

Fife Planning Review Body

Committee Room 2, Fife House, North Street, Glenrothes /
Blended Meeting



Monday, 28 October 2024 - 2.00 pm

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 the Fife Planning Review Body of 2 September 2024. 5 - 6
4. **APPLICATION FOR REVIEW - WOODSIDE, WESTER FORRET, KILMANY, CUPAR (APPLICATION NO. 24/00817/FULL)** – Erection of dwellinghouse and formation of access.
 1. Decision Notice 7 - 11
 2. Report of Handling 12 - 24
 3. Notice of Review 25 - 57
 4. Consultee Comments 58 - 64

Plans and papers relating to the application and review can be found online at www.fife.gov.uk/committees.

Lindsay Thomson
Head of Legal and Democratic Services
Finance and Corporate Services
Fife House
North Street
Glenrothes
Fife, KY7 5LT

21 October 2024

If telephoning, please ask for:

Michelle McDermott, Committee Officer, Fife House, North Street, Glenrothes
Telephone: 03451 555555, ext. 442238; email: Michelle.McDermott@fife.gov.uk

Agendas and papers for all Committee meetings can be accessed on www.fife.gov.uk/committees

BLENDED 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 have cameras switched on during meetings and mute microphones when not speaking. During any breaks or adjournments please switch cameras off.

Local Review meeting

Guidance Notes on Procedure

1. Introduction by Convener

- Convener introduces elected members and advisers; both there to advise the Review Body and not argue the officer's case; planning adviser in particular independent of the planning officer who made the decision.
- Convener advises members that photos/powerpoint are available
- Convener clarifies procedure for meeting and asks members if they have any points requiring clarification

2. Minutes of previous meeting

Review Body requested to approve minute of last meeting

3. Outline of first item - Convener

4. Powerpoint presentation of photos/images of site

Convener advises other documents, including Strategic Development/Local Plan and emerging plan(s) are there for Members to inspect if necessary, and asks members to ask Planning Adviser points of clarification on the details of the presentation.

5. Procedural agreement.

Members discuss application and decide whether –

- decision can be reached today
- if there is any new information, whether this is admissible or not in terms of the legislation
- more information required, and if so, if
- written submissions required
- site visit should be arranged (if not already happened)
- Hearing held

6. Assessment of case. Convener leads discussion through the key factors (assuming we can proceed)

Members should recall that planning decisions should be taken in accordance with the Development Plan, unless material considerations indicate otherwise. Accordingly, it is important the Members debate each point fully and explain whether they are following policy, or, if not, what material considerations lead them to depart from it. If they are taking a different view of policy from the officer who made the original decision they should make this clear.

a) Convener asks the LRB to consider

- Report of Handling and
- the applicant's Review papers

to establish the key issues pertinent to this case

- b) Detailed discussion then takes place on the key issues with specific regard to
 - Strategic Development Plan
 - Local Plan
 - Emerging Plan(s)
 - Other Guidance
 - National Guidance
 - Objections

Legal/Planning Advisers respond to any questions or points of clarification from elected members

- c) Convener confirms the decision made by the LRB. At this stage if a conditional approval is chosen then additional discussion may be necessary regarding appropriate conditions

7. Summing Up by the Convener or the Legal Adviser identifying again the key decision reached by the LRB

8. Next stages Convener confirms the next stages for the benefit of the audience:

- Draft decision notice
- Agreed by Convener
- Issued to applicant and interested parties (posted on Idox)
- Approximate timescale for issuing decision. (21 days)

9. Closure of meeting or on to next item

Version 5
31.10.2017

THE FIFE COUNCIL - FIFE PLANNING REVIEW BODY - BLENDED MEETING

Committee Room 2, Fife House, North Street, Glenrothes

2 September 2024

2.00 pm - 4.05 pm

PRESENT: Councillors David Barratt (Convener), Ken Caldwell, Fiona Corps, Altany Craik and Jane Ann Liston.

ATTENDING: Mary McLean, Legal Services Manager and Michelle McDermott, Committee Officer, Legal and Democratic Services; and Steve Iannarelli, Strategic Development Manager, Planning Service.

66. DECLARATIONS OF INTEREST

Decision

No declarations of interest were made in terms of Standing Order No. 22.

67. MINUTE

The minute of the Fife Planning Review Body of 17 June 2024 was submitted.

Decision

The Review Body approved the minute.

**68. APPLICATION FOR REVIEW - 7 HOLLYTREE ROAD, GLENROTHES
(APPLICATION NO. 23/01822/FULL)**

The Review Body considered the Application for Review submitted by Architectural Design, on behalf of Mrs. Sharlene Swain, in respect of the decision to refuse planning permission for the change of use of public open space to form vehicular access and driveway to front of dwellinghouse.

Decision

The Review Body agreed:-

- (1) sufficient information was before them to proceed to decide the matter; and
- (2) the application be refused (upholding the appointed officer's determination) and that the content of the Decision Notice be delegated to the Head of Legal and Democratic Services, in consultation with the Convener.

**69. APPLICATION FOR REVIEW - BOGSIDE FARM, BOGSIDE, BLAIRHALL,
ALLOA (APPLICATION NO. 23/03279/FULL)**

The Review Body considered the Application for Review submitted by Andrew Megginson Architecture, on behalf of Mr. Ben McNeice, in respect of the decision to refuse planning permission for the erection of two dwellinghouses and outbuildings with associated infrastructure.

Decision

The Review Body agreed:-

- (1) sufficient information was before them to proceed to decide the matter; and
- (2) the application be approved, subject to conditions, (reversing the appointed officer's determination) and that the content of the Decision Notice be delegated to the Head of Legal and Democratic Services, in consultation with the Convener.

Agenda Item 4(1)

**Woodside, Wester Forret, Kilmany, Cupar,
KY15 4PX**

Application No. 24/00817/FULL

Planning Decision Notice

Derek Balfour
3 Violet Place
Lochgelly
Fife
KY5 9HU

Planning Services

Andy Taylor

development.central@fife.gov.uk

Your Ref:

Our Ref: 24/00817/FULL

Date 11th June 2024

Dear Sir/Madam

Application No: 24/00817/FULL
Proposal: Erection of dwellinghouse and formation of access
Address: Woodside Wester Forret Kilmany KY15 4PX

Please find enclosed a copy of Fife Council's decision notice made on behalf of **Mr Malcolm McIntosh**, indicating refusal of your application. Reasons for this decision are given, and the accompanying notes explain how to begin the appeal or local review procedure should you wish to follow that course.

Should you require clarification of any matters in connection with this decision please get in touch with me.

Yours faithfully,

Andy Taylor, Planner, Development Management

Enc



DECISION NOTICE FULL PLANNING PERMISSION

Fife Council, in exercise of its powers under the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006 **REFUSES PLANNING PERMISSION** for the particulars specified below

Application No: 24/00817/FULL
Proposal: Erection of dwellinghouse and formation of access
Address: Woodside Wester Forret Kilmany KY15 4PX

The plans and any other submissions which form part of this Decision notice are as shown as 'Refused' for application reference 24/00817/FULL on Fife Council's Planning Applications Online

REFUSE FOR THE FOLLOWING REASON(S):

1. In the interest of safeguarding the countryside from unplanned, sporadic and unjustified residential development; the need in principle for a residential development in this location is not considered fully justified and would therefore be contrary to Policy 16: Quality Homes and 17: Rural Homes of National Planning Framework 4 (2023) and Policy 1: Development Principles, Policy 7 Development in the Countryside, Policy 8: Houses in the Countryside of the Adopted FIFEplan - Fife Local Development Plan (2017).
2. In the interests of protecting road safety; the site is remote from the nearest settlements of Kilmany and Foodieash. No bus services operate on the U048, therefore, there are no public transport options for prospective residents or their visitors, therefore, the remote location of the application site means that trips by private cars would represent nearly all the person trips by prospective residents and their visitors. It is considered that the proposal would have a significant detrimental impact on road safety in that Transportation Development Management has a presumption against the formation of new vehicular accesses or the intensification in use of existing accesses on unrestricted distributor roads outwith established built-up areas. Further to that, the proposal also fails to meet the required 3m x 210m visibility splays which must be provided and maintained clear of all obstructions exceeding 1 metre in height above the adjoining road channel level, at the junction of the new vehicular access and the public road; all contrary to National Planning Framework 4 (2023) Policy 14, Policies 1 and 3 of the Adopted FIFEplan - Fife Local Development Plan (2017) and Fife Council's Making Fife's Places (2018) - Appendix G Transportation Development Guidelines.

Dated: 11th June 2024

Chris Smith

For Head of Planning Services

PLANS

The plan(s) and other submissions which form part of this decision are: -

Reference	Plan Description
01	Location Plan
02	Proposed Block Plan
03	Proposed various - elevation, floor etc
04	Proposed various - elevation, floor etc
05	Flood Calculations
06	Low Carbon Sustainability Checklist
07	Statement
08	Solar Panel Info

Dated: 11th June 2024

Chris Smith

For Head of Planning Services

IMPORTANT NOTES ABOUT THIS DECISION

LOCAL REVIEW

If you are not satisfied with this decision by the Council you may request a review of the decision by the Council's Local Review Body. The local review should be made in accordance with section 43A of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006 by notice sent within three months of the date specified on this notice. Please note that this date cannot be extended. The appropriate forms can be found following the links at www.fife.gov.uk/planning. Completed forms should be sent to:

**Fife Council, Committee Services, Corporate Services Directorate
Fife House
North Street
Glenrothes, Fife
KY7 5LT**

or emailed to local.review@fife.gov.uk

LAND NOT CAPABLE OF BENEFICIAL USE

If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Minister, 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, he/she may serve on the Planning Authority a purchase notice requiring the purchase of his/her interest in the land in accordance with Part V Town and Country Planning (Scotland) Act, 1997.

Agenda Item 4(2)

**Woodside, Wester Forret, Kilmany, Cupar,
KY15 4PX**

Application No. 24/00817/FULL

Report of Handling

REPORT OF HANDLING

APPLICATION DETAILS

ADDRESS	Woodside, Wester Forret, Kilmany		
PROPOSAL	Erection of dwellinghouse and formation of access		
DATE VALID	11/04/2024	PUBLICITY EXPIRY DATE	23/05/2024
CASE OFFICER	Andy Taylor	SITE VISIT	11/04/2024
WARD	Howe Of Fife And Tay Coast	REPORT DATE	11/06/2024

SUMMARY RECOMMENDATION

The application is recommended for:

Refusal

ASSESSMENT

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.

1.0 BACKGROUND

1.1 National Planning Framework 4 (NPF4) 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.

As per Section 24 (3) of the Town and Country Planning (Scotland) Act 1997 (as amended) where there is any incompatibility between a provision of the National Planning Framework and a provision of a Local Development Plan, whichever of them is the later in date is to prevail. The Chief Planner's Letter dated 8th February 2023 also advises that provisions that are contradictory or in conflict would be likely to be considered incompatible.

1.2 This application refers to an area of grassland/paddock to the north of an existing residential dwelling (Woodside) located within the small settlement of Kilmarnock in a countryside location as defined by the Adopted FIFEplan (2017) There are a further 6 cottages located to the south and south-east of the site. The site is access from a single-track road.

1.3 This planning application seeks planning permission for the erection of a single dwellinghouse and formation of access.

1.4 There is no previous relevant planning history associated with this site.

1.5 A physical site visit has not been undertaken for this planning application; however, the planning case officer has previously visited the area on numerous occasions. All necessary information has been collated digitally to allow the full consideration and assessment of the proposal. 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 ASSESSMENT

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

- Principle of Development
- Design, Scale and Finishes/Visual Impact on Local Landscape Area
- Residential Amenity
- Road Safety
- Natural Heritage/Biodiversity Enhancement
- Water/Drainage
- Waste Management
- Low Carbon

2.2 Principle of Development

2.2.1 NPF4 sets out the overarching spatial strategy for Scotland to 2045. Policy 1 (Tackling the climate and nature crises) of NP4 states that when considering all development proposals significant weight will be given to the global climate and nature crises.

2.2.2 NPF4 Policy 16(f) states that development proposals for new homes on land not allocated for housing in the LDP will only be supported in limited circumstances where;

- the proposal is supported by an agreed timescale for build-out; and
- the proposal is otherwise consistent with the plan spatial strategy and other relevant policies including local living and 20-minute neighbourhoods;

and either

- delivery of sites is happening earlier than identified in the deliverable housing land pipeline. This will be determined by reference to two consecutive years of the Housing Land Audit evidencing substantial delivery earlier than pipeline timescales and that general trend being sustained; or
- the proposal is consistent with policy on rural homes; or
- the proposal is for smaller scale opportunities within an existing settlement boundary; or
- the proposal is for the delivery of less than 50 affordable homes as part of a local authority supported affordable housing plan

2.2.3 NPF4 Policy 17a applies and states that development proposals for new homes in rural areas will be supported where the development is suitably scaled, sited and designed to be in keeping with the character of the area and the development:

- is on a site allocated for housing within the Local Development Plan;
- reuses brownfield land where a return to a natural state has not or will not happen without intervention;
- reuses a redundant or unused building;
- is an appropriate use of a historic environment asset or is appropriate enabling development to secure the future of historic environment assets; is demonstrated to be necessary to support the sustainable management of a viable rural business or croft, and there is an essential need for a worker (including those taking majority control of a farm business) to live permanently at or near their place of work;
- is for a single home for the retirement succession of a viable farm holding;
- is for the subdivision of an existing residential dwelling; the scale of which is in keeping with the character and infrastructure provision in the area; or
- reinstates a former dwelling house or is a one-for-one replacement of an existing permanent house.

2.2.4 Policy 29 (Rural Development) of NPF4 states that development proposals that contribute to the viability, sustainability and diversity of rural communities and local rural economy will be supported, including farms, crofts, woodland crofts or other land use businesses, where use of good quality land for development is minimised and business viability is not adversely affected. This policy further states that development proposals in rural areas should be suitably scaled, sited and designed to be in keeping with the character of the area. They should also consider how the development will contribute towards local living and take into account the transport needs of the development as appropriate for the rural location.

2.2.5 Policy 1: Development Principles of the Adopted FIFEplan states that the principle of development will be supported if it is either: a) within a defined settlement boundary and compliant with the policies for the location; or b) in a location where the proposed use is supported by the plan. In the case of development in the countryside, such as here, development will only be supported where it is, amongst other things, for housing in line with Policy 8: Houses in the Countryside. Policy 8 states that development of housing in the countryside will only be supported where:

1. It is essential to support an existing rural business;
2. It is for a site within an established and clearly defined cluster of five houses or more;

3. It is for a new housing cluster that involves imaginative and sensitive re-use of previously used land and buildings, achieving significant visual and environmental benefits;
4. It is for the demolition and subsequent replacement of an existing house provided the following all apply:
 - a) the existing house is not listed or of architectural merit;
 - b) the existing house is not temporary and has a lawful use; or
 - c) the new house replaces one which is structurally unsound and the replacement is a better quality design, similar in size and scale as the existing building, and within the curtilage of the existing building;
5. It is for the rehabilitation and/or conversion of a complete or substantially complete existing building;
6. It is for small-scale affordable housing adjacent to a settlement boundary and is required to address a shortfall in local provision, all consistent with Policy 2 (Homes);
7. A shortfall in the 5 year effective housing land supply is shown to exist and the proposal meets the terms of Policy 2 (Homes);
8. It is a site for Gypsy/Travellers or Travelling Showpeople and complies with Policy 2 (Homes); or
9. It is for an eco-demonstration project proposal that meets the strict requirements of size, scale, and operation set out in Figure 8.1 of the plan.

In all cases, development must be: of a scale and nature compatible with surrounding uses; well-located in respect of available infrastructure and contribute to the need for any improved infrastructure; and located and designed to protect the overall landscape and environmental quality of the area.

2.2.6 No justification has been submitted in support of this house in a countryside location. In this instance, the only justification could be for a house within an existing cluster. However, FIFEplan Policy 8, Figure 8.2 gives examples of suitable housing proposals, and this proposal clearly does not comply and as it does not fully meet any of the other related above criteria or justified need, the principle for a residential development in this location is not considered fully justified and would therefore be contrary to NPF4 and Adopted FIFEplan related development plan policies.

2.3 Design, Scale and Finishes/Visual Impact on Countryside

2.3.1 Policy 14 of NPF4 states that development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale. It further advises that development proposals will be supported where they are consistent with the six qualities of successful places (Health, Pleasant, Connected, Distinctive, Sustainable and Adaptable) and development which is poorly designed or inconsistent with the six qualities will not be supported. Annex D of NPF4 sets out further details relating to the delivery of these six qualities of a successful place. Policy 29 of NPF4 states that development proposals in rural areas should be suitably scaled, sited and designed to be in keeping with the character of the area. Policy 8 of NPF4 requires that proposals should be compatible with the surrounding established countryside and landscape character and proposals should be designed to ensure that they are of an appropriate scale, massing and external appearance.

2.3.2 Policy 4 (Natural Places) of NPF4 states that development proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment, will not be supported. It further states that development proposals that affect a site designated as a landscape area in the LDP will only be supported where development will have no significant

adverse effects on the integrity of the area or the qualities for which it has been identified or any significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance.

2.3.3 Policies 1 and 10 of FIFEplan advises that development will only be supported if it does not have a significant detrimental visual impact on the surrounding area. Policy 7 of the Adopted Local Plan continues that new development in the countryside must be of a scale and nature that is compatible with its surrounding uses and must be located and designed to protect the overall landscape and environmental quality of the area. Policy 13 of the FIFEplan states that development proposals will only be supported where they protect or enhance natural heritage and access assets including Local Landscape Areas and rural character.

2.3.4 Policy 14 of FIFEplan and Making Fife's Places Supplementary Guidance (2018) sets out the expectation for developments with regards to design. Making Fife's Places encourages a design-led approach to development proposals through placing the focus on achieving high quality design. These documents also illustrate how development proposals can be evaluated to ensure compliance with the six qualities of successful places. The guidance sets out the level of site appraisal an applicant is expected to undertake as part of the design process. This includes a consideration of the landscape setting, character and the topography of the site. Appendix B of the Supplementary Guidance sets out the detailed site appraisal considerations in relation to landscape change. Details of the assessment to be undertaken to determine a proposals consistency with these principles is provided in the Scottish Government's Creating Places: A Policy Statement on Architecture and Place for Scotland and Designing Streets.

2.3.5 The proposed dwellinghouse is a single storey, detached property with staggered single storey extensions to the front on rear of the property and pitched roof covered in modern concrete tiles, Walls would be white smooth render with buff facing brick basecourse. Windows and doors would be anthracite double glazed Upvc.

2.3.6 In light of the above, the proposed dwellinghouse would generally meet the requirements of NPF4 Policies 4 and 14. FIFEplan (2017) Policies 1 and 10, Fife Council's Planning Customer Guidelines on Garden Ground and Making Fife's Places Supplementary Planning Guidance (2018) with regard to its design and visual impact. However, this is not a determining factor in this case.

2.4 Residential Amenity

2.4.1 PAN (Planning Advice Note) 1/2011 provides advice on the role of the planning system in helping to prevent and limit the adverse effects of noise. Policies 1 and 10 of the Adopted FIFEplan state that new development is required to be implemented in a manner that ensures that existing uses and the quality of life of those in the local area are not adversely affected and that development will only be supported where it will have no significant detrimental impact on the operation of existing or proposed businesses and commercial operations or on the amenity of surrounding existing land uses.

2.4.2 Policy 14 of NPF4 states that development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale. This policy further states that development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported. Policy 23 (Health and Safety) of NPF4 requires that development proposals that are likely to raise unacceptable noise issues will not be supported, whilst the agent of change principle

applies to noise sensitive development and a noise impact assessment may be required where the nature of the proposal or its location suggests that significant effects are likely.

2.4.3 Policies 1 and 10 of FIFEplan further state that new development is required to be implemented in a manner that ensures that existing uses and the quality of life of those in the local area are not adversely affected and that development will only be supported where it will have no significant detrimental impact on the operation of existing or proposed businesses and commercial operations or on the amenity of surrounding existing land uses.

2.4.4 Fife Council's Policy for Development and Noise (2021) sets out how noise impact should be considered through the planning process. It advises that the noise impact arising from development should be considered and mitigated and residential development should not unacceptably affect existing businesses or be built in locations which would be affected by excess or inappropriate noise levels.

2.4.7 The submitted site plan shows there is more than an adequate amount of private garden ground to serve the property which would be in line with Fife Council Planning Customer Guidelines on Garden Ground.

2.4.8 The proposed dwellinghouse would be in a position which would ensure no amenity issues occur including loss of privacy and day/sunlight.

2.4.9 In light of the above, it is considered the application site has been developed in such a way which would meet the requirements of NPF4 Policy 14 and FIFEplan (2017) Policies 1 and 10, Fife Council's Planning Customer Guidelines on Garden Ground and Making Fife's Places Supplementary Planning Guidance (2018) with regard to its residential amenity impact, however these are not determining factors in this instance.

2.5 Road Safety

2.5.1 Policy 14 of NPF4 states that development proposals will be supported where they provide well connected networks that make moving around easy and reduce car dependency. Policy 15 (Local Living and 20 Minute Neighbourhoods) requires that development proposals will contribute to local living including, where relevant, 20-minute neighbourhoods. To establish this, consideration will be given to existing settlement pattern, and the level and quality of interconnectivity of the proposed development with the surrounding area. Policy 13 (Sustainable Transport) of NPF4 advises that proposals which improve, enhance or provide active travel infrastructure, public transport infrastructure or multi-modal hubs will be supported. It further states that 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 will provide direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks before occupation. A Transport Assessment should also be submitted where a proposal would generate a significant increase in the number of person trips. Policy 14 also advises that development proposals for significant travel generating uses will not be supported in locations which would increase reliance on the private car, taking into account the specific characteristics of the area.

2.5.2 Policy 1, Part C, Criterion 2 of the Adopted FIFEplan states that development proposal must provide the required on-site infrastructure or facilities, including transport measures to minimise and manage future levels of traffic generated by the proposal. Policy 3 of the Adopted FIFEplan advise that such infrastructure and services may include local transport and safe

access routes which link with existing networks, including for walking and cycling. Further detailed technical guidance relating to this including parking requirements, visibility splays and street dimensions are contained within Appendix G (Transportation Development Guidelines) of Making Fife's Places Supplementary Guidance (2018).

2.5.3 Fife Council's Transportation Development Management team (TDM) were consulted and state that Policy 13 of National Planning Framework 4 addresses sustainable transport and states that development proposals will be supported where it can be demonstrated that they provide direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks and will be accessible by public transport ideally supporting the use of existing services. TDM confirm that the remote location of the site means that trips by private cars would represent nearly all the person trips by prospective residents and their visitors. There are no surfaced and lit pedestrian routes between the site and the surrounding area. The site is remote from the nearest settlements of Kilmany and Foodieash. No bus services operate on the U048, therefore, there are no public transport options for prospective residents or their visitors. Vehicular access to the proposed site is via a private access, approximately 500m in length, from the public road U048. TDM state that this appears to be an unmade single-track road with no passing places, which also serves the adjacent property known as Woodside. Visibility splay required for this development would be 3m x 210m. TDM have questioned that this may appear possible from inspection of the site from overhead, however they have concerns that the vertical alignment of the road could introduce blind spots for drivers. Transportation Development Management have a policy against the formation of new vehicular accesses or the increase in use of existing vehicular accesses and junctions on unrestricted distributor roads that are outwith established built up areas. From a transportation point of view, a built-up area is defined as the area within a 30 or 40mph speed limit. The proposed layout shows a 3-bed layout and as per current Making Fife's Places Supplementary Guidance: Appendix G which would require 2 parking spaces. Although the block plan does not show dedicated parking it is clear there is space for these within the site boundary. Transportation Development Management therefore have objections in principle to the proposed development and cannot support this application. TDM recommend refusal for the above road safety reasons. This is not the only determining factor.

2.6 Natural Heritage/Biodiversity Enhancement

2.6.1 Policy 3 (Biodiversity) of NPF4 states that proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them, whilst, proposals should also integrate nature-based solutions, where possible.

2.6.2 Policy 4 of NPF4 advises that proposals that are likely to have an adverse effect on species protected by legislation will only be supported where the proposal meets the relevant statutory tests. If there is reasonable evidence to suggest that a protected species is present on a site or may be affected by a proposed development, steps must be taken to establish its presence, whilst the level of protection required by legislation must be factored into the design of the development.

2.6.3 Policies 1 and 13 of the FIFEplan states that development proposals will only be supported where they protect or enhance natural heritage and access assets including protected and priority habitats and species, green networks and greenspaces and woodlands (including native and other long-established woods), and trees and hedgerows that have a landscape, amenity, or nature conservation value.

2.6.4 Given the current state of the application site as a mix of prime and non-prime agricultural grassland, it currently offers little bio-diversity benefits and there would be no significant ecological impact on this area. However, a condition could be recommended requiring that a landscaping plan be submitted to and approved by Fife Council as Planning Authority. This would allow the landscaping around the proposed building to ensure that the landscape stated in the statement actually occurs and is appropriate to help soften the visual impact of the building and to also provide some form of biodiversity enhancement. The proposal subject to these conditions would, therefore, have no significant natural heritage impact and would comply with the Development Plan in this respect. However, this is not a determining factor given the basic principles to support the proposal are not met.

2.7 Water/Drainage

2.7.1 Policy 22 (Flooding) of NPF4 requires that development proposals will not increase the risk of surface water flooding to others, or itself be at risk, manage all rain and surface water through sustainable urban drainage systems (SUDS), which should form part of and integrate with proposed and existing blue-green infrastructure. All proposals should also presume no surface water connection to the combined sewer and development should seek to minimise the area of impermeable surface.

2.7.2 Policy 20 (Blue and Green Infrastructure) of NPF4 states that proposals for or incorporating new or enhanced blue infrastructure will be supported and where appropriate, this will be an integral element of the design that responds to local circumstances. This policy further states that proposals that include new or enhanced blue infrastructure will provide effective management and maintenance plans covering the funding arrangements for their long-term delivery and upkeep, and the party or parties responsible for these.

2.7.3 Policies 1 and 3 of the FIFEplan state that 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 measures will include foul and surface water drainage, including Sustainable Urban Drainage Systems (SUDS).

2.7.4 Policy 12 of the FIFEplan advises that development proposals will only be supported where they can demonstrate that they will not, individually or cumulatively increase flooding or flood risk from all sources (including surface water drainage measures) on the site or elsewhere, that they will not reduce the water conveyance and storage capacity of a functional flood plain or detrimentally impact on future options for flood management and that they will not detrimentally impact on ecological quality of the water environment, including its natural characteristics, river engineering works, or recreational use.

2.7.5 The site is not within a known flood area. Scottish Water also have no objections to the proposal though confirm that there is no Scottish Water, Wastewater Infrastructure within the vicinity and advise that the applicant investigate private treatment options. The proposed development, therefore, could incorporate sufficient measures to ensure that it is served by adequate infrastructure and services relating to surface water management. The proposal would, therefore, be acceptable and would comply with the Development Plan in this respect. A

condition could be imposed but as the application does not meet the basic principles to allow it to be fully supported such a condition cannot be included.

2.8 Waste Management

2.8.1 Policy 12 (Zero Waste) of NPF4 states that proposals will seek to reduce, reuse, or recycle materials in line with the waste hierarchy.

2.8.2 Policies 1 and 10 of the Adopted FIFEplan states that development proposals must not have a significant detrimental impact on amenity in relation to the operation of existing or proposed waste management facilities.

2.8.3 There is sufficient space within the curtilage of the site and the proposal would incorporate sufficient waste management measures which have been shown on the proposed block plan. The proposal would, therefore, provide the required waste management facilities and would have no significant detrimental impact on amenity in relation to the operation of existing or proposed waste management facilities. The proposed development would, therefore, be acceptable and would comply with Development Plan Policy in this respect. Again this is not a determining factor given the basic principles to support the proposal are not met.

2.9 Low Carbon

2.9.1 Policy 1 of NPF4 requires that when considering all development proposals significant weight will be given to the global climate and nature crises.

2.9.2 Policy 2 of NPF4 state that proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible and will be sited and designed to adapt to current and future risks from climate change.

2.9.3 Policies 1 and 11 (Low Carbon) of FIFEplan (2017) state that planning permission will only be granted for new development where it has been demonstrated that:

- The proposal meets the current carbon dioxide emissions reduction target (as set out by Scottish Building Standards), and that low and zero carbon generating technologies will contribute at least 15% of these savings from 2016 and at least 20% from 2020. Statutory supplementary guidance will provide additional advice on compliance with this requirement.

- Construction materials come from local or sustainable sources

2.9.4 Fife Council's Low Carbon Fife Supplementary Guidance (January 2019) notes that small and local applications will be expected to provide information on the energy efficiency measures and energy generating technologies which will be incorporated into their proposal. In addition, applicants are expected to submit a completed sustainable building statement (Appendix B of the guidance).

2.9.5 The developer has submitted a Low Carbon Checklist and statement.

2.9.6 The proposal has proposed sufficient energy efficiency measures and technologies and has demonstrated that the proposal would be energy efficient and sustainable. The proposal would, therefore, be acceptable and would comply with the Development Plan in this respect.

Again, this is not a determining factor given the basic principles to support the proposal are not met.

CONSULTATION RESPONSES

Scottish Water	No objections
Structural Services - Flooding, Shoreline And Harbours	No comments
TDM, Planning Services	Object on safety grounds

REPRESENTATIONS

None

CONCLUSION

The development constitutes unplanned, sporadic and unjustified residential development in the countryside; contrary to NPF4 Polices 17 and 29, and policies 1: Development Principles, 7: Development in the Countryside and 8: Houses in the Countryside of FIFEplan of the adopted FIFEplan Fife Local Development Plan (2017). For that reason, the development would also fail to protect the overall landscape and environmental quality of the area, contrary to Policies 1: Development Principles, 7: Development in the Countryside, 8: Homes in the Countryside, 10: Amenity and 13: Natural Environment and Access of FIFEplan and Making Fife's Places Supplementary Guidance (2018). In addition, it is considered that the proposal would have a significant detrimental impact on road safety and would therefore be contrary to Policies 1, 3 and 10 of the Adopted FIFEplan - Fife Local Development Plan (2017) and Appendix G (Transportation Development Guidelines) of Making Fife's Places Supplementary Guidance (2018). Overall, the development is contrary to the development plan, there being no relevant material considerations of sufficient weight to justify departing therefrom.

DETAILED RECOMMENDATION

The application be refused for the following reason(s)

1. In the interest of safeguarding the countryside from unplanned, sporadic and unjustified residential development; the need in principle for a residential development in this location is not considered fully justified and would therefore be contrary to Policy 16: Quality Homes and 17:

Rural Homes of National Planning Framework 4 (2023) and Policy 1: Development Principles, Policy 7 Development in the Countryside, Policy 8: Houses in the Countryside of the Adopted FIFEplan - Fife Local Development Plan (2017).

2. In the interests of protecting road safety; the site is remote from the nearest settlements of Kilmany and Foodieash. No bus services operate on the U048, therefore, there are no public transport options for prospective residents or their visitors, therefore, the remote location of the application site means that trips by private cars would represent nearly all the person trips by prospective residents and their visitors. It is considered that the proposal would have a significant detrimental impact on road safety in that Transportation Development Management has a presumption against the formation of new vehicular accesses or the intensification in use of existing accesses on unrestricted distributor roads outwith established built-up areas. Further to that, the proposal also fails to meet the required 3m x 210m visibility splays which must be provided and maintained clear of all obstructions exceeding 1 metre in height above the adjoining road channel level, at the junction of the new vehicular access and the public road; all contrary to National Planning Framework 4 (2023) Policy 14, Policies 1 and 3 of the Adopted FIFEplan - Fife Local Development Plan (2017) and Fife Council's Making Fife's Places (2018) - Appendix G Transportation Development Guidelines.

STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS

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

Other Guidance:

Making Fife's Places Supplementary Guidance Document (2018)
Low Carbon Fife Supplementary Guidance (2019)
Fife Council Appendix G - Transportation Development Guidelines
Fife Council Sustainable Drainage Systems (SuDS) - Design Criteria Guidance Note
Fife Council Planning Customer Guidelines on Garden Ground (2016)
Fife Council Planning Customer Guidelines on Daylight and Sunlight (2022)
Fife Council Planning Customer Guidelines on Minimum Distances between Window Openings (2011)

Agenda Item 4(3)

**Woodside, Wester Forret, Kilmany, Cupar,
KY15 4PX**

Application No. 24/00817/FULL

Notice of Review



Fife House North Street Glenrothes KY7 5LT Email: development.central@fife.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100684854-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Montgomery Forgan Associates		
Ref. Number:	6274	You must enter a Building Name or Number, or both: *	
First Name: *	James	Building Name:	Eden Park House
Last Name: *	Wright	Building Number:	
Telephone Number: *	01334 654936	Address 1 (Street): *	Eden Park
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Cupar
Fax Number:		Country: *	Scotland
		Postcode: *	KY15 4HS
Email Address: *	james@montgomery-forgan.co.uk		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Mr

Malcolm

McIntosh

Woodside

Wester Forret

Kilmany

Cupar

Scotland

KY15 4PX

[Redacted]

Site Address Details

Fife Council

WOODSIDE

KEDLOCK

RATHILLET

CUPAR

KY15 4PX

[Redacted]

719990

337978

Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Erection of dwellinghouse and formation of access

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

See papers apart

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

See papers apart

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

24/00817/FULL

What date was the application submitted to the planning authority? *

27/03/2024

What date was the decision issued by the planning authority? *

11/06/2024

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be a combination of procedures.

Please select a further procedure *

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

See papers apart

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr James Wright

Declaration Date: 10/09/2024



NOTICE OF REVIEW

Refusal of Planning Permission Ref. 24/00817/FULL
for Erection of Dwellinghouse and Formation of Access

Woodside, Wester Forret, Kilmany

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1.0	Introduction
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3.0	The Site and Proposal
4.0	The Development Plan and Other Material Considerations
5.0	Conclusions

DOCUMENTS	
Document 1	Plan Outlining Cluster
Document 2	Examples of Similar Cluster Approvals
Document 3	Photographs of Access

Issue	v1	v2	
Date	9 Sep 2024	10 Sep 2024	
Prepared by	JW	JW	
Checked by	DOH	DOH	
Job Number	6274	6274	

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1.1 This Notice of Review relates to Fife Council's refusal of planning permission for the erection of a dwellinghouse and formation of access on an area of ground associated with the curtilage of Woodside, Wester Forret. The site is immediately to the north of Woodside and is currently used as a paddock. The planning application was lodged with the Council on 27 March 2024 and was validated on 11 April 2024 under the Council's application reference no. 24/00817/FULL.

1.2 Planning permission was refused by the appointed person and the refusal decision notice was subsequently issued on 11 June 2024. The application was refused for the following two reasons:

"1. In the interest of safeguarding the countryside from unplanned, sporadic and unjustified residential development; the need in principle for a residential development in this location is not considered fully justified and would therefore be contrary to Policy 16: Quality Homes and 17: Rural Homes of National Planning Framework 4 (2023) and Policy 1: Development Principles, Policy 7 Development in the Countryside, Policy 8: Houses in the Countryside of the Adopted FIFEplan - Fife Local Development Plan (2017).

2. In the interests of protecting road safety; the site is remote from the nearest settlements of Kilmany and Foodieash. No bus services operate on the U048, therefore, there are no public transport options for prospective residents or their visitors, therefore, the remote location of the application site means that trips by private cars would represent nearly all the person trips by prospective residents and their visitors. It is considered that the proposal would have a significant detrimental impact on road safety in that Transportation Development Management has a presumption against the formation of new vehicular accesses or the intensification in use of existing accesses on unrestricted distributor roads outwith established built-up areas. Further to that, the proposal also fails to meet the required 3m x 210m visibility splays which must be provided and maintained clear of all obstructions exceeding 1 metre in height above the adjoining road channel level, at the junction of the new vehicular access and the public road; all contrary to National Planning Framework 4 (2023) Policy 14, Policies 1 and 3 of the Adopted FIFEplan - Fife Local Development Plan (2017) and Fife Council's Making Fife's Places (2018) - Appendix G Transportation Development Guidelines."

1.3 The aim of this statement is to set out the relevant issues related to this development and to assess the proposal against the terms of the development plan and other material considerations. The information that follows will demonstrate that the proposed dwellinghouse complies with the Development Plan; that the landscape has the capacity to absorb this modest single storey storey dwellinghouse; that there would be no adverse privacy or amenity issues created by the proposal and that traffic generated by the dwellinghouse will not have any material impact on the local road network.

- 2.1 Currently, the appellant's daughter and son in law live with the appellant at Woodside and the intention would be for them to live in the proposed dwellinghouse if planning permission were granted.
- 2.2 The appellant's daughter is a local nurse within the area and wishes to live in the community she has, and continues, to serve. Similarly, the appellant's son in law also works in the local area on a neighbouring farm and supports the appellant in maintaining the upkeep of Woodside Farmhouse and its extensive grounds.
- 2.3 As stated within in the low carbon checklist, which was submitted in support of the planning application, the appellant's daughter and son in law currently reside at Woodside therefore the proposals would not lead to any additional vehicle movements on the private access road over and above the current situation.

- 3.1 The site relates to an area of domestic paddock associated with the curtilage of the adjacent, existing dwellinghouse known as Woodside. The site lies directly north of Woodside and would be accessed by the current private access track off the minor U048 public road. It should be noted that the formation of access referenced within the development description is for an access onto the private access road only, given the proposals incorporate utilising the existing access onto the U048 public road. To the south west and south east of Woodside there are a further 6 residential properties running west to east, which including Woodside and its associated curtilage, form an L-shaped cluster of dwellings.
- 3.2 Full planning permission was sought for the erection of a single storey, three bedroom dwellinghouse. The proposed dwellinghouse is modest in scale and has a traditional tiled, pitched roof with a simple smooth render finish to walls. The proposed dwellinghouse incorporates renewable energy in the form of roof mounted solar panels and the use of an air source heat pump to minimise use of fossil fuels.
- 3.3 As confirmed within the Report of Handling, there is no previous, relevant planning history associated with the site or it's immediate environs.
- 3.4 The application site is located on land identified as countryside within the Adopted Fife Local Development Plan 2017 (FIFEplan) but is not within a designated Local Landscape Area.

- 4.1 The Development Plan comprises of the Local Development Plan (FIFEplan) adopted in 2017 and National Planning Framework 4 (NPF4) approved in 2023.
- 4.2 Section 24(3) of the Town and Country Planning (Scotland) Act 1997 states that where there is any incompatibility between a provision of the National Planning Framework and a provision of a Local Development Plan, whichever of them is the later in date is to prevail. The Chief Planner's letter adds that provisions that are contradictory or in conflict would likely be considered incompatible.
- 4.3 The appellant's primary grounds for seeking a local review is that the proposal complies with the Development Plan and the relevant material considerations provide further support to reverse the appointed person's decision.

Principle of Residential Development

- 4.4 NPF4 Policy 16(f) states that development proposals for new homes on land not allocated for housing will only be supported in limited circumstances, the relevant one being in this instance, where the proposal is consistent with policy on rural homes. NPF4 Policy 17 (Rural Homes) is therefore relevant, as is FIFEplan Policy 8: Houses in the Countryside. FIFEplan Policy 1 states that the principle of development will be supported if it is either within a settlement boundary or, as in this case, is in a location where the proposed use is supported by FIFEplan. In this instance the relevant FIFEplan Policy would be Policy 8: Housing in the Countryside.
- 4.5 FIFEplan Policy 8 supports housing in the countryside where, inter alia, it is for a site within an established and clearly defined cluster of five houses or more. NPF4 Policy 17 does not have a similar policy in relation to new housing in the countryside and established clusters, it does however not state that they should not be supported. Given NPF4 is silent on the matter, it is considered that there is not an incompatibility within the Development Plan on this issue.
- 4.6 FIFEplan Policy 8 notes that specific housing groups that would make up a cluster are not identified and that a housing cluster should be made up of a clearly defined grouping of 5 or more houses (up to a maximum of 24). It further notes that the cluster should be contained by a well established boundary such as roads, trees or other landscaping features and should be visually connected through the form or pattern of development. Figure 8.2 within the supporting text of the policy provides several indicative examples of what would constitute a defined cluster and an appropriate site within it.
- 4.7 Given the specific characteristics of this proposal, we would contend that the development meets criterion (2) of Policy 8. The site lies within an existing cluster of 7 dwellinghouses since the existing housing and their associated curtilages form an established grouping of dwellings and the site, being part of the extensive curtilage associated with Woodside, is clearly a logical infill would essentially 'round off' the established housing cluster which has strong

defensible boundaries which distinguish the site from the open farmland to the north and east. The application site has the appearance and character of a small paddock; a quite common situation with a farmhouse and is well framed by topography and perimeter planting and boundaries.

- 4.8 The Cluster Plan, which is attached as **Document 1**, illustrates the cluster in relation to the existing clearly defined boundaries with the tree belt establishing a strong western boundary and the existing access track associated with Woodside establishing a strong eastern boundary. The linear pattern of the dwellinghouses to the south west and south east provide a strong, building line boundary with Woodside extending the cluster north where the application site naturally provides a gap to finish off the established cluster. It is noted that several of the indicative examples within Figure 8.2 reflect the application site both in terms of setting out the cluster as well the site being an appropriate site to develop within a cluster.
- 4.9 Accepting that each application must be judged on its own merits, we would refer the Five Planning Review Body to three similar housing in the countryside approvals in respect criterion (2) of Policy 8. In planning application 18/02907PPP, which related to the erection of 6 dwellinghouses at Kirkforthar, the Officer recommendation which was endorsed by the Planning Committee confirmed that *“the application site is located within an area containing an existing cluster of 16 dwellinghouses. Kirkforthar Feus itself is a ribbon settlement and although policy 8 states that new houses should not result in ribbon development, in this instance that is the only area where new development is appropriate as it fits with the pattern of development here. Furthermore the cluster features well established boundaries with an access road to the east and north, residential properties to the south, and a railway line to the west. The siting of the proposed development within the cluster would continue the pattern of the development. Figure 8.2 sets out examples of suitable housing proposals as part of a cluster, this proposed development follows the first diagram in that it is a gap site at the end of a grouping of dwellings with defensible boundaries. As such, it is considered on balance that the proposed development is compliant with policy 8 as it would meet the requirements of being situated within a cluster of houses, while not exceeding the maximum number of houses.”*
- 4.10 Similarly in the delegated decision for 21/00087/PPP the Appointed Person stated that *“the application site is not located within a settlement envelope and is thus deemed to be situated in the countryside. It is also noted that the application site is located within an area containing an existing cluster of 5 dwellinghouses. Muirhead Steading itself and its associated dwellings is a ribbon settlement, however the application site itself is an infill site in the middle of this development. Furthermore, the cluster features well-established boundaries with an access road to the north, residential properties to the east and west, and boundary fence to the south which separates application site from rolling farmland. The siting of the proposed development within the cluster would continue the pattern of the development. Figure 8.2 sets out examples of suitable housing proposals as part of a cluster, this proposed development follows the first diagram in that it is a gap site is in between existing houses. As such, it is considered that the*

proposed development is compliant with policy 8 as it would meet the requirements of being situated within a cluster of houses, while not exceeding the maximum number of houses.”

- 4.11 Lastly, planning permission in principle was granted in October 2022 for the erection of 4 dwellinghouses at Ribbonfield, by Crail (Ref. 22/02767/PPP). Within the report of handing, the Appointed Person considered that *“the application site is located within an area containing an existing cluster of 5 dwellinghouses. The existing access to the development at Ribbonfield Farm has created a vacant triangular piece of land which has the existing access to the south, the existing development to the west and the B9171 to the north. The access to the existing houses comes from the B9171. Although policy 8 states that new houses should not result in ribbon development, in this instance that is the only area where new development is appropriate as it fits with the pattern of development here. Furthermore, the cluster features well established boundaries with an access road to the south and north, with residential premises to the west. The siting of the proposed development within the cluster would continue the pattern of the development. Figure 8.2 sets out examples of suitable housing proposals as part of a cluster, this proposed development follows the first diagram in that it is a gap site at the end of a grouping of dwellings with defensible boundaries. As such, it is considered on balance that the proposed development is compliant with policy 8 as it would meet the requirements of being situated within a cluster of houses, while not exceeding the maximum number of houses.”*
- 4.12 The approved location and site plans for these decisions are included in **Document 2**, to illustrate Fife Council’s application of the cluster policy in other decisions. These approvals provide examples of the application of the cluster policy in relation to accepting linear development, “rounding off” clusters as well as the use of natural boundaries such as established tree belts and developed boundaries such as roads and rail infrastructure. Given the foregoing examples, it is submitted that the physical characteristics of the application site are similar to the above approvals and this site can clearly be considered as part of a cluster as required by Policy 8 of FIFEplan. We would expect Fife Council to be consistent with its decision making with regards to the application of the cluster criteria within Policy 8.
- 4.13 A site visit will confirm that the proposal site is well framed by topography allowing this development to be satisfactory absorbed into the rural landscape. Residential development will be of a scale and nature compatible with the adjacent residential uses and the Cluster Plan clearly illustrates how a dwellinghouse would fit in with the existing cluster of dwellings at Wester Forret. We would contend that the erection of an additional dwellinghouse within this cluster will have no discernible impact at all on the setting of the cluster or the immediate and wider rural character of the area.
- 4.14 It is therefore considered that the proposals are located within an established cluster as defined by FIFEplan Policy 8 and that it is a natural infill site which will round off and complete the cluster without leading to urban sprawl within the landscape. In light of the foregoing, we would respectfully suggest that the first reason for refusal is not justified.

- 4.15 It is also noted that, whilst silent on housing within established clusters, NPF4 Policy 17 does support single homes in the countryside for the retirement succession of a viable farm holding. Whilst the proposals are not for the retirement succession for a viable farm holding, they are however for a similar set of circumstances in terms of housing provision given the proposals relate to providing a new home for a couple currently living with parents directly adjacent to the application site. Whilst not meeting the exact criteria of the retirement succession policy of NPF4, it is considered that the proposed development would meet the policy's intention of supporting new housing in the countryside for existing residents to ensure that they do not need to leave the area they live and work in which, in reality, will occur in this particular case should the local review not be upheld.
- 4.16 We would highlight that the principle of providing living accommodation in the form of a separate "granny annexe" would be supportable given the curtilage location, if it didn't indeed benefit from permitted development. The provision of a modest dwellinghouse is, in our opinion, not a step much removed from this given the particular circumstances of the appellant and their family.

Road Safety

- 4.17 With regards to the second reason of refusal, we would contend that the appointed person's reason is neither justified nor reasonable in respect of a thorough assessment of the proposals against the material planning matters.
- 4.18 NPF4 Policy 14 states that development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale. It further states that development proposals will be supported where they are consistent with the six qualities of successful places and that poorly designed proposals that are detrimental to the amenity of the surrounding area and are inconsistent with the six qualities of successful places will not be supported.
- 4.19 As noted throughout the Report of Handling, the proposals are considered well designed and in keeping with the area. It is therefore considered that the only criterion of NPF4 Policy 14 that the appointed person considers that the proposals fail to meet is the quality associated with being "Connected" which supports well connected networks that make moving around easy and reduce car dependency. It is therefore considered, that whilst the development cannot, on its own, add to the quality of "Connected" given its rural location, it has been accepted that it meets the other 5 qualities of successful places.
- 4.20 NPF4 Policy 13 (Sustainable Transport) aim is to encourage, promote and facilitate developments that prioritise sustainable travel, in part d) of this policy it does reference taking into account the specific characteristics of the area. In this instance, the site is located within a rural area that is not easily accessible via public transport. It is therefore considered that the proposals require to be taken in this context and that the majority of rural locations would be

prohibited from development solely on their inaccessibility via public transport. It is noted that NPF4 Policy 13 does not form part of the reasons for refusal and it is therefore considered that the proposals accord with the broad thrust of this policy. Given this policy is the key transportation policy of NPF4, it is contended that it takes precedence, in sustainable transportation terms, for decision makers in comparison to only 1 of 6 policy criterion set out within NPF4 Policy 14.

- 4.21 NPF4 Policy 13 takes a pragmatic view, ultimately noting that the specific characteristics of a site, dictate how sustainable the development can therefore be. This is in line with recent appeal decisions, including PPA-250-2392 Northbank Farm, where the Reporter's view that the accessibility of a site must be taken in the context of its rural aspect. It is noted that the refusal reasons did not cite the development as being contrary to NPF4 Policy 13 and therefore it is considered that the appointed person was content that the proposals accorded with this policy. In line with these DPEA decisions, it is noted that the Fife Planning Review Body has also previously taken a pragmatic approach for new housing in the countryside. In Section 3.7 of the FPRB's Review Decision Notice of 22/03199/PPP it states:

"Secondly, the FPRB considered the second reason for refusal which suggested that the site's location was in an unsustainable location and would result in a car-dominant development. The FPRB noted the proximity of nearby bus stops (approximately approximately 15 minutes' walk) and the proximity of Dairsie village. They also noted that selected policy provisions require houses in the countryside to be contingent upon an existing agricultural or rural business. Noting this, they suggested that this would conflict with the above requirement given that, by their very nature, such rural business would not be located within an urban, well-connected location. They therefore dismissed this reason for refusal and considered that it would be an acceptable location for the proposal.

Finally, the FPRB noted the third reason for refusal relating to the Council's Transport Development Management Team's position policy against supporting increased intensification on existing sub-standard access outwith established built up areas. The FPRB set aside these concerns in line with the reasons outlined above, suggesting that the level of intensification would be low and would not result in unreasonable road safety concerns to the extent that this would warrant refusal."

- 4.22 Whilst for a slightly different justification for a house, the decision clearly notes that housing in the countryside is inherently car dependent and therefore should the principle be supported, the lack of public transport should not be the key determining factor on the merits of the development.
- 4.23 FIFEplan Policy 1, (Part C, 2) states that development proposal must provide the required on-site infrastructure or facilities, including transport measures to minimise and manage future levels of traffic generated by the proposal. FIFEplan Policy 3 then advises that such infrastructure and services may include local transport and safe access routes which link with existing networks, including for walking and cycling. Further detailed technical guidance

relating to this including parking requirements, visibility splays and street dimensions are contained within Appendix G (Transportation Development Guidelines) of Making Fife's Places Supplementary Guidance (2018).

- 4.24 Firstly, it is noted that these policies are older than NPF4 Policy 13 and therefore where there is incompatibility, NPF4 policies will prevail. In this instance and as per the refusal reason, there is a presumption against the intensification in use of existing accesses on unrestricted distributor outwith established built-up areas. There does not appear to be a policy basis for this presumption against intensification of existing access but if taken as a material consideration the presumption is not considered to have as significant a weighting as a consideration of the Development Plan (NPF4 Policy 13) which supports the development. Conversely, if taking this presumption against the intensification of existing accesses as being derived from a policy context through FIFEplan, it is then contended that NPF4 Policy 13 would be the policy that would prevail.
- 4.25 It cannot be denied that, as the number of users of a road/vehicular junction increases, there is a greater likelihood that one or more of them will make an error which may lead to an accident and it would be unreasonable to assume otherwise. That in itself, however, does not constitute grounds to refuse an application which would lead to increased traffic flows, however marginal. If it did, it would effectively create a presumption against any increase in traffic or pedestrian flows, at any junction, anywhere. We would contend that the test that must be applied, sensibly, is to ask whether any change in risk to road safety is real and/or significant. In this case, we would contend that traffic generated by a single dwellinghouse would be very modest and in our view would not represent a road safety concern. In any event, as noted as part of the original planning submission and subsequently reiterated within this Notice of Review, the proposals are to provide a separate residence for two people already utilising the access road and therefore it is contended that there is no intensification of the existing access as it would not lead to any more traffic on the private access track.
- 4.26 In terms of the visibility sight lines, it would appear that that a physical site visit was not undertaken to assess these as there is reference to an "overhead" inspection which was presumably map based and therefore has not fully taken into account the nature of the existing access which exits onto an extremely lightly trafficked road. Whilst there would be vehicular movements associated with the proposed dwelling, we would contend that there would be no intensification of the access nor any material increase in vehicular movements onto the local road network given the appellant's circumstances.
- 4.27 A number of photographs taken from the private access at its junction with the U048 public road are attached as **Document 3** to demonstrate the excellent visibility which is available in both directions. Furthermore, having undertaken a review of the data available on the Crashmap website (www.crashmap.co.uk) which displays publicly available details of reported road traffic collisions, there have been no recorded accidents at, or in the vicinity of the private

access junction with the U048 over the latest 5 year period (2018-2022) which would suggest that the existing junction is functioning safely and does not present a road safety issue.

- 4.28 It is clear throughout the Report of Handling that the proposals accord with all other criteria of the Development Plan and that there are no material considerations that would merit refusal of the application. As such, it is not considered necessary to rehearse any other policy assessment other than the foregoing matters which relate to the two reasons for refusal.

- 5.1 FIFEplan sets out clear support for development in the countryside within existing, established housing clusters. FIFEplan gives clear guidance on what constitutes a cluster and the application site is considered to be part of an identifiable cluster with boundaries created by the surrounding, existing development and established natural features such as the tree belts. The application site is a clear gap within the cluster that would “round it off” prohibiting any further development sprawl given its location at the north end of the cluster, forming a natural end point of development.
- 5.2 NPF4 is silent on clusters but does support retirement succession for agricultural workers, the ethos of which form part of these proposals as they relate to a dwellinghouse to allow a young couple to move out of their family home and establish their own family home whilst remaining in the rural community they both live and serve through their employment as well as still being close at hand to the family home. The application site is located within the curtilage of an existing dwellinghouse and therefore they could potentially have tried to develop the site using permitted development rights or seeking consent for a “granny” annexe but have rightly applied in the correct manner for a dwellinghouse.
- 5.3 It is considered that rural housing is always going to be limited in terms of being served by public transport and NPF4 Policy 13 acknowledges this and requires a site’s location to form part of any consideration. In essence, if the principle of rural development is acceptable, NPF4 states that its lack of public transport connections should not therefore have a strong weighting against a development.
- 5.4 It is considered that the proposals do not result in the intensification of an existing access as the same number of individuals would use the access given the situation of the appellant and their family living on site.
- 5.5 We would ask that the Local Review Body positively considers this proposal as it will provide much needed family accommodation, allowing people to continue to live in the local community they serve.
- 5.6 We would respectfully ask that planning permission is granted in this case.

DOCUMENT 1

Plan Outlining Cluster



Large Agricultural Field

Large Agricultural Field

Large Agricultural Field

Field Edge Defines Northern Boundary

Existing Access Track Defines Eastern Boundary

Clear Gap Site which rounds off the housing cluster

Well Established Tree Belt Defines Western Boundary

Large Agricultural Field

Large Agricultural Field

Large Agricultural Field

Extent of Housing Cluster

DOCUMENT 2

Examples of Similar Cluster Approvals

Kirkforthar Feus, Fife Land Ownership Plan

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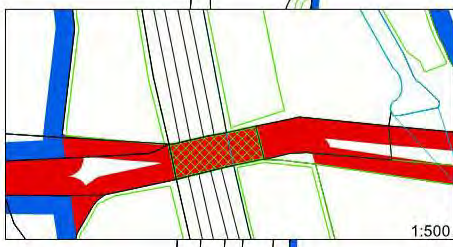
Balbirnie Home Farms
Private Road

Balbirnie Home Farms
Private Road

Balbirnie Home Farms
Private Road

Legend

- Site Boundary
- Estate Ownership
- Servitude
- Adopted Highway



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5 Athol Place, Perth, PH1 5NE
01738 630666 - bidwells.co.uk

BIDWELLS

Scale: 1:1,250 @ A2 OS Ref: NO 2604 Drawing No: C-2185 Date: 30/10/2018
Produced by Bidwells GIS Mapping - 912322

Proposed accommodation

- Plot 1:**
2 bedroom house: approx. 90m²
total of 2 parking spaces (1 covered)
- Plot 2:**
3 bedroom house: approx. 130m²
total of 2 parking spaces (1 covered)
- Plot 3:**
2 bedroom house: approx. 92m²
total of 3 parking spaces (1 covered)
- Plot 4:**
3 bedroom house: approx. 142m²
total of 3 parking spaces (1 covered)
- Plot 5:**
3 bedroom house: approx. 120m²
total of 3 parking spaces (1 covered)
- Plot 6:**
3 bedroom house: approx. 135m²
total of 3 parking spaces (1 covered)

Proposed landscaping

Grasscrete to car parking areas where possible/practical (i.e. outwith parking for disabled access)

Hedge planting to plot boundaries, providing screening to road side and privacy between units. New hedges consisting of indigenous species including:

- Hawthorn
- Blackthorn
- Beech
- Holly
- Dog Rose

Tree planting to western edge of site (privacy), in gardens (feature landscaping) and to road frontage (privacy and screening of parking areas). New trees selected from indigenous species including:

- Ash
- Oak
- Beech
- Birch
- Rowan



Note

Boundary definition: site firmly enclosed on all sides by existing features as follows:

- Road to north and east sides
- Domestic property to south east side
- Watercourse to south west side

Kirkforthar Feus, Glenrothes.

Proposed: Site Layout Plan

1:500 scale

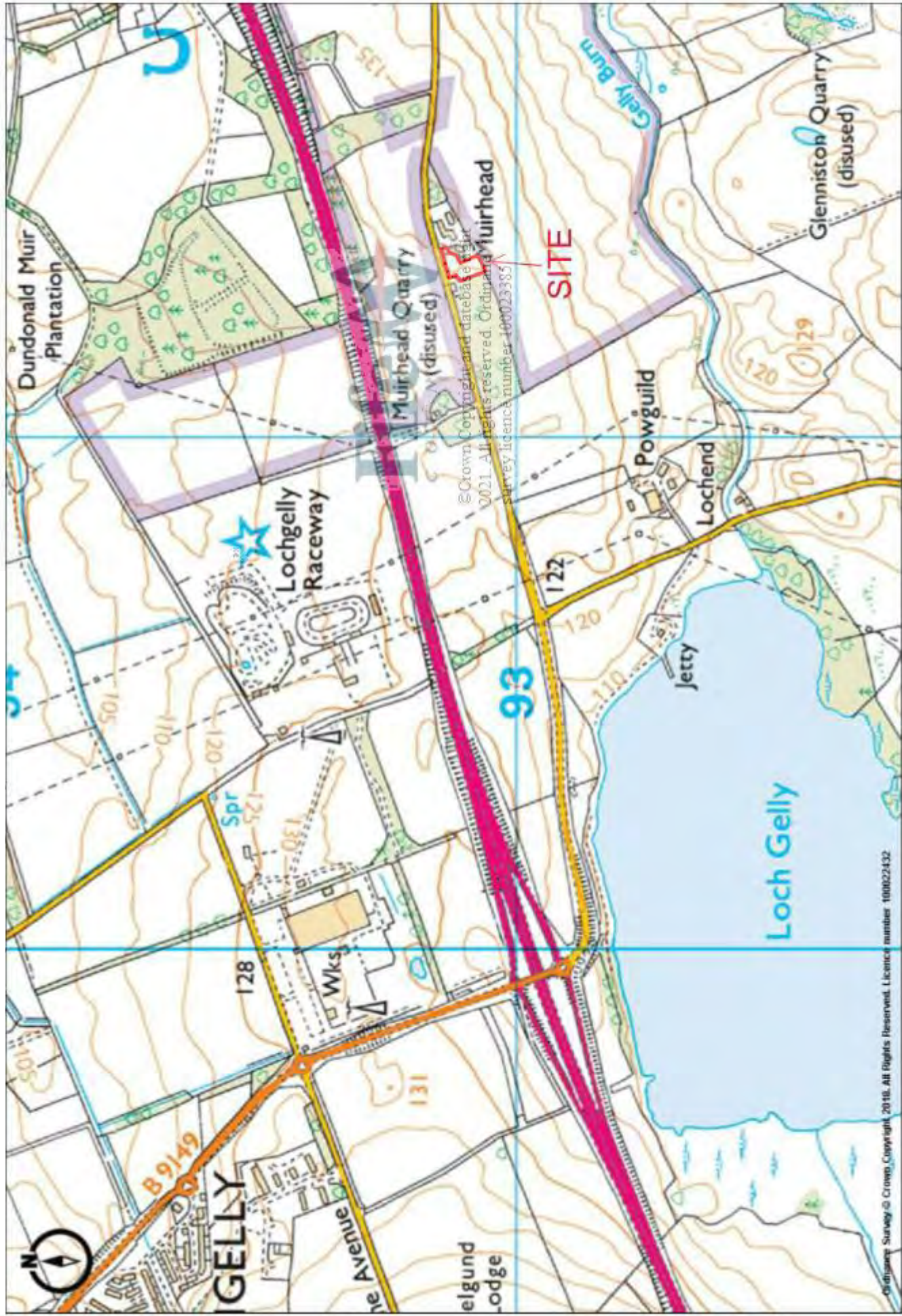
Sketch design 01 (Feb 2017)

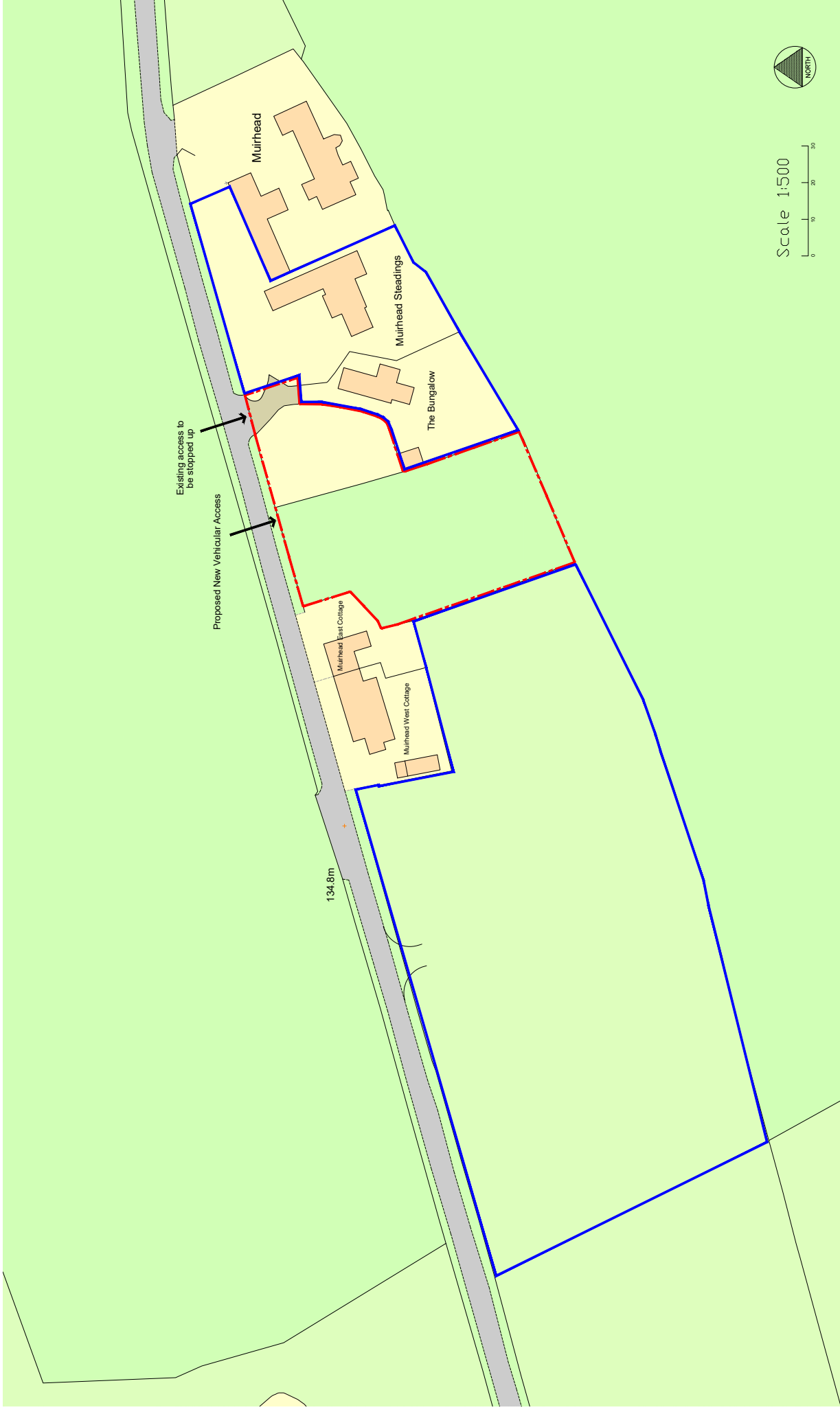
Sunshine Design and Planning

Wester Balbeggie Farm, Kirkcaldy, Fife, KY1 3NS

Client:	Mr. R. Barbour
Project:	Kirkforthar Feus, Glenrothes, Fife
Drawn by:	MM
Checked by:	MM
Date:	18/02/2017
Scale:	1:500
Draw No.:	B11710/48
Rev. No.:	1
Rev. Desc.:	REVISED
Rev. Date:	

Rev. No.	Date	Description
A	28/08/17	Landscaping and parking areas revised.
B	28/08/17	Landscaping to street front enhanced. Noise amended.
C	02/10/17	Grasscrete replaced. Noise regarding boundary enclosure added.
D	02/10/18	Needs, site boundary and north plot amended.





Revision	Date	Notes
A	17.12.20	Boundaries revised

General notes

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Project Information:

Project: **Muirhead Steading**
 Location: **Lochgelly**
 Client: **Mr W McDonald**

Planning Site Plan

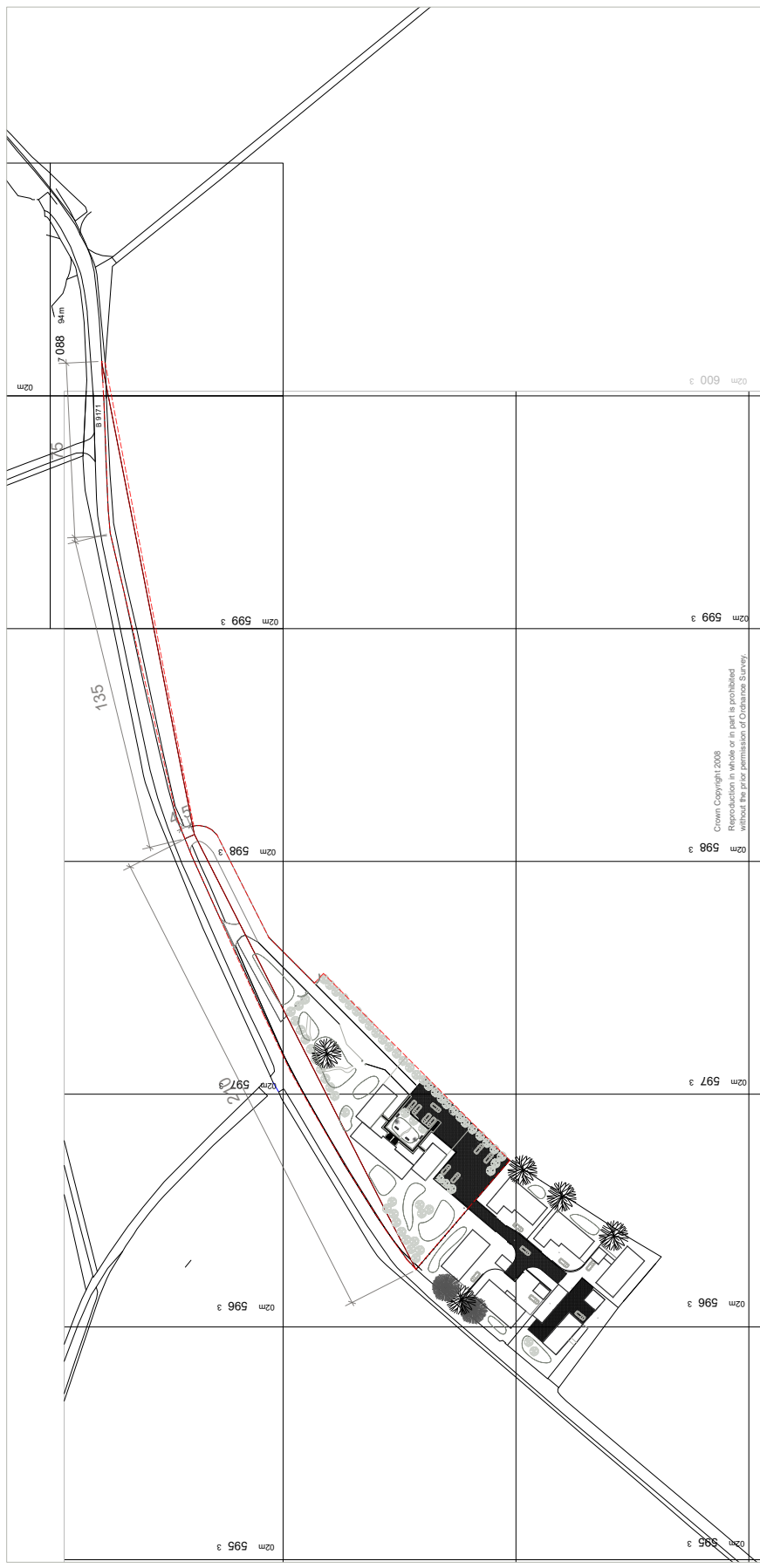
Scale: 1:500

Drawn by: **GB** | Date: **20001** | Drawing No: **01** | Revision: **A**

bulloch architecture
 91 HESTALG AVENUE
 BHTOWN
 Fife KY11 1PH
 Tel: 0131 641 1930
 Email: info@bulloch.com
 www.bullocharc.co.uk



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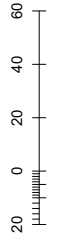


Indicative Block Plan proposed 1:1000 @A1ps
 Red line: site boundary, enclosing visibility splay zones
 Visibility Splays: 4.5 x 210m East + West of new junction
 Existing junction closed with low level kerb

OS Sitemap product information (for DXF format only)
 Serial Number: 00224000
 File Name: 2202767.dxf
 Centre coordinates of this map: 539702 708687
 Produced 09 Dec 2008 from the Ordnance Survey National Geographic Database and incorporating survey data
 Revision available at this date: © Crown Copyright, 2008.

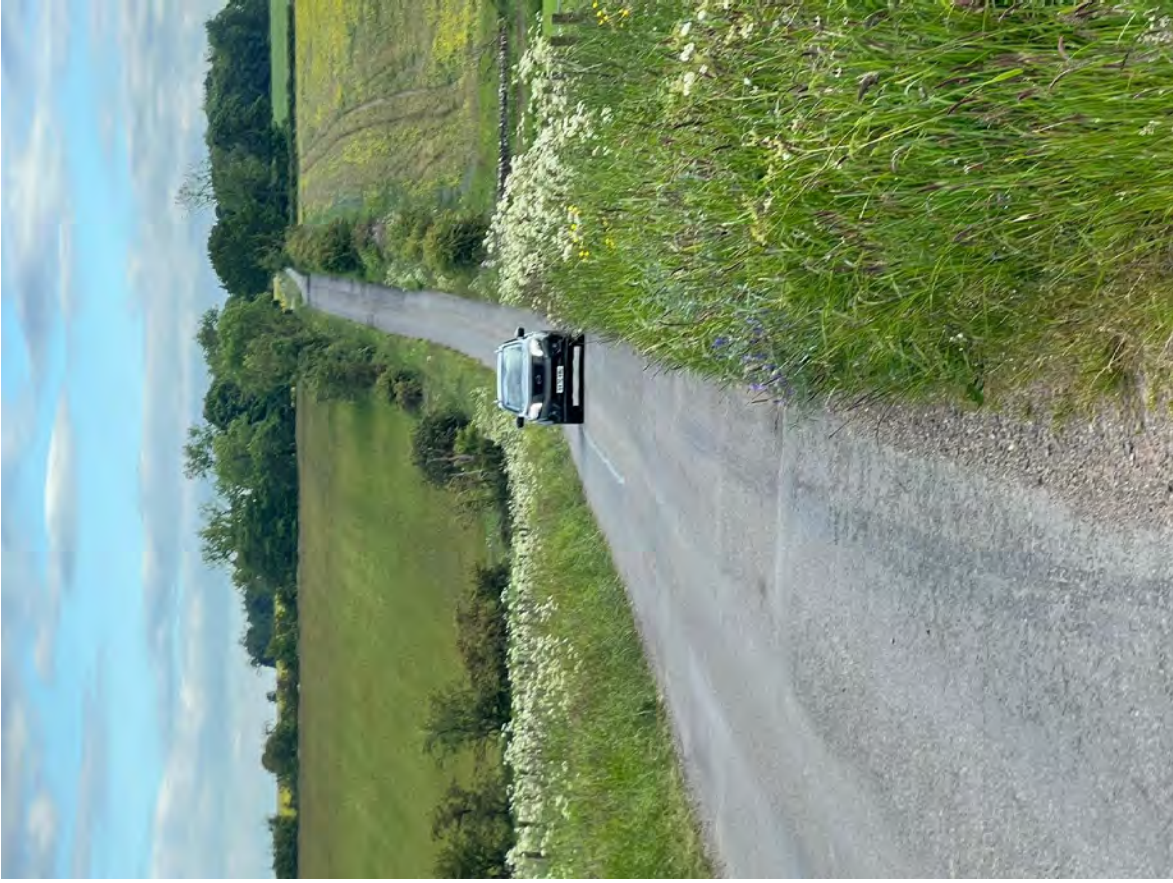
Planning In Principle Application

		Project File Ribbonfield Crail File Residential Steading Development, New Build		Project No AR-00218	
Consultant SFUMATURA ARCHITECTURE THE ARCH, 2 KINGSDON COURT, KIPPEN www.sfumatura.eu - +44(0)1786 870938		Project No 16/02/2022		Scale 1:1000	
Revision Notes A. 29/12/21 Visibility splay added to plan proposed.		Issue Notes		Date 16/02/2022	
No.	Date	Zone	By	gm.	No.
					Date



DOCUMENT 3

Photographs of Access



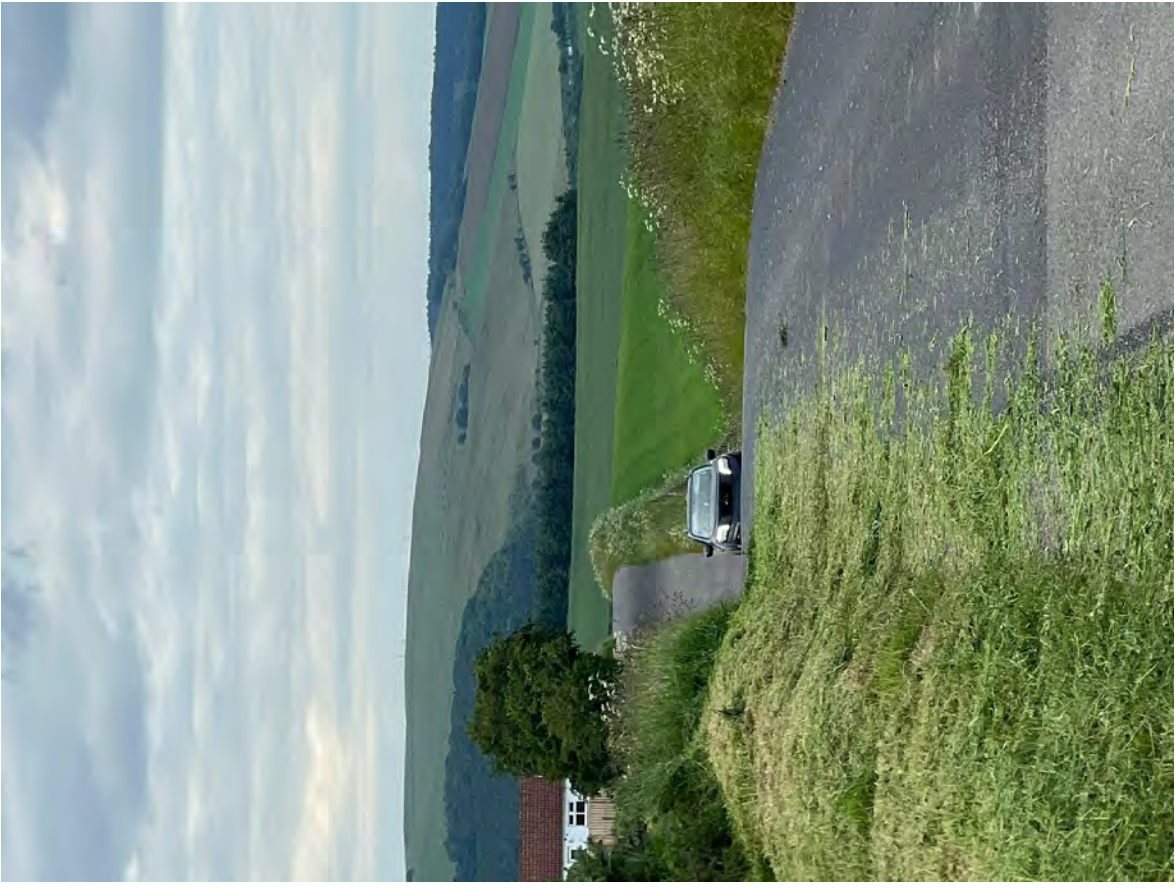
Access looking south



Access looking north 1



Access looking north 2



Access looking north 3

Montgomery Forgan Associates

T: 01334 654936

E: admin@montgomery-forgan.co.uk

W: www.montgomery-forgan.co.uk

Proposal Details

Proposal Name	100684854
Proposal Description	Notice of Review
Address	WOODSIDE, KEDLOCK, RATHILLET, CUPAR, KY15 4PX
Local Authority	Fife Council
Application Online Reference	100684854-001

Application Status

Form	complete
Main Details	complete
Checklist	complete
Declaration	complete
Supporting Documentation	complete
Email Notification	complete

Attachment Details

Notice of Review	System	A4
Notice of Review	Attached	A4
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-001.xml	Attached	A0

Agenda Item 4(4)

**Woodside, Wester Forret, Kilmany, Cupar,
KY15 4PX**

Application No. 24/00817/FULL

Consultee Comments

Planning Portfolio Internal Assessment Sheet

EPPS Team	Transportation Development Management
Application Ref Numbers:	24/00817/FULL
Application Description:	Erection of dwellinghouse and formation of access - Woodside, Kedlock, Rathillet, Cupar, KY15 4PX
Date:	5th June 2024
Reason for assessment request/consultation	<input type="checkbox"/> Statutory <input type="checkbox"/> Non-statutory
Consultation Summary	

Important Note

This is an internal planning assessment response provided from within Planning Services. It forms part of the overall assessment to be carried out by staff on behalf of Fife Council as Planning Authority. The internal assessment is a material consideration in the determination of the application but it requires to be read in conjunction with all the other relevant policies and strategies set out in the development plan, together with any other relevant and related material considerations. It should not be read in isolation or quoted out of this context. The complete assessment on the proposal will be made by the Planning Case officer in due course. The assessment will not be made publicly available until the case officer has completed the overall planning assessment.

Assessment Summary

1.0 OVERALL ASSESSMENT

- 1.1 This report is in response to the above application for the erection of dwellinghouse and formation of access at Woodside, Kedlock, Rathillet, Cupar, KY15 4PX.
- 1.2 Policy 13 of NPF4 addresses sustainable transport and states that development proposals will be supported where it can be demonstrated that they provide direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks and will be accessible by public transport ideally supporting the use of existing services. The remote location of the site means that trips by private cars would represent nearly all the person trips by prospective residents and their visitors. There are no surfaced and lit pedestrian routes between the site and the surrounding area. The site is remote from the nearest settlements of Kilmarnock and Foodieash. No bus services operate on the U048, therefore, there are no public transport options for prospective residents or their visitors.

TDM have significant concerns regarding the lack of sustainable travel options for the prospective occupants and their visitors, therefore, the proposal does not comply with Policy 13 of NPF4.

- 1.3 Vehicular access to the proposed site is via a private access, approximately 500m in length, from the public road U048. This appears to be an unmade single track road with no passing places, which also serves the adjacent property known as Woodside.
- 1.4 Visibility splay for this development would be 3m x 210m. This may appear possible from inspection of the site from overhead. However there are concerns that the vertical alignment of the road could introduce blind spots for drivers.
- 1.6 Transportation Development Management do have a policy against the formation of new vehicular accesses or the increase in use of existing vehicular accesses and junctions on unrestricted distributor roads that are outwith established built up areas. From a transportation point of view, a built-up area is defined as the area within a 30 or 40mph speed limit.
- 1.7 The proposed layout shows a 3 bed layout and as per current Making Fife's Places Supplementary Guidance: Appendix G this would require 2 parking spaces. Although the block plan does not show dedicated parking it is clear there is space for these within the site boundary.

2.0 CONCLUSIONS

- 2.1 Transportation Development Management have objections in principle to the proposed development and cannot support this application, for the reasons given in 1.2 to 1.7 above.

Important note

The above internal planning assessment response has been prepared at officer level within the Planning Services' team responsible for the specific topic area. It is an assessment of the specific issue being consulted upon but it is important to remember that the response cannot be considered in isolation and outwith the overall assessment of the proposal under consideration. Fife Council as Planning Authority, in considering all the material considerations in an individual application can legitimately give a different weighting to the individual strands of the assessment, including consultation responses and the final assessment is based on a comprehensive and balanced consideration of all the aspects under consideration.

Signed by Stuart Goodfellow, Transportation Development Management Coordinator

Date: 5th June 2024

Thursday, 25 April 2024



Local Planner
Fife House
North Street
Glenrothes
KY7 5LT

Development Operations
The Bridge
Buchanan Gate Business Park
Cumbernauld Road
Stepps
Glasgow
G33 6FB

Development Operations
Freephone Number - 0800 3890379
E-Mail - DevelopmentOperations@scottishwater.co.uk
www.scottishwater.co.uk



Dear Customer,

Woodside Kedlock, Rathillet Cupar, Fife, KY15 4PX
Planning Ref: 24/00817/FULL
Our Ref: DSCAS-0108554-62C
Proposal: Erection of dwellinghouse and formation of access

Please quote our reference in all future correspondence

Audit of Proposal

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced. Please read the following carefully as there may be further action required. Scottish Water would advise the following:

Water Capacity Assessment

Scottish Water has carried out a Capacity review and we can confirm the following:

- ▶ There is currently sufficient capacity in the Lomond Hills Water Treatment Works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

Waste Water Capacity Assessment

- ▶ Unfortunately, according to our records there is no public Scottish Water, Waste Water infrastructure within the vicinity of this proposed development therefore we would advise applicant to investigate private treatment options.

Please Note

- ▶ The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.
-

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

General notes:

- ▶ Scottish Water asset plans can be obtained from our appointed asset plan providers:
 - ▶ Site Investigation Services (UK) Ltd
 - ▶ Tel: 0333 123 1223
 - ▶ Email: sw@sisplan.co.uk
 - ▶ www.sisplan.co.uk
- ▶ Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.
- ▶ If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- ▶ Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.

- ▶ The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
 - ▶ Please find information on how to submit application to Scottish Water at [our Customer Portal](#).
-

Next Steps:

▶ All Proposed Developments

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via [our Customer Portal](#) prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

▶ Non Domestic/Commercial Property:

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at www.scotlandontap.gov.uk

▶ Trade Effluent Discharge from Non-Domestic Property:

- ▶ Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and laundrettes. Activities not covered include hotels, caravan sites or restaurants.
- ▶ If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found [here](#).
- ▶ Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.
- ▶ For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the

development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

- ▶ The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 5kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at www.resourceefficientscotland.com

I trust the above is acceptable however if you require any further information regarding this matter please contact me on **0800 389 0379** or via the e-mail address below or at planningconsultations@scottishwater.co.uk.

Yours sincerely,

Ruth Kerr.

Development Services Analyst

PlanningConsultations@scottishwater.co.uk

Scottish Water Disclaimer:

"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."