

**ANGUS COUNCIL**

**DEVELOPMENT CONTROL COMMITTEE**

**2 OCTOBER 1997**

**SUBJECT: PLANNING APPEAL DECISION  
LAND AT EAST MILL, KIRKTON OF GLENISLA**

**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 five houses on land at East Mill, Kirkton of Glenisla.**

**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 14 November 1996 refused planning permission for the erection of five houses on land within the small hamlet of Kirkton of Glenisla (01/96/1483).
- 2.2 The applicant, Mrs. B. E. Gledhill of Harrington Construction Ltd. appealed against the refusal and the Reporter's conclusions and decision are appended 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. Whilst I note that the Draft Rural Angus Local Plan of 1989 has not been formally adopted, in the absence of any other statutory local plan for this area, it represents the effective development plan in my consideration of this case. 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 Draft Rural Angus Local Plan; (2) whether the development would be consistent with Government policy on housing in rural areas; and (3) whether the proposal would be detrimental to the amenity and character of the area.
- 3.2 With regard to the first determining issues, I find that your proposals fall outwith the scope of Policy H2 of the local plan which is concerned with single houses in the countryside. I am, however, persuaded by the Council's argument that Policies H4 and H5 of the draft local plan relate to social housing needs of local residents and others in local employment, and have been introduced to deter speculative development related to market demand for housing in the Angus Glens. I find that your proposals, whilst providing houses for rent and potentially attracting some grant aid from Scottish Homes, would not comply with the requirements of these local plan policies. I also note that the appeal site lies outwith the village boundary

and is not included within the area zoned for housing in the local plan. Based on all of these considerations, I conclude that the proposed development would not be in accordance with the local plan.

- 3.3 Turning to the second determining issue, I note that Government policy on housing in the countryside (in National Planning Policy Guideline 3) states that development should be encouraged on suitable sites in existing settlements, and isolated development in the open countryside should be discouraged except where particular circumstances are clearly identified in development plans, or there are special needs. For the reasons outline earlier, I find that the location of the appeal site is not suitable in the context of Kirkton of Glenisla, and I find no circumstances in the adopted local plan to allow development of the type and scale proposed if the appeal site was regarded as open countryside. Furthermore, I find that you have not sought to demonstrate a special need, beyond stating that the proposed houses would address the growing demand for rented housing in the area. Planning Advice Note 44 (PAN 44) issued in 1994 concerns fitting new housing development into the landscape. It states that all new developments should make a positive contribution to the continuing evolution of our settlements. I am concerned that your proposals involve a site which is unbounded to the east and north, and I find that the proposed number of houses is out of keeping with the existing scale and support infrastructure of the settlement, in particular with reference to its road access, water supply, and drainage capacities. I also find that the visual impact of the proposed development would be detrimental to the settings of the Glenisla Hotel, the neighbouring houses and the village as a whole. Based on these various considerations, I therefore conclude that the proposed development would not be consistent with Government policy relating to housing in rural areas.
- 3.4 In respect of the third determining issue, I am persuaded by the Council's argument that given the limited size of the appeal site and the number of houses proposed, an acceptable density respecting the character of the settlement could not be achieved. Based on this and other factors outlined above, I find that your proposals would be detrimental to the character, appearance, and visual amenity of the area. I also find that the scale of the proposed development would detract from the residential amenity of those living along the same cul-de-sac. I therefore conclude that the proposals would be detrimental to the amenity and character of the area.
- 3.5 I have taken account of all the other matters raised but none outweighs the considerations leading to my conclusions. Accordingly, in exercise of the authority delegated to me, I hereby dismiss your client's appeal and refuse to grant outline planning permission for the development to which it relates.

#### **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/IAL  
23 September 1997

Alex Anderson  
Director of Planning, Transport & Economic Development

