

FPRB Reference: 25/413

Review Decision Notice

Decision by Fife Planning Review Body (the FPRB)

- Site Address: Land To South Of Forth House Caravan Site, Newburn, Upper Largo, Fife
- Application for review by Mr David Steven Blake Paterson against the decision by an appointed officer of Fife Council
- Application 25/00068/FULL for Full Planning Permission for Formation of access, installation of upgraded waste treatment plant and associated works
- Application Drawings:
01 - Location Plan, 02 - Location and Site Plans, 03 - Site Plan, 04 - Specifications, 05 - Supporting Statement, 06 - Photographs,
- No Site Inspection took place.

Date of Decision Notice: 19th September, 2025.

Decision

The FPRB upholds the determination reviewed by them and refuses to delete Condition 2 from Planning Permission 25/00068/FULL. The previous Decision Notice shall remain unchanged, retaining Condition 2 and all other conditions for the reason(s) 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 This conditions appeal was considered by the FPRB at its meeting on 1 September 2025. The Review Body was attended by Councillors David Barratt (Convener), Jane Ann Liston, Lynn Mowatt, Ken Caldwell and Lesley Backhouse.
- 1.3 The appeal site comprises an area of undeveloped land located to the east of the existing Forth House Caravan Site, situated within a rural setting approximately 2km north of Leven and to the west of the village of Upper Largo. The site lies within the grounds of a well-established holiday and touring caravan park and is positioned on gently sloping ground that falls gradually to the south. The surrounding area is characterised by open agricultural land, interspersed with mature tree lines and boundary hedgerows, contributing to a generally open and rural character. The land itself is currently grassed and maintained as part of the wider caravan site, with no existing buildings or significant structures present within the identified area. Access to the site is taken via an established internal track which connects to the primary entrance serving Forth House Caravan Site, off a minor public road linking Newburn and Upper Largo. There are no designated environmental or heritage designations affecting the site and the nearest residential properties are located at a sufficient distance so as not to be directly affected by the proposed development. The site lies outwith any settlement boundary as defined in the adopted FIFEplan Local

Development Plan and is considered to form part of the countryside. The topography, visibility and relationship to existing infrastructure make the site a contained and discreet location within the wider landscape.

- 1.4 The appeal proposal seeks to review Condition 2 of Planning Permission 25/00068/FULL associated with the formation of access, installation of upgraded waste treatment plant and associated works. It seeks to delete this condition in its entirety as follows:

~~2. For the avoidance of doubt the new vehicular access shall solely be used in relation to the construction and then future maintenance of the new waste treatment plant for the lifetime of the access.~~

Note: Deletions in ~~strike through~~ and **bold**.

3.0 Reasoning

- 3.1 The determining issue in this review relates to transportation and road safety matters. The FPRB considered the terms of the Development Plan and other material planning considerations then assessed the proposed amendments to the conditions against the tests with Circular 4/1998 The Use of Conditions in Planning Permissions.
- 3.2 The FPRB considered the reason for Condition 2, which sought to prevent any uncontrolled use of the new access to the waste treatment plant, restricting its use solely to construction and maintenance of the approved waste treatment plant. For this condition, they considered the potential road safety and accessibility requirements and whether the condition should be removed, retained or amended. They assessed the appeal proposal against the Development Plan, planning guidance and other material considerations including: NPF4 Policy 13 (Sustainable Transport), NPF4 Policy 14 (Design, Quality and Place), NPF4 Policy 15 (Local Living and 20 Minute Neighbourhoods) and FIFEplan Policies 3 (Infrastructure and Services), 10 (Amenity), Making Fife's Places Supplementary Guidance (including appendices) and Fife Council Transportation Development Management Guidelines. Critically, in assessing the proposal against the tests within Circular 4/1998 - The Use of Conditions in Planning Permissions, they assessed the conditions were necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects.
- 3.3. Firstly, with respect to Condition 2, the FPRB:
- Noted concerns from the appellant regarding the restrictive nature of this condition and that restricting future use of the access would be unreasonable. They considered the appellant's position that this could result in additional adverse impacts to the nearby residential properties via the continued use of the existing shared access directly to the west of these properties.
 - They acknowledged that the existing access to the south required to be retained to provide sole access to these existing residential properties.
 - They then noted the potential benefits suggested by the applicant to allow for a new unrestricted access but resolved that they were not persuasive in agreeing to delete this condition.
 - They noted the Appointed Officer's position, echoed by Transportation Development Management, that the condition was required to minimise adverse road safety impacts associated with the proposed development,

- The FPRB agreed that failure to meet the minimum visibility splays and the close proximity of the existing and new access dictated that unrestricted use of the new access would result in unacceptable road safety risks that could not be supported.
- Given the above, they directed that the condition be retained.

- 3.4 The FPRB therefore determined that Condition 2 was required and met the Circular 4/1998 Tests as it would be necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects and that the proposal would not result in any unreasonable offsite amenity impacts.
- 3.5 The FPRB concurred with the Appointed Officer's position in relation to the other planning considerations. They contended that these matters did not have any material impact in changing their position on this appeal proposal.
- 3.6 In conclusion, the FPRB determined that it would not be acceptable to delete Condition 2, cognisant of the Circular 4/1998 tests, the Development Plan and planning guidance. They noted that there were no other material considerations that would outweigh this decision. The FPRB therefore resolved to grant Planning Permission retaining Condition 2 and not changing any other conditions.

4.0 Decision

- 4.1 The FPRB upholds the Appointed Officers decision with respect to Condition 2 of 25/00068/FULL, retaining this condition and the other approved planning conditions; granting Planning Permission subject to the following conditions and reason(s):
1. The development to which this permission relates must be commenced no later than three years from the date of this permission.

Reason: In order to comply with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of The Planning (Scotland) Act 2019.
 2. For the avoidance of doubt, the new vehicular access shall solely be used in relation to the construction and then future maintenance of the new waste treatment plant for the lifetime of the access.

Reason: In the interest of road safety; the access is unsuitable to serve any further development.
 3. Prior to the commencement of works, the construction of the vehicular crossing of the verge shall be carried out in accordance with the current Fife Council Making Fife's Places Appendix G.

Reason: In the interest of road safety; to ensure the provision of an adequate design layout and construction.

Advisory notes

- 1. Notice of the start of development: The person carrying out the development must give advance notice in writing to the planning authority of the date when it is intended to start. Failure to do so is a breach of planning control. It could result in the planning authority taking enforcement action (See sections 27A and 123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
- 3. Notice of the completion of the development: As soon as possible after it is finished, the person who completed the development must write to the planning authority to confirm the position (See section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended))

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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.