

FPRB Reference: 22/385

Review Decision Notice

Decision by Fife Planning Review Body (the FPRB)

- Site Address: Goathill Quarry, Easter Bucklyvie, Crossgates, Cowdenbeath
- Application for review by Mr Duncan Collier against the decision by an appointed officer of Fife Council
- Application 22/03593/FULL for Full Planning Permission for Erection of dwellinghouse with associated access and hardstanding
- Application Drawings:
13 - Topographic Site Plan, 14 - Sectional Details, 15 - Sectional Details, 16 - Landscape Layout, 17 - Low Carbon Sustainability Checklist, 01 - Location Plan, 02 - Block Plan, 03 - Proposed Site Plan, 04 - Floor Plan Proposed, 05 - Proposed Elevations, 06 - Planning Statement, 07 - Drainage statement/strategy, 08 - Drainage Details, 09 - Drainage Plan, 10 - SUDs and Flood Risk Assessment Certs, 11 - Drainage Plan, 12 - Flood Calculations,

No Site Inspection took place

Date of Decision Notice: 8th November, 2023.

Decision

The FPRB reverses the determination reviewed by them and approves Planning Permission subject to the conditions and 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 was considered by the FPRB at its meeting on 23rd October 2023. The Review Body was attended by Councillors Robin Lawson (Convener), Alycia Hayes and Jane Ann Liston.

2.0 Proposal

- 2.1. This application relates to a 0.5-hectare site located adjacent to the established Goathill Quarry. The site is situated within the countryside, approximately 3 kilometres south of Cowdenbeath and 3 kilometres east of Crossgates. To the east is Goathill Quarry and in all other directions is agricultural land. The B925 is to the north. The site is within the Cullaloe Hills and Coast Local Landscape Area, as defined in the adopted FIFEplan (2017) Local Development Plan. The site is mostly flat, situated on a gentle incline that slopes from the east to the west where the nearest residential property is located, 480 metres away.

2.2 Full planning permission is being sought for the erection of dwellinghouse with associated access and hardstanding. The dwelling would be 1½ storeys in height with several gable roofs, reaching a maximum height of 9.1 metres and finished in slate. The dwelling is contemporary in design, with a stone basecourse, white roughcast exterior and natural stone detailing on the principal elevation and natural stone lintels. The windows and doors on the principal and rear elevations are a mix of black and white, a white garage door is proposed on the principal elevation.

3.0 **Reasoning**

3.1 Firstly, the FPRB considered whether the proposal was acceptable in principle, assessing the proposal for housing development outwith the settlement boundary to consider whether it was compliant with strategic objectives for rural and countryside land under NPF4 Policy 17(Rural Homes), NPF4 Policy 29 (Rural Development) and FIFEPlan Policies 1 (Development Principles), 7 (Development in the Countryside) and Policy 8 (Houses in the Countryside). The FPRB found that:

- The proposal would comply with NPF4 Policy 17 (Rural homes) meeting criteria 17(a)(v) and LDP Policy 8 (Houses in the Countryside). They deemed it was necessary to support the sustainable management of a viable rural business; and that there would be an essential need for the worker to live permanently at or near their place of work for safety of plant and machinery, operational management of the quarry and health & safety (i.e. avoiding risks associated with the lagoons).
- They also noted that it would provide for retirement succession of a viable rural business (for the 40+ year lifetime of the quarry and its restoration).
- They agreed with the appellant's position that the operation of the land fill and future restoration (including country park use) should be viewed as permanent and therefore supported the proposal. Also, that the existing ongoing management of the quarry was unsustainable given that the manager currently did not live on-site.
- The proposal would comply with Policy 7 (Development in the Countryside) tests as it could result in an appropriately scaled development which would be designed to protect the overall landscape and environmental quality the area.
- As such, the FPRB contended that the proposal would accord with NPF4 Policies 17 and 29 and FIFEPlan Policies 1,7 and 8 in terms of the principle of development.

3.2 The FPRB then assessed the design and visual impact of the proposal on the surrounding character of the area against NPF4 Policies 14 (Design, Quality and Place), NPF 4 Policy 17 (Rural Homes) and NPF4 Policy 29 (Rural Development) and FIFEplan Policies 1 (Development Principles) and 10 (Amenity) and Policy 13 (Natural Environment and Access). They contended that:

- The design, scale, massing and materiality of the proposal would be acceptable and would be designed to be in keeping with the character of the area and the Local Landscape Area.
- The siting of the proposal would be acceptable and would not result in any detrimental visual impacts given that the proposed dwelling would be generally imperceptible from the surrounding area and would be screened by the undulating nature of the land. Also that it would not be sited within an isolated location given the typical pattern of nearby farm dwellings/buildings and the future context of the restored quarry.
- The FPRB ultimately concluded that the proposal would comply with Policies 14, 17 and 29 of NPF4 and Policies 1, 10 and 13 of FIFEplan relating to design and visual impact.

3.3 The FPRB assessed Natural Heritage impacts with respect to NPF4 Policy 3 (Biodiversity) to conserve/enhance biodiversity, NPF4 Policy 4 (Natural Places) and NPF4 Policy 29 (Rural Development) to avoid significant adverse impacts on landscape areas and FIFEPlan Policies 1 (Development Principles) and Policy 13 (Natural Environment) to safeguard the character and quality of the landscape/views and enhance natural heritage objectives. The FPRB found that:

- The proposal would not result in unacceptable impacts to natural heritage objectives nor to any local landscape character requirements. They found that the proposal would accord with the specific objectives in the Cullaloe Hills and Coast Local Landscape Area by maintaining key views of the Firth of Forth and by maintaining the principle of settlement boundaries within the coastal locations.
- The proposal would not be visible from the local areas and would not significantly impact an existing character, which had been subject to significantly level of change and erosion of previous character, including provision of the quarry, wind turbines, agriculture and other farm/operational buildings.
- The proposal would not result in any significant adverse impacts on natural heritage and would comply with NPF4 Policies 3, 4 and 29 and FIFEPlan Policies 1 and 13.

3.4 The FPRB also agreed 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 and concluded that relevant conditions should be included on any issued planning permission, where relevant, in line with the Appointed Officer's recommendation.

3.5 Overall, the FPRB concluded the principle of development would be acceptable as it supported the sustainable management of a viable rural business requiring permanent on-site presence. They resolved that there would be no unreasonable design or visual impacts, given the scale, massing, design and siting of the proposal nor would it be isolated. Moreover, they agreed that the proposal would not result in any natural heritage impacts to the Local Landscape Area given that it would largely be screened from view by existing/restored topography. They also agreed that there would be no significant impact to the surrounding character stemming from the context of the existing level of change and pattern of development within the nearby location. They therefore reversed the Appointed Officer's decision and considered that the proposal complied with the Development Plan. 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 the planning permission should be granted, subject to conditions, overturning the Appointed Officer's decision.

4.0 Decision

4.1 The FPRB reverses the determination reviewed by them and approves Planning Permission subject to the conditions and reasons as follows:

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

1. The development to which this permission relates must be commenced no later than 3 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. BEFORE ANY WORKS START ON SITE, samples of the external construction materials finishes of the dwellings (in particular relating to the roof, windows and walls) and boundary treatments shall be submitted to and agreed in writing with the Council as Planning Authority. Thereafter, the dwellings shall be constructed and finished in full accordance with the agreed samples prior to occupation unless otherwise agreed in writing by the Planning Authority.

Reason: To define the terms of this permission and ensure that the dwellinghouses are in-keeping with the character of the surrounding area.

3. BEFORE ANY WORKS START ON SITE, a scheme of landscaping indicating the siting, numbers, species and heights (at time of planting) of all trees, shrubs and hedges to be planted, and the extent and profile of any areas of earthmounding, shall be submitted for approval in writing by this Planning Authority. The scheme as approved shall be implemented within the first planting season following the completion or occupation of the development, whichever is the sooner.

Reason: In the interests of visual amenity and to ensure a satisfactory standard of local environmental quality.

4. BEFORE ANY WORKS START ON SITE, details of foul and surface water drainage proposals shall be submitted for the written approval of Fife Council as Planning Authority. Thereafter, the development shall be carried out in accordance with the details approved unless otherwise agreed in writing by the Planning Authority.

Reason: To ensure that adequate drainage facilities are provided on site.

5. 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 surrounding the contaminated area (save for site investigation works) shall cease immediately and the planning authority shall be notified in writing within 2 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

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Proper Officer

Advisory notes

1. The length of the permission: This planning permission will lapse on the expiration of a period of three years from the date of this decision notice, unless the development has been started within that period (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
2. 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))

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.