

ANGUS COUNCIL

DEVELOPMENT CONTROL COMMITTEE

10 APRIL 1997

**SUBJECT: PLANNING APPEAL DECISION
KINNABER ROAD, HILLSIDE**

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 dwellinghouse at Kinnaber Road, Hillside, Montrose.

1 RECOMMENDATION

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 5 September 1996 refused Planning Permission for the erection of a dwellinghouse at Kinnaber Road, Hillside (application no 01/96/1438).

2.2 The applicant Mr Norman Will appealed against the refusal and the Reporter's conclusions and decision are presented below.

3 REPORTER'S DECISION

3.1 As Section 18A of the Act requires the determination of applications to be in accordance with the development plan unless material consideration indicate otherwise, my customary starting point is the relevant local plan and the structure plan. Although Section 18A has been heavily founded upon by the Planning Authority, development plan coverage at this location is nevertheless far from complete and I therefore start by exploring the status of the available local policy backgrounds.

3.2 The precise relationship between the Montrose Local Plan and the Rural Angus Local Plan, and their respective states, have not been properly explained. As far as I am aware both are of considerable age, neither has been adopted, and I consider that the limited papers entitle me to assume these points remain the case. The only Proposals Map to be lodged comes from the Montrose Local Plan. I am left to speculate precisely how the Rural Angus Local Plan (or the lodged policy extract) applies to Kinnaber Road, Hillside. Both the extant and emerging structure plans escape mention. I therefore conclude that the Planning Authority has been somewhat adventurous in drawing so much support from Section 18A, but agree that the available local policy background reasonably presumes against the significant

expansion of Hillside at the present time. This is a powerful material consideration, and no more.

- 3.3 In this light it is very understandable for the Planning Authority to draw attention to national policies and advice in the shape of NPPG3 and PAN 36. In relation to paragraph 51 of the former (replaced by paragraph 48 in the revised NPPG3 of November 1996), and in relation to paragraph 10 of the latter, there is simply no denying that the appeal proposal represents ribbon development. There is, incidentally, no suggestion of a special operational need for the development. Taking this national and local guidance together, I therefore find that the policy background very reasonably presumes against additional ribbon development on the eastern side of Hillside, and that this presumption applies to the appeal proposal.
- 3.4 In this light, from my site inspection and my reading of the written submissions, I consider the determining issue to be simply whether there is a sound site-specific basis for exceptional approval. I find two broad avenues worth exploring ie; (1) whether the proposal offers a very significant environmental improvement, and (2) whether, because of special physical features; a serious precedent can be avoided if the proposal proceeds.
- 3.5 On the first point I consider the site a little unsightly at the present time. While the Planning Authority suggests this is partly the result of "unauthorised activities" much of the parking area appears of long standing, and it is perfectly possible for parts to have been formed in support of agricultural activity in the adjacent field. However, these very limited works are largely hidden by the attractive roadside wall. Even the slight eyesore of the allotment area is readily reversible. Although I do not see any obvious agricultural future for the site, this is a totally inadequate justification for ribbon development. I therefore find that the site does not represent so serious a blemish that there is a strong environmental case for its development. It would in any case be a little dangerous for me to proceed on this basis, as this could encourage less scrupulous applicants to contrive dereliction in advance.
- 3.6 On the second point, I consider that a dwellinghouse would be a less intrusive form of development than the recently rejected storage shed, and wonder whether the Planning Authority's fear about "where development might stop" is a little alarmist given that the precise condition of the site is not repeated on this frontage. Nevertheless, this is a large site on which a dwellinghouse would lie very much in the public eye. Most of its distinguishing points lie at ground level, and it is devoid of conspicuous features. I am convinced that a house would be widely interpreted as a case of classic ribbon development without any obvious historic rationale. The success of this appeal would send out a dangerous and misleading signal that national and local presumptions against ribbon development can be easily circumvented. The site is not so well contained by strong physical features that new dwellinghouse could be widely understood as a special case. I conclude that the precedent fears are not after all unreasonable.
- 3.7 Careful account has been taken of all the other matters raised, but they do not outweigh the considerations leading me to my conclusions. Accordingly, in exercise of the powers delegated to me, I hereby dismiss the 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/SP

24 March 1997

Alex Anderson
Director of Planning, Transport & Economic Development

