

**ANGUS COUNCIL**

**DEVELOPMENT CONTROL COMMITTEE**

**23 May 1996**

**SUBJECT: PLANNING APPEAL DECISION  
EASTHILL ROAD, KIRRIEMUIR**

**REPORT BY DIRECTOR OF PLANNING, TRANSPORT & ECONOMIC DEVELOPMENT**

**Abstract: This report presents the findings of the Reporter appointed by the Secretary of State to determine an appeal against the refusal by Angus District Council to grant consent for a housing development at Easthill Road, Kirriemuir.**

**1 RECOMMENDATION**

It is recommended that the Committee -

- i notes the findings of the Secretary of State's Reporter.

**2 INTRODUCTION**

2.1 With reference to Angus District Council minute 633(1)/95, the Planning and Development Committee at their meeting of 21 August 1995 refused consent for the outline erection of a housing development at Easthill Road, Northmuir, Kirriemuir. Application No 01/95/12654 refers.

2.2 The applicant, Angus Marts (Properties) Ltd, appealed against the refusal and the Inquiry Reporter's conclusions and decision are presented below.

**3 REPORTER'S DECISION**

3.1 In determining any planning application or appeal, where regard is to be had to the development plan, it is necessary for the determination to be made in accordance with its provisions, unless material consideration indicate otherwise. In this case, the development plan consists of the approved Tayside Structure Plan and the adopted Kirriemuir Local Plan. While no party has suggested that any of the provisions of the current structure plan are relevant to this appeal, a new structure plan has been submitted to the Secretary of State for his approval and he has published proposed modifications which would require the release of additional housing land in Kirriemuir. I consider that this is a material consideration in determining the appeal.

3.2 On the basis of the written submissions and the site inspection, I therefore consider that the determining issues in this appeal are:-

- 1 whether the proposal would be in accordance with the terms of the adopted local plan;

- 2 whether the provisions of the new structure plan justify the further release of housing land; and
  - 3 whether the site is suitable for housing development.
- 3.3 The adopted local plan specifically allocated a number of sites for housing development for the period up to 1990. By allocating the paddock area for agriculture, and by making no specific allocation for the remainder of area, it was clear that the appeal site would not be required for housing development in that period. For the period to 1996, the local plan indicated, at policy 3.2.1, that the allocation of further land for housing would depend on the prevailing position regarding water supply, the development situation in the area, and the housing land supply.
- 3.4 Development of the site would not be precluded by water supply constraints. In recent years there has been a significant level of house-building in the town, which is continuing. At the present rate, the existing housing land supply for about 174 houses would be exhausted in three or four years. The submitted structure plan indicates that there will be a need for land for a further 100 houses to be allocated for the period 1993-2001, and for a further 150 houses for the period 2001 to 2006. In the proposed modifications to the structure plan which the Secretary of State has published, these figures would be increased to 200 and 250 houses respectively.
- 3.5 In the light of the high rate of house-building activity, the dwindling housing land supply, and the emerging structure plan housing land requirements (whether or not modified), I consider that a further release of housing land now is justified in the terms set out in the adopted plan. This justification is reinforced by the lack of any prospect of early adoption of a new local plan, and by the importance which the government has attached to maintaining an effective five year housing land supply at all times, as set out in National Planning Policy Guideline 3 'Land for Housing'.
- 3.6 The appeal site is within the built up area of Kirriemuir and, being surrounded by housing on three sides, the proposal would represent infill development. The allocation of the paddock for agriculture was originally justified partly on the grounds that further land for housing would not be needed in the period to 1991. I do not consider that this should preclude consideration of the site for housing development at this time, as the housing land supply position has changed significantly and, being detached from other farmland, its development would not cause significant harm to any agricultural interest.
- 3.7 The site lies in an area of high residential amenity within Kirriemuir, and I am satisfied that the occupiers of the proposed houses would enjoy a good standard of residential environment. A satisfactory access to the site has been obtained from East Hill Road, and the existing rights of way on the northern and western boundaries of the site would be retained. I recognise the concerns of existing residents that their privacy should be protected, but I am satisfied that, with the size of the site and its relationship to the existing houses, it is not necessary to impose any particular restrictions at this stage on the type, layout and design of the houses which would be built.

- 3.8 I conclude that, although part of the site is allocated for agriculture, the proposed development would accord with policy 3.2.1 of the adopted local plan due to the reduction in the housing land supply, the suitability of the site for housing and the lack of infrastructure constraints, and the additional housing land requirements identified both in the submitted structure plan and in the Secretary of State's proposed modifications. I do not consider that approving this proposal will create a precedent for other developments where similar circumstances do not occur.
- 3.9 I have considered the other matters raised in the written submissions but they do not lead me to alter my conclusions. Accordingly, in exercise of the authority delegated to me, I hereby sustain this appeal and grant outline planning permission for the development proposed in the planning application dated 17 May 1995 and in accordance with the plans submitted, subject to the conditions that:-
- 1 This permission is subject to the time limits specified in section 39(2) of the Act as amended by paragraph 13 of Schedule 2 to the Local Government (Scotland) Act 1982 (extract attached).
  - 2 The matters reserved for the detailed approval of the council shall be the siting and design details of the houses; the landscape and boundary treatment; and the access arrangements for the site.

#### **4 COMMENT**

- 4.1 Unlike the appeal sustained at Marykirk Road, Hillside and reported at the last meeting of the Development Control Committee, this appeal at Kirriemuir did not fail on the basis of an outdated Local Plan but on the Reporter's opinion that the site comprises an infill development permissible in terms of the Local Plan. This does not, however, negate the necessity to replace the current Kirriemuir Local Plan at as early a date as possible in order to provide on-going guidance on the scale and location of housing development needed to maintain the land supply.

#### **5 FINANCIAL IMPLICATIONS**

- 5.1 There are no financial implications.

#### **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.

AA/JJ/SP

Alex Anderson  
Director of Planning, Transport & Economic Development

