

DEVELOPMENT MANAGEMENT REVIEW COMMITTEE

APPLICATION FOR REVIEW –

**ERECTION OF A DETACHED DWELLINGHOUSE AT
GALLOWHILL FARMHOUSE, STRATHMARTINE**

APPLICATION NO 24/00417/PPPL

APPLICANT'S SUBMISSION

PAGE NO.

ITEM 1	Notice of Review
ITEM 2	Location Plans, Site Plans etc
ITEM 3	Design and Access Statement
ITEM 4	Planning Application
ITEM 5	Decision Notice
ITEM 6	Handling Report
ITEM 7	Appeal Statement



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 100676766-003

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:

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

First Name: * Building Name:

Last Name: * Building Number:

Telephone Number: * Address 1 (Street): *

Extension Number: Address 2:

Mobile Number: Town/City: *

Fax Number: Country: *

Postcode: *

Email Address: *

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Other"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text" value="Mr & Mrs"/>	Building Name:	<input type="text" value="Gallowhill Farmhouse"/>
First Name: *	<input type="text" value="John"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Mitchell"/>	Address 1 (Street): *	<input type="text" value="Bridgefoot"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Dundee"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="DD3 0PU"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="enquiries@arktx.co.uk"/>		

Site Address Details

Planning Authority:	<input type="text" value="Angus Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="GALLOWHILL FARMHOUSE"/>
Address 2:	<input type="text" value="STRATHMARTINE"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="DUNDEE"/>
Post Code:	<input type="text" value="DD3 0PU"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="736258"/>	Easting	<input type="text" value="337609"/>
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Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Planning Permission in Principle for the erection of a detached dwelling house

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Proposed dwelling to replace an existing building. There is housing to the left and right hand sides of the site. The site is therefore Brownfield and a Gap site. House is required for family member for care purposes.

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)

1213-LOC - LOCATION PLAN 1213-LOC2 - LOCATION PLAN 1213-001 - PHOTOGRAPHIC LEGEND PLAN 1213-002 - SITE LAYOUT PLAN 1213-003A - ROAD VISABILITY SPLAY DESIGN AND ACCESS STATEMENT PLANNING APPLICATION REFUSAL REPORT ON HANDLING APPEAL STATEMENT

Application Details

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

24/00417/PPPL

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

27/06/2024

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

09/10/2024

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

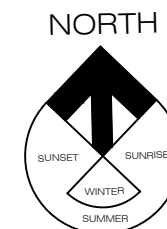
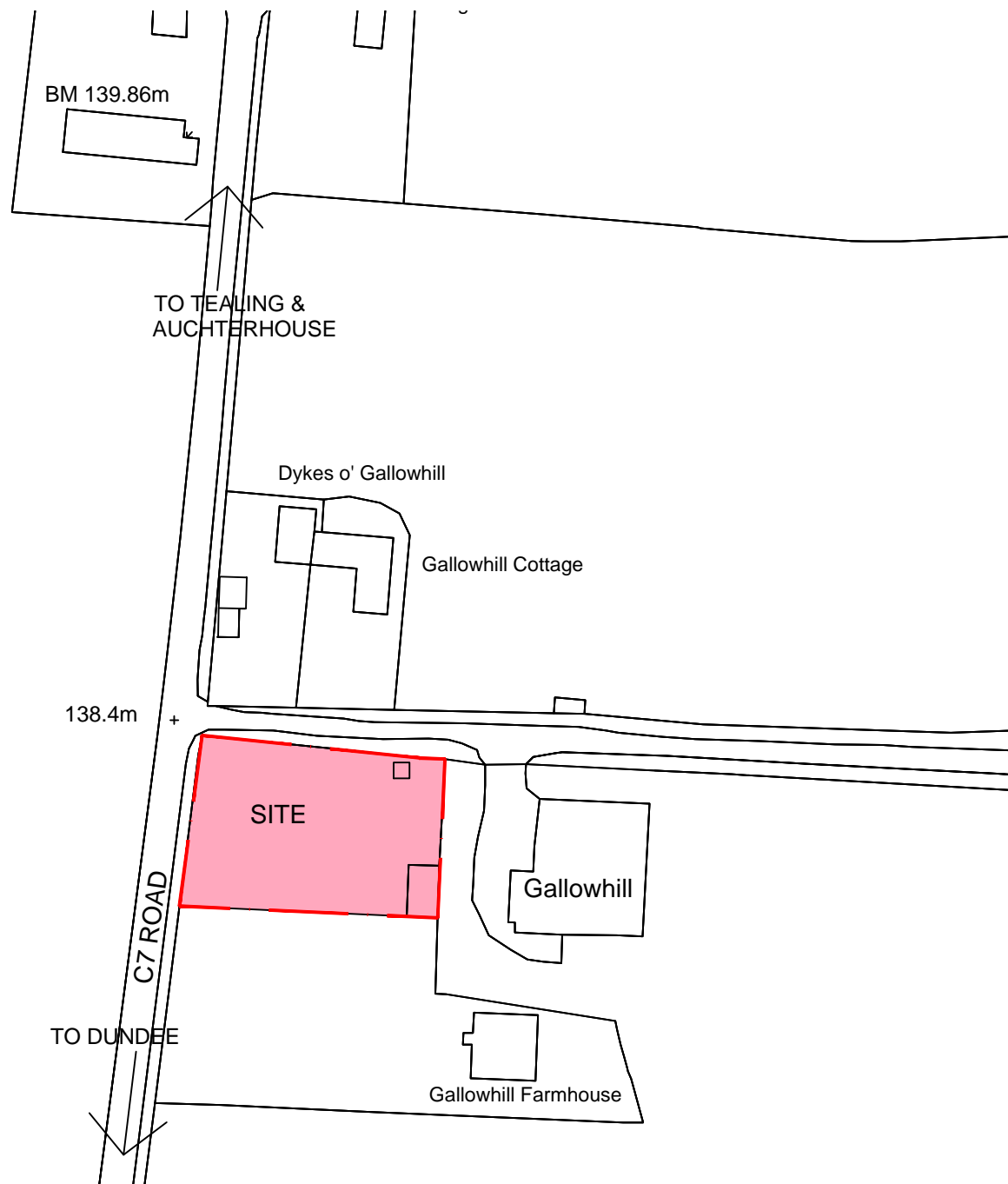
I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mrs Jennifer Middleton

Declaration Date: 27/11/2024

Project No. 1213	Drawing No. LOC	Rev. 1
Rev Date	Amendment	

ITEM 2



DRAWING TO BE READ IN CONJUNCTION WITH STRUCTURAL ENGINEERS DETAILS AND SPECIFICATION, ENGINEERS DETAILS TO TAKE PRECEDENCE.

CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE.

ALL DIMENSIONS IN MILLIMETRES UNLESS STATED OTHERWISE.

DO NOT SCALE DIMENSIONS FROM DRAWINGS REFER TO ARCHITECT FOR DIMENSIONS IF NOT INDICATED ON THE DRAWING.



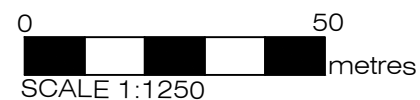
187 Strathmartine Road, Dundee, DD3 8BL
 t : 01382 831557 f : 01382 831558
 e : enquiries@arktx.co.uk

Project Title
 PROPOSED DETACHED DWELLING HOUSE
 AT
 GALLOWHILL FARMHOUSE
 BRIDGEFOOT
 FOR
 MR & MRS J MITCHELL

Element
 LOCATION PLAN

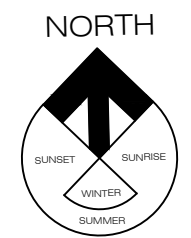
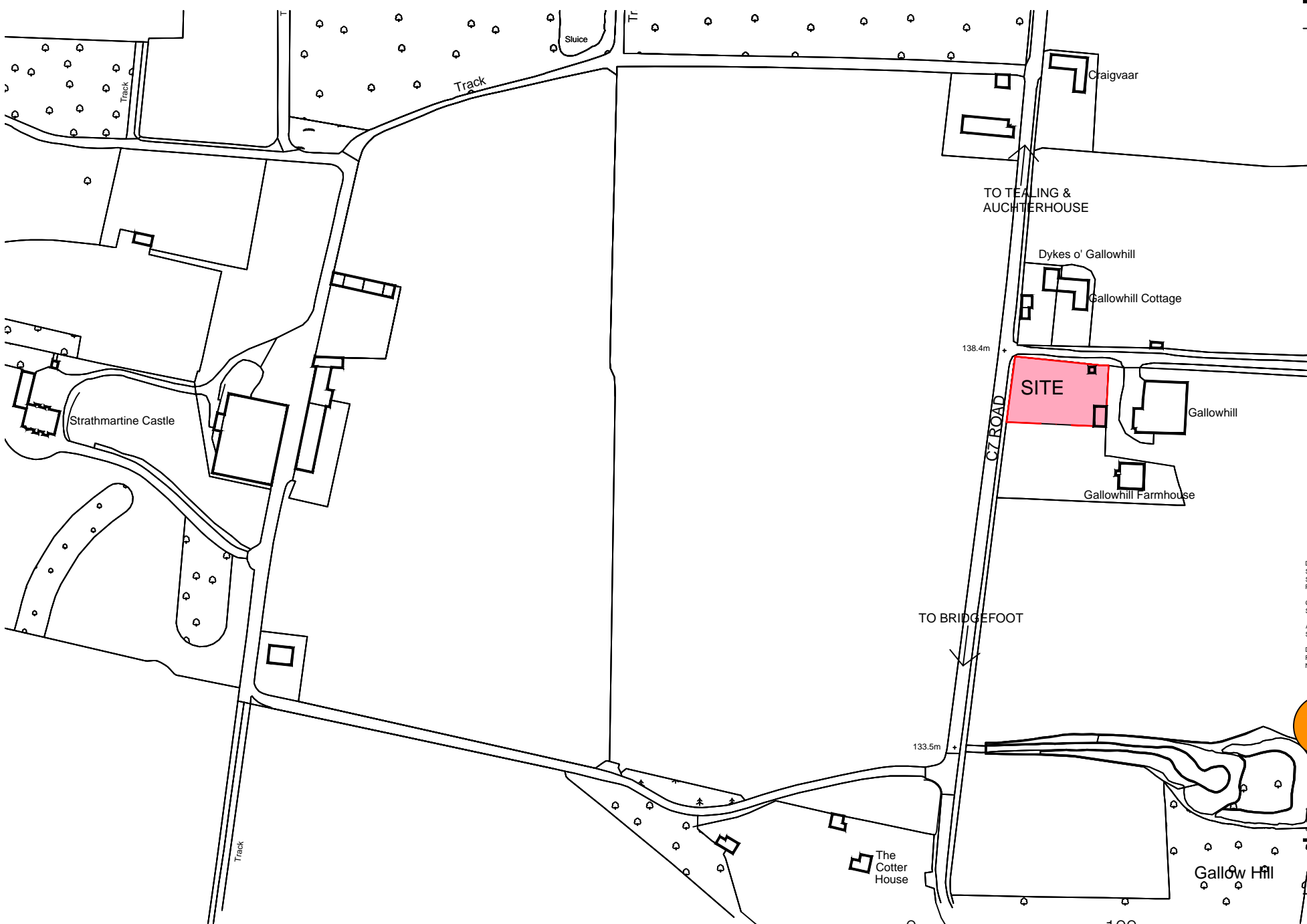
Date 08/24	Drawn By J.M.
Scale 1:1250	CAD Ref.
Project No. 1213	Drawing No. LOC
	Rev. 1

LOC_LOCATION PLAN_ 1:1250@A4



Project No. 1213	Drawing No. LOC 2	Rev. 1
Rev Date	Amendment	

ITEM 2a



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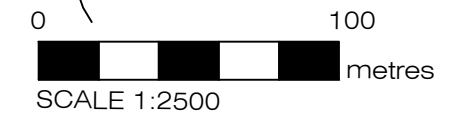
Project Title
 PROPOSED DETACHED DWELLING HOUSE
 AT
 GALLOWHILL FARMHOUSE
 BRIDGEFOOT
 FOR
 MR & MRS J MITCHELL

Element
 LOCATION PLAN 2

Date 08/24	Drawn By: J.M.
Scale 1:2500	CAD Ref.
Project No. 1213	Drawing No. LOC 2
	Rev. 1

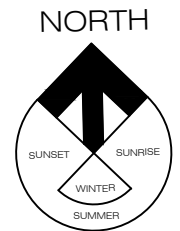
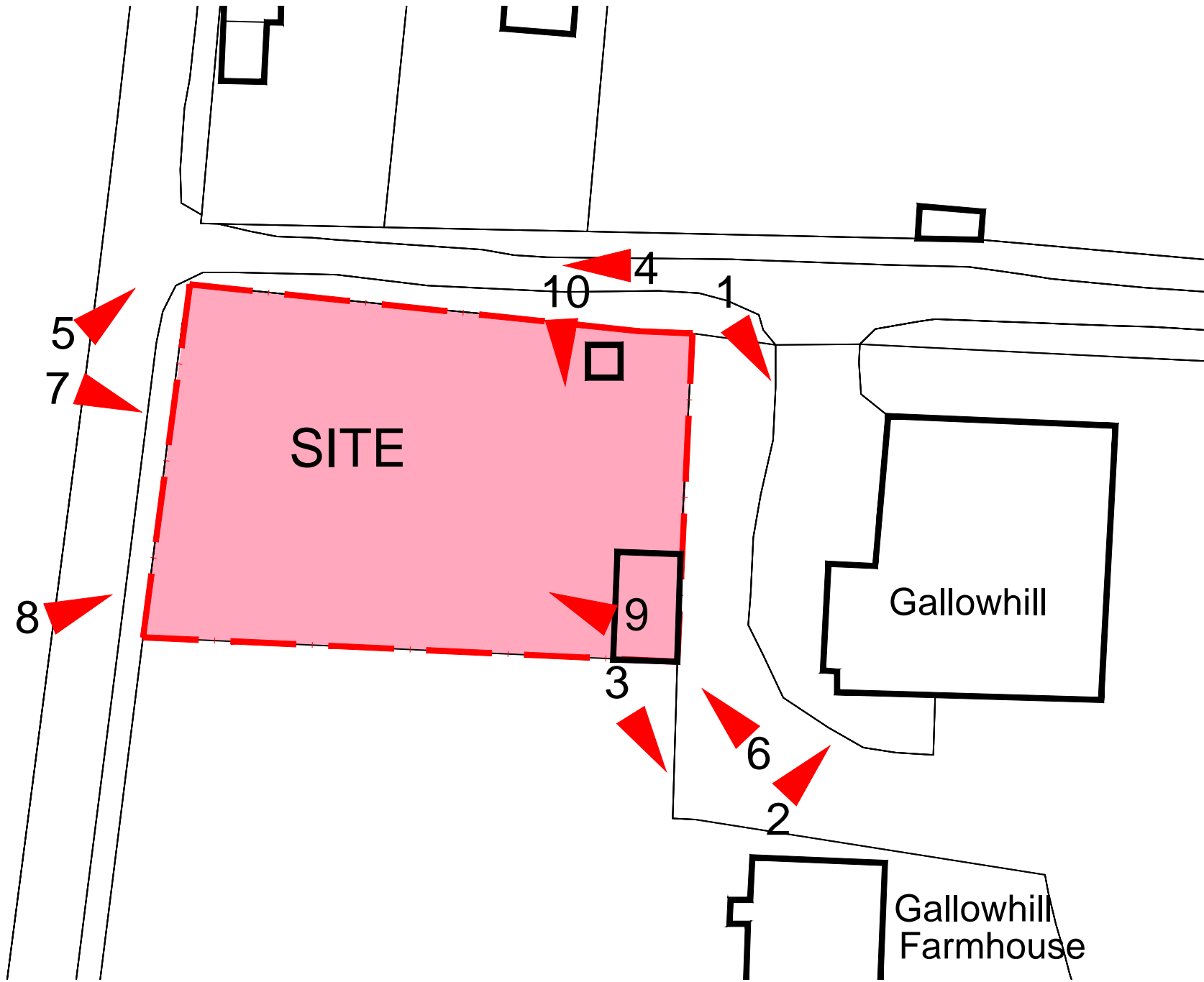
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LOC_LOCATION PLAN 2_ 1:2500@A4



Project No. 1213	Drawing No. 001	Rev. .
Rev Date	Amendment	

ITEM 2b



DRAWING TO BE READ IN CONJUNCTION WITH STRUCTURAL ENGINEERS DETAILS AND SPECIFICATION. ENGINEERS DETAILS TO TAKE PRECEDENCE.

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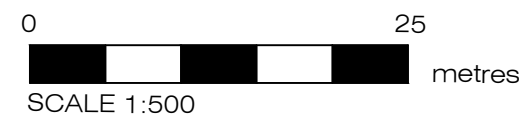
Project Title
 PROPOSED DETACHED DWELLING HOUSE
 AT
 GALLOWHILL FARMHOUSE
 BRIDGEFOOT
 FOR
 MR & MRS J MITCHELL

Element
 PHOTOGRAPHIC LEGEND PLAN

Date 08/24	Drawn By: J.M.
Scale 1:500	CAD Ref.
Project No. 1213	Drawing No. 001
	Rev. .

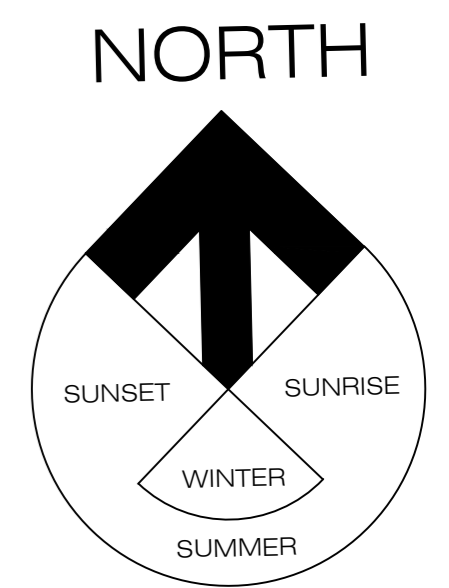
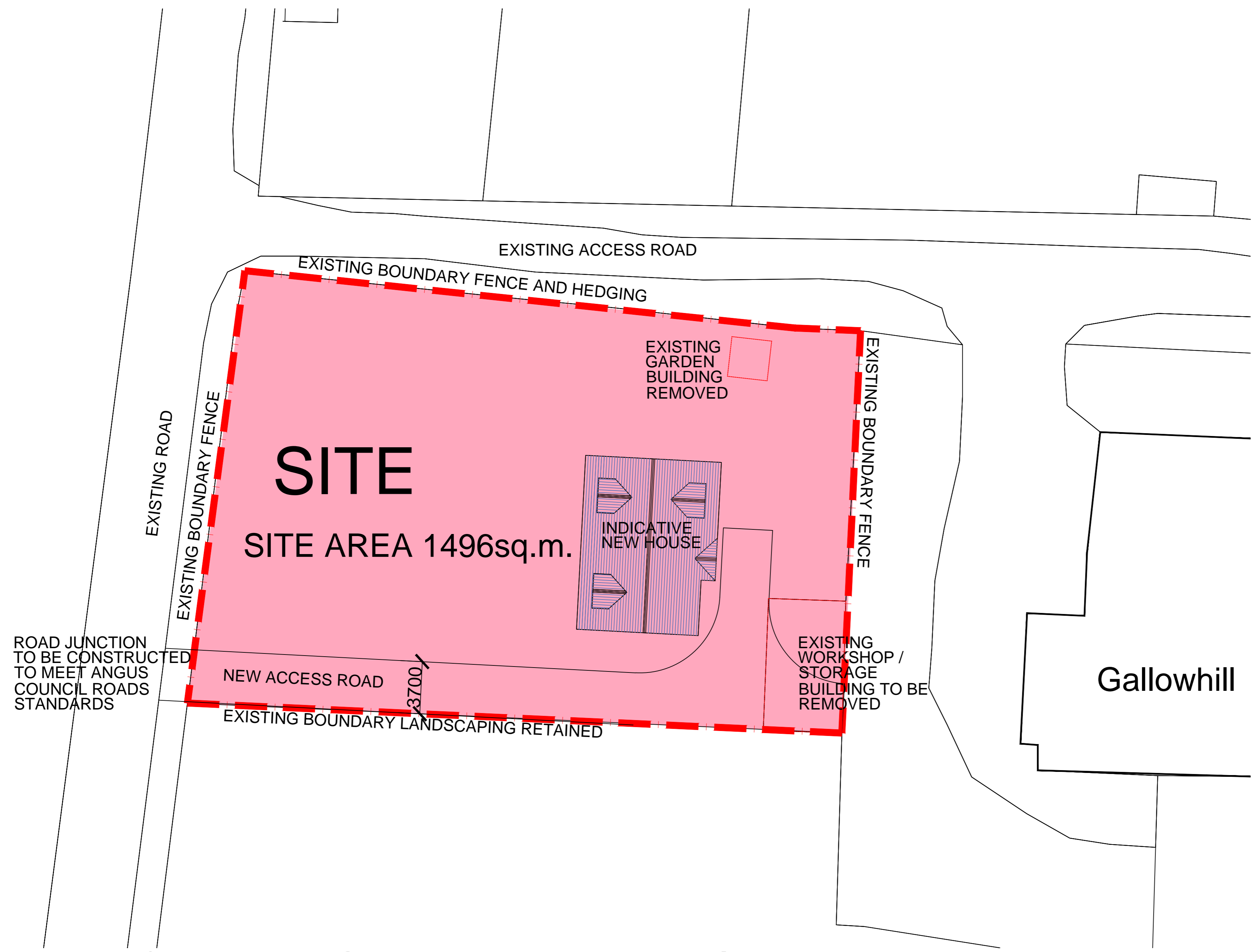
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001_PHOTOGRAPHIC LEGEND PLAN_ 1:500@A4



Project No. 1213	Drawing No. 002	Rev. -
Rev Date	Amendment	

ITEM 2c



DRAWING TO BE READ IN CONJUNCTION WITH STRUCTURAL ENGINEERS DETAILS AND SPECIFICATION. ENGINEERS DETAILS TO TAKE PRECEDENCE.

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DO NOT SCALE DIMENSIONS FROM DRAWINGS REFER TO ARCHITECT FOR DIMENSIONS IF NOT INDICATED ON THE DRAWING.

Gallowhill

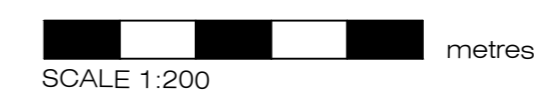


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t : 01382 831557 f : 01382 831558
e : enquiries@arktx.co.uk

Project Title
PROPOSED DETACHED DWELLING HOUSE
AT
GALLOWHILL FARMHOUSE
BRIDGEFOOT
FOR
MR & MRS J MITCHELL

Element
SITE LAYOUT PLAN

Date JUNE 2024	Drawn By. F.M.
Scale 1:200@A2	CAD Ref. -
Project No. 1213	Drawing No. 002
	Rev. -

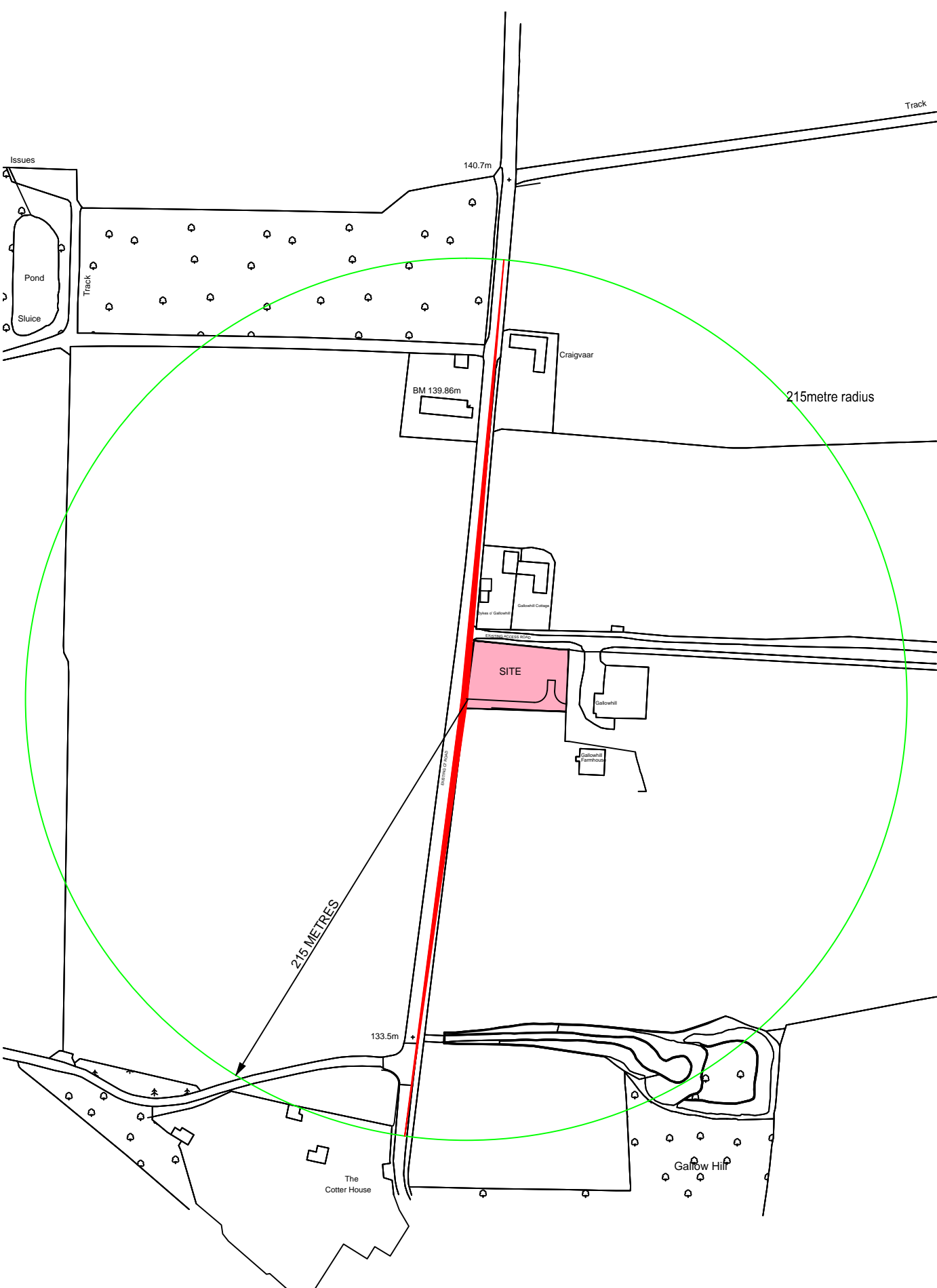


002_SITE LAYOUT PLAN _1:200@A2

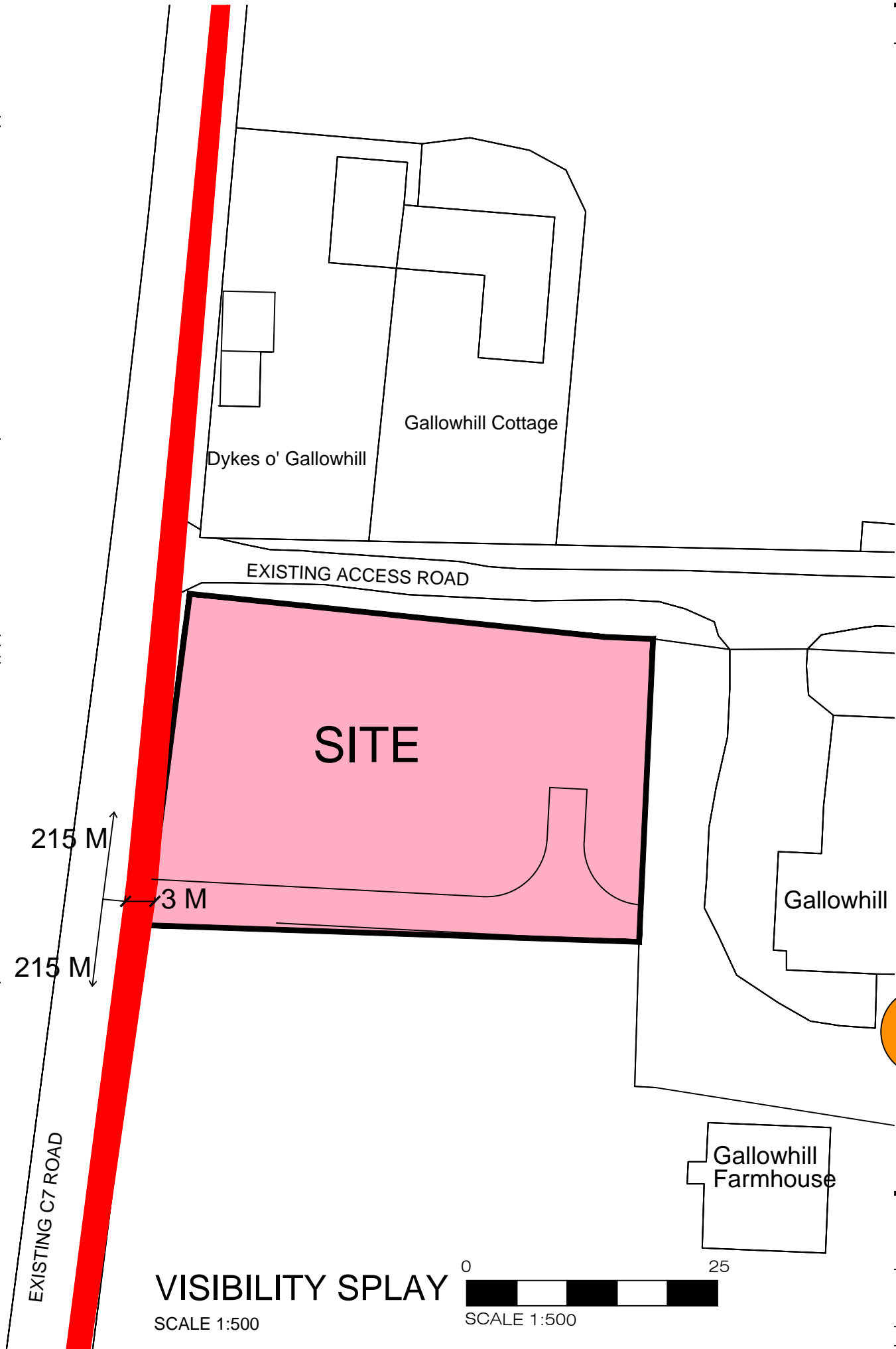
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Project No. 1213	Drawing No. 003	Rev. A
Rev Date A 07.2024	Amendment SCALE BARS ADDED	

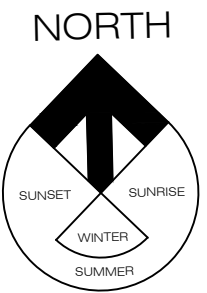
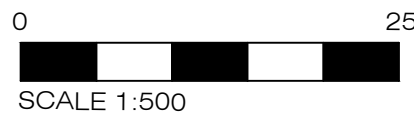
ITEM 2d



VISIBILITY SPLAY
SCALE 1:1250



VISIBILITY SPLAY
SCALE 1:500



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Project Title
PROPOSED DWELLING HOUSE
AT
GALLOWHILL FARMHOUSE
BRIDGEFOOT
FOR
MR. & MRS. MITCHELL
Element
ROAD VISIBILITY SPLAY

Date June 2024	Drawn By. F.M.
Scale 1:2500 & 1:500	CAD Ref.
Project No. 1213	Drawing No. 003
	Rev. A

003_PROPOSED ROAD ACCESS VISIBILITY SPLAY_ 1:1250/1:500 @ A3

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Permission in Principle Application for a Proposed New Detached Dwelling House

On land at Gallowhill Farmhouse, Bridgefoot, By Dundee, Angus, DD3 0PU

For: Mr & Mrs J Mitchell

Design and Access Statement



Report prepared by:

Fraser Middleton
MA Town & Country Planning
B.Arch (hons)
BSc Environmental Studies



**187 Strathmartine Road
Dundee**

DD3 8BL

June 2024

Design and Access Statement

Contents:

1.0 Site Location and Surroundings

2.0 Planning History

3.0 Proposal

4.0 Design Guidance and Best Practice

- 1.1 National Planning Framework 4 (NPF4)
- 1.2 PAN 67 Housing Quality
- 1.3 PAN 72 Housing in the Countryside
- 1.4 PAN 78 Inclusive
- 1.5 TAYplan Strategic Development Plan 2016-36 TAYplan
- 1.6 Angus Council Design and Placemaking Supplementary Guidance
- 1.7 The Angus Local Development Plan (ALDP) Policies

5.0 Assessment of Context

6.0 Summary

7.0 Appendix 1: Site Photographs

8.0 Appendix 2: Photographic Legend Plan. Refer to Drawing No 1213/001.

1.0 Site Location and Surroundings

The site is located on the eastern side of the tarmac road leading north from Bridgefoot. The site is relatively level with a slight fall from East to West. The perimeter is clearly delineated by a post and wire stockproof fence to the East, North and West. The Southern boundary is delineated by existing planting which encompasses silver birch trees and other native species. The Northern boundary is further reinforced by an established hedgerow of approximately 2.5 metres in height. The existing gravelled access road to 'Gallowhill Farmhouse' lies immediately to the north of this boundary. An existing single storey Workshop / Storage building is present at the South East corner of the site and on the North East corner is a timber garden building. The site enjoys extensive views across the Angus and Perthshire countryside. The Applicants own storey and a half house lies to the south east of the site. Derelict farm buildings of 'Gallowhill Farm' lie to the East and the much extended and altered storey and a half / two storey properties of 'Gallowhill Cottage' and 'Dykes o' Gallowhill lie across the access road to the North.

2.0 Planning History

There have been some Applications previously which have encompassed this area of land.

Application Ref. No: 10/00195/PPPL

Planning Permission in Principle for Erection of Two Dwellinghouses (Garden Ground), Gallowhill Farmhouse, Strathmartine, Dundee, DD3 0PU
Decision: Refused.

Application Ref No: 14/00898/FULL

Formation of New Driveway Access, Gallowhill Farmhouse, Strathmartine, Dundee, DD3 0PU
Decision: Approved subject to Condition.

Application Ref No: 15/00211/FULL

Erection of New Dwelling House, Gallowhill Farmhouse, Strathmartine, Dundee, DD3 0PU
Decision: Withdrawn.

3.0 Proposal

The proposal is to demolish the existing Workshop / Storage facility and garden storage buildings and erect a single detached dwelling house with an integrated double garage on to the site. To serve this house a new access road will be installed. As the existing access road has visibility issues this road will comply with Angus Council Roads visibility splays. The opening leading onto the C7 public road would be eight metres wide for visibility; thereafter the driveway would be 3.9 metres wide. This new road would be a tarmac finish with kerbing which will have drop kerbing at the radiused junction all in accordance with Angus Council Roads requirements.

4.0 Design Guidance and Best Practice

There are a number of policy documents that require to be considered. The proposal has been designed in the context of local and national best practice recommendations including:

- 4.1 National Planning Framework 4.
- 4.2 PAN 67 Housing Quality
- 4.3 PAN 72 Housing in the Countryside
- 1.4 PAN 78 Inclusive
- 4.5 TAYplan Strategic Development Plan 2016-36 TAYplan Policy 2: Shaping Better Quality Places
- 4.6 Angus Council Design and Placemaking Supplementary Guidance 2018
- 4.7 The Angus Local Development Plan (ALDP) Policies:
 - 4.7.1 TC2 Residential Development
 - 4.7.2 Creating High Quality Places
 - 1.5.2.1 DS1 Development Boundaries and Priorities
 - 1.5.2.2 DS2 Accessible Development
 - 1.5.2.3 DS3 Design Quality and Placemaking
 - 1.5.2.4 DS4 Amenity
 - 1.5.2.5 DS5 Developer Contributions
 - 4.7.3 Natural Environment
 - 1.5.3.1 PV1 Green Networks and Green Infrastructure
 - 1.5.3.2 PV3 Access and Informal Recreation
 - 1.5.3.3 PV5 Protected Species
 - 1.5.3.4 PV6 Development in the Landscape
 - 1.5.3.5 PV7 Woodland Trees and Hedges

4.1 National Planning Framework 4 13 February 2023

Annex D requires that six qualities of successful places must be considered for new development.

4.1.1. Healthy: Supporting the prioritisation of women's safety and improving physical and mental health. Designing for: lifelong wellbeing, healthy and active lifestyles, accessibility and inclusion, social connectivity and encouraging environmentally positive places.

4.1.2. Pleasant: Supporting attractive natural and built spaces. Designing for positive social interactions, protection from the elements, connecting with nature, variety, quality and enjoyment.

4.1.3. Connected: Supporting well connected networks that make moving around easy and reduce car dependency. Designing for: active travel, connectivity, convenient connections and pedestrian experience.

4.1.4. Distinctive: Supporting attention to detail of local architectural styles and natural landscapes to be interpreted into designs to reinforce identity. Designing to ensure appropriate scale, built form and sense of place.

4.1.5. 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. Designing for: transition to net-zero, climate resilience and nature recovery, active local economy and community and local living.

4.1.6. Adaptable: Supporting commitment to investing in the long-term value of buildings, streets and spaces by allowing for flexibility so that they can meet the changing needs and accommodate different uses over time. Designing for quality and function, longevity and resilience and long-term maintenance.

As many of these aspirations duplicate the Angus Council Local Development Plan (Refer 4.7) we would contend that this minimal intervention into the landscape would be able to meet with these requirements in principle. Aspects of the design will no doubt be Conditioned and confirmed at the Detailed Application stage to ensure an appropriate sustainable design is realised. The Application is supports improving physical and mental health by locating in this rural yet accessible location which has other dwellings around it. The area of land proposed ensures that sustainable sources of heating and power, such as ground or air source heat pumps can be readily accommodated. The house will be of a size that allows for home working and future adaptation.

4.2 PAN 67: Housing Quality

This Planning Advice Note identifies the key aims of new housing developments to create social justice, economic competitiveness and environmental quality. It advocates that any development of housing should be distinctive, safe and pleasant, easy to get to and move around, welcoming, adaptable and resource efficient.

4.3 PAN 72: Housing in the Countryside

This Planning Advice note covers fundamental design principles which require to be taken into account. Its purpose is to '*create more opportunities for good quality rural housing which respects Scottish landscapes and building traditions*'. It is important to note that this Application is for a new family home and is not a second home, a holiday let or for rented purposes.

Policy in SPP 3: Planning for Housing; anticipates that most new housing will be located in towns and villages, but also accepts that given the significant changes in farming and the rural economy, new housing outwith existing settlements will have a part to play in economic regeneration in rural areas. This Application gels with this opinion providing a new family home on an appropriate site. Particular requirements are listed as being essential to ensure the success of a development integrating well into its countryside setting.

- **Distinctive:** This recognises that '*Development which does not undermine the identity of rural areas should be supported*'. As there are a number of existing detached individually designed properties within the local area this addition is entirely sympathetic with development in the area and as it is so small will certainly not undermine the rural identity.
- **Safe and Pleasant:** This countryside location will encourage a healthier and less frenetic lifestyle and would provide those currently living in the countryside with a rare opportunity to continue to live in an appropriate energy efficient property.
- **Easy to get Around:** As those living in the countryside dwellers rely on good accessibility to conduct their day-to-day lives the site is well serviced by local access

roads. This encourages cycling and the use of public transport. The reality of life in many rural areas however dictates the use of a private car as an essential requirement.

- **Welcoming:** The new access road will be properly landscaped in order to provide an attractive arrival at the new dwelling house.
- **Adaptable:** The design of the new house will allow for adapting and converting areas at a later date should the need be identified. Disabled access will be embraced.
- **Resource Efficient:** This new home will be constructed using contemporary sustainable building materials and practices. It will embrace energy efficient technology minimising fuel usage and running costs. The building will be orientated to ensure optimum passive environmental gains through solar collectors, etc. Its profile will ensure that the property “fits into the site”.

Landscape, Layout and Access are also included as important considerations within this guide:

Landscape:

The development site will sit back from the roadway. The house will sit within the site and will require to be landscaped in an appropriate manner. This will be by using hedgerows of indigenous species, etc. This aspect of the development can be Conditioned at the detailed Planning application stage. Traditional pitched roofs on the property will sympathetically reflect surrounding rural buildings. The development will include new indigenous planting and landscaping which will mature to embrace the built environment. By planting local, native species this will encourage many additional benefits of creating habitats for wildlife. At present the site is a bland grassed area. The new planting will create a variety of opportunities for native flora and fauna to thrive. It is not a skyline development as the existing ruinous farm buildings to the East ensure a built backdrop. We would contend that the scale and design of the building will be informed by its surroundings and respond positively to it.

Layout:

The design of the dwelling house will require to sit sympathetically within the current environment and to optimise passive environmental benefits.

Access:

Access to the site is by a new access road designed to ensure compliant visibility splays and a surface in accordance with Angus Council Roads requirements.

4.4 PAN 78 Inclusive

This Planning Advice Note provides advice on enabling everybody to be able to carry out everyday tasks with minimal difficulty. It advocates improving existing conditions where access issues or unnecessary barriers resulting in frustration, hardship or even complete exclusion for a significant proportion of our society (e.g. disabled, older people and children) exist. The design of the new house embraces this and ensures disabled access with a full suite of living accommodation readily accessible. From exiting one's vehicle in the garage one can access the entire substantial ground floor area of the house.

4.5 TAYplan Strategic Development Plan 2016-36 TAYplan

Policy 2: Shaping Better Quality Places:

This policy encourages a place led approach which seeks to ensure that new development is based on an understanding of place and will be designed to complement and enhance how a place functions.

4.6 Angus Council Design & Placemaking Supplementary Guidance: October 2018.

Encourages the creation of attractive, safe, well designed sustainable development. In particular:

Policy 2: Shaping better quality places.

Policy 3: Design Quality and Placemaking of the Angus Local Development Plan.

These policies seek to contribute to the Council's vision that Angus is a great place to live, work and visit. This document states its ambition to protect and improve the natural and built environment and encourage sustainable development. It endorses developments which establish a sense of place and identity which will create opportunities for community cohesion. It recognises that any development must respect and respond to its local context encouraging it to make a positive contribution to the existing character of the area.

It ensures that any development is easy to access and move around.

It advocates good design through passive site planning principles to increase energy efficiency and sustainability. It also ultimately proposes that any new development provide an attractive and safe environment for residents and visitors.

This is ultimately achieved by:

- Understanding the Context
- Drawing upon the Positives
- Retaining a Sense of Place
- Reflecting local building styles and vernacular features to preserve and consolidate a sense of place.

The current application respects the original site boundary and also the layout of the surrounding dwelling houses.

4.7 The Angus Local Development Plan (ALDP) Policies:

The Angus Local Development Plan (ALDP) Strategy has 3 elements to it:

PART 1: A presumption in favour of sustainable development. The Planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term.

PART 2: Directing the right development to the right place

PART 3: Creating high quality places

4.7.1 TC2 Residential Development

Policy TC2 is the policy central to this Application. This policy refers to any proposed residential development and permits redevelopment of brownfield land that presents a significant visual or environmental improvement through the removal of derelict buildings, contamination or an incompatible land use. The supplementary guidance associated with this policy states that:

'Development will be up to a maximum of four new houses, except where a marginally greater number (e.g. five) would be in the public interest and social, economic or environmental considerations override concerns associated with building large numbers of houses in the countryside e.g. landscape impact; a lack of support for towns and villages.'
The entire area of brownfield land must be remediated. New houses should be built on

brownfield land, unless there are good planning reasons for doing otherwise (e.g. to achieve a satisfactory design solution).

We confirm that:

- The development will encompass the demolition and removal of an existing Workshop / Storage building on the site.
- The development plot extends to approximately 1,496sq.m. which is below the acceptable limit of single house plots (4000sq.m.).
- The development will sit partially on this location.
- The development proposal is for a single dwelling house which will include for a working from home provision This additional accommodation allows for sustainable working practice.

Policy TC3 (Affordable Housing) is negotiable in accordance with Angus Council stipulations. This Application is for a single detached dwelling house to be inhabited by a single family.

4.7.2 Creating High Quality Places

4.7.2.1 DS1 Development Boundaries and Priorities

The development boundary is clearly defined with existing stockproof fence-line to the North, East and West. To the south is a line of established planting. Along this boundary is a line of silver birch trees. No trees are to be removed for the purpose of this development.

4.7.2.2 DS2 Accessible Development

The new access road to the site is considered to be an essential part of the proposals. Indeed a previous Application for two houses (Application Ref No 10/00195/PPPL) was criticised for its lack of a dedicated roadway. This was proved in a subsequent Application (Application Ref No 14/00898/FULL) where a new access road was Approved. This Permission has unfortunately lapsed but the necessity for a new road will be encompassed within this Application. This road leads to the tarmac road which links the Dundee to Auchterhouse / Tealing road. There is currently a gravelled access road leading into the existing properties surrounding the site but the junction with the main road is compromised. There is no through route for public vehicular transport.

Good cycle routes into Dundee, Auchterhouse, Tealing and the surrounding countryside envelope the site location.

4.7.2.3 DS3 Design Quality and Placemaking

The landscape into which the house sits is relatively flat. This site is too small to farm using modern machinery and is effectively a left-over space which forms an extended garden area. It is therefore relevant that this can be considered a development site for an appropriate home.

The basic form of the new detached dwelling house would require to respect the preferred model advocated by 'Angus Council' within their design guidance. It will incorporate traditional pitched roofs, gable ends and simple rectilinear openings with a vertical emphasis. The site layout proposes a modest increase of the building footprint already on the site and enhances the feel of a visually compact group of buildings when viewed with the existing buildings to the North, East and West.

The external materials will be conditioned at the detailed Planning Application stage. At this time it is proposed that natural slate roofs with natural stone (either 'Denfind' or local stone from demolitions), ivory coloured render and natural timber cladding punctuated with a sympathetic fenestration pattern would be adopted. By utilising local materials and incorporating accepted design parameters this should ensure that the development contributes positively to the character and sense of place.

The development will enjoy an integrated double garage provision. This provision warrants that the bicycle and car parking requirements of the 'Angus Council' standards are easily complied with. The development is of course designed to permit disabled access and will be accessible to all providing a safe, accessible and attractive environment for all residents and visitors.

The house is sufficiently remote from neighbours that there are no overlooking or overshadowing issues. The mature trees to the South of the site provide a natural visual barrier between the site and Gallowhill Farm and beyond. The plot is also buffered on the northern boundary with an established hedgerow to mediate between the new garden area and the existing access road beyond.

4.7.2.4 DS4 Amenity

Air quality, noise and vibration, levels of light pollution, levels of odours, fumes and dust are all considerations which must be considered within this aspect of the application. The development itself is sufficiently remote from the nearest buildings that there will be no detrimental effect on them.

Any refuse requirement from Angus Council regarding bin types and numbers will be respected to ensure recycling is encouraged.

The design of this proposed new development will be executed in such a manner that residential amenity of this new home and its neighbours will be respected in relation to overlooking, loss of privacy, outlook, sunlight, daylight and overshadowing. Due to the generous plot size this is not expected to be an issue. The location of the development indicated on the Plan is indicative only and will be formalised at the detailed Planning application stage.

4.6.2.5 DS5 Developer Contributions

The Applicant will be guided by any subsequent negotiations with the Angus Council in relation to Developer Contributions. The proposal is however for a single-family dwelling house.

4.6.3 Natural Environment

4.6.3.1 PV1 Green Networks and Green Infrastructure

This policy prescribes that any new development is accompanied by '*an appropriate level and type of open space and that it is considered as an integral part of the overall design*'. As can be seen from the application there is generous open space around the development extending uninterrupted in to the surrounding countryside.

Regarding green infrastructure the development will utilise modern energy saving devices potentially using ground source heat pumps and solar collectors.

Local materials will be utilised wherever possible to minimise environmental transport implications. Surface water will be dealt with through an effective SUDS and rainwater harvesting scheme designed by a specialist Engineer.

4.7.3.2 PV3 Access and Informal Recreation

There is generous open space around the building. The site is surrounded by open countryside which can be utilised for a variety of sporting, leisure and recreational activity.

4.7.3.3 PV5 Protected Species

We do not believe there to be any protected species resident on the site as there is no real opportunity for shelter. This existing timber garage/storage shed is regularly used, unheated and unwelcoming for any protected species. The trees on the site are clustered in a wind break along the embankment along the southern boundary. These are deciduous with the majority being silver birch. We would contend that this development will actually provide the opportunity to increase habitat diversification over this grassed area and provide an opportunity for enhancing biodiversity by creating new habitats through imaginative planting. We would expect landscaping proposals to be Conditioned and lodged during the detailed Application process.

4.7.3.4 PV6 Development in the Landscape

We would contend that the proposed residential use for the site is much more appropriate than the current use which is as an unused area. It is too small to farm and too large as a garden. The proposal is for a modest detached family home with integral parking provision. This would encompass three bedrooms and a Study. Any impact has been significantly reduced by keeping the scale low and locating it back from the public road. The nearest property to the south-east is approximately 19 metres away (owned by the Applicant) and the other is approximately 26 metres away separated by an existing access road and established tall hedge.

4.7.3.5 PV7 Woodland Trees and Hedges

The existing trees along the proposed southern boundary are to be retained and are outwith the development boundary. The existing trees and planting along this boundary dictate and delineate the boundary. No trees or hedges are to be removed in order to create this development. These will be supplemented by new planting of indigenous species. Proposals to be lodged at the detailed Planning stage.

5 Assessment of Context

Although the site is undeniably in a countryside location it is also on a site that is surrounded by existing properties. The site is therefore appropriate for limited development. Any development will require to carefully consider the environment and its surroundings. To this end it must reflect the scale and aesthetic of a countryside farm steading.

There are a number of new modern interventions into the countryside around this location. All of these take the varying forms of detached domestic residential properties.

6 Summary

The site is not allocated for any specific purpose within the Angus Council LDP. This would presume that it must therefore fall under the provisions of Policy S1. Under Part 1 of this policy there is a presumption in favour of sustainable development. The Planning system should therefore support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term.

The preference to living in a rural location has been increased during this post Covid-19 period which has encouraged working from home. It is proposed that the design, when formulated, will accommodate a working from home provision.

PAN 72 accepts that there *'will continue to be a need for new houses in the countryside and this demand will have to be accommodated'*. It accepts that the landscape is evolutionary, and is not an unchanging constant. The site is stepped back from the adjacent public road and will ensure that this countryside development provides a minimal intervention. We would contend that the change is a positive one utilising a vacant area of ground for a meaningful new dwelling to house a single family and increase well-being of that family.

The house will be designed within policy advice employing common local materials and design features within a contemporary envelope. We would contend that the location is entirely appropriate for the rural location. It will be of a small scale and can be Conditioned at a desired height (e.g. storey and a half). The varying styles of recent development in the surrounding area support this. The application will positively utilise an area of land which is currently unused for any meaningful purpose. The new access road provides a safe vehicular access and egress resulting in no risk of any impact on other housing in the immediate vicinity and retains the character and amenity of the surrounding area. It also provides a small, but much needed, contribution to new housing provision in the area.

Appendix 1: Site Photographs



1 View of existing farm buildings to the East of the site



2 View of existing farm buildings to the East of the site



3 View of Gallowhill Farmhouse to the South East



4 View of existing access road with site boundary on left



5 Existing access road junction



6 Existing Workshop/Storage building



7 View looking South East across site from road.



8 View looking North East across site from road.



9 View looking North west across site



10 View looking South across site



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 100676766-001

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.

Type of Application

What is this application for? Please select one of the following: *

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Planning Permission in Principle for the erection of a detached dwelling house

Is this a temporary permission? * Yes No

If a change of use is to be included in the proposal has it already taken place?
(Answer 'No' if there is no change of use.) * Yes No

Has the work already been started and/or completed? *

No Yes – Started Yes - Completed

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	ARKTX		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Jennifer	Building Name:	
Last Name: *	Middleton	Building Number:	187
Telephone Number: *	01382 831557	Address 1 (Street): *	Strathmartine Road
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Dundee
Fax Number:		Country: *	Scotland
		Postcode: *	DD3 8BL
Email Address: *	enquiries@arktx.co.uk		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Other	You must enter a Building Name or Number, or both: *	
Other Title:	Mr & Mrs	Building Name:	Gallowhill Farmhouse
First Name: *	John	Building Number:	
Last Name: *	Mitchell	Address 1 (Street): *	Bridgefoot
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	by Dundee
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	DD3 0PU
Fax Number:			
Email Address: *	enquiries@arktx.co.uk		

Site Address Details

Planning Authority:

Angus Council

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

Address 1:

GALLOWHILL FARMHOUSE

Address 2:

STRATHMARTINE

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

DUNDEE

Post Code:

DD3 0PU

Please identify/describe the location of the site or sites

Northing

736258

Easting

337609

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

1496.00

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

Garden Ground

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? *

Yes No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? * Yes No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? * Yes No

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

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

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

What private arrangements are you proposing? *

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

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

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

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

Drainage to septic tank and soakaway within the curtilage of property

Do your proposals make provision for sustainable drainage of surface water?? * Yes No
(e.g. SUDS arrangements) *

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

- Yes
 No, using a private water supply
 No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? *

Yes No Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? *

Yes No Don't Know

Trees

Are there any trees on or adjacent to the application site? *

Yes No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

Yes No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013) *

Yes No Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

Yes No

Is any of the land part of an agricultural holding? *

Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Jennifer Middleton

On behalf of: Mr & Mrs John Mitchell

Date: 27/06/2024

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

Yes No Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

Yes No Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

Yes No Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

Yes No Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

Yes No Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- Site Layout Plan or Block plan.
- Elevations.
- Floor plans.
- Cross sections.
- Roof plan.
- Master Plan/Framework Plan.
- Landscape plan.
- Photographs and/or photomontages.
- Other.

If Other, please specify: * (Max 500 characters)

Provide copies of the following documents if applicable:

- | | | |
|--|---|---|
| A copy of an Environmental Statement. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. * | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> N/A |
| A Flood Risk Assessment. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Habitat Survey. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Processing Agreement. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |

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

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mrs Jennifer Middleton

Declaration Date: 27/06/2024

Payment Details

Cheque: BANK TRANSFER, 0000000000

Created: 27/06/2024 16:09

ANGUS COUNCIL

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



PLANNING PERMISSION IN PRINCIPLE REFUSAL
REFERENCE : 24/00417/PPPL

To **Mr & Mrs John Mitchell**
c/o ARKTX
FAO Jennifer Middleton
187 Strathmartine Road
Dundee
Scotland
DD3 8BL

With reference to your application dated 3 July 2024 for Planning Permission in Principle under the above mentioned Acts and Regulations for the following development, viz:-

Erection of a detached dwellinghouse at Gallowhill Farmhouse Strathmartine Dundee DD3 0PU for Mr & Mrs John Mitchell

The Angus Council in exercise of their powers under the above mentioned Acts and Regulations hereby **Refuse Planning Permission in Principle (Delegated Decision)** for the said development in accordance with the particulars given in the application and plans docquetted 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 17 of NPF4 and policy TC2 of the Angus Local Development Plan as it proposes the construction of a new house in the countryside in circumstances that are not supported by that policy. In addition, the proposal would involve subdivision of existing garden ground to create the proposed house plot and that is contrary to the council's approved and adopted, statutory countryside housing supplementary guidance.
- 2 The application is contrary to policy 22 of NPF4 and policy PV12 of the Angus Local Development Plan as it has not been demonstrated that the site is not at unacceptable risk of flooding and/ or that any necessary mitigation would not increase flood risk elsewhere.

Amendments:

The application has not been subject of variation.

Dated this **9 October 2024**

Jill Paterson
Service Lead
Planning and Sustainable Growth
Angus Council
Angus House
Orchardbank Business Park
Forfar
DD8 1AN

Planning Decisions – Guidance Note

Please retain – this guidance forms part of your Decision Notice

You have now received your Decision Notice. This guidance note sets out important information regarding appealing or reviewing your decision. There are also new requirements in terms of notifications to the Planning Authority and display notices on-site for certain types of application. You will also find details on how to vary or renew your permission.

Please read the notes carefully to ensure effective compliance with the new regulations.

DURATION

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

PLANNING DECISIONS

Decision Types and Appeal/Review Routes

The 'decision type' as specified in your decision letter determines the appeal or review route. The route to do this is dependent on the how the application was determined. Please check your decision letter and choose the appropriate appeal/review route in accordance with the table below. Details of how to do this are included in the guidance.

Determination Type	What does this mean?	Appeal/Review Route
Development Standards Committee/Full Council	National developments, major developments and local developments determined at a meeting of the Development Standards Committee or Full Council whereby relevant parties and the applicant were given the opportunity to present their cases before a decision was reached.	DPEA (appeal to Scottish Ministers) – See details on attached Form 1
Delegated Decision	Local developments determined by Service Manager through delegated powers under the statutory scheme of delegation. These applications may have been subject to less than five representations, minor breaches of policy or may be refusals.	Local Review Body – See details on attached Form 2
Other Decision	All decisions other than planning permission or approval of matters specified in condition. These include decisions relating to Listed Building Consent, Advertisement Consent, Conservation Area Consent and Hazardous Substances Consent.	DPEA (appeal to Scottish Ministers) – See details on attached Form 1

NOTICES

Notification of initiation of development (NID)

Once planning permission has been granted and the applicant has decided the date they will commence that development they must inform the Planning Authority of that date. The notice must be submitted before development commences – failure to do so would be a breach of planning control. The relevant form is included with this guidance note.

Notification of completion of development (NCD)

Once a development for which planning permission has been given has been completed the applicant must, as soon as practicable, submit a notice of completion to the planning authority. Where development is carried out in phases there is a requirement for a notice to be submitted at the conclusion of each phase. The relevant form is included with this guidance note.

Display of Notice while development is carried out

For national, major or 'bad neighbour' developments (such as public houses, hot food shops or scrap yards), the developer must, for the duration of the development, display a sign or signs containing prescribed information.

The notice must be in the prescribed form and:-

- displayed in a prominent place at or in the vicinity of the site of the development;
- readily visible to the public; and
- printed on durable material.

A display notice is included with this guidance note.

Should you have any queries in relation to any of the above, please contact:

Angus Council
Angus House
Orchardbank Business Centre
Forfar
DD8 1AN

Telephone 03452 777 780
E-mail: planning@angus.gov.uk
Website: www.angus.gov.uk



TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)

The Town & Country Planning (Development Management Procedure) (Scotland) Regulations 2013 – Schedule to Form 1

*Notification to be sent to applicant on refusal of planning permission
or on the grant of permission subject to conditions decided by Angus Council*

1. If the applicant is aggrieved by the decision of the planning authority-
 - a) to refuse permission for the proposed development;
 - b) to refuse approval, consent or agreement required by condition imposed on a grant of planning permission;
 - c) to grant planning permission or any approval, consent or agreement subject to conditions,

the applicant may appeal to the Scottish Ministers to review the case under section 47 of the Town and Country Planning (Scotland) Act 1997 within three months beginning with the date of this notice. The notice of appeal should be addressed to The Planning and Environmental Appeals Division, Scottish Government, Ground Floor, Hadrian House, Callendar Business Park, Callendar Road, Falkirk, FK1 1XR. Alternatively you can submit your appeal directly to DPEA using the national e-planning web site <https://eplanning.scotland.gov.uk>.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.



TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)

The Town & Country Planning (Development Management Procedure) (Scotland) Regulations 2013 – Schedule to Form 2

*Notification to be sent to applicant on refusal of planning permission
or on the grant of permission subject to conditions decided through
Angus Council's Scheme of Delegation*

1. If the applicant is aggrieved by the decision of the planning authority-
 - a) to refuse permission for the proposed development;
 - b) to refuse approval, consent or agreement required by condition imposed on a grant of planning permission;
 - c) to grant planning permission or any approval, consent or agreement subject to conditions,

the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months beginning with the date of this notice. The notice of review should be addressed to Committee Officer, Angus Council, Resources, Legal & Democratic Services, Angus House, Orchardbank Business Park, Forfar, DD8 1AN.

A Notice of Review Form and guidance can be found on the national e-planning website <https://eplanning.scotland.gov.uk>. Alternatively you can return your Notice of Review directly to the local planning authority online on the same web site.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

Angus Council

Application Number:	24/00417/PPPL
Description of Development:	Erection of a detached dwellinghouse
Site Address:	Gallowhill Farmhouse Strathmartine Dundee DD3 0PU
Grid Ref:	337573 : 736300
Applicant Name:	Mr & Mrs John Mitchell

Report of Handling

Site description and proposal

The application seeks planning permission in principle for the erection of a dwellinghouse. The application site is part of the garden ground of the existing residential property (Gallowhill Farmhouse) and has a site area of around 1497sqm. An existing access track lies to the north of the site with a public road to the west. Other garden ground associated with Gallowhill Farmhouse is located to the south and there are existing farm buildings located to the east.

An indicative site plan has been provided which indicates the dwellinghouse and parking area would be located in the eastern section of the site. A new access point would be formed from the existing public road to the west. Two small garden buildings are proposed to be removed.

The submitted application form indicates the dwelling would be connected to the public water supply network, foul drainage would be directed to a septic tank (which would discharge to land via a soakaway) and surface water drainage would be dealt with by SUDS.

The application has not been subject of variation.

Publicity

The application was subject to normal neighbour notification procedures.

The application was advertised in the Dundee Courier on 12 July 2024 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

10/00195/PPPL for Planning Permission in Principle for Erection of Two Dwellinghouses (Garden Ground) was determined as "Refused" on 30 April 2010 for the following reasons: -

1. That the proposed development involves the erection of more than one house and does not round off or consolidate a group of buildings, does not constitute a gap site and is not a brownfield site and is therefore contrary to Policy SC6 of the Angus Local Plan Review, 2009.
2. The proposed site is not self contained, would open up a further area for development to the south of the site and takes access through a farm court and this is contrary to the criteria (a) and (i) of Schedule 2: Countryside Housing Criteria respectively and consequently Policy SC6 of the Angus Local Plan Review.

3. The applicant has failed to demonstrate that visibility splays of 3 x 215m in accordance with Angus Council's Roads Standards can be provided at the junction of the site access with the public road and this is contrary to Criterion (d) of Schedule 1: Development Principles and consequently Policy S6 of the Angus Local Plan Review 2010.
4. The applicant has failed to provide a Flood Risk Assessment to demonstrate the site is not at unacceptable risk from flooding and this is contrary to Policy ER28 of the Angus Local Plan Review, 2009.

The applicant sought to challenge that decision by means of review by the Development Management Review Committee (DMRC). The review was considered by committee in October 2010 and dismissed. The committee determined amongst other things that: -

- The application site formed part of the larger garden area of Gallowhill Farmhouse. It was considered that the site was not self-contained and that if the application was approved it could set a precedent for other development. The DMRC did not consider that the application site either formed a gap site or consolidated an existing group of buildings.
- The roads service had raised concerns that a flood risk assessment had not been submitted and also that there were concerns in terms of visibility splays with regard to the proposed means of access onto the public road.
- The proposal did not comply with policies of the Angus Local Development Plan 2009. In addition, the applicant had failed to provide a flood risk assessment to demonstrate that the site is not at unacceptable risk from flooding and is therefore contrary to flooding policy in the Angus Local Plan Review. There were no material considerations that warranted approval of the application.

14/00898/FULL for Formation of New Driveway Access was determined as "approved subject to conditions" on 5 January 2015.

15/00211/FULL for Erection of Dwellinghouse was determined as "Application Withdrawn" on 2 April 2015.

Applicant's Case

The applicant has submitted a design and access statement in support of the application: -

- Describes the site and surroundings and states that an existing single storey workshop/ storage building and a timber garden building are contained within the site. It identifies that derelict farm buildings of 'Gallowhill Farm' lie to the east;
- Proposal is to demolish the existing workshop / storage facility and garden storage buildings and erect a single detached dwelling house with an integrated double garage on to the site. To serve this house a new access road will be installed.
- Refers to NPF4, TAYplan, and ALDP policies.
- Refers to policy TC2 and states that it is brownfield and will the development will encompass the demolition and removal of an existing buildings on the site.
- indicates that the site is not allocated for any specific purpose within the Angus Council LDP. Suggests that this would presume that it must therefore fall under the provisions of Policy S1. Under Part 1 of this policy there is a presumption in favour of sustainable development. The Planning system should therefore support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term.
- It indicates that while the site is in a countryside location, it is also on a site that is surrounded by existing properties. The site is therefore appropriate for limited development. Any development will require to carefully consider the environment and its surroundings. To this end it must reflect the scale and aesthetic of a countryside farm steading. There are a number of new modern interventions into the countryside around this location. All of these take the varying forms of detached domestic residential properties.

Consultations

Environmental Health (Arbroath) - objects to the application given proximity to and potential for disamenity and nuisance arising from the agricultural buildings immediately to the east of the application site. While the applicant suggests these are now unused, environmental health is concerned that there is no legal provision to prevent the lawful use from being resumed at any time. Accordingly, the service does not consider that it has been adequately demonstrated that a satisfactory level of residential amenity could be ensured.

Roads Service (Flooding) - advises that SEPA flood maps indicate that the site is adjacent to an area of surface water flooding and therefore may be at risk of flooding from this source. It is indicated that submission of further information would be required to demonstrate that the proposed development is not at risk of surface water flooding up to and including a 1 in 200 year flood event with an allowance for climate change.

Roads (Traffic) - no objection subject to conditions regarding visibility splays, parking, and to prevent the flow of surface water onto the public road.

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

Scottish Water - no objection.

Representations

There were no letters of representation.

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 9 Brownfield, vacant and derelict land and empty buildings
Policy 14 Design, quality and place
Policy 16 Quality homes
Policy 17 Rural homes
Policy 18 Infrastructure first
Policy 20 Blue and green infrastructure
Policy 22 Flood risk and water management
Policy 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 TC2 : Residential Development
Policy PV12 : Managing Flood Risk
Policy PV15 : Drainage Infrastructure

The full text of the relevant development plan policies can be viewed at Appendix 1 to this report.

Assessment

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate

otherwise.

In this case the development plan comprises: -

- National Planning Framework 4 (NPF4) (Published 2023)
- Angus Local Development Plan (ALDP) (Adopted 2016)

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

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

Policy DS1 in the Angus Local Development Plan (ALDP) indicates that outwith development boundaries proposals will be supported where they are of a scale and nature appropriate to their location and where they are in accordance with relevant policies of the ALDP. The proposal is not within a development boundary and is therefore in a rural area as defined by the ALDP.

NPF4 Policy 17 deals specifically with proposals for new housing in rural area. It seeks to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable rural homes in the right locations. It supports proposals for new homes in rural areas in the following specific circumstances: -

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

Having regard to those policy requirements: -

- i. the site is not allocated for housing in the ALDP.
- ii. the proposal does not constitute reuse of brownfield land where a return to a natural state will not happen without intervention. It is well-maintained garden ground associated with an existing dwelling. The presence of garden buildings does not affect this conclusion.
- iii. the proposal does not involve reuse of a redundant or unused building.
- iv. the proposal does not involve reuse of a historic environment asset and it is not enabling development to secure the future of such an asset.
- v. the proposal is not related to the sustainable management of a viable business or croft where there is an essential need for a worker to live permanently at or near their place of work.
- vi. the proposal is not for the retirement succession of a viable farm holding.
- vii. the proposal is not for the subdivision of an existing residential dwelling. It is for the erection of a new house in the garden of an existing house.
- viii. the proposal does not involve reinstatement of a former dwelling house and is not one-for-one replacement of an existing permanent house. It is for the erection of a new house in the garden of an existing house.

The proposal does not comply with any of the circumstances where NPF4 policy 17 allows for the erection of a house in a rural area. For the avoidance of any doubt, the site is not in a remote rural area. The proposal is contrary to NPF4 policy 17 which deals specifically with the principle of this development.

Policy TC2 in the council's ALDP identifies policy tests in relation to new houses in countryside areas. However, aspects of that policy which relate to the principle of new homes on greenfield land such as those involving gap sites and rounding-off building groups are not compatible with the detailed tests provided by NPF4 policy 17. As highlighted above, legislation clearly identifies that in such circumstance, the provisions of NPF4, which post-dates the ALDP, are to apply. Accordingly, the gap site and rounding-off building group criteria that may previously have allowed a new house on greenfield land are no longer relevant considerations. Notwithstanding that, and for clarity, the planning service and the DMRC have previously determined that this area of garden ground does not form a gap site and that residential development would not consolidated an existing group of buildings. The proposal would not comply with policy TC2 of the ALDP even if it remained a relevant consideration.

In addition to policy TC2 of the ALDP, the council has adopted countryside housing supplementary guidance and that forms part of the statutory development plan. The supplementary guidance provides detailed countryside housing criteria that are not incompatible with NPF4 policy. Amongst other things, those criteria indicate that: -

- the sub-division of existing residential curtilages to artificially create new build plots will not be supported.

The application form identifies the existing use of the land is garden ground. This is consistent with the findings of the planning service and the DMRC in relation to the refused planning application in 2010. It is also consistent with correspondence submitted with application 15/00211/FULL. As indicated above, the council's approved statutory supplementary guidance specifically states that sub-division of existing curtilages to create new plots will not be supported.

The proposal is clearly contrary to those policies of the development plan that deal specifically with the principle of new housing development in this area. While other policies are of some relevance to the proposal, they do not contain any provision which can justify the proposal in circumstances where it is directly contrary to the most relevant development plan policy on the principle of the development itself. However, and for completeness, other policy matters are addressed.

Development plan policy requires proposals to be compatible with neighbouring land uses and to provide a good residential environment. They also seek to ensure that new development is not at unacceptable risk of flooding.

There is an existing farm building to the east of the application site. The applicant has indicated that it is disused, and it appears to be in reasonably poor condition. Environmental health has raised concern that the building could be reused for its existing lawful purpose without the requirement for further planning permission and has raised concern that this could adversely affect the residential amenity of the occupants of the proposed house. While that concern is recognised, this is an application for planning permission in principle, and the position of the house on the site could be controlled to ensure that it was no closer to the farm buildings than existing dwellings which are unrelated to their operation. Information could also be sought regarding potential noise emissions and to ensure provision of further mitigation as necessary. In these circumstances, while the concern is noted, it does not justify refusal of planning permission and it appears that a house could be accommodated on the site in a manner that would provide a reasonable residential environment while maintaining the residential amenity of neighbouring property.

In this case, the site is within an area identified on published SEPA maps at being at some risk of surface water flooding. A previous application on this site was refused due to, amongst other reasons, lack of information to demonstrate that the site was not at unacceptable risk of flooding. Notwithstanding that, the applicant has not addressed this matter and has provided no information in relation to potential surface water flood risk. The roads service has indicated that additional information on surface water flood risk is required to properly consider the matter. Information to demonstrate how the matter could or would be addressed and how any necessary mitigation might affect flood risk elsewhere would be necessary to assess policy compliance. However, as the applicant has chosen not to submit such information, and as the application is contrary to rural housing policies, further information in this respect has not been

requested. The absence of information to demonstrate that the site is not at unacceptable risk of flooding and/ or that any necessary mitigation would not increase flood risk elsewhere renders the proposal contrary to policy 22 of NPF4 and policy PV12 of the ALDP.

The roads service has indicated that a suitable access could be formed to serve a new house subject to planning conditions. There is no reason to consider that a proposal for a single house would give rise to any unacceptable impact on infrastructure in the area having regard to development plan policy and the council's approved the affordable housing and developer contributions supplementary guidance.

The proposal does not give rise to any other significant issues in terms of other development plan policy. However, the proposal is contrary to NPF4 as it is not consistent with any of the circumstances where policy 17 allows a new house in a rural area, and as it is contrary to the council's adopted supplementary guidance for countryside housing. In addition, the proposal is contrary to policy 22 of NPF4 and policy PV12 of the ALDP as it has not been demonstrated that the site is not at unacceptable risk of flooding and/ or that any necessary mitigation would not increase flood risk elsewhere. Other policies are of some relevance, but they do not contain any provision which can justify a proposal which is directly contrary to the most relevant development plan policy on the principle of the development itself. The proposal is, in overall terms, contrary to the development plan.

In addition to development plan policy, it is necessary to have regard to other material considerations. In this case that includes information submitted by the applicant in support of the application, and the planning history.

The applicants supporting statement references NPF4, TAYplan, and the ALDP. TAYplan no longer forms part of the statutory development plan and is irrelevant. The applicants statement fails to address those policies in NPF4 that deal specifically with the principle of new housing development in rural areas. While some comment is made in relation to design policy, that is largely irrelevant in circumstances where a proposal is contrary to those policies that deal with the principle of the development. The statement similarly fails to address the issue of flood risk, which as indicated above, was a contributory reason for refusal in relation to previous development proposals at this site. The statement fails to identify any material planning considerations that would justify approval of planning permission contrary to the provisions of the development plan.

The planning history of the site is set out above. As indicated, a previous application for residential development on a substantially similar site at this location was refused in 2010. A subsequent review of that decision was dismissed by the council's DMRC. While the physical characteristics of the site have not changed materially in the intervening period, and concerns raised regarding flood risk at that time remain relevant, the development plan framework has changed significantly, and the main policy basis is now provided by NPF4. Accordingly, while the previous decisions on the site remain a significant material consideration in relation to flood risk, the materiality of the policy considerations is reduced.

In conclusion, the principle of a new house at this location is contrary to development plan policy. The proposal does not meet any of the circumstances where NPF policy 17, which deals specifically with rural housing, would allow for the rection of a new house. In addition, it involves sub-division of an existing plot in circumstances where that is expressly prohibited by the council's approved and adopted countryside housing supplementary guidance. In addition, the proposal is contrary to policy 22 of NPF4 and policy PV12 of the ALDP as it has not been demonstrated that the site is not at unacceptable risk of flooding and/ or that any necessary mitigation would not increase flood risk elsewhere. There are no material considerations that justify approval of planning permission contrary to the provisions of 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 17 of NPF4 and policy TC2 of the Angus Local Development Plan as it proposes the construction of a new house in the countryside in circumstances that are not supported by that policy. In addition, the proposal would involve subdivision of existing garden ground to create the proposed house plot and that is contrary to the council's approved and adopted, statutory countryside housing supplementary guidance.
2. The application is contrary to policy 22 of NPF4 and policy PV12 of the Angus Local Development Plan as it has not been demonstrated that the site is not at unacceptable risk of flooding and/ or that any necessary mitigation would not increase flood risk elsewhere.

Notes:

Case Officer: James Wright
Date: 1 October 2024

Appendix 1 - Development Plan Policies

NPF4 – national planning policies

Policy 1 Tackling the climate and nature crises

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

Policy 2 Climate mitigation and adaptation

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

Policy 3 Biodiversity

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

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

- i. the proposal is based on an understanding of the existing characteristics of the site and its local, regional and national ecological context prior to development, including the presence of any irreplaceable habitats;

- ii. wherever feasible, nature-based solutions have been integrated and made best use of;
 - iii. an assessment of potential negative effects which should be fully mitigated in line with the mitigation hierarchy prior to identifying enhancements;
 - iv. significant biodiversity enhancements are provided, in addition to any proposed mitigation. This should include nature networks, linking to and strengthening habitat connectivity within and beyond the development, secured within a reasonable timescale and with reasonable certainty. Management arrangements for their long- term retention and monitoring should be included, wherever appropriate; and
 - v. local community benefits of the biodiversity and/or nature networks have been considered.
- c) Proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development. Applications for individual householder development, or which fall within scope of (b) above, are excluded from this requirement.
- d) Any potential adverse impacts, including cumulative impacts, of development proposals on biodiversity, nature networks and the natural environment will be minimised through careful planning and design. This will take into account the need to reverse biodiversity loss, safeguard the ecosystem services that the natural environment provides, and build resilience by enhancing nature networks and maximising the potential for restoration.

Policy 4 Natural places

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

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

c) Development proposals that will affect a National Park, National Scenic Area, Site of Special Scientific Interest or a National Nature Reserve will only be supported where:

- i. The objectives of designation and the overall integrity of the areas will not be compromised; or
- ii. Any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.

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

d) Development proposals that affect a site designated as a local nature conservation site or landscape area in the LDP will only be supported where:

- i. Development will not have significant adverse effects on the integrity of the area or the qualities for which it has been identified; or
- ii. Any significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance.

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

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

g) Development proposals in areas identified as wild land in the Nature Scot Wild Land Areas map will only be supported where the proposal:

- i) will support meeting renewable energy targets; or,
- ii) is for small scale development directly linked to a rural business or croft, or is required to support a

fragile community in a rural area.

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

Policy 9 Brownfield, vacant and derelict land and empty buildings

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

Policy 14 Design, quality and place

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

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

Pleasant: Supporting attractive natural and built spaces.

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

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

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

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

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

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

Policy 16 Quality homes

- a) Development proposals for new homes on land allocated for housing in LDPs will be supported.
- b) Development proposals that include 50 or more homes, and smaller developments if required by local policy or guidance, should be accompanied by a Statement of Community Benefit. The statement will explain the contribution of the proposed development to:
 - i. meeting local housing requirements, including affordable homes;
 - ii. providing or enhancing local infrastructure, facilities and services; and

- iii. improving the residential amenity of the surrounding area.
- c) Development proposals for new homes that improve affordability and choice by being adaptable to changing and diverse needs, and which address identified gaps in provision, will be supported. This could include:
- i. self-provided homes;
 - ii. accessible, adaptable and wheelchair accessible homes;
 - iii. build to rent;
 - iv. affordable homes;
 - v. a range of size of homes such as those for larger families;
 - vi. homes for older people, including supported accommodation, care homes and sheltered housing;
 - vii. homes for people undertaking further and higher education; and
 - viii. homes for other specialist groups such as service personnel.
- d) Development proposals for public or private, permanent or temporary, Gypsy/Travellers sites and family yards and Travelling Showpeople yards, including on land not specifically allocated for this use in the LDP, should be supported where a need is identified and the proposal is otherwise consistent with the plan spatial strategy and other relevant policies, including human rights and equality.
- e) Development proposals for new homes will be supported where they make provision for affordable homes to meet an identified need. Proposals for market homes will only be supported where the contribution to the provision of affordable homes on a site will be at least 25% of the total number of homes, unless the LDP sets out locations or circumstances where:
- i. a higher contribution is justified by evidence of need, or
 - ii. a lower contribution is justified, for example, by evidence of impact on viability,
- where proposals are small in scale, or to incentivise particular types of homes that are needed to diversify the supply, such as self-build or wheelchair accessible homes.

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

- f) Development proposals for new homes on land not allocated for housing in the LDP will only be supported in limited circumstances where:
- i. the proposal is supported by an agreed timescale for build-out; and
 - ii. the proposal is otherwise consistent with the plan spatial strategy and other relevant policies including local living and 20 minute neighbourhoods;
 - iii. and either:
 - o delivery of sites is happening earlier than identified in the deliverable housing land pipeline. This will be determined by reference to two consecutive years of the Housing Land Audit evidencing substantial delivery earlier than pipeline timescales and that general trend being sustained; or
 - o the proposal is consistent with policy on rural homes; or
 - o the proposal is for smaller scale opportunities within an existing settlement boundary; or
 - o the proposal is for the delivery of less than 50 affordable homes as part of a local authority supported affordable housing plan.
- g) Householder development proposals will be supported where they:
- i. do not have a detrimental impact on the character or environmental quality of the home and the surrounding area in terms of size, design and materials; and
 - ii. do not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking.
- h) Householder development proposals that provide adaptations in response to risks from a changing climate, or relating to people with health conditions that lead to particular accommodation needs will be supported.

Policy 17 Rural homes

- a) Development proposals for new homes in rural areas will be supported where the development is suitably scaled, sited and designed to be in keeping with the character of the area and the development:
- i. is on a site allocated for housing within the LDP;
 - ii. reuses brownfield land where a return to a natural state has not or will not happen without

intervention;

- iii. reuses a redundant or unused building;
- iv. is an appropriate use of a historic environment asset or is appropriate enabling development to secure the future of historic environment assets;
- v. is demonstrated to be necessary to support the sustainable management of a viable rural business or croft, and there is an essential need for a worker (including those taking majority control of a farm business) to live permanently at or near their place of work;
- vi. is for a single home for the retirement succession of a viable farm holding;
- vii. is for the subdivision of an existing residential dwelling; the scale of which is in keeping with the character and infrastructure provision in the area; or
- viii. reinstates a former dwelling house or is a one-for-one replacement of an existing permanent house.

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

c) Development proposals for new homes in remote rural areas will be supported where the proposal:

- i. supports and sustains existing fragile communities;
- ii. supports identified local housing outcomes; and
- iii. is suitable in terms of location, access, and environmental impact.

d) Development proposals for new homes that support the resettlement of previously inhabited areas will be supported where the proposal:

- i. is in an area identified in the LDP as suitable for resettlement;
- ii. is designed to a high standard;
- iii. responds to its rural location; and
- iv. is designed to minimise greenhouse gas emissions as far as possible.

Policy 18 Infrastructure first

a) Development proposals which provide (or contribute to) infrastructure in line with that identified as necessary in LDPs and their delivery programmes will be supported.

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

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

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

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

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

Policy 20 Blue and green infrastructure

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

maintained. The planning authority's Open Space Strategy should inform this.

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

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

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

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

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

Policy 22 Flood risk and water management

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

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

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

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

- o all risks of flooding are understood and addressed;
- o there is no reduction in floodplain capacity, increased risk for others, or a need for future flood protection schemes;
- o the development remains safe and operational during floods;
- o flood resistant and resilient materials and construction methods are used; and
- o future adaptations can be made to accommodate the effects of climate change.

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

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

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

c) Development proposals will:

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

d) Development proposals will be supported if they can be connected to the public water mains. If

connection is not feasible, the applicant will need to demonstrate that water for drinking water purposes will be sourced from a sustainable water source that is resilient to periods of water scarcity.

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

Policy 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 TC2 : Residential Development

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

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

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

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

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

- o retention, renovation or acceptable replacement of existing houses;
- o conversion of non-residential buildings;
- o regeneration or redevelopment of a brownfield site that delivers significant visual or environmental improvement through the removal of derelict buildings, contamination or an incompatible land use;
- o single new houses where development would:
 - o round off an established building group of 3 or more existing dwellings; or
 - o meet an essential worker requirement for the management of land or other rural business.
- o in Rural Settlement Units (RSUs)**, fill a gap between the curtilages of two houses, or the curtilage of one house and a metalled road, or between the curtilage of one house and an existing substantial building such as a church, a shop or a community facility; and
- o in Category 2 Rural Settlement Units (RSUs), as shown on the Proposals Map, gap sites (as defined in the Glossary) may be developed for up to two houses.

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

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

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

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

Policy 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 PV15 : Drainage Infrastructure

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

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

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

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

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

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

Appeal Statement

Application Ref No 24/00417/PPPL

**Proposed Erection of a Single Detached Dwelling House adjacent
to Gallowhill Farmhouse, Strathmartine, DD3 0PU**

For

Mr & Mrs J. Mitchell



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Report written by:
Fraser Middleton
MA Town and Country Planning
B.Arch (hons)BSc Environmental Studies

1.0 Refusal Notification.

1.1 The decision made by Angus Council was:

1 The application is contrary to policy 17 of NPF4 and policy TC2 of the Angus Local Development Plan as it proposes the construction of a new house in the countryside in circumstances that are not supported by that policy. In addition, the proposal would involve subdivision of existing garden ground to create the proposed house plot and that is contrary to the council's approved and adopted, statutory countryside housing supplementary guidance.

2 The application is contrary to policy 22 of NPF4 and policy PV12 of the Angus Local Development Plan as it has not been demonstrated that the site is not at unacceptable risk of flooding and/ or that any necessary mitigation would not increase flood risk elsewhere.

2.0 Policy

2.1 Policy TC2 of the Angus Local Development Plan (ALDP):

2.1.1 This policy relates to residential development within the countryside. It is accepted that the site is located outwith the development boundary and located within the open countryside as defined in the Angus Local Development Plan (ALDP).

2.1.2 The decision notes that Application site is not compliant. We would however contend that the site could be considered a regeneration or redevelopment of a brownfield site that would deliver significant visual environmental improvements through the removal of derelict buildings (refer to Appendix 1). The site also would ensure that the derelict buildings to the East are hidden therefore improving the area. These unsightly derelict buildings are outwith the Application site and the farm buildings do not belong to the owner of the farm; it is therefore extremely unlikely that they would ever be returned to meaningful agriculture use. Planning Service contends that this area is garden ground however this would mean that the garden of Gallowhill Farmhouse extends to a massive 3580sq.m. The area is open ground which gets cut occasionally in order to keep it maintained. It is too small to be commercially farmed.

2.1.3 We would also contend that the surrounding buildings are residential and this site fills the gap between 'Gallowhill Farmhouse', 'Gallowhill Cottage' and 'Dykes O' Gallowhill'. It would also be fair to include the ruinous cottage to the North East of the site and the existing derelict farm buildings to the East; all reinforcing the 'rounding off' of a settlement (refer to Appendices for images of these properties). This development rounds off the building group satisfying the ALDP requirement of 'three or more closely related residential buildings'. The site which is to be clearly is delineated between the new access road and the existing is approximately 30 metres wide; well within the required 75 metres required by the ALDP. A presumption has been made by Planning Service that this is garden ground within the curtilage of Gallowhill Farmhouse. Although within the ownership it is not part of the garden ground and the layout / delineation of the land reinforces this. The existing dilapidated building on the property is to be demolished and a new building erected. The house is for the family of the Applicant and although is not an essential worker will be critical to the lifestyle / care of the Applicant. We would therefore

contend that the new dwelling house would sit in its environment rounding off this established building group.

2.1.4 It is noted that the 'Angus Council Coastal, Flood Risk and Structures' report states that “

1. *The SEPA flood maps do not indicate that the site is at risk of fluvial flooding at any probability.*
2. *The SEPA flood maps indicate that the site is adjacent to an area of surface water flooding (to the immediate south) and therefore may be at risk of flooding from this source. It is possible that the maps are highlighting a potential surface water flow path from north east to south west”.*

Although no flood risk assessment of the site covering a 1 in 200 year flood event has formally been carried out the above report admits that there is no effect on the actual site. The Applicant who has lived on the site for many years states that there has never been any incline of flooding in the vicinity of the Application site. The site to the south is also within the garden ground of the Applicants ownership and has never at any time become susceptible to flooding.

2.2 Policy 17

2.2.1 We would contend that the application meets Policy 7, a) which states:

- a) *Development proposals for new homes in rural areas will be supported where the development is suitably scaled, sited and designed to be in keeping with the character of the area.*
- b) *This policy also states that ‘Development proposals for new homes in rural areas will consider how the development will contribute towards local living and take into account identified local housing needs (including affordable housing), economic considerations and the transport needs of the development as appropriate for the rural location. The Application site will meet an identified needs as it will be an affordable house for family.*
- c) *Development proposals for new homes in remote rural areas will be supported where the proposal: i. supports and sustains existing fragile communities; ii. supports identified local housing outcomes; and Part 2 – National Planning Policy National Planning Framework 4 66 iii. is suitable in terms of location, access, and environmental impact. Considering the current Housing emergency and especially in the countryside this site provides the opportunity to provide close family support to the Applicant.*
- d) *Development proposals for new homes that support the resettlement of previously inhabited areas will be supported where the proposal: i. is in an area identified in the LDP as suitable for resettlement; ii. is designed to a high standard; iii. responds to its rural location; and iv. is designed to minimise greenhouse gas emissions as far as possible.’ As this is an Application in Principle only the detailed design of the property will be formulated during the detailed Planning application ensuring compliance with these Conditions.*

2.3 Policy 22

2.3.1 Development proposals at risk of flooding or in a flood risk area will only be supported if they meet certain requirements. We would contend that these conditions are not relevant as there is no risk of flooding. Refer to Policy PV12 for detailed response. Any surface water will be dealt with on site through an appropriate SUDS measures designed by specialist engineers.

2.3.2 It has been identified that there is sufficient capacity within Scottish Water network for a public water mains supply. The ALDP notes that 'Development proposals will be supported if they can be connected to the public water mains'.

2.4 Policy TC2 Residential Development

2.4.1 This clause notes that all proposals for new residential development, including the conversion of non-residential buildings must:

- a) be compatible with current and proposed land uses in the surrounding area;
- b) provide a satisfactory residential environment for the proposed dwelling(s);
- c) not result in unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure; and
- d) include as appropriate a mix of house sizes, types and tenures and provision for affordable housing in accordance with Policy TC3 Affordable Housing. (Only a single house is proposed).
- e) Within development boundaries Angus Council will support proposals for new residential development where:
- f) the site is not allocated or protected for another use; and
- g) the proposal is consistent with the character and pattern of development in the surrounding area.

We would contend that the proposals are in sympathy with these aspects of this clause.

2.4.2 In countryside locations Angus Council will support proposals for the development of single new houses where development would:

1. *round off an established building group of 3 or more existing dwellings; or*
2. *meet an essential worker requirement for the management of land or other rural business.*
3. *fill a gap between the curtilages of two houses, or the curtilage of one house and a metalled road, or between the curtilage of one house*

We contend that the development complies with items 1 and 3 of this Clause. Please refer to Appendix 8 which clearly shows the development site surrounded on three sides by other buildings.

2.4.3 *It is noted that 'in Category 2 Rural Settlement Units, gap sites may be developed for up to two houses.: Category 1 Rural Settlement Units, or for the development of up to two houses in Category 2 Rural Settlement Units'.*

We consider this to be a gap site as it has a frontage less than 75 metres and sits in the midst of other buildings, the majority of which are residential.

2.4.4 *the restoration or replacement of traditional buildings.* The proposal encompasses the removal of a building on the site.

2.4.5 *the development of new large country houses. *includes houses in multiple occupation, non-mainstream housing for people with particular needs, such as*

specialist housing for the elderly, people with disabilities, supported housing care and nursing homes. This is not a proposal for a large house. It is for a modest affordable family home.

2.5 Policy PV12: Managing Flood Risk;

2.5.1 This policy states that there will be a general presumption against development when development is proposed:

- 1) On the functional floodplain; (Not relevant)
- 2) Which involve land raising resulting in the loss of the functional flood plain; (Not relevant)
- 3) Which would materially increase the probability of flooding to existing or planned development. (not relevant)
- 4) Development in areas known or suspected to be at the upper end of low to medium risk or of medium to high flood risk. (not relevant)
- 5) Where appropriate that water-resistant materials and construction will be utilised. (not relevant)
- 6) Where appropriate development proposals will be: assessed within the context of the Shoreline Management Plan, Strategic Flood Risk Assessments and Flood Management Plans; (The site is not subject to flooding).
- 7) Development proposals will be considered within the context of SEPA flood maps to assess and mitigate surface water flood potential. Refer to Angus Council (Angus Council Coastal, Flood Risk and Structures' notes that '*The SEPA flood maps do not indicate that the site is at risk of fluvial flooding at any probability*').
- 8) Built development should avoid areas of ground instability (landslip). (not relevant).
- 9) In areas of Surface Water Flooding: Infrastructure and buildings should generally be designed to be free from surface water flooding in rainfall events where the annual probability of occurrence is greater than 0.5% (1:200 years). (We would contend that the site is not in an area of surface water flooding and therefore this clause is not relevant)
- 10) '*Surface water drainage measures should have a neutral or better effect on the risk of flooding both on and off the site, taking account of rain falling on the site and run-off from adjacent areas*'. Our proposals will encompass the mandatory SUDS drainage system designed by consultant engineers which will ensure that flow off the site is mitigated. This may actually improve the current situation.

We would therefore contend that the proposals meet the above criteria.

2.5.2 The report notes that Scottish Planning Policy notes 5 sources of potential flooding:

- 1) Watercourse (Fluvial Flooding): there is no flowing watercourse that could cause flooding.
- 2) Sewer Flooding: there is no sewer in the vicinity that would affect this site.
- 3) Groundwater: there is no historic issues with groundwater in the area of the development.
- 4) Coastal flooding: the site is not coastal.
- 5) Pluvial Flooding.

Only pluvial flooding is potentially relevant to this site. This occurs when rainwater ponds or flows over the ground before entering a drainage system. It may also occur

when drainage systems are at full capacity. This type of flooding is often combined with sewer flooding and groundwater flooding. We have established that neither is prevalent in this location. It should be noted that the ground flows to the roadside ditch and providing Angus Council Roads Service maintain this watercourse there is no issue.

3.0 Summary

3.1 The proposed development is only a single detached dwelling house and the surface water run-off will be contained within an engineered SUDS drawing system entirely within the curtilage of the development. There will be no surge to threaten the existing roadside drainage ditches. The building proposed on a brownfield site and is for an identified need as it is for a family member in order that they are in close proximity to the Applicant for any future potential medical need.

3.2 It is also important to recognise that in June this year Angus Council announced a housing emergency. In addition to this the Chief Planner and Ministerial letter to all Heads Of Planning (September 2024) '*ensures that the Planning system responds to the housing emergency*'. This is an opportunity to provide family housing in an appropriate rural location where there is an identified need (family / carer link).



Appendix 1: Existing Building to be demolished. We would argue that this constitutes brownfield development.



Appendix 2: Buildings to the North



Appendix 3: Ruinous cottage to the North East of the Site.



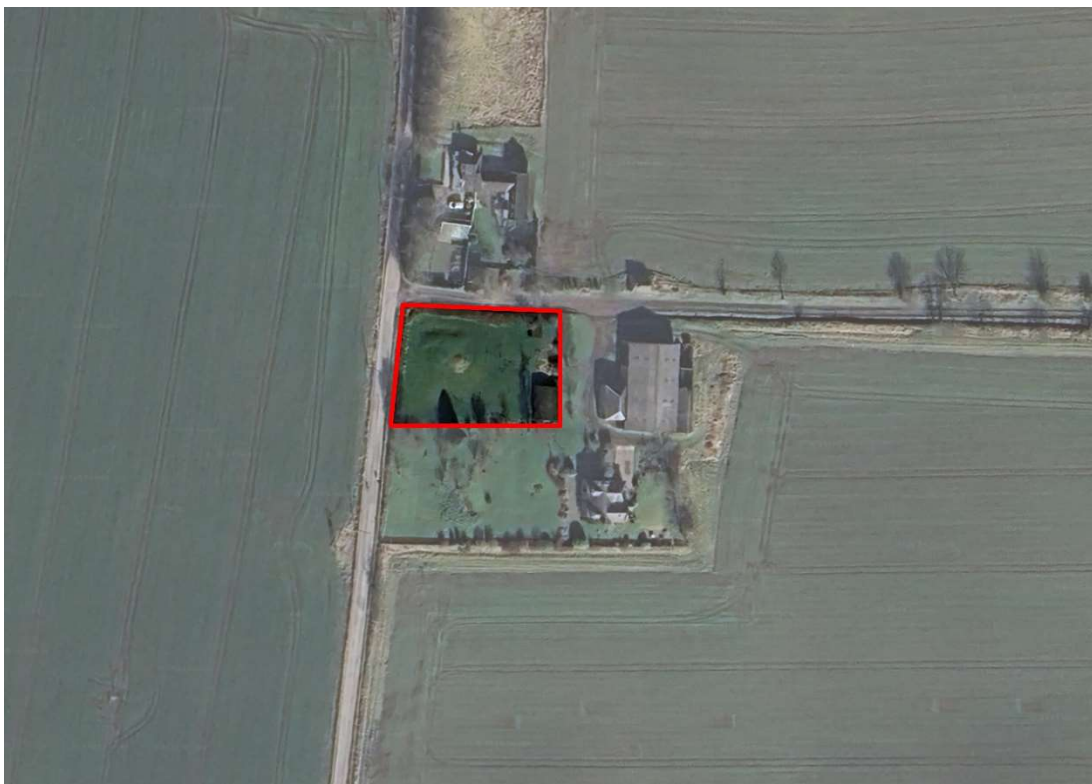
Appendix 4: Dilapidated farm range to the East of the Site



Appendix 5: Gallowhill Cottage



Appendix 7: View of site from public roadway.



Appendix 8: Indicating site with buildings to the North, North East, East and South East.