Fife Planning Review Body

FPRB Reference: 23/391

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| **Review Decision Notice** |

Decision by Fife Planning Review Body (the FPRB)

* Site Address: Former Reservoir North of Culross, Fife
* Application for review by Mr Steven Ferguson against the decision by an appointed officer of Fife Council
* Application 23/01660/FULL for Full Planning Permission for Change of use from former reservoir tank (Sui Generis) to dwellinghouse (Class 9) including alterations, extension and associated vehicular access and parking
* Application Drawings:

01 - Location Plan/Block Plan, 02 - Proposed Block Plan, 03 - Proposed various - elevation, floor etc, 04 - Existing various eg elevation, floor etc, 05 - Floor Plan Proposed, 06 - Floor Plan Proposed, 07 - Proposed Elevations, 09 - Supporting Statement, 10 - Statement,
11 - Mine Risk Assessment,

* No Site Inspection took place.

Date of Decision Notice: 6 March 2024

**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 26 February 2024.  The Review Body was attended by Councillors David Barratt (Convener), Jane Ann Liston, Altany Craik and Alycia Hayes.

**2.0** **Proposal**

2.1. This application relates to the site of a former reservoir tank. The existing low-lying reservoir structure on the site is minimally visually invasive, bounded by green deer fencing. The site is approximately 415m2, located roughly 0.5 km north of the Culross settlement boundary of Culross and within the countryside as defined by the adopted FIFEplan. The site is situated within Culross Abbey House Garden and Designed Landscape. The Category A listed Culross Abbey House sits approximately 260 meters south of the site. The site is surrounded by open space / agricultural land.

2.2 The application seeks planning permission for the change of use of an existing redundant reservoir tank to a dwellinghouse, including alterations, extension and associated works. The proposed dwelling would have a footprint of approximately 70m2, finished in a pallet of traditional materials including slate roof, natural stone, timber windows and cast-iron rainwater goods. Given the topography of the site, the dwelling would present as one and a half storey to the north, extending to two and a half storey to the south towards the Abbey House.

**3.0** **Reasoning**

3.1 Firstly, the FPRB considered whether the proposal was acceptable in principle, assessing the proposal for housing development outwith the settlement boundary to consider whether it was compliant with strategic objectives for rural and countryside land under NPF4 Policy NPF4 Policies 9 (Brownfield, vacant and derelict land and empty buildings), 16 (Quality Homes), 17 (Rural Homes) and FIFEplan Policies 1 (Development Principles), 7 (Development in the Countryside) and Policy 8 (Houses in the Countryside). The FPRB found that:

* The proposal would comply with part of NPF4 Policy 17 (Rural homes) to the extent that it could comply with the prescriptive criteria within Policy 17(a)(ii) – allowing for the reuse of brownfield land in rural areas where a return to a natural state has not or will not happen without intervention. This was also agreed for NPF4 Policy 9. They agreed with the appellant’s position that the presence of former reservoir infrastructure within the site, including the concrete structure, vents and fencing, combined with the fact that the site had not been returned to, or would not return to its natural state, allowed for support under this part of NPF4 Policy 17.
* However, the FPRB contended that the proposed development would not meet the visual amenity requirements under NPF4 Policy 17 (Rural Homes) - which requires development to be suitably scaled, sited and designed to be in keeping with the area. As such, they contended that the proposal would not result in acceptable design and built form outcome within the rural/countryside area and that the principle of development therefore could not be supported by this policy, in this instance.
* The FPRB agreed with the Appointed Officer that the proposal would not comply with any of the policy criteria within FIFEplan Policy 8 (Houses in the Countryside) to support housing development within the site, including examples where brownfield redevelopment was applicable.
* They agreed that NPF4 Policy 17 (Rural Homes) should prevail over FIFEplan Policy 8 (Houses in the Countryside) in assessing the principle of development within the rural area given that NPF4 was prepared most recently – to reflect the Chief Planner’s letter (Feb 2023) which outlined that where there is incompatibility between a provision of NPF4 and a Local Development Plan, whichever of them is the later in date is to prevail.
* As such, the FPRB contended that the proposal failed to comply with NPF4 Policies 9, 16 and 17 and FIFEplan Policies 1,7 and 8 in terms of the principle of development.

3.2 The FPRB then assessed the design and visual impact of the proposal on the surrounding character of the area against NPF4 Policies 7 (Historic assets & place) Policy 14 (Design, Quality and Place), 17 (Rural Homes) and FIFEplan Policies 1 (Development Principles), 8 (Houses in the Countryside), 10 (Amenity) and Policy 14 Bult & Historic Environment). They found that:

* They agreed with the Appointed Officer on this matter and considered that the design, siting and massing of the proposed development would not be acceptable given that the proposal would result in significant detrimental visual impacts to the setting of the Category A listed Culross Abbey House and the designated garden and landscape.
* They acknowledged the traditional-style design and the use of high-quality external material and finishes alongside cutting of the land to accommodate the lower floor of the proposed dwelling. However, they agreed that the visual impacts from any new dwelling would be greater than the existing reservoir infrastructure and that the proposal would not be congruent with the surrounding character in this instance resulting in detrimental visual impacts to the countryside setting and the setting of both the listed building and designated garden landscape.
* The FPRB noted the objection from Historic Environment Scotland and their concerns regarding the potential impact on the historic and designated landscape and afforded this due weight in their decision making.
* The FPRB ultimately concluded that the proposal would not comply with NPF4 Policies 7, 14 and 17 and Policies 1, 8, 10 and 14 of FIFEplan relating to design and visual impact on the countryside/rural land and significant detrimental visual impacts to the setting of the Category A listed building and the designated garden and landscape.

3.3 The FPRB assessed the road safety impacts of the proposal considering the proposal against NPF4 Policy 13 (Sustainable Transport) and Policies 1 (Development Principles), 3 (Infrastructure Services) and 11 (Low Carbon) of the Adopted FIFEplan and Making Fife's Places Supplementary Guidance (2018) Appendix G Transportation Development Guidelines. They found that:

* They agreed with concerns from the Appointed Officer and Transportation Development Management on the transportation requirements, in particular, non-compliance with the minimum visibility splay requirements.
* The FPRB therefore considered a new access would not be acceptable without potential delivery of these splays. They also contended that there could be road safety impacts relating to inadequate on-site manoeuvrability for vehicles and insufficient opportunity to provide sufficient parking within the site.
* Accordingly, the FPRB concluded that the proposed development would be acceptable with respect to road safety and would not accord with Policy 13 of NPF4 and Policies 1, 3 and 11 of FIFEplan and that it would not comply with the requirements within Making Fife’s Places Supplementary Guidance resulting unreasonable road safety impacts without any material considerations to outweigh a decision in accordance with the Development Plan policies.

3.4 The FPRB also agreed with the Appointed Officer’s position in relation to the other planning considerations not forming part of the original reasons for refusal. They contended that these matters did not have any material impact that would change their position on this application and concluded that they should not be included as additional reasons for refusal in this instance.

3.5 The FPRB considered the applicant’s submission that material considerations should be afforded significant weight in decision making. Specifically, benefits associated with brownfield land redevelopment which subsequently avoids development pressure on rural/countryside areas. The FPRB disagreed with the appellant’s position and contended that there were no material considerations that should be afforded significant weight to set aside a decision in accordance with the Development Plan.

3.6 Overall, the FPRB concluded the principle of development would not be acceptable as the proposed development would not comply with the policy tests within NPF4 Policy 17 and FIFEplan Policy 8. They agreed that the proposed development could meet part of the brownfield land requirements within NPF4 Policy 9 and Policy 17 as the site had not, or could not, return to its natural state without intervention. However, they resolved that there would be unreasonable visual impacts to the countryside character and its setting given the scale, massing, design and siting of the proposed development. The FPRB also concluded that the proposal would also result in significant detrimental visual impacts to the setting of the
A-listed Culross Abbey House and the designated garden and landscape. The FPRB considered that suitable visibility splays could not be provided and outlined concerns with onsite manoeuvrability and parking that, combined, would result in unacceptable road safety issues. They agreed that the other planning considerations not forming part of the refusal were acceptable and complied with the corresponding Development Plan policies. 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 Appointed Officer’s decision.

**4.0 Decision**

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

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

1. In the interest of safeguarding the countryside from unplanned, sporadic and unjustified residential development; the need in principle for a residential development in this location is not considered fully justified and would therefore be contrary to Policy 16: Quality Homes and 17: Rural Homes of NPF4 and Policy 1: Development Principles, Policy 7 Development in the Countryside, Policy 8: Houses in the Countryside of the Adopted FIFEplan (2017).
2. In the interest of safeguarding the visual amenity of the countryside, setting of the
A-listed building and a garden and designed landscape. The proposal would result in an incongruous development that would not respect the existing character of the site and surrounding countryside, as well as detract from the Abbey House as the focal point of the inventory garden, thereby resulting in a significant detrimental impact on the visual amenity of the surrounding countryside area as well the setting of the A-listed Culross Abbey House and its Garden. The proposal is therefore considered to be contrary to Policy 7: Historic Assets and Places, Policy 17: Rural Homes and Policy 14: Design, Quality and Places of National Planning Framework 4 (2023) and Policy 1: Development Principles, Policy 7 Development in the Countryside, Policy 8: Houses in the Countryside, Policy 10: Amenity and Policy 14: Built and Historic Environment of the adopted FIFEplan Fife Local Development Plan (2017) and Making Fife's Places Supplementary Guidance (2018).
3. In the interests of road safety; the proposed development would be unable to provide adequate manoeuvring/turn space for vehicles within the site, nor would it be able to provide the necessary visibility splays or off-street parking. As such, the development is contrary to Policy 13: Sustainable Transport of NPF4 and Policy 1: Development Principles, Policy 3: Infrastructure and Services and Policy 11: Low Carbon of the adopted FIFEplan Fife Local Development Plan (2017) and there are no relevant material considerations of such weight as to justify allowing a relaxation of Fife Council's standards with regard to sustainable transport.

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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.