

FPRB Reference: 23/397

Review Decision Notice

Decision by Fife Planning Review Body (the FPRB)

- Site Address: Land East Of Kebroni Cottage, Baintown, Fife
- Application for review by Mr Alistair McGowan against the decision by an appointed officer of Fife Council
- Application 23/02345/PPP for Planning permission in principle for erection of eco-demonstrating testing dwellinghouse and garage including business use (Class 4) and associated access and landscaping works
- Application Drawings:
03 - Block Plan, 01 - Location Plan, 02 - Site Plan, 04 - Proposed Site Plan, 05 - Supporting Statement, 06 - Supporting Statement,

Date of Decision Notice: 8 July 2024

Decision

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

1.0 Preliminary

- 1.1 This Notice constitutes the formal decision notice of the Local Review Body as required by the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.
- 1.2 The above application for Planning Permission was considered by the Fife Planning Review Body (FPRB) at its meeting on 17 June 2024. The Review Body was attended by Councillors David Barratt (Convener), Fiona Corps, Jane Ann Liston, Altany Craik and Alycia Hayes.

2.0 Proposal

- 2.1 The appeal site relates to an approximately 3,500 sqm area of non-prime agricultural land located to the east of Kebroni Cottage, just outside the settlement boundary of Baintown (as defined by the Adopted FIFEplan). The application site is therefore considered to be countryside land. Baintown, north of Kennoway and Bonnybank, is a small settlement of 22 properties which are predominantly one or one-and-a-half storeys, all located to the south of the U029 public road. There are two additional properties on the north side of the road (west of the application site); Kebroni Cottage and Redclouds. Both of these properties are technically located outwith the Baintown settlement boundary, were constructed in the early to mid-2000s and involved the redevelopment of derelict structures. There are no pedestrian footways through Baintown. Walking routes to Bonnybank and Kennoway are either along the U029 carriageway or via two rural paths, designated as core paths, which lead along field boundaries. The appeal site is enclosed

by a mix of post-and-wire fencing to the north and south and mature hedgerows to the east, south and west; a post-and-wire fence also runs through the centre of the site. Agricultural fields are located to the north and east of the site. The site features an existing field access from the U029. There are no core paths or claimed right of way routes through the site.

- 2.2 The appeal proposal relates to an application for planning permission in principle for the erection of an eco-demonstrating testing dwellinghouse and garage with associated business use (Class 4). As an application for planning permission in principle, detailed design matters do not form part of the consideration of the application, however, the appellant has submitted an indicative site layout plan which details a dwellinghouse located centrally within the site, with a detached garage building featuring a Class 4 office at first floor level. The indicative site layout plan includes land for a surface water soakaway, sewage treatment plan and foul water soakaway, greywater collection area, allotment garden and a wild meadow area. Vehicular access is shown to be taken from the U029 to the south in the same location as the existing set back field access. The existing hedgerows along southern and eastern boundaries are proposed to be retained.
- 2.3 The proposed dwellinghouse has been submitted as an eco-demonstration project by the appellant. It is proposed for the development to operate as a renewable energy testing facility, with the development to incorporate solar PV panels, solar thermal panels, battery storage, air and ground source water heat pumps. Living in the dwelling with their family, the appellant proposes to monitor the efficiency and effectiveness of the different renewable energy technologies. This collected data would then be used to inform the appellant's business of manufacturing and installing renewable energy technologies. It is advised that the proposed Class 4 office would be used by the appellant to carry out daily business research and administration work, preventing the need for them to travel to the business's existing main office facility in Dundee. The appellant has advised that no manufacturing work or business material deliveries would be carried out at the site, with only an occasional customer visiting for the purposes of inspecting the dwellinghouse in its testing centre capacity. The appellant predicts, at this early design stage, that the proposed technology could generate up to 191% of the annual electricity demand of the property, with this electricity to be stored onsite or sent to the National Grid.
- 2.4 The appeal proposal includes an EV charging point, with it proposed for the dwellinghouse to be served by an onsite water supply, soakaways, allotment garden and wild meadow. No details of the source of this water supply, i.e. a river or groundwater source, have been provided. Separate soakaways are proposed for foul and surface water, however, the soakaways would be dependent on the porosity of the ground, with this investigation yet to be carried out. No information has been provided on details of self sustaining food production and management to serve the dwelling, nor how car trips would be reduced for the family living in the dwelling other than the appellant working from the Class 4 unit.

3.0 Reasoning

- 3.1 As the appeal site was assessed as being located within the countryside (per FIFEplan), the FPRB firstly assessed the principle of the development against Policies 16, 17, 26 and 29 of NPF4 (2023) and Policies 1, 7 and 8 of FIFEplan (2017).
- Giving consideration to Policies 1 (Development Principles) and 7 (Development in the Countryside) of FIFEplan, as the appeal proposed related to the erection of a dwellinghouse, the FPRB assessed that the appeal proposal could potentially be supported if it demonstrated compliance with the criteria of Policy 8 (Houses in the Countryside).

- The FPRB assessed the appeal proposal against each of the criterion of Policy 8 of FIFEplan, giving particular regard to criterion 1, 2 and 9 as these were considered to be most relevant to the appeal proposal.
- Whilst the FPRB accepted that the proposed dwellinghouse would support the appellant's business, it was considered that the appeal proposal had not demonstrated that it was essential for the dwellinghouse to be situated specifically on the appeal site. It was also noted that the existing business was not currently operating from the appeal site or immediate vicinity.
- As Baintown is an established settlement within FIFEplan, and as only two dwellinghouses; Kebroni Cottage and Redclouds; are located beyond the settlement boundary, the FPRB considered that the appeal site was not located within an established and clearly defined cluster of five or more homes and therefore could not be supported under the relevant criterion of Policy 8 of FIFEplan.
- Noting that the appellant had submitted the appeal proposal as an eco-demonstration project, the FPRB assessed the proposed development against each of the criteria set out in Figure 8.1 of FIFEplan – requirements for eco-home proposals. The FPRB concluded that whilst the appeal proposal met some of the criteria, it did not meet all of the strict criteria detailed within Figure 8.1 and therefore the proposed development could not be classified as an eco-home per the definition of FIFEplan.
- The FPRB assessed that the appeal proposal did not accord with the relevant criteria set out within Policies 16, 17, 26 and 29 of NPF4 and therefore the appeal proposal could not be supported under the terms of these Policies.
- Noting the renewable energy proposals associated with the proposed dwellinghouse, and how the data gathered would inform the appellant's business, the FPRB considered whether the appeal proposal could be supported by giving weight to Policies 1 and 2 of NPF4. The FPRB ultimately considered that whilst the renewable energy proposals were commendable, this did not outweigh the consideration that the appellant had failed to demonstrate that the appeal proposal required to be sited in the chosen countryside location.
- The FPRB therefore concluded that the principle of development in the countryside was not supported by the Development Plan, and with no material considerations to outweigh the Development Plan position. The FPRB therefore upheld the Appointed Officer's decision.

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

3.3 Overall, the FPRB concluded the principle of development would not be acceptable as the proposed development would not comply with the policy tests within NPF4 Policies 16, 17, 26 and 29 and FIFEplan Policy 8. They resolved that whilst the renewable energy proposals associated with the appeal proposal had merit, the appeal proposal did not meet the strict policy requirements to be considered an eco-home. The benefits associated with appeal proposal, notable the renewable energy proposals, were not considered significant enough to outweigh the assessment that the appeal proposal was not supported in the countryside location. The FPRB agreed that the other planning considerations not forming part of the refusal were acceptable and complied with the corresponding Development Plan policies. FPRB did not consider there to be any other matters for consideration or any material considerations which would outweigh the Development Plan position. The FPRB therefore decided that planning permission should be refused, upholding the Appointed Officer's decision.

4.0 Decision

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

REFUSE FOR THE FOLLOWING REASON(S):

1. In the interests of safeguarding the countryside from unplanned, sporadic and unjustified residential development; the need for a residential development in this rural location is not considered fully justified as the application site lies outwith any defined settlement boundary; does not fully meet any of the housing/development in the countryside policy criteria; does not justify a countryside location is necessary to demonstrate the ecocredentials of the proposal; and therefore the proposal is considered to be contrary to National Planning Framework 4 (2023) Policies 17 (Rural Homes) and 29 (Rural Development), and Policies 1 (Development Principles); 7 (Development in the Countryside); and, 8 (Houses in the Countryside) 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). Overall, the development is contrary to the development plan, there being no relevant material considerations of sufficient weight to justify departing therefrom.

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Proper Officer

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

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

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

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

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

the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.

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