



Planning Department
Angus Council
Angus House
Orchardbank Business Park
Forfar
17th May 2021

Dear Sir/Madam,

Town and County Planning (Scotland) Act 1997, as amended
Planning Permission for a Single House, Land South East of Mainsbank, by Kinnell

We refer to the aforementioned application which seeks planning permission in principle for the erection of a single house on land to the east of East of Mainsbank, by Kinnell. The application package comprises: -

- Completed application forms.
- Location plan
- Indicative layout plan
- Planning Supporting Statement
- Planning fee of £401.00 to be provided by applicant

If you require any further information during the consideration of the application please contact Karen Clark on 07930 566336 or karen@sullerandclark.com

Yours Sincerely
Suller & Clark

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Planning Statement in Support

of

Land East of East Mainsbank, By Kinnell

Planning Permission in Principle for Erection of a Single House

For Mr and Mrs Mclean

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Introduction

The Planning Statement is lodged in support of an application for planning permission in principle for a single house on land east of East Mainsbank House, by Kinnell. Historically the land formed part of the policies of the Mainsbank House and steading and presumably a wider farm holding. The house and steading no longer form part of an active farm with the steading subdivided to form two houses and Mainsbank House all of which are in separate ownership. It is submitted the site presents as attractive and naturally defined gap site which benefits from established boundaries on all sides, with mature beech hedge to the south, north and west and the west boundary defined by the garden ground and access to Mainsbank East. The site is currently vacant and overgrown therefore it is submitted that the development of a single house would result in a net environmental improvement. The site can accommodate the proposed house without detriment to the surrounding neighbours. The proposed development complies with the policies of the Scottish Government and Angus Council.

Site Description

The application site extends to approximately 1400 sqm. The site is currently vacant and over grown with no current use. The application site sits in a gap to the east the access track leading to the existing dwelling at Mainsbank East House, to the west and north the hardcore track leading to the paddock and ménage and to the south is the unclassified public road. The boundaries of the site are well established on 3 sides with an existing mature copper beech hedge to the north, east and south. To the west, the site is bounded by an access which forms part of the curtilage of Mainsbank East. The road frontage of the application site measure 54.5 metres.



Boundary to west-fence

Boundary to east -established hedge and track



North boundary- hedge

South boundary- hedge and public road



Application site- self-seeded trees, scrub vegetation

The site is considered to fall within the accepted definition of a “gap” site as it is located between the curtilages of a dwelling and an existing track with a road frontage less than 50 metres and has established boundaries on all sides provided by existing beech hedging.

The surrounding area comprises a former farm house and related steading, recently subdivided into 2 houses. The wider area is predominantly agricultural with small groups and individual houses scattered throughout the landscape.

Site History

A pre-application enquiry was lodged October 2020, 20/00672/PREAPP refers. This concluded that on the basis of information provided that the site could not be considered as a gap site as the frontage of the site measures measured *around* 57 metres which exceeds the maximum 50 metres which is permitted by the Countryside Housing Supplementary Guidance.

The response further expressed concerns with regard to Policy PV7 Woodland, Trees and Hedges and Policy PV20 Soils and Geodiversity.

The current application will respond to the issues highlighted however it this time it is worth noting that given the ongoing Covid -19 restrictions this assessment was undertaken without the benefit of a site visit.

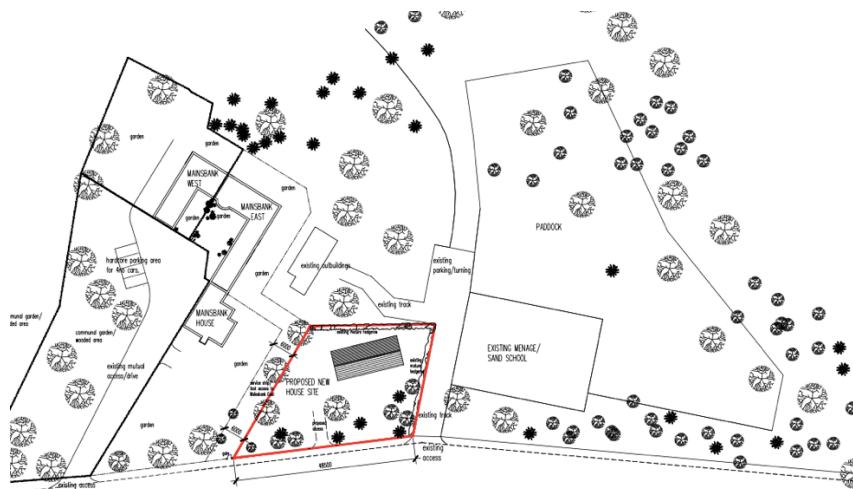
Further, it is worth noting the Mainsbank House site was subject to the following applications

- 15/00152/FULL | Change of Use from Woodland Area to Equestrian Use and Formation of Sand School (retrospective) | Mainsbank House Mainsbank Friockheim Arbroath Approved June 2015
- 16/00753/FULL Conversion and Alteration of Existing Dwelling house into Three Dwelling houses Mainsbank Farm Mainsbank Friockheim Arbroath approved November 2016

Proposal

The current proposal seeks planning permission in principle for a single house. As indicated the site provides a naturally contained gap site with no current use or prospect of any alternative use. The submitted indicative site layout plan confirms the site area to be 1400 sqm which is considered more than large enough to accommodate a house with associated amenities including private garden, access and off-street parking. Further, given the size of the site, and the orientation of the neighbouring properties it is submitted that a house can be designed with the window to window distances to the neighbouring properties to comply with the standards applied by Angus Council.

Access to the site will be achieved from a new access from the adjacent unclassified road which provides excellent visibility in both directions. In terms of drainage the proposed house will include a private drainage system, the location is suitable for soakaway.



Site plan and indicative layout

Development Plan Policy

Scottish Planning Policy 2020

The adopted SPP updated December 2020 provides an overview of the key components and overall aims and principles of the planning system in Scotland. In general terms the SPP advises that the planning system should enable the development of well designed, energy efficient, good quality development in sustainable locations.

Paragraph 2 states

“Planning should take a positive approach to enabling high-quality development and making efficient use of land to deliver long-term benefits for the public while protecting and enhancing natural and cultural resources.”

The SPP introduces a presumption in favour of development that contributes to sustainable development and a factor which guides development decision should include:

“making efficient use of existing capacities of land, buildings and infrastructure”

The current development represents efficient use of land as it will result in the use of a gap site within an existing group of houses.

The SPP encourages rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality.

PAN 72 Housing in the Countryside.

The aim of the PAN is to provide widespread good quality rural housing. The document recognises that more people want to live and work in rural areas. Additions to small scale building groups, such as proposed by the current application, are seen as appropriate within rural areas. The PAN seeks to ensure that potential sites are accessible and well designed.

Angus Local Development Plan 2016

It is considered the following policies are of relevance to the consideration of the current application

- Policy DS1: Development Boundaries and Priorities
- Policy DS3: Design Quality and Place making
- Policy DS4: Amenity
- DS5: Developer Contributions
- Policy TC2: Residential Development and associated SG Countryside Housing
- PV7 Woodland, Trees and Hedges
- Policy PV15: Drainage Infrastructure.
- Policy PV20 Soils and Geodiversity.

These policies will be considered within the Discussion section of this Report.

Discussion

The application seeks planning permission in principle for the erection of a single house on a gap site within an existing small group of houses and outbuildings which comprise Mainsbank. The site has no current use and is overgrown and has become unsightly and as such the proposed development will result in a clear environmental improvement within this established residential group. It is submitted that given the size of the site it can clearly accommodate the proposed house along with all required amenity space, parking and window to window distances; as a result, the proposed house can be developed without any detrimental impact on the amenity of the existing residents.

The site extends to some 1400 sqm with a road frontage of 54.5 metres, located between the curtilage of Mainsbank East and a metalled access track to the east. The boundaries to the north and south are also well established with a mature copper beech hedge to north, south and east and the existing unclassified public road also to the south. The site is clearly a natural gap site and it is submitted that falls within the definition of a gap site as provided by the Countryside Housing SG.

However, if a strict interpretation of policy is applied and the access track which serves Mainsbank East is included within the road frontage calculation this provides a road frontage of 54.4 metres. While it is accepted that this exceeds the arbitrary 50 metre limit in the guidance given the site is well defined on all sides and clearly provides a natural gap between the existing group of houses and the access road and unclassified road with well-established and attractive mature boundaries on all sides this provides sufficient justification to allow some small tolerance in the application of policy.

All relevant Scottish Government advice provided by the SPP, PAN 72 Housing in the Countryside and PAN 73 Rural Diversification supports small scale rural development such as that proposed. Limited development is seen as supporting the rural communities helping to stem depopulation, keep young people and skills in the area and helping to attract new business. Further the SPP includes a presumption in favour of development that contributes to sustainable development and supports *“making efficient use of existing capacities of land, buildings and infrastructure”*. The current development represents efficient use of land as it will result in the use of a gap site with nil current use within a small established housing group.

Considering the policies of relevance of the Angus Local Development Plan,

Policy DS1 Development Boundaries states that out with development boundaries, proposals will be supported where they are of a scale and nature appropriate to the location and where they accord with other relevant policies in the LDP. The policy goes on to support proposals which *“reuse or make better use of vacant derelict or underused brownfield land or buildings will be supported where they are in accordance with relevant policies of the ALDP.”*

In the current circumstances, the application site falls within the accepted definition of a gap site sitting between the curtilage of Mainsbank East and a metalled road. The site forms a natural well-defined site with mature hedging, trees and landscaping providing an attractive and established setting for the proposed new home. The site has no current use, having formerly formed part of the

now redundant farm holding, however is now vacant, overgrown and unsightly. As such it is submitted that the proposed development of a single house on a gap site is wholly appropriate in scale and nature with the surrounding area, the development will consolidate and complete the small group of houses while making best use of land as a scarce resource and therefore the proposal complies with Policy DS1.

Policy DS3 Design Quality and Place making requires development proposal to deliver a high design standard and draw upon those aspects of landscape or townscape within the area. The current application seeks planning permission in principle as such no detailed site plans are available however the scale of the site will ensure the site can accommodate a modern family home along with the required amenities including private garden ground and off-street parking. Considering the six qualities which make successful places:

Distinctive: The development will ensure a use for a gap site within an existing housing group. The site currently has no function and has become unsightly. The proposed house will be design to complement the site making a contribution to the rural landscape.

Safe and Pleasant: The development will be carefully considered and, subject to a further planning submission, will provide an appropriate response to this small site while considering the existing residents and site topography and landscaping. The development will provide an attractive high-quality modern house designed to complement the rural setting.

Easy to get around: The property is for a single house. Safe access is available to the adjacent road which connects to the local towns.

Welcoming: The house will be orientated south towards the road with views over open countryside.

Resource Efficient The development will provide a use for a small site with no current use and therefore represents efficient use of land as a scarce resource. Further the house will be insulated to a very high standard meeting or exceeding all current building control requirements.

Adaptable The proposed house will provide adaptable family accommodation.

Therefore, it is submitted that the current proposal complies with Policy DS3 Design Quality and Place as the development of the site to provide a high-quality house will contribute to surrounding rural area.

Policy DS4: Amenity requires proposals to have regard to opportunities for maintaining and improving environmental quality. Development is not permitted where there would be an unacceptable adverse impact on the area or the environment or amenity of nearby sensitive property. The Policy identifies a number of areas to be considered including

- Air quality
- Noise and vibration
- Levels of light pollution
- Levels of odour
- Suitable provision of refuse collection/storage and recycling

- The effect and timing of traffic movement to, from and within the site, car parking and impacts on highway safety
- Residential amenity in relation to overlooking and loss of privacy, outlook, sunlight, daylight and overshadowing

In respect of air pollution, noise and vibration, light pollution and odour it is submitted that the current application for the development of a small gap site will not have any adverse impacts in regard to these matters. With regard to road traffic movement roads/parking/access, the scale of the plot will provide sufficient on-site turning and parking facilities. Further it is not anticipated that the erection of the new house will have any adverse impact on traffic generation and that the existing adjacent roads network can easily accommodate the proposal. In terms of residential amenity, the proposed house will be designed so as not to have any detrimental impact on the neighbouring properties.

Therefore, it is submitted that the proposal complies with Policy DS4.

DS5 Developer Contributions The current application falls below the threshold for Developer Contributions, that being developments over 0.5ha or 10 units, as such Policy DS is not applicable to the current application.

Policy TC2 Residential Development requires that all residential development proposals are

- compatible in terms of land use;
- provide a satisfactory residential environment;
- not result in unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure and
- provide for affordable housing in accordance with Policy TC3 Affordable Housing.

In countryside locations such as the application site, Policy TC2 offers support to proposals for the development of houses that fall into at least one of a number of categories one of these being the Gap Sites. In an RSU 1 Area such as the current site this is defined as a

“site with a frontage of up to 50 meters between the curtilages of two houses or the curtilage of one house and a metaled road, or between the curtilage of one house and an existing substantial building such as a church, a shop or a community facility may be filled by a single house.”

In the current circumstances the plot represents a self-contained site with well-established boundaries on all sides. The site is bounded to the south by the unclassified public road, with the curtilage of Mainsbank East to the west and a metalled road to the east. The north, south and east boundaries are all well defined by an attractive mature beech hedge. The road frontage is approximately 48.5 metres, as such the site is considered to fall within the definition of a gap site and therefore, it is submitted that the principle of the proposal complies with Policy TC2 of the ALDP.

However, as discussed if a pedantic view is taken and the access track which serves Mainsbank East is included within the road frontage calculation this provides a road frontage of 54.5 metres. While it is accepted that this exceeds the arbitrary 50 metre limit in the guidance given the site is well

defined on all sides and clearly provides a natural gap between the existing group of houses and the access road with well-established and attractive mature boundaries on all sides this provides sufficient justification to allow some as such some tolerance in the application of policy.

The proposals are further required to meet the detailed criteria set out in the Countryside Supplementary Guidance. For the current application the following criteria are considered appropriate, these are considered in turn: -

a) not create a gap or rounding off opportunity for additional Greenfield development. The current application is a self-contained site.

b) Meet the plot size requirements, in RSU 1 areas the minimum plot size is 800sqm with a maximum plot area of 2000sqm. The application plot size is 1400 sqm and therefore meets the plot size requirements.

c) Not extend ribbon development. The site is self-contained and in no way will extend ribbon development.

d) Not result in coalescence of building groups or of a group with a nearby settlement. The site will not result in any coalescence.

e) Have regard to the rural character of the surrounding area and not be urban in form and/or appearance. The application seeks planning permission in principle for the erection of a family home. The detailed design will be subject to a further planning application however the applicant is committed to a high-quality design which reflects the rural character of the surrounding area.

f) provide a good residential environment. The site area will ensure a good quality residential amenity can be provided. The required amenity space and parking can be accommodated within the site.

g) make provision for affordable housing in line with TC3 Affordable Housing and the guidance set out in Developer Contributions and Affordable Housing SG. Applies to developments of more than 0.5ha and 10 units, such as the current application does not attract an affordable housing or developer contributions requirement.

h) where the proposal will have a demonstrable cumulative impact on infrastructure and community facilities an appropriate developer contribution will be sought. Developer contributions are only required on developments in excess of 0.5ha or 10 units. The current application falls below both these thresholds.

i) not adversely effect of be affected by farming or other rural business activities. The application site will not affect any farming activity.

j) not take access through a farm court, the proposed development will be taken from the adjacent unclassified public road and will in no way interfere with any farming activity area. The proposed single house can be accommodated.

j) not require an access of an urban scale or character. As above

As such the development adheres to Policy TC2 Residential Development within a countryside location which supports the redevelopment of gap sites such as that proposed. The proposed development will result in a net environmental and visual improvement with the redevelopment of a vacant overgrown site. The proposal further complies with all relevant criteria contained within the Countryside Housing SG.

PV7 Woodland, Trees and Hedges Requires that woodland, trees and hedges that contribute to the nature conservation, heritage, amenity and townscape values of Angus will be protected.

The current proposal will not require the removal of any trees or hedges, in fact the development will protect the existing attractive beech hedge and trees on site which will be incorporated into the layout. And enhanced though new planting.

Policy PV15 Drainage Infrastructure The current application seeks planning permission in principle at this time, all details including the drainage will be the subject of a further matter specified in conditions application. However, at this time it is proposed that the house will include private drainage system with septic tank and soakaways.

Therefore, it is submitted that the proposal complies with Policy PV15.

Policy PV20 Soils and Geodiversity. Seeks to protect prime agricultural land. The application site which previously formed part of the farm holding has never been cultivated as such the current proposal will not result in the loss of prime agricultural land.

Summary

The current proposal seeks planning permission in principle for a single-family home on a site which falls within the accepted definition of a gap site adjacent to an existing group of houses at Mainsbank. The site, which formerly formed part of the farm holding, is overgrown and unsightly with as such the proposed development will result in a net environmental improvement. Given the residential nature of the immediate area, a residential use is considered the wholly appropriate use. The proposed house will contribute to the choice of housing stock within the area while making a valuable contribution to the local economy and supporting local services and facilities. The detailed design will be subject to a further application however the applicant is committed to high quality development. The proposal complies with all policies and associated Supplementary Guidance of Angus Council and therefore it is respectfully submitted that proposal be APPROVED.