

FPRB Reference: 22/387

Review Decision Notice

Decision by Fife Planning Review Body (the FPRB)

- Site Address: Bellfield Farm Steading, Milton of Balgonie, Fife
- Application for review by Ms Alyson Anderson against the decision by an appointed officer of Fife Council
- Application 22/04032/FULL for Full Planning Permission for Erection of four dwellinghouses (Class 9) and associated development, including formation of access and hardstanding
- Application Drawings:
01 - Location Plan, 02 - Block Plan, 03 - Proposed various - elevation, floor etc, 04 - Proposed Elevations, 05 - Proposed various - elevation, floor etc, 06 - Proposed Elevations, 07 - Proposed various - elevation, floor etc, 08 - Proposed Elevations, 09 - Proposed various - elevation, floor etc, 10 - Proposed Elevations, 11 - Low Carbon Sustainability Checklist, 12 - Mine Risk Assessment, 13 - Drainage Plan, 14 - Surface Water Flow Diagram, 15 - Drainage statement/strategy, 16 - Sustainable Drainage Certificates, 17 - Sustainable Drainage Certificates, 18 - SUDs and Flood Risk Assessment Certs, 19 - SUDs and Flood Risk Assessment Certs

Date of Decision Notice: 8th November 2023

Decision

The FPRB varies the determination reviewed by them and refuses Planning Permission 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 The above application for Planning Permission was considered by the Fife Planning Review Body (FPRB) at its meeting on 23 October 2023. The Review Body was attended by Councillors David Barratt (Convener), Alycia Hayes, Robin Lawson and Jane Ann Liston.

2.0 Proposal

- 2.1 The appeal site relates to the larger part of the site of the former Bellfield Farm Steadings, fairly recently demolished, located in the countryside approximately 300 metres to the north of Milton of Balgonie. The site has been very largely cleared, with mainly hardstanding remaining. Access to the site is via a private farm track abutting to the south which exits onto the B9130. The A911 is located approximately 208 metres to the south of the application site. Bellfield Farm Farmhouse is on the other side of the farm track to the south of the site. The surrounding area is otherwise agricultural land. Following the route of the access road and south, crossing the A911, the walking distance to the centre of Milton of Balgonie would be approximately 1km.

- 2.2 The appeal site is identified as countryside land per FIFEplan Local Development Plan (2023). The appeal site is located within a high risk development area given historic coal mining. The farm access road is also a core path route – R387: Markinch to Balcurvie which continues to the east past the site. The access road is also wide enough to accommodate two-traffic. The site is not considered to be at risk from flooding.
- 2.3 A stone wall has been erected along the site frontage; the appellant states that the frontage wall was constructed as part of the recent planning permission for four dwellinghouses on the site which granted by Fife Planning Review Body (ref. 19/02655/FULL) in September 2022.
- 2.4 The appeal proposal seeks full planning permission for erection of four dwellinghouses (Class 9) and associated development, including formation of access and hardstanding. Four similarly designed, three bedroom, single storey properties are proposed. Each of the proposed properties would be of largely rectangular layout with an integral garage and projecting entrance vestibule. Each dwellinghouse would be a total of 5.37 metres in height. External finishing materials proposed include dyed tumbled abacus stone, grey sandstone (feature elements and basecourse), grey uPVC windows, doors soffits and fascias, slate effect concrete roof tiles and galvanised steel gutters and downpipes. Solar PV panels are proposed on the roof of each dwellinghouse. The recently constructed stone wall shall form the southern boundary of the site; the other boundary treatments are undefined on the submitted plans. A centrally located foul soakaway would serve all of the plots, with two separate surface water soakaways proposed to serve two plots each.

3.0 Reasoning

- 3.1 The determining issues in this review were the principle of development, design and visual impact, residential amenity (garden ground), road safety and transportation, ground conditions, flooding and drainage and sustainability. The FPRB also considered privacy and daylight and sunlight impacts when assessing residential amenity (issues not covered by the Appointed Officer). The FPRB agreed to accept additional information submitted by the appellant in response to a reason for refusal related to flooding and drainage. The FPRB considered the terms of the Development Plan which comprises the Adopted National Planning Framework 4 (2023) (“NPF4”) and the Adopted FIFEplan Local Development Plan (2017) (“FIFEplan”). The FPRB also considered the provisions of Making Fife’s Places Supplementary Guidance (2018) (including Appendices), Low Carbon Fife Supplementary Guidance (2019) and Fife Council’s Planning Customer Guidelines on Garden Ground (2016), Daylight and Sunlight (2018), and Minimum Distances Between Windows (2016).
- 3.2 Firstly, the FPRB considered the design and visual impacts of the proposal within the countryside setting, cognisant of NPF4 Policies 14, 17 and 29 and FIFEplan Policies 1, 7, 8, 10 and 13.
- The FPRB gave regard to the previously demolished buildings on the site and the design and layout of the four dwellinghouses of the extant planning permission (19/02655/FULL).
 - The FPRB assessed the design, scale, height, massing, development footprint and finishing materials of the proposed dwellinghouses, as well as the layout and positioning of the four dwellinghouses within the site.
 - The FPRB considered that the design of the four dwellinghouses was not in-keeping with the rural setting, with the layout of the dwellinghouses not considered to be typical of a traditional rural steading; noting the stone-built steading buildings which were recently demolished (and which the appeal proposal would replace).

- It was determined by the FPRB that the design and layout of the appeal proposal regressed from that which was proposed in the extant permission (19/02655/FULL) which was considered to be a high-quality and sensitively designed proposal which was appropriate to the countryside location.
- The FPRB ultimately concluded that the appeal proposal would not comply with NPF4 Policies 14, 17 and 29 and FIFEplan Policies 1, 7, 8, 10 and 13, upholding the Appointed Officer's (first) reason for refusal relating to visual amenity.

3.3 The FPRB assessed the residential amenity impacts of the appeal proposal cognisant of NPF4 Policy 14, FIFEplan Policies 1 and 10 and Fife Council's Customer Guidelines on Garden Ground, Daylight and Sunlight and Minimum Distances between Windows. In addition to garden ground and plot ratio considerations, the FPRB also assessed the privacy/window to windows distances and daylight and sunlight impacts of the appeal proposal; issues not covered by the Appointed Officer's report of handling.

- Giving regard to the plot ratios and garden ground areas of the extant planning permission, the FPRB noted that the four proposed dwellinghouses would be bungalows - as the appellant sought to provide easily accessible housing (which require greater land take). Based on this, the FPRB considered that the garden areas and overall plot areas for each of the proposed dwellinghouses would be acceptable and would not adversely harm the amenity of future residents. The FPRB therefore overturned the Appointed Officer's (second) reason for refusal.
- With respect to daylight and sunlight considerations, the FPRB did not raise any concerns that the appeal proposal would impact upon existing properties, nor that the proposed dwellinghouses would not receive sufficient daylight and sunlight.
- Considering the distances between the windows serving habitable rooms of the proposed dwellinghouses, the FPRB noted that there would only be 12m between bedroom windows of Plots 1 and 4, and Plots 2 and 3. Whilst the 12m separation would be less than the 18m recommended within the council's Customer Guidelines document, the FPRB determined that in the context of the site, and single-storey nature of the dwellings, the privacy impacts would not be significant to warrant refusing the application on this matter.
- The FPRB therefore concluded that the appeal proposal would result in an acceptable level of residential amenity, complying with relevant NPF4 and FIFEplan policies with respect to this matter.

3.4 Turning to drainage and flooding, the FPRB assessed the proposal against NPF4 Policies 1, 14 and 22, FIFEplan Policies 1, 3 and 12, and Fife Council's Design Criteria Guidance on Flooding (2022).

- The FPRB agreed to accept the additional information submitted by the appellant in response to the (third) reason for refusal relating to flooding and drainage. The FPRB noted that the information had been requested during the Appointed Officer's assessment of the application, however, the appellant felt that the timescale for submission was unreasonable given the work involved in preparing the information.
- The FPRB acknowledged that the additionally submitted information had been reviewed by the Council's Structural Services (Flooding, Shoreline & Harbours) Officers who advised that the information was acceptable.

- Giving regard to the additionally submitted information which directly responded to the reason for refusal relating to flooding and drainage, the FPRB determined that the relevant reason for refusal had been addressed and could therefore be set aside.
- It was therefore concluded by the FPRB that the appeal proposal would be acceptable with regard to flooding and drainage considerations, complying with the relevant policies of the Development Plan.

3.5 The FPRB agreed with the Appointed Officer's position in relation to the other planning considerations not forming part of the original reasons for refusal. They contended that these matters did not have any material impact that would change their position on this application and concluded that they should not be included as additional reasons for refusal in this instance.

3.6 Overall, the FPRB concluded that, despite complying with the majority of planning considerations relevant to the determination of this proposal (and subsequently setting aside two reasons for refusal identified by the Appointed Officer); the design and layout of the appeal proposal was considered to be unacceptable in the sensitive rural location and would fail to comply with NPF4 Policies 14, 17 and 29 and FIFEplan Policies 1, 7, 8, 10 and 13. 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 should be refused, upholding (and varying) the Appointed Officer's decision.

4.0 Decision

4.1 The FPRB upholds, and varies, the determination reviewed by them and refuses Planning Permission for the following reason(s):

1. In the interests of visual amenity; the four very similar house designs proposed, in overdevelopment of their respective plots, would impart an anomalous cramped appearance to the development, reading as incongruous within the rural landscape setting, to the detriment of landscape character and views, failing to safeguard the character and qualities of the landscape, and having a very significant detrimental impact on the visual amenity and quality of the area; all contrary to adopted National Planning Framework 4 (2023) policies 14 Design, Quality and Place, 17 Rural Homes and 29 Rural Development; and Policies 1: Development Principles, 10: Amenity and 13: Natural Environment and Access of the adopted FIFEplan Fife Local Development Plan (2017).

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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.