

## North East Planning Committee – Blended Meeting

JP Court Room, County Buildings, Cupar

Wednesday, 3rd May, 2023 - 1.00 p.m.

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### AGENDA

Page Nos.

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATIONS OF INTEREST** – In terms of Section 5 of the Code of Conduct, members of the Committee are asked to declare any interest in particular items on the agenda and the nature of the interest(s) at this stage.
3. **MINUTE** – Minute of Meeting of North East Planning Committee of 5th April, 2023. 3 – 4
4. **22/03327/FULL - 8 MAIN STREET, KILCONQUHAR, LEVEN** 5 – 17  
Formation of timber jetty (retrospective).
5. **22/04210/FULL - 24 MAIN STREET, KILCONQUHAR, LEVEN** 18 – 30  
Formation of raised deck within curtilage of dwellinghouse (retrospective).
6. **22/03688/FULL - 39 SCOONIEHILL ROAD, ST ANDREWS** 31 – 38  
Change of use from public land to garden ground.
7. **23/00277/FULL - 1 LINDSAY BERWICK PLACE, ANSTRUTHER** 39 – 46  
Change of use from public open space to private parking area.
8. **23/00356/FULL - THE STEADING, 8 BROWNHILLS STEADINGS, BROWNHILLS** 47 – 57  
External alterations including raise roof pitch, installation of 2 dormer extensions, 2 rooflights and rebuilding of stone gables to match existing (renewal of 17/03879/FULL).
9. **23/00401/FULL - 3 ANNSMUIR CARAVAN PARK, ANNSMUIR, CUPAR** 58 – 64  
Erection of summerhouse (retrospective).
10. **APPLICATIONS FOR PLANNING PERMISSION DEALT WITH UNDER DELEGATED POWERS.**

List of applications dealt with under delegated powers for the period 20th March to 16th April, 2023.

Note - these lists are available to view with the committee papers on the [Fife.gov.uk](http://Fife.gov.uk) website.

**Members are reminded that should they have queries on the detail of a report they should, where possible, contact the report authors in advance of the meeting to seek clarification.**

Lindsay Thomson  
Head of Legal and Democratic Services  
Finance and Corporate Services

Fife House  
North Street  
Glenrothes  
Fife, KY7 5LT

26th April, 2023

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### **BLENDING MEETING NOTICE**

This is a formal meeting of the Committee and the required standards of behaviour and discussion are the same as in a face to face meeting. Unless otherwise agreed, Standing Orders will apply to the proceedings and the terms of the Councillors' Code of Conduct will apply in the normal way

For those members who have joined the meeting remotely, if they need to leave the meeting for any reason, they should use the Meeting Chat to advise of this. If a member loses their connection during the meeting, they should make every effort to rejoin the meeting but, if this is not possible, the Committee Officer will note their absence for the remainder of the meeting. If a member must leave the meeting due to a declaration of interest, they should remain out of the meeting until invited back in by the Committee Officer.

If a member wishes to ask a question, speak on any item or move a motion or amendment, they should indicate this by raising their hand at the appropriate time and will then be invited to speak. Those joining remotely should use the "Raise hand" function in Teams.

All decisions taken during this meeting, will be done so by means of a Roll Call vote.

Where items are for noting or where there has been no dissent or contrary view expressed during any debate, either verbally or by the member indicating they wish to speak, the Convener will assume the matter has been agreed.

There will be a short break in proceedings after approximately 90 minutes.

Members joining remotely are reminded to mute microphones and switch cameras off when not speaking. This includes during any scheduled breaks or adjournments.

**THE FIFE COUNCIL - NORTH EAST PLANNING COMMITTEE – BLENDED MEETING**

5th April, 2023

1.00 p.m. – 2.00 p.m.

**PRESENT:** Councillors Jonny Tepp (Convener), Al Clark, Fiona Corps, Sean Dillon, Alycia Hayes, Gary Holt, Allan Knox, Robin Lawson, Jane Ann Liston, Donald Lothian, David MacDiarmid and Ann Verner.

**ATTENDING:** Alastair Hamilton, Service Manager, Development Management; Steven Paterson, Solicitor, Planning & Environment and Diane Barnett, Committee Officer, Legal & Democratic Services.

**APOLOGIES FOR ABSENCE:** Councillors Stefan Hoggan-Radu and Margaret Kennedy.

**74. DECLARATIONS OF INTEREST**

No declarations of interest were submitted in terms of Standing Order No. 7.1.

**75. MINUTE**

The Committee considered the minute of the North East Planning Committee of 8th March, 2023.

**Decision**

The Committee approved the minute.

**76. 22/00145/FULL - 5 ALEXANDRA PLACE, MARKET STREET, ST ANDREWS**

The Committee considered a report by the Head of Planning Services relating to an application for external works, including installation of new door and retaining wall.

**Motion**

Councillor Lawson, seconded by Councillor Clark, moved to refuse the application on the grounds that the proposed relocation of the existing barrel chute did not comply with Policies 1 and 3 of the Adopted FIFEplan (2017) and Making Fife's Places Supplementary Guidance (2018) - as it was considered this was likely to have a detrimental impact on road and pedestrian safety during deliveries.

**Amendment**

Councillor Lothian, seconded by Councillor Holt, moved to approve the application subject to the one condition and for the reason detailed in the report.

**Roll Call Vote**

**For the Motion** - 8 votes

Councillors/

## 2023 NEPC 39

Councillors Clark, Corps, Hayes, Lawson, Liston, MacDiarmid, Tepp and Verner.

**For the Amendment** - 4 votes

Councillors Dillon, Holt, Knox and Lothian.

Having received a majority of votes, the motion to refuse the application was carried.

### **Decision**

The Committee agreed to:-

- (1) refuse the application on the grounds that the proposed relocation of the existing barrel chute did not comply with Policies 1 and 3 of the Adopted FIFEplan (2017) and Making Fife's Places Supplementary Guidance (2018) - as it was considered this was likely to have a detrimental impact on road and pedestrian safety during deliveries; and
- (2) agreed to delegate to the Head of Planning Services, in consultation with the Head of Legal and Democratic Services, to finalise the full reason for refusal in order to ensure that a decision on the application was not unduly delayed.

### **77. 22/00144/LBC - 5 ALEXANDRA PLACE, MARKET STREET, ST ANDREWS**

The Committee considered a report by the Head of Planning Services relating to an application for Listed Building Consent for external alterations, including installation of new door and retaining wall.

### **Decision**

The Committee agreed to approve the application subject to the one condition and for the reason detailed in the report.

*Councillor Knox left the meeting during consideration of the above item.*

### **78. APPLICATIONS FOR PLANNING PERMISSION DEALT WITH UNDER DELEGATED POWERS.**

### **Decision**

The Committee noted the lists of applications dealt with under delegated powers for the period 20th February to 19th March, 2023.

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**ITEM NO: 4**

**APPLICATION FOR FULL PLANNING PERMISSION REF: 22/03327/FULL**

**SITE ADDRESS: 8 MAIN STREET KILCONQUHAR LEVEN**

**PROPOSAL : FORMATION OF TIMBER JETTY (RETROSPECTIVE)**

**APPLICANT: MR ALISTAIR ANDERSON  
8 MAIN STREET KILCONQUHAR LEVEN**

**WARD NO: W5R19  
East Neuk And Landward**

**CASE OFFICER: Kirsten Morsley**

**DATE 10/10/2022  
REGISTERED:**

**REASONS FOR REFERRAL TO COMMITTEE**

This application requires to be considered by the Committee because:

More than 6 representations were received which are contrary to the officer's recommendation.

**SUMMARY RECOMMENDATION**

The application is recommended for:

Conditional Approval

**ASSESSMENT AGAINST THE DEVELOPMENT PLAN AND OTHER MATERIAL CONSIDERATIONS**

Under Section 25 of the Town and Country Planning (Scotland) Act 1997, the determination of the application is to be made in accordance with the Development Plan unless material considerations indicate otherwise. Under Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, in determining the application the planning authority should pay special attention to the desirability of preserving or enhancing the character or appearance of the relevant designated area.

National Planning Framework 4 was formally adopted on the 13th of February 2023 and is now part of the statutory Development Plan. NPF4 provides the national planning policy context for the assessment of all planning applications. The Chief Planner has issued a formal letter providing further guidance on the interim arrangements relating to the application and interpretation of NPF4, prior to the issuing of further guidance by Scottish Ministers.

The adopted FIFEplan LDP (2017) and associated Supplementary Guidance continue to be part of the Development Plan. The SESplan and TAYplan Strategic Development Plans and any supplementary guidance issued in connection with them cease to have effect and no longer form part of the Development Plan.

In the context of the material considerations relevant to this application there are no areas of conflict between the overarching policy provisions of the adopted NPF4 and the adopted FIFEplan LDP 2017.

## 1.0 BACKGROUND

1.1 This application relates to a timber jetty which has been installed within the curtilage of a Category C listed cottage situated within Kilconquhar, Fife. The jetty extends out beyond the rear garden (and beyond the Kilconquhar settlement boundary) onto Kilconquhar Loch. The site is also located within the Kilconquhar Conservation Area and the East Neuk Local Landscape Area as defined within the FIFEplan Local Development Plan (2017).

1.2 Kilconquhar Loch has an area of approximately 46 hectares and was designated as a Site of Special Scientific Interest (SSSI) in 1984. The SSSI is a national designation and relates specifically to the loch's eutrophic waters (i.e., the loch has excess nutrients, such as nitrogen or phosphorus, which stimulate algae and aquatic plant growth), its shoreline habitats, and the diverse breeding and winter-feeding bird communities which are supported by the loch. Bird species include uncommon waterfowl species and the nationally rare, black-necked grebe. The loch also supports nationally important numbers of over-wintering pochard and tufted duck.

1.3 The applicant claims to be the sole owner of all the land enclosed by the red boundary line, including that part which extends out onto Kilconquhar Loch, as shown on the Site Plan-Drawing 02A. Objectors to the application consider this to be incorrect. The applicant contends that as a riparian owner he has common law right of ownership of the loch bed (the land) under the water of the loch enclosed by the red line boundary. Elie Estates and Kilconquhar Estate & Kilconquhar Farm are not in agreement with this and claim that they are the sole owners of the loch.

1.4 Whilst the ownership of that part of the loch enclosed by the application red boundary is disputed by others, including the other loch owners, this has no bearing on how this application should be assessed, as all matters pertaining to land ownership would be a separate private legal matter which would lie out with the locus of this planning submission.

1.5 Several jetties already exist and extend out from the loch's north shore. Some are long standing, and others are more recent. A further jetty located at 24 Main Street has also been recently installed. This jetty is also under consideration and is on this agenda under planning reference 22/04210/FULL. The planning consents for the remaining jetties are also currently under separate investigation.

1.6 Of additional relevance to this application, is the Management Statement for the SSSI loch produced by NatureScot. The statement highlights that the owners of those gardens which border the northern shore of the loch have consent to control reeds along the edge of their property. NatureScot advises that the occasional cutting of the common reed will assist in maintaining the reed beds and prevent the loss of wetland habitat.

1.7 This planning submission follows an Enforcement complaint, (22/00285/ENF). The complainant has highlighted that the jetty is un-authorized.

1.8 The applicant has confirmed that the jetty was completed by 25 June 2021. The applicant was also of the view that the jetty was 'permitted development', did not require planning permission, and for the reason cited in paragraph 1.3 above, did not require consent from the other loch owners. Fife Council advised the applicant that as part of the site is located within the Kilconquhar Conservation Area, which includes an Article 4 Direction which has removed permitted development rights under Class 3, the jetty requires planning permission. Furthermore, as the jetty extends out onto the loch beyond the settlement boundary of Kilconquhar and beyond the domestic curtilage boundary, planning permission is required.

1.9 The applicant now seeks retrospective planning consent for the timber jetty. The T-shaped jetty is located approximately 66 metres south of the cottage. It is constructed from softwood and has a length of approximately 7.0 metres and a width of approximately 2.3 metres. Photographs of the jetty can be seen on document 03. The jetty is situated in a discreet location. Whilst there is a distant view of the jetty from Balbuthie Road the jetty can only be clearly seen from the loch itself or from the air.

1.10 Planning history associated with the cottage is summarised below,

- 16/03429/FULL - Installation of replacement windows and doors to dwellinghouse - permitted with conditions
- 17/03605/FULL - Re-painting exterior (retrospective) - permitted

1.11 A physical site visit has not been undertaken for this planning application. Recent site photographs have been submitted by the applicant and a full set of dated photographs of the shoreline have been submitted by Elie Estates. All necessary information has been collated digitally to allow for the full assessment of the proposal and given the evidence and information available to the case officer, this is considered sufficient to determine the proposal.

1.12 The application was screened under the Environmental Impact Assessment (EIA) Regulations and given the type, scale, and nature of the development was deemed not to require to be determined under the EIA Regulations.

## 2.0 PLANNING ASSESSMENT

2.1 The issues to be assessed against the Development Plan and other guidance are as follows;-

- Principle
- Design and Visual Impact
- Natural Heritage Assets - Kilconquhar Loch and the SSSI

## 2.2 Principle

2.2.1 National Planning Framework 4 (NPF4) policies 1 (Sustainable Places), 3 (Biodiversity), 4 (Natural Places) and FIFEplan Local Development Plan (2017) policies 1 (Development Principles), 7 (Development in the Countryside), and 13 (Natural Environment and Access) are of relevance in this regard.

2.2.2 NPF4 highlights that significant weight shall be given to address the nature crisis, with an emphasis in steering development away from vulnerable areas and protecting and enhancing biodiversity and promoting nature restoration. Where development affects areas of national importance, such as SSSI's, the objectives and principles of the designation shall take precedence and any development proposals which will have an unacceptable impact on these areas, will not be supported.

2.2.3 FIFEplan LDP policy 1 (Development Principles) states that the principle of development will be supported if it is either,

### Part A

- 1.a) within a defined settlement boundary and is compliant with the policies for the location; or
- b) is in a location where the proposed use is supported by the Local Development Plan.

And provided proposals satisfactorily address potential impact through appropriate mitigation.

Part B of Policy 1 states that in the case where proposals are situated in the countryside, the use proposed should be appropriate for its location. Policy 7 will support proposals for access into the countryside for recreational purposes provided the development is of a scale and nature compatible with surrounding uses and is located and designed to protect the overall landscape and environmental quality of the area. Policy 13 will only support development which will protect or enhance natural heritage assets, biodiversity, protected and priority habitats and species. Where development proposals have the potential to affect sites of National Importance, such as a SSSI, proposals would only be supported where the objectives of the designation and the integrity of the area would not be compromised (unless there are other significant mitigating reasons which would outweigh this position) and only if potential impact(s) could be satisfactorily mitigated.

2.2.4 The jetty is a small structure and would provide for recreational access onto the loch for a north shore domestic residential property. The jetty is considered acceptable in principle given the type of structure, and its small-scale 'domestic' nature of use and would comply with the Local Development Plan in broad land use policy terms. However, the overall acceptability of the application is subject to the development satisfying other policy criteria which are considered in greater detail below.

## 2.3 Design and Visual Impact

2.3.1 Sections 59 and 64 (1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that special regard shall be given to a listed building's setting and a Conservation Area to ensure that the character and appearance of such areas are preserved or enhanced. Design and materials shall be appropriate to both the character and appearance of the listed building, and the Conservation Area.



2.3.2 Historic Environment Policy for Scotland (HEPS) (April 2019), Historic Environment Scotland (HES) Managing Change Series - Setting (updated 2020), National Planning Framework 4 (NPF4) policies 4, 7, 14, Annex D - Six Qualities of Successful Places, FIFEplan LDP (2017) policies 1, 10, 13 and 14, and the Kilconquhar Conservation Area Appraisal and Management Plan (2012) are relevant in this case.

2.3.3 HES's Managing Change guidance on Setting sets out the design principles which apply to those developments which are located within historic environments. NPF4 Policy 7 and Local Development Plan policy 14 supports development where it will not harm important historic or architectural fabric. NPF4 policy 14 and Annex D advise that development proposals shall be supported where they are consistent with the six qualities of successful place, i.e., Healthy, Pleasant, Connected, Distinctive, Sustainable and Adaptable. The qualities Healthy and Connected are also relevant in this case. These descriptors support development which would improve physical and mental health and which promote active lifestyles, access to nature and greenspace and which make moving around easier. FIFEplan LDP Policies 1 (Development Principles), and 10 (Amenity), require all new development to be placed where the proposed use is supported by the Local Development Plan and for it to be well located and designed to ensure it makes a positive contribution and protects the overall landscape and environmental quality of the surrounding area. The Kilconquhar Conservation Area Appraisal and Management Plan highlights that Kilconquhar Loch whilst it is not situated within the Conservation Area is a visually significant feature of the area. NPF4 policy 4 and LDP policy 13 highlight that development which would have an unacceptable impact on landscape character and views by virtue of their location, type, or scale shall not be supported within Natural Areas and Local Landscape Areas (LLA's).

2.3.4 The application has received 9 letters of objection. One of the concerns raised, is that the jetty is considered to be excessively large for its intended purpose.

2.3.5 The jetty is situated at the end of the rear garden, approximately 66 metres south of the existing listed cottage. The drawings show that the jetty extends approximately 5.5 metres into the loch. The applicant has stated that the jetty was built to facilitate safer access onto the loch from a rowing boat. Given the intended purpose for the jetty, its size is not considered to be excessive, given that the jetty was built to facilitate the berthing of a small 2-person rowing boat, the size of which would likely have an overall length of between 3.0 to 4.0 metres. Furthermore, the size of the jetty in relation to the size of the rear garden and the size of the loch is not considered to be significant. Fife Council's Conservation Officer has confirmed that the jetty's design, materials, and finishes are sympathetic and there is no adverse impact on either the special architectural and historic character or setting of the cottage or on the Conservation Area. Indeed, the jetty is a small structure relative to the size of the garden and the expanse of the loch; which has been built using natural materials; it is positioned within a discreet location and is well screened by existing trees, and it can only be clearly viewed from the loch itself or from the air.

2.3.6 In light of the above the jetty is considered compliant with meeting the terms of National Guidance, NPF4 policies 4, 7, 14 and Annex D, FIFEplan LDP (2017) policies 1, 10, 13 and 14 and all related guidance in relation to design and visual impact on the setting of a listed building, a Conservation Area, and Natural Places (including LLA's).

## 2.4 Natural Heritage Assets - Kilconquhar Loch and the SSSI

2.4.1 National Planning Framework 4 (NPF4) policies 1, 3, 4, 20 and FIFEplan LDP (2017) policies 7, 13 and Making Fife's Places - Supplementary Guidance (2018), Appendix A, Site Appraisal Information: Natural Heritage and Biodiversity, are relevant in this case.

2.4.2 The aim of NPF4 policy 3 is to protect biodiversity, reverse biodiversity loss, and strengthen nature networks. NPF4 policy 4 highlights that Local Development Plans shall protect local, regional, and nationally important natural assets. As such development which would potentially pose a negative impact on a vulnerable natural area and biodiversity shall not be supported unless appropriate and effective mitigation measures can be put in place through careful planning to satisfactorily minimise any potential impact. NPF4 policy 20 aims to 'protect and enhance blue and green infrastructure and their networks'. Whilst the policy promotes access rights and encourages new and enhanced opportunities for access, only those activities which are considered compatible with the uses of the natural habitat areas shall be supported.

2.4.3 FIFEplan LDP policies 7 and 13 also support development in the countryside where it is for facilities to improve access into the countryside but only where development is of an appropriate scale and type for the area and is compatible with existing uses and where it protects or enhances natural heritage and access assets. Fife Council has statutory responsibilities in terms of protected species and habitats and development which impacts in a negative manner on sites and particularly on nationally designated SSSI's, development shall only be considered supportable if those impacts can be satisfactorily mitigated. FIFEplan LDP policy 13 requires development proposals which are likely to have a significant impact on the natural environment to follow the site appraisal process set out in Making Fife's Places - Supplementary Guidance (2018) Appendix A. The extent of the analysis and the level of detail expected and required under Annex A would be considered on a case by case basis and would depend upon the site (habitats and species present or potentially present) and the scale and type of the development proposed.

2.4.4 This application has received 9 letters of objection all of which raise concerns that more jetties and the increased use of craft on the loch will likely damage or disturb the loch's ornithological and botanical interests and that this will have a detrimental effect on bird species which use the loch. The objectors are of the view that the application should be seen in the wider context of the other important waterbodies within Fife, such as Cameron Reservoir and Mountcastle, where they state that increased leisure activities there have caused damage, have impacted on bird welfare and this has caused population decline. The objectors have further highlighted that Fife Council has a duty to protect biodiversity and should adopt a 'precautionary' approach. Concerns have also been raised that the applicant did not seek consent from NatureScot who are responsible for protecting and preserving the SSSI. The objectors say that increased boat use will encourage the use of recreational motorised boats, jet skis, etc., and given there are approximately 20 loch side properties on the northern shore there are concerns that this will undermine the level of protection afforded to Fife's Wetlands and Birds and that a precedent may be set if consent is granted. Furthermore, one of the loch owners has also stated that,

*'it appears that the applicants have excavated part of their garden to alter the edge of Kilconquhar Loch SSSI to bring it into their garden.'*

2.4.5 NatureScot who are responsible for protecting and preserving the SSSI have declined to comment on the aerial photographs which show changes to the loch shoreline aligning the applicant's garden. It is considered that the aerial photographs do not provide full conclusive evidence that the shore bank has been altered, given that homeowners have permission to cut the common reed, the changes to the shoreline could be just the result of cutting back the reeds.

2.4.6 The applicant, in his response to the objectors, has stated that approximately 6 years ago they had discussed with Scottish Natural Heritage (now NatureScot) the possibility of using a canoe or small rowing boat on the loch and were advised that this would be acceptable. (This was however before any jetty was constructed). The applicant should have sought consents before constructing the jetty from both NatureScot and from Fife Council's Planning Authority. As for any future applications for similar structures on the loch, both NatureScot and Fife Council's Natural Heritage Officer would be consulted on all new application proposals. Future assessments would take cognisance of the current jetty structures, and activity/pressures on the loch to ensure the level of protection to the loch's wetlands and birds would be kept in balance. Of further note, Fife Council's Natural Heritage Officer has also highlighted that public access onto the loch using a boat, other than from the rear gardens on the north shore, is difficult and restrictive, and this would place a natural limit on who could access the loch with a boat.

2.4.7 As this is a small-scale domestic development a full site appraisal process as set out in Making Fife's Places - Appendix A would not be required. Instead, the applicant prepared a statement outlining the intended use of the jetty and this was forwarded onto NatureScot for comment. The applicant states that he and his wife have always accessed the loch responsibly since acquiring the cottage, that their use of the loch is modest, and that the jetty was constructed so that they could get into and out of their boat safely without the fear of the boat capsizing. The applicant has also advised that their boat is used only in the months between April to early November, that they avoid taking access during the breeding season, that they have only ever used a boat with oars and have no intention of acquiring a boat with a motor. In 2022 they highlighted that they were on the loch a maximum of 6 times, with each trip lasting no more than 45 minutes.

2.4.8 The applicant has drawn attention to the Scottish Outdoor Access Code (SOAC). The SOAC was established as a direct result of the Land Reform Act (Scotland) Act 2003) and provides for 'the right to roam' across Scotland as long as it is done 'responsibly'. The applicant has acknowledged that additional pressures, tensions, and potential conflicts can arise between recreational users, landowners, and land managers, and agrees that access rights require 'responsibility'. The applicant also contends that it is their intention to continue to exercise their statutory rights of 'responsible' recreational access over Kilconquhar Loch and that the jetty will allow them to do this in a safe manner.

2.4.9 The 'responsible behaviour' aspect of the Scottish Outdoor Access Code (SOAC) Right of Access onto the SSSI area and Kilconquhar Loch states the following,

Access rights extend to rivers, lochs, and reservoirs (but never go close to spillways or water intakes). Care for the interests of other users and for the natural heritage of rivers and lochs by:

- not intentionally or recklessly disturbing birds and other animals
- not polluting the water as it may be used for a public water supply
- making sure that the river, loch, or reservoir is appropriate for your activity and the numbers involved

- following the guidance in the Code, and any local byelaws, to ensure that your activity will not interfere unreasonably with the interests of other users, such as anglers, or the environment.

2.4.10 In addition to the Scottish Outdoor Access Code (SOAC) stipulations above, the legislation underpinning SSSIs requires that NatureScot identifies those activities that are likely to damage the natural features for which the site is designated and list these as 'Operations Requiring Consent' (ORC). Therefore before a private owner carries out any of the activities listed on the ORC for a given area, permission must be sought from NatureScot and a consent be issued. Those activities on Kilconquhar Loch (which are relevant to this application) and which consent from NatureScot is required include the following,

- 13b Modification of the structure of water courses, including their banks and beds, as by re-alignment, regrading, and dredging.
- 13c Management of aquatic and bank vegetation for drainage purposes.
- 21 Construction, removal or destruction of roads, tracks, walls, fences, hardstands, banks, ditches or other earthworks, or the laying, maintenance or removal of pipelines and cables, above or below ground.
- 23 Erection of permanent or temporary structures, or the undertaking of engineering works.
- 26 Use of craft likely to damage or disturb ornithological or botanical interests.

2.4.11 In consideration of the above it is clear that whilst access onto the loch if carried out 'responsibly' is permitted under the Scottish Outdoor Access Code (SOAC) i.e., if access is taken directly from the existing natural shoreline, if however a jetty is built and is used to access the loch the jetty would require consent from NatureScot. Furthermore, under the SSSI Operations Requiring Consent (ORC) the use of recreational motorised boats, jet skis, etc. are not permitted activities.

2.4.12 NatureScot have since been formally consulted and they do not object to the jetty structure. This is despite the objections, including those from the loch owner Elie Estates, their concerns of which have also been supported by loch owner Kilconquhar Estate & Kilconquhar Farm. Fife Council's Natural Heritage Officer has also highlighted that removing the jetty could potentially cause more damage to the benthic habitat (ecological layers) of the loch than that caused by the original jetty installation.

2.4.13 The Fife Nature Records Centre has identified 14 species of waterfowl and waders that use the loch for breeding and 28 species of waterfowl and waders that use the loch for over-wintering. These figures will also change from year to year. NatureScot and the Natural Heritage Officer are of the view that the building of the jetty will not detrimentally impact on the notified features of Kilconquhar Loch SSSI, however both agree that as the intended use of the jetty could lead to disturbance to the notified bird features that utilise the loch, they had recommended conditions restricting access at key times to be applied. The key times were to reflect the most sensitive times of year for the birds breeding bird assemblage and also the time of peak wintering use. However, if both these periods are combined (NB. both are equally important) they would extend over the whole year therefore preventing any boat access onto the loch at all. Given that legally the Scottish Outdoor Access Code (SOAC) gives the public 'the right to roam' across Scotland at any time of the year (and this includes land, water and SSSI's) as long as the access is carried out 'responsibly', this right of public access prevents any party from introducing periods where access onto the loch would be prohibited. The approach to be adopted therefore would be to instead mitigate and control 'responsible access' as required by Fife Council's statutory responsibilities in terms of protected species and habitats and Development Plan policies. This approach to control 'responsible access' has been agreed with

NatureScot. The application would be conditioned on the basis that all boating activities would only be conducted using non-motorised craft, that the location where ingress and egress from the loch shore would be specified, that only landing on residential curtilages and their associated gardens would be permitted, and that craft would not manoeuvre within 50 metres of non-garden vegetation or nesting areas unless in an emergency or otherwise in agreement with Fife Council.

2.4.14 Whilst the loch presents sensitivities all year round, the Scottish Outdoor Access Code gives the public unlimited access onto the loch provided it is carried out 'responsibly'. Given the scale and domestic nature of the jetty, and the fact that access onto the loch using a boat (other than from the rear gardens on the north shore) is otherwise difficult and restrictive, placing a restriction on the use of motorised craft as well as the setting of a 50 metre wide buffer zone is considered the most appropriate form of mitigation to take in relation to safeguarding the natural heritage assets of Kilconquhar Loch and the SSSI. Furthermore, this approach would, it is considered, satisfy the terms set out in the NPF4 policies 1, 3, 4 and 20, and FIFEplan LDP (2017) policies 7, and 13.

## CONSULTATIONS

Built Heritage, Planning Services	No Objections - approve
Natural Heritage, Planning Services	Approve subject to conditions
Scottish Water	No Comments
Natural Heritage, Planning Services	Approve subject to condition
NatureScot	Approve subject to condition

## REPRESENTATIONS

9 letters of objection have been received and include those from, the Colinsburgh, Kilconquhar Community Council, the Fife Bird Club, the Wetland Bird Survey (WEBS) - a partnership between The British Trust for Ornithology, The Royal Society for the Protection of Birds, and the Joint Nature Conservation Committee. The concerns raised are summarised as follows,

### Site Ownership and Consents

1. The objectors claim that the applicant did not receive the appropriate consents prior to constructing the jetty. The objectors are of the view that the applicant's claim that they are the owner of all the land within the red boundary which the application relates to is incorrect. Elie Estate and Kilconquhar Estate & Kilconquhar Farm, have highlighted that they are the legal owners of the whole loch. They have also stipulated that they have not authorised the mooring of any boat on the loch, that the applicant has no legal right to construct the jetty on their land, and that they want the jetty removed.

See para 1.3 and 1.4

2. The objectors do not accept the applicant's explanation that planning permission was not sought as the jetty was thought to be 'permitted development'.

See para. 1.8

3. Objectors have expressed concern that the applicant did not seek consent from NatureScot who are responsible for protecting and preserving this SSSI before constructing the jetty. NatureScot have a list of controlled activities which require consent on the loch, and this includes the erection of permanent or temporary structures, and the use of craft as these activities may damage or disturb ornithological or botanical interests.

See para. 2.4.6, 2.4.10, 2.4.11, and 2.4.12

#### The SSSI

4. Objectors are concerned that if the jetty is approved this could undermine the level of protection afforded to Fife's wetlands and birds and a precedent may be set. Given that there are approximately 20 loch-side properties on the northern shore there are concerns with what could happen if consent is granted.

See para. 2.4.6

5. One of the loch owners has stated that they have evidence by way of a set of aerial photographs which shows that the applicant has excavated the edge of their garden so to extend the SSSI loch into their garden.

See para. 1.6 and 2.4.5

6. Objectors have stated that Kilconquhar Loch is one of the most important and least disturbed standing water sites for waterfowl in Fife and bird numbers are high. Many Fife Bird Club members use the bird hide located at the loch. They highlight that Data on Wetland Bird Survey Counts and Fife Bird Reports shows that Kilconquhar Loch is of significant local importance for Tufted Duck and supports a variety of other wildfowl, including swans, which use the loch all year round. They say that an increased use of craft will likely damage or disturb the lochs ornithological and botanical interests and will have a detrimental effect on bird species which use the loch.

See para. 2.4.12 and 2.4.13

Comment from case officer - Current data also shows that the condition of the loch is 'unfavourable'. There has been a decline in species richness, and the reasons for this are not fully understood. On-going research may assist in establishing the causes. Run-off from the surrounding agricultural land and bird droppings have also been cited as possible contributors.

7. Objectors highlight that there is both a moral and legal obligation to conserve waterbirds and the wetlands they depend upon. They say Fife Council has a duty to protect biodiversity and should adopt the precautionary principle.

Refer to para. 2.4.2, 2.4.3, 2.4.12 and 2.4.13

8. The objectors claim that there has been a considerable lack of consideration for the freshwater habitat and potential negative impact to wildlife. They say that another jetty will lead to more recreational disturbance and shall impact on the status of the SSSI and the wildlife. The objectors also state that the application should be seen in the wider context of the other important waterbodies within Fife e.g., Cameron Reservoir and Mountcastle where there is an

increasing trend for water disturbance from leisure activities which cause damage to sites, impact on bird welfare and results in population decline.

See para. 2.4.6, 2.4.9, 2.4.10, 2.4.12, and 2.4.13

9. Objectors want to avoid the use of recreational motorised boats, jet skis etc on the loch so to protect the SSSI and its wildlife.

See para. 2.4.7, 2.5.10, 2.4.11, and 2.4.13

Other Matters

10. Concerns that the jetty is excessively large for its intended purpose were also cited.

See para 2.3.5

11. Objectors pointed out that the red lines demarcating site boundary on the Location and Block Plans are incorrect.

The red line boundaries on both the Location Plan and the Site Plan have been revised/corrected post submission.

12. Objectors have pointed out that there are a number of jetties on the loch, several of which may also not have planning consent.

See para 1.5

## **CONCLUSIONS**

The jetty and its use are considered compliant with meeting the terms of National Guidance, NPF4 policies, the FIFEplan LDP (2017) policies and other relevant guidance in relation to Design and Visual Impact on the setting of a Listed Building, the Conservation Area, and the Local Landscape Area and would not adversely impact on the natural heritage assets of Kilconquhar Loch and the SSSI.

## **RECOMMENDATION**

It is accordingly recommended that the application be approved subject to the following conditions and reasons:

1. Any boating activities (or the use of any similar waterborne craft) utilising this approved jetty (or adjacent garden ground/land associated with the site) throughout the calendar year; shall only be carried out using non-motorised craft; shall start and end journeys using only the approved jetty (or associated garden/land) unless in an emergency; landing shall only be permitted on residential curtilages and their associated gardens and not on other vegetated areas/nesting/breeding areas including those around the southern loch shore; and craft shall not manoeuvre within 50 metres of those areas of vegetation or nesting/breeding areas unless otherwise agreed in writing with this Planning Authority. For the avoidance of doubt this 50 metres off-set buffer shall be measured from the loch's innermost section of naturally occurring vegetation and not the outer / perimeter banking.

Reason: In order to promote responsible access and avoid potential disturbance during bird breeding and wintering seasons; and, to protect the wider ecological interests of the designated Kilconquhar Loch Site of Special Scientific Interest.

## **STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS**

In addition to the application the following documents, guidance notes and policy documents form the background papers to this report.

### National Guidance

Historic Environment Policy for Scotland (HEPS) (April 2019)

Historic Environment Scotland (HES) Managing Change Series - Setting (updated 2020)

### Development Plan

National Planning Framework 4 (NPF4) (Approved February 2023)

FIFEplan LDP (2017)

Making Fife's Places - Supplementary Guidance (2018), Appendix A, Site Appraisal Information: Natural Heritage and Biodiversity

### Other Guidance

Kilconquhar Conservation Area Appraisal and Management Plan (2012)

Report prepared by Kirsten Morsley, Planning Assistant and Case Officer.

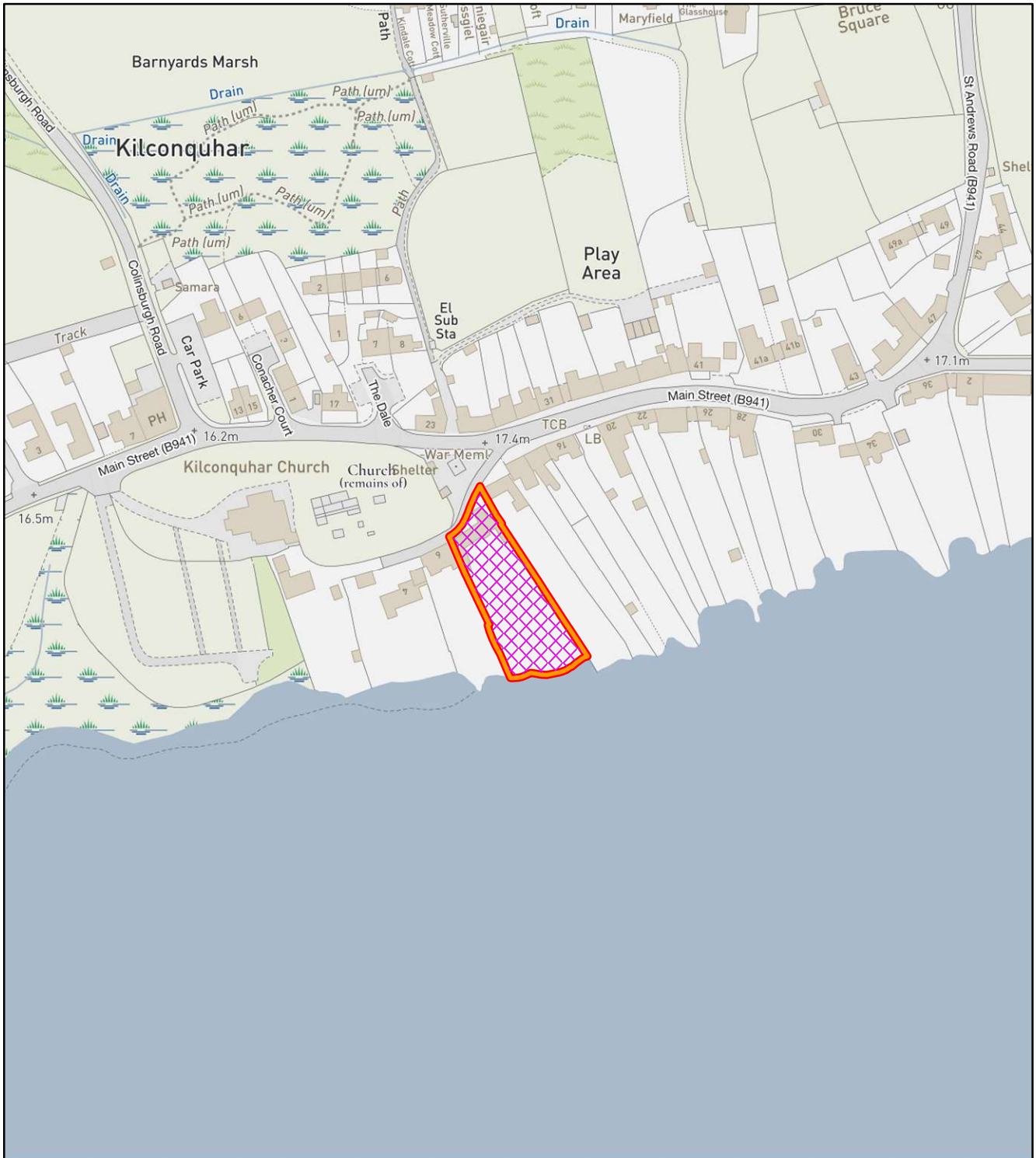
Report agreed and signed off by Alastair Hamilton, Service Manager(Committee Lead) 21.4.23

Date Printed 07/04/2023



# 22-03327-FULL

## 8 Main Street Kilconquhar



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<b>Legend</b>	
 Application Boundary	
	
 Economy, Planning & Employability Services	

**ITEM NO: 5**

**APPLICATION FOR FULL PLANNING PERMISSION REF: 22/04210/FULL**

**SITE ADDRESS: 24 MAIN STREET KILCONQUHAR LEVEN**

**PROPOSAL : FORMATION OF RAISED DECK WITHIN REAR CURTILAGE OF DWELLINGHOUSE (RETROSPECTIVE)**

**APPLICANT: MS KATE GUTHRIE  
24 MAIN STREET KILCONQUHAR LEVEN**

**WARD NO: W5R19  
East Neuk And Landward**

**CASE OFFICER: Fiona Kirk**

**DATE REGISTERED: 21/12/2022**

**REASONS FOR REFERRAL TO COMMITTEE**

This application requires to be considered by the Committee because:

More than 6 representations were received which are contrary to the officer's recommendation; and a statutory consultee has objected to this application where the officer's recommendation is for approval.

**SUMMARY RECOMMENDATION**

The application is recommended for:

Conditional Approval

**ASSESSMENT AGAINST THE DEVELOPMENT PLAN AND OTHER MATERIAL CONSIDERATIONS**

Under Section 25 of the Town and Country Planning (Scotland) Act 1997, the determination of the application is to be made in accordance with the Development Plan unless material considerations indicate otherwise. Under Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, in determining the application the planning authority should pay special attention to the desirability of preserving or enhancing the character or appearance of the relevant designated area.

National Planning Framework 4 was formally adopted on the 13th of February 2023 and is now part of the statutory Development Plan. NPF4 provides the national planning policy context for the assessment of all planning applications. The Chief Planner has issued a formal letter providing further guidance on the interim arrangements relating to the application and interpretation of NPF4, prior to the issuing of further guidance by Scottish Ministers.

The adopted FIFEplan LDP (2017) and associated Supplementary Guidance continue to be part of the Development Plan. The SESplan and TAYplan Strategic Development Plans and any supplementary guidance issued in connection with them cease to have effect and no longer form part of the Development Plan.

In the context of the material considerations relevant to this application there are no areas of conflict between the overarching policy provisions of the adopted NPF4 and the adopted FIFEplan LDP 2017.

## 1.0 BACKGROUND

1.1 The application site relates to a traditional built, early 19th Century dwellinghouse which is situated within the village settlement of Kilconquhar. The property is a Category B Listed Building and is situated within the Kilconquhar and Barnyards Conservation Area and East Neuk Local Landscape Area as defined within the adopted FIFE Local Development Plan 2017. The dwellinghouse has a large garden to the rear which extends down to Kilconquhar Loch to the south. Access to the rear garden is through a pend arch which is wide enough to accommodate a vehicle. The rear garden is relatively open plan, particularly closer to the Loch and enclosed with timber fencing and mature planting. There is a summer house situated within the rear garden area.

1.2 This planning application is for the formation of raised deck within rear curtilage of dwellinghouse (retrospective). The decking has been constructed to improve the end of the garden which has been deteriorating rapidly with wave movement and making ingress easier and for rare recreational use of the Loch by the owners with a small rowing boat. The proposal has involved the installation of a small untreated larch decking built over an existing stone promontory and stone shoring which extends and curves onto the turf garden edge in the form of a path at the end of the rear garden area at garden ground level. The decking area also extends marginally beyond the perimeter of the existing stone promontory. The red boundary line on the location plan shows the stone perimeter to be within the sole ownership of the applicant, whilst Kilconquhar Loch itself is under the ownership of Kilconquhar Estates and Elie Estates and maintained by NatureScot.

1.3 As outlined below, a previous application in 2022 (22/02405/FULL) for the decking was withdrawn owing to site ownership issues. This has been clarified and the proposal has been re-submitted. Photographic evidence submitted with this proposal shows the existing stone promontory and shoring with existing timber posts in Kilconquhar Loch itself. A supporting statement submitted with this application advises that the existing stone construction was deteriorating and becoming dangerous, and swans were easily accessing the garden area causing danger to small children and pets, as well as a health hazard. The applicant, following consultation and approval with SEPA and NatureScot, constructed the decking on top of the existing stone shoring and on their garden ground unaware that planning permission was required. Prior consultation was also carried out by the applicant with a company who specialise in Ecology and Aquaculture projects to assess what improvements could be made to both the

appearance and safety of the promontory and shoring in a sustainable way. It was advised that a decking should be constructed in untreated larch timber, built over the existing promontory and curved along the applicant's turf bank to provide a degree of erosion and stone protection from the wave movement in the loch. As also advised, the planting of flag iris and mint has been carried out along the shoreline, which are present in the loch and are native plants to the area.

1.4 Kilconquhar Loch is protected and is designated as a Site of Special Scientific Interest (SSSI), a national level designation. Ultimate control over developments within designated sites lays within the aegis of NatureScot, who have been consulted on this basis. The qualifying interests of the SSSI designation relate to the eutrophic loch, its shoreline habitats and the bird communities supported by the waterbody of the loch. Kilconquhar Loch has a history of supporting a diverse breeding bird community and also supports nationally important numbers of over-wintering birds such as pochard, tufted duck, geese and swans. The loch is fringed by tall fen, common reed and sweet grass, alder and willow carr which forms a dense canopy to the east and west shores with swamp communities along the south shore. Residential properties occupy a large area along the north shore of the loch with long gardens extending down to the loch shore.

1.5 There are a number of jetties and similar structures extending out along the north shore of Kilconquhar Loch. A jetty at No.8 Main Street has also recently constructed over the loch (22/03327/FULL) and this application is currently under consideration. This proposal is for a decking and provides a function like a landing stage over an existing stone promontory as opposed to being the same as a jetty. It is unclear of any other planning history relating to structures built over the loch.

1.6 The planning history for this property is as follows:

15/03537/FULL and 15/03538/LBC - Planning permission and Listed Building Consent for internal alterations, single storey extension to rear and formation of summer house - Approved  
22/02405/FULL - Installation of raised deck within rear curtilage of dwellinghouse (retrospective)  
- Withdrawn

1.7 A physical site visit has not been undertaken in relation to the assessment of this application. All the necessary information has been collated digitally to allow the full consideration and assessment of the application and it is considered, given the evidence and information available to the case officer, that this is sufficient to determine the proposal. The agent has submitted photographs of the decking area and a supporting statement and justification for the retrospective proposal.

1.8 This planning application has been submitted following an Enforcement enquiry. The complainant has highlighted that the jetty is unauthorised and consequently planning permission is required.

1.9 The application was screened under the Environment Impact Assessment (EIA) regulations and was deemed not to be required or determined under the EIA regulations given the type, scale and nature of the development.

## 2.0 PLANNING ASSESSMENT

2.1 The issues to be assessed against the Development Plan and other guidance are as follows:

- Principle of Development
- Impact on the Listed Building, Conservation Area, Design and Visual Impact
- Natural Heritage Assets and Impact on Kilconquhar Loch and SSSI status

### 2.2 Principle of Development

2.2.1 Policy 20 (Blue and Green Infrastructure) of National Planning Framework 4 (NPF4) advises that development should protect and enhance blue and green infrastructure and their networks. It also states development proposals that result in fragmentation or net loss of existing blue and green infrastructure will only be supported where it can be demonstrated that the proposal would not result in or exacerbate a deficit in blue or green infrastructure provision, and the overall integrity of the network will be maintained.

2.2.2 Policy 1, Part A of the Adopted FIFEplan Local Development Plan (2017) stipulates that the principle of development will be supported if it is (a) within a defined settlement boundary and compliant with the policies for this location; or (b) is in a location where the proposed use is supported by the Local Development Plan. As the application site lies within the settlement boundary of Kilconquhar as defined in the Adopted FIFEplan Local Development Plan (2017) there is a presumption in favour of development subject to satisfactory details. The principle of development for this type of timber structure within garden grounds has already been established in Kilconquhar with the existing stone promontory and stone shoring and where other jetties and timber structures constructed are in place within neighbouring properties and along the north shoreline of the loch. Therefore, the proposal is considered to be acceptable in principle in broad land use policy terms as it would comply with the Local Development Plan in this respect. Notwithstanding this, the overall acceptability of the proposal is subject to the development satisfying other policy criteria and specific design details and amenity impacts and other matters all of which are considered in detail below.

### 2.3 Impact on Listed Building, Conservation Area, Design and Visual Impact

2.3.1 Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Historic Environment Policy for Scotland (2019), Historic Environment Scotland's Managing Change in the Historic Environment on Setting and Boundaries, Historic Environment Scotland's New Design in Historic Settings, Policies 3, 4, 7, 14 and Annex D - Six Qualities of Successful Places of the National Planning Framework 4 (February 2023), Policies 1, 10, 13 and 14 of the Adopted FIFEplan Local Development Plan (2017) and Fife Council's Kilconquhar and Barnyards Conservation Area Appraisal and Management Plan 2012 apply with regard to this proposal.

2.3.2 Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that special regard shall be paid to the desirability of preserving the character and appearance of a Conservation Area. Policy HEP2 of the Historic Environment Policy for Scotland (2019) advises that decisions affecting the historic environment should ensure that its understanding and enjoyment as well as its benefits are secured for present and future generations. Policy HEP4 states that changes to specific assets and their context should be managed in a way that protects the historic environment. Historic Environment Scotland's Managing Change in the Historic Environment on Setting and Boundaries advises that

developments must be designed in a high-quality manner using appropriate materials and must protect the character and appearance of a property and places. Historic Environment Scotland's New Design in Historic Settings advises that the sensitive use of appropriate colour, texture and pattern of materials whether traditional or contemporary is important. Also new interventions in historic settings do not need to look old in order to create a harmonious relationship with their surrounds.

2.3.3 National Planning Framework 4 (NPF4) Policy 14 focuses on Design, Quality and Place and supports development that is consistent with the Six Qualities of Successful Places. NPF4 Policy 7 (Historic assets and places) states that new development shall only be supported where it preserves or enhances the character and appearance of a Conservation Area and this will be through the understanding of site context, protecting important site features, design quality and the use of appropriate materials. NPF4 Policy 14 (Design, quality and place) and Annex D advise that development proposals shall be supported where they are consistent with, where relevant, the six qualities of successful place such as Healthy, Pleasant, Connected, Distinctive, Sustainable and Adaptable. This policy also states that development proposals which are poorly designed will not be supported.

2.3.4 Policies 1 and 10 of the Adopted FIFEplan 2017 advises that development proposals must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to visual impact on the surrounding area. Policy 14 of the Adopted FIFEplan 2017 advises that development which protects or enhances buildings or other built heritage of special architectural or historic interest will be supported. Proposals will not be supported where it is considered they will harm or damage the character or special appearance of a Conservation Area and its setting, having regard to Conservation Area Appraisals and Management Plans. Fife Council's Making Fife Place's Supplementary Guidance (2018) advises that good design plays a vital role to maintain the character and quality that affects people's experience of a place. The Kilconquhar and Barnyards Conservation Area Appraisal and Management Plan 2012 advises that the correct use of traditional materials and detailing is important in defining, protecting and enhancing the special character of the Conservation Area. Any new development within a Conservation Area should also be sympathetic to adjacent buildings and the area as a whole.

2.3.5 Fife Council's Built Heritage Team have been consulted with regard to this proposal and they support approval on the basis that there would be no adverse impact on the special architectural or historic interest of the building or the special character or appearance of the Conservation Area. Objectors have concerns that the decking does not enhance the appearance of the immediate area and is an unacceptable intrusion. It could set a precedent with inevitable adverse impact upon nature conservation value of the site and its inhabitants. To address the objector concerns, it is considered that the timber structure, design and finishing materials is sympathetic to the existing landscaping and visual impact of Kilconquhar Loch and is of an acceptable design and scale. Although the small decking is situated within the curtilage of the Category B Listed Building it is sufficiently remote from the dwellinghouse and does not impact on the setting or the special architectural and historic interest of the Listed Building itself. The views from within the Conservation Area do not have any significant impact to the immediate area and surrounding natural environment. In light of the above, it is considered the proposal respects the character, appearance and prevailing pattern of the adjacent townscape and the decking is considered compliant with meeting the terms of National Guidance, National Planning Framework 4 Policies 3, 4, 7, 14 and Annex D, Adopted FIFEplan Local Development Plan (2017) Policies 1, 10, 13 and 14 and all other related guidance relating to design and visual impact on the setting of a Listed Building and Conservation Area.

## 2.4 Natural Heritage Assets and Impact on Kilconquhar Loch and SSSI status

2.4.1 Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Historic Environment Policy for Scotland (2019), Policies 3, 4 and 20 of the National Planning Framework 4 (February 2023), Policies 1, 7, 12 and 13 of the Adopted FIFEplan Local Development Plan (2017), Fife Council's Making Places Supplementary Guidance (2018) including Appendix A, Site Appraisal Information: Natural Heritage and Biodiversity and Fife Council's Kilconquhar and Barnyards Conservation Area Appraisal and Management Plan 2012 apply with regard to this proposal.

2.4.2 Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that decisions affecting the historic environment should ensure that its understanding and enjoyment and changes to specific assets and their context should be managed in a way that protects the historic environment. Policy 3 (Biodiversity) of the NPF4 advises that development should protect and enhance biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks and the use of nature-based solutions, including where relevant, restoring degraded habitats. Policy 4 (Natural Places) of the NPF4 advises that development should ensure natural places are protected and restored and that natural assets are managed in a sustainable way such that their essential benefits and services are both maintained and grown. Policy 20 (Blue and Green Infrastructure) of the NPF4 aims to protect and enhance blue and green infrastructure and their networks. The defined result is to ensure blue and green infrastructure are integral to development design from an early stage in the process and are designed to deliver multiple functions, including climate mitigation, nature restoration, biodiversity enhancement, flood prevention and water management. An additional benefit identified for communities is the increased access to high quality blue, green and civic spaces.

2.4.3 Policy 1 of the Adopted Local Development Plan advises that development must safeguard the character and qualities of the landscape, avoid impacts on the water environment and safeguard the loss of natural resources including natural characteristics, river engineering works or recreational use. Policy 7 of the Adopted Local Development Plan supports development in the countryside where it is for facilities to improve access into the countryside but only where development is of an appropriate scale and type for the area and is compatible with the existing uses. Policy 12 of the Adopted Local Development Plan advises development proposals will only be supported where they can demonstrate that they will not detrimentally impact on water quality and the water environment, including its natural characteristics or recreational use. Policy 13 of the Adopted Local Development Plan advises that development proposals will only be supported where they protect or enhance the natural heritage environment and access assets as also detailed in Fife Council's Making Place's Supplementary Guidance Appendix A. The extent of the analysis and level of detail required under Appendix A would depend on the particular site (including habitats and species present) and the scale and type of development proposed. The Kilconquhar and Barnyards Conservation Area Appraisal and Management Plan 2012 advises that the Loch exerts a major influence visually on its character and it is an important site for both breeding and wintering water birds and in recognition both the loch and surrounding area is designed as a SSSI. Previously, Kilconquhar and Elie Estates entered into a Management Agreement with Scottish Natural Heritage to ensure the loch continued to be managed for the benefit of the environment.

2.4.4 Objectors concerns advise of disappointment that NatureScot failed to recognise the threat of disturbance on SSSI site from the broader public exercising access rights under the Scottish Outdoor Access Code (SOAC) over Kilconquhar Loch as a SSSI site. In response to objector's concerns, NatureScot have been consulted with regard to this proposal and confirmed that the site is designated as a SSSI, notified for its nationally important breeding bird assemblage, non-breeding populations of pochard and tufted duck as well as for its eutrophic loch, open water transition fen and wet woodland habitats. They advise that the jetty would not detrimentally impact on the notified features of the loch and SSSI. However, the intended use of the jetty could lead to disturbance to the notified bird features that use the loch and recommend a condition is applied to any decision to restrict access at key times during the year. Fife Council's Natural Heritage Officer has also been consulted and endorse the comments made by NatureScot with further concerns regarding the use of the jetty for boating access and disturbance to the breeding bird assemblage and reiterate a condition is applied in this respect. Furthermore, the Natural Heritage Officer advises that deliberately disturbing a bird engaged in a breed attempt constitutes an offence under the Wildlife and Countryside Act 1981 (as amended by the Nature Conservation (Scotland) Act 2004 and the Wildlife and Natural Environment (Scotland) Act 2011). Such behaviour is also considered irresponsible under the Scottish Outdoor Access Code (SOAC). Further consultations have taken place with NatureScot and the Natural Heritage Officer regarding the wording of a condition to ensure all aspects for the protection of the birds and the breeding season and restricted use of the decking for boating activities is included in an appropriate condition.

2.4.5 Objectors also have concerns that the retrospective decking jetty allows ease to water for potential increase to recreational purposes and other developments on water bodies and disturbance to wildfowl by visual intrusion, size, speed and sound. The decking is not a long-term deterrent to swans and a fence along the edge of the garden would allow swans to rest along the edge of the water without encroaching into the garden and this could set a precedent for other similar developments. Other concerns state that Fife Council has a duty to protect biodiversity especially to a site of SSSI status and sites which have some semblance of refuge for wildlife to tackle climate change and restoring biodiversity. Disturbance of sites need to be kept to a minimum. Finally, objectors advise that the supporting statement mentions that the jetty would enable the sailing of a craft on the loch which is at odds with NatureScot's list of controlled activities which require SSSI advice on erection of permanent or temporary structures and use of craft likely to damage or disturb ornithological or botanical interests. NatureScot were misled as not given the true intention of the proposal.

2.4.6 In response to objector's concerns, the applicant submitted further clarification to confirm that they do own a small boat which remains stored under a pend at their house and is not moored from the decking and is rarely used (once this year and twice last year). The applicant also confirmed the decking was built to improve the end of the garden which has been deteriorating quite rapidly and making ingress easier and they would not use the decking for recreational use. The applicant also contacted SEPA and NatureScot prior to the construction of the decking, both of whom gave their support. They also stressed that they are respectful of the sensitivity of the environment and advise the bird life at the bottom of the garden has continued as before and the new timber decking has now deterred swans from entering the garden. Whilst this is noted, the decking cannot be considered as a deterrent to stop swans entering a garden, as swans can fly over a decking or a more robust fence. This application is assessed purely on the merits of the decking's design, scale and impact on ecology and the protection of the natural heritage assets of the Loch and SSSI status.



2.4.7 In light of the above, the formation of the small decking over the existing stone shoring is considered to be acceptable. An appropriate condition would be applied to restrict the recreational use of the Loch by any boating activities throughout the calendar year with a 50 metre buffer zone applied to further protect the vegetation and bird breeding and nesting areas. This would also ensure the continued protection of the wider ecological interests of Kilconquhar Loch Site of Special Scientific Interest. Taking all of the above into account, it is considered that the proposal complies with National Guidance, the Local Development Plan and relevant guidelines relating to safeguarding the natural heritage assets of Kilconquhar Loch and the SSSI status.

## CONSULTATIONS

Built Heritage, Planning Services	Approval is supported.
Community Council	Objection submitted.
Scottish Water	No objections to make.
NatureScot	No impact to notified features of Kilconquhar Loch, however, the structure could lead to disturbance of birds and recommend a condition is applied restricting access at key times. This has been applied.
Natural Heritage, Planning Services	Comments received relating to use of the jetty for boating access and disturbance to bird breeding season. An appropriate condition has been applied.

## REPRESENTATIONS

Eight objections have been submitted with regard to this proposal. The concerns raised in the objections can be summarised with a Planning Officer response as follows:

1. Kilconquhar Loch is one of the most important nature conservation sites and least disturbed standing freshwater sites in Fife of value to waterfowl throughout the year making conservation and biodiversity value of Kilconquhar Loch even greater. Fife Council has a duty to protect biodiversity especially to a site of SSSI status and sites which have some semblance of refuge for wildlife to tackle climate change and restoring biodiversity. It would have an impact on some bird species and breeding season with birds deserting the site. Encroachment by the jetty into loch would negatively impact on site conservation and impact on value of site, regardless of seasonal restrictions.

Case Officer response: This concern has been considered and addressed in Sections 2.4.2, 2.4.3, 2.4.4, 2.4.5 and 2.4.6 of this report.

2. The jetty allows ease to water for potential increase to recreational purposes and other developments on water bodies and disturbance to wildfowl by visual intrusion, size, speed and sound.

Case Officer response: This concern has been considered and addressed in Sections 2.4.4 and 2.4.5 of this report.

3. The decking does not enhance appearance and is an unacceptable intrusion.

Case Officer response: This concern has been considered and addressed in Section 2.3.5 of this report.

4. Could set a precedent with inevitable adverse impact upon nature conservation value of the site and its inhabitants.

Case Officer response: This concern has been considered and addressed in Section 2.3.5 of this report.

5. The decking is not a long-term deterrent to swans and a fence along the edge of the garden would allow swans to rest along the edge of the water without encroaching into the garden.

Case Officer response: This concern has been considered and addressed in Section 1.3 and 2.4.6 of this report.

6. Kilconquhar Loch supports significant numbers of breeding and winter water birds. It would have an impact on some bird species and breeding season with birds deserting the site. Encroachment by the jetty into loch would negatively impact on site conservation and impact on value of site, regardless of seasonal restrictions.

Case Officer response: This concern has been considered and addressed in Sections 2.4.4, 2.4.5 and 2.4.6 of this report.

7. Kilconquhar Loch as a SSSI site should have a level of protection against timber jetty's on land they do not own for personal and recreational activities.

Case Officer response: This concern has been considered and addressed in Sections 2.4.2, 2.4.3, 2.4.4, 2.4.5 and 2.4.6 of this report.

8. Advice from NatureScot states that management of recreational disturbance is essential to breeding success and provision of wintering grounds. Disturbance of sites need to be kept to a minimum.

Case Officer response: This concern has been considered and addressed in Sections 2.4.4, 2.4.5 and 2.4.6 of this report.

9. The supporting statement mentions that the jetty would enable the sailing of a craft on the loch which is at odds with NatureScot's list of controlled activities which require SSSI advice on erection of permanent or temporary structures and use of craft likely to damage or disturb ornithological or botanical interests. NatureScot were misled as not given the true intention of the proposal.

Case Officer response: This concern has been considered and addressed in Section 1.3, 2.4.4, 2.4.5 and 2.4.6 of this report.

10. Site ownership issues as the decking is built on solum of Kilconquhar Loch and it is not entirely within the curtilage of dwellinghouse and has not got authorisation from Elie Estate or Kilconquhar Estate, which could lead to a legal dispute. A permanent structure cannot be built on someone else's land and owner disregarded advice to cease building the structure.

Case Officer response: This concern is a legal issue and not a material consideration in the assessment of this planning application as they are separate legal matters out with the remit of the planning system. In this instance, a signed and dated Site Ownership Certificate has been lodged on the basis that the applicant has, to the best of their knowledge, completed the Site Ownership Certificate on that basis.

11. Disappointment that NatureScot failed to recognise the threat of disturbance on SSSI site from the broader public exercising access rights under the Scottish Outdoor Access Code (SOAC) over Kilconquhar Loch as a SSSI site.

Case Officer response: This concern has been considered and addressed in Sections 2.4.4 and 2.4.5 of this report.

Five support comments have been submitted with regard to this proposal stating:

1. The proposal does not affect neighbours.
2. Decking materials are good quality natural timber and an improvement to the stone promontory and the meticulous construction is a benefit to the conservation of its historic position.
3. Decking is a sympathetic enhancement.
4. The structure keeps swans of the garden which causes mess and a health hazard and safety issues for children and pets.
5. The decking is appropriate, unobstructive and sensitive to its surroundings and is in keeping with neighbouring properties.
6. The decking is a like for like replacement where all diligence has been complied with.
7. There is no encroachment or enlargement of an existing situation.

A supporting statement has also been submitted by the applicant to advise that they do own a small rowing boat which is stored under the pend at the house for rare use on the Loch as stated earlier in the report. The boat is not moored on the decking.

A late representation has been submitted on behalf of the applicants on the merits of the application which they advise is well articulated by their architect and other supporters of the proposal. They wish to defend the legal status of the application site and whether this has any relevance to the determination of the application as objection letters concerns imply that it would be improper for planning permission to be granted in respect of land where ownership is disputed. Furthermore, a Report of Ownership has also been submitted on behalf of the applicants.

Case Officer response: This is a private legal matter separate from the planning system and should be dealt with independently with the assessment of this planning application. In this instance, a signed and dated Site Ownership Certificate has been lodged on the basis that the applicant has, to the best of their knowledge, completed the Site Ownership Certificate on that basis. Again, any legal disputes are separate legal matters.

## CONCLUSIONS

The proposal is considered to be acceptable in meeting the terms of the National Guidance, Development Plan and relevant Conservation Area Appraisal and Management Plan. The proposal respects the character and appearance of the Conservation Area and is compatible with its surrounds in terms of design, finishing materials and style and would not cause any detrimental impact to the surrounding natural environment and heritage, SSSI, setting of the Category B Listed Building, Conservation Area and it would not raise any significant impacts on Kilconquhar Loch itself. The application is therefore recommended for conditional approval.

## RECOMMENDATION

It is accordingly recommended that the application be approved subject to the following conditions and reasons:

1. Any boating activities (or the use of any similar waterborne craft) utilising this approved jetty (or adjacent garden ground/land associated with the site) throughout the calendar year; shall only be carried out using non-motorised craft; shall start and end journeys using only the approved jetty (or associated garden/land) unless in an emergency; landing shall only be permitted on residential curtilages and their associated gardens and not on other vegetated areas/nesting/breeding areas including those around the southern loch shore; and craft shall not manoeuvre within 50 metres of those areas of vegetation or nesting/breeding areas unless otherwise agreed in writing with this Planning Authority. For the avoidance of doubt this 50 metres off-set buffer shall be measured from the loch's innermost section of naturally occurring vegetation and not the outer/perimeter banking.

Reason: In order to promote responsible access and avoid potential disturbance during bird breeding and wintering seasons; and to protect the wider ecological interests of the designated Kilconquhar Loch Site of Special Scientific Interest.

## STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS

In addition to the application the following documents, guidance notes and policy documents form the background papers to this report.

### National Guidance

Section 64 of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997

Historic Environment Policy for Scotland (2019)

Historic Environment Scotland's Managing Change in the Historic Environment - Setting and Boundaries

Historic Environment Scotland's New Design in Historic Settings (2010)

### Development Plan

National Planning Framework 4 (Approved February 2023)

Adopted FIFEplan Local Development Plan (2017)

Fife Council's Making Place's Supplementary Guidance (2018) and Appendix A Site Appraisal Information: Natural Heritage and Biodiversity

Other Guidance

Fife Council's Kilconquhar and Barnyards Conservation Area Appraisal and Management Plan  
2012

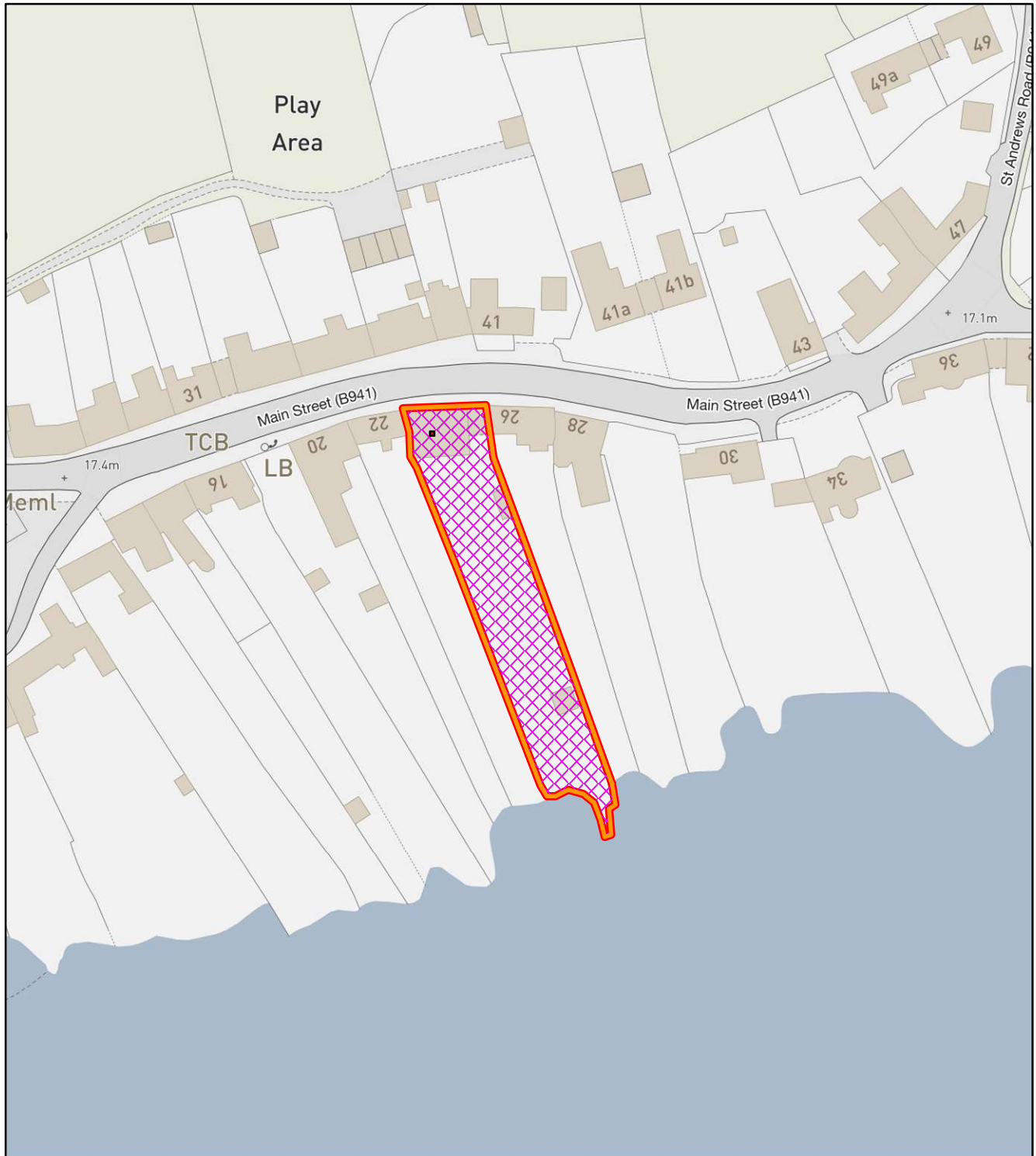
Report prepared by Fiona Kirk, Planning Assistant and Case Officer.

Report agreed and signed off by Alastair Hamilton. Service Manager (Committee Lead) 21.4.23.

Date Printed 06/04/2023

# 22/04210/FULL

24 Main Street Kilconquhar Leven Fife KY9 1LQ



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<b>Legend</b>	
 Application Boundary	
	
 Economy, Planning & Employability Services	

<b>ITEM NO:</b>	<b>6</b>
<b>APPLICATION FOR FULL PLANNING PERMISSION REF:</b>	<b>22/03688/FULL</b>
<b>SITE ADDRESS:</b>	<b>39 SCOONIEHILL ROAD ST ANDREWS FIFE</b>
<b>PROPOSAL :</b>	<b>CHANGE OF USE FROM PUBLIC LAND TO GARDEN GROUND</b>
<b>APPLICANT:</b>	<b>MR A STRACHAN 39 SCOONIEHILL ROAD ST ANDREWS FIFE</b>
<b>WARD NO:</b>	W5R18 St. Andrews
<b>CASE OFFICER:</b>	Manasa Kappadi Channabasavaiah
<b>DATE REGISTERED:</b>	14/11/2022

**REASONS FOR REFERRAL TO COMMITTEE**

This application requires to be considered by the Committee because:  
The Community Council objected to this application as a Statutory Consultee.

**SUMMARY RECOMMENDATION**

The application is recommended for:  
Conditional Approval

**ASSESSMENT AGAINST THE DEVELOPMENT PLAN AND OTHER MATERIAL CONSIDERATIONS**

Under Section 25 of the Town and Country Planning (Scotland) Act 1997, the determination of the application is to be made in accordance with the Development Plan unless material considerations indicate otherwise.

National Planning Framework 4 was formally adopted on the 13th of February 2023 and is now part of the statutory Development Plan. NPF4 provides the national planning policy context for the assessment of all planning applications. The Chief Planner has issued a formal letter providing further guidance on the interim arrangements relating to the application and interpretation of NPF4, prior to the issuing of further guidance by Scottish Ministers.

The adopted FIFEplan LDP (2017) and associated Supplementary Guidance continue to be part of the Development Plan. The SESplan and TAYplan Strategic Development Plans and any supplementary guidance issued in connection with them cease to have effect and no longer form part of the Development Plan.

In the context of the material considerations relevant to this application there are no areas of conflict between the overarching policy provisions of the adopted NPF4 and the adopted FIFEplan LDP 2017.

## 1.0 BACKGROUND

1.1 The application site relates to a two-storey modern end-terraced dwellinghouse which is located within the established residential area of St Andrews. External finishing materials comprise of an interlocking concrete tiled roof, dry dash roughcast walls with horizontal timber cladding on front elevation, white UPVC casement windows and doors. The property benefits from rear garden measuring just under 35 m<sup>2</sup> in area which is enclosed by timber fencing. The rear garden includes a small garden shed and the property is surrounded by properties of similar architectural style.

1.2 This application seeks planning permission for a change of use from open space to private garden ground and erection of boundary fence. The proposal relates to an area of public open space (approximately 111 sqm) located to the north east of 39 Scooniehill Road. The area of open space contains three mature trees, is gravelled and slopes down towards the north west. It is bound by a house to the south west, a footpath to the south east and Scooniehill road to the north east.

1.3 A 1800mm high hedge would be planted along a 15.5m stretch of the perimeter with existing timber fence towards south east and an 600mm high timber fence towards north of the remaining sections of the proposed new boundary.

1.4 The previous planning application associated with this property includes -

- 22/03687/FULL - Formation of decking and erection of fence to front of dwellinghouse (retrospective), approved on 07.03.2023.

- 21/02332/FULL - Change of use of from public open space, refused on 19.10.2021, in the interest of protecting local landscape, character, biodiversity and visual amenity.

- 20/02918/PREAPP - Pre-Application for change of use from open space to private garden ground, advice given on 26.02.2021.

1.5 A physical site visit has not been undertaken. All necessary information has been collated digitally to allow the full consideration and assessment of the application. A risk assessment has been carried out and it is considered, given the evidence and information available to the case officer, that this is sufficient to determine the proposal. Information has been gathered using Google maps, google Streetview and ArcGIS mapping.



1.6 Under The Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 (as per the advice contained within Circular 3/2009) that where Fife Council has an interest in an application as applicant or landowner or where the Council has a financial interest in the proposed development, the Scottish Ministers must be notified of the application before planning permission is granted but only where the development is considered to be significantly contrary to the Development Plan. Such a procedure allows Ministers to consider whether any possible conflicts of interest may have unduly influenced the planning authority or have made it difficult for the authority to retain an impartial view of the merits of the proposed development. The Direction also advises that planning authorities are not required to inform objectors of their intention to grant planning permission or advise them of their reasons for doing so, nor does it require an authority to invite further comment prior to notifying Ministers. In this instance the proposed development is not considered to be significantly contrary to the Development Plan and therefore, if approved, the application should not be referred to Scottish Ministers but can be determined by the Council and the decision notice issued. PAN 82 Local Authority Interest Development (2007) provides further guidance and advice on Council interest proposals.

## 2.0 PLANNING ASSESSMENT

2.1 The issues to be assessed against the Development Plan and other guidance are as follows;

- Principle of Development
- Design and Visual Impact
- Residential Amenity

### 2.2 Principle of Development

2.2.1 Policies 14 and 16 of the Adopted National Planning Framework 4 (2023), Policy 1, Part A of the Adopted FIFEplan Local Development Plan (2017) apply in this regard and stipulates that the principle of development will be supported if it is (a) within a defined settlement boundary and compliant with the policies for this location; or (b) is in a location where the proposed use is supported by the Local Development Plan.

2.2.2 As the application site lies within the settlement boundary of St. Andrews as defined in the Adopted FIFEplan Local Development Plan (2017) there is a presumption in favour of development subject to satisfactory details. The site as existing is a 111 m<sup>2</sup> grassed area with three matured trees, there are other areas of public open space available within the immediate vicinity and as this is a small amenity area which has no specific value, such as a play area or seated area. Therefore, while a considerable sized area of open space, it not considered to be of great amenity value. The loss of the gravelled area to the north east of 39 Scooniehill Road would not constitute an unacceptable or detrimental loss of open space.

2.2.3 In light of the above, it is considered that the proposed development is compatible with the area in terms of land use, meeting the policy requirements of the NPF4 and Local Development plan, and therefore deemed acceptable in principle.

## 2.3 Design and Visual Impact

2.3.1 Policies 14 and 16 of the National Planning Framework 4 (2023), Policies 1 and 10 of the Adopted FIFEplan Local Development Plan 2017 and Making Fife's Places - Supplementary Guidance (2018) apply in this regard.

2.3.2 FIFEplan Policies 1 (Development Principles), and 10 (Amenity), require all new development to be placed where the proposed use is supported by the Local Development Plan and for it to be well located and designed to ensure it makes a positive contribution and protects the overall landscape and environmental quality of the surrounding area.

2.3.3 The proposed change of use of open space and the erection of the boundary fence would complement the existing boundary treatments of this dwellinghouse and other properties within the immediate area. The existing area fronts Scooniehill Road and acts as a buffer between the houses and main road. Comments of concern have been received regarding the height and visual impact of the fence if it would be erected in future under Permitted Development Rights after the permission is granted. However, after discussion with the applicant's agent, elevation drawing was submitted which confirms boundary treatment would be to the front and key public areas with a low level fence (600mm) and with hedge to the rear (1800mm) to make the boundaries appears more natural with vegetation and would not have a significant detrimental impact on visual amenity. The height of the fence is conditioned to ensure it remains at the more appropriate proposed height and to avoid it being raised at a later date in accordance with Permitted Development Rights applicable at the time.

2.3.4 The applicant's agent also confirmed that the street sign would be moved to appropriate location as advised by the Fife Council's Transport and Environmental Services department.

2.3.5 In light of the above, the proposal is considered acceptable in this instance and complies with the NPF4, Local Development Plan and relevant guidelines relating to design and visual impact.

## 2.4 Residential Amenity

2.4.1 National Planning Framework 4 (NPF4) Policy 14 focuses on Design, Quality and Place and supports development that is consistent with the Six Qualities of Successful Places. Policies 1, 10 and 13 of the Adopted FIFEplan Local Development Plan 2017, Making Fife Place's Supplementary Guidance (2018) and Fife Council's Customer Guidelines on Garden Ground apply in this regard.

2.4.2 Policy 1 of the Adopted FIFEplan 2017 advises that a development proposal will be supported if it is in a location where the proposed use is supported by the Local Development Plan and proposals address their individual and cumulative impacts. Policy 10 of the Adopted FIFEplan 2017 advises that development will only be supported if it does not have a significant detrimental impact on the amenity of existing or proposed land uses and will not lead to a significant detrimental impact on the amenity in relation to traffic movements and loss of open space and green networks. Policy 13 of the Adopted FIFEplan 2017 advises that development proposals will only be supported where they protect or enhance natural heritage and access assets including green networks, green spaces, core paths, existing rights of way and established footpaths. Making Fife Place's Supplementary Guidance (2018) Appendix H - Fife Green Networks Report also advises that Policies are required to safeguard (keep open and free from obstruction) core paths, existing rights of ways, established footpaths. Fife Council's

Customer Guidelines on Garden Ground advise that proposals should not reduce the neighbour's quality of life or harm the quality of the local environment.

2.4.3 Concerns have been submitted regarding the change of use of this area of public open space to private garden ground and the impact it would have on the surrounding environment, residential amenity. However, this particular area of open space is located at the smallest section of a public area along Scooniehill Road, and the green space is slightly offset from the route of the vehicular road itself, unlike other green spaces along Scooniehill Road which are positioned adjacent to it on a narrower area. Although dog walkers and locals may use the area, it would only be for a minimal time owing to its size and there are other grassed areas with mature tree along Scooniehill Road for this purpose. It also is a relatively small area with no amenity value that would impact its use as a specific site for recreational purposes such as a play or seating area. The existing tarmac vehicular area bounding this gravelled area, allows parking for neighbouring properties, visitors and would not be affected by this proposal as there is adequate space tarmacked for vehicle manoeuvring and the safe passage for parking and road access and pedestrian safety. The height of the fence does not impact or restrict overall visibility to the immediate area.

2.4.4 Concerns have been submitted that the proposal could set a precedent, however, this is not a material consideration in the assessment of this application and each proposal is assessed under its own merits. It is considered that the proposal by way of its land use, size and scale would not have a material adverse impact on the amenity of neighbouring properties or diminish the rights and quality of life of the neighbouring residents and visitors.

2.4.5 Comments of concerns have been raised regarding the impact on amenity due to the potential loss of trees. However, agent has submitted a tree report indicating the health of trees and has confirmed that there is no intention to remove the trees. However, trees would be pruned/trimmed/felled in the coming years if they do become a danger to property damage and public safety. An application would be applied in the future which will address the issue with the trees, if applicant feels this needs to be addressed.

2.4.6 In light of the above, the proposal is considered acceptable in this respect in terms of loss of garden ground; would be compatible with its surrounds in terms of land use and would be in compliance with the Development Plan and relevant guidance.

## **CONSULTATIONS**

Community Council

Not supportive. This concern has been addressed in the section 2.4.3, 2.4.5, 2.2.2 of the assessment above.

## **REPRESENTATIONS**

4 objections have been received with regard to this proposal. The concerns raised in the objections can be summarised with a Case Officer response as follows:

1. Set a precedent as other properties may extend their gardens and erect walls. Diminish area and access to public space.

Case Officer response: Setting a precedent is not a material consideration in the assessment of this application. All applications are considered under their individual merits. Please see Section 2.4.4 of the assessment above.

## 2. Loss of trees and open space.

Case Officer response: Agent has confirmed no intention to remove trees and although there is a loss of open space, there are other areas along Scooniehill Road retained and it is not a significant loss to the overall green spaces within the area. Please see Section 2.4.3, 2.4.5, 2.2.2 of the assessment above.

## 3. Concerns have been received regarding the height and visual impact of the proposed fence.

Case Officer response: Elevation drawing was submitted which confirms boundary treatment would be to the front and key public areas with a low level fence with hedge to the rear to make the boundaries appears more natural. Please see Section 2.3.3 of the assessment above.

## **CONCLUSIONS**

The proposal is considered to be acceptable subject to condition, in meeting the terms of the National Guidance, Development Plan and relevant Fife Council Planning Customer Guidelines. The proposal is compatible with its surrounds in terms of land use, scale, design, choice of materials; would not cause any detrimental visual impact to the surrounding properties, residential amenity.

## **RECOMMENDATION**

It is accordingly recommended that the application be approved subject to the following conditions and reasons:

1. For the avoidance of doubt, the 0.6 metre high timber screen fence hereby approved shall remain at that approved height for the lifetime of the garden ground use unless otherwise agreed in writing with this Planning Authority. This height is the maximum permitted height and shall be measured from the adjacent footway / garden ground height, whichever is the lower of the two.

Reason: In the interests of protecting the visual character of the area.

2. The development to which this permission relates must be commenced no later than 3 years from the date of this permission.

Reason: In order to comply with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of The Planning (Scotland) Act 2019.

## **STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS**

In addition to the application the following documents, guidance notes and policy documents form the background papers to this report.

National Guidance  
National Planning Framework 4 (Approved February 2023)

Development Plan  
Adopted FIFEplan Development Plan (2017)

Other Guidance  
Making Fife's Places Supplementary Guidance (2018)  
Planning Advice Note (PAN) 82 - Local Authority Interest Development (2007)

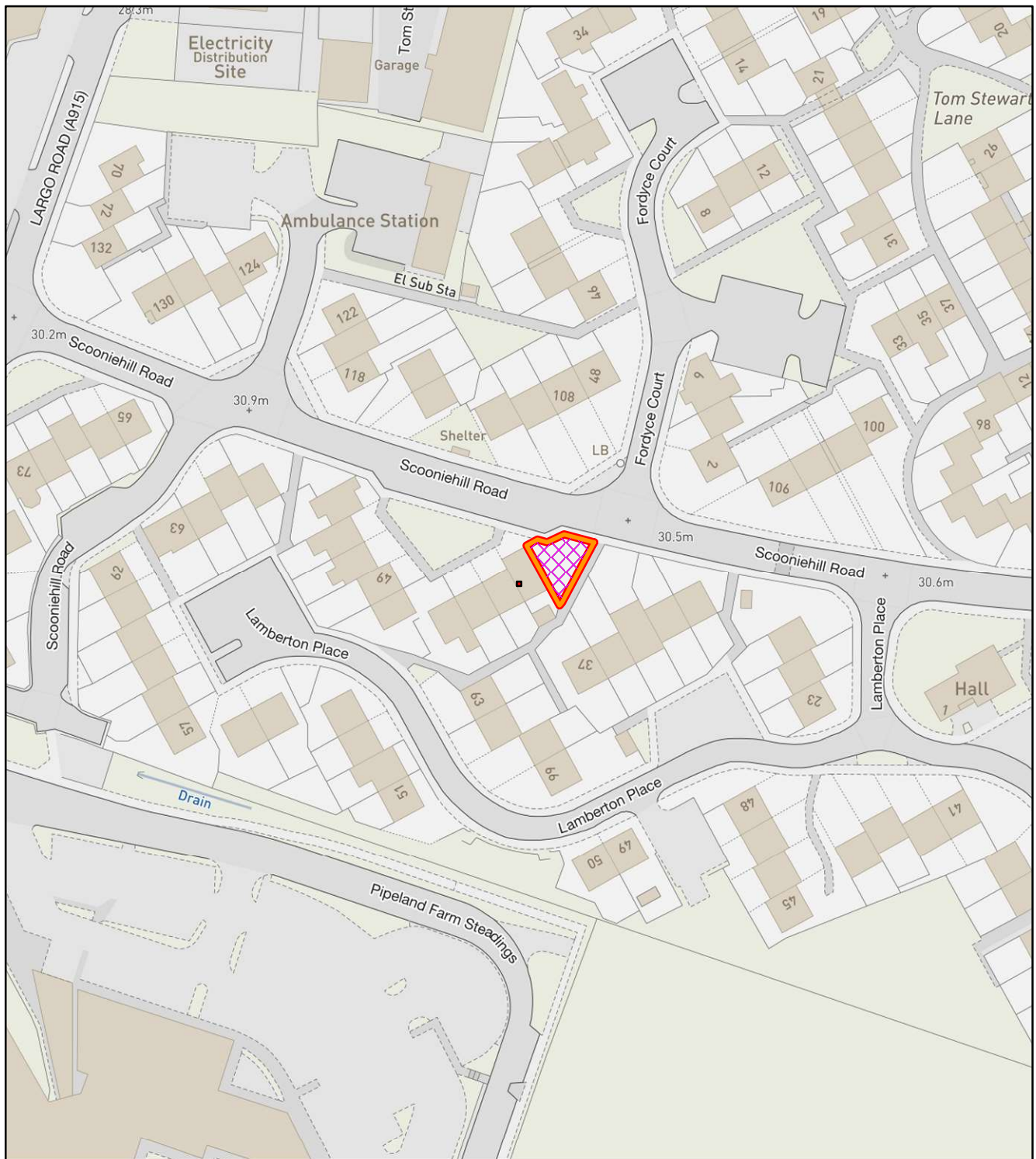
Report prepared by Manasa Kappadi Channabasavaiah, Graduate Planner, Development Management.

Report agreed and signed off by Alastair Hamilton, Service Manager(Committee Lead) 21/4/23.

Date Printed 21/04/2023

# 22/03688/FULL

39 Scooniehill Road St Andrews Fife KY16 8HZ



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<b>Legend</b>			 <b>Fife</b> COUNCIL Economy, Planning & Employability Services
	Application Boundary		

<b>ITEM NO:</b>	<b>7</b>
<b>APPLICATION FOR FULL PLANNING PERMISSION</b>	<b>REF: 23/00277/FULL</b>
<b>SITE ADDRESS:</b>	<b>1 LINDSAY BERWICK PLACE ANSTRUTHER FIFE</b>
<b>PROPOSAL :</b>	<b>CHANGE OF USE FROM PUBLIC OPEN SPACE TO PRIVATE PARKING AREA</b>
<b>APPLICANT:</b>	<b>MR. &amp; MRS. GORDON NICOL 1 LINDSAY BERWICK PLACE ANSTRUTHER FIFE</b>
<b>WARD NO:</b>	W5R19 East Neuk And Landward
<b>CASE OFFICER:</b>	Lauren McNeil
<b>DATE REGISTERED:</b>	09/02/2023

**REASONS FOR REFERRAL TO COMMITTEE**

This application requires to be considered by the Committee because:

More than 6 representations were received which are contrary to the officer's recommendation; and a statutory consultee has objected to this application where the officer's recommendation is for approval.

**SUMMARY RECOMMENDATION**

The application is recommended for:

Conditional Approval

**ASSESSMENT AGAINST THE DEVELOPMENT PLAN AND OTHER MATERIAL CONSIDERATIONS**

Under Section 25 of the Town and Country Planning (Scotland) Act 1997, the determination of the application is to be made in accordance with the Development Plan unless material considerations indicate otherwise.

National Planning Framework 4 was formally adopted on the 13th of February 2023 and is now part of the statutory Development Plan. NPF4 provides the national planning policy context for the assessment of all planning applications. The Chief Planner has issued a formal letter providing further guidance on the interim arrangements relating to the application and interpretation of NPF4, prior to the issuing of further guidance by Scottish Ministers.

The adopted FIFEplan LDP (2017) and associated Supplementary Guidance continue to be part of the Development Plan. The SESplan and TAYplan Strategic Development Plans and any supplementary guidance issued in connection with them cease to have effect and no longer form part of the Development Plan.

In the context of the material considerations relevant to this application there are no areas of conflict between the overarching policy provisions of the adopted NPF4 and the adopted FIFEplan LDP 2017.

## 1.0 Background

1.1 This application relates to an area of open space measuring approximately 89m<sup>2</sup> located within the Anstruther settlement boundary. The development site is situated within an established residential area and forms part of a wider area of open space serving a large residential housing scheme. This residential housing scheme is characterised by small pockets of informal open space, including the area of land between the residential properties 2-8 Lindsay Berwick Place and 10-16 Lindsay Berwick Place. There are residential properties situated to the West and South of the site, including the applicants dwellinghouse and a children's playpark to the North-East. The land this application relates to is now in private ownership following the applicant having purchased this from the factor.

1.2 This application seeks full planning permission for a change of use from public open space to a private parking area. The proposed parking spaces would be made up of a Type 1 paving material which is well compacted and self-draining. The proposal also seeks to incorporate a 900mm high hedge around the perimeter of the site and a 2m wide strip of mono block paving between the proposed parking spaces and the existing pavement.

1.3 The planning history for the site can be summarised as follows:

- 00/00878/EFULL: Erect domestic garage in rear garden ground- Application Permitted - no conditions (April 2000)
- 22/00905/FULL: Change of use from public open space to garden ground and parking area- Application Refused (November 2022)

1.4 The current application seeks to address the concerns raised within the previous application (22/00905/FULL) which was ultimately refused by the Planning Committee. The key changes between the current application and the previously refused scheme include the omission of Site 1 to the East of the applicants dwellinghouse and the substantial reduction in the size of Site 2 from 653 m<sup>2</sup> to 89 m<sup>2</sup>.

1.5 A site visit was conducted on the 27th of February 2023.



## 2.0 Assessment

2.1 The issues to be assessed against the Development Plan and other relevant guidance are:

- a) Principle of Development/Provision of Open Space.
- b) Design/Visual Amenity
- c) Residential Amenity
- d) Road Safety

### 2.2 Principle of Development/Provision of Open Space

2.2.1 Policy 20 of NPF4 states development proposals that result in fragmentation or net loss of existing blue and green infrastructure will only be supported where it can be demonstrated that the proposal would not result in or exacerbate a deficit in blue or green infrastructure provision, and the overall integrity of the network will be maintained. The planning authority's Open Space Strategy should inform this.

2.2.2 Policy 1, 3 and 10 of the Adopted FIFEplan (2017) apply in this respect. Policy 1, Part A, stipulates that the principle of development will be supported if it is either (a) within a defined settlement boundary and compliant with the policies for this location; or (b) is in a location where the proposed use is supported by the Local Development Plan Team. Policy 3 (Infrastructure and Services) states that development proposals will not be supported where they would result in the loss of existing or proposed open space, including allotments unless: equivalent or better alternative provision will be provided in a location that is convenient for users or the Council accepts there is local overprovision in the surrounding area. Policy 10 (Amenity) furthers this stating that development will only be supported if it does not have a significant detrimental impact of existing or proposed land uses. Development proposals must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to, amongst other criteria, the loss of outdoor sports facilities, open space, green networks, protected trees, and woodland.

2.2.3 Representations received raised concerns regarding the principle of the development. The development site is situated within the Anstruther settlement boundary therefore there is a presumption in favour of development. The development site forms a small part of a wider area of informal open space at the heart of the residential housing scheme and is situated adjacent to a formal playpark. This area of open space is characterised by grassland and a few small trees throughout therefore it is considered this area of open space does not have any formal recreational amenity value however it is recognised this area would provide opportunities for informal play. The proposal would only result in a loss of less than 5% of the total area of this open space to the West of the playpark so would not have a significant detrimental impact on the overall provision or functionality of open space within the wider surrounding area. The proposal would not impact on the formal play/recreation/existing playpark area. It should also be noted that Bankie Park (public park) is situated approximately 130m South of the application site and can be accessed via a signalised crossing on Crail Road. It is therefore considered there is sufficient local provision of open space for play and recreation within walking distance from the residential scheme. A 900mm high hedge around the application site would also help create a natural delineation between the public and private spaces and would be in keeping with the character of the site.

2.2.4 In light of the above, the proposal would be in compliance with Policies 1, 3 and 10 of the Adopted FIFEplan (2017) and would be consistent with Policy 20 of NPF4. As such, the principle of development would be considered acceptable however the overall acceptability of any such development must also satisfy other relevant policy criteria considered in detail below.

## 2.3 Design/Visual Amenity

2.3.1 Policy 14 of NPF4 states development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale. Furthermore, development proposals will be supported where they are consistent with the six qualities of successful places: healthy, pleasant, connected, distinctive, sustainable and adaptable.

2.3.2 Policies 1 and 10 of FIFEplan (2017) and Making Fife's Places Supplementary Guidance (2018) also apply in this respect. Policies 1 and 10 aim to protect the amenity of the local community and state that development proposals must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to the visual impact of the development on the surrounding area. Making Fife's Places Supplementary Guidance (2018) sets out the expectation for developments with regard to design. This document encourages a design-led approach to development proposals through placing the focus on achieving high quality design. The document also illustrates how developments proposals can be evaluated to ensure compliance with the six qualities of successful places.

2.3.3 Representations received raised concerns regarding the visual impact of the proposal. The proposal would be in keeping with the residential character of the wider housing scheme and given its scale the loss of this portion of open space would not have a significant detrimental impact on the amenity value of the wider area of open space or the surrounding area. Moreover, the proposed boundary treatments would be compatible with the natural character of the site.

2.3.4 In light of the above, the proposal would be considered appropriate and would not have a significant detrimental impact on the visual amenity of the surrounding area. As such, the proposal would be in compliance with Policies 1 and 10 of FIFEplan (2017) and would be consistent with Policy 14 of NPF4.

## 2.4 Residential Amenity

2.4.1 Policies 1 and 10 of the Adopted FIFEplan (2017) apply in this respect. Policy 1 Part B states development proposals must protect the amenity of the local community. Policy 10 states that development will only be supported if it does not have a significant detrimental impact on the amenity of existing or proposed land uses. Development proposals must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to the loss of outdoor sports facilities, open space, green networks, protected trees, and woodland.

2.4.2 Representations received raised concerns regarding the loss of open space. As previously detailed, the development site is situated within an established residential area therefore the proposed parking area would be compatible with its surrounds. This area of open space does not have any formal recreational amenity value however it is recognised this area would provide opportunities for informal play. Despite this, the loss of this small portion of open space would not have a significant detrimental impact on the overall provision of open space within the immediate surrounding environment or the functionality of this space. Furthermore, the proposal would not have any significant impact on the existing formal play provision within the residential

housing scheme and there is an established park within walking distance which would provide facilities for play/recreation.

2.4.3 In light of the above, the proposal would be compatible with its surrounds and would not have a significant detrimental impact on residential amenity in terms of the loss of open space. As such, the proposal would be in compliance with Policies 1 and 10 of the Adopted FIFEplan (2017).

## 2.5 Road Safety

2.5.1 Policy 13 of NPF4 states development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies and where appropriate they:

- Provide direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks before occupation;
- Will be accessible by public transport, ideally supporting the use of existing services;
- Integrate transport modes;
- Provide low or zero-emission vehicle and cycle charging points in safe and convenient locations, in alignment with building standards;
- Supply safe, secure and convenient cycle parking to meet the needs of users and which is more conveniently located than car parking;
- Are designed to incorporate safety measures including safe crossings for walking and wheeling and reducing the number and speed of vehicles;
- Have taken into account, at the earliest stage of design, the transport needs of diverse groups including users with protected characteristics to ensure the safety, ease and needs of all users; and
- Adequately mitigate any impact on local public access routes.

2.5.2 Policies 1, 3 and 10 of the Adopted FIFEplan (2017) and Fife Council Transportation Development Guidelines also apply in this respect. Policy 1 Part C states development proposals must provide required on-site infrastructure or facilities, including transport measures to minimise and manage future levels of traffic generated by the proposal. Policy 3 states development must be designed and implemented in a manner that ensures it delivers the required level of infrastructure and functions in a sustainable manner. Where necessary and appropriate as a direct consequence of the development or as a consequence of cumulative impact of development in the area, development proposals must incorporate measures to ensure that they will be served by adequate infrastructure and services. Such infrastructure and services may include local transport and safe access routes which link with existing networks, including for walking and cycling, utilising the guidance in Making Fife's Places Supplementary Guidance. Policy 10 states development proposals must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to traffic movements.

2.5.3 Representations received raised concerns regarding the proximity of the proposal to an area where young people play and the associated impact on safety. The proposal seeks to address this by incorporating a 900mm high boundary hedge which would create a clear distinction between the private parking area and the public open space. Representations received also raised concerns for the over provision of parking.

2.5.4 Fife Council's Transportation Development Management Team (TDM) were consulted and advised that there are sufficient off-street parking spaces within the curtilage of each of the applicants existing dwellings to accommodate their requirement. However, TDM raised no objections subject to the imposition of the recommended conditions relating to the minimum size of the parking spaces, the material of the driveway, and the required visibility splays.

2.5.5 In light of the above, the proposal, subject to conditions would be considered acceptable in terms of road safety. As such, the proposal would be in compliance with Policies 1, 3 and 10 of the Adopted FIFEplan (2017).

## CONSULTATIONS

Community Council	Community Council objects. Concerns raised regarding the principle of the development and the loss of open space.
Transportation And Environmental Services - Operations Team	No response
TDM, Planning Services	No objections subject to conditions
Parks Development And Countryside	No response
Scottish Water	No objections

## REPRESENTATIONS

12 letters of objection were received. Concerns raised included the principle of the development (see section 2.2.3); the visual impact of the proposal (see section 2.3.3); the loss of open space (see 2.4.2); the proximity of the proposal to an area where young people play and the associated impact on safety (see 2.5.3); and the over provision of parking (see 2.5.3 and 2.5.4).

## CONCLUSIONS

The proposal, subject to conditions would be considered acceptable and would not have a significant detrimental impact on visual/residential amenity or road safety. As such, the proposal would be in compliance with Policies 1, 3 and 10 of the Adopted FIFEplan (2017) and would be consistent with the relevant policies of NPF4.

## RECOMMENDATION

It is accordingly recommended that the application be approved subject to the following conditions and reasons:

1. The development to which this permission relates must be commenced no later than 3 years from the date of this permission.

Reason: In order to comply with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of The Planning (Scotland) Act 2019.

2. Prior to the first use of the proposed off street parking spaces, the minimum dimensions of each parking space shall be 6m in length x 2.5m width.

Reason: In the interest of road and pedestrian safety to ensure that any vehicle using the parking spaces stands completely clear of the adjacent public footway.

3. Prior to the first use of the proposed off street parking spaces, the first two metre length of the driveway to the rear of the public footway shall be constructed in a paved material (not concrete slabs).

Reason: In the interest of road safety; to ensure that no deleterious material is dragged on to the public road.

4. Prior to the first use of the proposed off street parking spaces, visibility splays of 2m x 25m shall be provided to the left and to the right at the junction of the vehicular crossing and the public road and thereafter maintained in perpetuity, clear of all obstructions exceeding 0.6 metres above the adjoining carriageway level, in accordance with the current Appendix G (Transportation Development Guidelines) of Making Fife's Places.

Reason: In the interest of road safety; to ensure the provision of adequate visibility splays at the junctions of the vehicular access and the public road.

## **STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS**

In addition to the application the following documents, guidance notes and policy documents form the background papers to this report.

### Development Plan

National Planning Framework 4: Adopted (February 2023)

The Adopted FIFEplan Local Development Plan (2017)

### Other Guidance

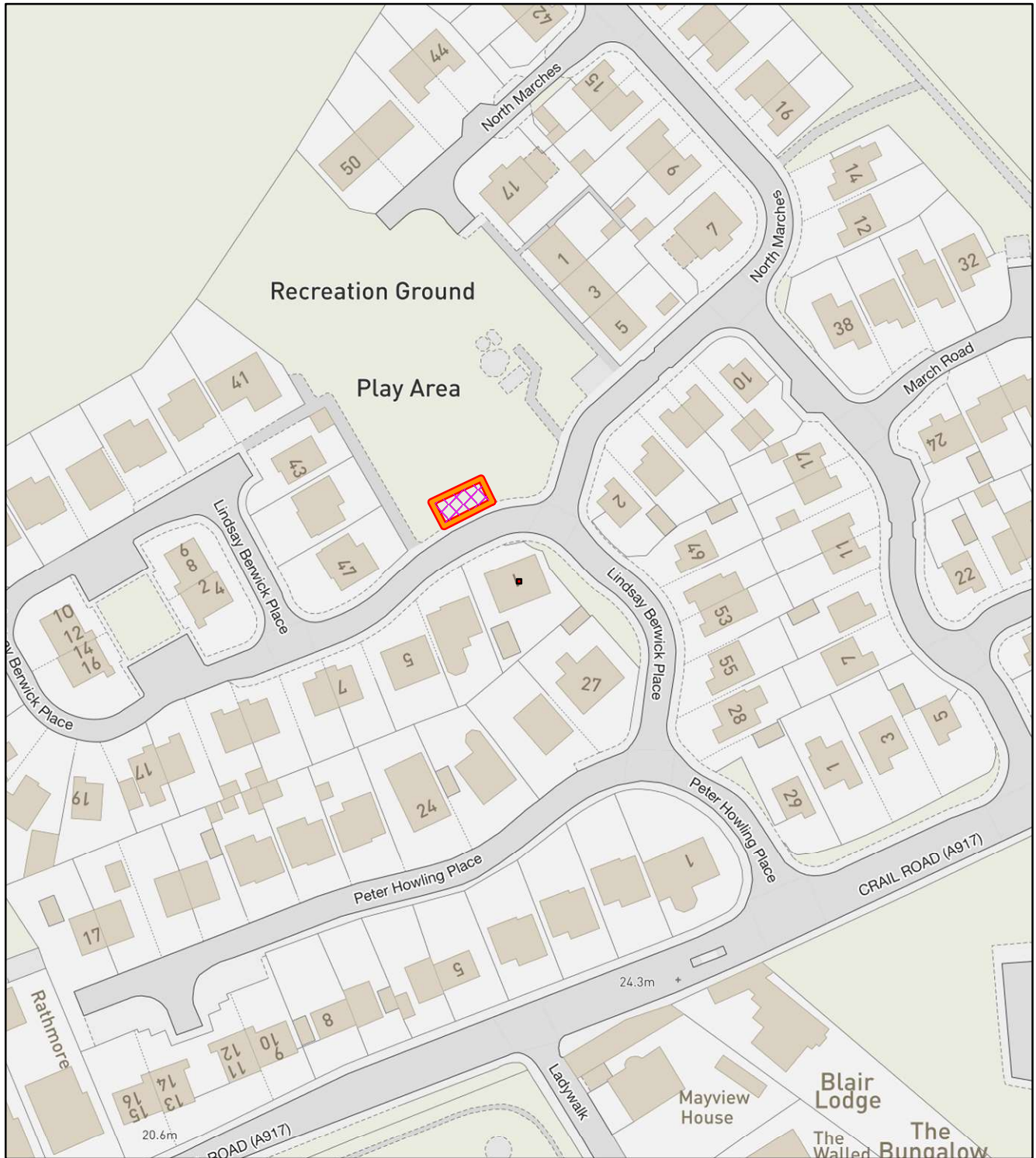
Making Fife's Places Supplementary Guidance (2018)

Fife Council's Transportation Development Guidelines

Report prepared by Lauren McNeil (Graduate Planner)

Report agreed and signed off by Alastair Hamilton, Service Manager(Committee Lead) 21.4.23

Date Printed 03/04/2023



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<b>Legend</b>	
 Application Boundary	
	
 Economy, Planning & Employability Services	

<b>ITEM NO: 8</b>
<b>APPLICATION FOR FULL PLANNING PERMISSION REF: 23/00356/FULL</b>
<b>SITE ADDRESS: THE STEADING 8 BROWNHILLS STEADINGS BROWNHILLS</b>
<b>PROPOSAL : EXTERNAL ALTERATIONS INCLUDING RAISE ROOF PITCH, INSTALLATION OF 2 DORMER EXTENSIONS, 2 ROOFLIGHTS AND REBUILDING OF STONE GABLES TO MATCH EXISTING (RENEWAL OF 17/03879/FULL)</b>
<b>APPLICANT: MR &amp; MRS WARREN THE STEADING'S 8 BROWNHILL'S STEADING'S GRANGE</b>
<b>WARD NO: W5R18 St. Andrews</b>
<b>CASE OFFICER: Kirsten Morsley</b>
<b>DATE REGISTERED: 28/02/2023</b>

**REASONS FOR REFERRAL TO COMMITTEE**

This application requires to be considered by the Committee because:  
More than 6 representations were received which are contrary to the officer's recommendation.

**SUMMARY RECOMMENDATION**

The application is recommended for:  
Conditional Approval

**ASSESSMENT AGAINST THE DEVELOPMENT PLAN AND OTHER MATERIAL CONSIDERATIONS**

Under Section 25 of the Town and Country Planning (Scotland) Act 1997, the determination of the application is to be made in accordance with the Development Plan unless material considerations indicate otherwise.

National Planning Framework 4 was formally adopted on the 13th of February 2023 and is now part of the statutory Development Plan. NPF4 provides the national planning policy context for the assessment of all planning applications. The Chief Planner has issued a formal letter providing further guidance on the interim arrangements relating to the application and interpretation of NPF4, prior to the issuing of further guidance by Scottish Ministers.

The adopted FIFEplan LDP (2017) and associated Supplementary Guidance continue to be part of the Development Plan. The SESplan and TAYplan Strategic Development Plans and any supplementary guidance issued in connection with them cease to have effect and no longer form part of the Development Plan.

In the context of the material considerations relevant to this application there are no areas of conflict between the overarching policy provisions of the adopted NPF4 and the adopted FIFEplan LDP 2017.

## 1.0 BACKGROUND

1.1 The site relates to a 3 storey dwellinghouse situated in a countryside setting to the east of St Andrews just off the A917 at Brownhills Steading. The dwellinghouse is one of a group of dwellings formed as part of the redevelopment of the original Brownhills Steading complex in the late 1980s. The site is situated within the Green Belt as defined in the Adopted FIFEplan 2017. The steading buildings are traditional in character but are not listed.

1.2 The steading comprises of one three storey and other two storey and single storey dwellinghouses set around a series of courtyards. Finishing materials to the 3 storey dwellinghouse comprise of a brown concrete pantile roof, random rubble natural stone walls, painted walls/lintels/cills and dark brown stained timber casement windows. Many of the windows, but not all, are multi-pane. On the ground floor the applicant owns one garage space and a 2nd external parking space within the courtyard to the front of the dwellinghouse. The living accommodation is located on the first and second floors, with a living-room and dining kitchen located on the first floor and two bedrooms located on the second floor. Access is via a curved feature staircase to first floor level from the front south facing elevation.

1.3 Planning consent was granted in 2018 to raise the existing roof pitch of the dwellinghouse by 840 mm and to install two zinc cladded dormer extensions and two flush fitted rooflights. The front facing catslide dormer would serve a stairwell, the other box dormer would serve a new living space within the roof. The boxed dormer would include a small balcony with a glass balustrade and a recessed set of dark stained timber concertina doors. Alterations to the roof and gable walls would match existing materials. The existing chimney would also be re-built to match existing. This submission is requesting a renewal of the planning permission, reference 17/03879/FULL.

1.4 Permitted Development Rights have been removed from this Steading development. Since the 17/03879/FULL approval no further planning application proposals have been received. The planning history associated with the dwellinghouse is summarised below,

- 17/02778/PREAPP - Pre-application for works to roof pitch and additional dormer
- 17/03879/FULL - External alterations including raise roof pitch, installation of 2 dormer extensions, 2 rooflights and rebuilding of stone gables to match existing - permitted with conditions



The 17/03879/FULL application was determined by the North East Planning Committee on 4 May 2018. Works were to have commenced by 4 May 2021, however a Covid Extension was granted and commencement of the works was extended to 31 March 2023. This current application for a further extension to the 17/03879/FULL approval was validated by Fife Council on the 23 February 2023.

1.5 A physical site visit was carried out by the case officer during the assessment of the 2017 application. The 2017 site photographs have been uploaded to the file. An aerial photograph of the site (from google maps dated 2023) has also been uploaded to the file. All necessary information has been collated digitally to allow for the full assessment of the application and it is considered, given the evidence and information available to the case officer, that this is sufficient to determine this proposal.

## 2.0 ASSESSMENT

2.1 The issues to be assessed against the Development Plan and other guidance are as follows,

- Renewal of Planning Permission
- Design and Visual Impact
- Residential Amenity
- Road Safety - Access and Parking

### 2.2 Renewal of Planning Permission

2.2.1 Scottish Government Circular 4/1998 states that generally applications for renewals should only be refused for one of the following reasons; there has been a material change in planning circumstances since the original permission was granted, that it is likely that as a consequence of the failure to begin the development that this would contribute unacceptably to uncertainty about the future development in the area, or the application is premature as the permission still has a reasonable time to run before expiring.

2.2.2 As noted above under paragraph 1.4, and in the assessment below, there has not been any material changes in circumstance from either the introduction of the National Planning Framework 4 policies (that are relevant in this case), or in terms of on-site context. The development proposals would not create any uncertainty or harm about the future development of the site, there are no other additional material concerns relating to the principle of renewing the application and the same circumstances and policy principles and intents are still applicable when the proposals were first approved at the North-East Planning Committee on 4 May 2018.

### 2.3 Design and Visual Impact

### 2.3 Design and Visual Impact

2.3.1 National Planning Framework 4 (NPF4) policies 7, 8, 14, 16 and Annex D - Six Qualities of Successful Places, Adopted FIFEplan (2017) policies 1, 7, 9, and 10 and Fife Council's Planning Customer Guidelines on Home Extensions (2016) and Dorner Extensions (2016) apply to this application.

2.3.2 NPF4 Policy 7 supports development provided the character and appearance of a non-designated historic asset, its place and its setting are not adversely affected. NPF4 policy 8 supports development within the Greenbelt where it relates to the extension of an existing building and its scale, massing and materials are compatible with the character of the

countryside and the Greenbelt. NPF4 policies 14 and 16 support development where it is consistent with, where relevant, the six qualities of successful place, i.e., Healthy, Pleasant, Connected, Distinctive, Sustainable and Adaptable, and where proposals do not have a detrimental impact on the character of a home. FIFEplan policies 1, 7 and 9 advise that if a development proposal is in a location where the proposed use is supported by the Local Development Plan and is well located and designed to protect the overall landscape and environmental quality of the surrounding countryside and Greenbelt, it will be supported. Policy 10 advises that a development proposal must demonstrate that it will not cause significant detrimental visual impact to the surrounding area.

2.3.3 Fife Council's Planning Customer Guidelines highlight that home extensions should look as if they have been designed as part of the original house, should not alter the character of the house and external details, fenestrations and external finishes should closely match those of the existing house. New dormer extensions should be well placed and relate well to the building as well as satisfy the minimum set back distances (where relevant) to roof ridge, gables, and eaves, and be appropriately sized and detailed as to not unbalance, over-dominate, or interrupt an already established design concept to a building or area.

2.3.4 Nine letters of objection were received on this application. The comments received in relation to design and visual impact concerns mirror those comments previously received on the 2017 submission and which were addressed in the 2017 report. However additional concerns have been raised in relation to the current proposal and these are noted below-

-The photographs previously submitted on the 17/03879/FULL submission, were non-representative of the situation and if the site is not visited you will not understand the perspective and will not be able to make informed decisions.

- The dwellinghouse is already dis-proportionate in height to the other dwellings within the Steading and the proposed alterations would make the dwellinghouse a 4-storey building which would tower over the adjoining single storey dwellinghouse and would dwarf other properties within the Steading.

2.3.5 The site was visited by the case officer in 2017 (twice) to ensure the submission was assessed 'in context' following the number of objections and the nature of the concerns received. These photographs have been copied over to this current application and have now been made public. The proposed elevations on approved drawing 03B of the 17/03879/FULL consent show that the increase in the existing building height would only be 840 mm. This height increase is not considered significant or overly excessive for this building of this type and the proposed accommodation would remain within the roofspace which would limit the proposal's visual prominence within the area.

2.3.6 There have been no significant changes in site context or relevant guidance which would change the assessment of the visual impact of the proposals compared to that granted previously. In light of this, the proposals are considered acceptable in terms of design and visual impact and would be in compliance with satisfying the terms of NPF4 policies 7, 8, 14, 16 and Annex D - Six Qualities of Successful Places, adopted FIFEplan (2017) policies 1, 7, 9, 10 and all related guidance in relation to design and visual impact.

## 2.4 Residential Amenity

2.4.1 National Planning Framework 4 (NPF4) policies 14, 16 and Annex D - Six Qualities of Successful Places, adopted FIFEplan (2017) policies 1, 10, and Fife Council's Planning Customer Guidelines on Dormer Extensions (2016), and Daylight and Sunlight (2018) apply to this application.

2.4.2 NPF4 policy 14 and Appendix D - Adaptable and Pleasant places will support the changing needs of a building over time and allow for flexibility provided proposals are environmentally positive and are not detrimental to the amenity of surrounding areas. NPF4 policy 16 advises that householder development proposals will be supported where they do not have an adverse impact upon neighbouring property in terms of physical impact, overshadowing or overlooking. Policy 1 of the Adopted FIFEplan (2017) advise that a development proposal will be supported if it is set in a location where the proposed use is supported by the Local Development Plan, and proposals address their individual and cumulative impacts. Policy 10 advises that development is required to be implemented in a manner that ensures that existing uses and the quality of life of those in the immediate area are not adversely affected by factors such as, (but not limited to) noise, potential losses of privacy, overlooking, sunlight, or daylight, overshadowing etc. Fife Council's Planning Customer Guidelines on Daylight and Sunlight (2018) and Garden Ground (2016) expands on those policies highlighted above and outline in more detail what the design expectations should be.

2.4.3 Nine letters of objection were received on this application. Previous concerns relating to loss of light and privacy to neighbouring property have not been raised this time, presumably because the 2017 submission was revised to address these earlier concerns. However additional concerns have been raised and these are noted below,

- Given the constraints of the site damage to common areas could occur and owners would have to accept sole liability
- Applicant has no agreement with neighbours to access over their roofs to erect scaffolding
- High level areas of work to roof will require the lower-level roofs to have suitable protection
- A number of residents work from home following the new Covid legislation and the noise will cause significant disruption to them
- Short term letting would contravene the commercial use restriction on the property

2.4.4 The concerns regarding access to and within the site are noted however these are private legal matters and not material considerations for the planning process to address. The noise generated by the works is inevitable with all domestic construction sites but would not be a reason to refuse an application, particularly given the works would be for a relatively short period of time. A condition limiting hours of construction at weekends was applied on the 2017 consent however such a condition would normally only be imposed for larger scale residential developments and not on single conversion works. It is further noted that in the event that there are statutory nuisance/amenity issues raised during the construction period then it would be more appropriate to deal with these through Environmental Public Health Protection legislation rather than through the planning system, therefore for this reason this condition has been removed.

2.4.5 Under Use Class 9 (Houses) a dwellinghouse with less than 4 bedrooms can be used as a bed and breakfast establishment or a guest house or a short-term let on the basis that at any one time not more than 1 bedroom can be used for that purpose. In addition, a whole house can also be let out through a private residential tenancy to another household under Use Class 9 without requiring a change of use application provided the required occupancy rates under Use Class 9 are not exceeded.

2.4.6 As with the assessment of the Design and Visual Impact above, there have been no significant changes in site context or applicable guidance which would affect the assessment of the residential amenity criteria compared to that granted previously and consequently the proposals are considered acceptable in terms of residential amenity and would be in compliance with satisfying the terms of NPF4 policies 14, 16 and Annex D - Six Qualities of Successful Places, adopted FIFEplan (2017) policies 1, 10 and all related guidance in relation to residential amenity.

## 2.5 Road Safety - Access and Parking

2.5.1 National Planning Framework 4 (NPF4) policy 18, adopted FIFEplan policies 1, 3 and 10 and Making Fife's Places - Supplementary Guidance (2018) - Appendix G: Fife Council Transportation Development Guidelines apply to this application.

2.5.2 NPF4 policy 18 highlights that development will only be supported where it can be demonstrated that where there would be any material impact on infrastructure that this would be appropriately mitigated. Policies 1, 3, 10 of the Adopted FIFEplan advise that development must be designed in a manner that ensures that the capacity and safety of infrastructure is not compromised. Support shall be given where development will not have a significant detrimental impact on the amenity of existing or proposed land uses in relation to traffic movements and which do not exacerbate road safety. Making Fife's Places associated transportation guidelines provide further advice in this regard.

2.5.3 Nine letters of objection were received on this application. The comments received in relation to Road and Pedestrian Safety concerns mirror those comments previously received on the 2017 submission and which were addressed in the 2017 report. However additional concerns have been raised and these are noted below-

- Contrary to what was stated in the 17/03879/FULL report (under section 2.4.3), the area in front of the garage is not a designated parking space but is a roadway. The applicant's allocated 2nd external parking space is located within the courtyard to the other side of the property.
- As the garage measures less than 3.0 metres x 7.0 metres and is used for storage it should not be considered as a parking space.
- Access to number 8 is over a private road which is maintained at the expense of the residents.
- The architect's reassurances that they would issue a pre-construction information pack and that this would be fully discussed with residents before works commence on site would not work. Objectors urge committee members to visit the site and consider planning conditions necessary for the pre-construction pack so to avoid serious problems regarding access, parking, storage etc.

2.5.4 The dwellinghouse was allocated two parking spaces when the Brownhills Steading complex was developed in the late 1980s. These two parking spaces are still extant. As long as the garage is still available for parking and there is a 2nd external parking space serving the property the parking allocation complies with Transportation Development Guidance. This would still be the case even if the top floor of the development were to become a 3rd bedroom. Similarly, whilst the Transportation Development Guidelines now stipulate that the internal dimensions of a garage should not measure less than 3.0 metres by 7.0 metres, this is for new development and this stipulation cannot be applied retrospectively on older housing developments.

2.5.5 The remaining issues relating to road safety, access, and parking which have been raised were considered and addressed in the 2017 report. Whilst the neighbours are requesting that the pre-construction pack be set by planning condition, this would not be possible as these issues would cover private legal matters which would lie out with the scope of the planning permission. However, should members be minded to support the application an informative would be placed on the decision notice to advise the applicant to fully liaise with residents in respect of the pre-construction information pack before works start on site to minimise potential problems on site.

2.5.6 The circumstances on site relating to access and parking provision remain as they did at the time of the previous assessment, and with other applicable criteria also materially the same, the proposals are considered acceptable in terms of road and pedestrian safety and would be in compliance with satisfying the terms of NPF4 policy 18, adopted FIFEplan (2017) policies 1, 3, 10 and Making Fife's Places - Supplementary Guidance (2018) - Appendix G: Fife Council Transportation Development.

## **CONSULTATIONS**

None

## **REPRESENTATIONS**

9 Representations have been received on this application. The concerns raised are outlined below:-

### Design and Visual Impact

1. Out of character - the property is already 3 storeys high whilst other properties are 1-2 storeys high. Raising the roof would make the building 4 storeys which would tower over the other properties, including the adjoining property, Brownhill House and other recently built properties. The existing building is already disproportionate to the other dwellings and making it taller would be poor planning and would impact detrimentally upon this award-winning development.

2 Photographs previously submitted were non-representative and fail to show any perspective on the situation. Without visiting the site you will not understand the perspective and will not be able to make informed decisions

See para. 2.3.4, 2.3.5 and 2.3.6

## Residential Amenity

3. A number of residents work from home following the new Covid legislation and the noise will cause significant disruption to them
4. High level areas of work to roof will require the lower-level roofs to have suitable protection
5. Short-term letting would contravene the commercial use restriction on the property

See paragraphs 2.4.4, 2.4.5 and 2.4.6

## Problems for Access on a Constricted Site

6. There are no areas on site for construction vehicles to park, set up their plant, or store materials.
7. Neighbours will not agree access over their roofs to erect scaffolding.
8. Damage to common areas could occur and the owners would have to accept sole liability.
9. Following the earlier consent, the applicant was meant to liaise with the other residents about the proposed work and this did not occur.
10. If neighbours deny access to their land to install the scaffolding, then a crane would be required to remove the roof which would cause severe disruption.

See paragraphs 2.4.4 and 2.5.5

## Parking

11. - The applicant's property has only one garage and one allocated external parking space. Contrary to what was said in the 17/03879/FULL committee report, paragraph 2.4.3 - the area in front of the applicant's garage is not a designated parking space but is a road and provides access to manholes and the development's services. The allocated external parking space is located within the courtyard at the other side of the property.
12. Existing garage measures less than 3.0 x 7.0 metres and is used for storage. As it is less than 3.0 metres wide should not be considered as a parking space.
13. Increasing to 3 bedrooms with the capacity for 6-7 people is against the spirit and rules for domestic parking.
14. Access to no. 8 is a single track private road which cannot be parked on and is maintained at the expense of the residents.
15. There is only 1 visitor parking space for the whole development for 12 houses.
16. The construction process would create traffic, parking, and access problems and construction vehicles would require to be parked off site.
17. Scaffolding would impinge of the access road.

18. Important that vehicular access to properties beyond no.8 is always kept clear at all times, including for ambulances.

See paragraphs 2.5.4, 2.5.5 and 2.5.6

Other

19. Section 2 of the original consent gave a list of requirements in the assessment which should also apply to this application

The Committee Report follows the same Assessment Approach

20. Hard to believe that the use of the neighbours land and road for scaffolding and skip will not be required on this site. The architects re-assurances that a pre-construction pack shall address all the concerns raised is not considered robust enough, and objectors are urging that committee members visit the site and consider planning conditions necessary for the pre-construction pack so to avoid serious problems.

See paragraphs 2.5.5

21. A further extension should not be granted for this application because the endless delay is causing is causing too much stress.

See paragraphs 1.4, 2.2.1 and 2.2.2

22. The neighbour at 2 Brownhills Steading asked why he was not neighbour notified of this application.

23. Unpopular application which shall have a negative impact on residents.

The issues raised concerning Design and Visual Impact, Problems for Access on a Constricted Site, and Parking were raised and addressed in the earlier 17/03879/FULL committee report. The additional comments received which have required a further detailed response are addressed as indicated in the main body of the report.

The neighbour at 2 Brownhill Steadings was not neighbour notified as this property is located more than 20 metres away from the application site boundary. There is no legal requirement For Fife Council to neighbour notify any property which is situated more than 20 metres away from an application site boundary.

## **CONCLUSIONS**

The development proposals are considered acceptable in meeting the policies set out in NPF4, the Adopted FIFEplan (2017) and other relevant guidance in relation to design and visual impact, residential amenity, and road and pedestrian safety. The proposals are considered compatible with the site context, the land use in terms of scale, design, and finish, and would not materially impact on residential amenity or road safety and consequently are recommended for approval subject to the same conditions as attached to application 17/03879/FULL for which a renewal is sought.

## **RECOMMENDATION**

It is accordingly recommended that the application be approved subject to the following conditions and reasons:

1. The development to which this permission relates must be commenced no later than 3 years from the date of this permission.

Reason: In order to comply with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of The Planning (Scotland) Act 2019.

2. All new stonework to the gable walls shall match the existing natural stonework; in terms of material type, size, colour, coursing and finish.

Reason: In the interests of visual amenity; to ensure that the external finishing materials are appropriate to the character of the area.

3. FOR THE AVOIDANCE OF DOUBT, the rooflights hereby approved shall be flush fitted, unless otherwise agreed in writing with this Planning Authority.

Reason: To reserve the rights of the Planning Authority with respect to this detail.

## **STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS**

In addition to the application the following documents, guidance notes and policy documents form the background papers to this report.

The Development Plan  
National Planning Framework 4 (Approved Jan 2023)  
The Adopted FIFEplan (2017)

### Other Guidance

Fife Council's Planning Customer Guidelines on Dormer Extensions (2016)  
Fife Council's Planning Customer Guidelines on Daylight and Sunlight (2018)  
Fife Council's Planning Customer Guidelines on Home Extensions (2016)  
Making Fife's Places - Supplementary Guidance (2018) - Appendix G: Fife Council Transportation Development Guidelines

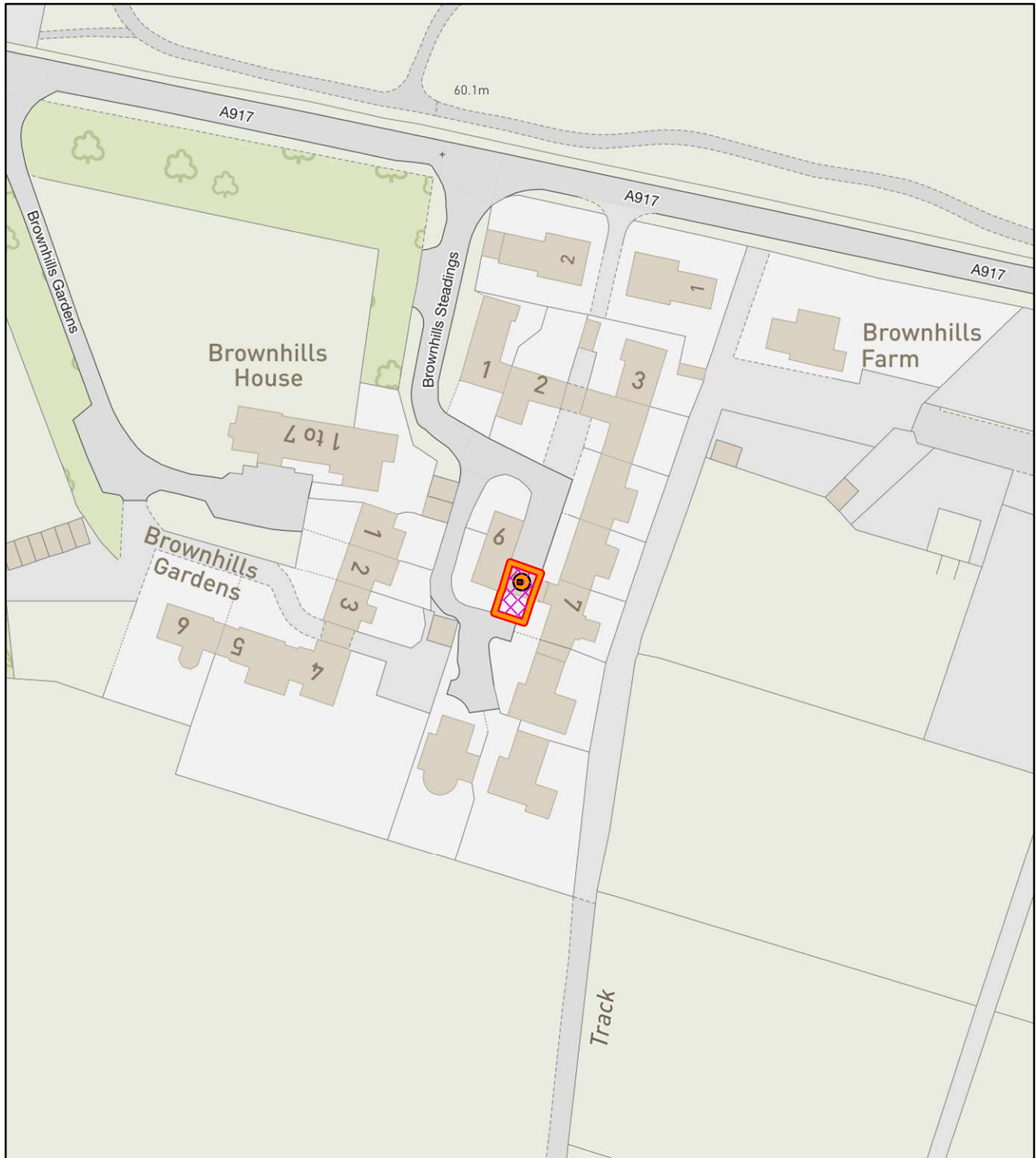
Report prepared by Kirsten Morsley, Planning Assistant and Case Officer.  
Report agreed and signed off by Alastair Hamilton, Service Manager(Committee Lead) 21.4.23

Date Printed 05/04/2023



# 23/00356/FULL

The Steading 8 Brownhills Steadings Brownhills St Andrews



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<b>Legend</b>				
	<b>Application Boundary</b>			
				

**ITEM NO: 9**

**APPLICATION FOR FULL PLANNING PERMISSION REF: 23/00401/FULL**

**SITE ADDRESS: 3 ANNSMUIR CARAVAN PARK ANNSMUIR CUPAR**

**PROPOSAL : ERECTION OF SUMMERHOUSE (RETROSPECTIVE)**

**APPLICANT: MR GORDON INNES  
3 ANNSMUIR CARAVAN PARK ANNSMUIR, LADYBANK,  
CUPAR**

**WARD NO: W5R16  
Howe Of Fife And Tay Coast**

**CASE OFFICER: Stacey Bruce**

**DATE REGISTERED: 24/02/2023**

**REASONS FOR REFERRAL TO COMMITTEE**

This application requires to be considered by the Committee because:

Six or more representations have been submitted which are contrary to the officer recommendation.

**SUMMARY RECOMMENDATION**

The application is recommended for:

Conditional Approval

**ASSESSMENT AGAINST THE DEVELOPMENT PLAN AND OTHER MATERIAL CONSIDERATIONS**

Under Section 25 of the Town and Country Planning (Scotland) Act 1997, the determination of the application is to be made in accordance with the Development Plan unless material considerations indicate otherwise.

National Planning Framework 4 was formally adopted on the 13th of February 2023 and is now part of the statutory Development Plan. NPF4 provides the national planning policy context for the assessment of all planning applications. The Chief Planner has issued a formal letter

providing further guidance on the interim arrangements relating to the application and interpretation of NPF4, prior to the issuing of further guidance by Scottish Ministers.

The adopted FIFEplan LDP (2017) and associated Supplementary Guidance continue to be part of the Development Plan. The SESplan and TAYplan Strategic Development Plans and any supplementary guidance issued in connection with them cease to have effect and no longer form part of the Development Plan.

In the context of the material considerations relevant to this application there are no areas of conflict between the overarching policy provisions of the adopted NPF4 and the adopted FIFEplan LDP 2017.

## **1.0 BACKGROUND**

1.1 This application relates to the garden amenity space associated with a pitch for a static residential caravan sited within Annsmuir Caravan Park, Ladybank. The unit has garden ground to the front, sides, and rear, and is bound by timber fencing. There are similar sized caravans surrounding the unit subject to this application, and a small, shared car park immediately to the north.

1.2 This application seeks full planning permission for the erection of a summerhouse. There are no permitted development rights which apply to residential caravan pitches.

1.3 This application is retrospective, with the works having been completed on 21/10/2022, as the applicant was unaware that full planning permission was required.

1.4 There is no planning history relevant to this application associated with the plot subject to this application. The wider site has full planning permission granted in 2008 (08/01786/EFULL) for the erection of 108 residential mobile homes, and a further full planning permission in 2009 (09/02077/FULL) for the restructuring of the site to allow for the caravan park to site 49 full-time residential mobile homes, and 72 holiday static mobile homes.

1.5 A physical site visit has not been undertaken. All necessary information has been collated digitally to allow the full consideration and assessment of the application. A risk assessment has been carried out and it is considered, given the evidence and information available to the case officer, that this is sufficient to determine the proposal.

## **2.0 POLICY ASSESSMENT**

2.0.1 The issues are to be assessed against the Adopted FIFEplan 2017 policies and other related guidance are as follows:

- Principle of Development
- Road Safety Impact
- Residential Amenity Impact
- Design and Visual Impact

## **2.1 Principle of Development**

2.1.1 The adopted FIFEplan (2017) Policy 1 supports development in locations where the proposed use is supported by the Local Development Plan. In this instance, the proposal would be considered under Policy 7 – Development in the Countryside, as the site is located out with a settlement boundary in a countryside location. It will also be considered under Policy 10 – Amenity, wherein it is stated that development will only be supported if it does not have a significant detrimental impact on the amenity of existing or proposed land uses.

2.1.2 The use of the caravan itself does not require planning permission in this instance, however the use of the plot and caravan as a residential property requires that any alteration, extension, or erection of an outbuilding does require consent. In this case, the proposed development can be deemed to be appropriate in principle, however this is subject to other elements of the assessment as outlined below.

## **2.2 Road Safety Impact**

2.2.1 National Planning Framework 4 (NPF4) (2023) Policy 12, Policies 1, 3 and 10 of FIFEplan applies in terms of road safety impact. These policies indicate development will only be supported where it has no road safety impacts. In this instance the policies will be applied to assess what impact the proposed development would have on the general road safety of the surrounding area. Making Fife's Places Transportation Development Guidelines (2018) also apply.

2.2.2 Concerns were received by neighbours regarding the proposed summerhouse overhanging into the shared car parking area to the north of the plot, given that the applicant does not own this area of land. However, satisfactory written confirmation has been received from the site owner to confirm that the applicant does have permission from the landowner for the summerhouse to partially sit on the car park, as shown on the plans provided with this application.

2.2.3 Within the letters of representation received, concerns were also raised regarding the impact of the summerhouse on the private carpark to the immediate north of the site. The summerhouse will overhang the caravan's boundary into the carpark by approximately 40 centimetres. The SCOTS National Roads Development Guide (2015) advises that a car parking space should be 5 metres in length, with at least an additional 6-metre-wide aisle for manoeuvring. Before the installation of the summerhouse, the existing car parking spaces were 4.8 metres in length, with a 5.16-metre-wide aisle. The minor overhang of the summerhouse would not reduce the size of the car parking spaces, and as a result of the works, approximately 4.6 metres would still be available for manoeuvring. While this is less than is traditionally recommended, it is not considered that this reduction would create a significant difficulty to use the existing car parking spaces albeit with some additional manoeuvring involved. In light of the above, the proposal is not considered to be significantly contrary to FIFEplan policies, Making Fife's Places Transportation Development Guidelines (2018), and other relevant guidance for a private car park to merit a refusal on that basis alone.

## **2.3 Residential Amenity Impact**

2.3.1 National Planning Framework 4 (NPF4) (2023) Policy 16, Policies 1 and 10 of FIFEplan Local Development Plan (2017), Fife Council Customer Guidelines on Home Extensions (including garages and conservatories) (2016), Fife Council Customer Guidelines on Garden

Ground (2016) and Fife Council Customer Guidelines on Daylight and Sunlight (2015) apply in terms of residential amenity.

2.3.2 National Planning Framework 4 (NPF4) Policy 16 supports development that will not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing, or overlooking. Policy 10 of FIFEplan specifically requires development to address the potential loss of privacy and sunlight and daylight. Fife Council Planning Customer Guidelines on Home Extensions states that a development should not intrude on a neighbour's privacy.

2.3.3 There would be glazed double doors to the front of the summerhouse, and 2 no. windows to the side of the summerhouse, facing in towards the caravan. Due to the location of the openings on the summerhouse, the partially covered patio, and existing timber fence boundary on site, the proposed openings would not allow for any views into neighbouring caravans or their associated garden grounds. Given the above, it is considered that the proposed works would not have a significant impact to the privacy currently enjoyed by neighbouring properties, and would be compliant with Fife Council's Planning Customer Guidance on Home Extensions and Policy 10 of FIFEplan in regard to privacy issues.

2.3.4 In regard to daylight and sunlight; due to the path of the sun, the height of the developments and the position of the proposed works relative to neighbouring caravans, the proposal as detailed within this application would not result in the additional loss of any significant amounts of sunlight to neighbouring garden ground, or daylight to neighbouring windows. On this basis the proposal would meet the terms of residential amenity as set out through Development Plan policy and Fife Council's Planning Customer Guidelines on Home Extensions and Daylight and Sunlight, respectively.

2.3.5 The proposal is considered acceptable in this respect in terms of overshadowing, overlooking and garden ground, would be compatible with its surrounds in terms of land use and would be in compliance with the Development Plan and relevant guidance.

2.3.6 A further issue was raised within the letters received relating to the potential fire risk created by the proposed summerhouse. This issue is not considered to be material in planning terms, and as such will not form part of this applications assessment. However, the applicant has confirmed that they intend to use a fire-retardant paint on all external walls to reduce any risk. Furthermore, the closest neighbouring caravans are located approximately 6.5 metres to the right, and 6 metres to the left, and any cars parked to the front of the summerhouse will be situated in bays approximately 6 metres from the summerhouse, further reducing the risk of a fire spreading.

## **2.4 Design and Visual Impact**

2.4.1 National Planning Framework 4 (NPF4) (2023) Policies 14 and 16, FIFEplan Local Development Plan (2017) Policies 1 and 10 and Fife Council Customer Guidelines on Home Extensions (including garages and conservatories) (2016) apply with regard to the design and visual impact of the proposal.

2.4.2 National Planning Framework 4 (NPF4) Policy 14 focuses on design, quality, and place, and supports development that is consistent with the Six Qualities of Successful Places: healthy, pleasant, connected, distinctive, sustainable and adaptable. NPF4 Policy 16 supports development that will not have a detrimental impact on the character or environmental quality of the home, and the surrounding area in terms of size, design, and materials. FIFEplan 2017

Policy 10 also requires that development must not lead to a detrimental visual impact on the surrounding area. Fife Council Planning Customer Guidelines on Home Extensions reinforce that any proposed development should not dominate or detract from neighbouring development, be subsidiary to the existing dwelling house, respect existing materials and reflect the style of the original build.

2.4.3 It is proposed to erect a summerhouse within the surrounding curtilage of the caravan, which would be finished with horizontal timber cladding, uPVC windows and doors, and a felt flat roof covering. The summerhouse would have a footprint of approximately 6.9 square metres, with a partially walled and covered patio area to the front with a footprint of approximately 4.9 square metres, and an overall height of 2.6 metres.

2.4.4 Six letters of representation were received in relation to this application which expressed concerns over the visual impact of the proposed summerhouse to the immediate surrounding area, and wider caravan park as a whole. Given the choice of natural materials, the similarity to the main caravan and those nearby, and the overall scale of the proposed works, it is not considered that the summerhouse would have a significant detrimental negative visual impact to the caravan itself to its surroundings.

2.4.5 It is therefore considered that by way of scale, design and external finishing materials, the proposed works would not have a detrimental visual impact on the existing property, and therefore, would be deemed to comply with the relevant FIFEplan policies and Fife Council's Planning Customer Guidelines on Home Extensions (including garages and conservatories).

## CONSULTATIONS

Scottish Water

No objections.

Private Housing Standards

Raised concerns relating to ownership issues as the proposed building is out with the designated pitch, and the potential fire risk.

## REPRESENTATIONS

Six letters of objection were received in relation to this application. These letters expressed issues relating to:-

-road safety- this is addressed in paragraphs 2.2.1 to 2.2.3

-the potential visual impact of the proposed works:- this issue is addressed in paragraphs 2.4.1 to 2.4.5

-fire safety:- this was also raised as a concern however this is not a material planning consideration; other legislation relating fire safety will address this. Para 2.3.6

-land ownership was also raised as an issue but ownership is not a material planning consideration.

## **CONCLUSIONS**

The proposal is considered to be acceptable in meeting the terms of the Development Plan and relevant Fife Council Customer Guidelines. The proposal is compatible with the area in terms of land use, design and scale and will not cause any detrimental impact to the amenity or parking provision of the surrounding area and is therefore considered to be acceptable.

## **RECOMMENDATION**

It is accordingly recommended that the application be approved subject to the following conditions and reasons:

1. The development to which this permission relates must be commenced no later than 3 years from the date of this permission.

Reason: In order to comply with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of The Planning (Scotland) Act 2019.

2. FOR THE AVOIDANCE OF DOUBT, if the residential caravan should be removed from the site, the summerhouse shall also be removed, and the plot reinstated to its original condition.

Reason: To minimise the level of visual intrusion and ensure the reinstatement of the site to a satisfactory standard.

## **STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS**

In addition to the application the following documents, guidance notes and policy documents form the background papers to this report.

Development Plan:

National Planning Framework 4 - Adopted (February 2023)

FIFEplan Local Development Plan (2017)

Other Guidance:

SCOTS National Roads Development Guide (2015)

Fife Council Transportation Development Guidelines (2018)

Fife Council Customer Guidelines on Home Extensions (including garages and conservatories) (2016)

Fife Council Planning Customer Guidelines on Garden Ground (2016)

Fife Council Planning Customer Guidelines on Daylight and Sunlight (2018)

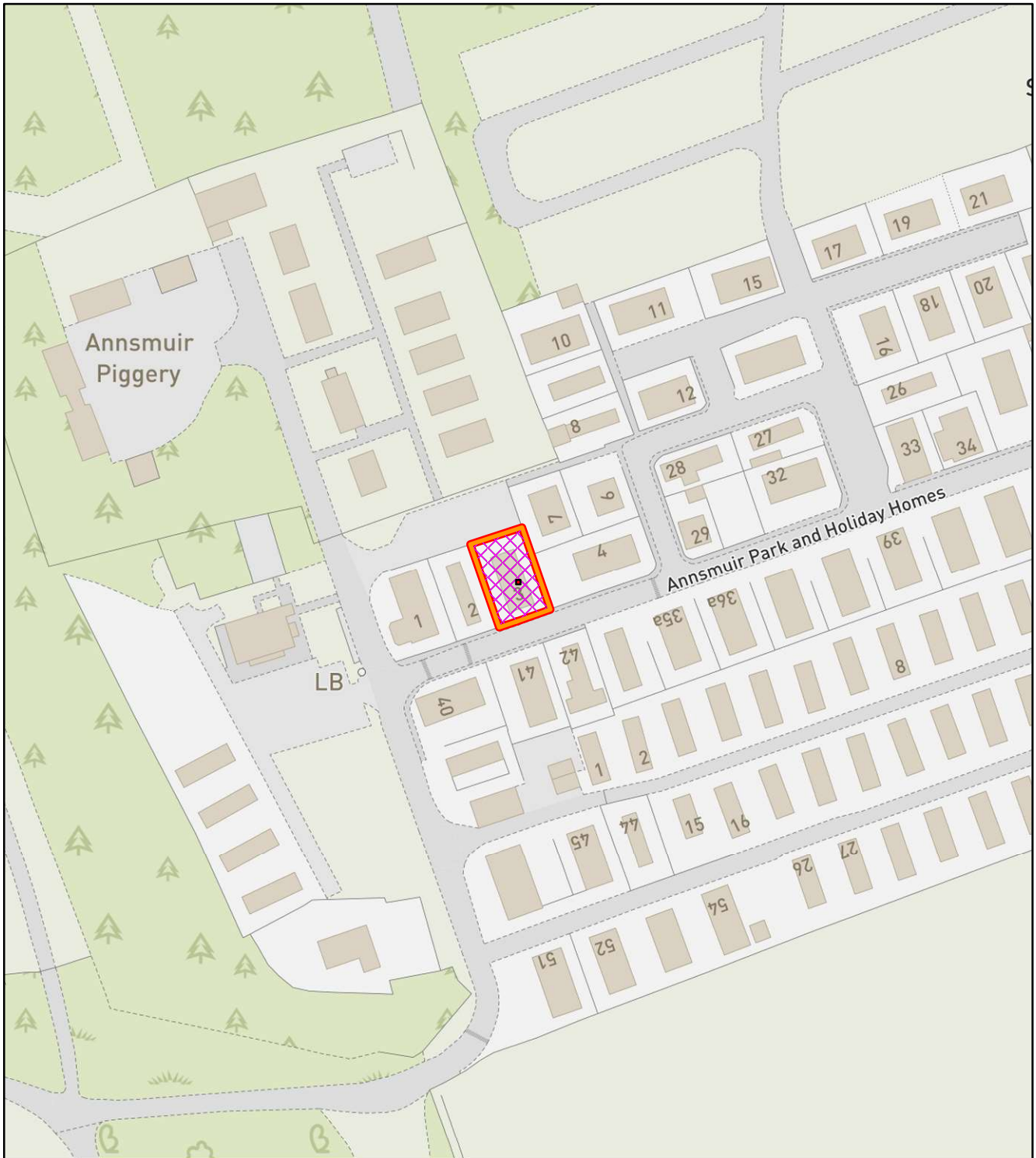
Report prepared by Stacey Bruce (Planning Assistant) 07/04/2023

Report agreed and signed off by Alastair Hamilton, Service Manager (Committee Lead) 21.4.23

Date Printed 06/04/2023

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<b>Legend</b>			
	Application Boundary		