Fife Planning Review Body

FPRB Reference: 23/393

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| **Review Decision Notice** |

Decision by Fife Planning Review Body (the FPRB)

* Site Address: Land Adjacent To The North Of 4 Lady Helen Cottages Lady Helen Road Dundonald Cardenden
* Application for review by Mr Brian Abel against the decision by an appointed officer of Fife Council
* Application 23/01353/PPP for Planning permission in principle for erection of dwellinghouse (Class 9) and associated development
* Application Drawings:

01 - Location Plan/Block Plan, 02 - Site Plan, 03 - Proposed various - elevation, floor etc,
05 - Drainage Plan, 06 - Drainage Details, 07 - Flood Calculations, 08 - Drainage Plan,

* No Site Inspection took place.

Date of Decision Notice: 6 March 2024

**Decision**

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

**1.0** **Preliminary**

1.1 This Notice constitutes the formal decision notice of the Local Review Body as required by the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.

1.2 The above application for Planning Permission was considered by the FPRB at its meeting on 26 February 2024.  The Review Body was attended by Councillors David Barratt (Convener), Jane Ann Liston, Altany Craik and Alycia Hayes.

**2.0** **Proposal**

2.1. This application site relates to an approximately 0.2 hectare area of non-prime greenfield land on the north side of the hamlet of South Dundonald, some 800 metres south of Dundonald, within an area of countryside/in a rural area in terms of FIFEplan and NPF4. It is currently in use as a paddock. Main Road (C2) adjoins to the east, from which vehicular access is taken in the form of an unmade shared track along the southern part of the site, the track also providing access to the applicant's house to the south-west, his stables to the west and his equestrian land to the north. Otherwise, there are houses to the south and agricultural land across Main Road to the east. The site is within an area of former coal working notified to the planning authority as high risk for development purposes. The 32/32A bus service between Kirkcaldy and Glenrothes serves the hamlet.

2.2 Planning permission in principle is sought for the erection of a dwellinghouse (Class 9) and associated development. Indicative plans show a three bedroom single-storey dwellinghouse towards the rear (west) of the site, with a detached domestic garage behind, with vehicular access as existing. It is explained that the applicant operates the adjacent equestrian centre to the north of the site and desires to downsize from their existing house whilst remaining local for daily operation of the equestrian centre.

**3.0** **Reasoning**

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

* The proposal would not comply with NPF4 Policy 17 (Rural homes) or LDP Policy 8 (Houses in the Countryside) where housing in the countryside could be acceptable.
* The proposal did not comply with Policy 17(a)(v) as there was insufficient information to confirm whether it the dwelling was required to support the sustainable management of a viable rural business; and there was no evidence to show that there was an essential need for an additional worker to live permanently at or near their place of work. This was cognisant of the existing dwelling directly adjacent to the site which they considered already accommodated existing operational demands for the equestrian use.
* They agreed that the need to ‘downsize’ was not an acceptable reason to justify approval and it would not accord with the aforementioned policy tests.
* There was no information regarding any potential retirement succession planning of the viable rural business.
* The proposal would not meet the ‘clustering’ policy tests within FIFEplan Policy 8 in that - whilst it could be located in a grouping of 5 of more dwellings - it would not be located within an infill site or suitably contained by a well-established boundary or other feature and would result in a house on the edge of the grouping.
* The proposal would not accord with other applicable policy tests within NPF4 Policy 17 or FIFEplan Policy 8 in seeking support for housing in the countryside.
* As such, the FPRB contended that the proposal failed to comply with NPF4 Policies 16 and 17 and FIFEplan Policies 1,7 and 8 in terms of the principle of development.

3.2 The FPRB then assessed the impact on the proposal on greenfield land objectives against NPF4 Policies 9 (Brownfield, vacant and derelict land and empty buildings). They found that:

* They agreed with the Appointed Officer on this matter and considered that the proposal would not be supported by this policy for brownfield land unless it was explicitly supported by local development plan policies. They asserted that as the respective Development Plan policies do not support housing on this site, including the principle of development assessment above and the failure to meet ‘clustering’ policy tests, the proposal is contrary to the provisions of NPF4 Policy 9 in relation to greenfield land.

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

3.4 The FPRB considered whether there were any material considerations associated with redevelopment of site and potential increased economic development opportunities brought by potential increased operations associated with the existing equestrian use. The FPRB considered that there were no material considerations that should be afforded significant weigh to set aside a decision in accordance with the Development Plan.

3.5 Overall, the FPRB concluded that the principle of development would not be acceptable as the proposal was not compatible with the site’s rural/countryside setting and would not comply with the policy tests within NPF4 Policy 17 and FIFEplan Policy 8. They also agreed that the proposal would not comply with NPF4 Policy 9 in relation to greenfield land as development within the site was not explicitly supported by wider Development Plan policies. They agreed that the other planning considerations not forming part of the refusal were acceptable and complied with the corresponding Development Plan policies. FPRB did not consider there to be any other matters for consideration or any material considerations which would outweigh the Development Plan position. The FPRB therefore decided that planning permission should be refused, upholding the Appointed Officer’s decision.

**4.0 Decision**

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

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

1. In the interests of sustainable places, by avoiding ad hoc housing development in the countryside, which development is not justified on the grounds of a shortfall in housing land supply, being essential to support a rural business, or otherwise; consistent with adopted National Planning Framework 4 (2023) Policies 14 Design, Quality and Place, 15 Local Living and 20 Minute Neighbourhoods, 16 Quality Homes and 17 Rural Homes; and the adopted FIFEplan Fife Local Development Plan (2017) spatial strategy and its Policies 1: Development Principles, 2: Homes, 7: Development in the Countryside and 8: Houses in the Countryside.
2. In the interests of protecting greenfield land, the development here not supported in terms of adopted FIFEplan Fife Local Development Plan (2017) Policies 1: Development Principles, 2: Homes, 7: Development in the Countryside and 8: Houses in the Countryside, being in turn contrary to adopted National Planning Framework 4 (2023) Policy 9 Brownfield, Vacant and Derelict Land and Empty Buildings as relates to safeguarding of greenfield land.

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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.