FPRB Reference: 21/360

Review Decision Notice

Decision by Fife Planning Review Body (the FPRB)

- Site Address: Cuffabout House, Cupar Road, Leven, Fife
- Application for review by Glenview Caravan Park Limited against the decision by an appointed officer of Fife Council
- Application 21/02350/FULL for Full Planning Permission for Siting of 6 holiday pods with associated infrastructure and parking
- Application Drawings:
  01 - Location Plan, 02 - Location Plan, 03 - Location Plan, 04A - Various existing and proposed, 05 - Topographic Site Plan, 06 - Proposed various - elevation, floor etc, 07 - Design and/or Access Statement, 08 - Low Carbon Sustainability Checklist

Date of Decision Notice: 7th September, 2022.

Decision

The Fife Planning Review Body (FPRB) reverses the determination reviewed by them and approves Planning Permission subject to the conditions 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 22nd August 2022. The Review Body was attended by Councillors David Barratt (Convener), Jane Ann Liston, Fiona Corps and Lynn Mowatt.

2.0 Proposal

2.1 The development relates to an area of land measuring approximately 0.2Ha and is associated with the existing dwellinghouse, Cuffabout House, to the south. The application site is located within the countryside as defined by FIFEplan (2017) and is approximately 0.5km to the north east of Leven. The area of ground is currently a maintained area of grassland which is used as private garden ground associated with the dwellinghouse. The land slopes gently from north east towards the narrow stream which runs along the western site boundary. The proposed pods would be located outwith the identified SEPA flood risk area for the stream/burn. The site is bound mature planting to the east and west. To the west of the site are the agricultural

buildings and residential dwellings of Coldstream Farm, and further north are more residential dwellings. The site would be accessed via the Cupar Road (B927) onto an unadopted private track which leads on to the site.

2.2 The single width private track is lined with a hedge on one side, with a timber fence and trees on the other. There is no footpath, or formal passing places along the track (including beyond the site). The visibility splays at the junction with the B927 are approximately 3m x 15m to the North and 3m x 15m to the South. The existing rise in the road level and ownership of fields either side of access junction prevent the applicant from creating and maintaining adequate visibility splays. The unadopted private track is not within the ownership of the applicant – as indicated on the location plan. The private track also provides access to the properties north and west of the site (including the farm buildings).

2.3 The proposal is for the siting of 6 holiday pods with associated infrastructure and parking. The proposed holiday pods would have a footprint of approximately 20sqm, with a height of 2.6m and finished with timber clad walls, grey aluminium windows and charcoal grey roof tiles. Internally, the pods would be on an open plan design, featuring a single bed space. Each pod would feature a decked area and small private gravel area, screened by hedges. The proposed pods would be laid out in two rows of three, with a footpath dissecting the site to provide access to each. Vehicular (and pedestrian) access to the site would be via the north eastern corner of the site – where there is an existing gated entrance. An existing gravelled area, capable of accommodating 6 car and a turning area/circle would be utilised. The gravelled parking and amenity spaces would be permeable. Two passing places for the single width access road is proposed to be formed by cutting into the site and the applicant's private garden area. The foul drainage from the pods would travel to a treatment plant at the south of the site where it would discharge to the adjacent burn, however no specified details of the treatment plant have been provided. It is also proposed to install a ground mounted solar array on the land between the applicant's property and the proposed pods – this would provide renewable electricity to the pods. No specified details of the solar array were included in the submission.

2.4 The single width private access road is identified as forming part of the core path network – R358: Blacketyside link – and is also a claimed right of way route. The core path and right of way route continue to the west of the site through Coldstream Farm before it splits near the entrance of Glenview Caravan Park. To the east of the site, the core path/right of way route crosses the B927 and thereafter follows a single width (paved) farm road through Blacketyside Farm to the A915. North of the site, whilst not a core path route, the single width access road is identified as the 'Coldstream to Letham Burn' local path.

2.5 At the time of Appointed Officer determination, there was no relevant recent planning history for the site or surroundings. However, in May 2022, planning permission (ref. 21/04001/FULL) was approved for the erection of 3No. glamping pods approximately 100m north of the application site – this application was submitted by a different applicant/landowner. Vehicular access to this neighbouring application would be via the Cupar Road (B927) on to the unadopted private track.

3.0 Reasoning

3.1 The determining issues in this review were the principle of development, design and visual impact, residential amenity impact, traffic and parking, drainage, and low carbon/sustainability. The FPRB considered the terms of the Development Plan which comprises the SESplan (2013) ("Strategic Development Plan") and the Adopted FIFEplan (2017) ("Local Development Plan"). The FPRB also considered the provisions of Making Fife's Places Supplementary Guidance (2018) (including Appendices), Low Carbon Fife Supplementary Guidance (2019) and Scottish Planning Policy (SPP) (2014).

3.2 The FPRB firstly considered whether the proposal was acceptable in principle, assessing the proposal for development in the countryside against FIFEplan Policies 1 and 7. The FPRB considered that the proposed holiday pods would constitute a development for outdoor recreation, tourism, or other development which has a proven need for a countryside location, complying with Criterion 6 of Policy 7 of FIFEplan. The FPRB concluded that the proposal complied with Policies 1 and 7 of the Adopted FIFEplan subject to further detailed considerations demonstrating that other planning policy requirements for the area were met.

3.3 The FPRB assessed the design and visual impact of the proposed development. The FPRB considered that the design and layout of the proposed holiday pods would not give rise to adverse visual amenity concerns, noting that the application site is well contained by mature planting and hedgerows. The FPRB thus concluded that the proposal would comply with Policies 1 and 10 of the Adopted FIFEplan with respect to this matter, with the proposal not raising any significantly adverse visual amenity issues.

3.4 The FPRB considered the residential amenity impacts of the proposed development. As the proposed holiday pods would be located in excess of 50 metres from the nearest third-party residential property, the FPRB concluded that the proposal would not give rise to any significantly adverse residential amenity concerns. A planning condition was however considered necessary to limit the occupation of each holiday pod to 28 days continuous as the proposed holiday pods were not considered to provide sufficient amenity standards for permanent occupation. With this condition, the FPRB concluded that the proposal would be acceptable in terms of residential amenity, complying with Policies 1 and 10 of the Adopted FIFEplan with respect to this matter.

3.5 The FPRB assessed the transportation and road safety impacts of the proposal, the determining issue which led to the Appointed Officer's refusal of the application. The FPRB gave consideration to planning application 21/04001/FULL which was approved in May 2022 (approximately four months following the refusal of the application subject of the review) for the erection of 3No. glamping pods; approximately 100m north of the application site. Like the review proposal, vehicular access to this neighbouring application would be via the Cupar Road (B927) on to the unadopted private track. The FPRB also gave consideration to the proposal's accessibility by other means of transport, including the proposal site's proximity to bus stops. The FPRB concurred with the Appointed Officer's position, and that of Transportation Development Management Officers, that the visibility splays at the junction of the private access track and B927 were below the standards set out in Appendix G of Making Fife's Places Supplementary Guidance (2018), however the FPRB considered that the intensification of traffic over the private access track (and

associated junction) as a consequence of the proposed six holiday pods would not be significant. The FPRB also noted that the proposed passing places, which would be intervisible, would offer a benefit to users of the private access road. A condition was considered necessary to secure the passing places before the development comes in to use. The FBRB also considered the proposed parking arrangements for the holiday pods, concluding that the proposal would be acceptable subject to a condition to secure the parking and vehicle turning areas prior to the first use of the development. The FPRB therefore overturned the Appointed Officer's assessment and reason for refusal. The FPRB thus concluded that the proposal would comply with Policies 1, 3 and 10 of the Adopted FIFEplan.

3.6 The FPRB considered the flooding and drainage impacts of the proposal. As the proposed holiday pods would be located outwith any identified flood risk area, the FPRB were satisfied that the proposal would not be at risk of flooding, nor contribute to an increased risk of flooding downstream. Whilst noting that a section of the private access track was shown to be included within the SEPA defined flood risk area of the stream to the east of site, the FPRB were content that as the stream was culverted under the private access track, the risk of access track flooding was negligible. Considering the surface water runoff associated with the proposed development, the FPRB concluded that as porous gravel was proposed for the parking and external amenity areas, the proposal would not give rise to significantly adverse surface water flooding concerns. Lastly, giving consideration to the proposed foul water drainage, the FPRB noted the lack of details within the proposal; which simply advised that a treatment plant would be installed. The FPRB were ultimately content that the proposed private treatment plan solution would be acceptable, however a condition was considered necessary for final details of the treatment plant to be submitted prior to the commencement of development. The FPRB concluded that the proposal would not raise any significant concerns in terms of flooding or drainage and would therefore comply with FIFEplan Policies 1, 3 and 12.

3.7 The FPRB considered whether the proposal supported the transition to a low carbon economy. Assessing the location of the development; and whether it was accessible by sustainable modes of transport; and the low/zero carbon technologies to be incorporated proposed to be incorporated – solar PV array – the FPRB considered that the proposal would be acceptable. The FPRB noted however the lack of details provided with regard to the proposed solar PV array and it was therefore considered necessary to include a condition for further information to be submitted prior to the commencement of development. With this condition, the FPRB concluded that the proposal would be acceptable in terms of carbon reduction and sustainability, complying with Policies 1 and 11 of the Adopted FIFEplan with respect to this matter.

3.8 The FPRB concluded that the development would have no significant detrimental impact in terms of the matters addressed by the Report of Handling, and the proposal would therefore comply with the Development Plan. 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 did not consider there to be any grounds to refuse the application and reversed the decision of the Appointed Officer.

4.0 Decision

4.1 The FPRB therefore reverses the decision of the Appointed Officer and approves Planning Permission subject to the following conditions and reasons:

1) FOR THE AVOIDANCE OF DOUBT, no holiday pod, hereby approved, shall be sold or let as a dwellinghouse and shall be occupied only as holiday accommodation with no single holiday let longer than 28 days continuous. The owners of the holiday accommodation shall maintain an up to date record of the holiday lets for the development hereby approved, detailing both the length of each holiday letting period and the occupants names during that period, and this record shall be made available for inspection on request from this Planning Authority.

   Reason – In order to ensure that proper control is retained over the development and that the site does not provide permanent residential accommodation.

2) Prior to the first occupation of the first holiday pod, the two vehicular passing places for the private access track, as detailed on Drawing 1338-PL-01 (Rev D), shall be formed and available for use. Thereafter, the two vehicular passing places shall be retained and available for use for the lifetime of the development.

   Reason – In the interests of road safety; to ensure adequate passing places are available for vehicles over the single width track,

3) Prior to the first occupation of the first holiday pod, 6 off-street parking spaces shall be provided within the site in accordance with the current Fife Council Transportation Development Guidelines and thereafter maintained and kept available as such for the lifetime of the development.

   Reason – To ensure adequate provision of off-street car parking.

4) Prior to the first occupation of the first holiday pod, a vehicular turning area shall be provided within the site in order that vehicles can enter and leave in a forward gear. The turning area shall be formed outwith any off-street parking spaces. The turning area shall be retained and available for use for the lifetime of the development.

   Reason – In the interests of road safety; to reasonably avert the reversing of vehicles onto the access track.

5) Prior to the commencement of development, full details, including scaled elevations, (updated) scaled site plan and manufacturer's brochure, for the ground mounted solar PV array shall be submitted for the prior written approval of Fife Council as Planning Authority. Thereafter, the solar PV array shall be installed per the approved details prior to the first occupation of the first holiday pod.

   Reason – In the interests of sustainability; to ensure the development meets the greenhouse gas emissions reduction targets currently in place.

6) Prior to the commencement of development, full details, including scaled elevations, (updated) scaled site plan and manufacturer's brochure, for the foul water treatment plant shall be submitted for the prior written approval of Fife Council as Planning Authority. Thereafter, the foul water treatment plant shall be installed per the approved details prior to the first occupation of the first holiday pod.

Reason – In the interests of foul water drainage; to ensure the development is served by an appropriate drainage solution.

……..
Proper Officer

Advisory notes

1. The length of the permission: This planning permission will lapse on the expiration of a period of three years from the date of this decision notice, unless the development has been started within that period (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).

2. Notice of the start of development: The person carrying out the development must give advance notice in writing to the planning authority of the date when it is intended to start. Failure to do so is a breach of planning control. It could result in the planning authority taking enforcement action (See sections 27A and 123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).

3. Notice of the completion of the development: As soon as possible after it is finished, the person who completed the development must write to the planning authority to confirm the position (See section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended)).

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.

Notice under the Town and Country Planning (Scotland) Act 1997 as amended by Sections 27A and 27B of the Planning etc. (Scotland) Act 2006

You are required, prior to the development hereby approved commencing on site, to submit written notification to Fife Council as Planning Authority ("this Council") of the intended date of commencement of the development. The development shall not commence until this notification has been acknowledged in writing by this Council. On completion of the development, you are also required to submit written notification to this Council of this as soon as practicably possible. Any submission on this matter should be addressed to Economy, Planning and Employability Services, Kingdom House, Kingdom Avenue, Glenrothes, KY7 5LT.

COALFIELD STANDING ADVICE AREAS

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining.

Further information is also available on The Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com