

ANGUS COUNCIL

DEVELOPMENT MANAGEMENT REVIEW COMMITTEE - 3 MARCH 2025

45 IRELAND STREET, CARNOUSTIE

REPORT BY ALISON WATSON, ACTING DIRECTOR OF LEGAL, GOVERNANCE & CHANGE

1. ABSTRACT

- 1.1 The Committee is asked to consider an application for a review of the decision taken by the planning authority in respect of the refusal of planning permission for change of use of garden ground to allow for the siting of a caravan for use as a short-term let accommodation, application No 24/00338/FULL, at 45 Ireland Street, Carnoustie

2. ALIGNMENT TO THE COUNCIL PLAN AND COUNCIL POLICIES

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

- Caring for our people
- Caring for our place

3. RECOMMENDATIONS

It is recommended that the Committee:-

- (i) consider and determine if further procedure is required as detailed at Section 4;
- (ii) if further procedure is required, the manner in which the review is to be conducted;
- (iii) if no further procedure is required:
 - (a) review the case submitted by the Planning Authority (**Appendix 1**);
 - (b) review the case submitted by the Applicant (**Appendix 2**)
 - (c) consider the further lodged representations (**Appendix 3**); and
 - (d) consider the Applicant's response to the further lodged representations. (**Appendix 4**).

4. CURRENT POSITION

- 4.1 The Development Management Review Committee is required to determine if they have sufficient information to determine the Review without further procedure. If members do not determine the review without further procedure, the Review Committee must determine the manner in which the review is to be conducted. The procedures available in terms of the regulations are: written submissions, hearing sessions or inspection of the land to which the review relates.

5. FINANCIAL IMPLICATIONS

- 5.1 There are no direct financial implications arising from the recommendations in this Report.

6. RISK MANAGEMENT

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

7. ENVIRONMENTAL IMPLICATIONS

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

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

8.1 A screening assessment has been undertaken and a full equality impact assessment is not required.

9. CHILDRENS RIGHTS AND WELLBEING IMPACT ASSESSMENT

9.1 A Children's Rights and Wellbeing Impact Assessment is not required as the "General Principles" do not apply to this proposal.

NOTE: No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973, (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.

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Appendix 4 – Applicant's Response to Further Representations

ANGUS COUNCIL'S SUBMISSION ON GROUNDS OF REFUSAL

APPLICATION NUMBER – 24/00338/FULL

APPLICANT- MR TONY LINDSAY

PROPOSAL & ADDRESS – CHANGE OF USE OF GARDEN GROUND TO ALLOW THE SITING OF A CARAVAN FOR USE AS A SHORT-TERM LET ACCOMMODATION AT 45 IRELAND STREET CARNOUSTIE

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Angus Council

Application Number:	24/00338/FULL
Description of Development:	Change of use of garden ground to allow for the siting of a caravan for use as a short-term let accommodation
Site Address:	45 Ireland Street Carnoustie DD7 6AU
Grid Ref:	356988 : 734643
Applicant Name:	Mr Tony Lindsay

Report of Handling**Site Description and proposal**

Planning permission is sought for the change of use of land of an area of garden ground at 45 Ireland Street to allow for the siting of a 3-bedroom caravan for use as a short-term let accommodation.

The application relates to an area of ground measuring around 85m in area to the east of the house which sits between Ireland Street to the north and the main east coast railway line to the south.

A caravan is on site and has been for several months. It was initially used as short-term let, advertised through Airbnb, but the applicant has advised that more recently it has been occupied by a family member as a place of temporary residence.

Notwithstanding the above the applicant wishes to resume use of the caravan as short-term let accommodation and seeks to regularise such use through the submission of this application which seeks permission to allow the use of land for the siting of a caravan for the identified use.

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 23 August 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

Enforcement case ref: 24/00001/UNDV relates to the use of land at 45 Ireland Street, Carnoustie for the siting of a caravan and its use as independent residential accommodation and/or as short term let accommodation. The case refers to the same site (and caravan) to which this planning application relates.

An Enforcement Notice was served on 19 July 2024 requiring the removal of the caravan from the land and to cease and desist the use of land for the siting of caravan/s within 60 days from the date of the notice. This was on the basis the use of land for siting of the caravan and occupation of the caravan as independent residential accommodation and/or short term let accommodation constitutes development as a material change of use, and such development has not been approved through the grant of planning permission, either on application to the planning authority or by a development order. The enforcement notice also asserts that the use of land and occupation of the caravan as independent residential accommodation and/or short term let accommodation is contrary to the development plan in this instance.

The owner/applicant has appealed the enforcement notice to Scottish Government Planning and Environmental Appeals Division (ref: ENA-120-2025). The appeal is currently under consideration and awaiting a decision.

Applicant's Case

The applicant has provided the following information on the proposed short term let operation:

- 3-bedroom caravan.
- Not for let while applicant is not present on site.
- Applicant lives in the adjacent house.
- Maximum capacity for 6 people, but usually couples or a single family.
- Minimum 3 day let, no maximum stay.
- Check-in 3pm-8pm and check-out no later than 11am.
- Cleaning and laundry done for each stay.
- Small outdoor area, with no BBQ or hot tub available
- Parking is available on-street immediately adjacent to the caravan.
- Shared waste facilities with the house.

The applicant has also provided information on the tourism market, suggesting that 25% of visitors to Angus choose to stay in caravans. The submission identifies the benefits of tourists visiting local attractions close to their accommodation. It concludes that granting planning permission for this proposal would raise the income revenue for local businesses.

A Noise Management Plan has also been provided with includes measures to ensure minimal impact on the amenity of neighbours as a result of noise from the proposed use.

The applicant has submitted a letter of support to the proposal which responds to a number of matters raised by third parties in objections to the development. The applicant suggests; -

- There is no rodent increase associated with the caravan located on the site. Rubbish is collected daily at the site.
- There have been no open fires.
- There has been no noise associated with the caravan located on the site and noise emissions and other operations would be regulated if the siting of the caravan is approved.
- The applicant intends to install a fence at the site.
- Gas cylinders at the site are secure on a level concrete slab.
- There is ample off and on-street parking available.
- Residents of Tayside Street have no right to privacy as they overlook a public road and a railway line between.
- Neighbouring properties are currently overlooked.
- The caravan is connected to the services of the existing house.
- The caravan is secured and has not moved in 8 months.

Consultations

Network Rail - no objection in principle, but request an advisory note to ensure that construction works be undertaken in a safe manner which does not disturb the operation of the neighbouring railway.

Environmental Health - due to concerns about noise, a noise management plan was requested. This has been provided and environmental health consider the submission acceptable..

Carnoustie Community Council - objects to the proposal. The main concerns raised relate to the unsuitability of the caravan in regard to its impact upon the character and appearance of the area; parking concerns and associated road traffic and safety impacts; hazards and fire risks associated with gas canisters stored on the site; trip hazards and the appearance of astro turf at the site; and non-compliance with planning requirements. Therefore, request the application be refusal.

Roads - no objections.

Scottish Water - there was no response from this consultee at the time of report preparation.

Representations

13 representations were received from 6 parties, with 12 raising objection and 1 offering general comments.

The main points of concern raised were as follows:

- The development is not appropriate and doesn't comply with policies.
- The proposal would result in adverse amenity, mental health, and visual impacts.
- Impacts upon parking, access and road and pedestrian safety.
- The caravan is connected to the mains sewer and water supply.
- The site lacks maintenance and screening.
- Concerns regarding compliance with submitted noise management plan.
- Since the caravan was sited, rodent levels in the area have increased.
- Health and safety concerns, including the use of unsecured propane gas cylinders, exposed pipework, open fires on the site and trip hazards.
- Proximity of the unsecure caravan to the railway and potential impacts upon the railway line.
- Residents of the caravan have littered and causing antisocial behaviour.
- Previous use/ planning history at the site.
- The sitting of the caravan is illegal.

Material planning issues are addressed below but the following matters are addressed at this stage: -

- **The caravan is already in situ and has been let as a short-term let (advertised on online)** – it is understood that caravan is not currently being let as short-term accommodation and notwithstanding this there is provision within planning legislation to allow for retrospective applications to be made.
- **Lack of caravan details** – this application relates to a change of use of the land, and there is sufficient information available to determine the application.

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 12 Zero waste
 Policy 14 Design, quality and place
 Policy 15 Local living and 20 minute neighbourhoods
 Policy 18 Infrastructure first
 Policy 23 Health and safety
 Policy 30 Tourism

Angus Local Development Plan 2016

Policy DS1 : Development Boundaries and Priorities
 Policy DS3 : Design Quality and Placemaking
 Policy DS4 : Amenity
 Policy TC16 : Tourism Development
 Policy PV15 : Drainage Infrastructure
 Policy PV18 : Waste Management in New Development

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) (Adopted 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 ALDP states that 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.

NPF4 policy 30 seeks to encourage, promote and facilitate sustainable tourism development which benefits local people, is consistent with net zero and nature commitments, and inspires people to visit Scotland. It states that proposals for tourism related development will take account of, among other things, compatibility with the surrounding area in terms of the nature and scale of the activity and impacts of increased visitors.

ALDP policy TC16 indicates that proposals for new or improved tourism related facilities and tourist accommodation will be directed to sites within development boundaries. Such facilities will be supported in these locations where the development is of an appropriate scale and nature and is in keeping with the townscape and pattern of development.

NPF4 policy 14 requires development proposals to be designed to improve the quality of an area whether in urban or rural locations and regardless of scale. It further states that 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.

ALDP policy DS3 requires developments to 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.

ALDP policy DS4 requires all proposed development to have full regard to opportunities for maintaining and improving environmental quality. It states that development will not be permitted where there is an unacceptable adverse impact on the surrounding area or the environmental quality or amenity of nearby properties.

The site is within a development boundary, it is reasonably well located in relation to surrounding services and facilities and it has good accessibility to public transport. The use of land for the siting of a caravan would not directly impact any sites designated for built or natural heritage reasons and would have little impact on such interests in the wider area. The roads service has indicated it has no issue with the proposal in terms of access or parking. Available evidence confirms that visitors and visitor accommodation make significant contribution to the local economy and tourism is a priority sector in Angus. The proposed development would not result in the loss of mainstream housing. Provision of tourism accommodation attracts some support from development plan policy.

However, the support for tourism development and accommodation is not unqualified as detailed in the policy synopsis provided above. Policy requires development to be of an appropriate scale and nature and in keeping with the townscape and pattern of development in the area. Policy requires proposals to

improve the quality of an area and to draw upon those aspects of landscape or townscape that contribute positively to the character and sense of place.

This site is located in a residential area of the town and is characterised by a mix of traditional and modern dwellings. The area in the immediate vicinity of the application site is characterised by single storey houses positioned close to or immediately adjoining the road, with roof ridges running parallel to the street. Stone boundary walls to the street providing enclosure to private areas are also typical. That general pattern of development is replicated to the south on Tayside Street.

The proposal seeks permission to allow for the siting of a caravan for commercial short-term letting purposes. The caravan, which is in situ, measures in the region of 3m wide by 12m in length and has a shallow, pitched roof, which runs perpendicular to the street. It occupies a significant portion of the site. The curtilage of 45 Ireland Street is consistent with other properties in the area, but the curtilage associated with the caravan site would be small measuring around 85sqm.

The nature of the development is such that the caravan appears as a separate property occupying a small and constrained area of land squeezed between two existing dwellings. It essentially has the appearance of, and would function as, a caravan site located extremely close to and surrounded by residential properties. It would introduce a very apparent commercial activity into what is otherwise a predominantly residential area. The site and the caravan occupying it are particularly prominent when viewed from the south where it occupies land elevated above Tayside Street. However, from all places where it is visible, a static caravan site at this location represents a discordant feature and is detrimental to the townscape. The limited size and nature of the site are such that there is no reasonable prospect of mitigating the adverse impact the proposal would have on the character and appearance of the area. A caravan site at this location is not consistent with the character of the townscape and pattern of development in the area; it does not improve the urban area; and is not of a high design standard. The caravan site use is not compatible with the surrounding area in terms of the nature and scale of development. The proposal is not consistent with tourism, design, or amenity policies of the development plan for the reasons set out above.

Approval of this application could establish an undesirable precedent for similar development in the area which would further undermine the character and amenity of the area.

In relation to other development plan matters, the caravan on the site is currently approximately 3m from the boundary with the neighbouring property at 47 Ireland Street, with the entrance door and kitchen window facing in that direction. There is an existing boundary wall and hedge that offers some privacy screening. The caravan is positioned around 1m from the southern boundary of the site adjacent to the railway line, and as a result the main living room window is around 20m from the facing habitable room windows of 25 and 26 Tayside Street and elevated around 2m higher than those properties. While the resultant separation distances comply with those that would typically be sought between residential properties, it is unusual for caravans occupied for commercial purposes to be located in such close proximity to residential property. Impacts on properties to the south could be mitigated through the provision of boundary screening, but the elevated position of the caravan within 1m of the southern boundary would require screening that would measure up to 4m above the level of the railway line, which in itself would be inconsistent with the established character of the streetscene.

A caravan occupied as short-term letting accommodation is likely to attract guests who would not be known to neighbours and who may arrive, depart, and use outdoor areas at different hours and in a different manner than those otherwise permanently resident in an area. While some of the associated impacts could be controlled by planning conditions and/ or controls imposed through any necessary licencing regime, the constraints of this site are such that this activity would take place close to, and would be obvious to occupants of neighbouring property.

While the existing houses on Ireland Street are close together and also close to facing houses on Tayside Street, the static caravan occupying the site brings windows serving its habitable rooms so close to the site boundaries that the impact on neighbouring privacy is unreasonable. It is not usual to have a commercial caravan site in such close proximity to residential property, and the resultant impact is considered unacceptable and is contrary to those aspects of development plan policy that seek to safeguard the amenity of occupants of nearby property.

The proposal does not give rise to significant issue in terms of other relevant development plan policy. However, the caravan site use is not compatible with the surrounding area in terms of the nature and scale of development. It is not consistent with the character and pattern of development in the area. It does not improve the urban area. It is not of a high design standard. It would adversely affect the amenity of occupants of nearby occupied property. For those reasons the proposal is contrary to the development plan.

In addition to the development plan, it is necessary to have regard to other material considerations. In this case those include the potential economic benefit associated with the development, information submitted in support of the application, and the matters raised in the letters of representation in so far as they relate to relevant planning matters.

Some market assessment has been provided to demonstrate the local economic benefit associated with this development, and also the demand for this type of accommodation. It is accepted that tourism accommodation will generally provide some benefit to the local economy, and that is reflected in the support provided by development plan policy. However, as indicated above, policy does not provide unqualified support for tourism development, and any benefit associated with a single caravan does not outweigh the harm associated with this proposal. but the contribution from a single caravan is not quantified and is likely to be so small as to merit little weight in the decision-making process.

The information submitted by the applicant in support of the application is noted, but it does not address the fundamental issues associated with the proposal and its conflict with development plan policy as identified above. It does not identify material planning considerations that would justify approval of the application.

The representations are material in so far as they relate to relevant planning matters and have been taken into account in the preparation of this report. They generally support the conclusion that the proposal is contrary to development plan policy for the reasons set out above, and they support refusal of planning permission.

If the proposal was considered acceptable, planning conditions could be imposed to address matters such as drainage arrangements, waste management, provision of screening, and adherence to a noise management plan. While environmental health have not raised specific concern regarding rodents associated with the proposal, there is no reasonable basis to consider that an appropriately operated caravan site should result in an increase in rodents, and any issues could be addressed by requiring appropriate waste management arrangements at the site.

Matters relating to fire safety, propane gas storage, and other safety matters are not within the remit of the planning regime and are addressed through other regulatory regimes, including any necessary site license. Network Rail has offered no objection to the application.

For clarity, the removal of the boundary wall that previously fronted Ireland Street did not represent a breach of planning control in itself and there is no provision in planning law to require it to be reconstructed. However, the use of the land for the siting of a caravan in the manner that has been undertaken represents a breach of planning control, and as indicated above, an enforcement notice has been issued which requires the removal of the caravan and the cessation of the use of land for the siting of caravans.

In conclusion, the proposed change of use to allow for the siting of a caravan for short-term let accommodation use attracts some support from development plan policy as it would provide additional tourist accommodation within a development boundary. However, the proposal would provide a caravan site on a small area of land close to neighbouring residential property in an established residential area. The proposal is contrary to policies in the development plan as it is not compatible with the surrounding area in terms of the nature and scale of the activity and impacts of increased visitors, as it is not in keeping with the townscape and pattern of development in the area, as it is not of a high design standard that would improve the quality or contribute positively to the character and sense of place of the area, and as it would be detrimental to the amenity of the surrounding area and those who live in the area. The representations submitted in objection to the application support the overall conclusion that the proposal

is detrimental to the character, appearance, and amenity of the area. The grant of planning permission would establish a precedent for approval of further caravan site development within the established residential area to the detriment of the character and amenity of the area. There are no material considerations that would justify the approval of planning permission.

The application is retrospective, and an enforcement notice has been issued that requires the caravan to be removed, and for the use of the land for the siting of caravans to cease and desist. If the enforcement notice is upheld following appeal, it provides a mechanism to secure cessation of the caravan site use and removal of the caravan to rectify the breach of planning control.

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 caravan site use is contrary to policies 14 and 30 of NPF4, and policies TC16, DS1, DS3, and DS4 of the Angus Local Development Plan as it is not compatible with the surrounding area in terms of the nature and scale of the activity and impacts of increased visitors, as it is not in keeping with the townscape and pattern of development in the area, as it is not of a high design standard that would improve the quality or contribute positively to the character and sense of place of the area, and as it would be detrimental to the amenity of the surrounding area and those who live in the area.
2. The grant of planning permission would establish a precedent for approval of further caravan site development within the established residential area to the detriment of the character and amenity of the area.

Notes:

Case Officer: Ben Freeman
Date: 27 September 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 12 Zero waste

a) Development proposals will seek to reduce, reuse, or recycle materials in line with the waste hierarchy.

- b) Development proposals will be supported where they:
- i. reuse existing buildings and infrastructure;
 - ii. minimise demolition and salvage materials for reuse;
 - iii. minimise waste, reduce pressure on virgin resources and enable building materials, components and products to be disassembled, and reused at the end of their useful life;
 - iv. use materials with the lowest forms of embodied emissions, such as recycled and natural construction materials;
 - v. use materials that are suitable for reuse with minimal reprocessing.

c) Development proposals that are likely to generate waste when operational, including residential, commercial, and industrial properties, will set out how much waste the proposal is expected to generate and how it will be managed including:

- i. provision to maximise waste reduction and waste separation at source, and
- ii. measures to minimise the cross- contamination of materials, through appropriate segregation and storage of waste; convenient access for the collection of waste; and recycling and localised waste management facilities.

d) Development proposals for waste infrastructure and facilities (except landfill and energy from waste facilities) will be only supported where:

- i. there are no unacceptable impacts (including cumulative) on the residential amenity of nearby dwellings, local communities; the transport network; and natural and historic environment assets;
- ii. environmental (including cumulative) impacts relating to noise, dust, smells, pest control and pollution of land, air and water are acceptable;
- iii. any greenhouse gas emissions resulting from the processing and transportation of waste to and from the facility are minimised;
- iv. an adequate buffer zone between sites and sensitive uses such as homes is provided taking account of the various environmental effects likely to arise;
- v. a restoration and aftercare scheme (including appropriate financial mechanisms) is provided and agreed to ensure the site is restored;
- vi. consideration has been given to co-location with end users of outputs.

- e) Development proposals for new or extended landfill sites will only be supported if:
 - i. there is demonstrable need for additional landfill capacity taking into account Scottish Government objectives on waste management; and
 - ii. waste heat and/or electricity generation is included. Where this is considered impractical, evidence and justification will require to be provided.
- f) Proposals for the capture, distribution or use of gases captured from landfill sites or waste water treatment plant will be supported.
- g) Development proposals for energy-from-waste facilities will not be supported except under limited circumstances where a national or local need has been sufficiently demonstrated (e.g. in terms of capacity need or carbon benefits) as part of a strategic approach to residual waste management and where the proposal:
 - i. is consistent with climate change mitigation targets and in line with circular economy principles;
 - ii. can demonstrate that a functional heat network can be created and provided within the site for appropriate infrastructure to allow a heat network to be developed and potential local consumers have been identified;
 - iii. is supported by a heat and power plan, which demonstrates how energy recovered from the development would be used to provide electricity and heat and where consideration is given to methods to reduce carbon emissions of the facility (for example through carbon capture and storage)
 - iv. complies with relevant guidelines published by Scottish Environment Protection Agency (SEPA); and
 - v. has supplied an acceptable decarbonisation strategy aligned with Scottish Government decarbonisation goals.

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 15 Local living and 20 minute neighbourhoods

- a) Development proposals will contribute to local living including, where relevant, 20 minute neighbourhoods. To establish this, consideration will be given to existing settlement pattern, and the level and quality of interconnectivity of the proposed development with the surrounding area, including local access to:

- o sustainable modes of transport including local public transport and safe, high quality walking, wheeling and cycling networks;
- o employment;
- o shopping;
- o health and social care facilities;
- o childcare, schools and lifelong learning opportunities;
- o playgrounds and informal play opportunities, parks, green streets and spaces, community gardens, opportunities for food growth and allotments, sport and recreation facilities;
- o publicly accessible toilets;
- o affordable and accessible housing options, ability to age in place and housing diversity.

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 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 30 Tourism

a) Development proposals for new or extended tourist facilities or accommodation, including caravan and camping sites, in locations identified in the LDP, will be supported.

b) Proposals for tourism related development will take into account:

- i. The contribution made to the local economy;
- ii. Compatibility with the surrounding area in terms of the nature and scale of the activity and impacts of increased visitors;
- iii. Impacts on communities, for example by hindering the provision of homes and services for local people;
- iv. Opportunities for sustainable travel and appropriate management of parking and traffic generation and scope for sustaining public transport services particularly in rural areas;
- v. Accessibility for disabled people;
- vi. Measures taken to minimise carbon emissions;
- vii. Opportunities to provide access to the natural environment.

c) Development proposals that involve the change of use of a tourism-related facility will only be supported where it is demonstrated that the existing use is no longer viable and that there is no requirement for alternative tourism-related facilities in the area.

d) Proposals for huts will be supported where the nature and scale of the development is compatible with the surrounding area and the proposal complies with relevant good practice guidance.

e) Development proposals for the reuse of existing buildings for short term holiday letting will not be supported where the proposal will result in:

- i. An unacceptable impact on local amenity or the character of a neighbourhood or area; or
- ii. The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits.

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 TC16 : Tourism Development

Proposals for new or improved tourism related facilities and tourist accommodation will be directed to sites within development boundaries. Such facilities will be supported in these locations where the development is of an appropriate scale and nature and is in keeping with the townscape and pattern of development.

Outwith development boundaries, proposals for new or improved tourism related facilities and accommodation will be supported where:

- o it has been demonstrated that the proposals cannot be located within a development boundary; or
- o there is a justifiable locational requirement for the development; and
- o the scale and nature of the development is in keeping with the character of the local landscape and pattern of development; and
- o there is no unacceptable impact on the built and natural environment, surrounding amenity, traffic levels, access or infrastructure.

Angus Council will attach occupancy conditions to prevent tourist accommodation being occupied as permanent residential accommodation. Applications to remove such occupancy conditions will not be supported.

Proposals to change the use or redevelop existing leisure or tourist facilities will only be supported where it is demonstrated:

- o that the existing business is no longer viable and there is no requirement for alternative tourist facilities in the location; and
- o that the existing business has been actively marketed for sale or lease as a going concern for a reasonable period at a reasonable market price.

Policy PV15 : Drainage Infrastructure

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

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

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

All new development (except single dwelling and developments that discharge directly to coastal waters) will be required to provide Sustainable Drainage Systems (SUDs) to accommodate surface water drainage and long term maintenance must be agreed with the local authority. SUDs schemes can

contribute to local green networks, biodiversity and provision of amenity open space and should form an integral part of the design process.

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

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

Policy PV18 : Waste Management in New Development

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

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

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

Policy 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.

From: Adrian G Gwynne
Sent: 14 August 2024 14:27
To: PLNProcessing
Subject: FW: Planning Application Consultation 24/00338/FULL

No objections

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

From: PLNProcessing@angus.gov.uk <PLNProcessing@angus.gov.uk>
Sent: Wednesday, August 14, 2024 8:56 AM
To: Rdspln <rdspln@angus.gov.uk>
Subject: Planning Application Consultation 24/00338/FULL

Please see attached document.



Angus Council
Angus House
Planning Service
Orchardbank Business Park
Forfar
DD8 1AN

Network Rail
Town Planning
151 St Vincent Street
Glasgow
G2 5NW

Martin Henderson
Town Planning Technician

Planning reference: 24/00338/FULL
Case Officer: Ben Freeman

E-Mail:
TownPlanningScotland@networkrail.co.uk

Network Rail ref: 249 2024
15/08/2024

Dear Mr Freeman,

Town and Country Planning (Scotland) Act 1997 (as amended)
Re: Change of use of garden ground to allow for the siting of a caravan for the use as a short-term let at 45 Ireland Street Carnoustie DD7 6AU

Thank you for consulting Network Rail regarding the above development.

Whilst Network Rail has no objections in principle to the development, due to its close proximity to the operational railway, we would request that the following matters are taken into account, and if necessary and appropriate included as advisory notes, if granting the application:

All construction works must be undertaken in a safe manner which does not disturb the operation of the neighbouring railway. Applicants must be aware of any embankments and supporting structures which are in close proximity to their development.

- Details of all changes in ground levels, laying of foundations, and operation of mechanical plant in proximity to the rail line must be submitted to Network Rail's Asset Protection Engineer for approval prior to works commencing on site. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. by a "possession" which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks.

The developer must contact our Asset Protection Engineers regarding the above matters, either by [submitting an enquiry on the Network Rail website](#) or by writing to:

Network Rail Asset Protection Engineer
151 St. Vincent Street, GLASGOW, G2 5NW
E-mail: AssetProtectionScotland@networkrail.co.uk

Further information regarding working on or near the railway can be found on the [Network Rail website](#).

We trust full cognisance will be taken of these comments. We would be grateful if Local Planning Authorities would provide a copy of the Decision Notice.

Yours sincerely

Martin Henderson
Town Planning Technician

Ben Freeman

From: Scott Gillespie
Sent: 04 September 2024 11:10
To: PLNProcessing
Cc: Ben Freeman
Subject: FW: Planning Application Consultation 24/00338/FULL
Attachments: ufm7_E-mail_-_Standard_Consultation.pdf

Hi Ben,

I have just reviewed the plans for the attached application and have the following comments to make.

My main concern is noise.

I would not object to the application subject to the following condition:

* Prior to the commencement of the use hereby approved a detailed noise management plan shall be submitted for the written approval of the Planning Authority. Once approved all measures specified in the aforementioned noise management plan shall be implemented in full unless agreed in writing with the Planning Authority.

I hope the above is an acceptable but if you have any questions please do not hesitate to contact me.

Kind regards

Scott Gillespie
 Environmental Health Officer
 Vibrant Communities and Sustainable Growth Bruce House Wellgate Arbroath
 DD11 3TP

My normal working hours are Tuesday - Friday

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

From: ACCESENVArbroath <accessenvarbroath@angus.gov.uk>
 Sent: Wednesday, August 14, 2024 9:13 AM
 To: Scott Gillespie [REDACTED] Lorraine Cooper [REDACTED]
 Subject: FW: Planning Application Consultation 24/00338/FULL

Good morning

Please see the attached planning consultation - SRU579892.

Thanks
 Terri

Terri Milne, Business Support Assistant, Angus House, Orchardbank Business Park, Orchard Loan, Forfar DD8 1AN Tel: 01307 492437

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

From: PLNProcessing@angus.gov.uk <PLNProcessing@angus.gov.uk>
 Sent: Wednesday, August 14, 2024 8:52 AM
 To: ACCESENVArbroath <accessenvarbroath@angus.gov.uk>
 Subject: Planning Application Consultation 24/00338/FULL

Please see attached document.



Scott Gillespie

To Ben Freeman

Retention Policy Default 1 year delete (1 year)

Expires on 18/09/2025

Reply Reply All Forward

Wed 18/09/2024 13:06

Start your reply all with:

Thank you, and welcome back!

Thank you very much for your response.

Thank you, and have a great holiday!

Feedback

Hi Ben,

Apologies, I have been off on holiday for a few days. I'm just back today.

This noise management plan is satisfactory and covers the points that our department would have concerns about. As the applicant lives in the attached property they will be onsite to deal with problems as they arise.

I have no further comment to make.

Kind regards

Scott Gillespie
Environmental Health Officer
Vibrant Communities and Sustainable Growth
Bruce House
Wellgate
Arbroath
DD11 3TP

My normal working hours are Tuesday - Friday

Comments for Planning Application 24/00338/FULL

Application Summary

Application Number: 24/00338/FULL

Address: 45 Ireland Street Carnoustie DD7 6AU

Proposal: Change of use of garden ground to allow for the siting of a caravan for the use as a short-term let

Case Officer: Ben Freeman

Customer Details

Name: Mr D A Rorie Chairman Carnoustie Community Council

Address: 5 Tayside Street Carnoustie DD7 6AX

Comment Details

Commenter Type: Community Council

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Carnoustie Community Council lodges an objection to application 24/00338 and requests the application be refused when it comes before AC Planning Committee.

The change of use application makes clear it is inherently linked to the siting of that "caravan" which is a 36x10 foot static. The area is unsuitable for such a building, the static is out of keeping with the surrounding houses, there is no room for parking on the site and Ireland St is narrow and already has problems with parked cars hindering passage along the street at times, the ground concerned is near an awkward corner and there will be safety problems for traffic and pedestrians if there is further vehicle parking at this site. The large gas cylinders propped up against the static are not properly stored and constitute a hazard both from toppling and a fire risk.

The ground involved is uneven and constitutes a trip/fall risk and the multiple pieces of astro turf employed to cover it are unsightly and themselves are a fall risk.

Change of use of this ground and the subsequent siting of a large static caravan, which has already been placed there for some considerable time, should not be compatible with Angus Council's Planning Regulations.

Following representations from neighbours and a site visit by councillors, the Carnoustie CC requests refusal of this planning application.

Comments for Planning Application 24/00338/FULL

Application Summary

Application Number: 24/00338/FULL

Address: 45 Ireland Street Carnoustie DD7 6AU

Proposal: Change of use of garden ground to allow for the siting of a caravan for the use as a short-term let

Case Officer: Ben Freeman

Customer Details

Name: Mr David Barnes

Address: 45 Ireland Street Carnoustie DD7 6AU

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:Ref 24/00338/FULL 45 Ireland Street proposed development site to allow siting of a caravan for the use as a short term let.

I believe this is permission to site a Caravan? I have received a letter on this and I am confused to say the least. This Caravan, actually a static home on wheels is already in place, and has been so and being used as a short term let for some time now. I believe this was also advertised on air b and b.

So are the planning regulations you have now sent out are saying this should not be in place yet? Please advise me. This caravan, static home on wheels is connected already to the main sewage system, water and has power is provided by the main residence.

This caravan,static home on wheels already has two 47KG propane gas cylinders that are not secured in any form, or housed in a protected manner. This could be catastrophic to the local residents and the properties they own, and the surrounding areas.

Since this caravan, static home on wheels has been in place the rodent levels have increased, the people who have been in this already have left rubbish in bags outside not in any receptacle, and this has caused birds to open the bags with waste going onto the road and into other residents properties.

The maintenance of this site is already at a deplorable level, this site is an eyesore already to all local residents, with the external wall now already demolished allowing all residents full view of this what can only be described as an awful run down piece of land with a very old static home on

wheels

The health and safety of this already in place is of grave concern,

This for the information of siting of this caravan is also incorrect and does not represent what is already in place. The caravan is actually a full blown static home of approximately 30 feet long.

This static home on wheels is also approximately no more than 5 feet away from the main railway track, with trains of 125 MPH going passed.

Please contact me if you require anything else

Comments for Planning Application 24/00338/FULL

Application Summary

Application Number: 24/00338/FULL

Address: 45 Ireland Street Carnoustie DD7 6AU

Proposal: Change of use of garden ground to allow for the siting of a caravan for the use as a short-term let

Case Officer: Ben Freeman

Customer Details

Name: Mr David Barnes

Address: 47 Ireland Street Carnoustie DD7 6AU

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I see the owner of this static home is stating a few comments that I must comment on.

Firstly, THIS IS NOT A CARAVAN IT IS A PLUMBED IN STATIC HOME. The planning is for a caravan might I add.

Secondly, I can confirm that the rodent population has increased significantly from a next door location point, this is highlighted on my cameras that pick up these rodents during the night in my garden, Also we now see them ourselves, where as before this static home was in place we did not.

Thirdly, whoever has been staying in this static home have always left bagged rubbish outside the main door, not in a recognised council receptacle, this has sometimes been left for days, then the birds get into this rubbish and it then goes into my garden and onto the street. This must also attract the rodent population.

Fourthly, I would happily knock on the owners door and talk to him, however without any consultation to us residents this static home is already in place plumbed into the main sewage ETC and has been functioning as Accommodation. Moreover he could have knocked on our doors explaining what the plans were.

Fifthly, the site itself is already unkept, and this static home is rusty and old, and is most certainly not within the up-keeping of this neighbourhood, and I might also add, not one of these types of static homes is within any of this areas location in a garden.

Lastly, this is in no way a personalised slight against the owner, I as a resident just want to be safe in the knowledge that this static home is legal to The health and safety at work act 1974 and all the correct policy and legal protections are in place for my home and my family's health, For EG if one of the two 47KG gas cylinders go up, or this static home moves forward on the slope and hits a train this without doubt would directly affect me my family and or my property.

Veronica Caney

From: David Barnes [REDACTED]
Sent: 19 August 2024 11:11
To: Ben Freeman
Subject: Re: Ref 24/00338/FULL 45 Ireland Street proposed development site

Follow Up Flag: Follow up
Flag Status: Flagged

Good Morning Ben,

Please see below the pictures of this already in place static home as discussed in my formal objection to these plans.

Please don't hesitate to contact me,

Kind Regards

David Barnes



Colorado
26 x 30

AG06



Ben Freeman

From: David Barnes [REDACTED]
Sent: 13 September 2024 09:47
To: Ben Freeman; Daniel Coleman
Cc: [REDACTED]
Subject: Re: 45 Ireland Street

Good morning Ben, Daniel,

After reading the added comments dated 12th September 2024 by the owner of number 45 Ireland Street now added to the public forum, I have now noticed that I can no longer add anymore information or comments? If the owner of 45 Ireland Street can add comments then why can't I or other residents?

It's interesting to say at the least how the owner of number 45 Ireland Street knows what part of my Garden I use, albeit the external power sockets are in that area for my radio and it's that part of my garden that has the view of the sea, and this part of my garden has a designated path, moreover this static home is blocking any view the main residence 45 Ireland Street has of my Garden or property.

The photograph was and is to depict the closeness of this very large static home to the Railway and moreover the catastrophe this static home would have if this moves more than it already has, as well as the very unsightly view it does provide from my garden as quite clearly seen in the picture provided.

Now that the owner of 45 Ireland Street has mentioned this I will state the obvious, The only entrance and exit to this static home opens to view onto my house my garden not his house. The windows at the front and the side all along this static home all look onto my property and onto my garden.

The noise has already been a problem, so this document is already not worth the paper it is written on. As stated by other residents in and around this area.

Also what about the Rubbish? The extra vermin? The state of the site, the ambience of the area, health and safety concerns, Etc Etc.

I just feel that if comments can be added to a public forum by the owner of 45 Ireland Street, that we are advised is now closed as the date has passed, then we as the people opposed to this must also be allowed to repost, and respond to these comments made.

Please do not hesitate to contact me or visit my property to see this from my side of the fence so to speak,

Kind Regards

David Barnes

Sent from my iPad

[REDACTED]

[REDACTED]

[REDACTED]

Comments for Planning Application 24/00338/FULL

Application Summary

Application Number: 24/00338/FULL

Address: 45 Ireland Street Carnoustie DD7 6AU

Proposal: Change of use of garden ground to allow for the siting of a caravan for the use as a short-term let

Case Officer: Ben Freeman

Customer Details

Name: Ms Eleanor Feltham

Address: 92 St Ninians Road Padanaram DD8 1PT

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

Comment: I understand that living in a caravan either on the exterior ground ie garden ground from a main residential home or the road is illegal.

Comments for Planning Application 24/00338/FULL

Application Summary

Application Number: 24/00338/FULL

Address: 45 Ireland Street Carnoustie DD7 6AU

Proposal: Change of use of garden ground to allow for the siting of a caravan for the use as a short-term let

Case Officer: Ben Freeman

Customer Details

Name: Mr Walter Ruark

Address: 42 Ireland Street Carnoustie DD7 6AW

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This is an affected neighbour objection. The proposed change of use is an inappropriate development. The use proposed would have significant adverse impact on adjacent property and the local area. The visual appearance is unsightly, untidy and without doubt is incompatible with the surrounding properties in this area of the town. Permission should not be granted as this use would also affect the privacy and amenity in Ireland Street. Use as an airbnb/short let unit would create noise, nuisance and smell. Previous use before this application resulted in rats affecting a neighbouring property. Any such change of use would unnecessarily increase traffic in the street and cause parking and access problems. Road safety would become a serious issue for the residents and Council employees, in particular, with regard to bin collections and emergency vehicles access, with more parked cars. Generally, both pedestrians and cyclists would be put at additional risk.

The environmental impact of the proposal needs to be fully investigated by the Council, as the incursion of vermin from the rubbish left by the short term tenants, who have used the site since the caravan was installed, and the poor state of the site as a whole is very concerning.

It is understood that the case officer has not yet visited the property, but it has to be pointed out that there appears to be a large soil pipe from the cottage to the caravan, and also there are two precariously positioned gas tanks located at the side of the caravan. There is an overall concern that the development is a danger to those in the immediate area.

Another concern which is in process of being advised to Network Rail, is that the the former garden ground on which caravan is located, is a slightly sloping site . The caravan is only secured by it's own weight, and if there was a storm, or just very heavy rain. this caravan might end up being washed on to the main railway line. This application should not be grante

Comments for Planning Application 24/00338/FULL

Application Summary

Application Number: 24/00338/FULL

Address: 45 Ireland Street Carnoustie DD7 6AU

Proposal: Change of use of garden ground to allow for the siting of a caravan for the use as a short-term let

Case Officer: Ben Freeman

Customer Details

Name: Mr David Mclean

Address: 25 Tayside Street Carnoustie DD76AZ

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:As a significantly affected neighbour, my wife and I wish to record our strongest possible objection to this planning application by the property owner and in general to the location and orientation of the (static) caravan which has been onsite and in use since Q4 2023.

Summary & History to date.

We understand that Angus Council Planning (ACP) approved the (temporary?) placement of this caravan around October 2023 based on an application to ACP by the owner to "accommodate" overspill relatives and guests who could not be housed in the main house accommodation. In essence ACP were advised that the caravan was to be used for private family purposes. We also understand from ACP that a caravan for private use, static or mobile does not need specific permission for placement on the owners property and therefore the council do not require detailed plans to provide general approval for this to happen and also do not need to notify residents in the area. This means that the location and orientation of such a vehicle for private use is not subject to review or scrutiny at the time of placement. The temporary period is / was also undefined and as far as we understand ACP approved this last year.

Part of the property main street side wall was then demolished by the owner and the caravan was located and connected to services from the main house. As far as is apparent the ground was not prepared in any specific way to locate this vehicle which appears at present to the naked eye to not be level. The ground surrounding the vehicle is also extremely uneven covered only by hastily laid "fake" grass pieces. The installation also included surface located main waste pipes (also serving the house gutter) which appear at some points to be open to atmosphere, electricity and water connections, and free standing large calor gas bottles (2) set / balanced on the uneven ground around the caravan with no visible housing or protection.

Continued

Comments for Planning Application 24/00338/FULL

Application Summary

Application Number: 24/00338/FULL

Address: 45 Ireland Street Carnoustie DD7 6AU

Proposal: Change of use of garden ground to allow for the siting of a caravan for the use as a short-term let

Case Officer: Ben Freeman

Customer Details

Name: Mr David Mclean

Address: 25 Tayside Street Carnoustie DD7 6AZ

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The "unfinished" appearance and condition of the property in general, and the use of the property by letting tenants (open fires, rubbish left and discarded cigarette butts) appears to have increased rodent / vermin presence and possible fires.

The use of the caravan by the owner was limited for personal use based on ACP approval, however this property owner then listed his caravan on Air BnB for short term let purposes. The property was let and available to rent through Air BnB over at least 6 months through Q4 2023 and up to end Q2 2024.

As it stands today the owners first planning application for change of use for short term let placed in May / June did not proceed as fees were not paid by the due date on July 19th and an enforcement action was then issued by ACP on July 19th to remove the caravan. This is available to view on the ACP website and the owner then had one month to appeal or comply. We understand that the owner then appealed to the Scottish Govt against this enforcement on 9th August at the same time as renewing the planning application to ACP and paying the fees due. There appears now to be 2 actions proceeding in tandem for this caravan which ACP have to allocate valuable time and resources to accommodate. Safe to assume perhaps that the Scottish Govt will take no action until ACP complete this current application process.

Continued

Comments for Planning Application 24/00338/FULL

Application Summary

Application Number: 24/00338/FULL

Address: 45 Ireland Street Carnoustie DD7 6AU

Proposal: Change of use of garden ground to allow for the siting of a caravan for the use as a short-term let

Case Officer: Ben Freeman

Customer Details

Name: Mr David Mclean

Address: 25 Tayside Street Carnoustie DD7 6AZ

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:Based on the above we have included comments as follows related to some of the points included within the ACP application notification letter which may be considered to form a valid planning representation for compliance or non-compliance with development plan, policy or national policy and guidance

Compliance or non compliance with development plan, policy and national policy and guidance

The development plan and information provided does not provide any specifics on orientation of the vehicle, the construction of the vehicle, the location of Windows / door etc with respect to other properties, the installation of services etc or the need for any property specific improvements etc to support the application. It provides nothing to allow the impact of the installation on neighbouring properties to be assessed adequately and the fact that the vehicle is already located on the site is the basis for all comments and concerns as follows.

Impact on adjacent property and the local area

The impact on our property is significant

At the moment the panoramic living room window is located directly opposite our main living room windows allowing those looking towards our property to look down and into the rooms we occupy every day. The Air BnB booking site for this caravan included as the main image, a photograph (sent to ACP) taken from inside the caravan looking out of this window. From the elevated position the viewer can see clearly into our home on this image and when standing at the window directly meaning it is now not possible to keep blinds or curtains open, or lights on in our home while this caravan is occupied. The variety of people who have occupied this vehicle over recent weeks and months have left us in no doubt that our privacy, well being and mental health have all been affected by the presence of this vehicle and its occupants sitting at the elevated window looking down into living areas through the unapproved use of the vehicle by the owner.

Continued

Comments for Planning Application 24/00338/FULL

Application Summary

Application Number: 24/00338/FULL

Address: 45 Ireland Street Carnoustie DD7 6AU

Proposal: Change of use of garden ground to allow for the siting of a caravan for the use as a short-term let

Case Officer: Ben Freeman

Customer Details

Name: Mr David Mclean

Address: 25 Tayside Street Carnoustie DD7 6AZ

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Noise, nuisance and smell

Outside Fires by occupants in openly visible areas which contributes on all 3 counts for this as well as the the increased instance of vermin seeking food etc from within the garbage left.

Occupants of the vehicle taking a "smoke" outside against the less than adequate wooden fence bordering the railway. In this instance when looking across the road from our living room my wife and I were greeted with rude hand gestures by the young male and female occupants. Copies of the photo / video of this were submitted to ACP.

Continued

Comments for Planning Application 24/00338/FULL

Application Summary

Application Number: 24/00338/FULL

Address: 45 Ireland Street Carnoustie DD7 6AU

Proposal: Change of use of garden ground to allow for the siting of a caravan for the use as a short-term let

Case Officer: Ben Freeman

Customer Details

Name: Mr David Mclean

Address: 25 Tayside Street Carnoustie DD7 6AZ

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Privacy and amenity

As above. Our privacy, and our life have been adversely affected by the presence of this vehicle and its occupants.

ACP have indicated that there are other properties in Ireland Street which look over and down onto the houses in Tayside Street providing an indication that the vehicle location etc is acceptable. While my wife and I agree with that there appears to be 3 things which will make this Caravan installation and its use different to other properties and relate specifically to the main window / living area of the vehicle.

There are no other panoramic living room windows at the rear of the properties in Ireland Street similar to the large window currently in use on this vehicle. For the most part there are only (3) sun rooms (not in use every day) and smaller cottage style windows as far as we can tell.

The proximity of the Caravan / Window to the rear property boundary appears to be only 4-5ft ie a short distance from the railway. This brings the "living room" in this vehicle much closer to our property than any other property in Ireland street as far as we can see.

The use of this vehicle for short term lets means a change of people on a regular basis and again as we have been witness to, this means no possibility to mitigate the use of the property through building a relationship with the visitors to avoid an invasion of our privacy as noted.

Continued

Comments for Planning Application 24/00338/FULL

Application Summary

Application Number: 24/00338/FULL

Address: 45 Ireland Street Carnoustie DD7 6AU

Proposal: Change of use of garden ground to allow for the siting of a caravan for the use as a short-term let

Case Officer: Ben Freeman

Customer Details

Name: Mr David Mclean

Address: 25 Tayside Street Carnoustie DD7 6AZ

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Privacy and amenity Continued

From the "plan" documents it would appear also that there are no plans to erect a properly constructed fence / barrier to the rear of the property to prevent the elevated main living room window from looking into our property opposite. In addition such a fence / barrier would improve the HSE aspect of this for guests removing the danger posed by the existing open access to the main railway line. Should the council choose to allow this proceed we would ask that such as fence / barrier be a pre-requisite of the approval or that the caravan orientation is reversed to situate the main living room window to be street facing towards Ireland Street.

Continued

Comments for Planning Application 24/00338/FULL

Application Summary

Application Number: 24/00338/FULL

Address: 45 Ireland Street Carnoustie DD7 6AU

Proposal: Change of use of garden ground to allow for the siting of a caravan for the use as a short-term let

Case Officer: Ben Freeman

Customer Details

Name: Mr David Mclean

Address: 25 Tayside Street Carnoustie DD7 6AZ

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Visual appearance and compatibility with the surroundings

As with the rest of the property the visual appearance of the static caravan is aged, unsightly, untidy with very much of a temporary appearance but with an indication through this application of long term use. This does not indicate that the owner plans to 'improve' his property but merely to let it out as seen. This is not compatible with surrounding properties.

With reference to the comment above re the lack of a secure fence / barrier at the railway line border, it would seem that allowing short term let guests to use the caravan increases the risk of incidents involving children and / or pets on the railway line.

Impact on traffic movements

No Comment

Safety parking and access

We refer to the comments made above with respect to the proximity of the Caravan to the railway line, the relatively inadequate fencing currently in place, and the risk of accident or injury to persons and animals renting the property. Notwithstanding this, the caravan installation on a slope increases the possibility of major movement towards the railway.

Referring to the existing Calor Gas bottles set to one side of the caravan. These are not housed or protected in any way and sit precariously on uneven ground with no support. This should not be acceptable at any level.

Effect on pedestrians and cyclists

At present there are fake grass covered plastic covers protruding out from the property into Ireland Street pedestrian path. It appears that these are not meant to be there but the fact that they have been there for some days without being removed indicates again how little house keeping or maintenance is done within this property as a whole.

The environmental impact of the proposal

Property tenants having open fires / barbecues / smoking and the related mess / garbage / odour / vermin which would affect surrounding properties.

Comments for Planning Application 24/00338/FULL

Application Summary

Application Number: 24/00338/FULL

Address: 45 Ireland Street Carnoustie DD7 6AU

Proposal: Change of use of garden ground to allow for the siting of a caravan for the use as a short-term let

Case Officer: Ben Freeman

Customer Details

Name: Mr David Mclean

Address: 25 Tayside Street Carnoustie DD76AZ

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Further response to points made by other contributors.

1. Vermin - My wife and I witnessed rodents coming from the site while walking our dog in Ireland street which we do on a regular basis - our dog chases them.
2. Open Fires - Again walking our dog we have an image taken in April of multiple male occupants in the vehicle at that time "cooking" on the ground using pans etc. We did not believe to be safe / acceptable.
3. Fence / Barrier - Intent to do something and actually doing it are 2 completely different things. No plans in the application for construction of a "structure" to enclose the static home to allow us to comment. No timeline either.
4. Tenant Rules and behaviour - Appreciate owner intent based on his Letting "rules", however there is no way for the owner to "manage" the behaviour of his tenants. Clearly demonstrated when we stood at our window looking over to the static home with tenants outside the main window smoking. As we stood in our property, we were subjected to a demonstration of suggestive behaviour which we then began to video at which point both individuals executed rude hand gestures in our direction. Again the edited 6 second clip of this has been provided to the council as part of our objection.
5. Privacy - Understood our property will be exposed briefly to passers by as indicated in other comments. That is very different to persons sitting or standing at a panoramic window looking down and into our rooms for extended periods. We have a right to comment and take issue on any development which introduces windows / doors etc which would affect our property. None were shown.
6. Soil Pipe - Is open at the connection from the cottage gutter into the pipe midway along the side of the cottage unless it's been repaired.
7. Neighbours - Perhaps if the owner had talked to his neighbours about his plan BEFORE

locating the home????

9. Previous Illegal letting - Owner (in his application) and Air BnB confirms this.

We also have rights to consider

Veronica Caney

From: David Mclean [REDACTED]
Sent: 26 August 2024 11:09
To: Ben Freeman
Subject: Re: Caravan - 45 Ireland Street Carnoustie
Attachments: 24_00338_FULL-INFORMATION_REQUIREMENTS_FOR_STL-3511111.docx

Mr Freeman,

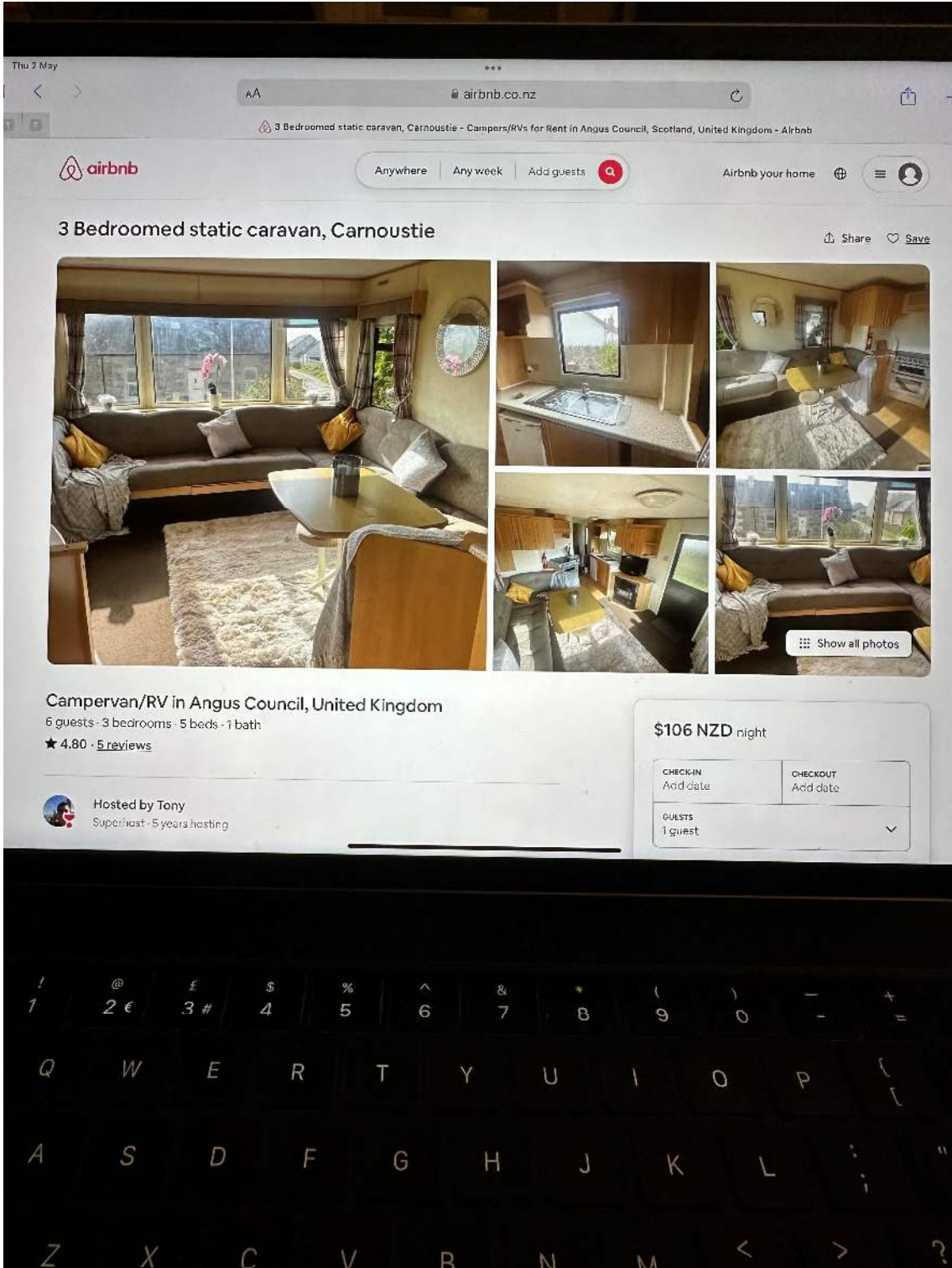
Added to my comments I also now see the owners application supporting info on the attached. Quite clearly there are significant inaccuracies within his comments with respect to whether or not the property has been previously let.

We returned from living and working abroad at the start of April. We began speaking to the council in April and in May (2nd) we found the caravan on Air BnB. Photos and Screenshots below from May 2nd and 19th demonstrate this.

Before it was removed from Air BnB in June / July, the site included "customer" comments from Q4 last year who had apparently stayed there and we have photo and video files to support this and which also show the number of different people who came to stay in this property (april - July) under the previous council approval which was not for that purpose.

The owner "Tony" who appears to have been with Air BnB as a "super host" for at least 5 years is clearly somebody who does not adhere to the rules and is not truthful or transparent in his applications to the council and we hope this also counts towards the decision on his application.

Again many thanks
David & Fiona Mclean





Anywhere Any week Add guests

Airbnb your home

3 Bedroomed static caravan, Carnoustie

Share Save



Campervan/Motorhome in Angus Council, United Kingdom

6 guests · 3 bedrooms · 5 beds · 1 bathroom

★ 4.80 · 5 reviews



Hosted by Tony
Superhost · 5 years hosting

Add dates for prices

CHECK-IN Add date	CHECKOUT Add date
GUESTS 1 guest	



Campervan/Motorhome in Angus Council, United Kingdom

6 guests · 3 bedrooms · 5 beds · 1 bathroom

★ 4.80 · 5 reviews



Hosted by Tony
Superhost · 5 years hosting



Tony is a Superhost
Superhosts are experienced, highly rated Hosts.



Great check-in experience
100% of recent guests gave the check-in process a 5-star rating

Sea views from the comfort of your couch. Stay in, go out, the c

This place is only a short walk to the beaches and park, set in a b
coast of Scotland.

It's placed within a private garden, and sits alongside a railway li

Show more >

Add dates for prices

Select dates

Add your travel dates for exact pricing.

May 2024							June 2024						
Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun
		1	2	3	4	5					1	2	
6	7	8	9	10	11	12	3	4	5	6	7	8	9
13	14	15	16	17	18	19	10	11	12	13	14	15	16
20	21	22	23	24	25	26	17	18	19	20	21	22	23
27	28	29	30	31			24	25	26	27	28	29	30

Clear dates Close

Where you'll sleep

1/2



Good Morning Mr. Freeman,

Veronica Caney

From: David Mclean [REDACTED]
Sent: 26 August 2024 10:25
To: Ben Freeman
Subject: Caravan - 45 Ireland Street Carnoustie
Attachments: IMG_3949[67].mov

Good Morning Mr. Freeman,

Further to our call the other week my wife and I have now sent in objection comments which we had to split into 7 different submissions due to the number of characters in our text.

I trust you have received them all.

Added to that, we have previously provided a significant amount of photo and video evidence at the request of Angus Council Planning (Daniel Coleman) who was handling the original approval for locating the vehicle and ultimately handled the removal enforcement.

Within our objection submission we mentioned 2 things, ie a photo used on Air BnB by the owner which shows the view into our property, and the experience we had of "tenants" being abusive to us from outside of the caravan main window.

I have attached both to this mail, photo below and short 6 second video attached.

I am sure Mr Coleman can provide the bulk of what we provided previously if needed however please let e know if you need anything more specific to support our objection.

Thanks & Kind Regards
David & Fiona Mclean



Veronica Caney

From: David Mclean [REDACTED]
Sent: 28 August 2024 20:20
To: David Mclean
Cc: Ben Freeman
Subject: Re: Caravan - 45 Ireland Street Carnoustie

Mr Freeman,

As a final comment and for the avoidance of doubt, and as I can't attach any photos etc to our comments within the application file, the attached photo is our view from our living room. While we accept that full "privacy" is not possible it is stretching the imagination to suggest the position of this vehicle and its main window does not have a major impact on an acceptable level of privacy which we had previously.

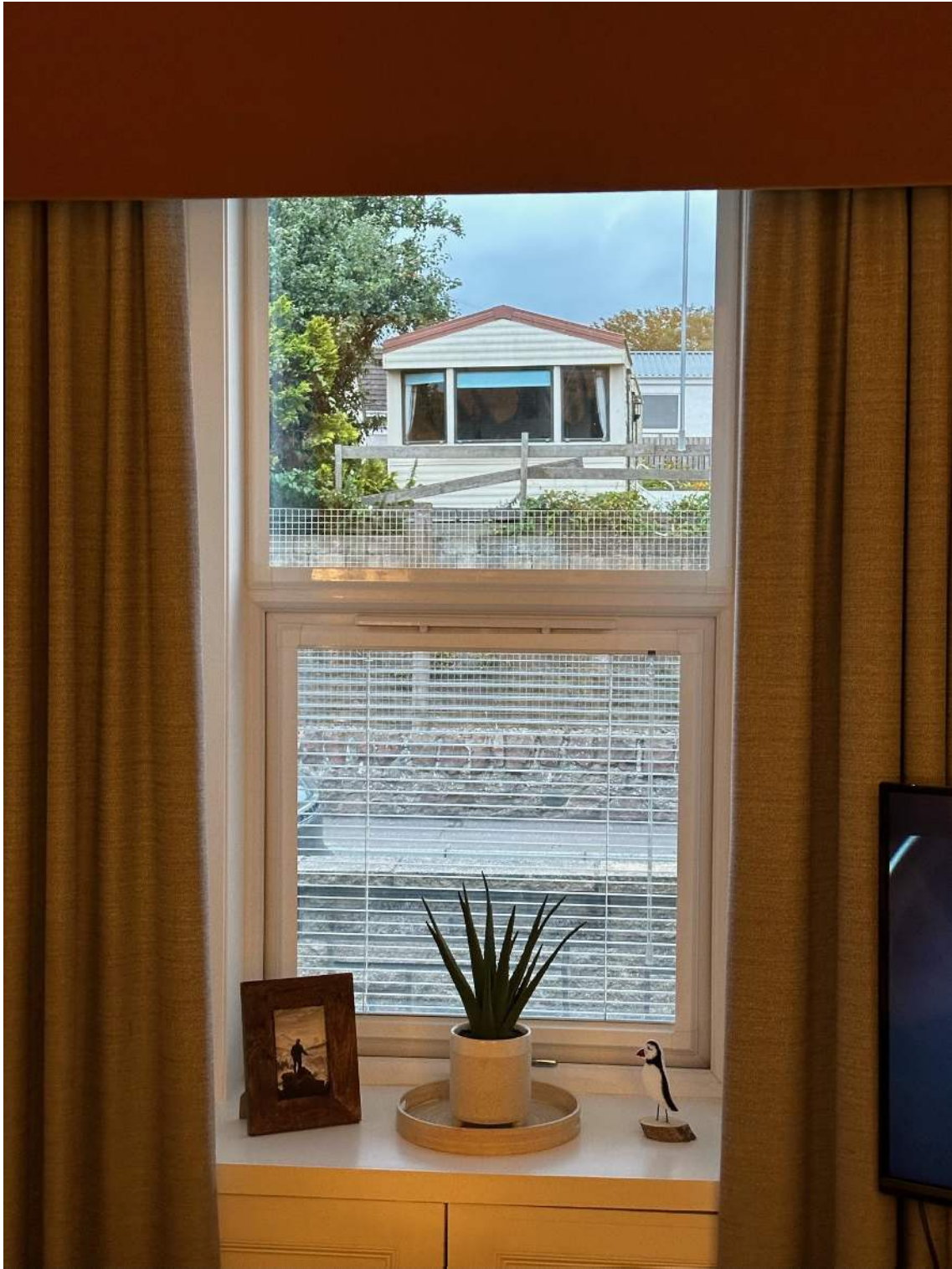
The same can be said for the occupants of number 26 and the view out of and into their bedroom which is adjacent to our living room window.

Thanks again for your consideration of the information we have provided.

Kind Regards

David & Fiona McLean.

Sent from my iPhone



Ben Freeman

From: David Mclean [REDACTED]
Sent: 18 September 2024 22:01
To: Ben Freeman
Cc: [REDACTED]
Subject: Re: 45 Ireland Street

Good Afternoon Mr Freeman,

I have further comments to make with respect to 45 Ireland Street.

I read Mr Gillespies comments posted today regarding the NMP with interest and have the following comments.

The information contained within the email trail with respect to the applicant comments and images submitted was incomplete. The photographs which were included within the PDF document posted today were not representative of the comments being made by the owner and so not easy to comment on. Most of the images were missing on the document.

That said, I did see reference to Mr Lindsay's comment about a privacy Screen on his main window. I have commented previously about this and would repeat my comment that this is only partially effective when seated. Anybody standing at the window can continue to look directly into our property from an elevated position and in essence we also cannot have lights on and blinds open at the same time and retain any degree of privacy. Our objection on the invasion of our privacy and mental health well being on this point remains our main concern and is of paramount importance to us.

Moving on to Mr Gillespies comments re the NMP.

Having a noise management plan and executing that plan to the satisfaction of all concerned are two very different things.

While the owner may indeed submit a plan to indicate his intentions, I suggest from the history he has on this and on other related matters that he has absolutely no intention of "managing" his tenants at any level in future to either prevent noise, unacceptable outside activity or ensure that no abuse from his tenants are directed our way. We have been witness to this in recent months as we have advised previously.

In addition and before the Static home was in place the cottage at 45 was occupied for a period by others we assume with the owners permission and perhaps also as a short term let. These folks were from the west of Scotland and while it was simple enough to talk with them about anything they did set outside fires, have loud music playing in the garden and caused general disturbance during their stay.

Ref the NMP and Mr Gillespies comments re Managing tenants from home - Mr. Lindsay was nowhere to be seen when 2 of his tenants decided to throw abuse in the direction of my wife and I from outside of his "static home" which they occupied in May 20th this year. The video I have provided to the council is clear evidence of this and is much longer than the 6 second clip I submitted.

I would therefore ask to council to understand and appreciate that the NMP submitted is absolutely no guarantee of future performance by the applicant.

Let me try to also summarise some additional points which we think are pertinent.

Mr Lindsay asked for permission (granted) from the council to locate the static home to accommodate "relatives" and promptly posted it on Air BnB as a short term let property where he was deemed to be a "superhost" for 5 years. We know he did this from the customer review dates posted on air BnB in 2023 which we took screenshots of, unless of course these were false?

In effect Mr Lindsay would appear to have deliberately misled Angus Council on his intended use and it was not a case of "misunderstanding the rules" as was his comment on his change of use application. If he can misunderstand the most basic of planning permission rules then what chance do some of the other rules related to short term lets have of being followed?

Additionally, I believe that Mr Lindsay has or had interests for the dwelling at 29A Ireland Street which also has / had a council enforcement (24/00062/DS) applied in May 2024 to remove an unapproved deck / balcony from the top of a garage because it had become a danger to the neighbours and had no planning permission or council approval in place.

Please note that I temper my comments on 29A as suggestions only as I cannot say definitively that Mr Lindsay has continued interests or ownership in that house.

That said, the company for which Mr Lindsay is a director, 2868 Properties (<https://find-and-update.company-information.service.gov.uk/company/SC686063>) is and remains a registered UK company set up to "let and operate own or leased real estate". This company has a registered address at 29A Ireland Street with Mr Lindsay as its sole director which suggests Mr Lindsay does still have some relationship with 29A Ireland Street, that Mr Lindsay is or has been active in the short term let business for quite some time, and that Mr. Lindsay should then have known exactly that his original application and intent to locate the Static home at 45 Ireland Street only for personal use was not correct.

I'm sure that the council will take all aspects of the application and commentary made by all concerned into account and not just what is being provided by the applicant to placate the council and "satisfy the rules".

Kind Regards
 David Mclean

From: David Mclean [REDACTED]
Date: Thursday, 12 September 2024 at 12:04
To: FreemanB@angus.gov.uk <FreemanB@angus.gov.uk>
 [REDACTED]
Subject: Re: 45 Ireland Street

Video 2

From: David Mclean [REDACTED]
Date: Thursday, 12 September 2024 at 12:02
To: FreemanB@angus.gov.uk <FreemanB@angus.gov.uk>

Comments for Planning Application 24/00338/FULL

Application Summary

Application Number: 24/00338/FULL

Address: 45 Ireland Street Carnoustie DD7 6AU

Proposal: Change of use of garden ground to allow for the siting of a caravan for the use as a short-term let

Case Officer: Ben Freeman

Customer Details

Name: Mr David Galloway

Address: 26 Tayside Street Carnoustie DD7 6AZ

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: My wife and I wish to record our objection to this planning application based on our privacy and amenity.

The Static Caravan frontage which I'm led to believe is the lounge area of the caravan and looks directly down from the elevated position into our main bedroom and is highly intrusive.

Our lounge view of the static caravan is less intrusive but still get the impression that our privacy is being invaded in our own home.

This invasion of our privacy had got to a level that it was affecting our well being to the level that we had no alternative but to have blinds fitted to both the Lounge and the Bedroom to minimise the feeling that we are being continually watched in our own home.

Pictures from our bedroom and Lounge sent to Angus Council Planning (ACP) in support of our objection to the invasion of our privacy

Veronica Caney

From: Dave G [REDACTED]
Sent: 28 August 2024 17:18
To: Ben Freeman
Cc: David Barnes
Subject: Fwd: Ref 24/00338/FULL 45 Ireland Street proposed development site

Hi Ben,

David Galloway - 26 Tayside Street

Please see attached pictures in support of the objection to 45 Ireland Street.
You are invited at anytime to view the static caravan from our premises.







Regards,

Dave

Sent from my iPad

Comments for Planning Application 24/00338/FULL

Application Summary

Application Number: 24/00338/FULL

Address: 45 Ireland Street Carnoustie DD7 6AU

Proposal: Change of use of garden ground to allow for the siting of a caravan for the use as a short-term let

Case Officer: Ben Freeman

Customer Details

Name: Mr Murray Johnstone

Address: 46 Ireland Street Carnoustie DD7 6AW

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: We agree with the comments already submitted and object to the siting of the static home. It would be hard to believe permission would have been given had this followed the correct process.

Since demolition of the sea boulder wall around a year ago it has been an eyesore and the application makes no mention of this having to be rectified anytime soon if ever.

In addition, from experience with Air B&B customers using that area to park vehicles it has highlighted especially at night how much of a funnel the road becomes as you drive up the hill from the West, the additional vehicles at the top of the hill removes a much used passing place.

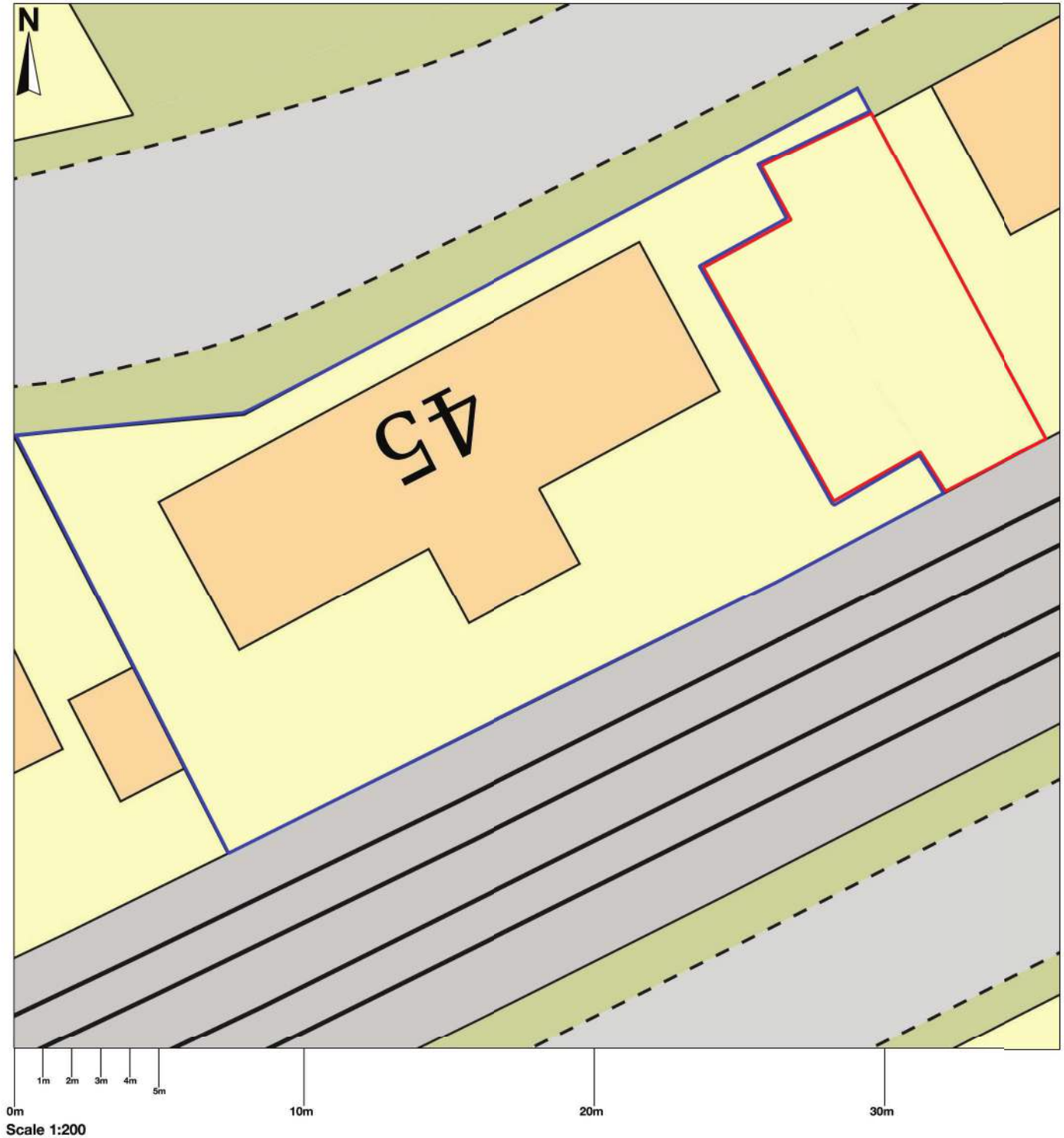


45 Ireland Street, Carnoustie, DD7 6AU





45 Ireland Street, Carnoustie, DD7 6AU



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View from Tayside Street



View from Tayside Street



View from Ireland Street



View from Ireland Street – number 47 on left



View along Ireland Street



View along Ireland Street



Private garden on 45 Ireland Street, caravan just visible



Rear of caravan facing the house at 45 Ireland Street, with gas canisters



View from kitchen window of caravan towards 47 Ireland Street



View from main living room of caravan, towards habitable room windows on Tayside Street



Proximity of caravan to boundary with railway line



View from boundary of site towards Tayside Street



Entrance ramp to caravan



View along Tayside Street shows houses on Ireland Street – limited windows close to boundaries. Also limited harsh boundary screens.

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

PLANNING PERMISSION REFUSAL
REFERENCE : 24/00338/FULL

To **Mr Tony Lindsay**
45 Ireland Street
Carnoustie
DD7 6AU

With reference to your application dated 13 August 2024 for planning permission under the above mentioned Acts and Regulations for the following development, viz.:-

Change of use of garden ground to allow for the siting of a caravan for use as a short-term let accommodation at 45 Ireland Street Carnoustie DD7 6AU for Mr Tony Lindsay

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

The reasons for the Council's decision are:-

- 1 The caravan site use is contrary to policies 14 and 30 of NPF4, and policies TC16, DS1, DS3, and DS4 of the Angus Local Development Plan as it is not compatible with the surrounding area in terms of the nature and scale of the activity and impacts of increased visitors, as it is not in keeping with the townscape and pattern of development in the area, as it is not of a high design standard that would improve the quality or contribute positively to the character and sense of place of the area, and as it would be detrimental to the amenity of the surrounding area and those who live in the area.
- 2 The grant of planning permission would establish a precedent for approval of further caravan site development within the established residential area to the detriment of the character and amenity of the area.

Amendments:

The application has not been subject of variation.

Dated this **2 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 the Service Manager through delegated powers under the statutory scheme of delegation. These applications may have been subject to less than five representations, minor breaches of policy or may be refusals.	Local Review Body – See details on attached Form 2
Other Decision	All decisions other than planning permission or approval of matters specified in condition. These include decisions relating to Listed Building Consent, Advertisement Consent, Conservation Area Consent and Hazardous Substances Consent.	DPEA (appeal to Scottish Ministers) – See details on attached Form 1

Notification of initiation of development (NID)

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

Notification of completion of development (NCD)

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

Display of Notice while development is carried out

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

The notice must be in the prescribed form and:-

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

A display notice is included with this guidance note.

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

Angus Council
Angus House
Orchardbank Business Park
Forfar
DD8 1AN

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



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

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

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

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

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

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



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

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

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

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

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

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

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

Where an enquiry or application relates to multiple properties, answers/information should be provided in relation to each property.

1. How is the property used?

- Is all or part of your own home available for short-term lets whilst you are absent (home-letting)? **No**
- Is all or part of your own home available for short-term lets whilst you are there (home-sharing). If so, how many bedrooms do you have and how many do you let? **3 bedroom caravan**
- Is it the letting of property where you do not normally live, for example a second home (secondary letting)? **No**
- When did the use start and what evidence is there to support the identified date – the evidence must be provided? **Not used for commercial let as of yet, evidence available.**

2. the character of the property

- Is it a house or a flat? **caravan**
- Is it detached, semi-detached, terraced, flatted etc? **Detached**
- How many rooms, specifically number of bedrooms, bathrooms, and public rooms? **3 bed, 1 bathroom, 1 public room**
- Does the property share communal areas with neighbouring property e.g. shared driveway, access doors, hallways, stairwells, parking, garden or outdoor areas etc **no**
- Is the property in a town, village or rural setting? **Town**
- Is it located on a main road, a street, cul-de-sac, private drive, or shared private access? **Within curtilage of dwelling house on a street.**
- How close are neighbouring properties? **The are 2 within the 20m boundary for notices to be given, either side of it.**

3. the typical number of people staying, and their likelihood to be a single household

- How many people can stay at the property having regard to room and bed spaces and associated facilities? **Max 6, usually couples or families typically stay in caravans.**

4. the frequency of arrivals and departures, and duration of stays

- Is there any minimum or maximum letting period and, if so, what is it? **Min 3 days would be mandatory, no max length restrictions would happen**
- How often is the property let out during the year - frequency of use? **This is the first commercial let so no one has booked it so far, however, I foresee ongoing, but low use during the Autumn and Winter.**
- What are the permitted arrival and departure times for guests and how is that controlled? **This would check in between 3pm – 8pm. Check out will be no later than 11am.**

5. the nature of services provided, such as cleaning or laundry

- What cleaning service is provided and how frequent is it? **cleaning will be done after each booking has left.**
- What laundry service is provided and how frequent is it? **I would carry out laundry after each guest has left.**
- Are there facilities available for guests e.g. outdoor areas, barbecues, balconies, hot tubs etc? **A small outdoor area for relaxing, BBQ's are not permitted, and. No hot tubs are on site.**

6. the likely frequency and intensity of noisy or otherwise unsociable activities

- Where is the owner/manager of the property located relative to location of property? **I live within the same curtilage next door.**
 - Are there any management plans in place regarding guests use of the property and if so what are they? **There would be STRICT rules regarding no parties and noise abatement rules after 9pm. These are also supported and highly monitored by Airbnb.**
 - Number of guests and potential for multiple households to be present **max 6**
 - Nature of property and access to communal areas, including any available facilities as detailed above **no shared communal areas with members of the public, all facilities are within the caravan.**
7. **the likely impact on public services and residents' amenity**
- What parking provision is available for guest and where is it located? **On the street outside my own home, where there are no parking restrictions, nor lack of space to park.**
 - What waste management facilities are available for guests and where are they located? **Internal waste facilities whilst guests would be in, then under the cleaning rules, I would be responsible for disposing the waste in the relevant recycled rules governed by Angus Council.**
 - How do guests gain access to the property on arrival and how do they leave – are they met, is it supervised, are key boxes used? **Depending upon the time of arrival, the door would be kept unlocked with the key inside for them to leave upon departure. I plan to be available at most times in order to facilitate any potential unforeseen issues.**

Comments for Planning Application 24/00338/FULL

Application Summary

Application Number: 24/00338/FULL

Address: 45 Ireland Street Carnoustie DD7 6AU

Proposal: Change of use of garden ground to allow for the siting of a caravan for the use as a short-term let

Case Officer: Ben Freeman

Customer Details

Name: Mr Tony Lindsay

Address: 45 Ireland Street Carnoustie DD7 6AU

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: As the owner of the caravan, I can state that there have been no rodent increase whatsoever. I'm unsure how neighbours on Tayside street could be aware of this. No open fires have happened. There's been no noise whatsoever, rubbish left by my family and friends was collected daily and placed into my council taxed paid bins for collections. I have every intention to install a fence front and back, but do not have the physical means or finances to do so just yet. I stopped all works upon the contact from the council. The gas cylinders are secure on a level concrete slab from the beginning, as per any caravan site, do not require a secure cage. If application approved, there will be strict rules reg. noise, outside fires, times they can arrive and vacate. No issues with parking as my own land, including house has 25 meters of space outside. Tayside street neighbours don't have the right to privacy when they face a public road and rail line as the public can pass at any time look in. However, I will ensure that there's a safe and private fence up, when the time comes. I see all the properties from my conservatory and garden 24/7 which is approx 6m away from the caravan as can neighbours from their gardens. The van is secured underneath by the same way that they all are, and has remained level and in place for over 8 months without any land disturbance. I have limited health capacity to work full time on it and no financial capacity at the moment to complete all works, but will have this done. It's hooked up to an existing soil pipe supply, which has no opening, electric and water to my home, this ensures that it's an ancillary use to my own home. I've intention to clean and paint the van to an acceptable appearance. This van is the only way to pay my mortgage since my life changed dramatically last year and it saddens me that my so called neighbours couldn't knock on my door and chat to me about it. I'm more than a nice & fair person, that just wants to provide for my children

Veronica Caney

From: tony lindsay [REDACTED]
Sent: 12 September 2024 14:20
To: Ben Freeman
Subject: replies to recent additional objections
Attachments: noise management plan.docx

Hi Ben, I hope you're well?

Firstly, I am not sure why I am not being notified of additional comments as I have my case set to track? Otherwise I would have responded much sooner.

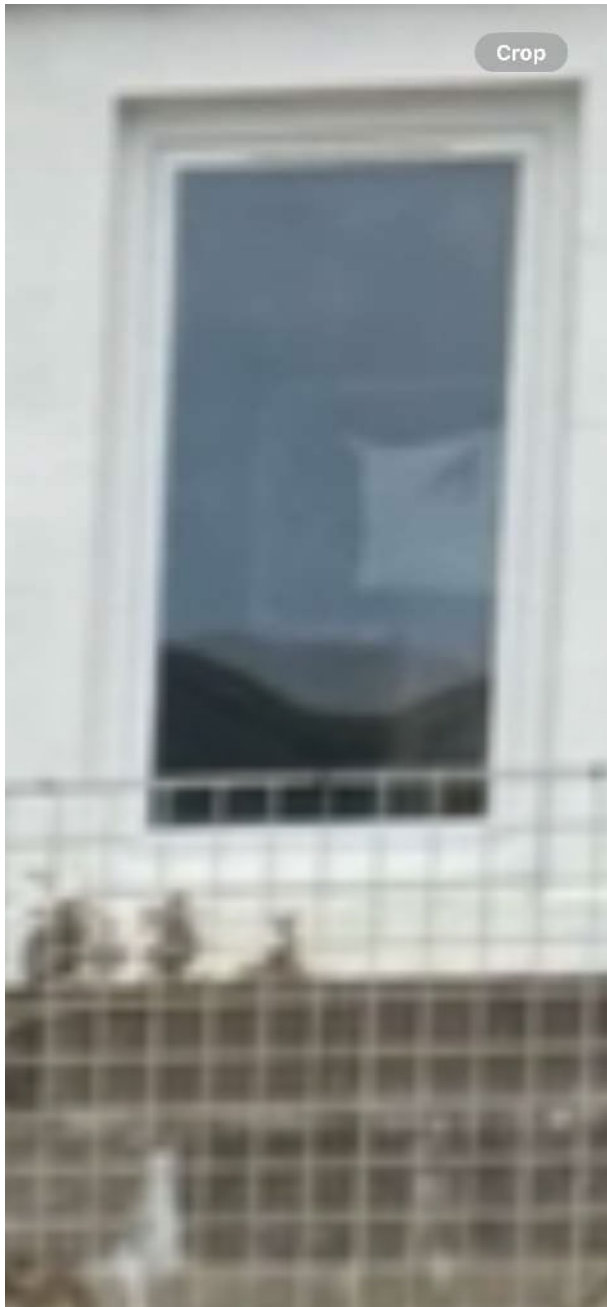
Please find attached my response to the recently added objections alongside a new noise management policy that I have created this morning, if consent was approved.

I have also attached a rebuttal to Mr David Barnes, 47 Ireland street's picture of the south end of the garden, as it was not made clear on the reason for the additional photo's, but specifically, the one attached below, is taken from a far corner end of his garden, to which they never use, nor can do, as they have an unsafe open access to the railway line, thus, never occupies any of the area from where the picture was taken, therefore, do not see any planning act being abused. I have next to it, a picture from my side of the same spot, evidencing my comment.



Also, with reference to the additional objection comments from 27 Tayside street occupants, they have provided a photo showing how my property overlooks theirs, but as you will see from his own photo (pic a) , the neighbours Mr David Barnes, 47 Ireland street, also objecting, have 2 windows that are closer to their property, and yet, have no current or historical objections, or requests to add privacy screens, by way of fencing. As well as, their property at 47 Ireland street, is clearly more open to seeing inside their property more clearly than the static caravan (Pic b).





Please also see the below photo of the privacy fence that i am currently installing at the south end, it is not finished yet as I still want to make it slightly higher, without breaking the 2m height rule. You will also see that I have installed privacy window coverings to the lower part of the main window. This, as seen from internal photo below, is taken from the sitting position, blocking out the neighbours across the street, whilst still maintaining a view of the coastline.



View from No 27 Tayside street, is not reflective of the photos that they provided to planning.



From a sitting position i can see the sea view, but not the neighbours windows.



TOURISM CONSUMER INSIGHTS ACROSS ANGUS.

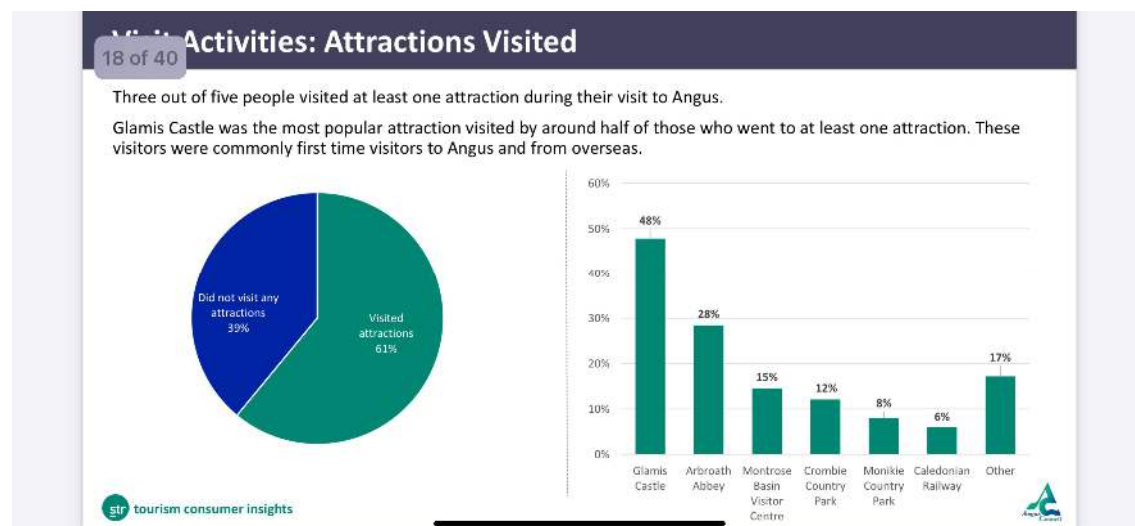
As stated below, 25% of repeat visitors to Angus use caravans. Carnoustie already maintains a Caravan park, so it is reasonable to expect that an affordable accommodation, within my location, will attract a lot more tourism to the area, especially, as Angus Councils own survey suggests, almost half of those visitors staying overnight, look for the best value for money, to which i propose mine will if in receipt of planning consent.

Main Segments: Relaxers (24%)

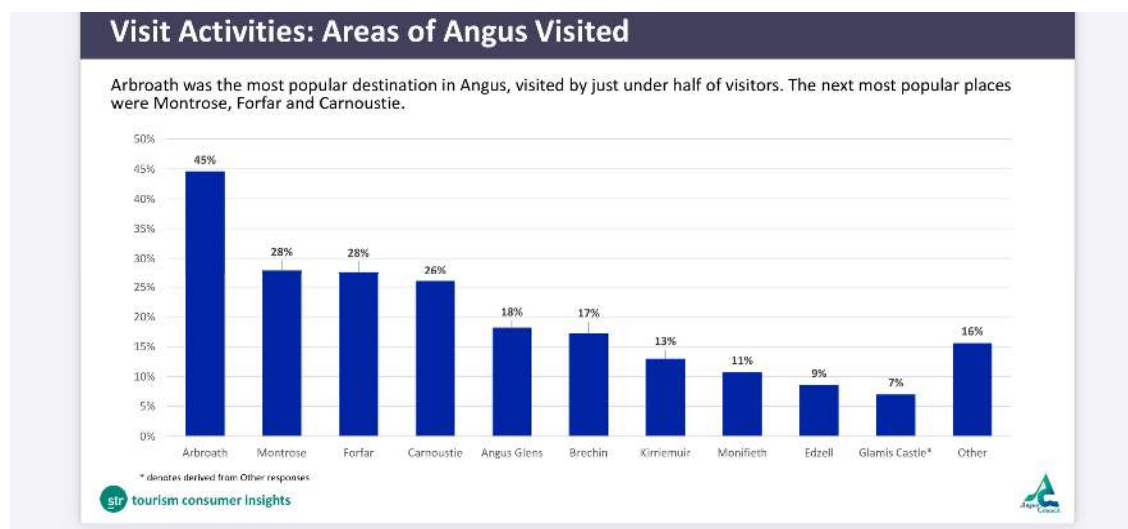
- Relaxers are frequently repeat visitors to the area who travel without children.
- They are very local audience (83% are Scottish), visiting from nearby Perth and Kinross / Dundee with a high proportion of them females (63%).
- More than 6 out of 10 visit only for a day. Those that stay overnight mainly stay in Angus and spend 4.23 nights on average which makes them the longest staying segment. They are likely to stay at hotels (34%) or caravans (25%) looking for the best value for money (44%) and special offers (21%).
- They demonstrate an average level of information consumption. They are most likely to use TripAdvisor during their visit (31%).
- This segment enjoys visiting beaches, engaging in outdoor activities and seeking relaxation whilst escaping noise and crowds. The beaches, walking and restaurants are the best aspects of their trip. Half of them do not visit any attractions.
- They positively rate the food on offer in the area (8.80) and there is a high probability of referrals and recommendations among these visitors to others.
- Improvements to public toilet facilities would make their trip more enjoyable.
- Relaxers tend to spend the least during their visit (£26.39 per person per day).

str tourism consumer insights

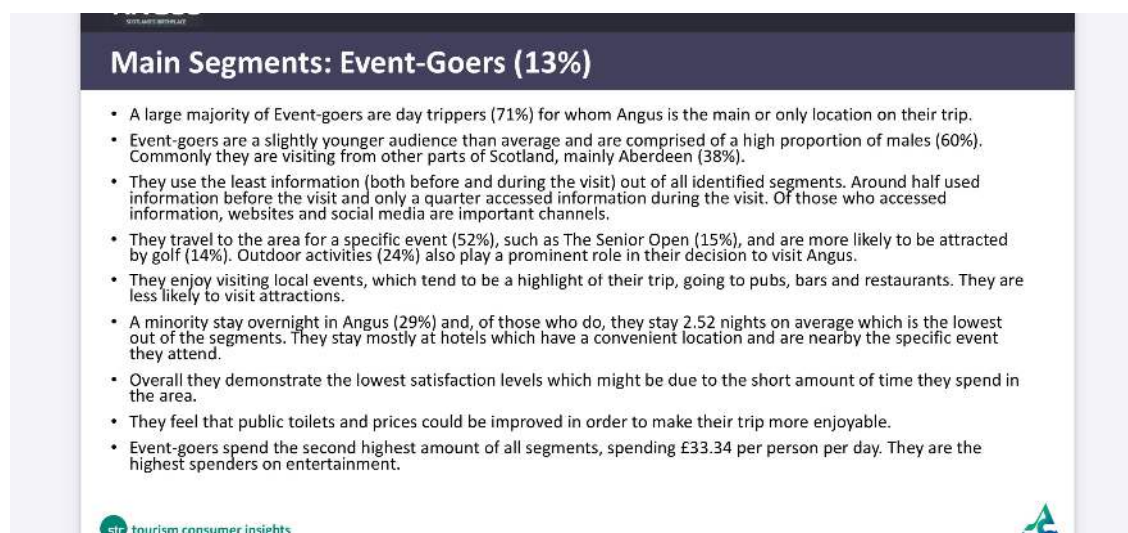
According to the same research, 61% of those visiting, visited attractions, within Angus, the highest 5 (of 7) are only a 20/25 minute drive from my location, offering a great opportunity for guests, alongside them shopping at the local stores for self catering accommodation, increasing the tourism revenues to Angus.



Furthermore, a higher than chance of visitors that stayed in Arbroath, stayed at the local caravan parks. Suggesting that it is a source of affordable holiday accommodation. Carnoustie specifically being a good 4th place (of 11) to stay within Angus



15% of event visitors were attracted to the many golf events as well as to play the much-regarded Championship golf course at Carnoustie links. Approving planning consent will raise the income revenue for local business, including bars, restaurants, shops and beach cafe.



As you can appreciate, I have only highlighted a small proportion of the tourism statistics in order to highlight how valuable my accommodation to Angus township and local council, with the increase in tourism revenue, would be a natural step for the Planning team to approve the application.

Thank you, Ben, for taking time out of your busy schedule to consider this addition to my application an official comment against objectors.

OBJECTIVE

This noise management plan aims to ensure that the operation of a static caravan, used for short-term letting, minimises disruption to neighbouring properties. It outlines measures to reduce noise levels and create a harmonious environment for both guests and residents in compliance with local planning requirements.

1. GUEST AWARENESS AND EDUCATION

1.1 House Rules for Noise Control

- A comprehensive set of house rules will be provided to guests upon booking and displayed within the caravan. This document will emphasise the importance of maintaining low noise levels, especially during certain hours.

Key rules will include:

- Quiet hours from 10 PM to 7 AM.
- No loud music, parties, or events.
- Guests are encouraged to keep conversations and other noise to a reasonable level at all times.

1.2 Guest Contract

- Upon booking, guests will be required to agree to the noise management rules. Violations may result in early termination of their stay and loss of security deposits.

1.3 Check-in Briefing

- During check-in, either through in-person or written communication, guests will be reminded of the noise policies, especially with respect to the residential nature of the surrounding area.
- Guests will be informed that sound carries easily in quiet neighbourhoods and the importance of maintaining consideration for nearby residents.

2. PHYSICAL NOISE CONTROL MEASURES

2.1 Placement and Landscaping

- The caravan is strategically placed to limit noise exposure to surrounding homes. Fencing and natural barriers (e.g., hedges, bushes, or trees) will be installed to serve as buffers, reducing the sound that reaches neighbouring properties.
- Outdoor areas, such as patios or seating areas, will be positioned away from neighbouring properties to minimise the impact of outdoor noise.

2.2 Outdoor Noise Control

- There will be clear signage around the caravan reminding guests to keep noise levels low when outside.
- Outdoor gatherings or socialising will be discouraged after 9 PM. Outdoor entertainment such as music systems will not be permitted.

3. MONITORING AND ENFORCEMENT

3.1 Noise Monitoring Devices

- Non-intrusive noise monitoring devices may be installed outwith the caravan to monitor noise levels, particularly during nighttime hours. These devices will alert management if noise levels exceed acceptable thresholds, allowing for immediate intervention.

3.2 Noise Complaint Procedure

- Guests will be informed that any valid noise complaints could result in penalties, such as loss of security deposit, or termination of their stay.

3.3 Quiet Hours Enforcement

- Quiet hours (from 10 PM to 7 AM) will be strictly enforced. Guests will receive warnings for any violations, and repeat offenses will lead to the early termination of their stay.

4. OPERATIONAL MEASURES

4.1 Occupancy Limits

- The caravan will have a strict occupancy limit based on its size and sleeping arrangements (e.g., no more than 6 guests at any given time). This will help prevent overcrowding, which can lead to excessive noise.

4.2 Restricted Use of Outdoor Areas

- Outdoor areas such as decks, seating spaces, or fire pits will have restricted use during the evening hours (e.g., no use of these areas after 9 PM) to minimise outdoor noise disturbances to neighbours.

4.3 Prohibited Events

- The caravan will not be available for parties, events, or large gatherings, which are common sources of noise in residential areas. This prohibition will be clearly stated in the listing and rental agreement.

5. COMMUNICATION WITH LOCAL RESIDENTS

5.1 Neighbour Notification

- Local residents will be informed about the noise management plan, with assurances that their concerns will be addressed promptly.

6. REVIEW AND ADAPTATION

6.1 Annual Review of Noise Management Plan

- The noise management plan will be reviewed annually to assess its effectiveness and make any necessary adjustments based on feedback from neighbours and guests, as well as any changes in local regulations.

6.2 Adjustment Based on Complaints

- In the event of repeated noise complaints, management will implement additional measures (such as further limiting quiet hours or additional physical noise barriers) to ensure the issue is effectively managed.

CONCLUSION

This noise management plan is designed to ensure that the static caravan operates in a manner that is respectful of the surrounding residential area. By implementing clear rules, physical noise mitigation measures, and strict enforcement protocols, the plan addresses the primary concerns of neighbouring residents and ensures compliance with local planning regulations.

DEVELOPMENT MANAGEMENT REVIEW COMMITTEE

APPLICATION FOR REVIEW

45 IRELAND STREET, CARNOUSTIE

APPLICATION NO 24/00338/FULL

APPLICANT'S SUBMISSION

PAGE NO.

- | | |
|---------------|----------------------|
| ITEM 1 | Notice of Review |
| ITEM 2 | Appeal Statement |
| ITEM 3 | Email Correspondence |
| ITEM 4 | Decision Notice |



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 100697111-001

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

Applicant or Agent Details

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

Applicant Agent

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Tony"/>	Building Number:	<input type="text" value="45"/>
Last Name: *	<input type="text" value="Lindsay"/>	Address 1 (Street): *	<input type="text" value="Ireland street"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value="REDACTED"/>	Town/City: *	<input type="text" value="Carnoustie"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="DD7 6AU"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

Site Address Details

Planning Authority:

Angus Council

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

Address 1:

45 IRELAND STREET

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

CARNOUSTIE

Post Code:

DD7 6AU

Please identify/describe the location of the site or sites

Northing

734636

Easting

356967

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)

Change of use of garden ground to allow for the siting of a caravan for use as a short-term let accommodation at 45 Ireland Street Carnoustie DD7 6AU for Mr Tony Lindsay. In addition to amend the application to extend to allowing the following additional uses: Storage, office use, therapy centre, play centre, arts and craft centre.

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

1. Misinterpretation of Relevant Policies; National Planning Framework 4 (NPF4): Policies 14 and 30 & Angus Local Development Plan (Policies TC16, DS1, DS3, DS4) 2. Dismissal of Reasonable Mitigation Proposals 3. Speculative Precedent Concerns 4. Insufficient Evidence of Amenity Impacts. 5 Procedural Fairness and Pressure from External Influences misinterprets policy as a caravan aligns with policies for sustainability and community benefit; mitigation measures ignored without justification.

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)

1, full report that the decision is disproportionate, unsupported by evidence, and fails to consider reasonable mitigation measures or policy flexibility. Alongside evidencing how the Local Authority misapplied local and national policies. I outline the key points that support this appeal and offer additional proposals to address concerns raised in the refusal report, including audio record of planning officer stated he "would set high fencing as a condition" hiding van from view

Application Details

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

24/00338/FULL

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

13/08/2024

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

02/10/2024

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

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

Please select a further procedure *

Holding one or more hearing sessions on specific matters

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

So the review board to hear an audio recorded conversation of the statement by Angus councils planning officer, on a site visit, stating that if in his decision, he considered the impact of the caravan on the local area he "would state a high fence as a condition" (to hide it from view. This was offered by myself as well as cladding the van to look like a chalet type property, more in keeping with the local area, absolving the residents objections, to which the planning officer considered.

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

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

Declaration Name: Mr Tony Lindsay

Declaration Date: 29/12/2024

Appeal Against Refusal of Planning Permission for Temporary Caravan

I write to appeal the refusal of my planning application, which I believe is both disproportionate and unjust. The decision fails to fairly interpret relevant planning policies, ignores reasonable mitigation measures, and raises concerns about procedural fairness. Below, I provide a detailed response, supported by evidence from Scottish case law, to demonstrate why the application should be reconsidered and granted consent.

1. Misinterpretation of Relevant Policies

National Planning Framework 4 (NPF4): Policies 14 and 30

The cited policies emphasise sustainability, placemaking, and the improvement of community wellbeing. The temporary caravan aligns with these objectives, contributing to local economic activity without permanently altering the character of the area. Policies 14 and 30 support developments that promote social, economic, and environmental benefits, and this proposal achieves these aims by offering a low impact, affordable and adaptable use.

The refusal narrowly focuses on perceived incompatibility with the “character and sense of place” while disregarding broader policy aims. Temporary uses, particularly when mitigated through design adjustments or screening, can coexist harmoniously with the local environment, as demonstrated in ***Elsick Development Company Ltd v Aberdeenshire Council [2017]***, where flexibility in interpreting policies was upheld to achieve overall planning objectives.

Angus Local Development Plan: Policies TC16, DS1, DS3, and DS4

These policies seek to protect the integrity of the townscape while allowing developments that integrate well with their surroundings. The rejection lacks robust evidence to justify why a single, temporary caravan screened by a high fence is incompatible with the area. No clear evidence has been presented to support claims of excessive visitor impacts or detriment to the townscape.

Moreover, during the site visit, the planning officer acknowledged that a high fence or other visual screening would effectively mitigate concerns agreeing that, if this policy was considered he would make it a condition. This was audio recorded for evidence, at the time of a site visit. However, this reasonable solution was omitted from the final report, undermining the refusal’s validity. This oversight is inconsistent with the principle of fairness and proportionality established in ***Hopkins Homes Ltd v Scottish Ministers [2017]***, which emphasised the importance of balancing mitigation measures against policy concerns.

2. Failure to Consider Reasonable Mitigation

Reasonable measures to address concerns were identified but inexplicably dismissed:

Visual Screening: The installation of a high fence, as discussed during the site visit, would obscure the caravan from view, addressing any aesthetic concerns.

Design Adjustments: Painting or cladding the caravan to resemble a contemporary cabin would ensure visual harmony with the surrounding area.

Landscape Enhancements: Introducing additional hedges or trees would further soften the caravan's appearance and enhance integration with the local environment.

Failure to incorporate these mitigation measures into the final decision raises questions about procedural fairness and proportionality, as highlighted in *Tesco Stores Ltd v Dundee City Council [2012]*. This case confirmed that planning authorities must consider practical measures that align developments with policy aims.

3. Speculative Precedent Concerns

The decision's assertion that approving the caravan would set a precedent for further developments is speculative and unfounded. Precedent concerns must be balanced with the specifics of each case, as demonstrated in *North Lanarkshire Council v Scottish Ministers [2005]*. Each application is subject to its own review, and conditions can be imposed to limit similar developments.

This proposal involves a single, temporary caravan, not a largescale or permanent site. The temporary nature allows for periodic review, ensuring ongoing compliance with policies and addressing potential concerns proactively.

4. Insufficient Evidence of Amenity Impacts

The claim that the caravan would negatively impact the "amenity of the surrounding area" is vague and unsupported by evidence. No concrete concerns regarding noise, traffic, or other disturbances have been substantiated. A well screened, single caravan is unlikely to generate significant impacts. One noted concern from the Environmental health office, stated that a noise management policy should be created, to which was completed and accepted by the EH department within a few days. Network rail were invited by myself to discuss any potential impact of the caravan being situated where it is, which raised no concerns either.

Further, there have been no major objections from statutory consultees or robust evidence of harm from local residents. The vague nature of the amenity argument undermines the credibility of the refusal, as highlighted in *Moray Council v Scottish Ministers [2006]*, where decisions based on unsubstantiated claims were overturned.

5. Procedural Fairness and External Pressures

The refusal appears to have been influenced by objections from a small but vocal group of neighbours, including influential community figures. This raises concerns about

impartiality, particularly given the omission of suggested mitigation measures in the final decision.

Moreover, the enforcement notice to cease holiday letting has placed undue hardship on me, jeopardising both my livelihood and my home. This decision's disproportionate impact is especially distressing given my recent personal circumstances, including the loss of my son. Fairness and compassion are essential considerations in planning decisions, as underscored in *Buxton v Highland Council [2013]*, where the court emphasised the need for balanced, human-centred decision making. To which the council were made aware of prior to their decision, via the enforcement notice appeal and emails to the enforcement officer that took my circumstances to his senior, who dismissed them out of hand and continued the enforcement. The original enforcement could have included the additional screening as discussed with him at the same site visit that he attended with the planning officer.

Proposed Solutions

To address concerns and demonstrate good faith, I am willing to implement the following measures:

1. Visual Screening: Install a high quality tall fence to ensure the caravan is not visible from neighbouring properties or public areas.
2. Design Improvements: Paint or clad the caravan to resemble a contemporary cabin, enhancing its visual appeal and integration.
3. Temporary Permission: Accept a time limited consent, allowing for periodic review to ensure compliance and assess impacts.
4. Landscape Enhancements: Introduce hedges or trees to soften the visual impact and improve site integration.

Conclusion

The refusal of this planning application is disproportionate, fails to adequately consider reasonable mitigation, and misapplies relevant policies. By incorporating the proposed measures, the development aligns with planning objectives and addresses concerns about the character and amenity of the area.

I respectfully urge the PRB to reconsider this decision and grant consent, subject to appropriate conditions. This resolution would represent a fair and balanced outcome, avoiding unnecessary hardship while ensuring the development integrates harmoniously with the local environment.

Yours faithfully,

Tony Lindsay

Email evidence of asking for compassionate consideration



Toe
To: Ethan Fordyce
Cc: Daniel Coleman

← ↶ ↷ | ...
Fri 26/07/2024 10:17

Hi Ethan and Daniel,

As I have yet to officially appeal the notice, and having spoken to an architect friend of mine, may I please appeal to your sense of compassion in my circumstances.

I truly only took the wrong advice online and had no intention of disrespecting your office.

I would really love to have the opportunity to progress with the original planning application that's open and to confirm that I have disconnected the caravan from all the services to reinforce to you how serious I am in showing you that I am not using it in any way shape or form. I asked my cousin to leave last weekend so that I could show this.

I can show you evidence that my circumstances are exactly how I've described and that I am not in any way trying to circumnavigate around the planning laws, as I've said last week, that I've always done it the right way and this situation is causing me such anxiety that I am struggling to focus on anything else that I need to.

I implore to ask if there is any way that you could see your way to alter the notice to reflect a cease of all use and that a planning application is required by a certain date, at least enough time to scrape the money together, as it is my understanding that this is possible 🙏.

I really need the income to pay my mortgage, so I don't lose my house, I have lost so much this year and a half already 😞

Anyway, please don't be offended at my emailing you this way, I just don't know what else to do.

Tony



Daniel Coleman <ColemanD@angus.gov.uk>
To: You

← ↶ ↷ | ...
Tue 30/07/2024 11:00

Dear Tony,

Thanks for this.

I am liaising with my senior officer about this and will revert to you.

Best Regards,

Daniel

Daniel J. Coleman | Planning Enforcement Officer – East Angus | Communities | Planning - Development Standards | Angus Council | Angus House | Orchardbank Business Park, Forfar DD8 1AN | email: ColemanD@angus.gov.uk | phone: 01307 491763 |

Please note that I am also acting as Planning Enforcement Officer for West Angus for the time being. I will endeavour to keep up our Service Standard, however, matters will be dealt with on a priority basis. I apologise for any inconvenience this may cause.

This message is strictly confidential. If you have received this in error, please inform the sender and remove it from your system. If received in error you may not copy, print, forward or use it or any attachment in any way. This message is not capable of creating a legal contract or a binding representation and does not represent the views of Angus Council. Emails may be monitored for security and network management reasons. Messages containing inappropriate content may be intercepted. Angus Council does not accept any liability for any harm that may be caused to the recipient system or data on it by this message or any attachment.



Toe

To: Daniel Coleman

← ↶ ↷ | ...

Tue 30/07/2024 11:24

Thank you Daniel 🙏

I really appreciate you discussing this with your colleague.
Tony

On 30 Jul 2024, at 11:00, Daniel Coleman <ColemanD@angus.gov.uk> wrote:

Dear Tony,

Thanks for this.

I am liaising with my senior officer about this and will revert to you.

Best Regards,

Daniel

Daniel J. Coleman | Planning Enforcement Officer – East Angus | Communities | Planning - Development Standards | Angus Council | Angus House | Orchardbank Business Park, Forfar DD8 1AN | email: ColemanD@angus.gov.uk | phone: 01307 491763 |

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Daniel Coleman <ColemanD@angus.gov.uk>

To: You

← ↶ ↷ | ...

Tue 30/07/2024 13:49

Dear Tony,

While we understand your situation, the breach of planning control has been ongoing for some time, and opportunity has been given to submit an application.

The enforcement notice has been served as it is considered to be in the public interest having regard to comments that have been received from interested parties in the area. The notice will come into effect if an appeal is not lodged by the date specified therein. Thereafter you will have 60-days to remove the caravan. Should the notice take effect and its terms not complied with, as noncompliance with a notice is an offence, you would be liable to prosecution and the council will have ability to take direct action to remove the caravan and recover costs from you.

If you wish to delay the enforcement notice coming into effect, you can lodge an appeal with Scottish Ministers in the manner described in the notice. You may wish to seek assistance from a person familiar with the planning process to submit the appeal. Appeals can take some time to consider and if it is upheld then the 60 day period would commence from the date of appeal decision.

The serving of the notice (and the lodging of an appeal) does not prevent you from submitting a valid planning application if you wish to pursue that course of action. The application is not validly made until the relevant application fee is paid. However, the council can offer no guarantee regarding the successful outcome of any application, and as matters stand, I would anticipate it may be subject of objection from other residents in the area.

Best Regards,

Daniel

Daniel J. Coleman | Planning Enforcement Officer – East Angus | Communities | Planning - Development Standards | Angus Council | Angus House | Orchardbank Business Park, Forfar DD8 1AN | email: ColemanD@angus.gov.uk | phone: 01307 491763 |

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ANGUS COUNCIL

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



PLANNING PERMISSION REFUSAL
REFERENCE : 24/00338/FULL

To **Mr Tony Lindsay**
45 Ireland Street
Carnoustie
DD7 6AU

With reference to your application dated 13 August 2024 for planning permission under the above mentioned Acts and Regulations for the following development, viz.:-

Change of use of garden ground to allow for the siting of a caravan for use as a short-term let accommodation at 45 Ireland Street Carnoustie DD7 6AU for Mr Tony Lindsay

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

The reasons for the Council's decision are:-

- 1 The caravan site use is contrary to policies 14 and 30 of NPF4, and policies TC16, DS1, DS3, and DS4 of the Angus Local Development Plan as it is not compatible with the surrounding area in terms of the nature and scale of the activity and impacts of increased visitors, as it is not in keeping with the townscape and pattern of development in the area, as it is not of a high design standard that would improve the quality or contribute positively to the character and sense of place of the area, and as it would be detrimental to the amenity of the surrounding area and those who live in the area.
- 2 The grant of planning permission would establish a precedent for approval of further caravan site development within the established residential area to the detriment of the character and amenity of the area.

Amendments:

The application has not been subject of variation.

Dated this **2 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 the Service Manager through delegated powers under the statutory scheme of delegation. These applications may have been subject to less than five representations, minor breaches of policy or may be refusals.	Local Review Body – See details on attached Form 2
Other Decision	All decisions other than planning permission or approval of matters specified in condition. These include decisions relating to Listed Building Consent, Advertisement Consent, Conservation Area Consent and Hazardous Substances Consent.	DPEA (appeal to Scottish Ministers) – See details on attached Form 1

NOTICES

Notification of initiation of development (NID)

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

Notification of completion of development (NCD)

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

Display of Notice while development is carried out

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

The notice must be in the prescribed form and:-

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

A display notice is included with this guidance note.

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

Angus Council
Angus House
Orchardbank Business Park
Forfar
DD8 1AN

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



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

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

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

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

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

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



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

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

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

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

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

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

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

FURTHER LODGED REPRESENTATIONS

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: FW: Application for Review - 45 Ireland Street, Carnoustie
Date: 09 January 2025 07:46:33
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.gif](#)
[application decision notice.pdf](#)

Good morning Laura,

Thank you for sending me this information on the application now that the owner of 45 Ireland Steet has decided to appeal.

All my initial comments on this matter still stand can you please confirm you have seen these? and I can confirm today that nothing has changed. Moreover, if anything the site has got far worse than it was before.

I feel this is just delay tactics by the owner as the enforcement notice is as I read it still in effect to force the owner of 45 Ireland Street to remove this static home altogether as its in location already illegally.

The owner has now even painted on his own property in red paint phallic symbols and other rude gestures to the person across the road who as I hope you have also seen rejected his application like I did from the start.

I will send you if required new pictures of the site as you are aware I live next door to this outrageous monstrosity. I take it you have seen the initial pictures?

Points:

1. Vermin worse than ever
2. Rubbish on the site now worse
3. Water that was connected to the main property has come disattached it looks like the flimsy pipe has broken, thankfully at last the owner has turned that off
4. Gas bottles still on a site x 2 large 47 litre ones not secured very worried about propane so close to my property H&S
5. The static home has again moved forward and is now leaning to one side again very worried as it's what now only approximately 2 meters from the high speed railway line
6. Green artificial grass now no longer in place and has blown away
7. The site has had no maintenance whatsoever even after all the comments from previous complaints from all local residents
8. H&S not followed in any way
9. This STATIC HOME AGAIN MIGHT I ADD AGAIN IS ALREADY IN PLACE AND IS NOT A CARAVAN.

Laura if you do require anything from me please contact me by this work email address (please do not share my work email address as it MOD) or my civilian email address, my mobile number is also below.

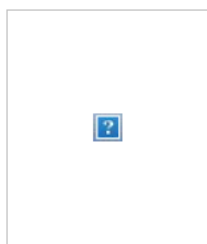
This I feel unfortunately is going to drag on and on, it's been over a year now, please advise me otherwise, this static home has to have action sooner rather than later before it causes a real local catastrophe.

Can you please advise me if you intend to visit this location?

Kind Regards,

David Barnes

[REDACTED]



From: David Barnes [REDACTED]
Sent: Wednesday, January 8, 2025 7:21 PM
To: Barnes, David [REDACTED]
Subject: Fw: Application for Review - 45 Ireland Street, Carnoustie

Sent from [Outlook for iOS](#)

From: Laura Stewart [REDACTED]
Sent: Wednesday, January 8, 2025 11:01:22 AM
Subject: Application for Review - 45 Ireland Street, Carnoustie

Dear Sir/Madam

Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013

Application for Review – Refusal of planning permission for change of use of garden ground to allow for the siting of a caravan for use as a short-term let accommodation at 45 Ireland Street Carnoustie - Mr Tony Lindsay

Application No 24/00338/FULL – DMRC -14/24

I refer to the above planning application and your lodged representations to that application.

I write to advise you that the applicant has made an application for a review of the decision taken by the Service Lead – Planning and Sustainable Growth. This is a process brought in by the above legislation to enable applicants dissatisfied with a decision of the Planning Authority to ask for it to be reviewed. This review will be considered by Angus Council's Development Management Review Committee. A copy of the Council's Decision Notice is attached for your information.

In accordance with the above Regulations, I am required to ask you if you wish to make any further representations. The Review Committee will be given copies of your original representation. If you do wish to do so, you have 14 days from the date of receipt of this email to make such representations. **These should be sent directly to me.**

The applicant will then be sent a copy of these representations and the applicant will be entitled to make comments on them. These comments will also be placed before the Review Committee when it considers the review.

I can also advise that a copy of the Notice of Review and other documents related to the review can be viewed by contacting me directly.

In the meantime, should you have any queries please do not hesitate to contact me.

Kind regards
Laura

Laura Stewart - Committee and Elections Officer – Legal, Governance and Change Services -Angus Council


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Think green – please do not print this email

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ANGUS COUNCIL

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



PLANNING PERMISSION REFUSAL
REFERENCE : 24/00338/FULL

To **Mr Tony Lindsay**
45 Ireland Street
Carnoustie
DD7 6AU

With reference to your application dated 13 August 2024 for planning permission under the above mentioned Acts and Regulations for the following development, viz.:-

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The reasons for the Council's decision are:-

- 1 The caravan site use is contrary to policies 14 and 30 of NPF4, and policies TC16, DS1, DS3, and DS4 of the Angus Local Development Plan as it is not compatible with the surrounding area in terms of the nature and scale of the activity and impacts of increased visitors, as it is not in keeping with the townscape and pattern of development in the area, as it is not of a high design standard that would improve the quality or contribute positively to the character and sense of place of the area, and as it would be detrimental to the amenity of the surrounding area and those who live in the area.
- 2 The grant of planning permission would establish a precedent for approval of further caravan site development within the established residential area to the detriment of the character and amenity of the area.

Amendments:

The application has not been subject of variation.

Dated this **2 October 2024**



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

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PLANNING DECISIONS

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- readily visible to the public; and
- printed on durable material.

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

Angus Council
Angus House
Orchardbank Business Park
Forfar
DD8 1AN

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



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

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

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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.

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: FW: Application for Review - 45 Ireland Street, Carnoustie
Date: 09 January 2025 16:49:18
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.gif](#)
[pic 1.jpg](#)
[pic 2.jpg](#)
[pic 3.jpg](#)
[24_00001_UNDV-ENFORCEMENT_NOTICE-3505775.pdf](#)

Good afternoon Laura,

Fantastic to talk to you today and thank you for your help and advice.

Please see the attached pictures of 45 Ireland Street from the initial emails to the planning and enforcement officer.

I will send you up to date pictures when I have taken them tomorrow to indicate the difference that I was explaining to you today. This as I was explaining a picture paints a thousand words.

I have also included the enforcement notice for your reference as well.

If you require anything else from me please don't hesitate to contact me.

Thanks again for your help in this matter it is greatly appreciated,

David A Barnes

[REDACTED]



From: Laura Stewart [REDACTED]
Sent: Thursday, January 9, 2025 9:06 AM
To: Barnes, David [REDACTED]
Subject: RE: Application for Review - 45 Ireland Street, Carnoustie

Good morning Mr Barnes

Thank you for your email and I confirm receipt.

Your email address below will be redacted from the papers which will be issued to members for consideration at the Committee meeting and published on the Council's Website.

I note that you have mentioned that you may wish to include pictures with your representation, if you wish to include these, please ensure they are emailed to me within the 14 day period as stated in my original email.

In the meantime, if I can provide you with any further information regarding the Notice of Review procedure, please do not hesitate to get in touch.

Kind regards
Laura

Laura Stewart - Committee and Elections Officer – Legal, Governance and Change Services -Angus Council
[REDACTED]

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From: [REDACTED]
Sent: Thursday, January 9, 2025 7:30 AM
To: Laura Stewart [REDACTED]
Cc: David Barnes [REDACTED]
Subject: FW: Application for Review - 45 Ireland Street, Carnoustie

Good morning Laura,

Thank you for sending me this information on the application now that the owner of 45 Ireland Steet has decided to appeal.

All my initial comments on this matter still stand can you please confirm you have seen these? and I can confirm today that nothing has changed. Moreover, if anything the site has got far worse than it was before.

I feel this is just delay tactics by the owner as the enforcement notice is as I read it still in effect to force the owner of 45 Ireland Street to remove this static home altogether as its in location already illegally.

The owner has now even painted on his own property in red paint phallic symbols and other rude gestures to the person across the road who as I hope you have also seen rejected his application like I did from the start.

I will send you if required new pictures of the site as you are aware I live next door to this outrageous monstrosity. I take it you have seen the initial pictures?

Points:

1. Vermin worse than ever
2. Rubbish on the site now worse
3. Water that was connected to the main property has come disattached it looks like the flimsy pipe has broken, thankfully at last the owner has turned that off
4. Gas bottles still on a site x 2 large 47 litre ones not secured very worried about propane so close to my property H&S
5. The static home has again moved forward and is now leaning to one side again very worried as it's what now only approximately 2 meters from the high speed railway line
6. Green artificial grass now no longer in place and has blown away
7. The site has had no maintenance whatsoever even after all the comments from previous complaints from all local residents
8. H&S not followed in any way
9. This STATIC HOME AGAIN MIGHT I ADD AGAIN IS ALREADY IN PLACE AND IS NOT A CARAVAN.

Laura if you do require anything from me please contact me by this work email address (please do not share my work email address as it MOD) or my civilian email address, my mobile number is also below.

This I feel unfortunately is going to drag on and on, it's been over a year now, please advise me otherwise, this static home has to have action sooner rather than later before it causes a real local catastrophe.

Can you please advise me if you intend to visit this location?

Kind Regards,

David Barnes

[REDACTED]



From: David Barnes [REDACTED]
Sent: Wednesday, January 8, 2025 7:21 PM
To: Barnes, David [REDACTED]
Subject: Fw: Application for Review - 45 Ireland Street, Carnoustie

Sent from [Outlook for iOS](#)

From: Laura Stewart [REDACTED]
Sent: Wednesday, January 8, 2025 11:01:22 AM
Subject: Application for Review - 45 Ireland Street, Carnoustie

Dear Sir/Madam

Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013
Application for Review – Refusal of planning permission for change of use of garden ground to allow for the siting of a caravan for use as a short-term let accommodation at 45 Ireland Street Carnoustie - Mr Tony Lindsay

Application No 24/00338/FULL – DMRC -14/24

I refer to the above planning application and your lodged representations to that application.

I write to advise you that the applicant has made an application for a review of the decision taken by the Service Lead – Planning and Sustainable Growth. This is a process brought in by the above legislation to enable applicants dissatisfied with a decision of the Planning Authority to ask for it to be reviewed. This review will be considered by Angus Council's Development Management Review Committee. A copy of the Council's Decision Notice is attached for your information.

In accordance with the above Regulations, I am required to ask you if you wish to make any further representations. The Review Committee will be given copies of your original representation. If you do wish to do so, you have 14 days from the date of receipt of this email to make such representations. **These should be sent directly to me.**

The applicant will then be sent a copy of these representations and the applicant will be entitled to make comments on them. These comments will also be placed before the Review Committee when it considers the review.

I can also advise that a copy of the Notice of Review and other documents related to the review can be viewed by contacting me directly.

In the meantime, should you have any queries please do not hesitate to contact me.

Kind regards
Laura

Laura Stewart - Committee and Elections Officer – Legal, Governance and Change Services -Angus Council

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Colorado







IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

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

ENFORCEMENT NOTICE

ISSUED BY: Angus Council ("the Council") a local authority constituted under the Local Government etc. (Scotland) Act 1994 and having its principal offices at Angus House, Orchardbank Business Park, Forfar, DD8 1AN.

ISSUED TO:

Tony Lindsay	The Occupant/s
45 Ireland Street	Static caravan
Carnoustie	45 Ireland Street
DD7 6AU	Carnoustie
	DD7 6AU

1. THIS IS A FORMAL NOTICE which is issued by the Council under Section 127(1)(a) of the above Act because it appears to them that there has been a breach of planning control, as defined by Section 123(1)(a)/ Section 123(1)(b) and Section 123(1)(c) of the Act, at the land described below. They consider that it is expedient to issue this Notice, having regard to the provisions of the development plan and to other material planning considerations.

2. THE LAND AFFECTED

Land at **45 Ireland Street Carnoustie DD7 6AU** shown delineated in red on the attached plan.

3. THE BREACH OF PLANNING CONTROL ALLEGED

The use of land for the siting of a caravan and its use as independent residential accommodation and/or as short term let accommodation, without the benefit of planning permission.

4. THE REASON FOR ISSUING THE NOTICE

The above breach of planning control has occurred within the last 4-years and is not immune from enforcement action by virtue of time limits prescribed by section 124 of the Act.

The use of land for siting of the caravan and occupation of the caravan as independent residential accommodation and/or short term let accommodation constitutes development as a material change of use, and such development has not been approved through the grant of planning permission, either on application to the planning authority or by a development order.

The use of land and occupation of the caravan as independent residential accommodation and/or short term let accommodation is contrary to the development plan.

5. WHAT YOU ARE REQUIRED TO DO

Remove the caravan from land and cease and desist the use of land for the siting of caravan/s.

6. TIME FOR COMPLIANCE

60 days from the date this notice comes into effect.

7. YOUR RIGHT OF APPEAL

You can appeal against this Notice, but any appeal must be received, or posted in time to be received, by the Scottish Ministers before **19 August 2024**. Schedule 1 to this Notice gives information on your rights of appeal. Please read it carefully.

8. WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this Enforcement Notice, it will take effect on **19 August 2024** and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period(s) specified in the Notice. Failure to comply with an Enforcement Notice which has taken effect can result in prosecution and/or remedial action by the Council.

Dated: 19 July 2024



Signed:

Council's Authorised Officer

On behalf of:

Angus Council

Angus House | Orchardbank Business Park | Forfar | DD8 1AN | DX 530678 FORFAR

T: 03452 777 778 | E: planning@angus.gov.uk | www.angus.gov.uk

Angus House
Orchardbank Business Park
Forfar
DD8 1AN

SCHEDULE 1

Explanatory note for those in receipt of an Enforcement Notice

Relevant legislation

A copy of sections 123-124, 127-130, 136 and 136A of the Town & Country Planning (Scotland) Act 1997 are attached. You will wish to note in particular the points referred to below.

Right of Appeal

If you wish to appeal against this notice, you should write to The Planning and Environmental Appeals Division, Scottish Government, Ground Floor, Hadrian House, Callendar Business Park, Callendar Road, Falkirk, FK1 1XR. Alternatively, you may submit your appeal online at <https://eplanning.scotland.gov.uk/WAM/>. The appeal must be received, or posted in time to be received, by him before [the date on which the enforcement notice is to take effect]. The Scottish Ministers have no power to consider an appeal lodged out of time.

The appeal must be based on one or more of the grounds set out in section 130(1) subsections (b) to (g) of the 1997 Act, and you should state the facts on which you propose to rely in support of each of the grounds of the appeal. The grounds of appeal and the statement of facts must be submitted with your appeal or within 14 days of your being required to do so by the Scottish Ministers.

If you lodge an appeal, the enforcement notice is suspended and will not take effect unless the appeal is withdrawn or dismissed.

Penalties for Non-compliance with an Enforcement Notice

In terms of section 136 of the Act, where an enforcement notice requires the discontinuance of a use of land or compliance, in respect of a use of land or the carrying out of operations, with any conditions or limitations, then any person who, without the grant of planning permission uses the land or causes or permits it to be used, or carries out those operations or causes or permits them to be carried out, is guilty of an offence and liable on summary conviction to a fine not exceeding £50,000, or on conviction on indictment to an unlimited fine. Furthermore, if the use is continued after conviction the person may be convicted of a second or subsequent offence.

Fixed Penalty notices

Alternatively, in terms of section 136A of the Act, the Council may serve a fixed penalty notice offering you the opportunity to discharge any liability for conviction. The payment required under the terms of such a notice would be £2,000 if paid within 30 days from the day following the date of service of the notice (reduced to £1,500 if paid within 15 days). There is no right of appeal against a fixed penalty notice.

A fixed penalty notice can be served in respect of a failure to comply with each step required to be taken by the enforcement notice or each activity the enforcement notice requires to be ceased. Consequently, several fixed penalty notices could be issued.

Direct Action for Non-compliance with an Enforcement Notice

If the steps required by an enforcement notice are not taken within the specified period(s) the Council may enter on the land, take those steps and recover the cost from the owner or lessee of the land. If a fixed penalty is paid, the Planning Authority retains the power to take direct action to remedy the breach and recover any associated costs.

Further Offences

Compliance with the terms of an enforcement notice does not discharge the notice. It will continue in effect and any repetition of the breach of control may incur further penalties or may result in direct action by the Council.

From: [REDACTED]
To: [REDACTED]
Subject: RE: Application for Review - 45 Ire and Street Carnoustie
Date: 22 January 2025 18:47:46
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.tif](#)
[image006.tif](#)
[image007.png](#)
[image008.png](#)
[45 Ireland Street 1.i.g](#)
[45 Ireland Street 2.jpg](#)
[45 Ireland Street 3.jpg](#)

Hi Laura

The Pictures below and attached as you can clearly see Gas bottles rubbish the site unkept and very worryingly very close to the 125 Railway line.

I submit these pictures on the 22/01/2025 for inclusion to the already countless emails to the Planning department the enforcement department and now you. How many more council departments am I and everybody else going to have to send the same information. Nothing has changed the stie just gets worse as the weeks drag on

Kind Regards

David A Barnes .

See page 24

See page 25

See page 26

2

2

From: Laura Stewart [REDACTED]
Sent: Wednesday, January 22, 2025 4:26 PM
To: Barnes, David [REDACTED]
Subject: RE: Application for Review - 45 Ireland Street, Carnoustie

He lo David

Further to your email on 9 January where you indicated you wished to submit further photographs may I remind you that the deadline for submission for any further representation is today and that no further information will be considered as part of the review if it is received after this deadline

Kind regards
Laura

Laura Stewart - Committee and Elections Officer - Legal Governance and Change Services -Angus Council

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Think green - please do not print this email

From: [REDACTED]
Sent: 09 January 2025 16:49
To: Laura Stewart [REDACTED]
Cc: Ben Freeman [REDACTED]; Daniel Coleman [REDACTED]
Subject: FW: Application for Review - 45 Ireland Street, Carnoustie

Good afternoon Laura

Fantastic to talk to you today and thank you for your help and advice.

Please see the attached pictures of 45 Ireland Street from the initial emails to the planning and enforcement officer.

I will send you up to date pictures when I have taken them tomorrow to indicate the difference that I was explaining to you today. This as I was explaining a picture paints a thousand words.

I have also included the enforcement notice for your reference as well.

If you require anything else from me please don't hesitate to contact me.

Thanks again for your help in this matter it is greatly appreciated

David A Barnes

[REDACTED]



From: Laura Stewart [REDACTED]
Sent: Thursday, January 9, 2025 9:06 AM
To: Barnes, David [REDACTED]
Subject: RE: Application for Review - 45 Ireland Street, Carnoustie

Good morning Mr Barnes

Thank you for your email and I confirm receipt

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I note that you have mentioned that you may wish to include pictures with your representation. If you wish to include these please ensure they are emailed to me within the 14 day period as stated in my original email.

In the meantime if I can provide you with any further information regarding the Notice of Review procedure please do not hesitate to get in touch

Kind regards
Laura

Laura Stewart - Committee and Elections Officer - Legal Governance and Change Services -Angus Council

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From: [REDACTED]
Sent: Thursday, January 9, 2025 7:30 AM
To: Laura Stewart [REDACTED]
Cc: David Barnes [REDACTED]
Subject: FW: Application for Review - 45 Ireland Street, Carnoustie

Good morning Laura

Thank you for sending me this information on the application now that the owner of 45 Ireland Street has decided to appeal.

All my initial comments on this matter still stand can you please confirm you have seen these? and I can confirm today that nothing has changed. Moreover if anything the site has got far worse than it was before.

I feel this is just delay tactics by the owner as the enforcement notice is as I read it still in effect to force the owner of 45 Ireland Street to remove this static home altogether as its in location already illegally.

The owner has now even painted on his own property in red paint phallic symbols and other rude gestures to the person across the road who as I hope you have also seen rejected his application like I did from the start.

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2. Rubbish on the site now worse
3. Water that was connected to the main property has come disattached it looks like the flimsy pipe has broken thankfully at last the owner has turned that off
4. Gas bottles still on a site x 2 large 47 litre ones not secured very worried about propane so close to my property H&S
5. The static home has again moved forward and is now leaning to one side again very worried as it's what now only approximately 2 meters from the high speed railway line
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9. This STATIC HOME AGAIN MIGHT I ADD AGAIN IS ALREADY IN PLACE AND IS NOT A CARAVAN.

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Can you please advise me if you intend to visit this location?

Kind Regards

David Barnes

[REDACTED]



From: David Barnes [REDACTED]
Sent: Wednesday, January 8, 2025 7:21 PM
To: Barnes, David [REDACTED]
Subject: Fw: Application for Review - 45 Ireland Street, Carnoustie

Sent from [Outlook for iOS](#)

From: Laura Stewart [REDACTED]
Sent: Wednesday, January 8, 2025 11:01:22 AM
Subject: Application for Review - 45 Ireland Street, Carnoustie

Dear Sir/Madam

Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013
Application for Review – Refusal of planning permission for change of use of garden ground to allow for the siting of a caravan for use as a short-term let accommodation at 45 Ireland Street Carnoustie - Mr Tony Lindsay
Application No 24/00338/FULL – DMRC -14/24

I refer to the above planning application and your lodged representations to that application

I write to advise you that the applicant has made an application for a review of the decision taken by the Service Lead – Planning and Sustainable Growth. This is a process brought in by the above legislation to enable applicants dissatisfied with a decision of the Planning Authority to ask for it to be reviewed. This review will be considered by Angus Council's Development Management Review Committee. A copy of the Council's Decision Notice is attached for your information.

In accordance with the above Regulations, I am required to ask you if you wish to make any further representations. The Review Committee will be given copies of your original representation. If you do wish to do so, you have 14 days from the date of receipt of this email to make such representations. **These should be sent directly to me.**

The applicant will then be sent a copy of these representations and the applicant will be entitled to make comments on them. These comments will also be placed before the Review Committee when it considers the review.

I can also advise that a copy of the Notice of Review and other documents related to the review can be viewed by contacting me directly.

In the meantime, should you have any queries, please do not hesitate to contact me.

Kind regards
Laura

Laura Stewart - Committee and Elections Officer – Legal, Governance and Change Services -Angus Council

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From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Application for Review - 45 Ireland Street, Carnoustie
Date: 09 January 2025 11:44:56
Attachments: [638D3ECFDB0E470F8840E5850DF72632.png](#)

Laura Stewart
Angus Council

Dear Laura,

Regarding the above Application for Review, the Carnoustie Community Council has nothing further to add to the objections we lodged previously regarding planning application. We support entirely the decision to refuse and agree with the reasons given for that refusal, and trust that any review will confirm the original decision.

Regards,

Dr David Rorie

Chairman

Carnoustie Community Council.

From: [REDACTED]
Sent: 08 January 2025 19:23
To: [REDACTED]; [Planning](#); [REDACTED]
Subject: Fw: Application for Review - 45 Ireland Street, Carnoustie

Pamela Manley, Secretary Carnoustie Community Council

Sent from [Outlook for iOS](#)

From: Laura Stewart [REDACTED]
Sent: Wednesday, January 8, 2025 11:01:22 AM
Subject: Application for Review - 45 Ireland Street, Carnoustie

Dear Sir/Madam

Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013
Application for Review – Refusal of planning permission for change of use of garden ground to allow for the siting of a caravan for use as a short-term let accommodation at 45 Ireland Street Carnoustie - Mr Tony Lindsay
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Laura

Laura Stewart - Committee and Elections Officer – Legal, Governance and Change Services -Angus Council

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Sent On behalf of Carnoustie Community Council. Let's talk about Carnoustie survey.

<https://forms.office.com/e/4JLwqahhiP> The following message and any attachments to it may contain confidential and/or privileged information. If you are not the intended recipient, please delete it and notify the sender immediately. Any unauthorized use, disclosure, copying, or distribution of this message or any part of its content is strictly prohibited.

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You're receiving this message because you're a member of the carnoustie community council group from Carnoustie Community Council. To take part in this conversation, reply all to this message.

[View group files](#) | [Leave group](#) | [Learn more about Microsoft 365 Groups](#)

From: [REDACTED]
To: [REDACTED]
Subject: Re: Application for Review - 45 Ireland Street, Carnoustie
Date: 08 January 2025 13:06:26
Attachments: [IMG_1175.jpeg](#)
[IMG_1177.jpeg](#)
Importance: High

Good Morning Laura,

Thanks for the mail below.

My wife and I have the following comments / representations to add to our previous objections.

1. While we appreciate that the rules allow appeals by the applicant to be lodged, the fact that at every stage, and at every rejection, this applicant has the capacity to lodge yet more appeals within the system is to say the least disappointing. We have no appeal route open to us should this application somehow be reconsidered as approved.

Given what we have submitted and the additional information provided below we do hope that the council supports its own decision to reject this once again.

To be clear, the applicant was refused planning because the council review deemed that setting up of a “caravan park for renting” was not in keeping with the area and the surrounding properties, and additionally, that his application was in breach of numerous council policies related to the subject. That has not changed.

The applicant flouted the rules when locating the static vehicle by openly advertising and letting the vehicle on air BnB.

Since that time and despite rejections to planning requests, rejections to appeals on planning requests, enforcements to remove the vehicle being applied, and now further appeals to that action the applicant still appears to be determined to extend this process adding yet more time and cost to an overburdened council.

It is clear and apparent that this applicant is simply “gaming the system” to take as much time, council cost and effort from all on the council and neighbours out of an action that we remain hopeful that he cannot succeed with.

2. When the applicant's planning application was rejected at the start of November, on the same day in the evening the attached image of graffiti which was painted onto the outside of his main home greeted my wife and I when we opened our curtains at our home in 25 Tayside Street.

This graffiti, which remains on the building today, is fully visible to all (adult’s and children) who walk along Tayside Street and directly in front of all who come from the seafront up Seabrae to Tayside Street.

This is quite disgusting behaviour directed to his neighbours and perhaps to the council when the planning decision went against him. It is unacceptable at any level, and a simple display of the immaturity of an individual who applied as a responsible person set up holiday rental accommodation which was thankfully rejected.

We spoke to the police on this at the time it happened and while they were very understanding, they suggested that the owner could paint whatever he wanted on his home and that it was a matter for the community council.

We spoke to a member of the community council and he indicated that this individual is known to be “anti social” however unless it was deemed to be a “breach of the peace” then he doubted anything could be done.

In our view this is most definitely a “breach of the peace” which perhaps returns it somewhere between the community council and the police to address.

I would ask however that this is taken into full consideration by the council at the forthcoming review as an indication of the unsuitability of this individual to run any form of business responsibly.

3. In addition, the applicant commented on his planning application that no tenants would be allowed to have open fires etc while occupying the property. The property owner has himself recently been burning rubbish / wood openly in his garden which I am sure he may be allowed to do but again it seems it is done with scant disregard to neighbours or surrounding properties. While not directly related to the application or appeal it remains another example of the applicants disregard towards those living around his property.

Thank you once again for taking the time to add the above into the review process. In closing, can I ask for an estimation or approx. timing of when the review will take place?

Given that a rejection of his appeal may then lead to something legal towards removal of the vehicle, my wife and I would like to understand just how much longer we may have to tolerate this eyesore and its related surroundings opposite our property.

Kind Regards

David Mclean

From: Laura Stewart [REDACTED]

Date: Wednesday, 8 January 2025 at 11:02

To:

Subject: Application for Review - 45 Ireland Street, Carnoustie

Dear Sir/Madam

Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013
Application for Review – Refusal of planning permission for change of use of

**garden ground to allow for the siting of a caravan for use as a short-term let accommodation at 45 Ireland Street Carnoustie - Mr Tony Lindsay
Application No 24/00338/FULL – DMRC -14/24**

I refer to the above planning application and your lodged representations to that application.

I write to advise you that the applicant has made an application for a review of the decision taken by the Service Lead – Planning and Sustainable Growth. This is a process brought in by the above legislation to enable applicants dissatisfied with a decision of the Planning Authority to ask for it to be reviewed. This review will be considered by Angus Council's Development Management Review Committee. A copy of the Council's Decision Notice is attached for your information.

In accordance with the above Regulations, I am required to ask you if you wish to make any further representations. The Review Committee will be given copies of your original representation. If you do wish to do so, you have 14 days from the date of receipt of this email to make such representations. **These should be sent directly to me.**

The applicant will then be sent a copy of these representations and the applicant will be entitled to make comments on them. These comments will also be placed before the Review Committee when it considers the review.

I can also advise that a copy of the Notice of Review and other documents related to the review can be viewed by contacting me directly.

In the meantime, should you have any queries please do not hesitate to contact me.

Kind regards
Laura

Laura Stewart - Committee and Elections Officer – Legal, Governance and Change Services -Angus Council


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From: [REDACTED]
To: [REDACTED]
Subject: Re: Application for Review - 45 Ireland Street, Carnoustie
Date: 15 January 2025 08:37:48

Morning Laura,

Thanks for the heads up, I'm really surprised to see that there is to be another review on something that has already been refused for good reason.

I have no further representations to make, just to make you aware that we now have obscene gestures painted (graffiti) on his house facing towards our property which is an absolute disgrace.

I'm led to believe my neighbour complained to the police but nothing can be done

I have 6 grandchildren that see this every time they visit us.

I walked passed the premises the other day and its an absolute shambles

My offer still stands that yourself or anyone else from the Management Review Committee are welcome to visit my property and view the caravan facing directly into my bedroom, pictures already supplied.

Kind Regards,

Dave

On 08/01/2025 11:01 GMT Laura Stewart [REDACTED] wrote:

Dear Sir/Madam

Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013

Application for Review – Refusal of planning permission for change of use of garden ground to allow for the siting of a caravan for use as a short-term let accommodation at 45 Ireland Street Carnoustie - Mr Tony Lindsay

Application No 24/00338/FULL – DMRC -14/24

I refer to the above planning application and your lodged representations to that application.

I write to advise you that the applicant has made an application for a review of the decision taken by the Service Lead – Planning and Sustainable Growth. This is a process brought in by the above legislation to enable applicants dissatisfied with a decision of the Planning Authority to ask for it to be reviewed. This review will be considered by Angus Council's Development Management Review Committee. A copy of the Council's Decision Notice is attached for your information.

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Kind regards

Laura

Laura Stewart - Committee and Elections Officer – Legal, Governance and Change Services -Angus Council



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**APPLICANT'S RESPONSE TO FURTHER
LODGED REPRESENTATIONS**

Tony Lindsay

45 Ireland street,
Carnoustie,
DD7 6AU



05/02/2025

Subject: Response to Objections & Clarifications Regarding Planning Appeal

Dear Sir/madam

I am writing in response to the latest objections raised regarding my planning appeal, many of which contain misrepresentations and misleading claims that I feel must be properly addressed.

1. The Caravan and Its Services

Firstly, I must clarify that my caravan is not a static home, as has been incorrectly described. It remains in the same position as when it was first placed and has not moved an inch. If it had, the gas bottles—falsely described as unsafe—would have toppled over. It is also important to note that Network Rail, along with all other relevant local government agencies (including roads, environmental, and planning departments), have visited and raised no objections to its placement.

Regarding the water supply, the pipe I used was not a flimsy, unsafe pipe but rather a farm-graded 22mm extra-thick underground water pipe. This was professionally disconnected by me to demonstrate compliance with the council's request for service disconnection, as per my prior correspondence with the planning team. This shows that I have been cooperative, not oppositional, toward the council.

Additionally, the gas bottles located on the property do not fall under the remit of planning permission as a "material change." These bottles are properly positioned on concrete slabs, and it is a well-established fact that individual butane gas canisters are safer than a direct natural gas connection to a house.

2. Addressing Repeated and Misleading Objections

It is concerning that certain parties are repeating objections that the planning officer has already advised cannot be considered in the planning decision. The council previously confirmed that these objections do not constitute material considerations, yet they continue to be raised.

Furthermore, claims regarding alleged vermin are entirely unfounded. The site was closed immediately upon receipt of the enforcement notice, meaning there have been no visitors to attract any such issue. There is also no evidence provided by the objecting party to support their claims.

With regard to privacy concerns, I had already taken measures since the refusal to erect a temporary privacy fence and install privacy screening on the front windows to minimise views of the house 25 meters away across the road. Additionally, the claim that the caravan directly overlooks a neighbour's bedroom is false. If this were a valid concern, the planning officer would have listed it as a reason for refusal. However, privacy was never mentioned as a reason to reject planning consent. The caravan sits approximately 25 meters away, while other houses directly opposite have a significantly closer and clearer view—yet these were permitted to extend by Angus Council many years ago. There is also, as stated against in their original same objection, two public paths, one, within 2 feet of his said bedroom window. If privacy to the degree that he is using it as a reason to refuse, is so important, then it beggars' belief why he lives on a busy road, where many more of the public can stop and look in, far outweigh any potential claim of the same from any guests that I may have staying 25 meters away. He also has privacy blinds that he has permanently down, half slot open.

3. Landscaping & Fencing Plans

The temporary green grass covering was always intended as a short-term measure to maintain the area while awaiting planning approval. If approved, I have clear landscaping plans to enhance the space. However, until the appeal is determined, it would be unreasonable to require me to invest in maintenance that may ultimately be undone. If the appeal is granted, I am fully prepared to agree to a planning condition requiring garden maintenance to a high standard, with regular review.

Furthermore, the erection of a high fence, as previously suggested and agreed upon by both the planning officer and the enforcement officer, to which I have an audio recording of them both agreeing to, would immediately resolve all concerns from neighbouring properties. Had the objectors approached me with civility, I would have gladly shared these plans with them.

4. Personal Circumstances and Need for the Caravan

While my original intention was to let the caravan to holidaymakers, my short-term circumstances have now changed. My son, who has been struggling with severe mental health challenges since the loss of his brother last year, is now being made homeless as his grandfather is moving out of the house they shared. As I do not have space in my home, the caravan would provide him a safe place to live while allowing me to be close by to support him through this difficult time. However, the granting of permission to use as a holiday let now, will afford me the opportunity to do so, if or when, my son recovers to a standard of self-care.

5. Addressing Allegations of Fire Safety Concerns

The claim that I irresponsibly started a fire is wholly misleading. The fire in question was in a designated fire pit, surrounded by breeze blocks and positioned away from any potential hazards, such as trees, wooden structures, or the train line. This is completely different from allowing guests to light fires without my supervision, which was explicitly prohibited in my original application.

6. False Claims About Lack of Opportunity to Appeal

The statement that residents did not have an opportunity to appeal is simply incorrect. A statutory notice was served regarding the application, giving all concerned parties the chance to raise objections at the appropriate stage. As per national planning law, the right of appeal exists only for the applicant in cases of refusal, not for objectors who disagree with a decision. However, they went above and beyond the planning law and continually harassed the planning department with phone calls and emails asking when a site visit was to take place. This undue and unnecessary behaviour is evident in the departments pressure to decline my application to appease residents, rather than looking objectively at the planning laws, and have potentially abused their position with the reasons for refusing, that they used.

7. Misuse of Committee Representation & Potential Bias

I am concerned that the Carnoustie Community Committee Lead may be misusing their position to present objections as though they represent an entire committee when, in fact, they may be acting as a private resident. It would be important for the council to ensure that internal departments are not being unduly influenced by a single individual using an official committee's name to advance personal grievances. This is not an accusation but rather an observation that should be considered in the interest of fairness and transparency.

Final Conclusion

The simplest and most effective remedy for all parties involved would be for the Review Board to approve the appeal on the condition that a high fence is erected. This would immediately resolve the concerns raised in both this and previous objections.

I firmly believe that had the objectors approached me in a fair and humane manner, rather than escalating their grievances, to lies and deceit, much of this conflict could have been avoided. Had they treated me with dignity and respect, I would have gladly shared my plans, including landscaping, fencing, and even altering the caravan's appearance to better blend with the surroundings.

This entire ordeal has had a severe negative impact on my mental and physical health. I have always been a positive and helpful person, dedicating over 12 years to fostering children in need. It has been devastating to endure what I can only describe as bullying behaviour from some members of my community during an already traumatic period of my life.

Over the past few years, I have faced unimaginable losses—my job, university place, marriage, family home, my children being removed from my care, and the devastating loss of my son. Now, my middle child is suffering from mental health struggles. Through it all, I have sought only to live peacefully and rebuild my life.

It is a shame that some neighbours have chosen to focus on aesthetic objections rather than fostering positive community engagement. I urge the council to see

beyond the repeated, immaterial objections and consider the facts—including my genuine efforts to address concerns and comply with the planning process, which are outlined in my original appeal.

Thank you for your time and consideration.

Yours sincerely,

Tony Lindsay