

ANGUS COUNCIL

DEVELOPMENT CONTROL COMMITTEE

12 JUNE 1997

SUBJECT: NORTH LATCH ROAD, 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 North Latch Road, Brechin.

1 RECOMMENDATION

It is recommended that the Committee that the Committee notes the 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 and garage on land situated at North Latch Road, Brechin (01/96/1794).
- 2.2 The applicants, Mr. & Mrs. A. Callegari 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 this appeal to be determined in accordance with the Development Plan unless material considerations indicate otherwise. My attention has been drawn to the Brechin Local Plan and 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 that Local Plan. The other determining issues are whether the proposal would be in accordance with the terms of the draft Rural Angus Local Plan; whether any undesirable precedent would be set if the proposal were approved; whether any other aspects of the development would weigh in its favour; and whether any of these considerations justify a departure from the policies contained in the adopted Local Plan.
- 3.2 Before examining the policy issues, I must deal with your argument that the site does not lie in the countryside. It was clear from the site inspection that this part of North Latch Road displays a very clear and sharp transition from urban housing development to agricultural fields. The appeal site lies on agricultural land and is bounded to the south-west by a field and to the north by an access lane serving a farm and another field beyond that. The location of the burgh boundary is an administrative matter of no relevance to the planning issues. I am in no doubt, therefore, that the appeal sites lies in the countryside and, that policies addressed to development in the countryside will apply here.

- 3.3 The Brechin Local Plan states that applications in principle for the erection of houses in the countryside will require to meet the criteria laid down in the Council's adopted policy document, "Development in the Countryside". I cannot accept the Council's assertion that the latter document has been superseded by the draft Local Plan; it forms a part of the statutory Local Plan, and remains so until replaced by a fresh adopted Local Plan. I must, therefore, first assess the proposal against that policy.
- 3.4 The statutory plan policy for development in the countryside allows for the development of individual houses in the countryside in order to sustain rural services and give some freedom of choice. For a proposal to be approved under this policy, development should locate close to an existing group of buildings if at all possible, and 14 criteria must all be satisfied.
- 3.5 The locational requirement is clearly satisfied. In respect of the relevant criteria; the occupiers of the dwelling could be expected to support local facilities; no substantive evidence has been produced to show lack of capacity for drainage of the site or supply of water; I am satisfied that a suitable access to the plot could be created; there is no evidence that farming would be adversely affected; the site constitutes the corner of a field which appears to be awkwardly-shaped for agricultural purposes; there is no evidence that development of the site would open the way to further development; the proposal would be viewed chiefly against the backdrop of a housing estate and, therefore, not be visually intrusive; it would not constitute ribbon development as normally construed; this small development would not, in my opinion, create an impression of urban sprawl or jeopardise possible future urban extensions; I have not been informed that the site lies within a designated area; the plot would be of generous dimensions; and the living environment would be satisfactory. I, therefore, conclude that the appeal proposal is in accordance with the terms of the statutory Local Plan.
- 3.6 The more recent draft Local Plan introduced a change in policy for housing in the countryside as it applies to the vicinity of larger towns and villages, and to those non-remote areas with stable or increasing populations. In those locations, the relaxed regime was no longer thought to be necessary or desirable. The appeal site lies within the more restrictive policy area and is subject to policy H1. Taking each criterion of that policy in turn, you have not made any case that the dwelling would be required for an essential worker or for housing in connection with an established business. The proposal clearly does not consolidate development; however, you argue that it rounds off the existing development. Rounding off would imply that the site to be developed is substantially surrounded by existing development, and I do not consider this to be the case here. The proposal does not constitute the infill of a gap site between buildings. Finally, your clients' proposal is not for replacement of a building. The proposal does not, therefore, accord with policy H1.

- 3.7 Turning to the issue of precedent, the Council do not elaborate on their reasons for refusal. In the immediate vicinity, the most obvious risk of precedent would be for a continuation of the line of development along the south-west side of Pittendriech Road. However, I am satisfied that the Council's existing policies are sufficient to enable them to resist such a scheme. In other respects, the appeal proposal has individual features which are likely to distinguish it from other sites which might be of concern to the Council.
- 3.8 On the fourth issue, the existing row of houses on the south-western side of North Latch Road terminates with the plot boundary at number 29. Other than planting at that boundary, no very satisfactory natural feature marks the end of this line of development. The present development also leaves an awkward corner of the adjacent agricultural field between the houses and the access road to Dubton Farm. It, therefore, has an unfinished appearance. The proposal would extend the line of development as far as the farm access road, and thereby form a firmer boundary to development than exists at present. Furthermore, the generous size of the appeal site would allow for a substantial landscaping scheme in order to emphasise its northern boundary as a conclusion to this row of development. That would also help to create a suitable transition from urban to rural environment, in line with the advice in National Planning Policy Guideline 3 and Planning Advice Note 44. For the proposal not to be visually obtrusive from viewpoints off the site, I consider that the height of the dwellinghouse should be restricted to a single storey.
- 3.9 Drawing these matters together, on the one hand I conclude that the proposals accords with the terms of the Brechin Local Plan, does not create a precedent, and has advantages in terms of the settlement boundary. On the other hand, it does not satisfy the terms of policy H1 of the draft Rural Angus Local Plan. That plan is at an early stage of preparation and, although it constitutes a material consideration and indicates that policy towards rural housing is under review, greater weight must attach to policy in the adopted Plan. I, therefore, consider that, on balance, there is no justification to depart from the terms of the adopted Local Plan.
- 3.10 I have taken account of all the other matters raised, but none outweighs the considerations leading to my decision. Accordingly, in exercise of the authority delegated to me, I hereby grant planning permission for the development proposed in planning application number 01/96/1794OUT, dated 27 November 1996, in accordance with the submitted plans and subject to the following conditions:-
1. This permission is subject to the time limits set out in Section 39(2) of the Act, as amended by paragraph 13 of Schedule 2 to the Local Government and Planning (Scotland) Act 1982 (extract attached).
 2. The matters reserved for the detailed approval of the Council shall be the siting, design and external appearance of the dwellinghouse, the access arrangements for the site, and the landscape treatment of the site.
 3. The reserved matters shall provide for a house of single storey form (although rooms in the roofspace could be permitted); and landscape treatment to achieve the objectives noted in paragraph 20 above.

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/KW
5 June 1997

Alex Anderson
Director of Planning, Transport & Economic Development