

ANGUS COUNCIL

DEVELOPMENT CONTROL COMMITTEE

22 MAY 1997

SUBJECT: PLANNING APPEAL DECISION  
DUNCAN ROAD, LETHAM

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 Duncan Road, Letham.

**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 December 1996 refused Planning Permission for the erection of dwellinghouse on ground at Duncan Road, Letham.
- 2.2 The applicant Vivian Nicol appealed against the refusal and the Reporter's conclusions and decision are presented below.

**3 REPORTER'S DECISION**

- 3.1 None of the parties has drawn attention to any relevant policies of an adopted local plan or an approved structure plan, so the provisions of section 18A of the 1972 Act do not apply. On the basis of the written submissions and the site inspection, I therefore consider that the first determining issue in this appeal is the weight to be given to relevant provisions of the draft local plan. These would always be important material considerations in the absence of an adopted local plan. In this instance the site is within the settlement boundary as defined in the document and also as is evident on the ground. In that respect the draft local plan favours development. However, it is clear that the present proposal, unlike the previous project approved on appeal, on neighbouring land, is against the letter of the policy for unadopted roads in Letham, which is annexed to the local plan.
- 3.2 On superficial impression Duncan Road appears to be in good condition, while lack of urban-style footways on a short street, serving a small number of houses in a village, could be regarded as a contribution to the character of the place rather than a fatal defect. However, the prevailing evidence is that beneath the new surface the structure of Duncan Road is unchanged, and unsuitable for more than very light traffic. Notwithstanding the width of the road and the presence of lighting, I am satisfied that the intended limitation on further infill on Duncan Road beyond what has already taken place is reasonable and in principle worthy of support.

- 3.3 The second determining issue is whether there are considerations that would justify an exception. If the appeal site were such that a final gap in a pattern of development would be completed, there would be a strong case for making an exception to the policy. However, the remaining paddock has obvious potential for residential infilling, without extending the settlement into the countryside: so obvious, indeed, that it could be regarded as short-sighted to allow development that would make access for house-building on the area impossible or difficult. However, a house on the appeal site would not in any event deny access into the paddock area, whether or not it would require demolition of the rather ramshackle-looking stable building. Thus the council's notion that to approve the present scheme would encourage further proposals contrary to the unadopted roads policy is not far-fetched. It seems to me that sound planning requires development of the appeal site not to be treated piecemeal as in the present appeal scheme but only as part of any future proposals to develop the whole area of the paddock and stables, with more appropriate arrangements for access than an unadopted road without a second substructure.
- 3.4 I have taken into account all other matters in the written submissions, but there is nothing that could lead to a different decision.
- 3.5 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/SP

13 May 1997

Alex Anderson  
Director of Planning, Transport & Economic Development