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## Review Decision Notice

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Decision by Fife Planning Review Body (the FPRB)

- Site Address: Land South East of Chesters Farmhouse, Dunino, St Andrews, Fife
- Application for review by JOHN RAESIDE AND SON against the decision by an appointed officer of Fife Council
- Application 20/01410/PPP for Planning permission in principle for the erection of detached dwellinghouse
- Application Drawings:  
01 - Location Plan, 02 - Block Plan, 03 - Existing Layout, 04 - Aerial Photos, 05 - Photographs, 06 - Supporting Statement,
- No Site Inspection took place.

Date of Decision Notice: 5th February, 2021.

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### Decision

The FPRB upholds the determination reviewed by them and refuses Planning Permission 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 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 and Mino Manekshaw.

#### 2.0 Proposal

- 2.1 The application site is around 0.36 hectare in area and is situated to the east of an existing group of farm buildings near Dunino. The site is outside the settlement boundary as defined by the Adopted FIFEplan (2017) and comprises of part of an agricultural field. The site is located in a much larger farm holding which also includes the farm buildings to the west. There is an existing residential property to the north of the site which does not form part of the same farm holdings. Access is taken to the site via a farm track to the north and west of the site.
- 2.2 The application is for Planning Permission in Principle for a single dwelling to be associated with the existing farm. Indicative drawings have been included showing the rough position of a dwelling within the site and the potential access into the site from the track to the west. The applicant has outlined that the dwelling is required to provide accommodation for a farm worker and to provide on site security for the farm holdings.

2.3 The site previously had planning permission (15/03290/PPP) for a single dwelling on this site. This was approved by the Fife Planning Review Body. This planning permission has now lapsed. There has also been planning permission (07/00218/EFULL and renewed by 12/02609/FULL) granted for converting an outbuilding within the farm holdings to a dwelling. Again, this consent has lapsed.

### **3.0 Reasoning**

3.1 The determining issue in this review was the principle of development in the countryside. The FPRB considered the terms of the Development Plan which comprises the Approved TAYplan (2017) (“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)

3.2 The FPRB firstly considered whether the proposal was acceptable in principle. They assessed the proposal against FIFEplan Policies 1, 7 and 8. The FPRB assessed the development against the criteria within Policy 8 and considered that the development would accord with criterion 1 of this policy which supports houses in the countryside which support an existing rural business. The applicant has submitted a report from the Scottish Agricultural College indicating that additional labour is needed for this farm and this would support the need for a dwelling. The FPRB accepted the conclusions of this report. The FPRB noted however that the policy context outlines that it must be demonstrated that there is no potential for using existing accommodation in the area or the renovation of an existing property. The FPRB noted that there was historic planning permission for the conversion of an outbuilding to a dwelling and thereby there is evidence of a building which could be renovated within the farm holding. The FPRB noted the applicant’s comments that they required a dwelling in this location for security at the access which the outbuilding could not provide.

3.3 The FPRB considered further whether the security benefits would outweigh the policy requirements with regards to the renovation of existing buildings first. In their assessment, the FPRB also noted the previous planning permission on this site which was approved on the basis that this site would provide greater security for the farm holdings. The FPRB also noted a recent planning application (18/01755/FULL) for a dwelling further to the west of the application site, which was also for a farm worker’s dwelling. In this application, justification was provided that security could be provided for the farm through CCTV. The FPRB noted that in the current application for Review, the applicant has argued that CCTV is more of a reactionary system rather than on site active security and is less suitable.

3.4 The FPRB concluded that while the previous planning permission on the site for a dwelling and its reasoning for approval held some material weight, the circumstances on the site and in the area had moved on. The FPRB noted that the previous planning permission could not be built as it was time expired and also noted that a considerable time had passed since that application was made. In the meantime, the site surveillance had been by way of CCTV and it was indicated in another planning application for a farm dwelling that CCTV was sufficient for security. The FPRB thereby concluded that the need for surveillance was not an overriding and imminent issue for this farm and this would not outweigh the policy requirements in terms of reusing existing buildings before new build. The FPRB concluded that they did not have any information to indicate that the CCTV was not sufficient for security purposes nor that the outbuilding could not be converted to a dwelling. On this basis, the FPRB concluded that the proposal did not meet the terms of Policy 8 as there were other buildings available for conversion and thereby a new build dwelling was not justified.

- 3.5 The FPRB concluded that while it was accepted that additional farm labour was justified and that a dwelling may be needed to accommodate this, that a new build dwelling was not justified through the policy given that existing buildings within the farm have been suitable for conversion. The FPRB determined that the proposal was contrary to policies 1, 7 and 8 of the Adopted FIFEplan (2017) in this regard.
- 3.6 The FPRB considered the access and road safety issues of the proposal. They noted that Transportation Development Management raised some concerns but did not object to the proposal. The FPRB concluded that as transportation matters had been deemed acceptable in the previous planning permission for the site and there was no significant change in circumstance in this regard, that this matter could be dealt with by way of the same planning conditions as that previous consent. The FPRB considered the visual impact on the countryside, potential residential amenity issues, sustainability matters and flooding and drainage and concluded that there were no significant impacts in terms of those matters. They concluded that the development would comply with the relevant policies in relation to those matters. While the FPRB considered that the development would have no impact on these matters, they did not consider that this raised sufficient material weight to outweigh the Development Plan position. The FPRB also did not consider that there were any other material considerations which would outweigh the Development Plan position on development in the countryside.

#### **4.0 Decision**

- 4.1 The FPRB thereby uphold the decision reviewed by them but vary the reasons for refusal to refer to the updated SPP 2020 and instead refuse Planning Permission for the reasons below:
1. In the interest of safeguarding the countryside from unjustified sporadic residential development; the need for a new dwellinghouse at 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 criterion as set out in Policy 8 of the adopted FIFEplan Local Development Plan (2017). The applicant has failed to demonstrate the need to have further residential accommodation and a continuous presence at the site in the interests of farm security, nor have they established that there is no potential to renovate an existing property to provide additional accommodation. The proposal is therefore contrary to Scottish Planning Policy (2020) and Policies 1, 7 and 8 of the Adopted FIFEplan (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.