

ANGUS COUNCIL

DEVELOPMENT CONTROL COMMITTEE

9 JANUARY 1997

**SUBJECT: PLANNING APPEAL DECISION
DENFIELD ROAD, WOODVILLE, BY ARBROATH**

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 Denfield Road, Woodville.

1 RECOMMENDATION

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

2 INTRODUCTION

- 2.1 The Development Control Committee at the meeting on 23 May 1996 refused planning permission for the erection of a dwellinghouse at Denfield Road, Woodville, by Arbroath (application No. 01/96/0242).
- 2.2 The applicants, L. Russell and S. Haynes, appealed against the refusal and the Inquiry Reporter's conclusion and decision are presented below.

3 REPORTER'S DECISION

- 3.1 Under section 18A of the 1972 Act, in force since 1994, the application is to be determined in accordance with the terms of the development plan, unless material considerations indicate otherwise. On the basis of the written submissions and the site inspection, I consider that the first determining issue in this appeal is whether the proposal would be in accordance with the terms of the development plan. The second determining issue is whether there are any material considerations that would justify a departure from the policies contain in the plan.
- 3.2 You have accepted that the Local Plan states a presumption against developing a house at the appeal site. That is clearly correct, and answers the first determining issue. Although the character of the surrounding area has been affected by lax development control in previous decades, the Local Plan has addressed the problem by proposing fairly tight development control to prevent its degenerating further into haphazard suburbia. The appeal site is crucial to the remaining rural character of the

areas north-west and south-east of Denfield Road, by providing a stretch of continuous agricultural land on both sides of this narrow land. To build a house on it would destroy that visual continuity and would extend existing ribbon development, contrary to advice at paragraph 51 of National Planning Policy Guideline (NPPG) 3, "Land for Housing". The site is not a gap site as the term is generally used in planning; this refers to a narrow gap between existing houses, as for instance in an intended row of houses where for some reason one was not built.

- 3.3 The phenomenon of agricultural set aside has not affected national planning policies for the protection of the countryside from urban sprawl, or the preference for efficient use of land within existing urban areas, as set out in NPPG 3. Hence there is no reason to regard the terms of the Local Plan affecting Woodville as having lost any of their force or relevance. There is clearly no agricultural or similar justification for the proposed house, as provided for in the Local Plan. The circumstances of the joinery firm are not such as to warrant an exception to a presumption against development of sensitively located agricultural land, and indeed the indications that a small scale builder's depot would be attached to the house could only add to the concern about its visual impact. Since the appeal site is outwith area A the policy for that area is not directly relevant in any case; but I note that the appeal site is only tenuously in contact with area A through the expedient of extending the site as a narrow tongue behind Millfield Cottage to meet the boundary of Millfield House. Your wish for a more rural lifestyle is understandable, but a repetition of developments such as you propose would before very long make Woodville more urban than rural in character.
- 3.4 If an exception were made for reasons that are as slight in planning terms as in this case, the credibility of the Council's efforts to maintain the surviving rural character of the area would be greatly undermined. In that sense there is good reason to fear the creation of a "precedent", which would affect the whole Woodville area and not just land on Denfield Road. Houses that the Council has allowed on other sites do not affect this consideration.
- 3.5 I have taken into account all other matters in the written submissions, but there is nothing that could lead to a different decision.
- 3.6 For the above reasons, and in exercise of the powers delegated to me, I hereby dismiss this appeal.

4 FINANCIAL IMPLICATIONS

- 4.1 There are no financial implications.

5 CONSULTATION

- 5.1 The Chief Executive, Director of Law and 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/KW
27 December 1996

Alex Anderson
Director of Planning, Transport & Economic Development

