FPRB Reference: 25/428

Review Decision Notice

Decision by Fife Planning Review Body (the FPRB)

- Site Address: Land East of Wharenui, Kings Highway, Largoward, Leven, KY9 1JA
- Application for review by Andrew Black and Sons against the decision by an appointed officer of Fife Council
- Application 25/01684/PPP for Planning Permission in Principle for erection of dwellinghouse.
- Application Drawings:
  01 - Location Plan / Block Plan, 02 – Coal Mine Risk Assessment, 03A – Planning Statement, 04 – Planning Statement Addendum
- No Site Inspection took place.

Date of Decision Notice: 9th November 2026

Decision

The FPRB reverses the determination reviewed by them and grants Planning Permission in Principle subject to conditions for the reasons outlined below in section 4.0.

1.0 Preliminary

1.1 This Notice constitutes the formal decision notice of the Local Review Body as required by the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.

1.2 The above application for Planning Permission in Principle was considered by the FPRB at its meeting on 26 October 2026. The Review Body was attended by Councillors David Barratt (Convener), Altany Craik, Ken Caldwell, Gordon Pryde and Lesley Backhouse.

2.0 Proposal

2.1 This appeal site relates to a parcel of land extending to 429sqm situated within the countryside as defined by the Adopted FIFEplan (2017). The site is located 260m west of Largoward and is accessed from adopted public road A915 (St Andrews Road), which connects to the Kings Highway.

2.2 The Kings Highway runs along the southern boundary of the site with number 1 and 2 Easter Largoward Cottages beyond. Old Largoward Cottage borders the western boundary of the Easter Largoward Cottages – positioned south west of the site. To the west, the site is bound by Wharenui and its associated outbuilding and to the north lie agricultural fields. To the immediate east of the site is an existing woodland tree belt and adjacent to the south east lies the property referred to as Annfield.

2.3 A review of the Council's online records confirms that Planning Permission in Principle application reference 25/00589/PPP for the construction of a dwellinghouse at the site was withdrawn. The withdrawal of this prior application is not a material consideration in this appeal.

2.4 The appeal proposal seeks Planning Permission in Principle of the erection of a dwellinghouse. The application was supported by a Location and Block Plan, however, any future design, siting and scale of the dwellinghouse would require to be assessed through an application for detailed design. A Coal Mine Risk Assessment was also submitted with the application and confirmed that further intrusive site investigations by a suitably qualified professional would be required at detailed design application stage, should the appeal proposal be approved.

3.0 Reasoning

3.1 The FPRB considered the terms of the Development Plan which includes National Planning Framework 4 (2023) and FIFEplan (2017) (Local Development Plan). The FPRB also considered the provisions of Making Fife's Places Supplementary Guidance (2018) (including Appendices), Low Carbon Fife Supplementary Guidance (2019), Fife Council's Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements (2025), and the Council's Customer Guidelines on Garden Ground.

3.2 Firstly, the FPRB then moved to consider the principle of development against NPF4 Policy 17 (Rural Homes), Policy 16 (Quality Homes), and 9 (Brownfield, Vacant and Derelict Land). They found that:-

- The FPRB acknowledged that NPF4 Policy 9 (Brownfield, Vacant and Derelict Land) supports the sustainable reuse of brownfield land and, in determining the sustainability of the reuse, biodiversity of naturalised land should be taken into account. The FPRB further acknowledged that the key test under NPF4 Policy 17 (Rural Homes) in this context is whether the appeal proposal involves the reuse of brownfield land where a return to a natural state has not happened, or will not happen without intervention.
- In assessing whether the site has naturalised, the FPRB had regard to the appellant's submission and recent site photos. These confirmed that an agricultural building previously occupied the northern portion of the site, with timber poles and corrugated iron from its roof and walls remaining, together with remnants of farming equipment, including a plough.
- The FPRB noted the officer's position that the site had returned to a natural state and could hold biodiversity value. However, in the absence of any biodiversity or ecological assessment, the FPRB was satisfied that the site is clearly previously developed and, so, is accepted as brownfield by NPF4 definition. The FPRB considered that an appropriately worded condition could be attached to the planning permission to require relevant ecological assessment and biodiversity enhancement.
- The FPRB therefore concluded that given the presence of timber support poles with foundations, stone, corrugated iron and farming equipment, as evidenced in the photos, the site had not naturalised and was unlikely to in this instance given the limiting nature of these impediments. The FPRB accepted that the site constitutes brownfield land that has not returned to its natural state and will not do so without significant intervention. Therefore, they set aside the Appointed Officers position on this matter and resolved that the appeal proposal satisfies the policy tests of NPF4 Policy 17 (Rural Homes) and accords with NPF4 Policy 9 (Brownfield, Vacant and Derelict Land) and Policy 16 (Quality Homes).

3.3 Subsequently, the FPRB considered the principle of development and whether the site forms part of an existing cluster, assessed against FIFEplan Policy 7 (Rural Development) and Policy 8 (Houses in the Countryside). They found that:-

- The FPRB acknowledged that, for housing within a cluster to be acceptable, the site must lie within a clearly defined gap with development on at least two sides and must not result in ribbon development. The FPRB assessed the site's relationship to neighbouring properties using the map submitted by the appellant with the application, against Figure 8.2 (the diagram used to define a cluster arrangement under FIFEplan Policy 8), together with site photographs.
- The FPRB noted the officer's view that the established woodland to the east of the site provides a degree of separation from the property known as Annfield, such that the site would be the edge of the cluster, not located within a defined gap. However, they disagreed with this position.
- Rather, the FPRB accepted that, assessed against Figure 8.2., the site has development on at least two sides – these being, Wharenui and its associated outbuilding to the west, and Kings Highway and 1 and 2 Easter Largoward Cottages to the south. The woodland provided a well-established boundary containing the cluster, which is acceptable under FIFEplan Policy 8 and as illustrated in Figure 8.2. The FPRB considered the site's position relative to Annfield to be appropriate and well-connected in formation of the cluster.
- The FPRB therefore concluded that the site is located within an established and clearly defined cluster of five or more houses and the principle of development for a single dwellinghouse accords with FIFEplan Policy 8 (Houses in the Countryside) and Policy 7 (Rural Development).

3.4 Overall, the LRB set aside the Appointed Officers position on this matter and did not consider that the principle of development on the points raised above as a reason to refuse this appeal.

3.5 Giving regard to FIFEplan Policy 7 (Development in the Countryside) and 8 (Houses in the Countryside), the FPRB considered the <u>impact of the erection of a single dwellinghouse on the countryside</u>.

- The FPRB acknowledged that FIFEplan Policies 7 and 8 require, in all cases, that development be of a scale and nature compatible with surrounding uses, well located in respect of available infrastructure and located and designed to protect the overall land and environmental quality of the area.
- The FPRB noted the officer's position that the appeal proposal would contribute to the erosion of the countryside through unsympathetic development and that the site is not located within a cluster. The FPRB had accepted that the site forms part of a cluster compliant with FIFEplan Policy 8 (Houses in the Countryside) in assessment of the principle of development. In this context, the FPRB considered that the appeal proposal would not result in unsympathetic development in the countryside.
- The FPRB accepted that detailed design matters would be assessed through a subsequent detailed design 'ARC' application should the appeal be allowed. The FPRB was satisfied that a house on this site could be designed to be an appropriate scale and compatible with the surrounding residential cluster, with these matters addressed in full at detailed application stage.
- The FPRB therefore concluded that the appeal proposal would not result in unsympathetic development leading to the erosion of the countryside setting and that design, scale and siting of the dwellinghouse can be assessed at the detailed planning application stage. Accordingly, the FPRB set aside the Appointed Officer's position and accepted that the appeal proposal complies with FIFEplan Policy 7 (Development in the Countryside) and 8 (Houses in the Countryside).

3.6 The FPRB concurred with the Appointed Officer's position in relation to the other planning considerations that did not form part of the original refusal reasons. They contended that these matters did not have any material impact in changing their position on this application.

3.7 Overall, the FPRB concluded that the proposed development was acceptable as it complied with NPF4 Policies 9, 16, and 17 and FIFEplan (2017) Policies 7 and 8 as well as the provisions of Making Fife's Places Supplementary Guidance (2018) (including Appendices), Low Carbon Fife Supplementary Guidance (2019), Fife Council's Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements (2025), and the Council's Customer Guidelines on Garden Ground. The FPRB agreed that the site sat as part of a cluster and constituted brownfield land and, therefore, accepted the principle of residential development. The FPRB considered that a planning condition(s) could be attached to address relevant ecological and biodiversity requirements within the future detailed design application. The FPRB agreed that the proposal would not result in unsympathetic development in the countryside provided that detailed design matters would be assessed through the subsequent detailed design application. The FPRB agreed that the other planning considerations not forming part of the refusal were acceptable and complied with the corresponding Development Plan policies. The FPRB did not consider there to be any other matters for consideration or any material considerations which would outweigh the Development Plan position. The FPRB therefore decided that planning permission in principle should be granted, overturning the Appointed Officer's decision.

4.0 Decision

4.1 The FPRB reverses (approves) the determination reviewed by them and grants Planning Permission in Principle subject to the following conditions and reason(s):

APPROVE SUBJECT TO THE FOLLOWING CONDITIONS & REASON(S):

1. The development to which this permission relates must be commenced no later than five years from the date of this permission.

   Reason: In order to comply with the provisions of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of The Planning (Scotland) Act 2019.

2. A further application(s) for certain matters (Approval of Matters Required by Condition) shall be submitted for the requisite approval of this planning authority, together with the detailed plans which shall include the following, subject to agreement from the planning authority (acting reasonably):-

   (a) A location plan of all the site to be developed to a scale of not less than 1:2500, showing generally the site, any existing trees, hedges, walls (or other boundary markers) layout of the roads and sewers and the position of all buildings.
   (b) A detailed existing site plan to a scale of not less than 1:500 showing the existing site contours, the position and width of all proposed roads and footpaths including public access provision and the position of all buildings.
   (c) A detailed proposed site plan to a scale of not less than 1:500 showing the site contours, the siting of the proposed buildings, finished floor levels, new walls and fences and details of proposed landscape treatment.
   (d) Detailed plans, sections and elevations of all buildings proposed to be erected on the site.
   (e) Street elevations, photomontages or cross sections outlining the proposed buildings in relation to the existing adjacent buildings within the immediate area.

(f) Details of any proposed external alterations and finishes to boundary walls and openings, as applicable.
(g) Details of all boundary treatments, landscaping and private garden ground and amenity space.
(h) The colour and type of materials for all external materials.
(i) Details of the proposed method of drainage, including Fife Council Compliance Certificates, as applicable.
(j) Off-street parking spaces.
(k) Details of waste and recycling provision.
(l) A sustainability statement illustrating the developments' compliance with Fife Council's Low Carbon Fife Supplementary Guidance Document (2019).
(m) A scheme of intrusive site investigation to identify previous coal mining legacy issues.
(n) A Preliminary Ecological Appraisal.

No work shall be started on site until the written permission of this planning authority has been granted for these proposals, or such other details as may be acceptable.

Reason: To be in compliance with Section 59 of The Town and Country Planning (Scotland) Act 1997 (as amended by the Planning etc. (Scotland) Act 2006) and to ensure that sufficient information is submitted to assess any detailed proposal.

3. **NO DEVELOPMENT SHALL COMMENCE ON SITE**, until a Preliminary Ecological Appraisal (PEA) of the site has been submitted to and approved in writing by Fife Council as the planning authority. The PEA shall be prepared by a suitably qualified ecologist and shall:

(a) Identify the habitats and any protected or priority species present, or likely to be present, on and adjacent to the site.
(b) Assess the likely effects of the development on those habitats and species.
(c) Identify any species-specific surveys required.
(d) Set out the measures necessary to avoid, mitigate and, where appropriate, compensate for those effects, together with biodiversity enhancements and a timetable for their implementation.

The PEA should also identify if any invasive species are present on site. If any invasive species are present, a method statement shall be provided at the same time as submitting the survey findings, detailing the removal and long-term preventive measures of such species.

The development shall thereafter be carried out in accordance with the approved PEA, including any further surveys, mitigation and biodiversity enhancement measures identified in it and those measures shall be retained and maintained in accordance with the approved timetable.

Reason: In the interest of biodiversity enhancement and management.

4. **BEFORE ANY WORKS COMMENCE ON SITE**, a drainage scheme shall be submitted and agreed in writing with Fife Council as planning authority. Following approval, this surface water management and drainage scheme shall be fully implemented before any development hereby approved commences and shall be retained and maintained for the lifetime of the development.

Reason: To ensure that adequate measures are put in place to deal with surface water drainage.

5. **PRIOR TO THE OCCUPATION OF THE DWELLING**, the construction of the vehicular crossing of the footway shall be carried out in accordance with the current Fife Council Making Places Appendix G.

   Reason: In the interests of road safety, to ensure adequate crossing of footway.

6. **PRIOR TO THE OCCUPATION OF THE DWELLING**, all access driveways shall be constructed at a gradient not exceeding 1 in 10 (10%) and shall have appropriate vertical curves to ensure adequate ground clearance for vehicles.

   Reason: In the interests of road safety; to ensure adequate access arrangements adjacent to a road and to avoid dangers associated with excessive steep accesses.

7. **PRIOR TO THE OCCUPATION OF THE DWELLING**, visibility splays 2m x 25m shall be provided and maintained clear of all obstructions exceeding 600mm in height above the adjoining road channel level, at the junction of the vehicular access and the public road, in accordance with the current Fife Council Making Fife's Places Appendix G.

   Reason: In the interests of road safety, to ensure the provision of adequate visibility at the junction of the vehicular access to the site and the public road.

8. **PRIOR TO THE OCCUPATION OF THE DWELLING**, off-street parking spaces shall be provided in accordance with the current Fife Council Transportation Development Guidelines and thereafter maintained and kept available as such.

   Reason: To ensure adequate provision of off-street car parking.

9. **BEFORE ANY ABOVE GROUND WORKS COMMENCE ON SITE;**

   a) a scheme of intrusive investigations shall be carried out on site to establish the risks posed to the development by past shallow coal mining activity and any previous contamination; and

   b) any remediation works and/or mitigation measures to address land instability arising from past coal mining legacy and any previous contamination, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

   The intrusive site investigations, remedial works and mitigatory measures shall be carried out in accordance with authoritative UK guidance.

   Reason: To avoid unacceptable risks to human health and the environment.

10. **BEFORE THE DEVELOPMENT IS OCCUPIED** or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall then be submitted to and approved in writing by Fife Council as Planning Authority in consultation with the Coal Authority. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

    Reason: To avoid unacceptable risks to human health and the environment.

11. **IN THE EVENT THAT CONTAMINATION NOT PREVIOUSLY IDENTIFIED** by the developer prior to the grant of this planning permission is encountered during the development, all development works on site (save for site investigation works) shall cease immediately and the planning authority shall be notified in writing within two working days.

    Unless otherwise agreed in writing with the local planning authority, development work on site shall not recommence until either (a) a Remedial Action Statement has been submitted by the developer to and approved in writing by the planning authority or (b) the planning authority has confirmed in writing that remedial measures are not required. The Remedial Action Statement shall include a timetable for the implementation and completion of the approved remedial measures. Thereafter, remedial action at the site shall be completed in accordance with the approved Remedial Action Statement. Following completion of any measures identified in the approved Remedial Action Statement, a Verification Report shall be submitted to the local planning authority. Unless otherwise agreed in writing with the planning authority, no part of the site shall be brought into use until such time as the remedial measures for the whole site have been completed in accordance with the approved Remedial Action Statement and a Verification Report in respect of those remedial measures has been submitted by the developer to and approved in writing by the local planning authority.

    Reason: To ensure all contamination within the site is dealt with.

    ……..
    Proper Officer

NOTICE TO ACCOMPANY REFUSAL ETC.

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Notification to be sent to applicant on refusal of planning permission or on the grant of permission subject to conditions

NOTICE TO ACCOMPANY REFUSAL ETC.
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Notification to be sent to applicant on determination by the planning authority of an application following a review conducted under section 43A(8).

1. If the applicant is aggrieved by the decision of the planning authority -

   (a) to refuse permission for the proposed development;
   (b) to refuse approval, consent or agreement required by a condition imposed on a grant of planning permission; or
   (c) to grant permission or approval, consent or agreement subject to conditions,

   the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.

COALFIELD STANDING ADVICE AREAS

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining.

Further information is also available on The Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com