

FPRB Reference: 20/346

## Review Decision Notice

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Decision by Fife Planning Review Body (the FPRB)

- Site Address: Land To North East Of Murrayknowe Farm, Auchterderran, Cardenden, Fife
- Application for review by Mr and Mrs Berry against deemed refusal by an appointed officer of Fife Council
- Application 20/01652/PPP for Planning Permission in Principle for erection of dwellinghouse (Class 9) and workshop (Class 5) with associated access and parking
- Application Drawings: 01 - Location Plan, 02 - Site Plan, 03 - Proposed Site Plan, 04 - Supporting Statement, 05 - Photographs, 06 - Historical Map, 07 - Historical Map, 08 - Photographs, 09 - Photographs, 10 - Photographs, 11 - Low Carbon Sustainability Checklist
- No Site Inspection took place.

Date of Decision Notice: 5th February, 2021.

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### Decision

The FPRB determines to refuse planning permission for the application reviewed for the reason outlined below in section 5.0.

#### 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 18th January, 2021. The Review Body was attended by Councillors David Barratt (Convener), Alice McGarry, Ross Paterson, Bill Porteous and Mino Manekshaw.

#### 2.0 Proposal

- 2.1 The application site is 0.12 hectares in area and is situated on the western edge of Cardenden. The site is outside the settlement boundary as defined by the Adopted FIFEplan (2017) and comprises of agricultural land. There appears to be a temporary structure and a storage container within the site currently. A field access is taken from the southern boundary of the site onto Jamphlars Road. To the east and north of the site is a woodland edge, while to the west is further agricultural land and to the south is Jamphlars Road. Beyond Jamphlars Road is designated employment land with existing recycling facilities further south. The site is enclosed by a fence.

- 2.2 The application is for Planning Permission in Principle for a single dwelling with workshop. Access would be taken from Jamphlars Road. The workshop would be used by the applicant for joinery and would include the display of kitchens. The application includes a statement setting out the need for an agricultural location to allow a house and this joinery workshop to be located together.

### **3.0 Process**

- 3.1 The applicant has requested the Fife Planning Review Board (FPRB) carry out a Review on the planning application as it has not been determined within the statutory timescale and, agreed extension to this, by the Appointed Officer. The determination period for the planning application had been extended twice by the Appointed Officer and had now lapsed and so a Notice of Review can be submitted.
- 3.2 The FPRB has determined that no further information is required to determine this application and has not requested a Report of Handling from the Appointed Officer.

### **4.0 Reasoning**

- 4.1 The determining issue in this review were the principle of development in the countryside and road safety. The FPRB considered the terms of the Development Plan which comprises the Approved SESplan (2013) ("Strategic Development Plan") and the Adopted FIFEplan (Fife Local Development Plan 2017 ("Adopted Local Development Plan"). The FPRB also considered the provisions of Making Fife's Places Supplementary Guidance (SG) (2018) (including Appendices) and SPP (2020).
- 4.2 The FPRB firstly considered whether the proposal was acceptable in principle. They assessed the proposal against FIFEplan Policies 1, 7 and 8 in assessing the workshop and the dwelling's compatibility with the countryside policies. The FPRB assessed the development against the criteria within Policy 7 and concluded that the development would not accord with any of these criteria. The FPRB explored whether the proposal was for an extension to an established business or would diversify an existing land based business. The FPRB noted in the applicant's correspondence that their business was located in the countryside but had no information as to where it was and how relevant it was to this application. The FPRB therefore decided that they had no information to indicate that this proposal would relate to an existing business in this location.
- 4.3 The FPRB noted that this proposal could be considered to be the provision of small scale employment adjacent to the settlement boundary. The FPRB however concluded that they had no information on how many people would be employed at the site and therefore whether this was providing employment land. They also noted that the policy criterion requires there to be no alternative sites available within the settlement boundary and they noted that were other areas allocated for employment land. The FPRB considered whether the development demonstrated a proven need for a countryside location given the need for the workshop adjacent to the dwelling. The FPRB concluded that this could be located within the settlement boundary and therefore did not have a proven need.
- 4.4 The FPRB noted that for the dwellinghouse to comply with the FIFEplan, it needed to accord with the criteria set out within Policy 8. The FPRB assessed the application against these criteria and Policy 8 in the round and concluded that the proposal did not accord with any of these criteria. The FPRB thereby concluded that the proposal was not in compliance with Policies 1, 7 or 8 of the Adopted FIFEplan (2017) and was therefore development in the countryside which was not supported by the Adopted FIFEplan (2017).

- 4.5 The FPRB considered the other matters relevant to the proposal. The FPRB assessed the potential transport impact of the proposal and noted that Transportation Development Management (TDM) had raised concerns with the proposal in relation to access onto a Category B road and the visibility at the junctions of the access. The FPRB noted the comments by the applicant and considered that these matters could potentially be addressed with further information from the applicant. The FPRB noted that there was an existing informal access to the field and the proposal with this issue could potentially be resolved and therefore this was not a determining factor for this application.
- 4.6 In terms of design and visual amenity, the FPRB did not consider there to be any significant impact and this would be assessed further at the detailed application stage. The FPRB noted the consultation response from the Coal Authority and considered that mining legacy could adequately be dealt with by planning condition. On residential amenity, the FPRB did not consider that the development would cause any adverse impact on neighbouring land uses. They considered whether the development might be adversely affected by existing neighbouring uses and noted the proximity of employment land. The FPRB considered this not to be a determining issue for the application as there were existing dwellings also close to the existing industries. The FPRB therefore concluded that the development complied with all other matters within the Adopted FIFEplan. They considered however that this did not outweigh the fact that the application was contrary to the Development Plan in principle land use terms.
- 4.7 The FPRB considered whether there were any other material considerations which would outweigh the Development Plan considerations but concluded that there were not any which would outweigh the Development Plan position on development in the countryside.

## **5.0 Decision**

- 5.1 The FPRB thereby determined to refuse the application reviewed by them for the reason below:
1. In the interest of safeguarding the countryside from unjustified sporadic development; the need for a new dwellinghouse and workshop in this location is not considered to be justified. The application site lies outwith any defined settlement boundary and the proposal does not meet any of the criteria as set out within Policies 7 and 8 of the adopted FIFEplan Local Development Plan (2017). The applicant has not provided sufficient information that a dwelling and workshop is required in this location. The proposal is therefore contrary to Scottish Planning Policy (2020) and Policies 1, 7 and 8 of the Adopted FIFEplan (2017) and there are no material considerations which would outweigh the policy position in this instance.

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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.