

ANGUS COUNCIL

DEVELOPMENT CONTROL COMMITTEE

2 OCTOBER 1997

**SUBJECT: PLANNING APPEAL DECISION
THE ARK PETS HOTEL, 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 Ark Pets Hotel, Woodville, by Arbroath.

1 RECOMMENDATION

It is recommended that the Committee notes the outcome of the above appeal.

2 INTRODUCTION

- 2.1 The Development Control Committee at the meeting on 30 January 1997 refused Planning Permission for the erection of a house at the Ark Pets Hotel, Woodville, ostensibly for an essential worker (01/96/1817).
- 2.2 The applicants, Mr & Mrs T Holder appealed against the refusal and the Reporter's conclusions and decision are presented below.

3 REPORTER'S DECISION

- 3.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that the appeal be determined in accordance with the development plan unless material considerations indicate otherwise. Accordingly, on the basis of the written submissions and the site inspection, I consider that the determining issues in this appeal are:
1. whether the proposal would be in accordance with the terms of the adopted local plan; or
 2. whether the proposal would be detrimental to the amenity and character of the area.
- 3.2 With regard to the first determining issue, I note that Policy 13.2.1 of the adopted local plan specifies that there will be a general presumption against new housing in Woodville unless it is required for agricultural workers or for others in similar types of activity, where there is an operational need. In this regard, I am persuaded by the argument put forward by the Director of Planning of the Council that your clients' business satisfies these policy requirements. I also find, however, that the existing accommodation on the site currently meets the operational need to have a 24-hour presence at the boarding kennels and cattery, for animal welfare and security reasons, and no attempt has been made to justify two worker houses on-site to

meet the day-to-day operational requirements of the business. Therefore, whilst there is nothing to prevent your clients remaining in their house, on their impending retirement from managing and operating the adjoining boarding kennels and cattery, I find that this does not in itself justify the building of a new dwelling on the premises for an incoming manager/operator of the business. Nevertheless, I find that the appeal proposal would meet the general development principles set out in paragraph 13.2.2 of the adopted local plan, in particular principle C (relating to semi-urban uses and agricultural services) which applies in this case. This is because I find that area C is already so semi-urban that a house at the proposed location, related to the adjoining business, would fit reasonably into area C, without significant impact on the rural character of the Woodville area as a whole. Based on all of these considerations, I conclude that the proposals would accord with the adopted local plan.

- 3.3 In relation to the second determining issue, I note that boarding kennels have operated at this location for more than 30 years, and your clients have run their business here since 1981. I find that Woodville, including the specific locality of the appeal site, is characterised by loose groupings of dwellings and commercial premises, and that your proposal would be consistent with this pattern of development. I note that no objections to your clients' proposals have been lodged. I also note that the Council has not sought to argue that the proposed development would be materially detrimental to the character and amenity of the area, beyond contending that it might represent an unfortunate precedent for other housing developments in the vicinity. I am satisfied that the proposed development should not set a precedent for other housing developments in the vicinity. I would expect any new proposal to be tested against the policy requirements of the local plan, and be considered on its particular merits, as in this case. For these reasons I conclude that in principle your clients' proposals would not be detrimental to the character and amenity of the area, but the detailed siting, design, access and landscaping proposals for the appeal site would need to be considered as a separate planning application to the Council.
- 3.4 I have taken account of all other materials raised, but none outweighs the considerations leading to my conclusions. Accordingly, in exercise of the authority delegated to me, I hereby sustain your appeal and grant outline planning permission for the development proposed in the planning application dated 27 November 1996, subject to the following conditions:
1. This permission is subject to the time limits specified in section 59(2) and (3) of the Act (extract enclosed);
 2. No development shall take place until there has been submitted to and approved in writing by the planning authority details of the siting, design and external appearance of the dwelling, the means of access thereto and the landscaping of the site (referred to as "reserved matters");
 3. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwelling or the completion of the development, whichever is the sooner, and any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of

a similar size and species, unless the planning authority gives written consent to any variation;

4. No development shall take place until a scheme for the disposal of foul drainage from the site has been submitted to and approved in writing by the planning authority, and the dwelling shall not be occupied until the approved scheme has been implemented in full;
5. Details of parking and turning facilities within the appeal site shall be submitted for written approval by the Council.

4 COMMENT

- 4.1 I am prepared to concede that an argument based upon essential worker need might have been accepted by the Reporter on appeal. However, the Reporter has agreed with the Council that the case based on essential worker is flawed. Unfortunately he then goes on to simply grant consent with no restrictive conditions on the basis that, in his opinion, a speculative house complies with Local Plan policy. Notwithstanding the Reporter's comments to the contrary, I fail to see how this decision cannot be used as a future "precedent".

5 FINANCIAL IMPLICATIONS

- 5.1 There are no financial implications.

6 CONSULTATION

- 6.1 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/MR
23 September 1997

Alex Anderson
Director of Planning, Transport & Economic Development

