

**ANGUS COUNCIL****DEVELOPMENT CONTROL COMMITTEE****10 APRIL 1997****SUBJECT: PLANNING APPEAL DECISION  
THE DOVECOT, MAINS OF FOWLIS****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 conversion of a dovecot to form a dwellinghouse at Mains of Fowlis, by Dundee.

**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 26 September 1996 refused Planning Permission for the conversion and extension of a dovecot to form a dwellinghouse at Mains of Fowlis (application no 01/96/1307).

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

**3 REPORTER'S DECISION**

3.1 Section 18A of the Act requires the determination of applications to be in accordance with the development plan unless material considerations indicate otherwise. No part of the approved structure plan was drawn to my attention as being relevant to the appeal. Reference was made in the submission to policies P6, P7, P8, P13, P14 and P22 of the Rural Areas Local Plan (adopted in 1994). Reference was also made to policies H4, RD2, RD9 and RD14 of the finalised draft Dundee District Local Plan. Given the current status of the finalised draft local plan, it does not fall within the scope of Section 18A. However, as the plan constitutes the review of the existing development plan framework, it is an important material consideration.

3.2 Accordingly, on the basis of the written submissions and the site inspection, I consider that the determining issues in this appeal are, firstly, whether the proposal would be contrary to the terms of the adopted local plan; secondly, whether the proposals would be contrary to the terms of the finalised draft local plan; thirdly, whether the proposal would set an inappropriate precedent; and fourthly, if so, whether there are any other material considerations which would indicate that an exception should be made.

- 3.3 In relation to the first issue, policy P6 of the local plan indicates that there will be a general presumption in favour of developments which accord with policies P7, P8, P13 and P14. Policy P7 allows for the possibility of developing an additional non-agricultural building within a traditional farm steading grouping. Policy P8 permits a certain level of appropriate infill development enlarging a building group. Policy P13 specifies four criteria for the development of derelict or redundant buildings which are worthy of retention in the countryside. These criteria require that the building has four walls standing to eaves height; that the development conforms to the criteria in policy P14; that the development does not involve an extension of more than 30% from the floor area of the original building, and that it is designed to the satisfaction of the authority; and, that rebuilding will be permitted only where restoration is shown to be impractical. Policy P14 provides general development criteria. Those relevant in this case relate to the support of local services; servicing the development; the loss of significant area of agricultural land; ribbon development; road access; and, consistency of other rural development and environment policies. The criteria would only be waived where there is a land use and employment justification. Policy P22 is a general environmental policy which requires that the appearance, character and quality of the countryside be protected and, where possible, enhanced.
- 3.4 The appeal site is designated open countryside. Given the location of the appeal site on the north side of the access road separated from the main part of the steading, I do not consider that it constitutes an infill or a gap site. It is therefore not appropriate to assess the proposal against policies P7 and P8. With regard to policy P13, I accept that the dovecot has four walls standing to eaves height and that the proposal meets that criterion of the policy. However, as the corrugated iron structure attached to the dovecot does not form part of the original buildings, I agree with the council that it should not be taken into account in calculating the percentage increase in floor area. On this basis, the proposal would materially breach the 30% limit imposed on extensions and would not meet that criterion of the policy. In view of the extent of the works proposed, I believe that the development could be viewed as rebuilding rather than restoration. As it has not been demonstrated that a scheme based more on restoration would be impractical, the proposal also fails that criterion of the policy. The proposal is therefore contrary to these criteria of policy P13.
- 3.5 On policy P14, I accept that the proposal would contribute to the support of local services and, on the basis of the evidence, I consider that an acceptable drainage system to cope with local conditions could probably be designed. In addition, given the size of the site, I do not consider the loss of agricultural land to be particularly significant. I also believe that the additional traffic generated by one house would be unlikely to have a material adverse effect on traffic safety, as provision would be made for additional car parking, the access is quite wide and there is less traffic using the main country road. However, I consider that another house on the north side of the access, outwith the main building group, would amount to ribbon development. No land use or employment justification has been put forward to support the proposal. The proposal is therefore contrary to policy P14. Given this, it also fails to meet a further criterion of policy P13.

- 3.6 In relation to policy P22, I do not consider that the extensions, alterations and materials proposed are particularly sympathetic to, or compatible with, the dovecot or its surroundings. The development would therefore conflict with the advice provided in PAN36. Given this, I do not consider that the proposal can be regarded as protecting the appearance, character and quality of the countryside, and it would be contrary to policy P22. As the proposal is inconsistent with the rural development and environment policies of the local plan, it would also fail a second criterion in policy P14. Given that the proposal is contrary to policies P13 and P14, it would also fail to satisfy policy P6. In the circumstances, I consider that the proposal would be contrary to the terms of the adopted local plan.
- 3.7 On the second issue, policy H4 indicates that alterations or extensions to houses should not adversely affect the degree of sunlight, daylight or privacy of adjacent occupied properties. While policy RD2 (building group) lists four criteria, it reflects the overall thrust of policies P7 and P8 of the adopted local plan. Policies RD9 (derelict or redundant buildings) and RD14 (general development criteria for all developments in the open countryside) mirror policies P13 and P14. Given the position of the proposed house in relation to the properties on the opposite side of the access, I am satisfied that the development would not be likely to have a material adverse effect on the sunlight, daylight or privacy of adjacent residents. I therefore do not consider that the proposal is contrary to policy H4. As I do not consider that the proposal should be assessed against policies P7 and P8, I do not believe that policy RD2 is applicable. However, for the same reasons outlined in paragraphs 21, 22 and 23, I consider that the proposal would conflict with the criteria listed in policies RD9 and RD14. In the circumstances, I consider that the proposal would be contrary to the terms of the finalised draft local plan.
- 3.8 With regard to the third issue, I accept that while each application is determined principally on its own individual merits, the granting of planning permission for a development can make it difficult to resist similar developments in comparable locations. In this case, I am concerned that any grant of planning permission could encourage further residential ribbon development along the north side of the access road. In addition, given the purpose behind the policies to prevent existing, inappropriately sited, unsuitable, small buildings being converted to housing in the countryside. I therefore believe that the proposal would be likely to set an inappropriate precedent.
- 3.9 Turning to the fourth issue, the other material considerations concern (1) the proposal to gift part of the site to the adjacent residents; and (2) the landscaping proposal and the existing condition of the building. In relation to (1), this would not necessarily prevent proposals to build further houses in the future. On (2), I accept that the proposal would improve the existing condition of the site and the building. However, I do not consider that the benefits would be sufficient to outweigh the disadvantages which would arise from any approval of the proposal. In the circumstances, I do not consider that these considerations justify an exception being made.

- 3.10 In conclusion, I consider that the proposal would be contrary to the terms of both the adopted and finalised draft local plans, and that it would be likely to create an inappropriate precedent. In addition, no material considerations have been drawn to my attention which would justify an exception being made. I have taken account of all the matters raised, including the problems which arise from blocking the access, but none outweighs the considerations leading to my conclusions. Accordingly, in exercise of the authority delegated to me, I hereby dismiss this appeal and refuse to grant planning permission for the conversion and extension of a dovecot to form one dwellinghouse a Mains of Fowlis, by Dundee.

#### **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