containers are essential for the aforementioned reasons and require to be granted planning permission. There are storage containers and sheds of differing sizes within the Muirdrum Village and surrounding areas that have no planning permission. I look forward to hearing from you in the first instance to find out how much it costs for this planning application in order that I can make a payment please call me on

Best regards
Carolann Curran
Agent for Mr Gibb





②

MR Gibb Fence & Gates
with Green Mesh

make it fit in more
a less industrial looking



MR Gubb Fence
without Green Mesh

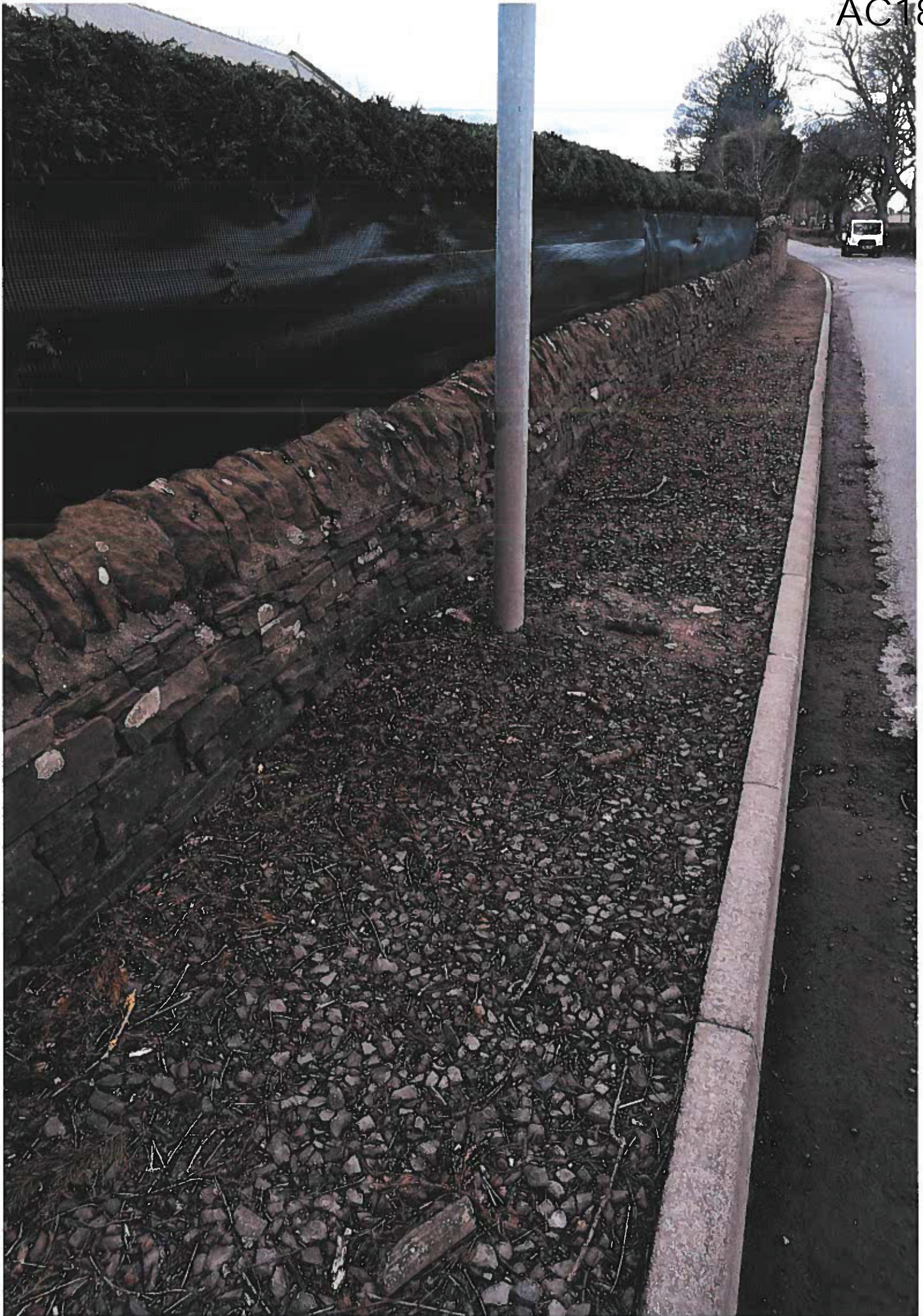


MR Gibb Gates
Without Green Mesh

88 89 90 91
3 4 5 6 7 8 9 10 11 12

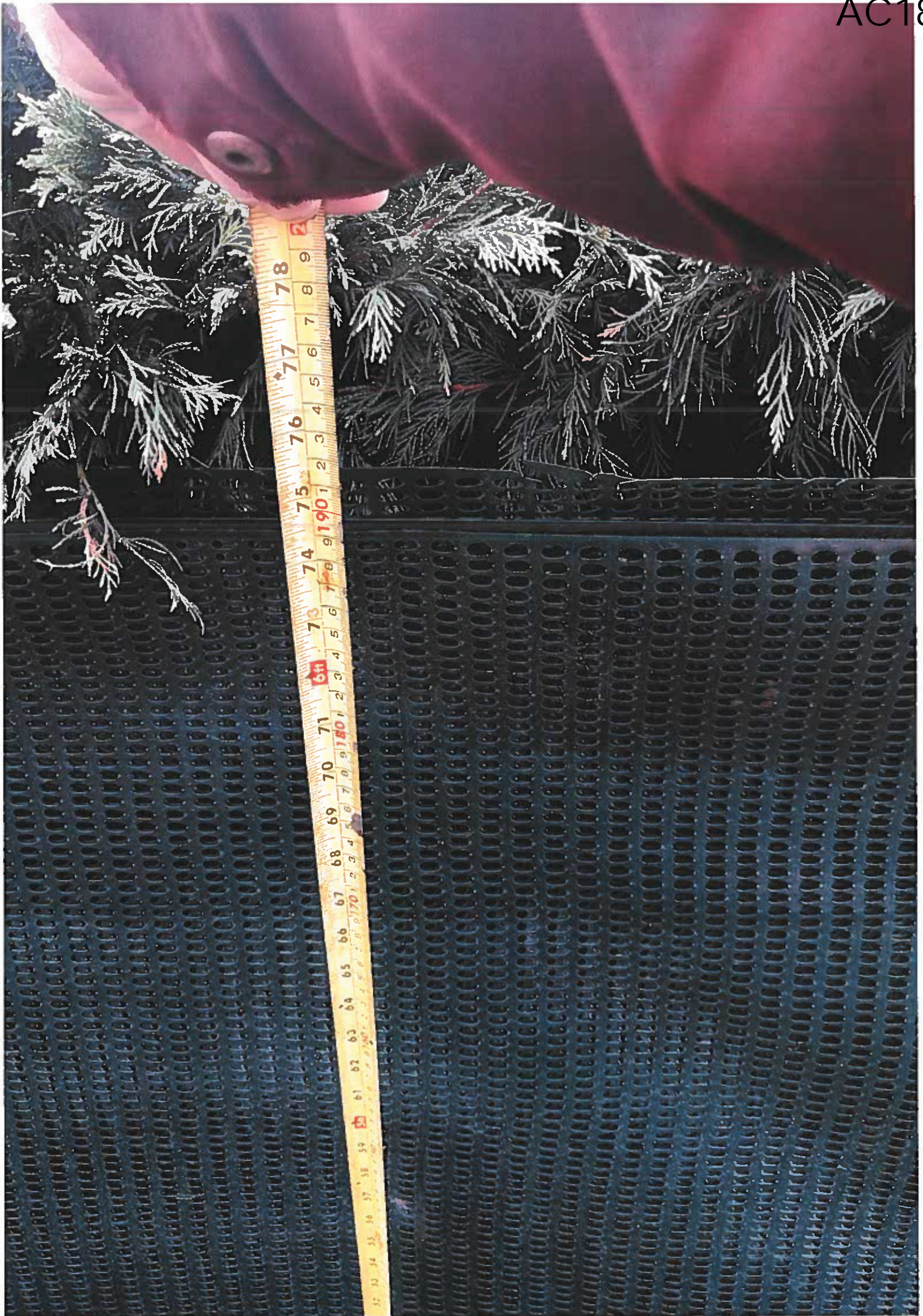


Heughhead fence
excessive height



Mesh fence - Drumsturdy Road
fence. 6 ft 5

AC18
6



6.11.5 Fence Mesh + hedge

AC18
7

· HEUGH HEAD ·



Herqhead Sign Post

AC18
⑧



Paradise Park

Cannashie

excessively high fence

Just under 7ft.

AC18
①



Caravan Park
Carnaustré
T&T excessively high fence



Muirdrom Garage

Carnaushie Angus

DD7 6LE

AC18
11

Multiple STORAGE Containers
excessively high gates.



Number 9 . Main Street Murderer ^{AC18} (12)
Cornauskie Angus
DDT 6LE 1 mtr 80



Number 9 - Main Street Mowdrom (B) ^{AC18}

Carnausti Angus

DD7 6LE Imtr 80

Veronica Caney

Subject: FW: Planning application

From: CC <[REDACTED]>

Sent: 31 August 2022 11:44

To: Stephanie G Porter <PorterSG@angus.gov.uk>

Subject: Planning application

Re: Invalid Application for Land Adjacent East Of 30 Muirdrum Carnoustie - 22/00346/FULL

Please attach this to my application. The stagecoach bus crashed into my fence several weeks ago causing extensive damage to the fence , had the fence not been there the bus would have went down the ravine and ended up in the river this is another reason why I need a fence of this height and structure there as if it was a different fence it would not have stopped the bus from potential carnage and my highland cattle and horses would have been able to get out onto the main road . The bus company has admitted liability and the damage repaired . The fence being there has saved lives and stops any vehicles authorized or unauthorized to enter the agricultural land therein. I look forward to hearing from you regarding this email.

Best Regards Martin Gibb





DEVELOPMENT MANAGEMENT REVIEW COMMITTEE

APPLICATION FOR REVIEW – 19 JUNE 2024

MUIRDRUM VILLAGE BOUNDARY, CARNOUSTIE

APPLICATION NO 22/00346/FULL

APPLICANT'S SUBMISSION

Page No

ITEM 1	Notice of Review
ITEM 2	Decision Notice
ITEM 3	Document 1 – Reasons for Review
ITEM 4	Statement of Support
ITEM 5	Photos



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 100664594-001

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

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="school house"/>
First Name: *	<input type="text" value="Martin"/>	Building Number:	<input type="text" value="1"/>
Last Name: *	<input type="text" value="Gibb"/>	Address 1 (Street): *	<input type="text" value="Panmurefield Road"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value="██████████"/>	Town/City: *	<input type="text" value="monifieth"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="dd54qt"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="martin1g@hotmail.co.uk"/>		

Site Address Details

Planning Authority:

Angus Council

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

land west of both burn muirdrum canoustie

Northing

737382

Easting

356488

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)

fence and containers sited after local development area West of Both burn Muirdrum

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.

1. containers and fence situated after the local development plan but there is a sewage treatment plant in the same area next to my containers and fence which belong to the houses that Angus council built which is classed as a development 2. There was previously a small holding built on the area where my containers are situated 3. High fence required to keep live stock in as electric fence not safe to be put along side a public path SEE ATTACHED FILES

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)

3 word documents 36 photos

Application Details

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

22/00346/full

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

22/08/2022

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

12/01/2024

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

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

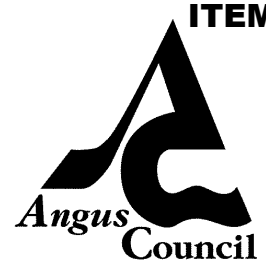
Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, 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: Mr Martin Gibb

Declaration Date: 11/04/2024



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

PLANNING PERMISSION REFUSAL
REFERENCE : 22/00346/FULL

To **Mr Martin Gibb**
1 Schoolhouse
Panmurefield Road
Monifieth
DD5 4QT

With reference to your application dated 22 August 2022 for planning permission under the above mentioned Acts and Regulations for the following development, viz:-

Erection of Fence & Gates and siting of Storage Containers at Sites At Muirdrum Village Boundary Muirdrum Carnoustie for Mr Martin Gibb

The Angus Council in exercise of their powers under the above mentioned Acts and Regulations hereby **Refuse Planning Permission (Delegated Decision)** for the said development in accordance with the particulars given in the application and plans docqueted as relative hereto in paper or identified as refused on the Public Access portal.

The reasons for the Council's decision are:-

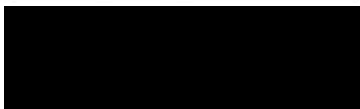
- 1 The application is contrary to Policy DS1 of the Angus Local Development Plan 2016 as the development is outwith but contiguous with a development boundary in circumstances where there is no public interest in allowing the development in this location and there are no social, economic, environmental or operational considerations that confirm there is a need for the development that cannot be met within a development boundary.
- 2 The application is contrary to Policy DS3 and PV6 of the Angus Local Development Plan 2016 and Policies 14 and 29 of National Planning Framework 4 as the development is not in keeping with the character of the area and has not been sited or designed to integrate with the landscape context or minimise adverse impacts on the landscape.
- 3 Insufficient information has been submitted to demonstrate the proposal would not result in any unacceptable noise impacts upon local receptors or to identify any mitigation measures which may be necessary to protect the amenity of nearby properties, therefore it cannot be determined that the application complies with Policy DS4 of the Angus Local Development Plan 2016 and Policy 23 of National Planning Framework 4.
- 4 The application is contrary to policy PV3 of the Angus Local Development Plan because the development would compromise the amenity and integrity of existing recreational access opportunities and no alternative provision has been made.

Amendments:

The application has not been subject of variation.

Informatives:

Dated this **12 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 the 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 Park
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.

22/00346/FULL

Erection of Fence & Gates and Siting of Storage Containers

Muirdrum Carnoustie DD76LE

356486 : 737380

Mr Martin Gibb

Reasons for Seeking Review:

- 1a: The application site is on a site which was previously a farmhouse/farm shop with outbuildings to the rear and was left to go into disrepair and eventually fell down. A Sewage Treatment Works is sited on the application site which discharges into Both burn next to where the containers are sited on the application site and services the houses to the west of the application site which Angus Council built this is classed as a development as it is connected to these houses and it is also over the development boundary and Angus Council receive business rates from Scottish Water for this development being sited in the same area as the application site. There is also a connection to this Sewage Treatment Works which is the connection to the farmhouse/farm shop with outbuildings that was previously sited there on the application site where the containers and fence are now and was one of the first houses of the Muirdrum and was the original farmhouse with outbuildings that farmed the land that I now farm.
- (Photo No. 1, of farmhouse/shop)
- (Photos No. 2,3,4 of map of farmhouse and out buildings)
- (Photos No. 5,6 of Sewage Treatment Works)
- (Photo No. 7 location of Sewage Treatment Works MARKED WITH RED SQUARE to north of containers)

- 1b: To operate my small farming business from another development within the development boundary would involve having to transport agricultural machinery, animal feed, animal bedding, fertilizers to and from the application site on a daily basis this would have an environmental impact air pollution, noise, more traffic on the road and also would be economically none-viable for a small farm business

- 1c: To purchase a full operational small holding/development in the area would cost an extortionate amount of money in the region of 1 million pounds which is out of reach for a first-time farmer

- (Photo No. 8,9 of operational small holding/development of similar size price)
 - 1d: Holiday homes planning permission over the development boundary 11/00886/FULL
 - (Photo No. 9a location site plane of holiday homes over the development boundary)
-
- 2a: The surrounding area is Agricultural land and is farmed by farmers like myself and they all use containers on a daily basis and have them stored in fields and yards. There is a number of residents with in the Muirdrum village that use storage containers and have them in their gardens and can be seen from the roadside also.
 - (Photos No. 10,11 containers in the garden of 1 Gamekeepers cottage Muirdrum)
 - (Photos No. 12,13 containers in the garden of 16 Muirdrum)
 - (Photo No. 14 containers to the side of Duncan and Cameron Garage Muirdrum)
 - (Photo No. 15,16,17 containers in the field of Muirdrum farm Muirdrum)
-
- 2b: The 1.9 meter wire fence is the only suitable fencing for keeping my cattle (these are bull beef cattle and weigh over 1000kg each) from sticking there heads over the fence and pushing it down and escaping on the main street of the Muirdrum and then which leads to a dual carriageway where traffic travel at speeds of up to 70mph A smaller fence would need to be of barbed wire or electric as they would just walk through a plane wire fence and I do not think a barbed wire fence or electric fence would be suitable as being so close to a public path this type of fencing could cause serious injury's to members of the public
 - (Photos No. 18,19 Fence/Cattle at application site)
-
- 3a: The application site is used as a set down and storage area for agricultural machinery and animal feed etc there is very little to no noise created I do not work in this area for long periods of time
-
- 3b: Angus Council would have carried out noise reports and any mitigation measures to protect the amenity of nearby properties when the planning permission was granted for the installation of the Sewage Treatment Works which is within the application site to the north of the containers and is connected to the houses to the west of the application site This Sewage Treatment Works fails on many occasions and overflows raw sewage into the Both Burn and requires LGV's (large goods vehicles) to enter the application site with equipment to pump out the Sewage Treatment Works on a daily basis and goes on for weeks to months creating substantial noise this has been an ongoing problem. I would suggest that Angus Council carry out a risk assessment before allowing members of the public to roam around in this area due to contamination of raw sewage

- (Photos No. 20,21,22,23,24,25 of Sewage Treatment Works overflowing sewage into Both Burn)
- (Photos No. 26,27,28,29 of machinery, LGV's carrying out work to Sewage Treatment Works)

- 4a: There is only 95 meters of fence and there is another 10 miles and more of access that allows access to the same places for recreational opportunities I have highlighted in green the amount of access in the following photos
- (Photos No. 30,31 of recreational access in highlighted in green)

- **Suggestion/Proposal**

- Cover over wire fence with wooden panels of the same height and plant a hedge to the rear of the fence which will make the application site blend in with surrounding area trees and hedging
- (Photos No.32,33,34 of fence panel with hedging running along the rear)

- **Conclusion**

- I have worked my small farm business from the application site since 2015 I have carried out a lot of tidying up to the application site as it was previously used as a dump for fly tippers of house hold waste, garden waste etc if the fence and containers are to be removed then the application site will more than likely return to original state of being used as a dumping ground for fly tippers and be a open invitation for overnight parking for the traveling community and dog walking company's
- Its clearly obvious that Angus Council does not support Agriculture and especially new farmers to the industry as there is nothing but houses and industrial estates being built on agricultural land all around Angus and Angus Council fully support this and recreational use for farmland and they show very little support for Agriculture and first time farmers especially in a time when society are living out of food banks and are struggling to put food on the table. For a Council not to support a new farmer that is trying their best to produce food in these difficult times and would rather support house building is a little obscure
- (Photos No.35 of developments on agricultural land around Carnoustie)



Rural Centre – West Mains,
Ingliston Newbridge,
Midlothian EH28 8LT

T 0131 472 4000

F 0131 472 4010

www.nfus.org.uk

15th March 2024

Planning Department
Angus Council

Dear Sir/Madam

Support for planning application 22/00346/Full for a fence, gates and siting of storage containers at the site Muirdrum Village Boundary, Muirdrum, Carnoustie

I write in support of our member, Mr Gibb and their application to erect a fence with gates and siting of storage containers at a site located on Muirdrum Village Boundary, Muirdrum, Carnoustie.

The granting of this application would allow the applicant to provide greater security to his property and essential storage needed to farm the land efficiently. Mr Gibb has established a small herd of cattle and it's imperative that fence and gates are erected to protect the health and welfare of the cattle giving Mr Gibb peace on mind knowing that they are secure on his property. Currently Mr Gibb stores his equipment off site, by approving this planning application his carbon footprint will fall, one of the Scottish Governments key priorities. Rural Crime is ever increasing and be granting Mr Gibb his planning Angus Council will be recognising the importance.

Finally, Mr Gibb is relatively new to farming, Angus Council should be assisting new entrants wherever possible which also mirrors Scottish Government's policy.

NFU Scotland are in full support of this planning application.

Yours sincerely

Kate Maitland
Regional Manager

Tel: [REDACTED]
Email: kate.maitland@nfus.org.uk



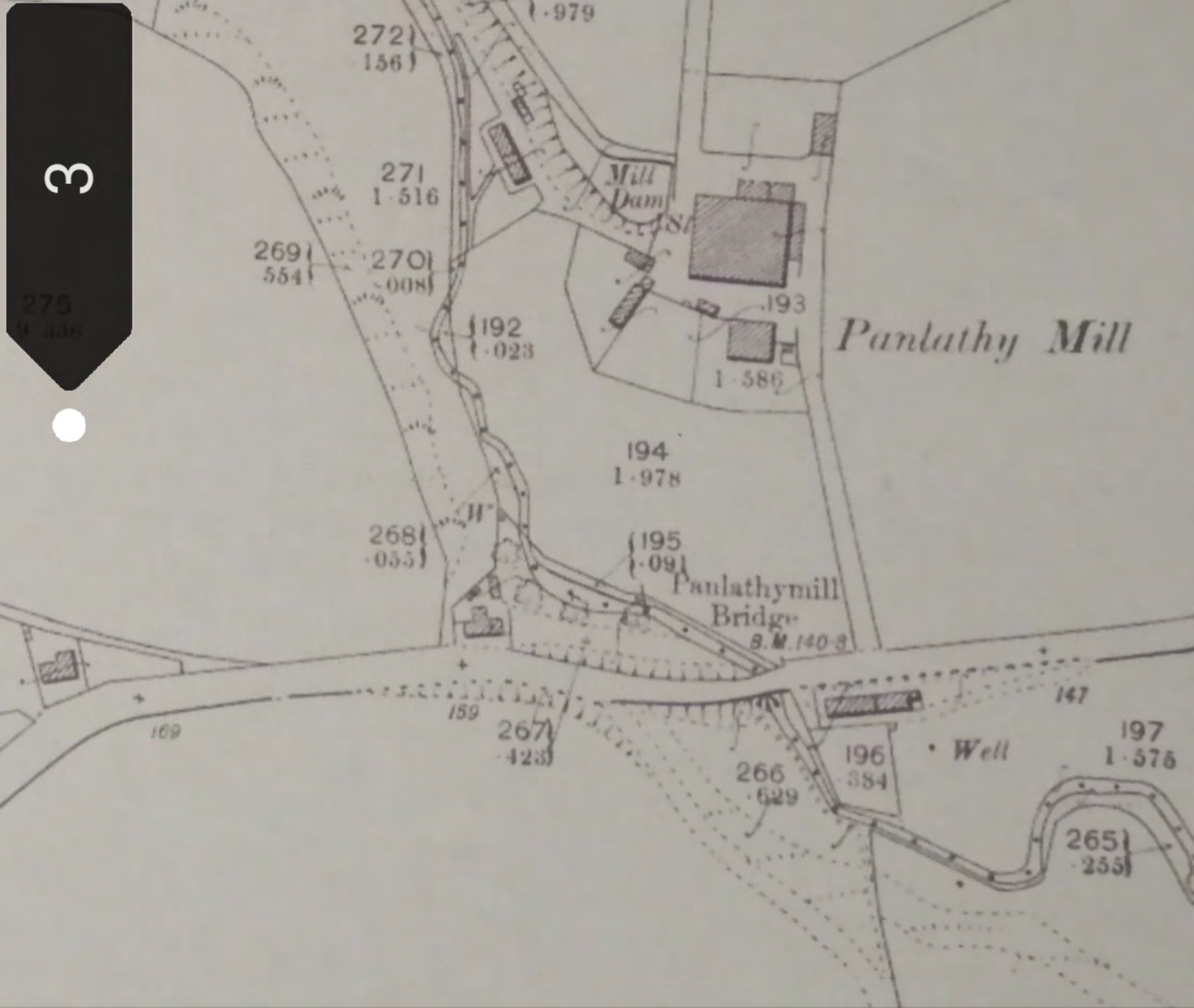
MUIRDRUM SHOP, CARNOUSTIE.

2



3

275
1.535



272
1.561

1.979

271
1.516

269
1.554

270
1.008

192
1.023

Mill Dam

193

1.586

Panlathy Mill

194
1.978

268
1.055

195
1.091

Paulathymill
Bridge

B.M. 140.8

169

159

267
1.423

266
1.629

196
1.384

Well

147

197
1.576

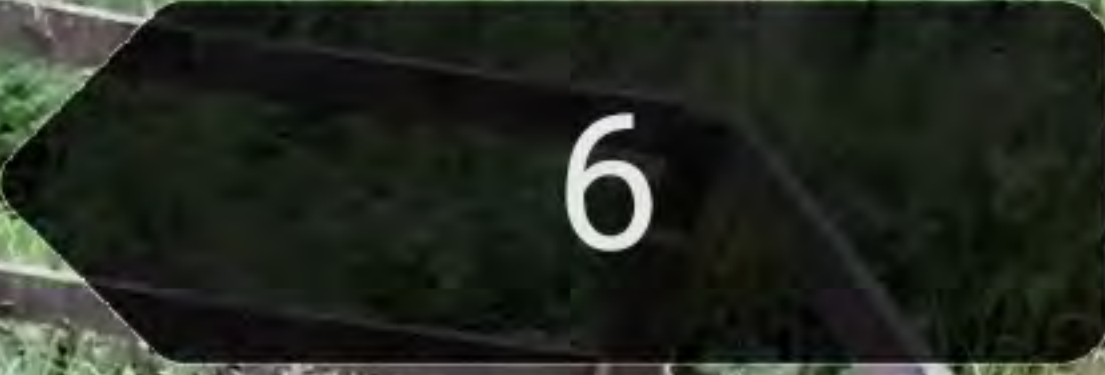
265
1.255

4





5



6

Muir drum

1:500 scale

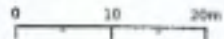
LEGEND

- Land relating to this application
- Adjoining land that we own

Produced: 09/05/2022

Reference: 22-85EP043-1

Scale: 1:500 (at A3)



Corner Coordinates: 110°18' 00.00" E, 137°43' 00.00" N

Draining: custom Distance Survey data

Reproduction in whole or part is prohibited without the prior permission of Distance Survey.

The representation of road, track or path is not evidence of a boundary or right of way. The representation of features as areas is not evidence of a boundary or boundary.





See all 29 images

Muirdrum Farmhouse

CARNOUSTIE

Offers Over £1,000,000

Set within approx. 19 acres of some of the best farming ground in Scotland, known as the Golden Mile, Muirdrum Farmhouse is an excellent example of a contemporary detached villa set within extensive, productive and adaptable country grounds. Set on the outskirts the charming seaside town of Carnoustie, the property offers approximately 400 square meters of accommodation, two significant metal agricultural buildings and a landscaped family garden. Carnoustie offers a full range of amenities including excellent

9a

APPROVED ON BEHALF OF THE ANGUS COUNCIL
SUBJECT TO THE CONDITIONS SET FORTH IN
INTIMATION OF PERMISSION



D		
C		
B		
A		
Rev:	Description:	Date:


**brunton
DESIGNSTUDIO**

95 Dundee Street - Camoustie - DD7 7EW
Telephone: 01241 858153
Facsimile: 01241 858154
E-mail: architects@bruntordesignstudio.co.uk
Web: www.bruntondesignstudio.co.uk

10

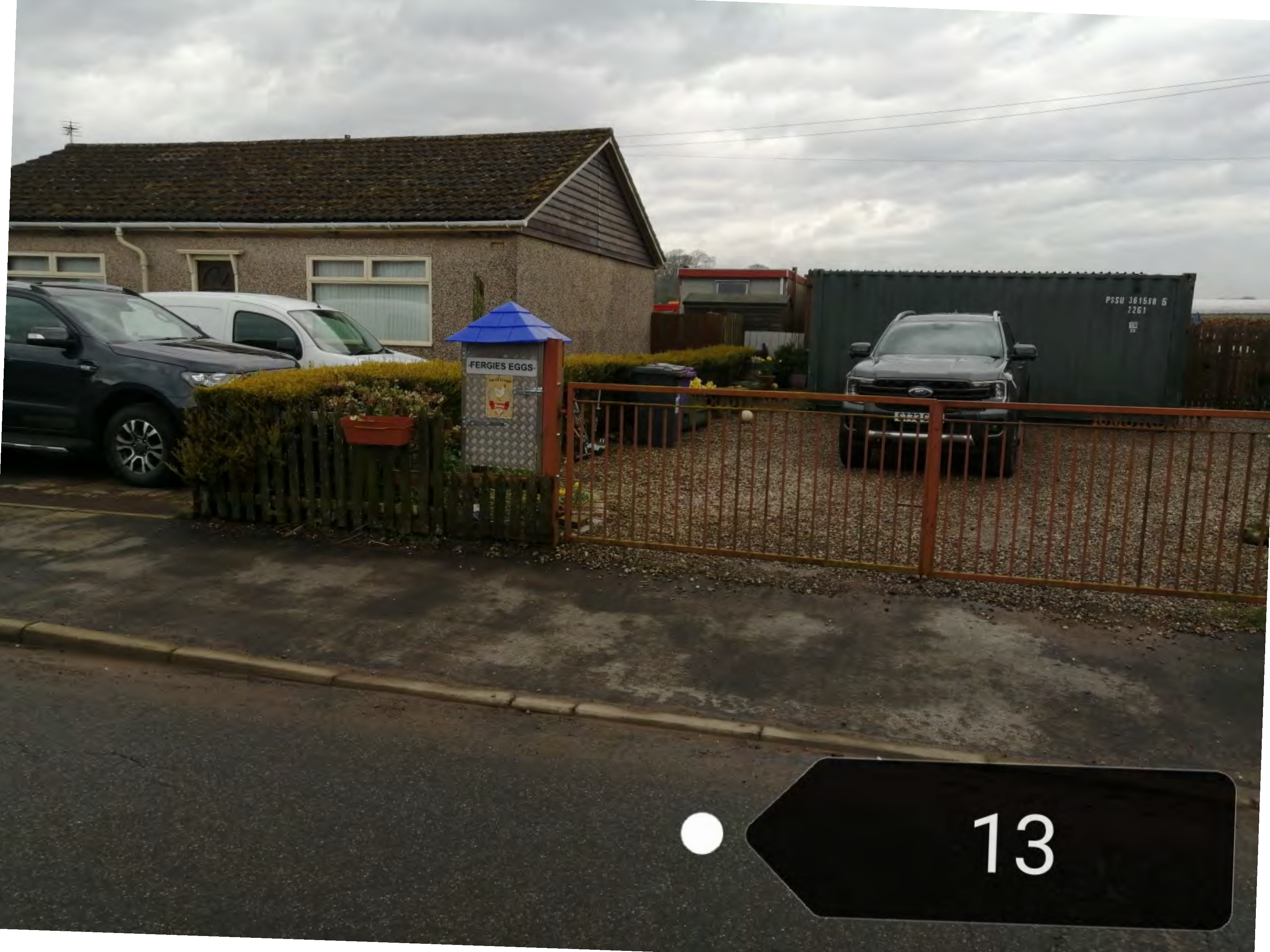




11



12



13

14

DUNCAN
&
CAMERON



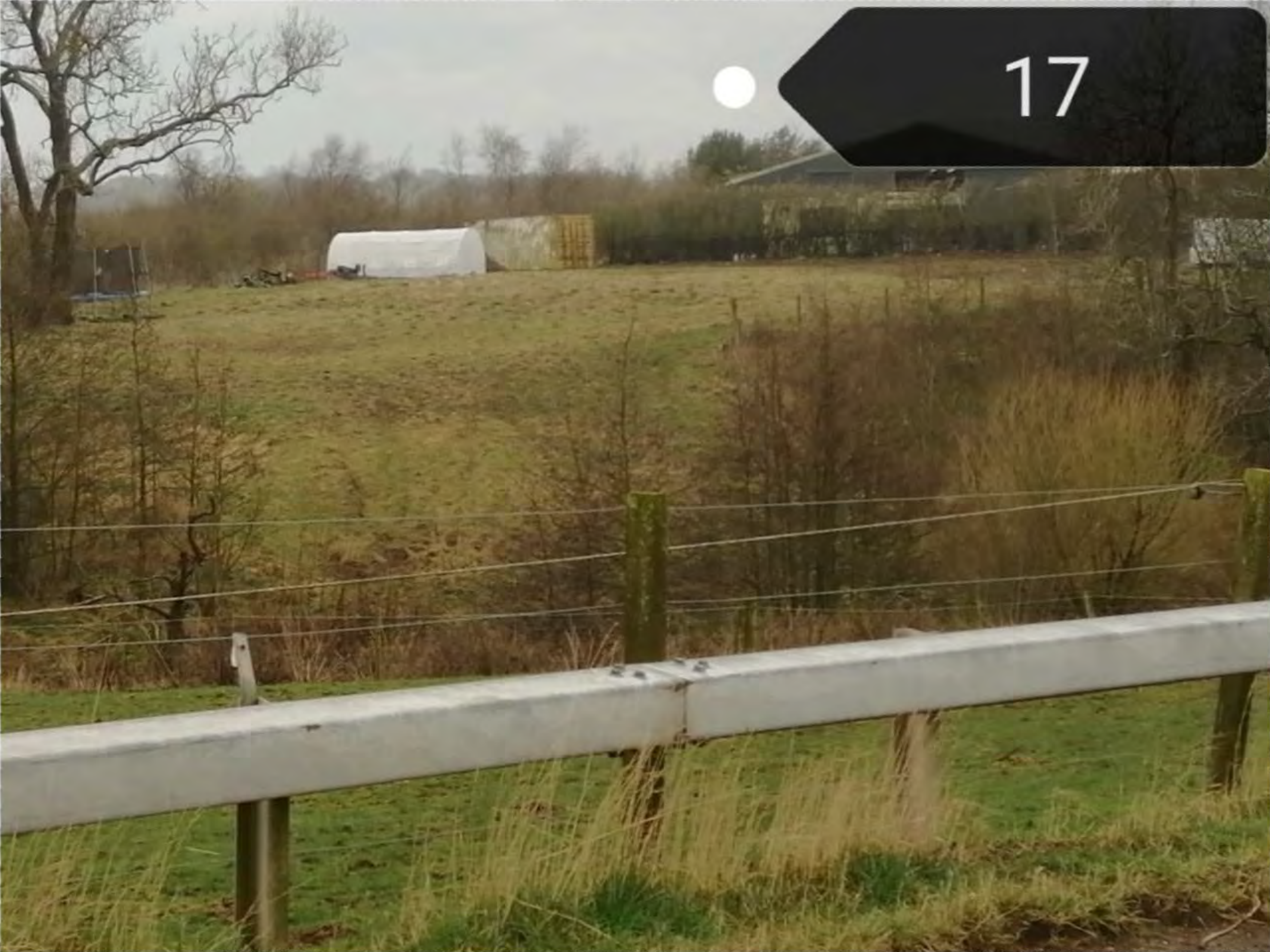


15






17







A photograph of a stream with a concrete step. The water is dark and turbulent as it flows over the step. The surrounding area is overgrown with green and brown vegetation. A black arrow-shaped overlay points to the left, containing the white number 20. A white dot is visible on the left side of the arrow.

20

21



22



23



24



25









DRAINS
UNBLOCKED
FAST

Lanes
Group Plc

0800 521 466



30









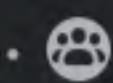




Carnoustie Community

35

Anonymous member · 13 h



Interesting when you see what development there might be surrounding Carnoustie. ... See more

