

FPRB Reference: 20/348

Review Decision Notice

Decision by Fife Planning Review Body (the FPRB)

- Site Address: Land To East Of Braehead Cottage Peat Inn Fife
- Application for review by Mr Tim Esparon against the decision by an appointed officer of Fife Council
- Application 20/00952/PPP for Planning Permission in Principle for Planning permission in principle for erection of five dwellinghouses with associated access and parking
- Application Drawings:
01 - Location Plan, 02 - Supporting Statement, 03 - Mine Risk Assessment, 04 - Low Carbon Sustainability Checklist, 05 - Supporting Statement,
- No Site Inspection took place.

Date of Decision Notice: 26th May, 2021

Decision

The FPRB varies 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 10 May 2021. The Review Body was attended by Councillors David Barratt (Convener), Ross Paterson, Mino Manekshaw, Ian Ferguson and Graham Ritchie.

2.0 Proposal

- 2.1 The application site is an area of countryside located to the south east of Peat Inn. The site is outside the settlement boundary as defined by the Adopted FIFEplan (2017) and largely comprises of an agricultural field and access track, although there is also an area of overgrown vegetation and remains of a former dwelling also within the field. To the north and east of the site is further agricultural land, while to the west is a landscaped edge with the B941 (main street through Peat Inn) beyond. To the south west is an individual dwelling and to the south is an access track which would be upgraded as part of this application and form the access for the site onto the B941.

2.2 The application is for Planning Permission in Principle for the erection of five dwellinghouses with associated access and parking. The indicative drawings submitted with the application shows five detached properties set around a SUDS basin feature with the properties on the east side of the site and the SUDS on the west. Access would be taken via upgrading the existing track along the south of the site with a shared driveway taken from this to serve the five properties. A landscape edge is proposed along the northern boundary of the site.

3.0 Reasoning

3.1 The determining issue in this review were the principle of development in the countryside, landscape impact and transportation matters. 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 noted that the development was for housing in the countryside and therefore the proposal would comply with FIFEplan policies 1 and 7 if the criteria within Policy 8 were met. In terms of the criteria within policy 8, the FPRB considered criteria 3 and 7 to be most applicable.

3.3 In terms of criterion 3, the FPRB noted that there was evidence of previous development on part of the site but considered that the majority of this had now regenerated to greenfield land. The FPRB also noted that the development was proposed on more land than that which was previously developed and therefore the majority of the site would be on greenfield land. The FPRB therefore concluded that the proposal would not meet the terms of criterion 3. In terms of criterion 7, the FPRB agreed that there was a small shortfall in the effective 5-year housing land supply for this Housing Market Area. They therefore considered that criterion 7 was applicable and assessed the application relative to policy 2 of the Adopted FIFEplan.

3.4 In terms of policy 2 of the Adopted FIFEplan (2017), the FPRB considered the development against each of the criteria and considered that the development would not comply with criterion 2 and 4 of this policy. The FPRB considered that the development would have an adverse impact which could not be mitigated in terms of visual impact and adequate infrastructure could not be provided for the site in terms of adequate access. The FPRB therefore concluded that the application did not meet the terms of policy 2 and as a result would not meet the terms of policies 1, 7 or 8 of the Adopted FIFEplan (2017).

3.5 The FPRB noted that the proposal was previously assessed against the sustainability principles within SPP (2014). The FPRB assessed this proposal against the updated SPP (2020) which has removed the tilted balance in favour of sustainable development where there is a shortfall in the 5-year effective housing land supply. The FPRB assessed the proposal against the sustainability principles which are a material consideration. The FPRB concluded that as proposal would have a significant adverse impact on the landscape and could not achieve the required infrastructure needs for the site. The FPRB concluded that the development would not be supported by SPP (2020) in this regard.

- 3.6 Overall, the FPRB concluded that the development was not acceptable in principle and was not supported by the Adopted FIFEplan (2017) or SPP (2020) in this regard.
- 3.7 The FPRB assessed the development in terms of transport impacts. The FPRB noted that Transportation Development Management objected to the proposal on the basis that the required visibility splay for the junction of the new access with the B941 could not be achieved. The FPRB assessed this and had a concern that this visibility could not be achieved and that the junction would be intensified and would be across from another access onto the B941. The FPRB noted that the applicant considered that this issue could be resolved by way of legal agreement however the FPRB noted that the owner of the property which is obstructing the visibility splay has also objected to the application. The FPRB concluded that this would not give them sufficient comfort that an agreement could be reached. On this basis, the FPRB concluded that sufficient access could not be provided for the site and the proposal would be contrary to policies 1, 3 and 10 of the Adopted FIFEPlan (2017).
- 3.8 The FPRB considered the other impacts of the proposal including residential amenity, drainage/ flood risk, contamination/ land stability, sustainability and natural heritage and concluded that there were no significant issues raised on these points. The FPRB also did not consider that any of these matters provide positive material considerations which would outweigh the Development Plan position.

4.0 Decision

- 4.1 The FPRB thereby uphold the decision reviewed by them but vary the reasons for refusal based on the updated SPP 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 5 new dwelling houses at this rural location is not considered to be justified in principle because the application site is a re-naturalised (greenfield) site, not brownfield, lies out with any defined settlement boundary, and does not meet any of the criterion as set out in Policy 8 of the Adopted FIFEplan (2017). Furthermore, it is considered that the benefit of supplying 5 homes in this isolated rural location to meet the very small shortfall in the Cupar HMA does not outweigh the adverse visual or road safety impacts that this development would represent, contrary to Scottish Planning Policy (2020), Approved TAYpian (2017), and Policies 1,2,3,7,8,10,13 and 14 of the Adopted FIFEplan - Fife Local Development Plan (2017).
 2. In the interests of securing adequate road safety levels, because the existing access does not provide the required visibility splays to the north, due to features located on land out with the applicant's control, it is considered that the proposal would have a significant detrimental impact on road safety and would therefore be contrary to Policies 1, 3 and 10 of the Adopted FIFEplan - Fife Local Development Plan (2017) and Appendix G (Transportation Development Guidelines of Making Fife's Places Supplementary Guidance (2018).

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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.