

FPRB Reference: 21/365

## Review Decision Notice

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Decision by Fife Planning Review Body (the FPRB)

- Site Address: Former Higgs House, Saline Shaw, Fife
- Application for review by Saline Shaw Estate against the decision by an appointed officer of Fife Council
- Application 21/01556/FULL for Full Planning Permission for Erection of a single storey detached dwellinghouse
- Application Drawings:  
01 - Location Plan, 02 - Existing Site Plan, 03 - Proposed Site Plan, 04 - Floor Plan Proposed, 05 - Proposed Elevations, 06 - Design and/or Access Statement, 07A - Additional Information, 08 - Low Carbon Sustainability Checklist, 09 - Drainage statement/strategy, 10 - Drainage Plan, 11 - Additional Information, 12 - Additional Information, 13 - Schedule of Works, 14 - SUDs and Flood Risk Assessment Certs, 15 - SUDs and Flood Risk Assessment Certs, 16 – Statement.
- No Site Inspection took place.

Date of Decision Notice: 10th November, 2022.

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### Decision

The FPRB upholds the determination reviewed by them and refuses Planning Permission for the reason(s) outlined below in section 4.0.

#### 1.0 Preliminary

- 1.1 This Notice constitutes the formal decision notice of the Local Review Body as required by the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.
- 1.2 The above application for Planning Permission was considered by the FPRB at its meeting on 24<sup>th</sup> October 2022. The Review Body was attended by Councillors David Barratt (Convener), Jane Ann Liston, Lynn Mowatt, Fiona Corps and Derek Noble.

## **2.0 Proposal**

- 2.1 This application relates to a 2480sqm area of land which lies approximately 116m to the north of the existing Saline Shaw Estate farm buildings. Saline Shaw farm shop is located approximately 200m to the southwest. The site is located within the countryside, as defined in FIFEplan 2017. The site is relatively flat, grassed and some remains of the former Haggs House are present. The site is naturalised, bound by woodland. Vehicular access is taken from the B913 distributor road (to the southeast of the site). There are also few mature trees within the site. The woodland predominately contains semi-natural broadleaf trees, however some of the woodland further beyond the site is identified as ancient woodland. The Black Devon river is located to the north of the site – the site is located outwith the flood plain of the river. A small drainage ditch in the south of the site is identified as being at risk of surface water flooding. Site is not prime agricultural land.
- 2.2 The land at Saline Shaw and Langfaulds Farm was purchased by the existing owners (Saline Shaw Estate) in 2014. The land holdings extend to 100.5ha and the farm is predominately cattle and sheep. The business expanded from 81ha in 2015 to 110.5ha in 2016 following land that was previously let out being brought back in house. In addition to the applicant's farming activities, they also run a farm shop near to the main farmhouse. The agricultural supporting statement advises that the labour requirements of the farm are 3.83 persons. There are two houses sited on the farm which are currently occupied by the existing owners and their daughter (farm shop manager). The agricultural supporting statement states that because of the new farm shop, the applicant's daughter was now required full-time as a shop manager and therefore an additional house would be required to allow a farm manager to live on site.
- 2.3 This application seeks full planning permission for the erection of a dwellinghouse. The proposed house would be single storey and would occupy a footprint of 339sqm (including storage and lamb pens). It would be finished using grey concrete rooftiles, larch cladding, white render and salvaged stone. The site would be bound by 1.2m high post and wire fencing. The submitted design statement sets out that proposed dwelling is sited on the site of a previous house (now ruinous). The design statement details that the position of the house in this location would offer clear views of the fields and would have a fenced area within the plot boundaries for the monitoring of orphaned lambs or calves. A septic tank with partial soakaway, which would discharge to the existing watercourse, is proposed. A cattle grid bridge is proposed over the drainage ditch. Three trees within the site would be removed.

## **3.0 Reasoning**

- 3.1 The determining issues in this review were the principle of development, design and visual impact, residential amenity, road safety and transportation, drainage and flooding, low carbon sustainability, impact on trees (an issued not covered by the Appointed Officer). The FPRB considered the terms of the Development Plan which comprises the SESplan (2013) (“Strategic Development Plan”) and the Adopted FIFEplan (2017) (“Local Development Plan”). The FPRB also considered the provisions of Making Fife’s Places Supplementary Guidance (2018) (including Appendices), Low Carbon Fife Supplementary Guidance (2019), Scottish Planning Policy (SPP) (2014) and Fife Council's Planning Customer Guidelines on Garden Ground (2016), Fife Council's Planning Customer Guidelines on Daylight and Sunlight (2018) and Fife Council's Planning Customer Guidelines on Minimum Distances between Window Openings (2011),

- 3.2 The FPRB firstly considered whether the proposal was acceptable in principle, assessing the proposal for housing development in the countryside against SPP and FIFEplan Policies 1, 7 and 8. Of the criteria within Policy 7, the FPRB noted that some activities require countryside locations or are important to allow for diversification of farms or new enterprises. In this regard, the FPRB resolved that the proposal would not accord or be relevant to the majority of the policy criteria but that Criterion 7, relating to housing within the countryside, would be required to accord with Policy 8. Given that the proposal did not comply with Policy 8, the FPRB contended that the proposal did not comply with Policy 7 with respect to this issue relating to the principle of housing within the countryside.
- 3.3 Turning to FIFEplan Policy 8, the proposal was assessed the relevant policy test to consider whether housing could be supporting in the countryside. In this regard, the FPRB considered that Policy 8 criterion 1 was the most relevant consideration, where a dwelling could be supported if it was deemed to be essential to support an existing rural business. The FPRB considered the proposal against this policy, reviewing the agricultural labour requirement of the farm (3.83units), where they agreed that this represented the demand associated with employees from the farm-business only. However, the FPRB failed to agree that there was justifiable demand from the Farm Shop Manager to be located on the farm to the extent that this substantiated the need for an additional dwelling within the site. The FPRB also noted that a separate dwelling on the wider farm site that had been approved and constructed on the justification that it was solely for accommodation associated with the essential need of the farm business at that time. However, the FPRB noted that the property had been subsequently sold to a private individual not linked to the farm to fund the farm shop expansion and diversification of the business. The FPRB accepted that this failed the test expressly required within the supporting text of Policy 8, where proposed housing linked to an 'essential need' could only be supported where there was no evidence that a previous house linked to the existing farm/business had been sold to a private individual. The FPRB debated the issue to determine whether a time limit should be applicable to such a test and whether its sale, and subsequent expansion of the business, would justify an additional dwelling associated with the business. This test was one of the primary determining factors in the determination of the proposal and the FPRB agreed that the sale of the property resulted in the proposal's failure to comply with the respective Policy 8 test. It was outlined that if this property had been retained within the farm business, it could have likely accommodated the additional staff member. The FPRB also assessed the appellant's position that the dwelling would be required to provide sufficient security to the remainder of the farm business and farm shop and to accommodate early and late deliveries. The FPRB disagreed with the appellant's position and contended that the proposed dwelling would be within an isolated position, away from the farm shop, that would prevent sufficient security. Moreover, the FPRB noted that two other dwellings linked to the farm could provide sufficient security, as required, without the need for a third dwelling.
- 3.4 The FPRB thus concluded that the proposal failed to comply with Policies 1, 7 and 8 of the Adopted FIFEplan, upholding the Appointed Officer's assessment and first reason for refusal.

- 3.5 The FPRB assessed the design and visual impact of the proposed development on the rural setting of the countryside against FIFEplan policies 1, 7, 8 and 10. They contended that the proposed development would be of an appropriate form, scale and massing within the site and could potentially be screened by the existing woodland, albeit, that the proposed dwelling would be located within in an isolated position as presented below. They FPRB determined that the design of the of proposed dwellings would be of a sufficiently high quality with a simple palette of traditional and modern materials to be in-keeping with the character of the location. The FPRB considered that the proposal to re-use stone from the former Hags House on feature gables and underbuild would be acceptable. With regard to the other proposed finishing materials including wet dash render, smooth grey roof tiles and vertical larch cladding, the FPRB contended that the proposals would be acceptable. The FPRB concluded that through its materials and potential screening from the woodland, the proposal could partially address adverse landscape and visual impact concerns. However, this did not outweigh the concerns relating to the proposed dwelling's isolated position from the existing farm buildings and the consequential failure to accord with the wider policy tests on compatibility, infrastructure, location and landscape and environmental quality. The FPRB ultimately agreed with the Appointed Officer that the proposed development would be contrary to Policies 1, 7, 8 and 10 of FIFEplan with regard to visual impact considerations and therefore upheld the second reason for refusal.
- 3.6 The FPRB then assessed the residential amenity impacts of the proposal on the surrounding area, cognisant of Policy 1 which seeks to protect the amenity of the local community and Policy 10 which includes criteria requiring development proposals to demonstrate that there would be no significant detrimental impact on residential amenity. Giving consideration to the distance between the proposal site and third-party residential properties, the FPRB determined that the proposed design, orientation and positioning of windows and the distance to the nearest residential dwelling meant that the proposal would not have an adverse impact on the daylight, sunlight or privacy provisions of neighbouring properties. The FPRB also resolved that the proposal would result in a reasonable level of residential amenity for future occupants and would not give rise to any adverse noise concerns. The FPRB therefore concluded that the proposal would be acceptable in terms of residential amenity, complying with Policies 1 and 10 of the Adopted FIFEplan with respect to this matter.
- 3.7 Turning to Drainage and Flooding, the FPRB the proposal was assessed against Policies 1 and 12 of FIFEplan (2017), SPP (2014) and Fife Council's Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements (2021) apply. To this extent, the FPRB considered the proposed surface water and private foul drainage arrangements for the proposal cognisant of overland flow risks within part of the site. These were considered to be acceptable, particularly as Sustainable Drainage System (SuDS) would not be required for runoff from a single dwelling and overland flow risks would be avoided. The FPRB therefore concluded that the proposal would be acceptable and would comply with policy 1 and 12 of the FIFEplan (2017), SPP and Fife Council's guidance on flooding.
- 3.8 The FPRB considered whether the proposal supported the transition to a low carbon economy. Assessing the location of the development; and whether it was accessible by sustainable modes of transport; and the low/zero carbon technologies to be incorporated proposed to be incorporated, the FPRB considered that the proposal would be acceptable. The FPRB concluded that the proposal would be acceptable in terms of carbon reduction and sustainability, complying with Policies 1 and 11 of the Adopted FIFEplan with respect to this matter.

- 3.9 Consideration of potential impacts to trees within the site had not been assessed in detail by the Appointed Officer. The FPRB therefore assessed the proposal against Policy 13 of FIFEplan (2017) to understand any tree removal and/or protection requirements within the site. It was determined that as various Arboricultural surveys had not been submitted it may be difficult to understand the precise nature of the potential impact to tree root protection zones, however, the proposed removal of three trees centrally within the site was noted. The FPRB were content that given the setback from the existing woodland and that the proposed dwellinghouse would be relatively confined around a modest break in the existing treeline, the proposed development was unlikely to require woodland felling and therefore would not result in unacceptable impacts to the woodland or landscape character. As such, the proposal was considered to comply with Policy 13 of FIFEplan (2017) and was not included as an additional reason for refusal.
- 3.10 Overall, the FPRB concluded that the development would have significant detrimental impact on the countryside, failing to comply with Policies 1, 7 and 8 of FIFEPlan (2017). They resolved that the appellant failed to justify sufficient need for the proposal as essential to support the existing rural business given, in particular, evidence of a property recently being sold from the farm/business to private buyers not associated with the farm. The FPRB therefore agreed with the Appointed Officer that the proposal failed to comply with the Development Plan. The FPRB did not consider there to be any other matters for consideration or any material considerations which would outweigh the Development Plan position. The FPRB therefore decided that the application should be refused and upheld the Appointed Officer's recommendation.

#### **4.0 Decision**

- 4.1 The FPRB upholds the decision of the Appointed Officer and refuses planning permission for the following reason(s):

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

1. In the interest of safeguarding the countryside from unjustified sporadic residential development; the essential need for a new dwellinghouse at this location to support the existing farming operation is not considered to be justified as there is considered to be sufficient existing on-site accommodation to provide the required-on site presence to meet the existing farming needs of the business. The application site lies out with any defined settlement boundary and the proposal does not meet any of the criterion as set out in Scottish Planning Policy (2020); and is contrary to Policies 1, 2, 7 or 8 of the Adopted FIFEplan (2017).
2. In the interests of protecting the visual amenity and safeguarding the rural character of the surrounding area; due to the isolated nature of the dwellinghouse remote from the existing farm buildings, it cannot be considered to be of a scale, design and nature compatible with its surrounds or be located and designed to protect the overall landscape and environmental quality of the surrounding rural area; all contrary to Policies 1, 7, 8 and 10 of the Adopted FIFEplan (2017) and Making Fife's Places Supplementary Guidance (2018).

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Proper Officer

**NOTICE TO ACCOMPANY REFUSAL ETC.  
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

*Notification to be sent to applicant on refusal of planning permission or  
on the grant of permission subject to conditions*

**NOTICE TO ACCOMPANY REFUSAL ETC.  
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

*Notification to be sent to applicant on determination by the planning authority of an  
application following a review conducted under section 43A(8).*

1. If the applicant is aggrieved by the decision of the planning authority -
  - (a) to refuse permission for the proposed development;
  - (b) to refuse approval, consent or agreement required by a condition imposed on a grant of planning permission; or
  - (c) to grant permission or approval, consent or agreement subject to conditions,

the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.
  
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.