

ANGUS COUNCIL

DEVELOPMENT CONTROL COMMITTEE

13 NOVEMBER 1997

**SUBJECT: PLANNING APPEAL DECISION
DRUMACHLIE LOAN, BRECHIN**

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 refusal of Angus Council to grant consent for the erection of a house at Drumachlie Farm, Drumachlie Loan, Brechin.

1 RECOMMENDATION

- 1.1 It is recommended that the Committee notes the successful outcome of the above appeal.

2 INTRODUCTION

- 2.1 The Development Control Committee at the meeting on 9 January 1997 refused Planning Permission for the erection of a house at Drumachlie Farm, Drumachlie Road, Brechin (Application Number 01/97/1722).
- 2.2 The applicant, Mr D W Philip appealed against the refusal and the Reporter's conclusions and decision are presented below.

3 REPORTER'S DECISION

- 3.1 Section 25 of the Act requires this appeal to be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for this area comprises the approved Tayside Structure Plan and adopted Brechin Local Plan. No reference has been made by the parties to the structure plan and I am satisfied that there are no strategic planning issues which require to be taken into account. Reference has also been made to the draft Rural Angus Local Plan. Although this plan has not been adopted, and does not therefore form part of the development plan, I consider its policies are relevant and form a material consideration in the determination of this appeal. Consequently, on the basis of the written submissions and the site inspection, I consider that the determining issues in this appeal are whether the proposal would be contrary to the terms of the adopted Brechin Local Plan; whether the proposal would be contrary to policies in the Draft Rural Angus Local Plan, and the weight which should be attached to these policies; and, if so, whether there are any grounds to justify a departure from established policy.

- 3.2 On the first issue, in the adopted Brechin Local Plan the appeal site lies outwith the defined boundary of the urban area. While it lies directly across the road from an existing housing scheme it is, in my opinion, within an area designated as open countryside. The adopted plan seeks to concentrate residential development within the existing built-up area and includes policies to restrict new housing in the countryside except in defined circumstances. In the present case, I consider that the erection of a single house on a site beyond the eastern edge of the town would not accord with the general policy in the plan to control development outside the built-up area. Therefore, I find that the proposed development would be contrary to the terms of the adopted local plan. I deal below with the grounds which allow for exceptions to be made to this general policy.
- 3.3 In terms of the second issue, the draft Rural Angus Local Plan, which covers the areas outwith the main settlements, contains more detailed policies for housing developments in the countryside. Policy H1 in the draft plan is relevant to this appeal. The policy indicates that new houses in the countryside will only be acceptable if the proposals satisfy a number of criteria. In my opinion, this approach is consistent with the Government's policy on this matter, as contained in NPPG3, and it therefore deserves to be given substantial weight. In terms of the criteria in the plan, I consider that the proposed development does not involve the replacement of an existing building, it is not required for an essential worker, and as it does not lie between 2 existing buildings it does not constitute infill development.
- 3.4 The remaining criterion against which the proposal requires to be assessed relates to sites which form part of an identifiable, cohesive group of at least 4 domestic scale buildings, where development would lead to a rounding-off or consolidation of the grouping. Your client's proposal involves a site where there is a farmhouse to the south, farm steading buildings to the east, agricultural land to the north, and a small electricity sub-station at the north west corner of the plot. On the basis of the evidence of the site inspection, I do not consider that there is currently a cohesive group of buildings at the appeal site or that the substantial agricultural buildings are domestic in scale. Furthermore, I do not accept that the proposed house would constitute a rounding-off or consolidation of these buildings. Consequently, I find that your client's proposal fails to satisfy the criteria set out in policy H1 and conclude that the development would be contrary to the draft local plan.
- 3.5 On the third issue, I note that the site forms part of the garden of the farmhouse and is not in agricultural use. Although the development, therefore, would not involve the loss of good quality agricultural land I do not consider that this outweighs the presumption in the local plan and the NPPG against development in the countryside. I am also aware that you have stated that the house would be occupied by a relative of your client who would assist with the running of the farm during holidays and at peak periods of the year. While such an arrangement may be desirable, from your client's point of view, it does not amount to a justification for a house that is essential to the farm business. In addition, while this may be your client's current intention, the ownership and occupation of the dwelling can change over time and future residents of the house may not be associated with the running of the farm. On this issue, I therefore find that there are no grounds to justify a departure from the policies contained in the development plan.

3.6 I have taken account of all other matters raised but none outweighs the considerations which lead to my conclusions. Accordingly, in exercise of the authority delegated to me, I hereby dismiss your appeal and refuse to grant planning permission for the proposed development.

4 FINANCIAL IMPLICATIONS

4.1 There are no financial implications.

5 CONSULTATION

5.1 The Chief Executive, Director of Law & Administration and 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/JJ/MR

5 November 1997

Alex Anderson
Director of Planning, Transport & Economic Development

