Fife Planning Review Body

FPRB Reference: 24/408

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| **Review Decision Notice** |

Decision by Fife Planning Review Body (the FPRB)

* Site Address: 15A Allan Street, Leslie, Glenrothes, Fife
* Application for review by Mr Mrs Bryson against the decision by an appointed officer of Fife Council
* Application 24/01762/FULL for Full Planning Permission for Extensions to and change of use from former domestic building (nil use) to form holiday accommodation (sui generis) and associated development (part-retrospective) (revised scheme to that with planning permission 23/02341/FULL)
* Application Drawings:

 01 - Various existing and proposed,

* No Site Inspection took place.

**Date of Decision Notice**: 13th May, 2025

**Decision**

The Fife Planning Review Body (FPRB) upholds the determination reviewed by them and refuses Planning Permission 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 was considered by the FPRB at its meeting on 28th April 2025.   The Review Body was attended by Councillors David Barratt (Convener), Jane Ann Liston, Altany Craik, Lynn Mowatt and Ken Caldwell.   Councillor Lynn Mowatt declared an interest as the ward member and therefore did not take part in the determination of this local review.

**2.0** **Proposal**

2.1 This application relates to a detached, one-and-a-half storey, one-bedroom building and associated grounds at 15a Allan Street, Leslie. The building benefits from consent for use as holiday accommodation. The site is situated at the end of a cul-de-sac within a residential area. The site is bound to the west and south by the hammerhead end of Allan Street; 15 Allan Street to the west; and rear gardens of residential properties to the north and east.

2.2 The application seeks full planning permission for a revised scheme to that approved under application 23/02341/FULL. The revisions comprise an outbuilding within the rear garden; a 1800mm high composite brick wall and fence; a 1800mm high slatted timber fence; and a reconfigured monoblocked parking area to the front of the property. The majority of these elements have already been constructed without planning permission and therefore, the proposed development is partly retrospective.

**3.0** **Reasoning**

3.1 The FPRB assessed the potential impact of the proposal on visual amenity against NPF4 Policy 14 (Design, Quality and Place); Policies 1 (Development Principles) and 10 (Amenity) of the Adopted FIFEplan; and Making Fife's Places Supplementary Guidance (2018).  The FPRB examined the design and visual impact of the proposed development within the surrounding context. They considered whether there were any similar developments in the street and examined the streetscape on Allan Street. They considered that the fencing and wall which have already been erected would appear incongruous and create a cramped appearance whereas the rest of the street have open gardens and outlook to the front of the properties. The FPRB concluded that the fencing and wall are not in-keeping with the rest of the street. They agreed with the Case Officer that the development was to the detriment of the character and appearance of the streetscene and therefore failed to comply with NPF4 Policy 14; FIFEplan Policies 1 and 10; and Making Fife's Places Supplementary Guidance in terms of the impact on residential amenity.

3.2 The FPRB considered the pedestrian and road safety impacts of the proposal against NPF4 Policy 13 (Sustainable Transport); Policies 1 (Development Principles) and 3 (Infrastructure Services) of the Adopted FIFEplan; and Making Fife's Places Supplementary Guidance (2018). They debated the extent of the service strip, its function and the impact of the development on this. The FPRB considered that removal of the service strip due to the development being built out to the road edge would create safety issues for pedestrians and children playing in the cul-de-sac, with no safe refuge for pedestrians to safely stand clear of the carriageway when faced with approaching vehicles. They agreed with the Case Officer and Fife Council Transportation Development Management Officer’s concerns in this regard. The FPRB concluded that the proposed development would be to the detriment of pedestrian and road safety and therefore contrary to the noted Development Plan polices.

3.3 The FPRB also agreed with the Case 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 they should not be included as additional reasons for refusal in this instance.

3.4 Overall, the FPRB concluded that the proposal would result in unacceptable visual impacts therefore failing to comply with NPF4 Policy 14; FIFEplan Policies 1 and 10; and the Making Fife's Places Supplementary Guidance. The FPRB concluded that the development would be to the detriment of pedestrian and road safety contrary to NPF4 Policy 13 (Sustainable Transport); Policies 1 (Development Principles) and 3 (Infrastructure Services) of the Adopted FIFEplan; and Making Fife's Places Supplementary Guidance. 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 should be refused, upholding the Case Officer’s decision and that the case should be referred to the Fife Council Enforcement Team.

**4.0** **Decision**

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

1. In the interests of visual amenity; the addition of the screen wall, fence and shed to the previously approved scheme (our ref. 23/02341/FULL) such that the resulting development would read as a small house rather than an as a converted outbuilding, imparting an underscaled, cramped and cluttered appearance read in the context of the surrounding houses, to the detriment of the character and appearance of the streetscene; contrary to adopted FIFEplan Fife Local Development Plan (2017) Policies 1: Development Principles and 10: Amenity, adopted National Planning Framework 4 (2023) policy 14 Design, Quality and Place, and the adopted Making Fife's Places Supplementary Guidance (2018).

2. In the interests of road safety; the addition of the screen wall, fence and shed to the previously approved scheme (our ref. 23/02341/FULL) such that the resulting development would not allow for pedestrians to quickly stand clear of the carriageway if a vehicle were approaching/manoeuvring, etc.; contrary to adopted FIFEplan Fife Local Development Plan (2017) Policies 1: Development Principles and 10: Amenity and the adopted Making Fife's Place's 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.