

ANGUS COUNCIL

DEVELOPMENT CONTROL COMMITTEE

26 SEPTEMBER 1996

**SUBJECT: PLANNING APPEAL DECISION
FARM PARK, LETHAM GRANGE**

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 the appeal against the conditions imposed on the granting of planning permission by Angus District Council for the change of use and alterations to form bedroom accommodation for hotel use at Farm Park, Letham Grange.

1 RECOMMENDATION

It is recommended that the Committee note the successful outcome of the above appeal.

2 INTRODUCTION

2.1 With reference to Angus District Council minutes 99/96 and 164/96, the Planning and Development Committee at their meeting on 17 February 1996 granted conditional planning approval to change the use of the office/staff accommodation block to bedroom accommodation for hotel use (application No. 01/95/1769).

2.2 The applicant, Mr. A. Wright, appealed against the conditions imposed and the Inquiry Reporter's conclusion and decision are presented below.

3 REPORTER'S DECISION

3.1 Section 18(a) of the Act requires the determination in this case to be made in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. No part of the Development Plan has been drawn to my attention as being relevant. Therefore, my judgement based on my inspection of the appeal site and the surroundings in my reading of the submissions, the issue to be determined is whether the disputed conditions meets the six test set out in the Secretary of State's policy which is contained in Circular 18/1986 "The Use of Conditions in Planning Permissions".

3.2 I find that the details shown on the drawing which was submitted on your behalf are clear. On any reasonable interpretation those convey the intention to repair, clean and point the brickwork; build-up a door; install new lintols and treat the brickwork with wet dash lime harl. In relation to the appearance of the building that was the development which the Council authorised when they granted planning permission.

3.3 The circular states that conditions should only be imposed where they are necessary; relevant to planning; relevant to the development to be permitted; enforceable; precise and reasonable in all other respects. Taking these tests in turn, I find that the disputed condition (06) is necessary because of the colour of the proposed harling is not specified in the planning application or on the approved

drawings and the condition requires no more than consultation and subsequent approval. It is clearly relevant to both planning and the development to be permitted because it arises from the terms of the planning application which was approved. I am in no doubt that the condition in these terms is enforceable and I also find that it conveys the requirement with precision, there be no effective difference between the English expression "roughcast" used in the condition of the Scottish expression "harled" which is detailed on the approved drawing.

- 3.4 The burden of your case in support of the appeal relies primarily on the final test. I have considered whether the annotations could, given their disposition, had been intended to relate to areas of damage or defective brickwork, but find, based on my site inspection, that such an explanation is not credible. I find no evidence that the historic interest to which you refer could be held now to justify the retention of the brick finish in spite of the terms of the planning application which was approved. I have given careful consideration to your argument with the visual effect of the development completed in the manner which you now propose would be more in keeping with the ambience of the estate. This is, as you suggest a subjective matter but I do not, on balance, find that trellising and planting would either more effectively hide the blemishes and damage on the exterior of this building or more effectively create the character to which you aspire and compliance with the terms of the approved drawings to which the disputed condition is pursuant. I therefore find, taking account of your complaint about the likely expense, that the dispute condition is reasonable in all other respects.
- 3.5 Accordingly, in exercise of the authority hereby delegated to me, I hereby dismiss this appeal and refuse to discharge the disputed condition. I have taken account of all the matters raised in the submissions but those do not outweigh the considerations on which my decision is based.

4 FINANCIAL IMPLICATIONS

- 4.1 There are no financial implications.

5 CONSULTATION

- 5.1 The Director of Law & Administration and the Director of Finance have been consulted in the preparation of this report.

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/RMcN/IAL
18 September 1996

Alex Anderson
Director of Planning, Transport & Economic Development