

ANGUS COUNCIL

DEVELOPMENT CONTROL COMMITTEE

18 OCTOBER 2001

SUBJECT: PLANNING APPEAL DECISION  
FLOCKLONES, INVERGOWRIE

REPORT BY DIRECTOR OF PLANNING AND TRANSPORT

**Abstract: This report presents the findings of the Reporter appointed by the Scottish Ministers to determine the appeal against the refusal of Angus Council to grant consent for the erection of a house at Flocklones, by Invergowrie.**

**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 11 January 2001 refused planning permission for the erection of a house at The Paddock, Flocklones, by Invergowrie (application No. 00/01031 refers).

2.2 The applicants, Mr. & Mrs. A. Bain appealed against the refusal and the Reporter's conclusions and decision are presented below.

**3 REPORTER'S DECISION**

3.1 Section 25 of the Act requires the determination in this case to be made in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. No Structure Plan policies have been drawn to my attention in connection with this appeal. I consider, based on my inspection of the appeal site and the written submissions, that the issues to be determined are whether the proposal is consistent with the relevant policy of the adopted Local Plan and, if not, whether an exception to the provisions of the plan is justified by other material considerations.

3.2 Policy H7, of the adopted Local Plan, which is consistent with the national planning policy guidance in NPPG 3, only accepts individual new houses in the countryside in limited circumstances. In relation to criterion (a), I find that the appeal site does not form part of a group of four or more existing domestic scale buildings. There is only one existing building of domestic scale in the vicinity ("Flocklones"), which is almost 90 metres from the site, and I do not consider that unimplemented conversions or new build proposals in the environs can be taken into account in an assessment against criterion (a). even if a building group of at least four domestic scale buildings had already existed at the farm, I would not have regarded the development of a house in the paddock to the west of the steadings as a rounding off or consolidation of the group. The appeal site lies on the opposite side of the farm access road from the farmhouse and steadings, and has open countryside on three sides. I therefore consider that the proposed development would represent an extension to any such building group. I am not persuaded that the creation of more substantial boundaries on the south and east sides of the site, or the carrying out of tree planting along the

periphery, would alter that fundamental assessment. With regard to criterion (b), the appeal proposal does not involve infilling between two buildings of domestic scale. I conclude that the proposed development is contrary to the clear terms of Policy H7, and hence that the criteria of Schedule 1 do not apply.

- 3.3 I appreciate that the surroundings of the appeal site would change significantly if the existing planning permissions were implemented, which would create a total of five new dwellings at Flocklones. However, these would be formed by the conversion of traditional steadings (which is supported by different policies), and the development of a new house on the site of an existing farm building. In neither case would the development extend the group of buildings onto virgin land. I therefore conclude that the circumstances of those planning permissions are entirely distinct from those of the appeal proposal. I can understand your clients' strong desire to continue living at Flocklones after they retire from farming. However, I do not consider this preference, or the merits of the proposed house design, amount to a sufficient justification to depart from the clear policy of the Development Plan.
- 3.4 In exercise of the powers delegated to me I therefore dismiss your clients' appeal and refuse to grant 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.

#### **6 HUMAN RIGHTS IMPLICATIONS**

- 6.1 There are no Human Rights implications.

#### **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  
10 October 2001

Alex Anderson  
Director of Planning and Transport