Fife Planning Review Body

FPRB Reference: 24/409

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| **Review Decision Notice** |

Decision by Fife Planning Review Body (the FPRB)

* Site Address: Elderburn Farm, Denhead, St Andrews, Fife
* Application for review by Mrs Rosaleen Rentoul against the decision by an appointed officer of Fife Council
* Application 24/01845/PPP for Planning permission in principle for the erection of dwellinghouse and garage and formation of access
* Application Drawings:

 01 - Location Plan, 02 - Site Plan, 03 - Statement, 04 – Statement,05 - Statement,
06 - Low Carbon Sustainability Statement, 07 - Mine Risk Assessment,
08 – Photographs

Date of Decision Notice: 13th May, 2025.

**Decision**

The FPRB upholds the determination reviewed by them and refuses Planning Permission in Principle 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 in Principle was considered by the Fife Planning Review Body (FPRB) at its meeting on 28 April 2025. The Review Body was attended by Councillors David Barratt (Convener), Jane Ann Liston, Altany Craik, Ken Caldwell and Lynn Mowatt.

**2.0** **Proposal**

2.1 The appeal site relates 0.5ha fenced off paddock located 3km to the south west of the built up limits of St Andrews and 0.6km to the north of the hamlet of Denhead. To the south of the application site, on the opposite side of the C4 road, is a row of houses and agricultural buildings. There are no buildings on the same side of the road as the application site for approximately 400m (south). According to the James Hutton Institute Land Capability for Agriculture in Scotland survey, the site is classed as 3.1 and is therefore prime agricultural land. The application site lies within the St Andrews green belt, as defined in the Adopted FIFEplan (2017). The site would be accessed directly from the C4 public road; a 60mph road which does not feature any footways or street lighting. The nearest bus stop to the site is on the C65 public road which is an approximately 1.5km walk from the site – the bus stop is for the hourly 64 Service (Glenrothes – St Andrews).

2.2 There is no recorded planning history for the site.

2.3 The appeal proposal seeks planning permission in principle for the erection of dwellinghouse and garage and formation of access. The appeal proposal would also include the creation of a smallholding associated with the dwellinghouse and include woodland planting. It is advised that the dwellinghouse and smallholding would be occupied by the appellant’s daughter. The dwellinghouse and smallholding would be independent of the existing farmhouse and land owned by the appellant.

2.4 The application was submitted by an indicative site layout plan and supporting statement. As part of the appeal submission, the Appellant has submitted an indicative smallholding plan.

**3.0** **Reasoning**

3.1 As the appeal site was assessed as being located within the countryside and St Andrews greenbelt (per FIFEplan), the FPRB firstly assessed the principle of the development against Policies 8, 17 and 29 of NPF4 (2023) and Policies 1, 8 and 9 of FIFEplan (2017).

* The FPRB determined that there was not an incompatibility between the relevant policies of NPF4 and FIFEplan as had been intimated by the Appellant.
* As the appeal proposal did not involve the re-use or conversion of an existing building, nor propose the demolition and subsequent replacement of an existing dwellinghouse, the FPRB did not consider that the appeal proposal had demonstrated compliance with any of the specific criteria relating to the development of dwellinghouses in defined greenbelts set out Policies 8 and 17 of NPF4 and Policy 9 of FIFEplan, concurring with the Appointed Officer on this matter.
* Also, as the proposed smallholding was not an established business within the greenbelt, the FPRB considered that it had not been demonstrated that a dwellinghouse was required to support an existing rural business/primary industry, with the appeal proposal therefore contrary to Policies 8 and 17 of NPF4 and Policy 8 of FIFEplan.
* Additionally, giving regard to Policy 8 of FIFEplan, the FPRB considered that due to the relationship between the site and neighbouring properties, the appeal site would not form a clearly defined gap within an existing housing cluster, with no other criteria listed within this Policy considered to apply.
* The FPRB concluded that the appeal proposal in the greenbelt location was not justified and did not comply in principle with the Development Plan, therefore upholding the Appointed Officer’s first reason for refusal.

3.2 The FPRB moved on to the assess the transportation and road safety considerations of the appeal proposal, giving regard to NPF4 (2023) Policies 13 and 29 and FIFEplan (2017) Policies 1, 3 and 10, as well as Making Fife's Places Supplementary Guidance (2018).

* The FPRB considered the visibility splay and forward visibility recommendations for a 60mph road contained within the Council’s Making Fife's Places Supplementary Guidance against the visibility splays which could be formed at the proposed site access (with and without the existing trees and vegetation within the road verge). As the achievable visibility splays and forward visibility would be significantly below the recommendations set out within Supplementary Guidance, the FPRB concluded that the appeal proposal would be detrimental to road safety and contrary to Policy 13 of NPF4 and Policies 1, 3 and 10 of FIFEplan. The FPRB therefore concurred with the Appointed Officer’s assessment on this matter and upheld the reason for refusal relating to transportation and road safety.
* Giving regard to the location of the site, its accessibility (including proximity to bus stops) and characteristics of the surrounding road network, the FPRB determined that the appeal site was not within a generally sustainable location which would be accessible by non-car modes of transport, contrary to Policy 13 of NPF4 and Policy 3 of FIFEplan, concurring with the position of the Appointed Officer. The FPRB did not however feel it necessary to include their concerns regarding sustainable transport within the reasons for refusal for the application.

3.3 The FPRB noted that the appeal site was classified as grade 3.1 prime agricultural land. The impacts of the loss of prime agricultural land were not fully considered by the Appointed Officer. The FPRB therefore assessed the impacts of the loss of prime agricultural land against Policy 5 of NPF4 (2023) and Policy 7 of FIFEplan (2017).

* Notwithstanding that the appeal site and wider field surroundings are graded as prime agricultural land, the FPRB gave regard to claims presented by the Appellant that the specific soil conditions of the site do not support agricultural scale cropping; with tests carried out circa 1990. The Appellant advised that the site had been used for grazing ever since. The Appellant also argued that the proposed smallholding would make greater use of land.
* The FPRB also considered the size of the appeal site within its wider agricultural setting. It was considered by the FPRB that the loss of the appeal site from its use as grazing land would not have a significant impact on the prime agricultural land bank which covers much of the surrounding area.
* It was therefore concluded by the FPRB that the appeal proposal would not result in an unacceptable loss of prime agricultural land and did not include this a further reason for refusal.

3.4 The FPRB concurred with the Appointed Officer’s position in relation to the other planning considerations, including, design and visual impact; residential amenity; water/drainage; land stability/contamination; and low carbon/sustainability.  They contended that these matters did not have any material impact in changing their position on this appeal proposal.

3.5 Overall, the FPRB assessed that the appeal proposal could not be supported in general land use terms in its countryside and greenbelt location, with the appeal proposal also considered to give rise to significantly adverse road safety impacts. It was therefore determined that the appeal proposal would not be acceptable when assessed against the Development Plan as a whole.  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 in principle should be refused, upholding the Appointed Officer’s decision.

**4.0 Decision**

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

**REFUSE FOR THE FOLLOWING REASON(S):**

1. In the interests of safeguarding the countryside and greenbelt from unplanned, sporadic and unjustified residential development; the need for a residential development in this location is not considered justified as the application site lies outwith any defined settlement boundary in terms of the Adopted FIFEplan - Fife Local Development Plan (2017) and therefore the proposal does not meet any of the criteria set out in Policies 1 (Development Principles), 8 (Houses in the Countryside), and 9 (Greenbelt); and does not comply with National Planning Framework 4 (2023) Policies 8 (Greenbelts) and 17 (Rural Homes).

2. In the interests of securing adequate road safety levels, the proposed private unadopted access is unsuitable for serving this development as the visibility splays required to provide adequate sightlines required for this proposed access cannot be provided in this location. This would be detrimental to the safety and convenience of pedestrians and road users. It is therefore considered that the proposal would have a significant detrimental impact on road safety and would therefore be contrary to Policy 13 of National Planning Framework 4; 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.